WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Wednesday, 2 December 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

CAMPING LAWS, AMENDMENTS

Petition

Ms Warnock presented the following petition bearing the signatures of eight persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, call upon the State Government to amend certain laws which are seen as unfair, restrictive and discriminatory towards us, the Australian public.
>
> We therefore ask that the following legislation be amended.
>
> 1. The Caravan Park 50 km protection zone be returned to its former 16 kms.
> 2. The 3 night Camping Law be amended to 28 nights on rate payers own property allowing for holiday visits by family or friends without having to seek special written permission from authorities.
> 3. That country road Park/Rest Areas limit of 4 hours be increased to 12 hours allowing long distance tourists, travellers and truck drivers to vacate roads during the hours of darkness if they so choose.
> 4. That en-route country Rest Stops of up to 12 hours be not defined as camping.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

A similar petition was presented by Mr Marshall (Parliamentary Secretary) (eight signatures).

[See petitions Nos 101 and 102.]

CAR REGISTRATION FEE INCREASES

Petition

Mr Graham presented the following petition bearing the signatures of 276 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned citizens are totally opposed to the State Government's decision to impose a new tax on WA motorists through massive increases in car registration fees.
>
> Western Australian motorists already pay directly to the cost of roads through State and Federal fuel levies.
>
> The revenue received by the State Government from the fuel levy and from the sale of the gas pipeline provides government with resources to develop our transport infrastructure. This new tax is unfair and has a disproportionate impact on middle and lower income earners.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 103.]

GRAFFITI

Statement by Minister for Police

MR PRINCE (Albany - Minister for Police) [11.06 am]: I inform the House that Western Australia now has a new weapon in the fight against graffiti - stronger police powers to take pre-emptive action against suspected offenders. As many members in this place will be aware, this Government established a comprehensive graffiti program in 1996 involving law enforcement, clean-up, building design, public and school education and urban art issues. The State Government has added another vital mechanism to the war against graffiti which will underpin all that is already in place. For the first time, police will have the power to stop people they suspect of planning to commit graffiti offences. Anyone caught in suspicious circumstances with paint cans, felt pens or various other equipment which may be used for the purposes of graffiti will have to explain themselves. If they are unable to do so, they may be charged.

We are sending a clear message to graffiti vandals: Beware; from 5 December police officers will have the authority to search suspects, seize and dispose of graffiti implements and charge anyone caught with implements in suspicious circumstances. Police officers will be able to take graffiti items from young suspects and those items will be available for return to a responsible adult after 48 hours. Offenders aged under 18 years found guilty of offences will be dealt with under the Young Offenders Act. Penalties for adults include up to six months jail or a maximum fine of up to $500 for a first offence. In 1997-98, more than 1 500 offenders were caught and dealt with in the metropolitan area alone. We hope that as a result of these new laws, more graffiti vandals will be stopped and, hopefully, discouraged from this abhorrent practice. Graffiti is a senseless act of vandalism which costs the Western Australian community millions of dollars each year and this Government is committed to reducing its incidence in this State.

Over the past 12 months, over 10 000 graffiti clean-up tasks have been completed under the auspices of the State Government's graffiti program, which includes local government authorities and volunteers. The Stirling area graffiti campaign - a joint effort between the Government and the City of Stirling with support from police - has been responsible for 4 000 clean-up tasks alone. This effort has made a significant difference in that area, as have initiatives in other areas including Gosnells and Melville. It is pleasing to see other local government authorities - including Wanneroo, Joondalup and Subiaco - joining the war against graffiti. More than 900 volunteers are currently registered with the graffiti program and work on different aspects of the clean-up throughout the metropolitan area. I thank them for their hard work in removing graffiti and restoring our communities. Finally, I urge Western Australians to continue reporting acts of graffiti. Without reporting there can be no clean-up or effective police action. I also urge young people - particularly those in the 15 to 16-year age group who are believed to be largely responsible for graffiti problems in this State - not to spoil our communities with their unwanted tags. If they do, or are planning to, they should be warned - they will be caught and dealt with. When Parliament opened in August, the Government said it would crack down on crime. By implementing legislation like this graffiti law and with a massive increase in community programs through initiatives like Safer WA, that is exactly what it is doing.

BILLS - INTRODUCTION AND FIRST READING

1. Commonwealth Places (Mirror Taxes Administration) Bill.

   Bill introduced, on motion by Mr Barnett (Leader of the House), and read a first time.

2. Prisons Amendment Bill.

   Bill introduced, on motion by Mr Prince (Minister for Police), and read a first time.

TRANSFER OF LAND AMENDMENT BILL

Second Reading

Resumed from 24 November.

MR McGOWAN (Rockingham) [11.11 am]: The Opposition supports this Bill and the intent laid down in this legislation. Prior to the last election, the Opposition proposed that it would institute legislation of this type, were it elected to government. It is gratifying that this legislation has been introduced and we support the concepts involved in it. This legislation will amend the Transfer of Land Act in such a way as to make it easier for residents to object to an amendment to a restrictive covenant on a single dwelling. The Bill will ensure that residents who live near a property to which a restrictive covenant applies are able to have their interests heard on any amendment to that restrictive covenant. It changes the mechanism by which a single dwelling restrictive covenant which benefits more than 10 lots is extinguished. At present, the law is such that, under section 129 of the Transfer of Land Act, if a person has a restrictive covenant over a piece of land and that person wishes to change that restrictive covenant to enable that person to do something which would have been contrary to that restrictive covenant, that person must present an application to the Supreme Court. The court then adjudicates on the reasonableness of that person's efforts to extinguish the restrictive covenant and provides an easier method of changing the use of the land to which that restrictive covenant formerly applied. It may be a change of use, a change of building or a change from a single residential dwelling to a unit or a strata development. At the moment, a person has only to take an application to the Supreme Court in order to do that. If anyone wishes to object to that application, that person must defend the matter before the Supreme Court. When an individual, a company or a developer wants to remove a restrictive covenant, they must take it to the Supreme Court. The residents in the surrounding area, should they wish to object to the removal of the restrictive covenant, must then sort out such matters as fighting funds and come to an arrangement. That would involve a great deal of unnecessary expense and it would involve in litigation many people who think that the restrictive covenants applying in their suburbs are secure.

Restrictive covenants are placed on titles generally when a development is in the formative stage. The developer will advertise that a restrictive covenant will be placed on every block so that when a person buys a property in the vicinity of that development, he will know whether the dwellings are single residential. A restrictive covenant is placed on that development and the person will know that the suburb in which he will live, raise a family or retire, will not be one in which

different types of developments will take place. There will be only houses, and in order do anything different the restrictive covenant must be changed. Many people who purchase properties rely on these restrictive covenants. Restrictive covenants are laid down on the title deed and buyers have confidence that they can expect that sort of lifestyle for the future. The lifting of these restrictive covenants by the Supreme Court is distressing to many of these people because they feel that it affects their amenity and quality of life. This Bill attempts to introduce a degree of public consent without the need to go to the Supreme Court at the initial stages. In a way, it places a threshold test on anyone who is attempting to remove a restrictive covenant. This threshold test will make it more difficult for developers or people who would like to remove a restrictive covenant to do so. That will distress those people who have restrictive covenants on properties or those people who purchase properties on the basis that they may remove the restrictive covenant in the future in order to develop that land. However, the upside of this Bill means that many people in the neighbourhood are consulted prior to going to court to object to the removal of a restrictive covenant.

The Bill sets out a new system for a threshold test by which a restrictive covenant can be removed. That system involves the consent of 51 per cent of the residents in the surrounding area. This proposal could have come up with a number of mechanisms. The draftsperson has come up with a mechanism by which a person must obtain the consent of 51 per cent of the closest 200 residents to the house for which the application has been made to lift the restrictive covenant. That person must obtain the consent of 101 of the 200 people in the surrounding area.

It is difficult to work out the nearest 200 houses. Are they houses in the same street or in cross streets, or are they houses which were part of the initial restrictive covenant scheme? The draftsperson came up with a mechanism of drawing concentric circles around the property for which the application is made. Essentially, the compass point will be set on the house of the home owner who is trying to remove the restrictive covenant. A circle with a radius of 250 metres is drawn, and the houses within the circle are surveyed. If written permission is obtained from 51 per cent of the houses within that circle the applicant is able to bring his application before the Supreme Court. However, if fewer than 200 houses are inside that circle, a bigger circle is drawn, and the Government has explained the regulations and provided me with a map showing what will occur. In effect, the size of the circle will be increased until it takes in 200 houses, although the Government has made provision for a maximum limit to the circle, because in some areas it will not matter how much the circle is increased - there will never be 200 houses. That is a sensible mechanism to obtain the consent of surrounding residents. It also puts in place a unique consent process for people in adjoining schemes. It is not restricted to people who are in the same scheme; it can overlap other schemes. The house may be on the edge of one scheme, and the circle encompasses another scheme, and gives the people in that scheme the benefit of having their views heard in relation to the removal of the restrictive covenant.

I am a little confused about the requirement to obtain the permission of 51 per cent of registered titleholders and the first registered mortgagee. The applicant would need two consents. I presume that when written permission is sought from surrounding residents and those residents do not reply to the request, that will be viewed as a negative. I would expect there will be some difficulty in getting mortgagees' permission and I would be interested in the minister's comments on that point.

The Bill provides for a new process to remove a restrictive covenant. It is designed to benefit people living in a particular neighbourhood. The Opposition supported the concept prior to the last election and therefore we support the Bill. The Opposition wonders why it has taken Government so long to get the legislation to this place, considering there have been two long years since the last election. How have people suffered in the intervening period? Overall, the Opposition supports the concept. I am sure I speak for the opposition spokesperson for Lands, Hon Mark Nevill, when I express that view.

MR KOBELKE (Nollamara) [11.26 am]: The Opposition supports the Bill. I will make some comments and seek minor clarification on some matters. Restrictive covenants are sometimes contentious issues. People may buy into an area to enjoy the amenity offered by a restrictive covenant and therefore they feel that their rights are being attacked when other people seek to remove covenants from their properties. On the other hand, people might move into an area and find that they did not really appreciate the limitations placed on them by a restrictive covenant, and might feel they cannot get the full enjoyment or value out of their land because of that restrictive covenant. There will always be people on both sides of the fence.

The Bill will look after people in areas which enjoy the benefits of restrictive covenants, but are put to expense and problems because other individuals seek to remove restrictive covenants. An example that occurred in my electorate related to a form of restrictive covenant in Noble Court, Dianella. In 1989 or 1990 a major dispute arose among the residents in Noble Court, because a restrictive covenant meant no-one under the age of 55 could live in those houses. They were built on a "green street" approach in which the lots were quite small. They were houses not units, but they were fairly close together and had minimum setbacks. Some allowance was made for greater density in the planning of that estate, because it was mainly for seniors, who did not need the room for children so there was likely to be less noise and small gardens - although the gardens were generally in immaculate condition. It was a lovely street. There was a lot of dissension when one person set about enforcing the requirement that people under 55 could not live there. There were public meetings in the local park and numerous residents spent large amounts of money engaging lawyers to take up their case. It ended up that the person who had raised the issue and tried to enforce the covenant split up with his wife over the problem and she

left the area. He then wanted to sell the house, but realised that he could not get maximum value for his house because of the restrictive covenant. In the end everyone in the street agreed to remove the restrictive covenant. It was quite a saga that led to a lot of angst for the residents of Noble Court.

There are times when these restrictive covenants need to be removed. The real issue that brought this legislation forward is the concerns of people in the Coolbinia-Menora area. This issue was championed by Nick Catania, the former member for Balcatta, who was aware of the concerns of people in that area because of the high land value and the age of the houses. A move was made by developers to buy properties and to seek to remove restrictive covenants so they could have another unit in the backyard or do a total redevelopment and put units in. I know the member for Yokine has followed this with interest because it is now part of his electorate and he is aware of the concerns of neighbours to maintain those restrictive covenants and not have to be continually on their guard to stop the removal of them, which involves taking the matter to the Supreme Court. They get caught up in the expense and time of contesting an application for the removal of restrictive covenants. This proposal, which is a good one, ensures that those restrictive covenants can be removed, but the procedures will now require a landowner to not embark on the process without consulting the people in the area. Having to consult is likely to reduce the number of applications for the removal of restrictive covenants over single dwellings.

Currently, the Act does not allow an individual purchasing a property in the area and seeking to construct another dwelling or to totally redevelop with multiple dwellings to do so because of the single dwelling restrictive covenant. His option is to seek through the Supreme Court the removal of that restrictive covenant. Neighbours or other people who feel that they would be adversely affected by the removal of that restrictive covenant must contest that application. That could be a burden on people who want to get on with enjoying their life and not have to continually protect their amenity which is guaranteed by the restrictive covenant. This process will require a person who proposes removing the restrictive covenant on his property to seek approval by a majority of residents within a 200 metre circle of his property. That 200 metre circle would contain 200 houses and the regulations to be established contain a formula for adjusting that to make it practical. The minister has indicated that there is a draft form of those regulations. That amounts to an impediment to the removal of that restrictive covenant; I think it is a justifiable impediment. In seeking to get the support of 50 per cent of the people within the radius of his lot, an individual is not likely to succeed if he is not proposing something which has a degree of community support. Therefore, individuals are unlikely to embark on the legal action required for the removal of the restrictive covenant. As I indicated in my example of Noble Court, if a reasonable section of the community feels that the removal of one or more of these restrictive covenants is in its interests, the mechanism is still available.

I had an example in what is now Westminster of how a small group of individuals can be effective in getting change even though the administrative obstacles, the bureaucracy, is complex. The people who were south of Reid Highway in Balga and had been cut off from the rest of Balga sought to have that area renamed Westminster. A small group of people canvassed the whole area more than once, compiled the petitions together and received the support of the community, and in the processes of involving the City of Stirling and the Department of Land Administration, they were able to get their area renamed Westminster, which was the old estate name. It is possible if one has support in the community to do the work that is required to show that there is majority support. This process makes it difficult for an individual who wants to remove that restrictive covenant for his own personal gain.

I will now turn to the legislation because I do not think there is any intention to go into committee. The requirements are -

> An application under subsection (1)(a) or (c) to extinguish, discharge or modify a single dwelling covenant that benefits more than 10 lots shall be accompanied by -

It goes on to lay out how the people will be notified of the intention for that removal or variation and then how the consent is to be gained. The first part is the need to notify those in the affected area. They must be the registered proprietor of each lot that is wholly or partially within the prescribed area. Secondly, they must be benefited by the covenant the subject of the application or any other single dwelling covenant. Perhaps the word "benefit" has a specific legal meaning, but taking it on its normal usage, I am not sure why that word is there. It may be that other neighbours support the removal of the restrictive covenant and may feel that they have not benefited from it. They might feel disadvantaged by the restrictive covenant. The minister may wish to get advice on why the word "benefit" is included. While most people in the area who will feel opposed to the removal will benefit, one would not want to have the whole issue being tripped up in a small legal technicality by some of the people who are being approached saying, "I will not benefit by it; therefore, I did not need to be notified - I am not part of it." There may be very good reason that "benefit" is included, but on my reading of it, I am not sure what the intent is of the people having to be classified as benefiting by the covenant in order to be part of the notification procedure. It would seem to be necessary only to be in the area and be judged to have benefited or been disadvantaged by it.

The second part indicates the requirements for the written consent of the registered proprietors and of a majority of the lots prescribed by regulation within the circle of the lot from which the restrictive covenant is to be removed or discharged. The requirement is that in the case of proprietors who are joint tenants, there must be a majority of the proprietors. That is an added burden because it may be easier to go around and doorknock all the homes and obtain a list of the proprietors. One

proprietor could be home when the person doorknocks and his or her signature obtained on the required letter or form; however, it must be the majority. If there were two proprietors, one is not a majority. The person must get both signatures, and that will be a burden. In the case of proprietors who are tenants in common, two or more proprietors are entitled to the majority of undivided shares in the lot. Again, that may be a case of the block being split into 11 twenty-thirds and 12 twenty-thirds. Therefore, if the person signing it holds 11 twenty-thirds, a majority is not obtained. It gets technical. Given that the whole purpose is to put in place an impediment so that not many applications are made, a fantastic impediment is what results.

This amendment is not to apply to any specific geographic location. Other parts of the State may contain a great deal of community support for the removal of restrictive covenants. In cases such as that, the impediment should not be made so great that the people cannot do it and will be tripped up on minor technicalities. I hope that the minister will respond to that consideration.

As I have indicated, we support the measure. We should not put people to the trouble of continually defending restrictive covenants. The mechanism generally is good, because an individual who wants to gain advantage on his lot will find it difficult to do so if there is no community support. However, a mechanism is available when there is wide community support for the removal of a restrictive covenant. My only concern is that some of the technicalities of the mechanism might just be a little too tough and that a community group which wished to work collectively for the removal of restrictive covenants could find that the technical details are complicated and the process is complex. I commend the Government on the measure, which will have strong support, particularly in Coolbinia and Menora.

MR SHAVE (Alfred Cove - Minister for Lands) [11.40 am]: I thank opposition members for their support. The member for Rockingham asked why we would obtain consent from the registered mortgagee or the chargee of land with the benefit of a covenant. In effect, a covenant is to benefit a property. Often, a change of usage could downgrade an adjoining property. For example, if all single residential houses on a street have covenants on them and the block zoning of the area is R40, people might feel particularly aggrieved if there is a change in those covenants. In an R40 case, five units could be built alongside a single residential block with a covenant on it, as has happened in my electorate. That issue concerned many residents. I was not involved in the drafting of the legislation. As has been pointed out, my colleague the member for Yokine brought up that issue. However, the issue affects many areas. A change of usage can downgrade the value of a property. Therefore, it is fair and equitable that the first mortgagee should be afforded the opportunity to protect his -

Mr McGowan: What about the second mortgagee?

Mr SHAVE: It is stipulated that the person with the principal interest is first in line. The member for Nollamara said that by the time we reached the third mortgagee it would become prohibitive to find 51 per cent of 200 people who agreed to the change. The written consent of the first mortgagee is required, and that is appropriate.

One of my colleagues said that we must be careful about who draws the circle. He asked how we can check that the people who sign the form are in the circle and are not in a zigzag which causes some people to be out of the area. I am advised by our legal people that a registered surveyor must designate houses within the area. If that is not done or if the registered surveyor tries to vary that, he or she is in breach and is not acting in an ethical manner and will then face all relevant sanctions. That is a satisfactory result and I am reasonably comfortable with it.

I am advised that the measure relates to land with the benefit of a registered covenant. In legal terms, the word "benefit" designates that a covenant has been put in place which theoretically will advantage people in a locality. If there is no advantage in having that word in the legislation, I will not have a problem with its deletion in the other place. I will leave that matter to the legal people; they have heard the comments that were made by the member for Nollamara. I have some sympathy with the view that if a group in an area wants to effect a change, they should be able to do so. For instance, if we went to the full letter of the law with a first mortgagee, a second mortgagee, and someone who had a caveat on the title and said, "We will get everyone with a vested interest in a property to agree", that would not address the matter which the member for Nollamara raised.

Mr Kobelke: It seems that the minister is saying that the phrase "benefited by the public" is taken to mean that the covenant was put in place for their benefit, and simply the fact that one is covered by a covenant indicates that one has the benefit of the covenant.

Mr SHAVE: Yes.

Mr Kobelke: It does not need a test as to whether individuals feel that they have benefited or been disadvantaged.

Mr SHAVE: That is right. The covenant benefits people within a 250 metre radius. The member for Nollamara mentioned proprietors. The majority of proprietors in the State are joint tenants - that is, two people only. That is the interpretation. The member mentioned getting two of the 23 to sign, and that is acceptable.

Mr Kobelke: Sorry?

Mr SHAVE: No, that is not correct. I am told -

Mr Kobelke: The 23 to whom I referred are tenants in common where a property can be apportioned.

Mr SHAVE: The majority of proprietors, I am told, are joint tenants - that is, two people only.

Mr Kobelke: When they are joint tenants, and many properties are owned by joint tenants - husband and wife - the majority means that both, not just one, must sign.

Mr SHAVE: That is correct. Let me give a good reason for having such a clause. When I was first married I had a house by the water in Bicton. The property was owned by one of my companies. I had built some units on the property and I sold the block in front to a guy who was an entrepreneurial property developer. I came home one day and found that there was a unit going up to a certain height. The property developer was varying the height. When I went to the council and said, "This is not on; that property has a height restriction on it", I found that he had been to see my wife, who was six months pregnant at the time, and got her to sign a form which authorised him to block out my view. We had to go through a laborious legal process whereby he had to pull down the top part of the building because my wife was not a director of the company and she was not authorised to sign on its behalf. If two people occupy the house, it might not be a bad idea if both sign. I am open to suggestions on that. I am not deriding people working from or living at home. However, if someone seeks to obtain a signature at nine o'clock in the morning and, as was the case in my family, the husband does most of the paperwork, it is probably better that both parties agree to it and support what is proposed.

Mr McGowan: When do you expect this Bill to be passed by the upper House?

Mr SHAVE: I understand that Dr Hames, the minister who has been promoting this Bill, and who I thought would be here today, but who is in hospital having, members will be pleased to hear, only a minor operation, hopes it will be dealt with quickly in the other place during this session.

Mr McGowan: Will it be before the end of the year?

Mr SHAVE: Yes; before 17 December. Whether it will be dealt with may be doubtful. I believe they are having a little difficulty in the other place at the moment! I think the intention is that it will be dealt with.

Mr Kobelke: That is something we are used to; we have that difficulty in this House!

Mr SHAVE: Yes. I thank members for their support of this Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

SENTENCE ADMINISTRATION BILL

Cognate Debate

On motion by Mr Prince (Minister for Police), resolved -

> That leave be granted for the Sentence Administration Bill and the Sentencing Legislation Amendment and Repeal Bill to be considered cognately, and that the Sentence Administration Bill be considered the principal Bill.

Second Reading

Resumed from 29 October.

MR McGINTY (Fremantle) [11.53 am]: The Opposition has indicated that to the extent to which this legislation implements the report compiled by a committee chaired by Judge Hammond, Chief Judge of the District Court, it supports this legislation. However, it is true that the Opposition has a number of reservations about this legislation which I will canvass during my contribution.

The Opposition believes that the novel approach proposed in this legislation by the Attorney General, Hon Peter Foss, warrants far greater scrutiny when it reaches the upper House because it had none prior to its introduction into this place. That lack of consultation provoked the unprecedented action by the entire judiciary in this State, headed by the Chief Justice of the Supreme Court and the Chief Judge of the District Court, of tabling their robust criticism of this legislation in this Parliament.

The legislation proceeded without the usual and conventional consultation with the stakeholders, particularly the judges. Any change, particularly a dramatic change such as that proposed by this legislation to the way in which criminals are sentenced in this State, can succeed only if it is done with cooperation and goodwill. That is not to say that people must agree. Although politicians and the judiciary do not have to agree about these matters, they must take each other into their confidence and work through matters to ensure the smooth implementation of the changes. One thing that will condemn

these proposals to be ineffective and possibly even counterproductive in the fight against crime will be the way in which the Government has handled these Bills and provoked the response it has from the judiciary.

These Bills address one side of the crime and punishment issue only. We are not seeing a comprehensive government approach to the issues affecting crime and punishment in Western Australia. This is the heavy-handed, punitive approach. Any valid approach to tackling crime in the community must involve a comprehensive package of crime reduction and prevention measures and social changes as well as the big stick in sentencing and the use of the criminal justice system.

In preparing for this debate, I discovered a most instructive article which I urge all members to read. It was published in the Howard Journal in February 1997 and is entitled "What the next Government should do about crime". It was written by David Downes, Professor of Social Administration of the London School of Economics. The article was published prior to the 1 May election victory of the British Labour Party. Professor Downes painted a total picture for the Government to consider in tackling the crime problem. There is no doubt, as everyone is painfully aware, that the statistics amply demonstrate that in most of the significant categories of crime, Perth is the crime capital of Australia. Irrespective of the yardstick we want to use, that is clearly established. We have not only higher rates of crime than anywhere else in Australia but also the harshest punishment regime. That should tell us something about relying on harsh penalties and creating a punitive society. Clearly it does not work.

Mr Bloffwitch: Do the public accept that we are harsh? At every community meeting I attend, people say that we are far too soft on crime. Here you are saying we are hard. Tell me where the perception is wrong.

Ms Anwyl: Ask the Chief Justice. Have you read the report?

Mr Bloffwitch: Yes; I have listened to the Chief Justice. I don't have to agree with him.

The SPEAKER: Order!

Mr McGINTY: It is beyond doubt that judges in Western Australia sentence more harshly than judges anywhere else in Australia. I reference the report of the Chief Justice tabled in here which was so critical of the member for Geraldton's Government last week. We also have a higher incidence of crime than any other State in Australia. Something is not working. The member for Geraldton can talk about public perception all he likes; however, what is really annoying the public at present is that it is broke and it ain't working. Something significant must be done to fix it. That is why I am referring to Professor Downes' article, which I suggest the member for Geraldton read.

In addressing the issue of crime, Professor Downes said that we must start from three basic policy assumptions. The first was that informal social controls are far more effective than formal social controls in reducing and controlling crime. The point is made in his article that the formal social controls - the work of the police, the courts and the prisons - do little more than to buttress the informal structures that exist in our society.

A key function of the criminal justice system is to prevent the excesses of informal controls which sometimes manifest themselves in lynch mobs and lynch law. He also makes the point that formal controls have worked effectively to bolster weak, informal controls and is an approach that should also receive a measure of support; for example, compulsory wearing of seat belts, Department of Transport vehicle testing, and stiff penalties against drinking and driving have reduced road deaths significantly, despite huge increases in traffic. In those areas a formal social control approach has worked. It has not worked in dealing with the issues of most concern to the community - violence against people and offences against property. That is the first broad assumption upon which any policy approach to this issue should commence. The second policy assumption is that social, economic and cultural sources of crime are of much more causal significance than the operation of the criminal justice system. Reference can be made to the high rates of murder in the United States, for example, notwithstanding the existence of capital punishment in that country.

Mr Prince: Not in every State.

Mr McGINTY: That is so; however, capital punishment applies in a significant number of States in the United States and it has done nothing to reduce the incidence of murder.

Mr Prince: Murder among the Afro-American population in New York is a health risk, the proportion is that high.

Mr McGINTY: That is notwithstanding the formal social controls in the form of the extreme sanction - capital punishment. When looking at causation in relation to crime, we must look at issues, other than the operation of the criminal justice system, which can best buttress a strong community. That is the best way to take up the fight against crime. The third policy assumption - there is a very clear message here for the policy makers of this State - is that certainty, rather than severity, of punishment is the best antidote to crime. If people know they will be caught, that will work best to reduce crime. We all know the police clearance rates for the crimes of most concern to the community are appallingly low.

Mr Prince: I disagree that we have a very low clearance rate. It is over 80 per cent, compared with that in Tasmania which is only 60 per cent. We have one of the highest clearance rates in Australia, and it is significantly higher than that in the United Kingdom. We have quite a good clearance rate. The clearance rates for burglary and theft are not good.

Mr McGINTY: People know they will not get caught when they break into other people's houses. There is no incentive to deter them. No matter how harsh the penalty is, it will not work because of this very simple truth: The certainty of sentencing rather than the severity of sentencing is the great disincentive, the antidote, to crimes being committed. The police clearance rates vary, depending on the crime; but in the areas of great concern to members of the community - that is, people breaking into their homes and pinching their cars - the current policies are not working. Rather than continue to rattle the sabre and talk about tougher sentencing and tougher penalties, we must make sure people are caught. It is that simple. Merely increasing the penalties will not work. As long as there is only a one in 10 chance of being apprehended, the risk is worth taking for many criminals.

Mr Prince: It is one in five.

Mr McGINTY: The last figure I heard on the police clearance rate for breaking and entering charges was 12 per cent.

Mr Prince: We have an overall rate of about 20 per cent. It varies from place to place. The rate in Joondalup is 26 per cent and in South Perth it is about five.

Mr McGINTY: Does that mean the criminals involved in the offences in South Perth are cleverer than those who are operating in Joondalup?

Mr Prince: I think they come and go more rapidly. There are far more units there.

Mr McGINTY: Establishing those three policy assumptions is important because this legislation has been heralded by the Government as a great crime and punishment, or law and order, initiative. In many instances, it focuses solely on sentencing and has an underlying function that the sentences will be made more severe. That sort of thinking is flawed. This legislation does not achieve that objective. There has been significant commentary on it in the media in recent days. The legislation abolishes remission. A person who is sentenced to six years' imprisonment for, perhaps, an armed robbery is currently released on parole after two years. By the abolition of remission, in future to get two years' imprisonment that person will be sentenced to only four years' imprisonment. I go back to the comments of the member for Geraldton. I ask him what the public will think when judges hand down only two-thirds of the sentences they used to hand down. I wonder whether the member's much loved public perception will warmly welcome that.

Mr Bloffwitch: If judges do that, they are in dereliction of their duty. All they do is amend it.

Mr McGINTY: Come in spinner! The minister with responsibility for this legislation will no doubt be mortally embarrassed by that little interjection.

Mr Bloffwitch: Let him be.

Mr McGINTY: The Government has laid down in this legislation a direction to judges to give people a lesser head sentence.

Mr Bloffwitch: As we have done with drink driving, and I did not hear them complain about that. This is what the community wants.

Mr McGINTY: I will tell the member for Geraldton what this legislation does because obviously he has not read it or bothered to apply his mind to it. There is a direction in this legislation to judges to give shorter sentences -

Mr Bloffwitch: No; there is not.

Mr McGINTY: The member might like to have a chat with the minister who is handling the Bill. Previously a judge would have sentenced an offender to six years' imprisonment for, say, an armed robbery, whereas this legislation instructs the judge to give a sentence of four years.

Mr Prince: Six years is two, with two on parole. You know that. The effective sentence is two years in jail and two on parole. The six is fiction, and has been since your lot changed the probation and parole Act in the mid-1980s.

Mr McGINTY: We supported that.

Mr Prince: We are saying, "No, you will sentence and that will be the sentence." It is two years, say, with two years on parole; or four years, with three on parole; or four years with no parole.

Ms Anwyl: It is not tougher at all, is it?

Mr Prince: The minimum sentence under these amendments will be no less than the effective sentence people are getting at present.

Mr McGINTY: Judge Hammond recommended that, and we support it. This fiction which existed with the six years' sentence should be done away with because it brings the whole system into disrepute.

Mr Prince: I will tell you the reason when I get up to reply.

Mr McGINTY: It is quite apparent, though, that the Government backbenchers have not been briefed fully on this matter. The minister can confirm that in the example I have just given, in future a judge will reduce the head sentence from six years to four.

Mr Prince: Head sentences of six years are a fiction anyway.

Mr McGINTY: Let us at least acknowledge that this is the reality of this legislation: We will not see an increase in sentences, but rather a decrease, handed down by the court.

Mr Prince: Not in the effective sentence. The effective sentence stays the same. This legislation is getting rid of the fiction of six years.

Mr McGINTY: I am all in favour of getting rid of fictions; however, let us not categorise this legislation as being tough on crime, and as something which will lead to a tougher approach or heavier sentencing - it will not. If members opposite could stop arguing among themselves about this issue, they will see quite clearly what the legislation is saying. With this major legislation dealing with the issues of crime and punishment, we have a lot of inflation of rhetoric: We must get tougher, make more noise, and beat the drum and rattle the sabre a lot louder. The reality is that sentences awarded by the courts to criminals will be reduced, with the criminals spending no more time in jail than they do currently. As much as the existing system is a fiction, the categorising of this legislation by this Government as being tough on crime is equally a fiction.

I have made the point about social versus formal controls and that certainty is a far more important antidote to crime than the severity of the punishment.

Mr Prince: Just as a matter of interest, what does he categorise as social controls? Is it parenting, schooling and things of that nature?

Mr McGINTY: Housing and all of those matters rather than the operation of the criminal justice system per se.

Mr Prince: He is identifying the breakdown of society over the past 20 years.

Mr McGINTY: As categorised by the classic statement of Margaret Thatcher when she was at her peak that there was no such thing as society; there were only individuals and their families. How can one have social controls operating when one reaches the point of denying the existence of society? One can only rely on the formal controls. That was the point being made in the article and I urge members to look at it.

Mr Prince: It is interesting that we have had the same societal effect here in Australia under a predominantly Labor Administration.

Mr McGINTY: Perhaps accelerated in more recent years.

Mr Prince: I lay the ground for this at the feet of Whitlam.

Mr McGINTY: To the extent that the crime figures in this State are a manifestation of the breakdown in social control, they have been escalating in Western Australia disproportionately to the rest of the country in the last six years. The minister can draw his own conclusions about that.

There are other things which everyone should understand about crime. The understanding of these basic facts should inform the policy debate rather than the rhetoric which people espouse in order to talk about public perception of these matters. Five points should be made because what is done with sentencing and the whole approach to crime and punishment is dictated by these facts. These are English statistics but there is no reason for the situation in Western Australia to be significantly different. At most only 2 per cent of all crimes committed result in a conviction of the offender. We are not talking about police clean-up rates but about all of the crimes committed, including those which are not reported for one reason or another - it is a small conviction rate. If one starts from the basis that 98 per cent of crimes remain unpunished, one must deal with a significant issue. In talking about this sentencing legislation we are talking about sentencing for only 2 per cent of the crimes committed. Everyone would be aware that offending is massively skewed. It is not something which occurs broadly or uniformly throughout the community. A small proportion of males - somewhere between 6 and 7 per cent - commit between 60 and 70 per cent of the crimes. Our crime and punishment approach to these matters should be based on the fact that overwhelmingly we are dealing with only 6 or 7 per cent of the population as offenders.

Mr Barnett: What are the characteristics of that small proportion of males?

Mr McGINTY: I was coming to that. Most crimes are committed by young males, under 25 years, who are disproportionately from urban working-class backgrounds. That is the character of the offender cohort and it raises all sorts of issues about the way policy should be directed. Not only is the nature of the offenders massively skewed; so, too, is the victimisation - the people on the receiving end of crimes. The English statistics show that 1 per cent of the population suffers between 25 and 40 per cent of all household property crimes and 15 per cent of victims suffer between 50 and 60 per cent of crimes against the person. Some classes of people are victims of crimes against the person or property. We have

identified and skewed groups of offenders and victims rather than it being an across-the-board problem affecting the whole community. The last basic fact which should inform the debate on our policy priorities in this area is that officially recorded crime is overwhelmingly property crime rather than violence against the person. When we are talking about crime statistics, we should bear in mind that, in substance, we are talking about crimes against property rather than crimes against the person. The article talks about the priorities which the government should adopt to have a properly balanced policy based on these realities of crimes rather than the red-neck response which we see and hear all too often in the media. The first issue which should be a priority in any government policy relates to the labour market. Unemployment is not a major cause of crime but employment and training opportunities are key preconditions for immediate and lasting reductions in crime. The straight parallel between being unemployed and committing crimes cannot be drawn. However, one will see a lasting reduction in the incidence of crime in a population in which real possibilities of employment, real training schemes and real jobs are being created.

The second issue has become a growing problem in Australia; it is the question of inequality. Unemployment is one indicator of growing inequality; education and housing are others. The Minister for Education in this Parliament yesterday revealed figures showing appallingly high numbers of children in year 3 failing to reach appropriate standards essential to their further progress through the education system. That is the sort of issue which will lead to great inequality between the literate and the illiterate in years to come, to put it in fairly simplistic terms. It is not enough to target only particular sections of the community. There was an undue emphasis on Aboriginal communities with those literacy figures in this morning's paper. Although they have a real problem, this is something which cuts through all levels of society. We should look at initiatives which will address the question of the growing level of inequality. The article describes how too many of the poor live outside the reach of area-based strategies and too many of the relatively advantaged live within residentially mixed neighbourhoods for such policies to work most effectively. It explains that less regressive taxation and a commitment to resourcing public sector education to average Organisation for Economic Cooperation and Development levels would begin to address some of the main sources of growing inequality. That is a poignant comment on the day the regressive goods and services tax legislation is introduced into the Federal Parliament. It will have consequences, particularly for lower income earners, in widening the gap between the haves and the have-nots and the inequality which exists.

The next issue which should be a priority is the winner-loser culture. We touched on that in earlier debate. However, the point should be made that where one has a society, or a lack of a society, where personal greed and position become the things we admire - as occurred substantially during the 1980s, not only in Western Australia but throughout the world - one will be setting up people who do unsociable, anti-community things.

Mr Prince: The greed-is-good mentality as expressed in the film *Wall Street*.

Mr McGINTY: Yes, Gordon Gekko.

Mr Prince: That was an epitome of the 1980s.

Mr McGINTY: Many of the entrepreneurs in Western Australia epitomised that. They broke the law and rode roughshod over the needs of our society and community. They created the winner-and-loser culture in our community, which is causing a breakdown in people's approach to what is acceptable and good community-based behaviour, and causing people to increasingly engage in antisocial behaviour.

That is an important matter which must be addressed. Risk management is also an important issue and should be a priority for an incoming Government. We must return to a society which looks after people and shares risks. We used to have a system in which people had a relative measure of job security. When they were children, they knew that they would receive a good education in the state education system and they knew that if they became unwell, they would be looked after in the state hospital system. The figures that were revealed in the upper House only yesterday indicated that 252 citizens of Western Australia had died in the past 12 months while waiting for elective surgery in the State's hospitals. That is another indicator that the great institution which guards the population against the risk of becoming unwell has failed to deliver to the community. It can no longer be regarded as a safe option. In many areas, the state education system is the same. Many of us were brought up to believe in these institutions as the way in which society shared the risks and the vagaries of life and many of those institutions are crumbling because they are not being properly funded and are not being given the priority that they should.

Mr Barnett: I know you are making a political speech and you probably have some philosophical belief in it, but when you make those sorts of comments about the state education system and imply it is crumbling - perhaps you did not think about the comment - you do enormous damage to state schools. The state school system is good, but members must be very careful. There are great needs - the literacy survey indicated that. I urge members of Parliament not to talk glibly about the system crumbling. It is not. It is damned good and it has improved. It has improved during our term in government and will probably improve during your term in government.

Mr McGINTY: I part company with the Leader of the House on that matter. Unlike most members on his side of the House, I chose to send my children to a state school because I believed in it. My children did their education through state education

establishments. If we turn a blind eye to the deficiencies in the state education system it will only get worse. It must be the subject of robust, factually-based criticism in order to improve it.

Mr Barnett: You said it will only get worse. Let us talk about it getting better; not worse. It is damned good.

Mr McGINTY: It is not as good as it was.

Mr Barnett: We are probably the only State in which the government school system is more than holding its place in the market. I will not go into the issue of the Education Act, but a school such as John Curtin Senior High School, which is in your electorate, could become a great performing arts school. Kids who would otherwise go to private schools will be attracted to such schools if we give those schools the freedom to do that.

Mr McGINTY: The ultimate test is people voting with their feet. Over a long period people have opted out of the state education system because they do not believe it delivers the same quality of education that they can find elsewhere. That is to be regretted, but it is the harsh reality of what we are dealing with. When those figures turn around and the state education system starts growing, not because of economic necessity among families, but because people believe that they receive better quality education in the state system, I will be the first member to praise it. However, I will not be standing back and saying that all is well with the state education system when it is not.

Mr Barnett: I have not asked you to do that. The way that you come to the issue is important.

Mr McGINTY: The question then is: What approach should we adopt to sentencing and imprisonment? The article is very interesting when it refers to the experiences in the United Kingdom, where a government was elected on the fiery rhetoric of harsher penalties. Over its lengthy tenure the Conservative Government in Britain came to learn that harsher penalties and the rhetoric of getting tough on crime did not work. It needed to take a more balanced approach, such as I urge on the House today. Even if all the rhetoric were true, which it is not, I urge the House to not see this sentencing law change as the panacea to our problems with crime and punishment. The experience in Britain is accurately traced. Getting tough on crime does not bring down the crime rate; it increases the rate of imprisonment. That point is made in the article and comments are also made about policing and prosecution, victims and drugs. I found it a most useful analysis of the totality of the issues involving the appropriate response of the Government to crime-related matters, because too often the Government takes an unbalanced approach. That approach emphasises severity of punishment. It does not refer to ways in which crime should be reduced by adopting crime reduction strategies, and all of the issues to which I have just referred, which will result in a real reduction in crime. Instead, we have a Government that is happy to pass tough laws and then see crime rates continue to escalate.

My first criticism of this legislation is that its focus is very narrow and it will not achieve a reduction in crime. When dealing with legislation on the vexed issue of crime and punishment it is important that, after a reasonable period - whether it is three or five years - we insert a provision for a statutory assessment of the effectiveness of the measures which are being introduced. Such an assessment, measured against fixed criteria, should be inserted in every major piece of legislation, whether it deals with amendments to the Criminal Code, increased penalties, or changes to sentencing provisions or to bail provisions. A major issue with which this legislation deals is the creation of what many of us see as Foss' folly; namely, the sentencing matrix. It seems to have come from somewhere out of left field. I have grave doubts whether it will achieve anything. In order to properly assess it, a clause should be inserted in this legislation which, after a reasonable period of operation, sets up an assessment process the results of which must be reported so people can make an objective judgment about whether it has worked. If a clause of that type is inserted in this legislation, future governments will be reluctant to rush into the heavy-rhetoric-type legislation such as we see all too often in this Parliament when dealing with crime. The Government will know that it will be judged by an objective assessment as to whether the legislation has worked. I urge the Government to consider inserting proper assessment clauses in all legislation of this type in the future to enable appropriate bodies to make assessments. If this legislation does not achieve a reduction in the rate of crime, which must be its objective, it has failed and should be thrown out.

When dealing with this legislation we are going very significantly on a hope and a prayer. Will it work? I have grave doubts that it will. After looking at the detailed provisions of the Bill, I would be amazed if, in five years, a proper assessment indicated that it had been effective in the fight against crime. How can the Government be effective in the fight against crime if the head sentences are reduced but the prison terms remain the same? If that is the essential import of this legislation, I doubt, from looking at the criteria to which I referred earlier about what works in the fight against crime, whether we will find that initiatives associated with the certainty of conviction and punishment, rather than with greater severity, will work.

If members look at the framework of how these matters should be addressed and the facts of crime and punishment to which I have referred, they will see that an assessment would provide the Parliament with proper reporting and an independent opinion of the effectiveness of the proposal. That is missing from this legislation. We do not have a mechanism to implement effectiveness in this legislation. Perhaps it would be embarrassing if the views which are included in this are correct.

Mr Prince: It is not an unreasonable suggestion as a blanket exercise in all legislation.

Mr McGINTY: Particularly when the legislation deals with crime, because it is an emotional area. The concern in some sections of the community is that we are too soft, or we are having a bidding war on penalties between the two parties. If we can introduce more objectivity into these matters, generally speaking that would help.

I will refer to nine specific problems I see with the legislation. The first problem occurs when a parolee is jailed for an indictable offence which is committed while on parole. The legislation disentitles that person to be considered for parole while he is serving the balance of that sentence. As a general proposition, the community wants us to say to someone that if he is not prepared to respect the parole conditions, he should not be allowed out again. I agree with the generality of that. However, we might find that the legislation will operate in a way to defeat the objectives the Government has set out to achieve. In the second reading speech on the Sentence Administration Bill, the minister stated -

> An offender who is imprisoned for an offence he committed whilst on parole will have his parole automatically cancelled. The consequences of this are that the offender is liable to serve the balance of the original sentence and, in the case of an indictable offence, the offender will lose the right to be re-released on parole by the Parole Board.

I am not concerned about the general applicability of that provision. If someone is out on parole and he commits an offence that warrants being returned to prison for a significant time, he should forfeit that right to parole. However, it can operate in an unintended way. The provision could mean that a parolee, who perhaps had committed a major offence such as armed robbery, still had a number of years to serve on parole, and is jailed for what I might classify as a minor indictable offence such as shoplifting. A number of indictable offences are minor in the overall scheme of things, but as the minister knows, all stealing is indictable. It not beyond the realm of possibility, because of a person's prior record, that the minor offence of shoplifting could result in his being put back inside for a short, sharp shock treatment. Although the offence is relatively minor - that is, shoplifting, and I can think of a number of other examples in the scale of indictable offences - that could mean that for several years that person could not be considered by the Parole Board for re-release on parole. I think the minister will concede the problem exists and it should not operate in that way.

Mr Prince: That is pre-1986. That is the system that we had before the Labor Government brought in the formula of one-third, one-third, one-third. I will talk about that at length when I get up. That was the inherent problem with the system before the changes in the mid-1980s. Someone who "owed" the Parole Board years could be sent to jail for drunken driving, which would trigger an automatic breach of parole and they would wind up doing five years. That is what brought in the formula to sentencing of one-third in, one-third on parole, and one-third wiped. The problem is still there. However, the change in the Bill will mean that if someone breaches parole, that is it. There will be no "have another go and another go and another go."

Mr McGINTY: I do not think that is quite right.

Mr Prince: That is what we had 20 years ago, and you are doing it with another indictable offence. The argument would be that if they are so dishonest, they will shoplift, which I concede is a minor indictable offence by comparison with armed robbery, but they are still demonstrating they have a dishonest nature. They know perfectly well that if they get caught, they will do the rest of their parole time inside.

Mr McGINTY: In that situation what would be the maximum parole period they could go back inside for?

Mr Prince: They would do the balance of the parole term.

Mr McGINTY: That could be many years.

Mr Prince: Yes, it could be. However, it is unlikely to be much more than two years, because generally speaking, from the information I have seen, parole of about two years is about the most effective period. Parole for five years is too long, parole for six months is not long enough, but somewhere around two years is an effective parole period.

Mr McGINTY: We must ensure the legislation is right. The minister is saying that the evils of the system that existed prior to the mid-1980s will be brought back again by the automatic nature of this.

Mr Prince: No, I was amused because the example the member gave was the system that existed before the formula.

Mr McGINTY: Will that operate under the new legislation?

Mr Prince: I do not think so, because we used to get people going in and out on short sentences without a breach of parole. They would be sentenced to 18 months with a minimum of three months. They would go inside, and come out after serving the three months, and would still owe the Parole Board a year or so, and then do it again and again. They would wind up with a parole period of years, and finally the Parole Board would have had enough, and then for a relatively minor offence for which the offender would get a short term in prison he would wind up doing years cutting out the time he owed the Parole Board. That was the way in which it was run; it was mad.

Mr McGINTY: In the case of an armed robber released on parole who nicks a tube of toothpaste or a toothbrush, it is conceivable that a magistrate might put that person in jail because of his past record. Is it right that a person in those circumstances should be put back in jail for perhaps two or three years?

Mr Prince: Arguably, when they are on parole, yes.

Mr McGINTY: In many cases that is appropriate. However, there is no discretion in the Bill. In the exceptional case, such as I outlined, I do not think even the minister would think someone should be put back in jail for years for stealing a toothbrush.

Mr Prince: They are not. They are going back into jail to finish the sentence for the armed robbery.

Mr McGINTY: Yes, but the effect of it in real terms is that for stealing toothpaste they are back in jail for a couple of years.

Mr Prince: That is the immediate effect.

Mr McGINTY: It may be there should be some discretion in those extreme cases. However, the legislation does not allow that discretion; it is black and white and there is an immediate effect in which someone is back in jail for years as a result of a minor transgression.

Mr Prince: I have had clients in that situation.

Mr McGINTY: Perhaps so. However, we are trying to put the law together as it will work.

Mr Prince: It is not an unintended consequence; it is entirely predictable and I know that this will happen, and I do not find it objectionable.

Mr McGINTY: I do. The second problem I want to deal with is the impact on the prison population. In the second reading speech on the Sentencing Legislation Amendment and Repeal Bill the minister stated -

> Critically important to the proposed regime is that sentences will be adjusted so that a person spends the same amount of time in jail under the proposed system as would have been the case had the offender been sentenced under the current system.

Although there would not be an increase in the prison population coming out of the combination of the abolition of remission and the proportional reduction in the head sentence, there will be an increase in the prison population from the abolition of home detention and work release and a general tightening of the circumstances in which a prisoner can be released on parole. I presume that the abolition of presumption in favour of parole will mean that some people will not get parole and therefore will spend longer in jail. Each of those circumstances will add to the prison population.

Mr Prince: The member is assuming that imprisonment will continue to be imposed as it has been for the same range of offences and for the same length of time.

Mr McGINTY: Would the minister think any differently?

Mr PRINCE: It will vary from what comes out of the initial 12-month period of the matrix, which is an information-gathering exercise to see what is happening; then we will need to adjust sentences. It may be that some will come down.

Mr McGINTY: Nothing in this legislation suggests that sentencing patterns will change, other than in the ways directed by the legislation, such as a reduction in the head sentence.

Mr Prince: Other than in the way amendments to the Criminal Code change the maximum sentence.

Mr McGINTY: Has the Government quantified the increase in the prison population that will flow from these changes?

Mr Prince: Yes.

Mr McGINTY: What is that quantification?

Mr Prince: I do not have the information, but I will get it.

Mr McGINTY: Could the minister provide us with that because, if nothing else, the abolition of work release, home detention and the reversal of the presumption in favour of parole will mean that prison populations will grow. Enormous problems already exist in our prisons with overpopulation, caused in part by the severity of sentences handed down by judges. The public needs to know what that quantification is so we know what the increase in population will be, and can then subject the minister's figures to appropriate scrutiny. We all know that the current cost of keeping a prisoner in jail is about $62 000 a year.

Mr Prince: That is in maximum security.

Mr McGINTY: If that is the cost of maintaining a prisoner in a prison of that nature, a relatively small increase in the prison population has enormous budgetary implications for the Ministry of Justice and the prison system generally.

The third point, which is in a sense a part of the issue we have just been discussing - I say this as a former member of the Parole Board for several years in the 1980s - is that Aboriginal people will be the big losers. I would like the minister to quantify the expected increase in the Aboriginal prison population in Western Australia.

Mr Prince: I do not know if that is available, but I will ask.

Mr McGINTY: I would have thought some estimate could be given because of the statistics that are kept by the Parole Board. One of the great problems we had is that much parole work is middle-class based; in other words, if the person has a wife, a family, a job and an education, they are all powerful issues going to his release on parole. Unfortunately none of those white middle-class social aspects are present in a great number of Aboriginal offenders. The one group that will be adversely affected by the removal of the presumption in favour of parole will be the members of the Aboriginal community because they will find it harder to meet the tests which will be applied to white people in the community. I think we will see an increase in the Aboriginal imprisonment rate.

Mr Prince: Courts will, and I would expect them to, continue to be open to the view that Aboriginal society, especially in a remote sense, is structured differently, and support mechanisms could be in place that are not comparable to the white middle-class values; and even in an urban sense there will be support mechanisms that differ, but are still there.

Mr McGINTY: A parole board that is doing its job properly will go out of its way to set up a structure that will enable tribal Aboriginal people to return either to their own communities or to a different community in a way that will not be appropriate or applicable in the case of many middle-class white offenders, or should I say any white offenders. We must probe in far more detail than we have been able to into the impact of these changes on Aboriginal imprisonment rates. The last thing we need in this State is an increase in the imprisonment rate of Aboriginal people. We must see that significantly decrease, not increase.

The fourth point I raise is about judges reducing sentences. We know in most cases that judges will be required to reduce the sentence they would otherwise award by one-third. That is not strictly mathematically correct when some of the longer sentences are dealt with, but most sentences handed down by courts in the future will be one-third lighter than they are currently as a result of the abolition of remission. I would appreciate the minister's comments, perhaps in his reply or when we get to the committee stage, as to how, given the hostility that has been shown by the judiciary to these changes, that will be achieved. Will it simply be a direction from the minister to the judiciary in the form of this legislation and can we feel confident it will be enforced, or is there a problem that now flows from the breakdown in relations, particularly between the Attorney General, on behalf of the Government, and the entire judiciary, when it comes to ensuring that the mechanism is in place to ensure that, in the absence of goodwill, this will work? That is a problem with this legislation.

Mr Prince: In another way, will the judges torpedo it?

Mr McGINTY: That might be the way the minister would like to put it. It is not necessarily the mind-set that I bring to this issue.

Mr Prince: Is there sufficient goodwill that the judges will obey the law?

Mr McGINTY: And what are the mechanisms to achieve this, beyond the broad statement that sentences are to be reduced proportionately to ensure that that occurs? The single matrix can be construed only as a vote of no confidence in the judiciary. In the light of that, how will we guarantee the cooperation of the judiciary in the implementation of this proposal?

The fifth matter I raise concerns the Hammond report. This legislation departs from the Hammond report recommendations in several respects and goes further than Hammond in several other respects. I would appreciate hearing from the minister handling the Bill where those departures occurred, because in a broad sense the Hammond report has the support of everyone. Why has the minister chosen to depart in a number of respects from the Hammond report, what are those departures and what is the justification for those departures, the minister having set up an expert committee that reported, albeit it was initially to report within an impossibly tight time frame in what could only be seen as a political exercise leading up to the 1996 election; however, the time frame was extended. A report came down that was by and large welcomed by everybody. Why has the minister not accepted that in its entirety?

The sixth point is the need for a proper evaluation for the effectiveness of this legislation and any other major legislation in reducing crime. The second reading speech contains statements such as, "We will truly have truth in sentencing." We will not. If under the new scheme a prisoner spends only 50 per cent of his time in jail, that is not truth in sentencing. It might be an improvement from where he currently spends one-third of his time in jail up to spending one-half, but it can scarcely be categorised as truth in sentencing. My issue is that that is the sort of rhetoric that public figures like to use, but it is misleading. It reinforces the need for a proper evaluation of the effectiveness of legislation of this nature.

The seventh point I raise is the increased powers to the police. While this legislation does not obviously increase the powers that the police have in dealing with offenders, in effect it does in this way: This legislation reduces the discretion that the Parole Board has and it reduces the discretion that the judiciary has, but it appears to increase the consequence of the decisions that are made by the police in a number of respects. I give an example. The police currently have a discretion

to choose the charge that they lay against an offender. It could be a similar offence under the Police Act or the Justices Act on the one hand, or exactly the same facts could constitute an indictable offence under the Criminal Code. It appears that the choice exercised by the police whether they pursue an indictable offence if it is somebody who has been released on parole, or a simple offence, will determine whether that individual spends more years in jail.

Mr Prince: Only if convicted.

Mr McGINTY: If the person is convicted of a similar offence under the Police Act or the Justices Act, he will not lose his eligibility for parole.

Mr Prince: I realise that, but I make the point: Only if convicted.

Mr McGINTY: There is a problem.. Receiving stolen property is an indictable offence under the Criminal Code. Exactly the same factual circumstances could constitute unlawful possession.

Mr Prince: Unlawful possession under the Police Act.

Mr McGINTY: There are hundreds of other examples, as the minister knows better than I, in which the police, in choosing which charge to lay - it makes no difference in terms of the likelihood of success in prosecution - can determine that an individual will have years of his liberty taken from him. That seems to be a misplaced discretion if it is available in those circumstances.

My eighth point relates to the compilation of sentencing information. The Chief Justice, for the past 10 years - I noticed in a newspaper commentary a few days ago that it is said to be the past seven or eight years - has called on the Government to set up the recording information which is the essential prerequisite for the operation of the sentencing matrix. The Government - perhaps the criticism should be shared by the previous Labor Government - had not responded to those requests from the Chief Justice. Why are we rushing into a sentencing matrix before we get the information, when it is a matter that the Chief Justice had been seeking for many years? If one were to consider phased implementation of the matter the first step would be to get the information and to have the Ministry of Justice provide the sentencing statistics that are essential to sound policy-making in this matter, but we seem to be doing everything at once, passing the legislation and saying, "We don't know whether we have a problem; let's start compiling the statistics and we will introduce the sentencing matrix at the same time." Why is there now a mad rush to do something when we do not know whether there is a problem?

I will illustrate my argument by reference to my ninth point, and that is whether it is appropriate to use the Foss matrix or whether the more conventional court tariff will apply whereby the Court of Criminal Appeal from time to time will adjust the sentences that are awarded for a particular class of offence. I noticed for the first time this morning in the newspaper that the Premier identified areas in which he thought that the courts were remiss in the performance of their duty in the sentences that had been handed down for car theft, home invasion and crimes of violence. What is the appropriate penalty? We know, for instance, that with home invasion the fear is of the crime being committed, not that there is concern about the severity or lack of it in the punishment. What is the appropriate penalty to be awarded in the case of home invasion? We know that in 1989-90 in the case of Cheshire the Court of Criminal Appeal set the tariff for home invasion. It was reviewed and adjusted upwards only last year in the case of Pezzino.

What is wrong with what the Court of Criminal Appeal has done? The minister must spell out a detailed criticism of the methodology used by the Court of Criminal Appeal if he is to justify the matrix because the tariff system has failed. The same is true of car theft and so on. I will conclude my comments and await the minister's response on those important matters.

MS ANWYL (Kalgoorlie) [12.53 pm]: I shall make several comments on the Bills which are being debated cognately. In some ways that creates a difficulty for me because I have several problems with the Sentence Administration Bill, but I have many more problems with the Sentencing Legislation Amendment and Repeal Bill, which deals with setting up a matrix. We should put aside for a moment the issue of truth in sentencing. Let us have some truth in Parliament and let us have some truth from the Cabinet about exactly what is the agenda. Where are the regulations which, according to the Premier, will set new sentencing tariffs? We need to know from the minister when the regulations are to be introduced and whether, according to the Attorney General's rhetoric, there will be three stages to the legislation. Is the Premier telling the truth? Will we have sooner rather than later regulations which will increase penalties?

The member for Fremantle set out in some detail the fact that the legislation as currently drafted will not increase sentences and that it will provide for some reflection of time served in custody. Members have no difficulty with that. However, the Government must make clear whether it intends to increase time spent in jail by people in custody. In today's edition of *The West Australian* is a clear difference of opinion between the Attorney General and the Premier. I hope that the minister will at least advise Parliament when it is expected that regulations will come forward and whether the Government intends to increase time spent in custody.

Two issues are raised by the concept of the matrix legislation. One issue is the need for accountability by the Government

on the issue of regulations and which offences are intended to be included. The second issue is how on earth we are to accommodate more prisoners. We have just heard that in New South Wales Parramatta Jail has been reopened because that State is having difficulty in coping with its remand prisoners in particular. We know from the judges that the introduction of the legislation will lead to some delays in dealing with sentencing matters, even when pleas of guilty are entered at the earliest possible opportunity. Parramatta Jail in New South Wales has reopened. How long will it be before Fremantle Prison reopens? We know today that the Attorney General has made provision to house female prisoners from Bandyup Prison at Nyandi Detention Centre. Nyandi Detention Centre was closed because it was deemed inadequate for the purpose of housing prisoners. What is the Government's agenda? Is the intention, as set out by the Premier in today's media, to have tougher sentences for more people, or is the intention, as per the Attorney General's rhetoric, to have real accounting by judges for the penalties that are imposed?

Mr Prince: We are reflecting the fact that many people wish to see tougher sentences in some matters.

Ms ANWYL: Is that the agenda in the legislation?

Mr Prince: That is part of the agenda.

Ms ANWYL: When will we see it? The legislation which is before Parliament today does not state that, does it?

Mr Prince: No, it does not. This is the framework from which regulations follow.

Ms ANWYL: When will the regulations follow?

Mr Prince: I cannot answer that question now, but I will find out. I will try to include it in my reply.

Ms ANWYL: We are departing from the long standing practice of setting out tariffs of penalties in the Criminal Code and other pieces of subordinate legislation.

Mr Prince: I do not think that they would put tariffs in the Criminal Code. They state maximums and minimums in most of our legislation, and in some of it we have mandatory minimum penalties. Tariffs have largely been established by the courts at Magistrate, Supreme Court and Appeal Court levels.

Ms ANWYL: I am fully aware of what tariffs are. In fact, we could use the words "tariff" or "range". The reality is that the Criminal Code has been used forever to set down penalties and maximum penalties. Parliament, by way of regulation, will now impose ranges of penalties.

Mr Prince: Yes.

Ms ANWYL: Does the minister consider that to be desirable?

Mr Prince: A regulation is a public document which is laid on the Table and is subject to debate and disallowance. That is a perfectly public process.

Ms ANWYL: As a former legal practitioner, the minister endorses the notion that Parliament should set -

Mr Prince: I still have a practising certificate.

Ms ANWYL: The minister still practises as a lawyer. He endorses the notion that Parliament, by way of regulations, should provide for sentences to be served.

Mr Prince: In a general sense by reference to "offence", yes.

Ms ANWYL: Which offences will be included in the regulations?

Mr Prince: Hang on. Whether it be the Misuse of Drugs Act, the Road Traffic Act, the Criminal Code or any other criminal legislation, we have always specified maximum and, in many cases, minimum sentences. That is what Parliament has done since the code was passed in 1893, and consistently with legislation since.

Ms ANWYL: That is not done with the more serious offences in the Criminal Code. Will we have regulations relating to murder and home burglary?

Mr Prince: They are already there.

Ms ANWYL: Does the minister suggest there are regulations for murder?

Mr Prince: They are not in regulations in a sense. However, the minimum sentences available for murder and wilful murder are set out in the Sentencing Act. It is a rewrite of what was there previously.

Ms ANWYL: It is not a regulation, which undergo a different legislative process from Acts of Parliament. If one wanted to amend the penalties for the offences picked out by the Premier of car theft, home invasion and violent crimes against

people, they are provided for not by way of regulation, but legislation. We had a lengthy debate this year on whether increased penalties should apply to particular offences. For the minister handling this legislation to suggest that this is not unprecedented is incredible.

Mr Prince: I come from the background that the Act or the regulation made under the authority of the Act are both part of the legislation. One is subordinate to the other. Both are public documents and open for debate. Regulations face disallowance in this or the other Chamber. They are disallowed unless they are approved. It is using a legislative process in a way perhaps not used before.

Sitting suspended from 1.03 to 1.30 pm

Ms ANWYL: Parliament is entitled to know in a clear fashion the Court Government's exact intention with this legislation. We have heard that it is intended to introduce tougher penalties for certain offences; however, this legislation will not do that. We have heard that it is intended by regulation to increase the amount of time spent in jail for certain offence; however, we do not know which offences are under consideration or the length of time to be involved. I hope the minister's reply will enlighten Parliament on these matters. As a member of this place, I would like to know the Government's intention. Am I to believe the Attorney General or the Premier, who are clearly at odds on this matter? In fact, it is in the public interest that a clear position statement be made on sentencing in this State.

Regarding the motivation for the legislation, an unprecedented report was made to Parliament last week by the Chief Justice on behalf of all judges of the District and Supreme Courts on the sentencing matrix. It was a unanimous report on the Sentence Administration Bill from Supreme Court justices. The Chief Justice outlined that for the last 20 years, Western Australian has been the toughest sentencing State in Australia, and I do not see any evidence to the contrary.

Mr Prince: The Northern Territory has always had that mantle.

Ms ANWYL: Does the minister disagree with the Chief Justice?

Mr Prince: Among the States, Western Australia is now the toughest.

Ms ANWYL: During the past 20 years, this State has applied the toughest penalties of all States. The Chief Justice indicated to Parliament that the average penalty for armed robbery increased from four years' imprisonment in 1996 to four years five months in 1997. The penalty for home burglary increased from 18 months' imprisonment in 1996 to an average sentence of two years' imprisonment in 1997. Statistics also outline that about 67 per cent of those offences attracted a penalty of imprisonment.

We have heard the rhetoric from the Premier about putting more people in jail for longer periods for certain secretly designated offences. On the other hand, we heard the rhetoric from the Attorney General that the legislation is not about that at all. The minister is the meat in the sandwich between the Premier and the Attorney General. He must inform Parliament about the truth of the legislation. He must make that clear before we go to a vote on this stage of the Bill.

Mr Prince: Why - are you going to vote against it?

Ms ANWYL: No. The minister must make it clear because he is accountable to Parliament and the people of the State. I want to tell the people of Kalgoorlie-Boulder the truth about the legislation. I want to outline what the Court Government intends. I want to tell people to forget the articles in *The West Australian* reporting the Premier arguing with the Attorney General.

We now have overcrowded jails in this State. Women are being moved from Bandyup to Nyandi, probably as I speak. The New South Wales Government recently reopened Parramatta Jail. How long will it be before the Fremantle Prison will be reopened to cope with the demands on prisons? No-one seems to be in dispute that one feature of the legislation is its aim to put more people in jail. We know our prisons cannot cope. The report of the Ombudsman tabled last week indicated an unprecedented number of complaints by prisoners, many of whom are on remand. There have been 16 deaths in custody in the last financial year, of which 12 were from suicide and a further four from drug overdoses. We know there has been an increased rate of fatal overdoses among people leaving detention centres or prison. Young people are particularly targeted in that sense.

Mr Prince: Can you explain that? People released from jail who go back to using heroin at the same rate of use before going to jail, almost invariably overdose as their tolerance is reduced from the level before entering prison.

Ms ANWYL: Many maintain their habit in prison.

Mr Prince: Availability is significantly less in prison than on the street.

Ms ANWYL: That is debatable.

Mr Prince: It is the case. I said tolerance is lower - not nil - and when people return to the same rate of drug use, they overdose, and some die. You went on to say that young people are being targeted. What did you mean by that?

Ms ANWYL: I meant that this was a problem not only in prisons, but also in juvenile detention centres. "Targeted" was not a good choice of word. I meant that they are over represented in statistics on heroin overdose. In the under 25 year age group, many people who are released overdose. The profile of a man who overdoses on heroin is aged 30 to 35 years. However, a significant number of young people are overdosing following some period of imprisonment or custody in a juvenile detention facility.

I am indebted to the Standing Committee on Estimates and Financial Operations for the figures I now cite. In 1997-98, the prison muster was 2 255 people, and it is now already at 2 641 and increasing all the time. Therefore, it is not unreasonable to suggest that, some time soon, we may need to talk about reopening Fremantle Prison. The number of inmates held on remand and sentenced prisoners is rising sharply. We know from the Chief Justice's report that as a result of this legislation, it is likely that more people will be imprisoned. Members should bear in mind that for the last 20 years, Western Australia has had the highest imprisonment record of any State in Australia. Let us consider who is in prison.

The report of the Standing Committee on Estimates and Financial Operations shows that about 1 per cent of the male prison population and 5 per cent of the female prison population are in prison for failure to pay fines. About 10 per cent of the male prison population and 7 per cent of the female population are classified as mentally ill. I ask the question which is not disclosed by statistics: How many are classified as intellectually disabled? There is a high percentage of intellectual disability in our prisons. About 25 per cent of all prisoners are on court-ordered drug and alcohol programs. I would say this is an under-reporting of the statistics in reality because we know from a huge range of criminological research that the number of people who are intoxicated with alcohol or another drug while committing an offence is closer to 70 to 90 per cent. About 75 per cent of all prisoners have completed only primary school education. About 31 per cent of all adult offenders and 46 per cent of juvenile offenders will re-offend and re-enter prison within two years of their release. It is yet to become clear how anything that is contained in this legislation will alter that recidivism rate. Most importantly, one-third of all prisoners held in Western Australian prisons are Aboriginals.

It is clear from the Chief Justice's report that was delivered to the Parliament that this legislation has not been properly thought out. We know that the Attorney General is directly responsible for the failure to collect and publish sentencing statistics. The Chief Justice makes it clear that for at least seven years, these statistics have been requested. Since the Australian Bureau of Statistics stopped publishing these statistics almost eight years ago, there has been a great deal of difficulty finding out exactly who are in the prisons. All members of Parliament are united in a desire to see less crime. We are all cognizant of the terrible effects that crime has on the victims of crime, both economically and emotionally. We are all cognizant of the real fear that currently exists in the community.

However, I return to the concept of truth in sentencing which we should put aside so that we can get some truth in Parliament for a short time. The minister has yet to answer my questions. The Chief Justice in his report makes it clear that there does not appear to be a great disparity in sentences, considering the number of appeals in the State. Bearing in mind that either the prosecution or convicted persons can appeal, in 1997-98 there were 32 appeals against sentences in the Supreme Court, 78 in the District Court and only three in the Children's Court. Therefore, there is not a large number of appeals. The bulk of the appeals were dismissed - 25 in the Supreme Court and 56 in the District Court. That makes it clear in the mind of the Director of Public Prosecutions, who has the responsibility in this matter, that not many appeals are being upheld against the severity or leniency of sentences.

The Chief Justice makes it clear in his report that there was absolutely no attempt by the Attorney General to consult about the concerns. His report states -

> Prior to the introduction of the legislation the Hon Attorney General did not raise with the Chief Justice or the Chief Judge of the District Court any concerns regarding any alleged inconsistency in sentences imposed either generally or in particular. None of the concerns expressed in the Second Reading Speech by the Hon Colin Barnett MLA on Friday 30 October 1998 other than matters relating to remission and parole have been raised with the Chief Justice or the Chief Judge.

This causes me great concern as a member of Parliament. This legislation is extremely radical in its intent. As I said, we are still not clear whether we should believe the Premier or the Attorney General about the intent of this legislation. However, the minister handling the legislation made it clear a short time ago that it is intended by way of regulation to increase penalties for certain offences. We do not know which offences yet; but we will find out when these regulations come to the Parliament.

Mr Osborne: Watch this space.

Ms ANWYL: Watch this space! If it is intended to do that, some detail should be available to the Parliament at the time of considering the framework for these very radical changes to our system. However, that has not happened. In the context of that scenario, it is disturbing to note that this alleged disparity of sentencing has never been raised with either the Chief Justice or the Chief Judge. That is because there is no real disparity in sentences being handed out in our courts. Any practising lawyer will be able to point to the tariff system from which, notwithstanding the failure of this Government to

organise statistics to be properly collected, one can glean a very real parity of sentencing handed down by the courts in this State. That failure to consult is of great concern.

There are some particular effects of the matrix which members of Parliament have not yet thought about. As a country resident, one of those concerns is the effect on country courts. We do not have access to courts in Kalgoorlie-Boulder as we would like. There is a frequent juggling act between the higher criminal courts, the Family Court and other courts that must use the existing facilities in Kalgoorlie-Boulder.

Mr Prince: It is exactly the same in Albany. I know what you are talking about.

Ms ANWYL: I suspect that it is exactly the same right around the State with perhaps the exception of Bunbury.

Mr Prince: Bunbury, as usual, has the Rolls Royce.

Ms ANWYL: That is right. There will be a real problem in who will have access to the courts. There was an example in our courts yesterday when, because of the absolutely horrendous proposed changes to the workers compensation legislation, a large number of cases were lodged, as is quite proper, by workers who are about to have their rights unilaterally removed. That threw out the entire system for the District Court that was sitting in Kalgoorlie yesterday. A number of jurors had turned up at the court having taken days off work. It is not a pleasant thing taking a day off work in the mining industry. It is not seen as a great thing to do. The jurors turned up and were told unilaterally by the court's staff that they did not know what would happen and that they should go back to work. The problem with that was that at 9.30 am they had already missed several hours of their shifts. That gives members an insight into the delays and how they affect the wider community, not only those who are to be sentenced. The delay in administering the system is also something that has been raised by the judiciary. I hope the minister will address that matter when he responds. If he does not think there will be any delays, will he please make that clear for the record.

Mr Prince: To some extent the changes are aimed at the players.

Ms ANWYL: I have a very limited time and I would be obliged if the minister would respond in his speech.

The legal aid system is already an unmitigated disaster in this State. Our current Attorney General has presided over an extreme cut to legal aid resources in this State as they are doled out by the Federal Government. It was stated in a report tabled this week or last week that the Legal Aid Commission of Western Australia has had a $1.3m deficit in the last financial year. We all know from our own electorate work that many people who need legal aid are not able to access it. The Attorney General has presided over a situation which has allowed Western Australia to become the most disadvantaged State in the Australia in accessing legal aid resources. There was a greater cut to Western Australian resources pro rata than to any other State.

Mr Prince: I seem to recall he was very public about that, too.

Ms ANWYL: The trouble is that we are now experiencing problems with that. With a $1.3m deficit, goodness knows what the deficit will be when this legislation is enacted.

Judges give reasons for their decisions. I do not know how many members of Parliament have ever read any of those. However, they give precise reasons for their decisions.

Mr Prince: I suspect some of us would have. However, if one relied upon the popular media - I do not single out any of them - one would suspect that they very rarely gave reasons, or if they did, they were very brief.

Ms ANWYL: I do not rely on the media for forming opinions. Even better than that, I prefer to rely on evidence. As parliamentarians, we have a job to enlighten the community about the way that the judicial process works. The fact is that judges give reasons, and they are not engaged in a purely mathematical exercise when it comes to sentencing somebody; they are engaged in an extremely specialised and highly regulated exercise; that is, to look at each person who comes before them. I quoted to the House previously that there had been increases in penalties that are handed out. Members should bear in mind that this State is the top sentencer in Australia. Between 1996 and 1997, the average sentence for armed robberies has increased by five months, and the average sentence for house burglary has increased by six months. We can keep upping these sentences.

I am indebted to Hon Mark Nevill for providing me with this quote. I think one of the clearest ways of summarising this that I have seen comes from the comments of Lord Bingham of Cornhill, who was the Lord Chief Justice of England and Wales. He was giving evidence to the House of Commons Select Committee on Home Affairs, and he said the following in relation to the very issue that we are confronting as a Parliament -

> Given the temper of our society in the last five years, I do not find it surprising that the prison population should have increased by 50 percent, reflecting the more ready resort to custody by sentencers and an increase in the length of sentences imposed. The tenor of political rhetoric has strongly favoured the imposition of severe sentences; this rhetoric has been faithfully reflected in certain elements of the media; and judges accused of passing lenient

> sentences have found themselves routinely castigated in some newspapers. Against this background judges have, understandably, sought to avoid the unwelcome experience of passing sentences which the Attorney General has sought to refer to the Court of Appeal for being unduly lenient. So we have the extraordinary paradox, that judges and magistrates have been roundly criticised for over-lenient sentencing during a period when they have been sending more defendants to prison for longer periods than at any time in the last 40 years. The increase in the prison population is not explained by any recent increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion.

The figures contained in the Chief Justice's report reflect that that is exactly what is happening in Western Australia. Unfortunately, I do not have time to provide some further analysis of what will happen in this State if we continue down this road. What is clear, though, is that the legislation which is now before us will not of itself mean that people will receive longer sentences. In order for that to happen, this Government will have to make it very clear whether it wants to do that. It is setting up a process whereby that can occur, and it is setting up a process whereby certain offences may or may not be regulated further in this Parliament, at the whim of Government by setting down particular lengths of sentences that the Parliament would like to see imposed.

That goes against some longstanding traditions in terms of separation of powers. There is real disquiet in the judicial community about how this will occur and what impact it will have. If one returns to the fact that we are already spending about $150m a year in this State on prisons, we will have to find more and more money to do that. I suggest the first place that money will be found will be by detracting from the preventive programs we clearly need. We know that in our prison community, about 75 per cent of all prisoners have completed only secondary school. These sorts of problems will be compounded by this legislation.

MR BRIDGE (Kimberley) [1.54 pm]: This legislation is another example of a theme to which I have referred on countless occasions in this Parliament; that is, the system has lost its way, and as a consequence of that, the issues of the day are completely out of control. This is a Rambo form of trying to deal with the issue which is not going to work. How unbelievably stupid is it for us to stand here and talk about the wisdom or the practicalities of this legislation when we know that this State has the highest imprisonment rate. This State is referred to as having the toughest penalties, yet it is because of the problems that we associate with those measures that we are increasing the severity of penalties, thus making the imprisonment rate even higher. What kind of brains do we in this Parliament have, when somebody is so stupid, so ill-informed, so impractical as to put a piece of legislation like that into a place as important as the Parliament and expect us to cop it? However, I imagine it will be copped, and the reason that it will be copped is that it is a game plan.

This is not a serious endeavour; this is a political stunt by those who are going to participate in this exercise to pretend that we are tough people, that we will not allow these offenders any more latitude than they have had in the past, and we will show them, by the might of our intent, how we will deal with the problem of crime. However, we know that that will worsen the situation, not improve it. Therefore, the community at large which believes that we are here to protect its position is being fooled by us. This is a matter of principle, and we have run right away from it. This is not a matter of procedure. We currently have significant sentencing provisions and penalties, yet this legislation is calling on us to elevate those penalties beyond the highest ratio of any State in Australia. What a farce!

The minister referred in his second reading speech to greater accountability in sentencing. I would have thought that if this State has the highest ratio of imprisonments and is handing out the stiffest penalties in Australia, that system is working pretty well.

The other matter to which I object is the statement that this legislation gives the Parliament a greater measure of control over sentencing. That is the most indecent, immoral claim to fame that any human beings could present in this community. It is sheer gall of us to say that we have a right to interfere in the sentencing processes in the court system. This legislation is unbelievable. Members of Parliament always say that they will not interfere with this matter or that matter because of commercial confidentiality - it is to do with the private sector or something else - yet we have the front to get up here today and say to the people, and ourselves, that we claim the right to influence the sentencing provisions. We are putting the very lives of people in our hands. We are not qualified, not trained, not skilled in the execution of the plan, yet we have the gall to say that we will have a bit of the action plan.

This legislation is wrong. The principle has been absolutely ignored. I am one person who will not have a bar of this legislation.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on next page .]

[Questions without notice taken.]

BILLS - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Dangerous Goods (Transport) Bill.

2. Dangerous Goods (Transport) (Consequential Provisions) Bill.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Suspension of Standing Orders

On motion by Mr Barnett (Leader of the House), resolved with an absolute majority -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith with a motion relating to the membership of the Joint Standing Committee on Delegated Legislation.

Appointment of Member

On motions by Mr Barnett (Leader of the House), resolved -

> That consequent upon the resignation of the member for Girrawheen from the Joint Standing Committee on Delegated Legislation, the member for Cockburn be appointed in his place; and that the Legislative Council be acquainted accordingly.

SENTENCE ADMINISTRATION BILL

Second Reading - Cognate Debate

Resumed from an earlier stage of the sitting.

MR BRIDGE (Kimberley) [2.41 pm]: Before question time, I was speaking directly to the principle of this legislation. I will return to that briefly. I will then refer to the core problems we face and outline what I hope are solutions to change the circumstances in which we are caught as a society without necessarily following the legislative path. It must be understood by all members that a principle is at hand. It is not difficult for people nowadays to get into trouble. Society faces great pressures which cause people generally to find themselves in circumstances in which they did not necessarily want to be involved; this can conceivably lead to people becoming caught up in situations leading to arrest and a period of imprisonment. It is not hard for any of us to get into trouble in this society.

We are considering with this measure the young children I observed in the public gallery during question time. We are contemplating the appropriate way to deal with them if they should be victims and get into trouble. We have had some degree of protection from these social pressures during our lifetime and in the positions we occupy. However, many people in the community do not have that protection. They can conceivably be innocent victims of a dangerous process. That is the principle at hand.

This State has the highest imprisonment rate in the country, with the stiffest penalties. We deal with circumstances of increased pressures which lead people into trouble by increasing those very pressures. How crazy and unbelievably stupid can we be to believe that such an approach offers some solution to the problem? It is outrageous! It puts members of Parliament in the Rambo category. We say, notwithstanding those facts, that we want a handle on how the judiciary contemplates these processes. We want some control over what the judiciary believes to be an appropriate course of action. The judiciary are trained people working in difficult areas of obligation and responsibility. Nevertheless, untrained so-called adjudicators want a handle on that process.

We also want Parliament to buy into the potential lifestyle and futures of thousands upon thousands of young and not-so-young Australians. As a principle, that is not our place. I will have no part of it. I will never put myself in the Rambo category, which is what this legislation represents. It is crazy. It is parliamentary "Ramboism", if there is such a word.

Mr Pendal: There is now.

Mr BRIDGE: If I have created a new word, I am glad. It is parliamentary "Ramboism" to attempt to place a handle of control over the judicial process. Do we legislate to empower untrained and unqualified persons to have a handle on how the judicial process may operate, and inflict this on the citizens of our State? That is not for me. I never will be part of it. As long as I stand with my R.M. Williams riding boots holding me upright, I will not cop that disgraceful and unprincipled conduct by human beings pretending to be sufficiently well-equipped to take on that responsibility. I am dead against the principle of this measure, to which I will not be party.

However, I do not walk away as a coward and leave the issue and citizens unchecked. On the contrary, I take a stand which will give hope for a community removed from the enormous shackles of this proposed criminal structure. There is a reason for contemplating the legislation, as wrong and immoral as it is; that is the government system is as much an instrument of

this problem as anything else. I give an example supporting that statement. Over 12 months ago, I brought to the Premier's attention a plan proposed by a group of Aboriginal people. They suggested a way to deal with these issues without increased incarceration. The Premier liked the plan so much that he gave directives that government should respond and seriously consider the proposal. As far as I understand, the Premier remains of that view today. I know that to a large extent the Deputy Premier has been interested in the concept. However, as a result of bureaucratic bungling within the government system, it is a year since that approach and sweet nothing has been done to advance its process. That is not because of a lack of political will or practical need. That plan has faced entrenched obstinacy in the bureaucracy, which has said, "The game plan came from beyond us, and we don't like it." I liken it to the attitude to my water scheme. In the early days, the then Water Authority did not like the pipeline scheme I advocated and it bucketed it every way it could; in fact, the present corporation continues to do so. That is not because the idea is impractical. Rather, it is because the idea came from beyond the four walls of that office, its computers and the bureaucracy's think tanks.

The same situation applies on this issue. Governments need not worry about producing this legislation. Forget about this process. Tell the bureaucrats of our government system that the ministers are the bosses with the power to deal with community needs. They should tell the bureaucracy to realise that as long as it retains its obstinate attitude, believing it has all the answers with which it strongly perseveres, we cannot put practical solutions in place.

I will outline for members a practical solution during the last seven minutes of my speech. It will be diametrically opposed in its application to legislation which calls on us to introduce tougher laws and penalties so more people will be placed in custody. The reverse is the way forward. We must get that human factor out there working resourcefully for the country if we are ever going to cut back on the crime rate. We will never cut back on the crime rate while we are putting more people in jail. It does not work that way. Therefore, the answer must be a practical approach to the orderly reduction of the imprisonment ratio in this country to the population in the broader community. There is a disparity which is all false, all wrong, and it is causing us to continue to experience these difficulties.

There is a community plan. I refer to the proposal that the Premier and I have talked about during the past 12 months. It has gone to other ministers in this Government, so they are privy to it and aware of it. From what they have told me, they all generally like the concept. However, we are not getting anywhere. What we must do is get the Government to say that enough is enough. These creative ideas which aim to protect the broader community need to be supported. Therefore, let us rein in behind them and give them a go.

We will launch a scheme in the goldfields in the foreseeable future which will offer a solution to this problem. It concerns identified communities which have agreed to involve themselves in a work-style program in which people who would otherwise be continuously in prison will be directed into these areas of work under the supervision, the control, the discipline and the management of the communities. Certain areas of government have an obligation to be part of that managerial exercise, as well as other entities to which these programs would apply. Therefore, what we are effectively doing is taking these people out of the system, putting them into a career where there is hope and opportunity, and relieving the pressure on the prison system. We do not have to be talking about increasing the capacity of the prison system by building more jails and the like. We will be relieving the prison system by giving people meaningful tasks, thereby giving them the best chance of rehabilitation and a retrieval from the elements of crime, and at the same time gain the important human resource that the country needs so badly.

This country needs to follow that line of approach of getting its resources working for it so that Australia might in turn come to its senses and realise that at the core of this problem is the need for infrastructure development in this country. That is the singular area in which Australia has failed over the past 20 years or so. We simply have not had the means by which young people in the community could be gainfully employed in work programs. Therefore, how the dickens can they ever have any hopes or aspirations for the future? Most of them are unemployed, and in many instances they have little capacity to secure meaningful employment because no such programs exist. Because they find themselves in a hopeless situation in our society, they get into trouble, which is not difficult to do nowadays in modern Australia or the world. What do we do? We come down heavy on sentencing provisions and incarceration steps via the judicial process. How tragic it is that we, as a country, must resort to this procedure to deal with that set of circumstances. It is a perfect example of a nation that has lost its way. Because it has lost its way, it is not capable of finding the solutions that are necessary to deal with the problem, yet it is so basic, it is so practical, it is so logical that there are solutions and answers available to us. However, we will never arrive at a solution while the obstinate attitude of people in power continues to dominate the formulation and presentation of policy to government, and in turn to the Parliament.

As members of this Parliament, we are victims of a process about which we should not feel good. I do not feel very good about it. I do not want to be dictated to by people who do not know the practical solutions to these problems - people who, with their obstinate attitudes, rule, and they think they know best. They try to force us to support legislation like this. I am not going to be a part of that. They will not tell me what I can and cannot do. Whoever gave advice to the Government in framing this legislation was wrong. It is immoral. It is the action of a bunch of Rambo-style people, and we should not accept it.

MR PENDAL (South Perth) [2.55 pm]: I begin my contribution to the debate by saying that my own concern started with the second reading speech that was delivered by the minister in this place. I will quote several passages as a means of demonstrating that concern. One cannot dispute many of the attitudes expressed. However, I am a great believer in the view that words have a certain meaning, and that when people choose certain words, they know what they are doing in that choice, and that says something about the underlying attitudes that they bring to a debate. For example, very early in the second reading speech of the minister, we were told that the reason that the legislation is before us is to give Parliament more control over the sentences that will be imposed. The word "control" in that context bothers me. It bothered me when I read the second reading speech last week. That sense of concern is exacerbated when one reads the report to this Parliament by the Chief Justice which came a few days later.

In any debate of this kind when we are talking about judicial independence, it is a serious misuse of words to be talking about Parliament to a larger extent controlling the sentences that are handed down by the courts. It is an age-old debate. I am not suggesting that the courts cannot and must not be accountable. I would go further and say, as a layman, that I do not like the idea of the courts being accountable to the public. Why would one say that? On the surface, everyone should be accountable to the public. However, what concerns me arising out of that expression of view is that the courts should be responsive to the daily ebb and flow of public opinion, and I do not think that should be the case. The courts should be responsive to the legislation under which they work. By extension, that might also mean that the courts need to be more responsive to the legislators. As a matter of general argument, I have no difficulty with that either.

Mr Graham interjected.

Mr PENDAL: I would say to the member, both, provided the legislators are expressing a majority view via the Legislature. After all, that is our job. At least with Parliament making a considered expression of view over a period, we are more likely to extract from that the daily ebb and flow of emotion which should be absent from the processes of the court when it hands down sentences. I think, as a layman, that that is fundamental to our rule of law which states that we need a judiciary that dispenses justice and adjudicates in cases in such a way that it is somewhat removed from the daily drama and high emotion that very often skews the opinions of other people, including commentators or members of Parliament. I do not like the minister's emphasis in his second reading speech on Parliament's controlling sentencing for the reasons I have outlined.

I am one of those members who believe that we have a good case for putting a complete halt on the legislation, so it can be argued and considered over a longer period than might otherwise be the case. It is inevitable - I do not know the Government's legislative time frame for the Bill in the other House - that this Bill will go into the new year. We have been given a good reason that it should be halted. When the head of the judiciary in the State produces a report as damning as that which was produced and tabled by the Chief Justice just under a week ago, it is a good time to slow down the proceedings in order to absorb what he and his fellow judges have said. Ultimately, the decision will be made here and I acknowledge that. However, it is dangerous to respond to the Chief Justice and his fellow judges in a cavalier fashion which suggests that we have not given him and his associates the serious consideration that their arguments warrant. I will give members an example: Item 1.2 of the introduction of the report by the Chief Justice states -

> Some of the provisions of the Bills fetter the discretion of judges in a way that is inimical to judicial independence and which raises serious constitutional issues.

It does not concern me that the Legislature might ultimately do something to fetter the discretion of judges. However, the Chief Justice makes the distinction that fettering the discretion of judges - here are the important words - "in a way inimical to judicial independence" is a matter that requires us to stop in our tracks. The Chief Justice's report stated that the provisions that we are being asked effectively to rush through raise serious constitutional issues. No responsible Parliament in the world, against the background of the head of the judiciary delivering the message that there may be interference on serious constitutional issues, can abandon that plea and proceed at the pace at which we are being asked to proceed.

Mr Prince: Can you find in that report any detail of the constitutional issues to which the Chief Justice refers?

Mr PENDAL: No.

Mr Prince: Neither can I.

Mr PENDAL: That is the reason that the Parliament should slow down sufficiently to ask the Chief Justice what constitutional issues he is talking about. I understand the Chief Justice set out to send us a quick signal against a background of knowing that the legislation was going to pass quickly. The point made by the Minister for Police by way of interjection is the reason for us to slow down, not expedite the passage of the legislation. I go no further than a remark at the bottom of that page which states -

> The Ministry of Justice has failed to develop an appropriate programme to collect and publish sentencing statistics for the Courts and the public in a way that will help to explain sentencing.

That is not the first time that the bureaucracy of this State has failed to provide this House with the statistical data with which

we can make sensible decisions. I keep asking the Minister for Police how many home invasions occur in my electorate, how many people have been apprehended for those crimes, and what happens to them in the court system. I am consistently told that the Police Department does not know the answer to the third part of that question. To not know the answer to that part means that the Government and the Ministry of the day and the department and ministers operate in the dark. That seemingly unrelated issue which I raised about my electorate is borne out in the report by the Chief Justice in which he stated that the ministry has failed to develop an appropriate mechanism for collecting and publishing that data. That is another good reason for us to slow down and find out what the Chief Justice is talking about.

I share the concerns of people who have doubts about whether sentences are appropriate. Someone prepared a paper for me and delivered it to my office. I am not sure that they intended it to be put to this use because I cannot follow some of the arguments. However, in one instance there is a very challenging set of statistics about a magistrate's sentence imposing penalties on a person who was being put inside for home invasions. I picked up that matter because it is close to my heart for the reasons which I have mentioned. I think I have correctly interpreted that it was possible, at the magistrates level, that this person would end up with a sentence of 12 years for a series of burglaries, not taking into account remissions. One must agree that on the surface - even someone who has my attitude towards home burglaries - that appears to have been an excessive sentence for the 10 or so crimes which were committed. What happened on appeal? According to my information, the offender received 40 hours of community service. If those statistics are right, both ends of the scale got it wrong. At one end of the scale 12 years seems to be excessive, but at the other end the 40 hours of community service seems to be laughingly inadequate. I share with the Government that concern, which is an expression of wider community concern about whether our sentencing laws are getting it right.

Mr Prince: I find your example absolutely astounding. I would like to know the detail. I cannot see how one could have such a variation.

Mr PENDAL: The minister will notice that I have not referred to the judge, whose name I have, and I have not referred to the case details, which I also have. My point is to indicate the disparity which, if correct and I have interpreted it correctly, is wrong at both ends of the spectrum.

I want to put the proposition that notwithstanding that the Bill should be stopped in this place, I have given notice of an amendment. I know the argument will be made that there are sufficient options within the sentencing range at the moment to cover the intent of my amendment. Nonetheless, I intend to press the amendment, which I believe should be successful, in order to signal, as it were, with even greater clarity to the courts, our concern with the sentencing of offenders who offend because of their connection with heroin. I was astonished to learn that about one-third of current criminal prosecutions in Western Australia are the result of offenders' connections with heroin. As a layman and also a legislator it surprises and alarms me. I feel that it demands some action from me and the rest of the members here.

Mr McGowan: I would have thought that it would be more than that.

Mr PENDAL: Okay. I know of no addiction, perhaps other than alcohol, which leads people into as much criminal trouble in the court system as does heroin.

Mr Prince: Alcohol probably is responsible for more offences than heroin.

Mr PENDAL: Yes. I could be wrong but I imagine that alcohol produces a lesser level of criminal conduct than we see with the desperation relating to heroin. That is why I am seeking unashamedly to have my amendment linked to the naltrexone trials that are being undertaken in Western Australia. I do not know what else is working with heroin addiction. I have had some considerable dealings over the past few months with Dr George O'Neil. His methodology and reliance on naltrexone is one of the few glimmers of hope, if not the only one, that we have of getting on top of the heroin problem. If it is the case that by sharpening the focus via my amendment we are able in our own judicious way to remind members of the judiciary that we want to see a greater reliance on the sentencing option contained in my amendment, we will have gone some way along the path of achieving some relief of the problem.

Effectively, the way I see the amendment working is this: The judge or the magistrate would suspend any sentence pending the agreement on the part of the offender to do certain things that are outlined in my new section 49A; that is, to specifically agree to undergo treatment for heroin addiction, to submit to testing for heroin usage and to do a number of other things that are entirely consistent with the current sentencing regime as outlined in the 1995 Act. One might ask in that circumstance, why not let the current law take its path? I respond to that by saying - not pretending in any way to be an expert - that the current system is not working. It would appear to some people that the sentencing regime is not working. Certainly it appears to medical practitioners that the medical regimes that have been put in place are not working. What is the proof of that? The proof is the number of people addicted to this abominable substance who are reduced to nothingness and find themselves before the courts of this State. I am reminded of a remark made by someone in the pull-out "Big Weekend" of *The West Australian*, who made the point in a far more eloquent way than any of us could do here. Implicit in what I am talking about and implicit in the amendment is the need for us to get to the bottom of why there is this in-built bias against naltrexone. From newspaper reports in the past few years and from speaking to Dr O'Neil I am aware in a general way of

some of the difficulties over the trial conditions. That is not a reason for us to slow down; it is a reason for us to improve those trial conditions. If it is true that so many people are passing the test with Dr O'Neil, I am interested to know why it is that we are not putting a greater level of store on his methodology and that treatment. If his figures are correct, the Health Department must be wrong. The world of medical science and politics is absolutely studded with examples of blind spots on the part of so-called experts.

I have spoken at some length to the father of a young offender who found herself in deep trouble with the law because of more than a flirtation, indeed an addiction, with heroin. If parents believed that naltrexone is working, why is the application not being made in a more universal fashion? We are not really talking about some sort of psychological reliance that these young people have dreamt up. Even if that were the case, if it is working for those young people, it is very hard to see why it is that we are not making greater use and placing greater reliance on naltrexone. An article in *The Age* from Melbourne of Monday of this week states -

> The number of teenagers and women using heroin is increasing, with many naming heroin as the first drug they injected . . .

It is the first drug they have used; it is not a graduation, they go straight to the top shelf. The article continues -

> The research, by the Turning Point Alcohol and Drug Centre in Melbourne, has given a disturbing picture of heroin overdoses and changing patterns of use of the drug. It is based on information from ambulance officers.

Sometimes people look down their noses a bit on that information, and ask what ambulance officers would know, because they are not medical experts. They are probably not, but by golly they are the people who are out every night picking up unfortunate victims off the floors of public lavatories and out of gutters, so their appeal is worth listening to. I wonder whether members in this place have an appreciation of the scourge that heroin really is. We seem to be using the methodologies that used to be applied for alcohol addiction and for some of the lesser drugs.

Mr McGowan: Did you support the trial in Canberra last year?

Mr PENDAL: Some months ago I would have supported that trial. I have since spoken to some of these people, and I have some doubts. I will keep an open mind about it. Although some months ago I might have supported a trial under proper conditions, having spoken to some of the people who have been consumed by heroin, I am now less inclined to do so.

Mr McGowan: Has the member been to George O'Neil's clinic?

Mr PENDAL: No, I have not been to his clinic. I have met with him and spoken to him many times.

Mr McGowan: It is a worthwhile experience.

Mr PENDAL: I am sure that it is. No-one that I know of speaks ill of the man, but most of all those people who have been reduced almost to subhuman status because of heroin talk of him as though he is giving them the only glimmer of hope. People disparage him and say that one cannot be saintly and a bit odd and eccentric. History will show that the two go together. I have been taking an interest in history and there is a great nexus between people who have saintly qualities and those who are a bit off the planet.

In speaking to the broad matter, and on the amendment I have on the Notice Paper, it seems this might be the last chance for many hundreds of young people. I had a private conversation with the minister as to his attitude to my amendment. He said that it may be better placed under another statute, such as the Misuse of Drugs Act. I say that we should not wait to do that, because we have a problem with time, in that the sentencing legislation is before us now and it will be a long time before amendments to the Misuse of Drugs Act are dealt with in this place. In the meantime we might save five, 10, 50 or 100 lives.

Mr Prince: I do not object to the amendment.

Mr PENDAL: The more I consider the problem, the more appalled I am. I read a report which stated that 12 year olds in Australia are into heroin. The member for Joondalup interjected and confirmed that a rising number of people are injecting heroin as their first drug. As he said, they go straight to the top shelf. We do not have the time to wait until after the Christmas period, or for a new session. If something can be done, albeit in a small way, that will focus on the heroin trade and specifically request - it will do no more than that - a member of the judiciary to take into account the scourge of heroin by means of an amendment of the kind that I have proposed, we should at least see what happens. Every member of this House knows nothing ventured, nothing gained. Everything is worth trying if it is likely to close off the option of heroin. It appears that naltrexone is one of the few glimmers of light in this respect. I do not think the Bill should be advanced. However, if it is advanced, I ask the Government to take seriously the amendment I have proposed and to refocus the sentencing option that is implicit in it.

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [3.26 pm]: I support the Bill because the people of Western Australia and Australia are sick to death of what appears to be light prison sentences, and the early release from prison of people who have committed horrendous and heinous acts of violence, and crimes such as stealing and all the other

crimes that we read about on a daily basis. I was fortunate when I was growing up that an armed holdup was rare, and would probably occur only once a year. Now armed holdups occur several times in a night or day. Bag snatching was regarded as a crime committed by the lowest of the low. It was not contemplated by the average person, and was very rare. Again bag snatching is a daily occurrence in Western Australia, particularly targeting the elderly. Society has gone haywire. Some of the previous speakers said that we need to look at ways to remove people from society for longer periods than occurs currently.

I support the Bill on the basis that offenders will spend longer in prisons and rehabilitation facilities, where they can be brought to their senses so that they realise that crime is not the way to go. We need to increase the sentences for offences like car stealing, home invasion, bag snatching and armed holdups. The victims of bag snatching and violent robbery who have looked down the barrel of a gun or been threatened at the point of a knife get a life sentence. They do not receive a three- month, six-month or 12-month sentence because their lives are wrecked forever. Elderly people are frightened to go to the shops, and are always worried that these crimes could occur again. They can never be sure that it will not happen to them again. My younger brother sold his pharmacy at Beechboro because he got sick of looking down the barrel of a gun. He was being held up on a weekly basis, and he decided he had had enough and sold out. It is not fair that people who want to go about their legitimate business must sell up because of those circumstances. Business operators can take measures to combat the likelihood of robberies, but that costs money. People who are affected by armed holdups and bag snatching receive life sentences. Home invasion is also a serious problem, particularly if one is at home at the time. I have had personal experience of being asleep in my home when someone has broken into my house, knocked off some equipment and left through the front door. It gives one a shock. I am not too traumatised by that, but at the time it gave me a fright to think that somebody had broken into my house while I was asleep. Some people would be traumatised and have a lifelong problem with sleeping at night and so on if somebody had broken into their house while they were asleep. I have heard of people who were watching television when someone tiptoed in, grabbed a bag and shot through. It is not good enough and society has had enough. We want longer, harsher sentences. Some people say that we should bring back corporal punishment. That matter should be considered because when people are beaten up in home invasions a little retribution would not go astray.

Mr Graham: This is your chance. Stop talking about it. If you want to test it, move an amendment.

Mr BRADSHAW: I will consider that. It is time to examine those issues because people are sick to death of the anxiety and problems in society. It is a matter not just of retribution and longer sentences but of looking at the whole picture. The Government is looking at the whole picture and trying to work out ways to prevent crime from happening in the first place. Government members recently got together and put up positive ideas which are being worked on. I hope that shortly we will see prevention rather than people being put into prison. It is important to try to prevent such crime from happening.

I have always been a firm believer in trying to identify in the educational system people who will be at risk of committing crime. A teacher recently said to me that she could identify the students in her classroom who, either before or after they leave school, will be in trouble with the law for breaking and entering and all sorts of crimes. Obviously, it is possible to identify many such people. However, we will not identify them all and we will not necessarily deal with them successfully, but we must consider helping through the educational system people who do not achieve at school because they have learning problems. A recent survey showed that some people are not up to the standard that we would like. It is important for people to come out of the educational process with some self-confidence and motivation instead of being misfits who are unable to get jobs and take their proper place in society.

Of course, we must examine other matters to ensure that people have a solid background. Job creation is one such matter. As was pointed out by the member for Kimberley, jobs are a big issue for people who are involved in crime. It is unfortunate that, because of progress, many manual jobs which suited a percentage of the population have been replaced by machinery. In that respect the technological revolution is unfortunate. There has also been a mechanical revolution. Not long ago people shovelled sand or dug holes. Such jobs are becoming more scarce. Now one gets in a little digger or a ditch-witch. About 15 years ago there were no ditch-witches, diggers and so on. I support the legislation. We need to consider all relevant matters, not just sentencing, and I am sure that the Government will do that in due course.

MR GRAHAM (Pilbara) [3.34 pm]: I have two speeches that I wanted to make on law and order and sentencing-related matters, but I still have not decided in which order to make them. I have one speech to make in this debate and another to make in the general budget debate. Perhaps I will start with the point that the Government is seeking to convince the people of Western Australia that it is taking prompt action to deal with increased crime. As I pointed out last week, the Government has no-one to blame but itself for the outbreak or increase in crime. It is not open to the Government to argue that that is not the case, for two reasons: Firstly, in August this year when Parliament reconvened, the Governor's set speech stated that the Government was concerned and outraged at the crime level. In fact, it announced as its key initiative the establishment of a cabinet standing committee on law and order and thereby upped the political ante on law and order matters. It was clearly indicated by the Government that there was a political imperative to deal with law and order issues. Secondly, the 1998 annual report of the Western Australia Police Service makes it plain that the level of crime has increased significantly in nearly every category.

As I said in the House recently, at page 65 of the report it is stated that the WA victimisation range for each type of offence increased in 1995 compared with 1993. The last complete set of statistics shows that each type of offence recorded an increase of at least 18 per cent, with the highest increases being in respect of robbery, 46.2 per cent; attempted break and enter, 44.9 per cent; and motor vehicle theft, 36.4 per cent. The Government's answer in that debate was that although there has been an increase in crime, there has been an increase in the clearance rate, so we are significantly better off.

Mr Pendal: Not in South Perth.

Mr GRAHAM: Let me deal with the clearance rates because that point leads me to my next points. If one happens to indulge in burglary in this State, there is an 87 per cent chance that one will not be caught. If one happens to steal, there is a 77 per cent chance that one will not be caught. For motor vehicle theft it is 83 per cent and for damage, including graffiti, it is 80 per cent. We have simply to look at the figures and the legislation to see how quickly the Government has lost the plot on law and order. The aim and effect of the legislation is to bring about, the Government says, harsher sentences and to punish offenders. I would quote the second reading speech if I could find it, but government members will not dispute that that is their set piece. What is the point of increasing sentences - even if the legislation did that, which it does not - when we catch next to nobody and there is an 87 per cent chance of getting away with burglary?

Mr Pendal: Or 91 per cent in South Perth.

Mr GRAHAM: Or a 91 per cent chance in South Perth, as the member for South Perth consistently points out. A standing committee of this Parliament prepared a discussion paper on this matter. Without wanting to be offensive to the committee, given the amount of time it has taken to put out that paper, it is a rather lightweight and uncomprehensive document. It confirms the figures put out by the police on the rate of catching criminals. The effect of the legislation is minimal, despite the rhetoric of previous speakers. It applies only to the people who are caught and sentenced. The numbers are so small for those people that they are nearly a statistical aberration. On average, between 87 per cent and 90 per cent of offenders are not apprehended for any crime whatsoever. It is nonsense. We are talking about harsh sentences for people we cannot catch. Whose job is it to provide the aim and the effort to catch these people? The answer is quite simple: It is the Western Australia Police Force.

Mr Prince: It is the partnership of the police and the community in all its iterations. Do not lumber the police with it.

Mr GRAHAM: I am an old-fashioned person in this regard. I do not want a Police Service in this State; I want a Police Force, and I suspect most members of the community agree with my view. The mission statement of the Western Australia Police Service states that in partnership with the community - I accept what the minister says - it will create a safer and more secure Western Australia by providing quality police services. How does it do that? That is the mission statement. The home page on the Internet, not the 1997-98 annual report, states -

> Our core functions.
>
> What is our business?
>
> The core functions of the Western Australia Police Service through which we will seek to achieve our Mission are as follow:
>
> . through identifying and tackling its root causes; to maximise the apprehension rate of offenders and the clearance of crimes; and to promote community awareness of and contribution to crime prevention programs.

The first core task is the prevention, control and reduction of crime. Under those three major items are three points, the last of which is to promote community awareness. The first is to reduce the incidence of crime through identifying and tackling its root causes. The second is to maximise the apprehension rate of offenders and the clearance of crimes.

Mr Prince: Partnership with the community is not awareness. You are missing the point.

Mr GRAHAM: No, I am not. I could speak at length about community awareness, but I will not because I do not have the time, and this place is not built for it. I am happy to talk to the minister anywhere and any time about that. The fundamental role of the Police Service is to catch criminals. That is what the mission statement says. It is not doing it. The annual reports point out that it is not doing that. A select committee of this Parliament points out that it is not doing that. The answers to the questions I have asked in my electorate about the clearance rate of crime show that the Police Force is not doing it. That is the problem. With respect, that is clearly defined as the problem. It does not matter how it is it dressed up or how the Government comes at it for political purposes. I suspect that when the minister sits in his office and talks to the Commissioner of Police, he says, "Get the clearance rate up and go out and catch some people."

Mr Prince: We have a better clearance rate in Western Australia than that in the United Kingdom. We have a better clearance rate than that in Tasmania.

Mr GRAHAM: No; we do not compare with the United Kingdom, but I do not know the situation in Tasmania.

Mr Prince: It is 13 per cent and 20 per cent overall.

Mr GRAHAM: Let us take vehicle theft. The United Kingdom is leading Europe. It has taken the place of Kalgoorlie as the world's car theft capital. Members will remember the former mayor of that town carrying on about that some years ago. Sweden has a 90 per cent clearance rate of auto theft.

Mr Prince: How?

Mr GRAHAM: The minister and I should go over there and have a look, but we are not allowed to travel any more! What is happening in France?

Mr Prince: I am going to the United Kingdom at the end of January to consult on the issue of DNA.

Mr GRAHAM: There is nothing for the minister to learn in the United Kingdom. He should go to Sweden to learn how it achieves the highest clearance rate in the world for auto theft. France is close behind Sweden in that area; however, it has found that 30 per cent of vehicle theft is a result of insurance frauds, which immobilisers do not stop. I say this by way of an aside: For those people in this place, like the member for Wellington and others, who stand and advocate corporal punishment, bringing back the stocks and capital punishment, the debate on those matters ends with this legislation. This is their chance to put up or shut up. I do not believe in corporal or capital punishment. In fact, I am strongly and vehemently opposed to it. If those members want to continue the public debate on this matter with any degree of credibility, the debate on this legislation is where they should do it. If they do not do it now, they will be seen as nothing more than hypocrites, and they deserve to be condemned for it.

Mr Shave: If we had a referendum and 66 per cent of the public supported it, what would you think?

Mr GRAHAM: If we had a referendum on this issue and 99.9 per cent of the people voted for capital punishment, I would oppose it.

Mr Shave: Therefore, they are all wrong and you are right. Are you not elected?

Mr GRAHAM: If we had a referendum and all people voted for corporal punishment, I would continue to oppose it because that sort of punishment is wrong.

Mr Shave: Therefore, if 99. 9 per cent of the people who elected you wanted it, as their representative are you telling me that you would not support their view?

Mr GRAHAM: There are some things in politics on which people should be prepared to lose, if they are fair dinkum, and that is one of them. I will not vote for corporal or capital punishment for two reasons: One is based on the simple humanitarian argument; the second has been clearly established, that the inevitable effect of either or both of those punishments in the penal system is an increase in violence. If the minister wants that, he should go for it; I do not.

Mr Shave: Other people cite examples that are different from your views. In Singapore the level of violence is not what it is in Western Australia.

Mr GRAHAM: Other people may well have different views. I have had this debate before, and I will not spend long on it. A good many years ago - too many; more than I care to remember - I was part of the peacekeeping system in Singapore. I lived there. I have watched Singapore grow. The very basis of the Singaporean system of law and order is subjugation of the people by the Government. That is not what I want in Western Australia in any way, shape or form. If the minister thinks Singapore has it right, and we have it wrong, he should look at how many people emigrate from Perth to Singapore every year, and vice versa.

Mr Shave: That has to do with numbers and with money. It is a lot cheaper to live here than in Singapore.

Mr GRAHAM: The minister should just look to see whether Singapore has it right. I merely throw down the gauntlet to the "rhetoricians" - that is a good word for the Hansard reporter; this is invent-a-word day - on corporal and capital punishment that this is their opportunity.

I will tell members of my experience with some law and order issues in the town I come from. In the speech I will give in the debate on the appropriation Bill later, I will address my comments to law and order, Aboriginal matters, the north west police stations and their staffing and budgets, and I will also deal with wardens. They are an intrinsic part of the whole law and order problem for those of us in the north west.

Mr Prince: Are wardens part of the problem or part of the solution?

Mr GRAHAM: Both, depending on which of the courses one takes in each of those variables. In 1988-89, Port Hedland suffered a severe increase in the level of crime. A series of initiatives were put in place aimed at dealing with the increase in crime. It is easy for city people to say, "But that is a country town and you can't do the things in a country town that work in the city." I will dispatch that notion instantly because, curiously enough, we actually copied, modified and implemented

many things from programs that worked with young offenders in Paris. We took six initiatives aimed at reducing crime. The first was targeted community policing. I put the key emphasis on "targeted" community policing. Initiatives were implemented by the community policing officer at the time that had an outstanding effect. However, along with other people, his major role was to identify the kids who were at risk or offending or both. We introduced activities for young people through the formation of a police and citizens youth club. That was initially remarkably successful and it then fell in a hole. Now, it is the current A.R. Bush award holder and is a significant organisation. The third initiative was the introduction of the first legitimate street patrol in Western Australia. The fourth initiative was a system of proactive policing by the police at the South Hedland Police Station. I will come back to each initiative that needs explanation. We established and ran a drop-in centre and a community-based education program.

Mrs van de Klashorst: When did you do that?

Mr GRAHAM: In 1989-90. I have mentioned the community policing and the PCYC. The street patrolling got huge media coverage. It was the precursor to the Yamatji Patrol that started up in Geraldton. Incidentally, we did that with a second-hand Toyota, 30 volunteers and about $15 000 of government funding a year and we provided a 24-hour-a-day, seven-days-a-week service in Port and South Hedland. The proactive policing that was implemented in the town was about getting the coppers out of the police station, out of their cars and on to the streets, an initiative that was not difficult to do. It required a big, ugly sergeant in charge of the station saying, "What are you doing in here? Get out." It was that simple. They were rostered to be out on the streets and not in the station. That initiative cost no money and is easy to implement. Anyone who goes to a police station at any time will find most of the coppers in the police station. That is not where they should be.

Mrs van de Klashorst: Is that up your way?

Mr GRAHAM: Everywhere. The Government has the view that police on the streets do not reduce crime.

Mr Prince: Nonsense.

Mr GRAHAM: It is not nonsense.

Mr Prince: That is not true.

Mr GRAHAM: I have listened over and again to the Commissioner of Police saying publicly that police on the streets do not reduce the incidence of crime and that we cannot expect the coppers to be everywhere. That is what the commissioner says and never once has he been corrected by the Minister for Police, and at the same time the Government is paying local authorities to patrol their local streets. That is why we have a Police Force. That is the very job that the police are put there to do. The situation being created with borough-based police forces with no powers is exactly the system that led Robert Peel to start the metropolitan police in the first place. It is exactly that system that Robert Peel sought to overcome by establishing metropolitan police with central funding, central control and central direction; not that I often advocate centralism but policing is one of the areas in which central resourcing works.

I would like to hear from the minister in his reply how those two views, of local government patrolling the streets and having a significant effect on lowering crime and removing the police from patrolling those same streets, are not just a direct transference of power from the State to local authorities. It is nothing more or less than that. In the suburb where my Perth house is, Mayor D'Orazio introduced a levy and street patrols. For the first time in my life I received a letter from an insurance company saying that my household insurance rates were being reduced because someone was patrolling the streets.

Mr Prince: That is right.

Mr GRAHAM: That is what the coppers are supposed to be doing. That is what the police do. That is what the commissioner argues - that the police will not stop or reduce the rate of crime by patrolling the streets. It begs the question: If having coppers out on the street in South Hedland and in the City of Bayswater reduces crime, why does it not work everywhere else?

Mrs van de Klashorst: Crime Stoppers has been going for eight years.

Mr GRAHAM: That is not where I am going. We started a drop-in centre which young Aboriginal kids who were not able to access any other facilities in the town were able to access. We provided them with facilities and resources to do things. There was no increase in crime on the way to or from the centre, as people suspected. It was generally looked after by the young people using it. The last initiative that we introduced was one of the best. When we accessed these young teenage kids, particularly Aboriginal kids, and said to them, "Look, at 12, 13 or 14 you should not be on the streets at 2.00 or 3.00 am; we want you to be back in the school system", they said, "Look, bro, I'm not going back to school; the kids I went to school with are smarter than I am now and I am not going back to sit in that classroom to be shamed by a teacher because I have not been to school for two or three years." When one sat down one-on-one with those kids, it came back to those two aspects every time. We started what was called the community-based education program which involved the Government of the day funding a teacher to deal with these kids one on one. A small group of us were involved in that program and we used our influence around the town to ensure that when these kids got their literacy and numeracy skills up to an acceptable

level, they went into the workplace and we found work for them. I accept that is more difficult to do in the city. However, that education program put any number of kids back on the right road when they were on the road to ruin.

I make this point about those six initiatives: The rate of crime and the number of crimes in South Hedland decreased by about 80 per cent as a result of the combination of those initiatives. It saddens me to say that in the next five years every one of those initiatives was demolished by successive government ministers. The Government of which I was part ceased the funding to the street patrol because the lowered crime rates no longer justified its funding. What an extraordinary thing to do! We put in place a crime prevention mechanism and then the Government cut the funding because it worked! What an extraordinary thing for any Government to do! Before those on the other side get smug -

Mr Prince: It is still happening.

Mr GRAHAM: I am critical of both Governments. The community policing, the PCYC and the proactive policing were demolished by this Government when it came into power. The community policing officer was withdrawn from Port Hedland. There is a report inside the police system and I recommend the minister has a look at it. It shows how to destroy a good officer. That is what the police and citizens youth club did to Constable Wells. The proactive policing went back to 80 per cent of the coppers working nine to five, and not working nights and afternoons when crimes are committed. The minister's Government did that when it changed. Nobody did away with the community-based education program. It never fitted any guidelines, so it just fell through the cracks in the floor. The minister's Government was given a submission, and it just never dealt with it. Of course, the woman was not going to continue working there for no money, so she moved on. The net effect of the removal of those six projects is that crime in Port Hedland has gone through the roof.

Mr Baker: The area has had a huge influx of young, single men.

Mr GRAHAM: Yes. However, that is an answer I often receive. I will deal with that, because it is a good interjection. The people who came into the town were, firstly, largely employed. Of the people who came in, 99.9 per cent were employed. They were employed by the biggest company in Australia that introduced an extremely hard drug and alcohol policy. I have been in the north for 25 years and I can tell the House that it is the cleanest construction job I have ever seen. In the old days they used to finish work on Friday afternoon and get on the grog, go to work on Saturday, drunk, on Sunday, drunk, and have Sunday afternoon scratching themselves. They would then get up on Monday morning and go to work again. The member has seen it, and I am sure he has defended many of them.

Mr Baker interjected.

Mr GRAHAM: That is right. These construction camps were not. The people who came in were largely employed, largely law-abiding, and largely sober in their habits. The problem with law and order in South Hedland particularly, and Port Hedland generally, is as it was in 1988-89. It is juvenile crime, and it is predominantly Aboriginal juvenile crime, with a sprinkling on top of Aboriginal people, homelessness and street drinking. I want to deal with those things in my budget speech.

My message to the minister is that his sentencing legislation is an interesting political exercise - the member for Kimberley said stunt; I am a bit more charitable than him - that we will look back on in a few years and say, "Ho, hum, so what?" Its effect on crime and law and order in this State will be minimal, if there is any effect. The problem confronting the Minister for Police - it is ironic that he would get the piece of legislation - is that nobody is caught. Perhaps that can be misconstrued and maybe it is not fair. I did not mean to say that we do not catch anybody. We catch the bare minimum number of offenders in this State. Therefore, the sentences that they receive work on the fringes. It is not the mainstream issue; the mainstream issue is how one catches, where one catches and when one catches offenders.

I will finish on this point, because I am critical of the police. I have a reputation of not being critical of the police and of working with them, in my community and Statewide. However, one cannot do anything other than look at their annual report and have grave grounds for concern about where Western Australia is heading. Their analysis of their performance indicators, which is another area, shows that the WA public does not feel safe in this State any longer. That is the police analysis, not mine. Their analysis is that the victimisation rates are increasing; their analysis is that the number of crimes is increasing; and their analysis is that the clearance rate for those crimes is improving marginally. That is a recipe for disaster and that is not an acceptable outcome for Western Australia. The two people to fix that are the Minister for Police and the Commissioner of Police.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.04 pm]: I support this Bill. However, I support it only because I know that this is just one part of a number of actions that the Government is taking to prevent crime. Crime prevention is not only about prisons or the justice system; it is also about prevention, diversion and the management of offenders. To prevent crime, we have to handle all three issues.

Let us consider this Bill and the prison section, which is the offender management section. A prison in most western countries is traditionally seen as the panacea; that is, people believe it will fix the crime problem because if we lock up an offender, that offender will not be able to offend while he is locked away. Of course, commonsense tells us that this is right.

However, if we think prison will be a deterrent, we know already that it will not stop offenders going back into the community and committing crimes. In Western Australia, the justice figures indicate that approximately 50 per cent of all people who are released from prison re-offend within two years - we call these people recidivists - and they usually end up back in prison. Therefore, have we really prevented them from committing crime by putting them in prison? We might prevent them from committing crime while they are inside jail, but they are not prevented from re-offending when they come out.

As I said, I support this Bill because I know that it will be a useful tool for us to use in the prevention of crime. However, it will work only if the prisons are used - I am talking only about the prison side of crime prevention at the moment - as a "time-out" to rehabilitate prisoners by assisting them to work on their life skills, so that when they are moved back into the community they do not re-offend. I acknowledge that some very violent criminals will never be rehabilitated. We cannot change the attitude of everybody in Western Australia. However, given the right programs, there are many people in the prison system whom we can help not to re-offend. I think the whole objective of crime prevention and prison is to stop a person from re-offending, even though many people believe that putting people in prison is an act of retribution for their actions. Of course, that is one of the reasons. However, I believe the main objective is help them not to re-offend.

A wide range of courses is available to prisoners in Western Australia. Some of these place strong emphasis on helping the prisoners. However, more emphasis has to be placed on giving prisoners the opportunity of undertaking these courses. Prisoners are able to undertake courses in literacy and numeracy. We know that the average prisoner in this State is illiterate and innumerate. Cognitive skills courses are available to help prisoners prepare for employment when they are released. Courses such as welding, panel beating, furniture making, upholstery, baking, catering and other industry skills are also available. Prisoners are also encouraged to enhance their sporting prowess. The juvenile justice prison system has placed emphasis on that as part of its rehabilitation programs. Social courses are also available. Prisoners are offered courses in art, craft, music, and life skill appreciation. Programs of a more specific nature are also available, such as anger management, sex offending management, anti-violence, drug and alcohol management, health assessment and assistance. In addition, appropriate cultural programs are available to our indigenous people.

Wooroloo Prison is connected to technical and further education courses. Prisoners are learning brick paving and carpentry skills for which they receive a certificate if they meet the criteria of those courses, which they can take into the community. We must ensure that the Ministry of Justice and the Government concentrate on enhancing the programs already available and provide other programs to prepare prisoners for moving back into the community. That is a must!

We should remember that very important point. The member for Pilbara hinted at the main aspect of crime in his speech. He talked about the programs he put in place in 1989 and 1990. He must be commended for that. However, he said that there is not a lot of change in his town now. By the time young men who are already in the criminal justice system and are part of the ethos of nuisance or worse crime get to their teenage years, it is almost too late to turn them away from crime. What the member for Pilbara did not do was look at the whole of the long-term crime prevention strategies.

Long-term crime prevention starts almost before birth or at birth. The Select Committee on Crime Prevention studied the Perry program in Detroit. It is an example of worldwide studies which show that preventing crime involves providing strong family moral values to children between zero and five years of age. I work in this area. I am pleased to be part of a Government which is innovatively working in this area, perhaps for the first time recognising this fact and, to use a colloquialism, putting its money where its mouth is. It is spending money up front on working with programs throughout Western Australia to try to capture some of these young children between zero and five years of age and their families by targeting crime prevention strategies. Therefore, it places emphasis at the front end for results which we may not see for 10 or 15 years. The member for Geraldton knows that the Aboriginal cyclic offending program in Geraldton has been running for about three years. It involves agencies moving to assist dysfunctional families.

Mr Bridge: That summary is excellent but that is totally contrary to what this legislation is all about. That is the problem.

Mrs van de KLASHORST: I am dealing with both.

Mr Prince: It is not contrary; it is complementary.

Mrs van de KLASHORST: That is what I said. The member for Kimberley missed the first part of my speech in which I said that I support this legislation only because those innovations are happening, and we need both together.

Mr Bridge: I hope you are right but I do not believe it. The principle of this legislation is amoral.

Mrs van de KLASHORST: The member had his turn to speak. It is my turn now, and my time is limited.

The Government is putting the emphasis on the front end of crime prevention. It is concentrating its attention on stopping young people of this State getting into the criminal justice system. Let us face it - if we are really honest, young people are getting into the criminal justice system at eight to 10 years of age. It is almost too late at that stage to get them out of it, and many of them end up as long-term criminals. The Government has announced the Safer WA campaign. This morning I was

at a Safer WA meeting. Among other subjects about which we spoke, we referred to extending the cyclic offender program to other areas in the State. The program has been extended to Midland and is starting to work there. This morning I was asked to be the chair of a truancy committee which will consider ways in which we can work with young truants and stop them roaming the streets and committing crimes.

There are police crime prevention groups. I am part of the Midland Police and Community Crime Prevention Group. On Monday we had a reward evening at which community members - not members of government agencies - were recognised. They are putting in their effort and energy because they feel they should work in the community to help prevent crime, especially with the young people in the Midland area. I cannot remember the exact number, but I think we gave 30 or 40 awards to local people, many of whom were Aboriginal because Midland has a large Aboriginal population. These people, in conjunction with the police and with government agencies, are being led by the police to work together in the community to do something about crime in their areas. Some emphasis is on the zero to five-year-old development programs. We know that this Government has introduced four-year-old and five-year-old education programs. This is all part of a crime prevention strategy. The Minister for Education in question time today referred to literacy. I asked a question about literacy in year 3 and asked what we will do to help children who do not achieve as well as some of the top children in the State. We need programs to increase their literacy skills before they reach year 5. Giving them those skills would be part of crime prevention. If we could improve their literacy, we would give them a better chance of not getting into the criminal justice system.

I will mention one or two programs I thought of in preparation for this speech. The Attorney General has organised a seniors program which involves seniors meeting and talking to young people who are at risk of getting involved in crime. These seniors model self-discipline, self-respect and respect for others. One of the many problems with young children who get into our justice system is that they do not respect themselves and therefore they do not respect others or other people's property.

Mr Prince: Or person.

Mrs van de KLASHORST: That is right. We have all seen Family and Children's Services' domestic violence advertisements on television. We have heard of the men's help line. They are part of another crime-prevention strategy. The list goes on and on. I could spend a lot of time talking about all of the programs that are in place.

Mr Prince: Carry on. You have stolen most of my speech.

Mrs van de KLASHORST: I am sorry about that.

Mr Prince: You are doing it better than I could, so please carry on.

Mrs van de KLASHORST: Many programs are being put in place in Western Australia. We cannot claim instant success for them now because success will be indicated in the future when there are fewer young people in the criminal justice system. Dr Fiona Stanley and her group are evaluating the Geraldton program to identify what works and what does not work so that when those children from dysfunctional families turn 10, 11 and 12 years of age and are not part of the justice system, the people involved can say whether it was a success. There is no quick fix. We must get myriad programs throughout Western Australia to try to solve the criminal problem. The police alone cannot do it. That is absolutely impossible.

There are 19 separate areas in Swan Hills. Chidlow is one town that has a problem with young people who are "messing up" in the evenings. The police take a long time to get there because it is a small town a long way from the nearest police station and other centres. We need to look at programs which will keep these young people off the streets. My mother told me when I was very young that "the devil makes work for idle hands". We must therefore provide positive activities in which young people want to be involved. They must cover a broad spectrum; one young person might want to play chess, another might want to be in a swimming competition, and yet another might want to ride bikes or skateboards. The whole of the community must work together to give these young people something to do so that they do not get bored and go out and do graffiti or steal a car.

We must remember that although this Bill is part of an attempt to solve some of these problems, it is not the complete answer. It will help us to help some people who are already in the criminal justice system, but the full answer to crime prevention lies in working with families and the community to help young people. All members of Parliament must realise that this Bill is only half the picture. They must work in their own communities by leading prevention strategies. In order to help them, I urge members to read the Select Committee on Crime Prevention report entitled "Making Western Australia safer - have your say". We would like members to have their say about our report.

MR BAKER (Joondalup) [4.19 pm]: I support the Bill. My comments will specifically deal with the sentencing matrix. I support the Bill for many reasons but the primary reason is two-fold; the community must have faith in the sentencing powers of the judiciary and there must be more certainty in the law of sentencing. The law-abiding members of the community expect certainty across the board in the policing and administration of justice in this State. There needs to be

more certainty in detecting and properly investigating criminal offences, in prosecuting and securing properly recorded convictions and in sentences and penalties. That way, if a person is considering embarking upon a career of crime, he knows what to expect if he is apprehended, charged, convicted and sentenced.

In a system based on a representative democracy it is vital that the community has faith in the administration of justice. Clearly the community, no doubt aided by the media, has shown a keen interest in the way the law of sentencing is administered in this State. The community is keen to see the law of sentencing become more certain, transparent and understandable over time. This sentencing matrix will go a long way towards achieving those objectives. As the minister outlined in his second reading speech, the sentencing matrix will be given effect in three stages. Each stage is intended to make the sentencing process more open, public and accountable and will enable the Government to publish statistics showing the sentences imposed and all the factors taken into account and the weight given to them. At present, a person interested in the sentencing process must go through various written and unreported judgments to reconcile reasons for judgments. It is important that there be a better understanding of the sentencing process. Any inconsistencies or perceptions of inconsistency should be rectified. I hope in due course that, through the use of this matrix, the public will have more sentencing information and benchmarks will be set.

The law of sentencing is separate and distinct but nonetheless related to other areas of the law. It goes hand in hand with criminal law but it has its own precedents, principles and theories - retributive, rehabilitative and deterrent theories of sentencing - and it is possible to appeal against sentences because of severity or leniency if leave has been obtained. There are also aggravating or mitigating factors. It could be argued that the judiciary presently works under a quasi-sentencing matrix system. In sentencing it is necessary to refer to the Sentencing Act to see if any sentencing criteria has been established in the body of the Act. The Sentencing Act 1995 is relatively new. Prior to some of its principles being incorporated in the body of the Act proper, we were largely guided by general principles of law or the law of sentencing at common law as it was generally known. Many of those principles have been enshrined in the Act, particularly in section 6 which sets out principles of sentencing. One of the key principles in subsection (1) is that -

> A sentence imposed on an offender must be commensurate with the seriousness of the offence.

That is a fundamental principle. It is trite law. Section 6(2) of the Act states-

> The seriousness of an offence must be determined by taking into account . . .

Followed by a list of factors. These are general factors such as the statutory penalties for the offence, the circumstances of the commission of the offence and any aggravating or mitigating factors. Sections 7 and 8 of the Act set out the aggravating and mitigating factors. Section 7 states -

> Aggravating factors are factors which, in the court's opinion, increase the culpability of the offender.

I am sure these factors reflect-

Ms Anwyl: They will be redundant after the matrix is passed.

Mr BAKER: Yes, but I am saying that we have a quasi-matrix system currently. There is no scorecard or numbers but a weighing process is effected during the course of determining an appropriate sentence for an offender given all the facts of his personal circumstances, the circumstances and seriousness of the offence and the penalties available. Another trite statement appears in subsection 7(2) as follows -

> An offence is not aggravated by the fact that -
>
> (a) the offender pleaded not guilty to it;
>
> (b) the offender has a criminal record;
>
> (c) or a previous sentence has not achieved the purpose for which it was imposed.

That might be seen as commonsense. In section 8 of the Act mitigating factors are described as -

> . . . factors which, in the court's opinion,

Also I hope in the opinion of the broader community -

> decrease the culpability of the offender or decrease the extent to which the offender should be punished.

Section 8(2) refers to a plea of guilty. It states -

> A plea of guilty by an offender is a mitigating factor and the earlier in proceedings that it is made, or indication is given that it will be made, the greater the mitigation.

Many other sentencing principles are taken into account. I have mentioned the key factors but many side factors are taken

into account. The first is whether the convicted person cooperated with the police. It stands to reason that cooperation with the police during the course of an investigation is a substantial mitigating factor. That is so for many reasons, particularly in circumstances where that cooperation has resulted in the suspect making a full and frank admission about his culpability or involvement in the crime. Also, cooperation means police time is not wasted. If admissions are made on key elements of an offence, police time is saved. Cooperation could also be seen as evidence of remorse or contrition. Therefore, cooperation during the police investigation process is a key mitigating factor in sentencing especially when it involves full and frank admissions to the offence for which the person is charged.

Ms Anwyl: Or other offenders.

Mr BAKER: Yes, as the member for Kalgoorlie said, the person's information and cooperation may result in other evidence coming forward and another person being charged. In many cases that person could not be charged if not for the information provided by an offender.

A more obvious mitigating factor is the guilty plea at the first available opportunity. That opportunity cannot arise until the person has been charged and has appeared in court. As outlined in section 8(2) of the Act, that is also perceived to reflect remorse, contrition and the like. Another mitigating factor is the need to protect society. The necessary and ultimate justification for criminal sanctions is the protection of society from conduct which the law proscribes. Punishment is the means by which society marks its disapproval of criminal conduct, warning is given of the consequences of the crime and reform of the offender can sometimes be assisted. Other factors taken into account are previous convictions, particularly for offences of the same character as the offence for which the person has been convicted.

It is possible to distinguish between offences relating to property such as burglary, robbery or stealing, and offences against the person involving assault, threats to kill or maim and other serious assaults. Another basic principle of sentencing law is that the sentence of imprisonment imposed by a court should never exceed that which can be justified as an appropriate sentence or what is proportionate to the gravity of the crime. It stands to reason that the proportionality factor is an important factor to take into account when determining the appropriate sentence or penalty. One example which members may be surprised to hear is that there is ample law to support the proposition that the conduct of a defence case cannot be taken into account when determining an appropriate sentence or penalty. In a classic case in a sentencing many years ago, a trial judge made some disparaging remarks about the way in which the accused person's defence counsel had attacked the credibility of the key prosecution witnesses. He referred to the character of the person who he said had made monstrous lying attacks on the integrity of the police engaged in the execution of their duty. The sentencing judge took that into account. However, on appeal the court of appeal said that was totally irrelevant, and behaviour of that kind cannot be sheeted back to the accused person and it was an inappropriate factor which the sentencing judge took into account when he determined an appropriate sentence.

Aboriginal offenders are a different kettle of fish altogether. Many different principles can apply to Aboriginal offenders. The general principles of sentencing apply, and the same mitigating or aggravating factors are taken into account. Sometimes the court will take into account that an Aboriginal person who comes from a non-urban background may be punished under Aboriginal law when that person returns to his community after being released from prison, or from the court. It would be unfair if an Aboriginal person is punished under our law and on returning to his community is punished again under Aboriginal law for essentially the same set of facts.

Mr Prince: I take issue with your use of the phrase "our law"; it is the law of the State.

Mr BAKER: It is the law of the State of Western Australia. Nonetheless, it is a factor that is taken into account and there are some cynics among us who say that we should wait and see whether punishment is meted out under that person's law. There have been many famous cases of Aboriginal people residing in the Northern Territory who have received lenient sentences on the basis that they would be punished when they returned to their communities, but when they did return, no punishment was meted out. That is something for defence lawyers. Myriad other factors include the totality principle of sentencing. In short, that applies in circumstances in which a person is convicted of two or more offences, and the trial judge sentences the offender for each offence. The judge imposes a cumulative or concurrent sentence. He then reviews the aggregate sentence and considers whether the aggregate is appropriate. That is also an appropriate principle to take into account. Given one factual scenario, it may be possible to divide or sever the facts to contrive a situation in which it could be argued that the person concerned has committed multiple offences. A reason for the application of that principle is so the totality of the criminal conduct can be considered, rather than looking at each offence in isolation and imposing separate and distinct penalties.

Another factor which is important and which applies only where there are co-offenders is parity of sentencing. It stands to reason that if persons A and B embark upon the same course of criminal conduct and cause the same harm to the community, by and large, and all other things being equal, they should expect to receive the same penalty or sentence. That is recognised as the parity of sentencing principle. There is also the parity principle in general which to a certain extent involves recourse to the law of precedence. In any given case it should be possible for a convicted person, the person's counsel or the public, to try to anticipate what that person will receive by way of sentence by looking at what other convicted persons received by

way of penalty. Myriad factors are taken into account, and sometimes it is entirely inappropriate to compare the different offenders, convicted criminals and the various sentences they receive.

Another aspect which is important is the tariff for an offence. If one refers to the statute law of the State which creates offences, the word tariff is not mentioned anywhere. However, in the interests of consistency, regard may be given to sentences imposed for offences of a similar nature to that which is under consideration. That can also act as a guide to determine what will be an appropriate sentence in a given case. The tariff principle is also relevant. A simple example of that would be a case involving the simple possession of cannabis. Let us assume it is a first offence and the quantity is small; and the convicted person alleges in his plea of mitigation that he possessed the quantity for his own use with no intention to sell or supply. In that case, subject to a spent conviction declaration being made, that person can expect to receive a fine in the vicinity of $100 to $150. Many other factors are taken into account, such as the effect on the family, whether the offence constituted a breach of trust - that is particularly so in property related offences where the person who stole the property is in a position of trust such as a bank teller, bank employee or senior manager in a company.

I have already mentioned cooperation with the police. Ill-health is also a mitigating factor, as is age, for obvious reasons. Mental disability is yet another factor. It must be appreciated that in many cases a convicted person's mental disability may have constituted at the time of the defence of insanity either temporary or permanent; or, for example, in relation to a charge of unlawful killing, it may have constituted what is known as diminished criminal responsibility, but that is also a mitigating factor as is habitual drunkardness, particularly where the person concerned is an alcoholic. That is also the case with crime related to heroin use. It is often the case that the sentencing court will take that into account and treat it largely as a health problem as well as a criminal problem because it is interrelated.

Emotional stress is also taken into account as a mitigating factor, and also the conduct of a person after the offence. They may have cooperated with the police or become model citizens, bearing in mind that in some cases many years can pass from the time of committing the offence to the time the person is brought to court, convicted and sentenced. The date of the offence can also be a mitigating factor in certain circumstances, although in matters involving child abuse etc, that has less weight. Another factor is the delay in the hearing. For many reasons there is a perception in the community that the administration of justice in this State and elsewhere takes many years; it seems to be too slow and there is an inordinate time between the date of the charge to the date of the trial, assuming the person has pleaded not guilty. That is more so in cases involving indictable offences. The other factor which should not be taken into account is the public concern factor. This bears a direct relationship to the perception of the need for the matrix.

I have read the Chief Justice's response to the draft legislation and associated legislation and I note that he purports to respond to each assertion made by the Attorney General when he first mooted the need for such legislation. One factor to which he referred and which interested me was that, when considering the appeal test - in other words, when considering appeals against sentence as a measure of dissatisfaction - he noted that the appeal rate was very low indeed. He said that in 1997-98 there were only 32 appeals and applications for leave to appeal against sentence from sentences imposed by judges in the Supreme Court, of which six were allowed, 25 were dismissed and one was varied. That might be the case, but, bearing in mind that the Director of Public Prosecutions has the conduct of criminal matters, it does not necessarily mean that those applications for leave to appeal against the leniency of a sentence truly reflect public concern about the issue.

We live in a democratic system, we are elected members of Parliament and we are told that our primary responsibility is to reflect the will of the people. We have heard that argument raised many times in the House when debating other legislation, most interestingly during a debate earlier this year which took several weeks. We cannot afford to pick and choose whether we want to run with the will of the people on one aspect of the law and not on another. At the end of the day, the people should decide what laws we have. If people are not happy with sentences that are being handed down and the range of penalties available to sentencing judges or magistrates, they should be allowed a more direct say in the system rather than sit back and wait for the next state election. That is one of the advantages of the proposed system. The matrix factors can be adjusted by way of regulation. They can still be debated and bettered in this place if some members oppose them, but it is important to try to assist in restoring community confidence in the administration of justice, particularly when it comes to the law of sentencing.

The member for South Perth foreshadowed that he would move another amendment. He proposes a new section 49A which, in effect, will empower a court to make a conditional release order requiring, in certain circumstances, a convicted person to undergo treatment for heroin addiction. It could be argued that, in any event, under the existing section 49, a sentencing court already has discretion to impose the conditions that were foreshadowed by the member for South Perth. Frankly, I agree with him; why not have a specific provision relating to heroin treatment, bearing in mind that the majority of crime, particularly crime involving violence in the Perth metropolitan area, is directly or indirectly related to heroin consumption? I will be interested to learn in due course whether the Attorney General will support the amendment, but I will certainly support in principle what the member for South Perth proposes to do.

Another interesting aspect of the matrix is that the first report of the Select Committee into the Misuse of Drugs Act 1981, which was tabled on 27 November last year, contains a unanimous recommendation supporting a sentencing matrix to be

used when sentencing persons convicted of offences under the Misuse of Drugs Act. I am not sure whether some members have changed their views on the issue since that time, but I thought that I would raise that point.

The member for Kimberley indicated that if the legislation directly or indirectly results in tougher or longer sentences being imposed, it will mean that the Government has failed in its duty to the community and that that would be an indictment of the Government. If one reviews the history of increases of penalties for any offences under statute law, be it the Criminal Code, the Road Traffic Act or the Health Act over the past 15 to 17 years, one notes that penalties increased markedly when the Labor Party was in office. Of course, for the large part of the Labor Government's period of office, the member for Kimberley was a cabinet minister. I raise that because his remarks today seem to conflict with what happened when he was a member of the Labor Government. If he says that there is no need for tougher penalties, to an extent he is advocating the need for lower penalties. It is remarkable that the mix that we have at the moment is right. It is terribly coincidental with the penalty thresholds, ranges, tariffs and so on that we have at the moment, particularly taking into account the law of parole. It is just smack bang dead-on. It does not have to go up; it does not have to go down; it is just dead-right. The member for Kimberley will agree that from time to time the community -

Mr Bridge: You said you were surprised that my remarks seemed to be contrary to my view then.

Mr BAKER: Compared with when the member was in government.

Mr Bridge: It might not necessarily be in conflict with the attitude that I always displayed.

Mr BAKER: It might not have been in conflict with the member's attitude or what he thought, but in terms of what he did and what he voted in support of, it certainly is in conflict. I accept that we all change with time, but I thought that I would make that point.

I support the legislation. I am not 100 per cent certain that it will have the desired effect; only time will tell. As I said earlier, we already have a quasi matrix sentencing system, although of course we do not allocate points. There are other overseas examples of the matrix being used. For example, a matrix grid or presumptive sentencing chart has been used in the United States since the mid-1970s. By 1997, 17 States in the United States had adopted a form of grid or matrix sentencing. Also, most matrices in the United States, in essence, consist of a two-dimensional table which classifies crimes by their severity along one axis and criminal records by their extent along the other axis.

I hope that the matrix that the Attorney General eventually drafts will be three-dimensional and that it will take many factors into account. There is a need for flexibility within the matrix compared with what I have seen of the US matrices. There should be greater scope in the grid of the kinds of penalties available. We would be foolish not to have a comprehensive mechanism to enable a sentencing court to devise new methods of calculating criminal history. There is no reason that we cannot propose a review in three years. I hope that the matrix also takes into account the various mandatory minimum penalties that exist under the statute law of this State. I assume that that would be the case in any event. I assume that where there are mandatory minima they will set the bottom line for the purposes of the grid.

As I mentioned at the outset, we are dealing with a sentencing Bill. I do not propose to make the usual speech that other members make regarding law and order, how to address the issues, how to address the causes of crime and so on. We are dealing with a sentencing Bill - the top end of the scale or the right end of the scale. The legislation is an interesting step in the right direction. Certainly, if the experience in the United States is anything to go by, in due course it should prove to be a success.

MR BLOFFWITCH (Geraldton) [4.48 pm]: I read the report of the Chief Justice of the Supreme Court. Like the minister, I was a little perplexed that, although the judge said that the measure was unconstitutional, I did not find out what the unconstitutionality of it was. What are we trying to do? We are trying to set a level of sentencing and some parameters on what Parliament thinks is fair for various crimes. All we are saying is that if the sentence is varied outside the legislation, the public wants an explanation. The member for South Perth gave an example. Members of the public are asking how there can be the same sentence when one person gets 10 years' imprisonment and another gets a 40-hour community service order for the same offence. All of us shake our heads when we hear of those sorts of discrepancies. We cannot influence the judiciary in its decision making, nor should we be able to. I am sure that if we could speak to the various judges, they would give myriad good reasons for the variations in the sentences.

Mr Prince: If you could read the reasons published in the media, it would help.

Mr BLOFFWITCH: It would allay many of the fears in the community. In most cases we cannot. We have heard examples of how the system is not working. The minister has said that under the law, parole does not apply to sentences of 12 months' imprisonment, yet magistrates in the courts in Geraldton have said that offenders will serve five months. The minister says that that cannot happen. I am saying that it can. Police officers have told me that is exactly what happens.

Mr Prince: A sentence of less than 12 months is not subject to the automatic one-third, one-third, one-third provision. If somebody is to be imprisoned for 11 months, that person will get a third off for remission, and serve two-thirds of that 11

months. When a person is sentenced to 18 months' imprisonment, that person will get one-third off for remission, one-third on parole and will serve six months. That is less time than the person who is sentenced to 11 months' imprisonment. It is crazy.

Mr BLOFFWITCH: I am saying that the people who are getting 12 months' imprisonment in Geraldton are serving only five months.

Mr Prince: That is right. If the sentence is 12 months or more, the offender is subject to the one-third, one-third, one-third rule. If the sentence is 11 months and 27 days, the offender will serve more.

Mr BLOFFWITCH: The example given to me involved the three-strikes legislation. A person had been charged more than three times and was automatically going to jail for 12 months. I said to the chief inspector that at least this bloke would be put away for 12 months. He corrected me, saying it would be for five months. I said that the offender could not be shown any leniency under the law. The chief inspector suggested that I check this case. I did, and I found that the offender served five months and 14 days, and then he was out of jail. Can the minister tell me how that works? It is no wonder members of the public are dismayed when they hear something like that, believing that these people have been sentenced for 12 months, that it is an appropriate sentence, and it turns out to be no such thing. Is it any wonder that we must look at the sentencing laws, change them and do something about that situation? I am confident that we will have huge public support for this legislation. I also hope that, instead of being negative towards the legislation, the judges will take the cue that the public expects some sort of consistency in sentencing. Perhaps the newspapers must take a more responsible role when they report on variations in sentencing, and provide the reasons for the sentence given by the judge. In that way, there is an explanation and perhaps then members of the community can be a little better informed than they are now. All the sentencing in the world and the changes that will be made under that legislation will affect only the people who are caught.

In Geraldton, over 7 000 people are involved in Neighbourhood Watch, a record in a regional area. We have a very good community policing network. On Monday, I was fortunate to attend the launch of the mid west Aboriginal education program. Basically it recognised that only 17 per cent of the Aboriginal kids complete years 11 and 12, compared with 70 per cent for the rest of the community. It looked at the achievements of Aboriginal kids in schools. The relevant groups worked out some strategies. These groups would be involved with the kids when they start school at four years of age. Members from all parts of the community attended that launch, including representatives from Family and Children's Services, the Department of Employment, Education, Training and Youth Affairs, the Police Service, school teachers and the superintendent of the school.

I am very confident that we will see some remarkable differences in these kids. Funding will be provided for this initiative in Geraldton. Two school teachers, Marcus Harrold and Brendan Blechynden, take care of the kids who do not turn up at school. Each week they pick up nine or 10 kids and take them to school and make sure they stay at school. They have worked out a reward system with these kids. Some people might ask why kids who do not turn up to schools are rewarded. I will explain how this reward system works. These two people asked the kids' teachers to work out a seven-star score card for each week. The kids get one star for turning up to school on time, a second star for paying attention in class, a third for completing homework, and so on. It is disciplining the children to turn up at school, to behave themselves and not be disruptive in class.

Mr Bridge: That is a commendable development that you are reflecting on. The problem that I have with this legislation is that I see it. as a matter of principle, totally contrary to that. I cannot come to grips with it for that reason. If we were talking about enhancing and supporting the general trust of these comments, I would back it to the hilt. However, it is a deflection of your strategy.

Mr BLOFFWITCH: I asked members to listen to what I said. When I started my comments I tried to give an explanation for why we are doing this. The present sentencing system is not working. It has no confidence in it. No members of the public have any confidence in it. We are setting up a system of maximum and minimum sentences, saying that within the matrix system, different sentences are to be applied to the different crimes. As the member for Fremantle said, the sentences - until regulations go through, which might change some things - will be reduced. As the Chief Justice of Western Australia said, people will still be sent to jail for four years. If the previous sentence was 12 years, and reduced by one-third to eight years, and reduced by a further one-third to four years, the offender will now receive a sentence of eight years under this legislation. Under the 50 per cent rule, that will mean a four-year sentence.

I do not believe we are doing anything drastic. Hopefully in debates such as this we are trying to alert the newspapers. When there are large variations in the sentences for serious crime, members of the community have every right to be annoyed and concerned about that. They see the differences as illustrated by the member for South Perth, when one offender will get a 10-year sentence and another may get 40 hours of community work for what is supposedly the same crime. That is very hard to understand. Unless we have the transcript of why the judge varied the sentences so much, nobody will be any the wiser. Not only that, it creates a very uncomfortable feeling in the community. I do not know what the crime was. Let us say an old person was bashed. If someone sees that that is the penalty, they will think that it is no wonder that old people are terrified as they have no way of defending themselves. I would not criticise this legislation but rather consider its

intention which is to restore confidence in the public on how sentencing is conducted. It is saying to judges - even if it is unconstitutional - that we want them to report more clearly on their reasons for varying sentences. They may think that is an infringement on their role. I am sorry, but I do not, and I am sure that is what we will do.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 4719.]

EDUCATION DEPARTMENT VACATION SWIMMING PROGRAM

Motion

MR RIPPER (Belmont - Deputy Leader of the Opposition) [5.02 pm]: I move -

> That this House calls on the State Government not to contract out the Education Department's highly-successful vacation swimming program.

Western Australia's vacation swimming program started in 1919, almost 80 years ago. It provides lessons on swimming and water safety to about 63 000 Western Australian children in school holidays. Eight-five per cent of those 63 000 children are of primary school age. It has been a highly successful program. It is instructive to compare the participation and enrolment rates in various States. On a per capita basis, Western Australia has more than 10 times the participation in vacation swimming classes than Victoria. On that same per capita basis, our participation rate is three times that of New South Wales. We have twice the enrolment rate of South Australia. On an interstate comparison basis, our program has proved itself to be highly attractive to Western Australian parents and children. That judgment that the program has been highly successful and highly attractive to Western Australian parents is borne out by a parent survey which was conducted by the Education Department in 1997. The survey operators questioned 4 000 parents at more than 78 different centres. The results were that 89 per cent of parents surveyed said that they believed the current program meets the needs of their children and 96.2 per cent of parents surveyed said that they would re-enrol their children in Vacswim programs.

Two pieces of evidence show the success of this program: The very high participation and enrolment rates by interstate comparisons and the results of the Vacswim parent survey of 1997. The minister has other information which indicates the success of this program. He has been written to by Val Henderson, who supervises in the department's in-term swimming program. She is the regional adviser to the north central Vacswim region, runs teacher training courses for the Education Department of WA and has served on the committee which developed the Vacswim continuum. What has Val Henderson said in her letter to the Minister for Education? I will quote from her letter because it indicates that the Minister for Education has advice that the program has been very successful. She said -

> Vacswim runs very efficiently at an acceptable cost to the average parent. All the teachers and supervisors are highly qualified and give that "little extra" that is needed to ensure that every child is catered for in the best possible way.

Later in her letter she says -

> Mr John Kilpatrick, the national executive director of Austswim, was a recent visitor to Western Australia . . . His comments were that Safety and Efficiency in the Education Department Swimming Programme were the best he had seen and he felt this was primarily due to the fact that our Teacher Training Interm and Vacswim programmes had a consistency, due to it being under the one covering, i.e. Education Department and therefore there was a continued interaction between the 3 areas.

That is a long quote. However, it indicates that the minister has received advice from people who have expertise in the area that this program is a highly successful program. There are good reasons for the program being successful. The program is integrated with the rest of the education system. It is obviously efficient to provide advice through the school system of the centres and the times at which the program will operate. It is obviously efficient, with children concentrated in the school system, to collect enrolments and fees through the system. It is obviously efficient to coordinate the activities in the vacation swimming programs with that in the school swimming programs in term. Therefore, that integration of the program with the rest of the education system is one good reason that it is a very successful program. The program has not run at a high cost to parents. The cost of classes is about $2.20 per class, and obviously parents have found that cost acceptable. The program is known for the high quality of its teaching standards which is, again, a reason for more people being attracted to enrol in this program than in alternative programs in other States. The program also operates in 200 centres across the State. Many families plan their annual holidays to centres that have a Vacswim program.

Mr Minson: What makes you think that will change? They will still plan their holidays.

Mr RIPPER: They will still plan their holidays. However, will the same programs be available at regional centres if the program is contracted out?

Mr Minson: You are talking crap. You are talking nonsense.

Mr RIPPER: I will come to some of the reasons for the contracting out of this program shortly. However, I want to deal first with the nature of the program. For the benefit of the member for Greenough, I have been quoting from the Vacswim survey of 1997, from the views of experts, the enrolment figures and the comparative participation rates. Those facts indicate that what we have at the moment is a highly successful program. If the program is highly successful, why does the Government want to put it at risk? Why does it want to change it? If there is an indication that something is wrong, why does it not reorganise it and try a better way of doing it? Why would it put at risk a program which, on an interstate comparative basis, is highly successful, has high parent satisfaction, is low-cost to parents and has a high quality of teaching? Obviously, the minister is confident that things can be done better, because things are already being done extremely well in this program.

Perhaps the member for Greenough is unaware of the work that the Government has done on this matter in the past. The minister's department, when it was under the supervision of another minister, looked at this issue in 1995. The former minister, Hon Norman Moore, commissioned a review committee. What did that review committee recommend? It said that no change should be made to the program in the foreseeable future. That was the recommendation of the 1995 review committee.

Mr Barnett: No, it was not.

Mr Minson: It was for the next three years.

Mr RIPPER: It said that no change should be made.

Mr Minson interjected.

Mr RIPPER: If the member for Greenough thinks I have misled the House -

Mr Minson: Does it say three years?

Mr RIPPER: I am quoting from material that has been prepared for me on this matter, so I am relying on advice. However, if the member can show me that the recommendation states "in three years", I will stand corrected.

Mr Minson: You will be corrected.

Mr RIPPER: If the member can correct me, that is fine. However, if the recommendation is as the member says - namely, no change in the next three years - that is not inconsistent with no change in the foreseeable future. The member, if he is correct, has picked on a fairly trivial point, which does not stand up too well when we look at the way in which the then minister, Hon Norman Moore, responded. The minister responded with a ministerial statement issued in December 1995, four months after the report was released, which states that -

> The Education Department's Swimming and Water Safety Program is one of Western Australia's great institutions. It has been running for over 75 years and through it hundreds of thousands of children have learned to swim safely and help save lives . . .

That is what the previous minister said after he had commissioned a review committee, which at that time recommended no change. We might debate whether that committee thought there should be change in the future, but on the basis of that statement from the minister, I do not believe the minister believed there should be change when he made that statement.

The Government has put out a request for proposal with a view to possibly contracting out this program from 1 March 1999. The request for proposal document identifies cost savings as the major reason for proceeding with that and states that -

> EDWA considers that the implementation of progressive and innovative management and workplace practices will result in significant benefits to stakeholders. These benefits, in the form of management and operational efficiencies, will result in cost savings to EDWA.

Therefore, the Education Department may dismember this historic and highly successful program, which parents regard with a great deal of favour, because it believes it may save a few dollars. It states also that one of the objectives of the program will be to conduct aquatic programs that are supported and valued by parents, schools, aquatic centres and the wider community. It is amazing that it would put that down as one of the objectives of the program, when what is already being done within the Education Department clearly meets those requirements and has the strong support of parents and those with some expertise in this area.

I foresee that some problems will arise from the Government's proposal. Before I analyse what those problems will be, I ask the minister whether the Education Department has embarked on this process at his direction, or whether the Education Department has embarked on this process of its own volition, because the advice given to me appears to indicate that the minister directed the Education Department to review its participation in this Vacswim program. I do not think the

Education Department reached this decision by itself, so I am inclined to believe the advice, but I will take this opportunity to ask the minister whether he gave a direction to the department to review its participation in this Vacswim program.

Mr Barnett: That is a difficult question, and I will give a fuller account of the sequence of events, but I am keen to go down this path. I have not directed the department, but it certainly knows my views on this matter.

Mr RIPPER: On most occasions, I would prefer the minister's stewardship of Education to that of the Hon Norman Moore, but on this occasion Hon Norman Moore had the right answer, and it is noteworthy that no change was made when he was in charge.

I have been given advice on the issue raised by the members for Greenough and Dawesville. I quote from a letter to the then Minister for Education, Hon Norman Moore, from Ron Alexander, Chairman of the Swimming Review Committee, dated 23 August 1995, which states -

> The committee concluded that, while there was some merit in such a proposal, no change should be made in the foreseeable future.

I made the offer to those members opposite that if they could correct me, I would stand corrected, but I now give them a challenge: They have been corrected. I have quoted from the letter from the Chairman of the Swimming Review Committee to the minister at the time, and I stand by the remarks that I made earlier in the debate. Therefore, the attempt by those members to throw me off the track by alleging that I have been misleading the House has come to nought and we find, once again, that government members are prepared to make any assertion that they think they need to make in order to deal with the short-term requirements of survival in the House.

I turn now to some of the problems of contracting out the Vacswim program. There is a real risk that costs will increase. Vacswim is currently not charged lane hire at many aquatic centres because it is a learn-to-swim program run by the Education Department. However, I am advised that at a recent meeting of the Swimming Pool and Spa Association of WA Ltd, pool managers foreshadowed that they would take advantage of the opportunity to start charging for lane hire in the event that Vacswim was contracted out. If the new operators of a contracted-out Vacswim service were charged lane hire by swimming pool operators, naturally there would be an increase in costs to parents. The current understanding is that because learning to swim is a public service and a public good, everyone should contribute to the achievement of that public good. However, if that were to become a commercial operation, people would take a commercial approach, and if they had the need and the ability to charge on a commercial basis, that is what they would do, and parents would pay the increased costs.

The proposed new commercial nature of the program also raises the possibility of reduced access. Some organisations that manage swimming centres are likely to tender for the operation of the contracted-out Vacswim program. How will they get their program into swimming centres that are operated by commercial rivals? It may be the case that there will be commercial conflict between the commercial managers of some swimming centres and the commercial operators of parts of the Vacswim program that were contracted out. Some pool managers may refuse the proponent access to their facilities and may start running their own learn-to-swim classes. That may seem fanciful, but it is already occurring. Leisure Australia, which manages the Belmont Oasis and the Bayswater Aquatic Centre, already refuses access to Vacswim because it regards it as a competitor. Leisure Australia runs its own learn-to-swim classes. If this is already happening with Vacswim, it will happen even more so when commercial operators are given responsibility for this program. I understand that this year the Bayswater Aquatic Centre will run its own learn-to-swim classes for levels 1 to 3, while refusing shallow-water space for Vacswim. I do not have direct knowledge of this, but I am told that the manager of Beatty Park has said that lane space will be withdrawn for vacation swimming classes if a particular commercial rival wins the contract. It is possible that access to swimming centres for the Vacswim program will be affected.

The next area of concern is the quality of the program. Vacswim is a successful program because it is recognised as having high quality and consistent standards. A child can pass one program level at classes in the city and later enrol at another centre in a regional area and be expected to have attained exactly the same proficiency as a child who passed that level in the regional centre. The program is able to maintain that quality because it is integrated with in-term swimming and responsibility for teacher training in this area. It is a statewide program and must have more chance of maintaining consistency than a program broken up between different commercial operators in different centres. If an increasing number of aquatic centres run their own swimming classes, it is inevitable that the program standards will drop and there will be increased inconsistency in the standards of programs across the State. I am surprised at the comments from members representing regional areas, which indicate they may support the Government's proposal. Vacswim has operated on the basis that children across the State, regardless of geographic location and socioeconomic background, have a right to access learn-to-swim classes.

I understand that under the request for proposal document, proponents are obliged to ensure that outer suburban and remote communities are provided with classes. It is all very well to write those things into a document but, on the basis of commercial reality, if the proponent must deal with potentially very low enrolments in those centres, the prospect of these

things happening in practice must diminish. A statewide public sector program can cross-subsidise and tolerate some low returns in regional areas. A commercial operator will take a much more hard-nosed approach to losses occurring because of low enrolments in country or regional centres. There is a real possibility that children living in regional areas will miss out on vacation swimming programs if the Government's proposal goes ahead. I am surprised that any member representing a country area would be at all enthusiastic about the Government's proposal.

Mr Barnett: Tell us the Labor Party position on this. It is the big issue in the last days of the Parliament.

Mr RIPPER: The Labor Party's position is on the Notice Paper. The motion reads that this House calls on the State Government not to contract out the Education Department's highly successful vacation swimming program. The Government is proposing to contract out the program, and the Opposition supports the maintenance of the Vacswim program within the Education Department of Western Australia. That is clearly the Opposition's position and it has good grounds for taking that position, because it is a highly successful program with great support from parents and those with expertise in the way in which learn-to-swim programs are conducted. The official line is that the Education Department is going down this road to save some money. Perhaps that is included in the request for proposal document and it is pursuing this line because the minister has a particular policy approach to this area and the department feels obliged to go along with that approach.

I note that the program is not expected to go into private hands until 1 March next year. My understanding of the original proposal is that private operators were expected to take over the program for the coming summer vacation. I spoke to one of the potential tenderers who indicated his view that the Education Department could not be serious about this contracting out proposal. He had formed that view because the proposal had been organised in a way that made it particularly unattractive to potential tenderers. They would have been required to take over the vacation swimming program this summer without having had an opportunity to organise their own enrolments, fee collection, centre facility booking arrangements, and employment of the teachers. For all those things they would have had to rely on arrangements previously made by the Education Department. I found that comment surprising at the time. The potential tenderer's view was clearly that the Education Department was going through the motions. It had obviously been told to do it, but was doing it in a way that would make it unattractive for potential bidders. I note that the service is now expected to apply from 1 March 1999, so perhaps the objections raised by that potential proponent will not apply. The only conclusion I draw is that it is one further piece of evidence that perhaps people in the department are not enthusiastic about this, but they are being driven by the minister's ideology on this.

Mr Barnett: That is not a bad thing. Believe it or not, that is what ministers are for - to make policies and get things done.

Mr RIPPER: Ministers are appointed to make policies and get things done, but ministers are not appointed to fix things that are not broken. On this occasion the minister's meddling - he calls it policy making - in this highly successful program may destroy it, and that will be to the great disadvantage of Western Australian children. At the moment Australia leads the world in learn-to-swim programs, and Western Australia leads Australia in those programs. As a result of the minister's actions, the program might go backwards and Western Australia might be in a similar situation to Victoria and South Australia. Many fewer children, on a proportional basis, learn to swim in these programs in Victoria and South Australia than the number who learn in Western Australia. Too many drownings already occur in this State. We do not want to see an increase in that problem because fewer children learn to swim as a result of misguided and ideological ministerial directions to the Education Department to sabotage a highly successful program.

I will now comment on the way the Education Department will analyse the merits of proceeding with contracting out or staying with the existing program. The State Treasury has guidelines on competitive tendering and contracting. Those guidelines state that transition costs must be included in the analysis. I quote from the guidelines -

> Transition costs can have a very significant impact on the financial analysis of a CTC proposal. The fact that they are a once only payment and that they are not related to the ongoing cost of an activity means that including them in cash flows may distort the evaluation.

Here is the important point -

> However, they are a cost which must be met and which therefore should be included somewhere in the evaluation of CTC options. The recommended approach is for evaluations to be conducted which include and then exclude the transition costs so that their impact can be assessed.

I seek an assurance from the minister that in accordance with Treasury guidelines, transition costs have been taken into account in the analysis of the merits of keeping the program in-house compared with the merits of contracting out the program. I hope in his remarks the minister will assure the House that transition costs will be taken into account when the analysis is made of the financial merits of proceeding to contracting out or remaining with the present arrangements.

The other issue I take into account with regard to the analysis is the question of the notional commercial rate of return. Treasury guidelines on contracting out and competitive tendering say -

> To ensure full comparability between an in-house bid to perform an activity and bids from private firms it is essential that the in-house bid include a notional commercial return that fully reflects the commercial market risk adjusted returns required by private firms supplying the activity.

I am concerned that it is possible that a non-commercial operator will be the successful tenderer for this contracted out program. If a non-commercial operator is the rival for the in-house program, I do not believe the in-house program should be judged on those same commercial criteria. Why should the in-house program have to generate a commercial rate of return for the purposes of the analysis when a non-commercial operator would not be required to generate the same commercial return? I hope the minister will be able to give us assurances on those two matters. If the minister cannot give us those assurances, the in-house analysis will not be a fair one for the continuation of the Vacswim program within the Education Department.

We have a great vacation swimming program. It has lasted for 80 years. It provides swimming lessons to 63 000 children. It is very strongly supported by parents. They show that support by much higher enrolment rates than exist in other States, and in surveys conducted by the Education Department. The Education Department reviewed this matter some years ago and decided to make no change. The previous minister decided to make no change. Why would we try and fix something that is not broken? Why would we take risks with the future of the program, with the costs that might be imposed on parents, and with the access that children might have? Why would we put the access of regional children to this program at jeopardy when we already have a highly successful program which is meeting the needs of this State? There is only one answer: Ideology is driving this change. The Leader of the Opposition says there may be other reasons. Perhaps I am being kind to the minister. I cannot see any reason other than ideology that is driving this change. I hope that there are not other reasons which would be less credible.

When the success of this program is examined, and when the risks are considered that changing this program might incur for the services to Western Australian children, the only conclusion one can come to is that someone is not approaching this matter on a fair basis. Someone is either approaching it on an ideological or other inappropriate basis. This side of the House strongly supports the maintenance of the vacation swimming program within the administration of the Education Department.

MR CARPENTER (Willagee) [5.36 pm]: I, too, am curious about what the Government is doing with this move. A proposition was put to the previous Minister for Education. He had a committee look at the prospect, he had been lobbied consistently by a group, he looked at the pros and cons, at the benefits and the potential downsides of privatising or outsourcing swimming lessons, and he recommended it should not happen, at least not in the foreseeable future. Some members on the other side of the Parliament seem to have difficulty grasping that concept. They cannot imagine the foreseeable future extending for more than three years, but that should not surprise us! Along comes a new Minister for Education and the matter is back on the agenda. My curiosity is heightened when one takes into consideration the attitude that the Minister for Education has in a broader sense about the public education system; an attitude that he underscored today in Parliament when he warned members on this side about undermining the good reputation of the public education system in this State. He was fulsome in his praise for the standards of the levels of competence involved in the public education system in this State. Yet, here we are with the matter of swimming lessons which I have never heard anybody complain about. I have never heard anybody complain about the level of competence, the standard of teaching or the benefit that is passed on to children through the Education Department's vacation swimming lessons. I have never seen a letter of complaint or even heard the suggestion of a complaint. Yet, for some reason, the minister seems hell-bent on taking this critical element of education out of the domain of the Education Department and putting it into the non-public sector. I also refer to remarks that were made by the member for Alfred Cove during the debate on the sentencing legislation today when he was responding to the member for Pilbara about the public support for corporal punishment and whether members of Parliament should support corporal punishment if substantial public support for it was demonstrated.

I direct the minister's attention to the Education Department's survey of parent satisfaction about its vacation swimming classes. The survey was carried out in 1997, and there were 4 000 respondents; 89 per cent of respondents believed the program met their needs and 96.2 per cent said they would re-enrol their children in the program. That demonstrates a remarkable level of satisfaction with the program and raises in my mind, and the minds of other members on this side of the House, the question of the motivation for this move. What is driving the Government to outsource swimming lessons in a State where 90 per cent of the population lives along the coast and the ability to swim and access competent swimming teaching is critically important? In the past few days a 15-year-old Western Australian student drowned on the south coast. I wondered whether he had taken advantage of the Education Department swimming lessons; I suspect he had not. I wonder about the outcome of outsourcing Education Department swimming lessons and whether it will weaken the capacity of Western Australian school students to learn to swim and enjoy water sports in this State.

I have read the same documents to which the Deputy Leader of the Opposition referred. I note the active role the Royal Life Saving Society has played in this debate. This matter was first raised on October 28 and 29, when the Minister for Education was asked whether plans were afoot to outsource vacation swimming lessons. In his response the minister said he thought it was "a damned good idea". He referred to the possibility of a group like Surf Life Saving Western Australia taking over

the function of teaching swimming. I saw that response in *Hansard* and wondered whether the minister had made a similar mistake to the one I had made while attending a Royal Life Saving Society function. I confused that name with Surf Life Saving Western Australia.

Mr Barnett: It is easy to do.

Mr CARPENTER: It is. The mistake was brought to my attention by the executive director of the Royal Life Saving Society. I suspect that the Minister for Education inadvertently made the same error in his answers to the House on October 28 and 29. While he said that Surf Life Saving Western Australia might be an organisation interested in and capable of taking over the function of teaching our children to swim, he had in mind the Royal Life Saving Society because the Royal Life Saving Society has been lobbying for the ability to make a bid to take over the function of the Education Department in vacation swimming lessons. I would like the minister to inform the House whether the Royal Life Saving Society is one of the groups which has expressed an interest in taking over the vacation swimming classes.

Mr Barnett: I will not divulge details -

Dr Gallop: You will not divulge details?

Mr Barnett: I had not even got halfway through the sentence. I will not divulge details of the tenderers. What I was going to say, if I had been given the opportunity, was that the Royal Life Saving Society has made it very clear in its public statements that it would be putting in for the program.

Mr CARPENTER: I thank the minister. I have not seen the society's public statements on the issue. Has Surf Life Saving Western Australia put in a bid?

Mr Barnett: I do not know.

Mr CARPENTER: But the minister does know that the Royal Life Saving -

Mr Barnett: I do not know who the bidders are, but the Royal Life Saving Society has publicly said on a number of occasions that it is keen to run the program.

Dr Gallop: He does not know who the tenderers are. What a joke!

Mr Barnett: There is no joke.

Dr Gallop: It is a joke. You know it is one of the bidders.

Mr Barnett: It has said publicly -

Dr Gallop: You have said it is interested in it. That is what you are trying to do.

Mr Barnett: Yes, I know it is one of the bidders but I do not know who are the other bidders. I have no idea. I don't have the list of names.

Dr Gallop: You know one of the bidders.

Mr Barnett: It is the only one to my knowledge that has publicly said it is a bidder.

Mr CARPENTER: When we look at the *Hansard* of what the minister just said we will find that less than 90 seconds ago the minister said he did not know whether the Royal Life Saving Society was one of the bidders.

Mr Barnett: I have not seen a list of the bidders.

Mr CARPENTER: The minister said he did not know whether the Royal Life Saving Society was one of the bidders and in response to an interjection immediately after that he said he did know that it was one of them.

Several members interjected.

Mr CARPENTER: The minister said in his first breath that he did not know.

Mr Barnett: I don't know the list of bidders. I don't know who are the bidders but publicly the Royal Life Saving Society has said it is a bidder.

Mr CARPENTER: As far as the minister knows the society may or may not be a bidder.

Mr Barnett: No, I would say it is a bidder. It has said it publicly and it is a bidder.

Mr CARPENTER: When was the tender period supposed to close?

Mr Barnett: I will go through the dates when I speak.

Mr CARPENTER: Was it yesterday?

Mr Barnett: No, certainly not.

Dr Gallop: When was it?

Mr Barnett: I was going to go through that.

Mr CARPENTER: I would like to know whether the minister has any personal relationships with any of the people who hold senior positions in the Royal Life Saving Society.

Mr Barnett: Submissions closed in late October 1998.

Mr CARPENTER: In relation to the Royal Life Saving Society as opposed to Surf Life Saving Western Australia, could the minister tell the Parliament whether he has any personal association with any of the senior members of that organisation, such as a close friendship with any of the senior people in that organisation?

Mr Barnett: Let me tell you about my electorate. It contains four Surf Life Saving Western Australia associations. The Royal Life Saving Society is also based within my electorate. Of course I know the people in all of those organisations.

Mr CARPENTER: I know people in this Parliament, but I ask the minister whether he has a close relationship or a friendship with any of the senior officeholders in the Royal Life Saving Society. It is a very easy question.

Several members interjected.

Mr CARPENTER: It is a very easy question to answer.

Mr Barnett: No, it is not an easy question at all.

Mr CARPENTER: Why not? What is the problem with answering?

Mr Barnett: I'll tell you what: You ask me a direct question, you name people, dates, events, whatever you want to, and I will answer it. If you come into this Parliament and cast slurs on me and the Royal Life Saving Society, you, my friend, will be accountable for that. Stand here and name people if you want to. Typical Labor Party, come in here and throw mud with no substance. Disgraceful. Disgraceful Labor Party grubby politics. Come on whoever you are, name people, name dates, name events or sit down and shut up! Put up or shut up!

The ACTING SPEAKER (Mr Baker): Order! Members will come to order.

Mr CARPENTER: The member for Cottesloe should remember that I am the member for Willagee. I am not the member for Rockingham. I know the minister is the member for Cottesloe. I will ask the minister a direct question? Does he have a close relationship, friendship or any relationship of that nature with any of the senior people in the Royal Life Saving Society?

Mr Barnett: If you ask a direct question, you will get a direct answer. I know people in the Royal Life Saving Society in my electorate who are involved in clubs and in community events. You seem to think there is something wrong with my knowing people in my electorate who do a great job, as do the surf clubs and swimming clubs. I am proud to be associated with them. I am not a member of them and I have no direct role in running them. I do not regard anyone at executive level in the Royal Life Saving Society as a close friend. However, I certainly know and respect those people. They do a great job for society and their association.

Mr Cowan: Are you suggesting that because one becomes a minister of the Crown one should sever all relationships?

Mr CARPENTER: No. I thank the Minister for Education. I asked that question because I understand since prior to the minister's taking over the Education portfolio, the Royal Life Saving Society has been lobbying to take over the vacation swimming lessons.

Mr Barnett: They have been doing it very publicly.

Mr Omodei interjected.

Mr CARPENTER: I know the member for Warren-Blackwood is the minister; I heard him say it outside earlier today.

Mr Omodei: For what?

Mr CARPENTER: For local government. It has also been suggested by people who have an interest in maintaining the status quo that there may have been an influence on the Minister for Education because he has a close relationship with somebody. I asked a question and he has answered that that is not the case; there was no influence on him. The minister has put it on the record that he has no close relationship with anyone who might be considered to have undue influence on him. That is fine. It will be interesting ultimately to see who is the successful tenderer. It will also be interesting to see who are the other tenderers.

Mr Barnett interjected.

Mr CARPENTER: This is an amazing turnaround. Yesterday the Minister for Education was ranting about how unfortunate it was that the upper House should be holding up legislation, after 100 years of that place giving carte blanche to any coalition government legislation and holding up numerous pieces of Labor government legislation. For years, members on the government side asked the same questions I asked about a range of government activities and defended their right to ask questions of that nature; yet here they are now on the other side, when I ask a question, telling us that it is the most disgusting thing that has ever occurred in the Parliament. The inconsistency of standards is obvious. It was a simple question. If there is nothing to hide, that should be the end of the matter.

That the minister has reacted in this way is most unfortunate. He has been unable to give the Parliament an acceptable rationale for why he is so keen for this development to occur. He concedes that no complaint of any nature has been even suggested from any source about the quality of the Education Department's swimming program. To my knowledge it is universally acclaimed as an excellent program. As far as I know - the minister may know differently because he has different sources of information - there has never been a suggestion that it is an undue financial burden on the State. It provides to every family of Western Australia the opportunity for their school-aged children to learn the vital skill of swimming. Why the minister wants to dismantle this program is beyond me.

That causes me to ask again: Who has been lobbying for this change to occur and why? Why have they found the ear of the minister? I cannot understand his enthusiasm for the change.

Points of Order

Mr BLOFFWITCH: I have been listening to this debate. For the member for Willagee to be slighting the minister in this way, a substantive motion should have been moved rather than a general debate on a swimming issue. He is completely out of order in the way he is attacking the minister.

Mr RIPPER: Surely if there had been any objection to words used by the member for Willagee, one of the members opposite or the minister would have sought their withdrawal. Given there has been no objection to any words used, I do not see how the point of order can be taken further.

The ACTING SPEAKER (Mr Baker): We have a substantive motion and members should be reminded that motions of this kind cannot be used as a cloak to attack the reputation or character of other members in this place. I ask the member for Willagee to be more discerning when choosing his words in this debate. I do not find that any objectionable words have been used. There is no point of order.

Debate Resumed

Mr CARPENTER: Your point is taken, Mr Acting Speaker. The question was legitimate. There is nothing wrong with my asking a question of that nature. I listened for years to members opposite justify asking those sorts of questions. If we cannot ask those questions, what role does Parliament have? A suggestion has been made that the minister may have been unduly influenced by a relationship. He was asked a question and he said that was not the case. That is fair enough if that is not the case. He is a precious person who cannot bear criticism and he has an overinflated sense of his own importance. He thinks that by the nature of his position in Parliament he has carte blanche to do what he likes. He cannot. He is just as much subject to questioning and accountability as any other member of Parliament. If he cannot stand it, he should get back into private enterprise and do what he was doing before. He should not sit over there and pump himself up and say that he cannot be questioned by people on this side of the Parliament. He can. There is nothing special about him. He stands out on the other side because he is surrounded by a sea of mediocrity. Out in the community his position was not remarkable.

Mr Barnett: It is an ocean!

Mr CARPENTER: Yes; an ocean of mediocrity! The minister rose to no great heights, but he stands out in the company he keeps because he is surrounded by people who are absolutely hopeless. He has no special abilities and he has no special place in the Parliament. I can ask these questions and I will ask them again. When I get more information on other subjects I will ask more pointed questions. One of the objections I have always had to asking questions of politicians is their tendency to say "Are you implying something or making accusations?" If the minister is so precious about his own position and cannot stand to be asked an innocuous question like that, he is in the wrong game. If the minister makes it clear to Parliament that he is above any influence from any particular group, fine. What is he worried about, frightened of and pumped up about? Why is the minister so defensive? If the minister says nothing is in it, fine; we will see. However, he should not negate the capacity for members to ask questions of the minister by his mock aggression.

The minister has the opportunity to respond. He should tell Parliament why he wants to dismantle the best swimming instruction course in Australia and hand it over to private enterprise. My reading is that no savings will be made, unless it is through a diminution in the service provided to students. The minister should give an absolute guarantee to all parents

in Western Australia that the cost they will bear to provide swimming instruction to their children, which for some will be a life-saving skill, will not be so large that they will be unable to take advantage of the service. I bet the minister cannot make that guarantee, or guarantee that the current standards of swimming instruction will be maintained. The minister will not be able to go to a swimming school in Fremantle and have a child taught to swim for $2.20 a lesson. That is the problem facing my electorate. If a motivation drives the minister other than the one he proposed, I have a right to test it. In what other domain can I do that other than this Parliament?

All the minister's mediocre, hopeless, no good and useless supporters opposite, who will never rise to anything, should shut their mouths and remember the position they took when seated on this side of Parliament!

MR BARNETT (Cottesloe - Minister for Education) [6.02 pm]: I will refer later to the comments of the member for Willagee, who sought to imply a slur on me by innuendo. I can accept that, as I guess that happens in this place. However, he also implied a slur on the Royal Life Saving Society and its senior executive, but the member and the Deputy Leader of the Opposition did not have the courage to name people. I intend to name people. Those people will feel highly aggrieved. I can guarantee one thing: I would not expect the Surf Life Saving Western Australia association or the Royal Life Saving Society to think well of the Labor Party after what we just heard in Parliament. In many respects, the same group of people are involved with those life saving associations. I will name them.

Mr Ripper: You will make a judgment about people you think we have slurred, and you will name them. Therefore, you will associate people with a slur cast in your view.

Mr BARNETT: That is exactly right. Members walk in here and cast aspersions, slurs or innuendo at me, and everyone knows to whom it is directed - me. However, the Deputy Leader of the Opposition cast it at people associated with the Royal Life Saving Society but did not have the courage to name them. We will name them and tell the Opposition about those people. We will outline what they do in the community, and what they might do if they, or others, are successful with this program. Members opposite will be accountable for their actions. The member for Willagee can ask any question he wants in this place, and I can answer it anyway I choose - that is how Parliament operates. However, the member cannot slur, and the public cannot accept the slurring of by way of innuendo, people in the community not here to defend themselves, and with no such opportunity. We will name people and give them the opportunity to defend their reputations.

Mr Graham interjected.

The ACTING SPEAKER (Mr Baker): Order! The member for Pilbara will come to order.

Mr BARNETT: We will name people and give them the opportunity to defend themselves.

Mr Graham interjected.

The ACTING SPEAKER: Order! I formally call to order the member for Pilbara for the first time.

Mr Graham interjected.

The ACTING SPEAKER: Order! I formally call the member for Pilbara to order for the second time.

Mr BARNETT: We will name people and give them the opportunity to respond to the slur and innuendo of the Australian Labor Party. We will give them an opportunity as individuals and an organisation to respond to comments in Parliament. That is accountability. I will return to that point.

The Vacation swimming program -

Mr Ripper: Good; deal with the argument.

Mr BARNETT: That attack was the main point of the Opposition's argument. The Deputy Leader of the Opposition led up to it, and he then wheeled in the member for Willagee. I will respond to every little point.

The vacation swimming program has operated in this State since 1919, and it operates in 349 different centres, 185 of which are in rural areas. Also, 85 per cent of primary schools operate an in-term swimming program, and a program operates for the instruction of swimming teachers. The history of the debate is that in 1995, a ministerial review was conducted into the Education Department's swimming and water safety program initiated by Hon Norman Moore, the then minister. The recommendation was that the Vacswim, in-term and swimmer teacher training programs remain within the department for at least three years. That has been honoured. In 1997, as part of the ongoing monitoring and reviewing of all its programs, the Education Department completed an internal review of its swimming and water safety program. The outcome was that the in-term swimming program was identified as clearly core business, and would continue to be so. Vacswim and the teacher training was identified as non-core business by the Education Department.

Mr Ripper: They are not good businesses, but are great services! It is considered to be non-core for ideological reasons.

Mr BARNETT: Please. It was an internal management process, with which I had nothing to do. Management consultants

completed two independent reports in December 1997; namely, an analysis of cost by Bird Cameron and a risk analysis undertaken by Coopers and Lybrand. A review management group compromising senior EDWA officers in May 1998 recommended that the department investigate the market through a request proposal - not an expression of interest - process to determine whether agencies outside the department had an interest in participating in the Vacswim program or the teacher training program.

As the responsible minister, I announced in June 1998 that the department would undertake an investigation into the possible outsourcing of the operation of Vacswim and teacher training programs. In other words, we would test the market in those areas, and in-term swimming would stay within the department.

Arthur Andersen was engaged in August 1998 to consult EDWA on the outsourcing process. In September 1998, a request for proposals - that is all it was - for the outsourcing of the management and operation of both programs was advertised. Those submissions were closed late in October 1998. The evaluation of proposals was undertaken in November 1998. That process has reached the stage at which discussion will take place with one or more preferred proponents. That discussion is about to commence. I will not comment on it. It is an unusual process: It is not calling for expressions of interest or seeking a tender, but asking who is interested, and what proposals will be brought forward. Those negotiations will get under way with the preferred proponents. It will take several weeks and we will see whether the situation will stop at that point or go further.

Mr Ripper: When it came to the decision to test the market, was that in any way in response to lobbying from anyone or entirely a decision you made without any approaches from outside?

Mr BARNETT: I will come back to the lobby aspect. I have been very public about this matter. I have encouraged the department to look at where other groups can take over or participate in vacation swimming. Hon Norman Moore before me initiated the process, which was put on ice for three years. If members like, I resurrected it. I will refer to the lobby aspect later.

The outsourcing process for Vacswim involves a number of potential risks, which were identified as potential problems for the community. One will be an increase in fees, which was raised by members opposite. The whole process makes it an absolute requirement that the same fee structure will continue. That does not mean that index-based increases will not occur. Essentially, the same fee structure will stay in place.

The next part is the quality or safety standards in the program. Again, EDWA will need to be satisfied that anyone involved will retain those standards. Indeed, the Education Department will retain ownership of the Vacswim program; it will not hand it over. Another risk was seen as access to students in country areas, which was important with 185 country locations involved. It will be a requirement that the service be retained in quality, as well as in access and availability.

Much has been said about the quality of the program. It has been a successful program and it has operated since 1919. It is more successful and has higher participation rates than other States. However, at the beginning of this decade - in 1990-91 - 78 000 students took part in the Vacswim program; in 1993-94 it was down to 71 000; and last year, 1997-98, it was down to 62 000. Despite a growing student population and a growing child population, the reality is that enrolments, albeit they are far stronger than in other States, have declined. They have declined during this decade -

Mr Ripper: Haven't they declined in other decades as well?

Mr BARNETT: The Deputy Leader of the Opposition has been saying it is such a fantastic program. I am just putting some facts on the table. Enrolments have declined from 78 000 to 62 000 students during the 1990s. There may be all sorts of reasons for that but members opposite should not pretend that the program is expanding; it is actually contracting.

Mr Ripper: What is happening in the other States? They are in decline.

Mr BARNETT: There are many factors. However, that was a fact that the Deputy Leader of the Opposition chose to omit; he just skipped over it. One of the reasons for the cause for concern within the department has been the trend of declining participation. Members opposite ask why we are doing it. We are looking at the program because enrolment is systematically declining year in and year out. What do we do? Say it is fantastic, step away and do nothing? This government does not do that. It is looking at the program. It has not got to the stage of saying that it will outsource it; it is considering it. The first step it is considering is outsourcing teacher training. I think that will be outsourced and it is quite proper that it should be. The Education Department does not need to be in the business of training swimming teachers. That can be done by all sorts of groups and organisations in the community. I hope that can be outsourced this summer. The bigger in-term swimming program will stay within schools and will continue in terms one and four, however it is configured. As I said, 85 per cent of primary schools have that program in place. It is very successful, well supported and will continue.

The vacation swimming program will always remain the property of the Education Department. However, we may be able to bring in one or more other organisations to help run it. We may get a group running it and it may receive support from the Education Department; it may receive sponsorship for financial support; it may be an organisation running in conjunction

with the Education Department. All of those things may happen. Why do that? The Government will do it because it wants to reverse the trend of declining enrolments. We would like enrolments to increase and maintain our position of high participation. We would like to improve the quality of the programs. We would like parents to have a wider choice. In the program, for $2.20, kids get a kickboard, go up and down the pool backwards and forwards for about 40 minutes and that is the lesson.

Mr Carpenter: Have you ever seen a lesson?

Mr BARNETT: Yes, I went through them in primary school, as the member for Willagee probably did, and I opened the program last summer. The program is good. However, it often has large class sizes. Parents may like smaller class sizes. Some external organisations may be able to deliver smaller classes. Some external organisations may be able to deliver more advanced swimming programs. Parents may want that and they may be willing even to pay something above the $2.20 a lesson if they get more.

Mr Carpenter: They can go to private classes now.

Mr BARNETT: Yes. It may be that we will find a link from these classes into swimming clubs, surf clubs or whatever. We want to build up the program and make more of swimming and water safety in this State. I want to give some of my colleagues some time to speak. However, I want to get back to the innuendo, the grubby part of the debate.

Mr Ripper: Do you want to get onto the lobby as well?

Mr BARNETT: Yes, that is what I am talking about. The reason for this debate was to try to draw an association between me, the Royal Lifesaving Society and Mr Alec Mackenzie, the chief executive officer. That is what it was all about. I have known Mr Alec Mackenzie since I first met him two years ago. He is also heavily involved in the North Cottesloe Surf Life Saving Club of which I am a vice-patron. I spend some time at the surf club and I probably got to know him more through that. In fact, I met him through the North Cottesloe Surf Life Saving Club, not through the Royal Life Saving Society. He is probably better known to other members in this House. He lives in my electorate and he is a damn good person. I would not regard him as a close friend; he is certainly an acquaintance and he is a good bloke. It is as simple as that. Over the past couple of years he has talked to me about the interest of the Royal Life Saving Society in getting involved in vacation swimming. Good luck to him! That is what members of Parliament are for. He has certainly lobbied on behalf of the Royal Life Saving Society. What a terrible, dastardly organisation is the Royal Life Saving Society. Is this the Rothwells of the 1990s? What are we talking about here? What a heinous group of vicious, bloodsucking money vultures they are, the Royal Life Saving Society! What a joke! Of course he promotes the society. Why does he promote the Royal Life Saving Society? He promotes it because he wants the association to grow. He believes in safety in swimming and he wants participation in the sport by young boys and girls. That is a great, honourable objective and I have no problem with that. He can lobby me as much as he wants to and I will listen to him because I like him and respect him. I also listen to other people. One person I spoke to recently on my initiation was Shane Gould, another person who is interested in this program. Is there anything wrong with that?

Mr Ripper: What was her advice?

Mr BARNETT: It was a very limited conversation. I asked her opinion, and I asked lots of other people.

Mr Ripper: What did she say?

Mr BARNETT: She saw some merit in it; but she is only one person.

Mr Ripper: Ha, ha!

Mr BARNETT: Do not be surprised. Many people have an interest in it. The point I make is that I was conscious that I had been lobbied; and as in every single thing I do, and this Government does, in portfolios when we started this process I have not spoken a word to Alec Mackenzie or the Royal Life Saving Society, and I would not. He knows that and he has not sought to speak to me either because we knew that this sort of innuendo would be made. He is entitled to speak to me but he did not because the society was bidding for the project, along with others. Who knows whether it will get it? Obviously it will be a strong contender and it is well respected.

Mr Kobelke: But you do not know how many other tenderers there are.

Mr BARNETT: No, I do not.

Mr Kobelke: Are there any others?

Mr BARNETT: Yes, there are about a dozen. However, I do not know because unlike members opposite, I do not involve myself in the bidding process. I do not get in there with the public servants or the consultants and throw in my two-bob's worth. I have stayed right out of it, as I should. Therefore, what is the complaint of members opposite? Why did they come in here? To slur me? Fair enough; I am a politician; I can cop that. However, they came in here to slur Alec Mackenzie and the Royal Life Saving Society, and they should be ashamed of themselves.

MR MARSHALL (Dawesville - Parliamentary Secretary) [6.18 pm]: The Deputy Leader of the Opposition repeatedly said how successful this swimming program has been. I disagree with him. That is not correct. It is good; in fact it is very good. However, it is not highly successful. The decline in applicants for vacation swimming between 1990 and 1995 was such that Hon Norman Moore, the then Minister for Education, commissioned the Minister of Sport and Recreation to report in 1995 on the future of recreational school swimming programs that we have already heard about. That was not done halfheartedly. The committee was set up with representatives from the Ministry of Sport and Recreation, non-government groups, the Education Department and the aquatic industry. Every time I talk tonight it will be about the importance of the aquatic industry. The committee interviewed 14 other groups such as the Australian councils on health, physical education and research, Austswim, the professional swimming council, the Education Department and aquatic sports groups.

I rang John Fuhrman today who is second in charge at the Ministry of Sport and Recreation. He said that one of the recommendations, with which I agree, should be a closer liaison between the Education Department and water safety groups. Another recommendation is that swimming classes should be organised in the July school holidays and that did not eventuate. The recommendation about which the member for Belmont and I disagree is the recommendation that the Education Department should continue to organise vacation swimming for next three years following the report. If that is true and my mathematics are correct, 1995 to 1998 is three years and this is 1998. We are now reconsidering the program. We must reconsider it because the figures mentioned by the Leader of the House indicate a downward scale - 78 000 youngsters in 1992 and 63 000 in 1997-98. Members opposite should think about that. The reason I said the scheme is very good but not highly successful is that those 63 000 swimmers are accommodated by 349 swimming centres, of which 185 are in the country. That requires over 1 500 teachers. Therefore, one has employment, the hire of facilities, the small retailer at the facility selling ice creams and things like that. It can be seen that this is more than just a swimming lessons program; it is a big venture.

However, the major concern of the aquatic sports groups is that very few of the participants who come out of those swimming programs move into aquatic sports. When one says that, one thinks of swimming clubs, but I refer also to water polo clubs, diving clubs, lifesaving clubs, scuba diving clubs, and a host of others. If 63 000 people are learning to swim, one would think a small percentage would be encouraged to become involved in water activities in Western Australian clubs. However, that has not happened, and I believe the reason is that the Education Department is involved, and it does not know how to bridge the gap between swimming lessons and club activities. The Education Department already organises learn-to-swim programs during school time, so why would it want to be involved in out-of-school swimming lessons in the private sector? I have not come to terms with that.

I spent 40 years of my life dealing with amateur tennis officials, trying to get them to see the big picture in order to get Western Australia up there on the international scene. I know if the pupil has not learnt, the teacher has not taught. However, I kept changing my tack, and the officials still could not see the big picture. Tonight, when the Deputy Leader of the Opposition was addressing the House, I thought I was back listening to those amateur officials. The member for Willagee mentioned the Royal Life Saving Society being involved. I think that is a pretty good idea. To contract vacation swimming classes to the Royal Life Saving Society or Surf Life Saving Western Australia - I will concentrate on those two groups - could be a move in the right direction, because these groups are intimately involved in water safety. The Royal Life Saving Society educates people not to need to be rescued, and Surf Life Saving Western Australia educates people how to rescue. That alone makes them prime candidates for involvement.

I guess it is the sporting professionalism in me that makes me believe the vacation swimming program need not be changed but should be controlled by major water safety aquatic bodies; in other words, people who know what they are talking about, people who are intimately involved, people who get excited about their sport and belong to the water, not people who take part-time jobs organised by a government department who seemingly go through the motions of teaching and do not always care. I still believe school teachers should be employed, but they must be managed by water sports. It is imperative that this happen. Swimmers should be encouraged to join the aquatic clubs because at the moment junior sport is highly competitive. In summer sports one has T-ball, tennis and cricket, as well as all the aquatic sports, and everyone is vying for the junior development dollar. What a golden opportunity to get 63 000 people involved in water sports over four weeks.

The concern was raised that contract vacation swimming could be costly. I do not believe that would be the case, because contract swimming classes could be sponsored. Next week my son will run the Coca-Cola junior classic tennis tournament. Most tournaments in Western Australia have a junior entry of 200. This tournament has 800, and it is sponsored. There are 63 000 youngsters in the swimming classes. This is a wonderful opportunity for a firm like Coca-Cola. These children could have Coca-Cola singlets or Coca-Cola towels to show their mothers and fathers when they achieve their Coca-Cola junior certificates. With that sort of sponsorship, the cost would go down. However, that was not envisaged by the amateur officials with whom I dealt for 40 years, and I am hearing it here again tonight. It is generally accepted that water safety aquatic bodies should be involved in Vacswim and that, as well as vacation swimming, training programs which have not been conducted in the past should be introduced. This should be encouraged.

The 75-year-old vacation swimming program has served Western Australia well. However, times have changed, and enrolment numbers have dropped. I have always stuck to the principle of changing the play in a losing game. That is

because I am a winning professional. I believe the present program under the Education Department is losing. This change has not been made in haste; it has been properly researched, and it makes sense to involve the water safety aquatic sporting bodies. The Education Department can still retain ownership of the program, and it can monitor its performance. It can keep an eye on the management, the country involvement, the cost, the program quality and the safety.

Before closing, I will mention Alex McKenzie. I know him through his wife, Lyn McClements. She is one of the great sporting champions of Western Australia - a gold medallist at the Olympic Games. Her father, Ron, played for Claremont, but her uncle, Les, was a state and Tassie medallist. The McClements' name is held in high esteem in Western Australia. Lyn McClements married Alex McKenzie. I then came to know about his performance in the surf, his fervour, his excitement, and how he sponsors and promotes what he believes in. This couple's daughter is a champion Australian swimmer. I do not know if a slur was intended, but anyone who implies that something is wrong with the credentials of that family should look at himself, because he does not know sport; he does not know people; and he is a worn-out Australian Broadcasting Corporation commentator. One thing about being on the television is that one does not know when people are switching off. I will give the member for Willagee a little information: When he came on, everyone switched off - particularly in this House.

There is no doubt in my mind that the Vacswim program is ready to be changed and the recommendations for change are valid. I cannot support this motion.

Question put and a division taken with the following result -

Ayes (14)

Ms Anwyl	Mr Graham	Mr Marlborough	Mrs Roberts
Mr Brown		Mr McGinty	Mr Thomas
Mr Carpenter	Mr Kobelke	Mr McGowan	
Dr Edwards	Ms MacTiernan	Mr Ripper	Mr Cunningham *(Teller)*

Noes (25)

Mr Ainsworth	Mr Cowan	Mr McNee	Mr Shave
Mr Barnett	Mrs Hodson-Thomas	Mr Minson	Mr Trenorden
Mr Barron-Sullivan	Mr Johnson	Mr Omodei	Mr Tubby
Mr Bloffwitch	Mr MacLean	Mrs Parker	Mrs van de Klashorst
Mr Board	Mr Marshall	Mr Pendal	Mr Wiese
Mr Bradshaw	Mr Masters	Mr Prince	Mr Osborne *(Teller)*
Dr Constable			

Pairs

Mr Riebeling	Mr Court
Mr Grill	Dr Hames
Ms McHale	Mr House
Ms Warnock	Mr Kierath
Dr Gallop	Mr Sweetman

Question thus negatived.

Sitting suspended from 6.31 to 7.00 pm

SENTENCE ADMINISTRATION BILL

Second Reading - Cognate Debate

Resumed from an earlier stage of the sitting.

MR BARRON-SULLIVAN (Mitchell) [7.02 pm]: This legislation is arguably one of the most important issues in the public domain at present. I stress that naturally I will give this legislation my total support. I also stress a point that a number of speakers have made previously; namely, that this legislation cannot and should not be viewed on its own. The need to improve, and in some cases toughen up, our sentencing laws is a fundamental priority. However, we must not lose track of the other initiatives that need to be carried out and that I am pleased the Government is going down the path of implementing. One example is the traditional measures of tackling law and order problems through increasing police resources. There is no more tangible evidence of that than the fact that spending on police resources since 1993 has increased from $268m to over $400m, which is an increase of $132m a year, or almost 50 per cent. That is a very firm commitment towards the Police Service of this State and towards a very traditional measure of tackling law and order.

The Government is also moving towards innovative measures such as the crime prevention policies that it has put in place. The Parliament has established a Select Committee on Crime Prevention, which I hope will make some innovative suggestions about crime prevention. We need to face the fact that what we are talking about here is both the adequacy of deterrence and whether the sentencing processes that we have had in this State for a number of years meet community expectations.

Before I talk specifically about this legislation, it is important to consider the question of principles, which a number of members have raised in their speeches or by way of interjection. Members on the opposition and independent benches in particular have stressed principles which apply to the judicial system, and principles which I argue are stacked in favour of the judiciary and its role in the judicial system. I argue that one principle far overrides any of those considerations, and that if we in this Parliament were to do only one thing, it would be to uphold that principle. That principle can be summed up in one word: Democracy. Democracy is a quaint notion. It means representing the people who elected us and who put us in this job by listening to them, responding to their concerns and aspirations, and in every way possible moving to ensure that the legislation which governs affairs in this State reflects the opinions of the broader community. It is particularly relevant to consider with regard to this legislation that there is to some extent a total lack of confidence in the sentencing system that has been in place for a number of years, spanning Governments of all political persuasions. There is a strong element of confusion about those sentencing arrangements. The question that was asked today during question time by the member for Vasse, and the answer that was provided by the minister representing the Attorney General, illustrates clearly why many people have every right to be confused about the current sentencing arrangements and why many people argue that there has been a degree of inconsistency in sentencing in this State for a number of years. The member for Vasse referred to statistics on the offence of stealing with violence while armed, and he deduced from the report which contains this information - none other than the report to Parliament from the Chief Justice of Western Australia, Hon David Malcolm - that in more than 50 per cent of cases, the sentence for a single offence was in the range of four to 10 years; but by counter-deduction, one can say also that means that in almost 50 per cent of cases, the sentence was not as much as four years. In answer to the question, the minister said that the member was correct in stating that 50 per cent of the sentences for armed robbery in 1997 were below four years.

It gets better than that when we are on the hunt for inconsistency, because the breakdown of the 130 offences for which sentences of less than four years were given indicates that they ranged from 12 months to 48 months. I am not a Queen's Counsel, and I am battling to try to understand why, for example, in four cases the offender received a 42-month sentence; in one case the offender received a 44-month sentence, which is only two months more; in one case the offender received a 45-month sentence, which is only one month more; and in 15 cases the offender received a sentence of 24 months, which was six months more than the two offenders who received sentences of 18 months, and so on. I look at this answer to the question and I see very little consistency. Undoubtedly the judiciary would say that in each case circumstances warranted that sentence. I am sure that people in the community would ask how one offence for armed robbery can receive a sentence of 44 months and another a sentence of 45 months - one month's difference. Of all the 259 offences for which people were given sentences for armed robbery, in 130 cases the sentence was less than four years. That opens up some questions about whether in all the cases the sentences were appropriate. The final comment made by the minister in answer to the question was very interesting. He indicated that research on these offences for the purposes of the matrix, which we are considering in this legislation, indicated the very concern that the member for Vasse has raised; that is, the inconsistency of sentencing and that in some cases there is no doubt that the sentences given to offenders who commit armed robberies are too light. We are looking to resolve these sorts of problems and to restore confidence in the community and, I hope, to end some of the confusion over the existing sentencing arrangements.

I am sure that it was with great interest that most members received a copy of the Chief Justice's report last week in which the existing legislation appeared to cop a pasting in every direction. If members of the community were able to say something in this Chamber, I feel a great number would say they are quite disturbed by, perhaps even fed up with, what they consider is the judiciary inappropriately interpreting and using the law to shape policy. Many people have called it judicial activism, which is a nice term to sum it up. The Chief Justice's report was heavy in its comment on this legislation. At page 10 it reads -

> While Parliament may well have the legislative power to prescribe a sentencing range, limit the sentencing options available in relation to a particular offence or otherwise impose a sentencing formula, it must be mindful that this creates a significant potential for interference in the exercise of judicial discretion in sentencing.

The key focus of the Chief Justice's report seems to be a perceived impact on judicial independence and discretion as a result of this legislation. However, when we look at the detail of the report, which I found very interesting, and some components of which I agree with wholeheartedly, at page 3 the Chief Justice writes -

> In relation to a frequently occurring offence, the Court of Criminal Appeal has stated what the appropriate sentencing range should be, subject to particular circumstances of mitigation or aggravation.

In principle that seems to be similar to a sentencing matrix. When the judiciary do it, it is okay, but when the Parliament

or Government does it, for some reason the same principle does not apply. I have referred to page 10. Further on in the report at page 12 it reads -

> It is of particular concern that the prescription of factors and sentencing ranges is to be undertaken by means of regulation.

That is about the third time that comment has been made. It continues -

> Traditionally, there have been two ways of dealing with sentencing decisions. The first is that a very broad discretion is left to the Judge . . . Alternatively, in some circumstances, the offence is considered so serious that Parliament has limited or taken away that sentencing discretion. An obvious example is the imposition of a mandatory sentence in the case of wilful murder or murder.

Again the principle of mandatory sentencing is there. Parliament has approved that mandatory sentencing but I do not see criticism of it in the report from the Chief Justice. This legislation is simply carrying on that principle in response to the community's requests at the present time. This opens up the very interesting question of accountability. No-one would deny that in public policy one of the most fundamental requirements is the process of accountability. Indeed, it is part of what this Parliament is all about; a system of watchdogs with opposition parties and Independents and so forth and a whole range of technical procedures to ensure openness, fairness and accountability. At page 13 the Chief Justice's report reads -

> What is proposed by the Bill . . . is the detailed regulation of sentencing by the Executive. The element of public scrutiny involved when a sentence is passed in open court or when a Bill is debated in Parliament is missing. The danger of hasty or ill-considered action where regulations are involved is greatest because of the speed with which they can be promulgated and the relative lack of scrutiny and the absence of any power of amendment by Parliament.

I find that a very interesting comment because I believe the opposite applies; that is, when one looks at accountability and asks who is most accountable - whether it is the Parliament, individual members of Parliament, the Government or the judiciary - I would argue very strongly that the Government and the Parliament are far more accountable to the people than the judiciary. The key aspect which is missing in this report is that the Government and the Parliament can change something like a legislative matrix; in other words, the community can put pressure on us as elected members to talk to government ministers, and the Attorney General in particular, or in extreme cases we can move motions of disallowance to have regulations thrown out in response to concerns put to us by the community. The community cannot influence the judiciary in the same way. Consequently there is only one conclusion; that is, if we want accountability and a process in which the community and public can have a say, the process must be through the Government and the Parliament.

I enjoyed listening to much of the contribution to the debate by the member for Churchlands. Last week she asked a question which referred to this subject. It touched on the fact that the overriding concern should be the principle of judicial independence. I argue very strongly that is not the overriding concern. The overriding concern is to ensure that we listen to the people and we respond to what they want. I believe that is the road along which this legislation is most definitely heading.

We have also heard a fair amount of debate on the length of sentences. The Leader of the Opposition fired a question at the Premier last week. He quoted part of the Chief Justice's report which stated that under the new legislation the length of sentences would be reduced. It reads -

> . . . Parliament is proposing to compel the courts to impose sentences less severe than they currently consider appropriate. This is wrong in principle.

I have a very firm message to anyone in the judiciary who believes that. The message is twofold: First, the people to whom I speak are concerned not with the overall sentencing but with how long someone goes to jail for committing a crime. Earlier we heard the member for Geraldton make this point very strongly. He referred to an example given by the member for South Perth in which someone received a sentence of 10 years for an offence and someone else received a sentence of four months for the same offence. I quoted figures earlier which indicate an apparent inconsistency in sentencing. People are saying that if someone receives a sentence for a certain period, they want that person to be in jail for as much of that period as is practicable. I stress that this is the first step in a major process of reforming the sentencing arrangements in this State. If this Bill passes through both Houses in its current form, the community will have a mechanism in place to provide a far more consistent process of sentencing. The third stage, also provided for in this legislation, is the ability for the Executive to influence sentencing through regulation. It can be used to tighten up areas in which the existing jail sentences are either too lenient or too tough. With this legislation, the Parliament has the ability to further respond to issues raised with individual members of Parliament by the community with regard to sentencing. For example, there is no doubt that crimes against the elderly and children, home burglary and drug offences are matters of serious concern to many people, including young families and elderly people. At a later stage it will be interesting to see if the jail sentences imposed for those offences are appropriate.

One of the interesting points tonight is the members who have spoken in this debate. Earlier, when I was in the Chair, I counted the number of government and opposition members who had spoken in the debate. Assuming I am the last but one speaker in this debate, and the last speaker is from the government ranks - that appears to be the case - it means that only two opposition members and eight government members have spoken on this Bill. That is probably a reflection in the political system in this State at the moment of how the government ranks and the opposition ranks view this issue. I am not a rampant "hang 'em high" merchant. I do not believe the only answer to reducing the incidence of crime is to tighten up on sentencing. Indeed, I am a member of the select committee looking into innovative crime prevention measures. There can be a full range of public policy measures to tackle this problem. I hoped, and thought, the Opposition would put more emphasis on this legislation and that we would see more support, at least for some of the key aspects of the Bill.

We heard much about crime statistics in a couple of speeches given tonight, but there is not much substance to some of the comments made. Again, in relation to this Bill, it is relevant to look back to the debate in this Chamber last week about law and order. The opposition spokesperson relied very heavily on media reports and anecdotal information - she admitted that it was anecdotal information - to beef up a claim that there is a growing problem in this State. However, the cold, hard facts indicate that that is not the case. The report of the Select Committee on Crime Prevention handed down last week contained good, useful and objective information on the incidence of crime in this State. It contained a table of selected offences committed per 100 000 of population. The offences are those which most affect people in the community. It did not include graffiti, although we know that at times it has increased, but it included the more serious offences of homicide, serious assault, robbery, rape, break and enter, motor vehicle theft and fraud. The figures indicate that between 1993-94 and 1997-98 there had been a reduction of 7 per cent in the crime rates in those categories. During the 1980s, the figures show a spiralling increase in crime in those categories of 95 per cent. There was an upward trend during the 1980s, and the rates have stabilised and even decreased in some areas. I may not be psychic, but I hope there will be further good news on this tomorrow.

It is important to look at the facts and to avoid scaremongering when dealing with legislation of this nature which touches on undoubtedly the most important community issue at present. The Government has made a determined effort to tackle one area of crime - car theft - but the Opposition jumps up and down and says the legislation should not apply to cars worth less than $3 000; in other words, older cars. Again, the report of the select committee released last week, which I suggest members opposite should read, considered the year of manufacture of vehicles stolen in Western Australia in 1997-98.

Mrs Roberts: You are a joke. Just look at the question I asked on Tuesday, 1 December, and you will see the number has gone up by thousands.

Mr BARRON-SULLIVAN: The member for Midland is the opposition spokesperson on crime and she is claiming that these statistics are a joke. This is totally indicative of the approach from the opposition benches. The two largest categories of motor vehicle theft are vehicles manufactured between 1975 and 1979 and those manufactured between 1980 and 1984. Many people in my electorate drive cars in those categories, and I know people who have cars within those categories that have been stolen. While I have some questions about the immobiliser scheme, something must be done about this problem. If that legislation can turn around the situation and prevent cars being stolen and people losing their lives on the road, I am totally in support of the initiative. Members must be objective and use the statistics to find constructive solutions and not to fan community concern about crime on our streets.

The DEPUTY SPEAKER: I remind the member that we are dealing with the sentencing Bill.

Mr BARRON-SULLIVAN: I reiterate my total support for this legislation and indicate that there might have been an alternative, which has been trialled overseas, but I am sure the judiciary would find that even more unpalatable; that is, the process of recall. Numerous people have said that something must be done about the sentencing system, and that they are concerned about the inconsistencies in sentencing which they read about in the newspaper. This legislation goes a long way towards fixing the problem. Time will tell whether it will be necessary to ask the Attorney General to tighten up some areas of sentencing. That may be the case eventually.

My final comment is a plea to members on the opposition benches not to dissect this legislation on the basis that they do not think the Attorney General should be able to impose regulations which can set fixed sentences or increase them. Opposition members should not take a feeble path or sit on the fence, but should give the legislation an opportunity to work because people are asking for it.

MR JOHNSON (Hillarys) [7.29 pm]: I will be fairly brief in my comments because many of the things I would have said have already been said by my colleagues and I do not want to be guilty of tedious repetition. I support the legislation on the understanding that the Attorney General will, in the not too distant future, introduce regulations that will require longer terms of imprisonment for serious crimes. The matrix will not change to any great degree the length of time served in prison. However, the beauty of it is that the Attorney General can bring in regulations as and when needed to increase the time spent in prison. As my colleague the member for Mitchell stated, the public do not believe that criminals, particularly those who commit violent crimes, are being punished enough. The public perception is that the judiciary is awarding lenient sentences. At the moment, if a person is found guilty of a serious crime and is sentenced to six years in prison for armed robbery, the

sentence is divided into two years in prison, two years on parole and two years' remission. That is a nonsense to me and to the general public. It upsets the public when they hear that somebody who has been sentenced to six years in prison, will serve only two years - particularly for violent crimes.

The perpetrators of an armed holdup in my electorate were recently sentenced to six years in prison. However, the delicatessen proprietors who were held up at knife point and with a blood-filled syringe were absolutely petrified, so much so that they sold their business because they did not want to stay there any more. I feel sorry for those people. They worked hard from six o'clock in the morning to nine o'clock at night. They should be able to carry on their business without fearing people will threaten them with knives, guns and syringes. I am glad that the members for Pilbara, Girrawheen and Midland agree with me. My colleague put it well: We must listen to the people. They have felt that over the past decade or so this Parliament has not been listening. We have not made the laws that people are asking for. I read the Chief Justice's report to Parliament on sentencing. I do not want to criticise the judiciary, but from time to time some judges and magistrates forget that the Parliament makes the laws and they interpret them. In some cases some members of the judiciary tend not only to interpret the laws, but to make the laws as well. I do not think they have the right to criticise the Parliament when it wants to change the law to give mandatory minimum sentencing. That is the constitutional right of the Parliament, and the judiciary must interpret that, and hand out the sentences once the culprits have been found guilty. We are not telling the judiciary who they will find guilty or innocent; we are telling them what the sentence will be if they find someone guilty. The matrix system appears to be quite simple.

The thrust of this legislation has come from a demand from the public. In the electorate of Hillarys people are always talking to me about law and order. They ask me when the Government will do something about criminals who are getting out of prison after serving one-third of their sentences. People are upset by violent crime, more than anything else. Stealing a car with the intent to commit a ram raid or an armed holdup is a serious offence, but if someone steals a car for a joyride he should be sentenced differently.

A number of factors are involved in crime these days. The first is the serious drug problem. Too many young people are trying drugs and getting onto hard drugs. Once they are hooked, we can predict the route their lives, short as they may be, will take. Another factor is the breakdown of the family unit. I have been told that eight out of 10 juveniles who go before the Children's Court are part of single-parent families, and most of them grow up without fathers. This is indicative of the problems with crime in the general community, and the problems these children have at school. My colleague, the member for Swan Hills, referred to education, and how a teacher can identify the children who are having problems at school, and are more likely to have problems later in life or to become involved in criminal activities. We must consider all sorts of remedies and punishments, because people must be punished if they commit crimes. We cannot just slap people on the wrist and let them go, because they will learn nothing from that.

I have an absolute hatred for drug pushers. I loathe people who peddle deadly substances, particularly to our young people. We hear about prisons being built and subcontracted out to private enterprise. If I had my way, I would do a deal with the Thai authorities to send our drug pushers to prison in Thailand. It would be much cheaper than keeping them in Western Australian prisons and it would deter a lot of people from going into that deadly trade.

Mrs Roberts: That is not government policy.

Mr JOHNSON: No, but over time I hope to convince my colleagues that we should consider that option. We must have deterrents for these crimes. I hope in time we will consider something like that, because it would deter many criminals - they are murderers in my view - who push deadly substances. They are doing it for money, and for no other reason. The network gets wider and wider all the time.

I will talk about the public's perception, and about listening to people. The people have asked in no uncertain terms for truth in sentencing. The Opposition would agree with me that there should be truth in sentencing. That was its policy at the last election, and I do not think it has changed much since then. The matrix system is a move towards truth in sentencing, but it does not go far enough. The matrix will provide for truth in sentencing, because the sentence will be reduced, although the time someone spends in prison will be about the same. I support the legislation on the understanding that regulations will be introduced for certain serious, violent crimes to ensure that offenders are kept away from society for longer. If they are in prison they are not attacking innocent Western Australians.

With your indulgence, Mr Deputy Speaker, I will refer to sentencing for graffiti.

The DEPUTY SPEAKER: The member for Hillarys is straying off the subject. Not many sentences are given out for graffiti.

Mr JOHNSON: That is what I want to discuss. Another Bill in relation to carrying graffiti implements is before the other place.

Mr Prince: It has been passed. The Governor signed it yesterday and it will come into operation at midnight on Saturday.

Mr JOHNSON: Wonderful!

Mrs Roberts: The minister has been on radio and television. He has put out the press statement. The only person who does not know about it is the member for Hillarys.

Mr JOHNSON: I am sorry; I have been rather busy. The Minister for Police is always on television and radio. I usually listen with great interest to what he says because he talks much commonsense and I have much faith in him.

That is why I include sentencing for graffiti in my remarks. The polite word is "graffiti" but it is vandalism. Let us call a spade a spade - it is absolute vandalism. People in my electorate are fed up to the back teeth at seeing ugly signs, scrawls and initials all over the place. One way to deter graffiti artists - that is a polite term - is to let them know that if they are caught vandalising by way of graffiti they will lose either their drivers licence or the opportunity to obtain a drivers licence for 12 months. Many of them are 15 or 16 years old. Even opposition members would agree that 15 and 16 year olds look forward to the time when they can get their drivers licences. If they know that they will not be able to apply for a drivers permit for an extra 12 months -

Mr Cunningham interjected.

Mr JOHNSON: In another country, the authorities would cut off their hands. However, my suggestion would be a deterrent. It is not whacking them with the cane or doing anything to which opposition members would be philosophically opposed. It is a simple carrot and stick approach. It says, "Here is your carrot and there is your drivers licence. If you are caught vandalising walls or fences, you will have to wait an extra 12 months before you can drive a car." It is a bit like being in detention.

I have mentioned my abhorrence for drug traffickers. They are the ones who caused the need for this legislation. Drug pushers cause the problems which make people commit violent crime. The majority of violent crimes are caused directly by drug pushers. When people are incarcerated we should consider a rehabilitation drug program. We should try to catch them before then, but people who are caught shooting up heroin should be locked up and treated with naltrexone. It is no good giving them methadone because they become addicted to that and we substitute one evil for another. However, research shows that the naltrexone program works. It has worked on people in my electorate who now lead normal lives because of it. The Government should consider funding more of the naltrexone program. Nobody wants more heroin deaths, but they will happen. We should catch heroin addicts, lock them up in a secure environment and put them on the naltrexone program, perhaps with a carer present, until they are cleaned of that filthy habit. I said that I would be brief -

Mr Prince: You do not want an extension?

Mr JOHNSON: No, I will not ask for an extension, I promise. I decided to be brief because most of my colleagues have said much of what I wanted to say. I support the legislation on the understanding that the time that violent criminals spend in prison is increased by regulation.

MRS ROBERTS (Midland) [7.44 pm]: The Government is experiencing many problems and difficulties with the legislation and it seeks to blame everyone else but itself for the problems and difficulties that it now faces. Its problems have included the Chief Justice of Western Australia feeling the need to report directly to Parliament last week on the legislation. Those problems are all of the Government's making, or at the very least of the Attorney General's making. Perhaps Cabinet and members in the coalition party room should call upon the Attorney General to answer a few questions, because he has been deceptive about the legislation right from the start. The Attorney General was assured of the Labor Party's support for truth in sentencing. Hon Nick Griffiths, the Leader of the Opposition and I have put out press statements and made other statements during the year calling for truth in sentencing. The Hammond report was tabled by the Attorney General in March. A couple of months later, Hon Nick Griffiths asked when the Attorney General would act upon it and bring amendments before the other place. Subsequently, I also put out a statement calling upon him to take up the recommendations of the Hammond report and to provide for truth in sentencing.

All of us are aware of the patently ridiculous sentencing regime which sees people do as little as one-third of their sentence. That does not mean that in every instance people do only one-third of their sentence; it means that in respect of some shorter terms, people serve only two years of a six-year term and others serve only one year of a three-year term. The difficulty is that the Government has been in office for more than six years. It was elected originally on a platform of law and order. It has failed to resolve issues which in 1992 it promised to resolve. It failed to resolve them in its first term of office. Towards the end of 1996 when it stood for re-election, it said to the people, "We have done a little bit and we know that we haven't solved it all, but we will do that very soon; just re-elect us." The people did re-elect it, but surely they must be disappointed with the Government's tardiness to act on law and order matters.

At every possible stage throughout the year the Opposition has pushed and shoved the Attorney General on the issue. Interestingly enough, his excuse to me in about the middle of the year for not coming forward with truth-in-sentencing amendments based on the Hammond report was that he did not feel that he had had enough consultation, that he wanted to consult further, that the consultation process that had taken place as part of the Hammond report had been insufficient and

that there were further people to whom he wanted to talk about it. I can surmise only that contrary to what he said - that is, that he needed those extra months to talk to people about it and to determine their reaction - he actually wasted the opportunity. He must have sat on the report and not talked to anyone. He certainly did not talk to the Chief Justice, and he obviously did not talk to many other people who are integrally involved in the administration of the law in Western Australia.

It seems that with the public push, the rallies and, no doubt, with the pressure from coalition backbenchers, together with the pressure that the Labor Party has continued to mount on the Government with regard to law and order, and no doubt together with its poor polling on law and order, the Government felt obliged suddenly to try to talk it up and say that it would do something. However, what the Attorney General did was very misleading. He said that the Government had a tough package, that it would be tough on people who break the law, and that would introduce truth in sentencing so that people will serve their time. That is rubbish. That is not at all what the legislation provides.

I took up this issue quite strongly mid-year because someone I know quite well went through the court system. All members are aware of the ridiculous nature of the sentencing taking place, with people serving only a short part of their sentence,. She was the victim of a serious sexual assault by someone in her workplace. It took some time for the case to get to court. She came under enormous pressure not to proceed with the charge. Yet with the encouragement of her husband and the fact that she is a very strong person -

Mr Prince: From whom was the pressure coming?

Mrs ROBERTS: It was from the people at her workplace.

Mr Prince: Not from prosecutorial authorities?

Mrs ROBERTS: I will be happy to tell the minister the name of the workplace after this debate, and I think he may be surprised.

Mr Prince: I doubt that anything would surprise me.

Mrs ROBERTS: The person who committed the sexual assault got a sentence of 18 months. My friend said to me afterwards that she had been through a year or so of hell, that at times she felt like giving up on this case, that it had been hard to give evidence in court and to go through the whole process, to be told by people with whom she worked that she was just making it up and she should not proceed with it, and having other people putting pressure on her because of the nature of the family life of the person who committed the assault and the effect a court case might have on his family. She was strong enough to go through with it. She felt vindicated because at least he got a jail term of 18 months. She and her husband coped with that quite well. About four months down the track she received some correspondence about the terms of release of this person.

Mr Trenorden: That is Joe Berinson's legislation.

Mrs ROBERTS: I am not interested in ancient history. I have been a member of this Parliament since 1994. Law and order problems have got absolutely out of control in this State in recent years.

Mr Trenorden: You left the legislation alone for years.

Mrs ROBERTS: We cannot leave legislation in place for years, and years, and years, and then try to blame the previous Government.

Mr Trenorden: You did.

Mr Prince: It is about 10 years old, maybe 12.

Mrs ROBERTS: Maybe if it had a problem with it, the Government could have reviewed it last year, the year before, or 1993 might have been a good time to do so.

Mr Trenorden: Privately you still agree with it.

Mrs ROBERTS: I do not agree with it at all.

Mr Trenorden: Are you going to support the legislation?

Mrs ROBERTS: We will vote for the legislation, and those opposite have been advised of that. If the member for Avon spent more time in the Chamber, he would know that already. He seems to spend about 10 minutes a day in this Chamber, and makes very little contribution on any debate, other than interjecting rudely after he has had dinner and a few drinks. He should not attempt to have an input in this way.

In this circumstance my friend requested that the person not go near her home or her children's school. She also attempted to set a couple of other conditions which I do not think were agreed to, and I will not go into that detail. These people were

devastated that this person was getting out of jail in less than six months when they thought he would serve an 18-month sentence. In a way we can rationalise the system and say that everybody knows that an 18-month sentence means six months; six years means two years; three years means one year; 12 years means about six years, from what I can gather.

Mr Prince: Four.

Mrs ROBERTS: I am told it can mean six in some circumstances and that it is not automatically one-third of the sentence. I asked my colleague Hon Nick Griffiths how this can be. I asked whether it is the same in every other State in Australia. The answer is no. Victoria has changed its laws, and I have subsequently learnt a lot more about it and have read the Hammond report and other information on it. The time served in Victoria more closely reflects the sentence given by the court. When we look at it dispassionately, we can ask whether it matters, because everybody knows six years means two years. Academics can hypothesise and say this is the system; however, the average person who gets caught up in the system cannot understand the logic of it. I do not see how we can convince anyone of the logic of it.

There is no difficulty in convincing people of the logic of parole. It is an important part of integrating someone back into society and is part of the rehabilitation process. Lots of people question whether that should be part of the sentence or additional to the sentence. Although there can be more truth in sentencing, we may say that one fellow might get only six months if there were to be exact truth in sentencing. Would that be any better? I suppose the answer must be yes, because at least it is honest and truthful and we get to deal with it in one blow. In the circumstances I described, the people went through the double emotional hurdle: First, the trial and the original sentence and then the realisation that the person will serve only about a third of the sentence. Although members may become quite familiar with the system, and lawyers and other people involved in the legal system may be well aware of how things work, and although many cases may be reported in the newspaper on how sentencing works, not everybody follows it. In fact, most people do not follow it until it impacts on them or someone in their family.

The Attorney General has been tardy; he should have brought some truth-in-sentencing legislation before this House, at the very least, much earlier this year. The Hammond report was available in March. I cannot see that the Attorney General consulted anyone between his receiving the Hammond report and introducing the legislation last month. It is a bit rude of the Government suddenly to start talking about its law and order package and ask why all the other parties - the Australian Labor Party, the Australian Democrats and the Greens (WA) - do not just roll over and accept it. If the Government is serious about a law and order package, why did it not bring it in two or three months back, at the very least, so that we could have seriously contemplated it? We said that we would like to support the Government's law and order initiatives, that we are in touch, if not more so than the Government, with community attitudes on law and order, and we want to work cooperatively. The Attorney General does not seem to work cooperatively with his colleagues or those in the Opposition or, obviously, the judges or the Chief Justice of Western Australia. One of the difficulties with the way in which the Attorney General presented this legislation was that at the outset he tried to pretend it contained some tough new measures, when quite clearly it does not. He described it as truth in sentencing.

We said that we thought it is worth moving towards that. When we looked at the legislation, we found that it would not mean longer sentences for anyone. Instead of a judge giving a six-year sentence, which would mean two years in jail, a judge will now be instructed to give a four-year sentence, which will mean two years in jail. On the basis of that, the Opposition must consider its point of view. I think it is better because it involves someone serving a larger proportion of the sentence given. In my view it is not enough. Because it is a step in the right direction, the Opposition does support it.

It does not go far enough. It does not provide harsher penalties, yet insofar as it moves toward truth in sentencing, the Opposition will support that clause. It also seems that while the Attorney General chose to ignore some aspects of the Hammond report and not incorporate them in his legislation, he is determined to take up the main factor of contention with the Chief Justice; that is, his rather confusing matrix. Even the term "matrix" has people confused. It is all part of a con by the Attorney General of this State to try to pretend that he is doing something to get tough on sentencing, that we will have truth in sentencing and longer sentences, while at the same time instructing judges that everything will be the same. One must ask how much further are we advanced? The Opposition offered its support in principle for this legislation. Like the judges and the Law Reform Society, we were not provided with advance copies of the legislation. We were asked whether we would support sentencing legislation to provide for truth in sentencing sight unseen. The Opposition said it would provide in-principle support for such legislation insofar as it allowed for truth in sentencing and that it would wait to see the detail and then participate in discussions. That was the point of view expressed by Hon Nick Griffiths, the shadow Attorney General.

An issue which has arisen during this debate is the role of the elected representatives in this Parliament versus that of judges in determining penalties and the way the system operates. The Attorney General made a grave error in not properly consulting people like Hon David Malcolm and others in the legal fraternity. He made a mistake in not discussing the matter with the Opposition and providing it with information in advance, because it promised a cooperative approach as far as possible and insofar as we believe what the Government is doing is in tune with community expectations. Yet the Government chose to hatch the legislation secretly and produce it sight unseen. The people of Western Australia have a clear

expectation of their elected members. My constituents and the people who have contacted me have a clear view that the Parliament should determine the penalties for crimes. That is not to say that we should do so in isolation from people in the legal fraternity or that we should not take advice. Taking advice widely and consulting properly is an integral part of the process. However, we cannot abrogate our responsibility to represent the views of the people who elected us.

Other members have mentioned some of the violent crimes which our community has suffered in recent years and some sad cases involving the elderly and disabled. Elderly people in my electorate have been bashed in and around their homes. Mr Ken Byrne King of Koongamia is one of my constituents. His case was widely reported and is known by everyone. I know of many other cases of elderly people being bashed in their homes in the electorate of Midland. Midland is no different from other electorates; bashings occur in all electorates. I am also aware of disabled people being preyed upon in Midland at night. Their lights and electricity have been turned off and when they have gone to investigate, they have been assaulted and their homes ransacked. There is genuine community abhorrence of this type of crime. The Government is not doing anywhere near enough to solve the law and order problem in this State. I am sick and tired of people talking to me about "the public perception of crime" or "the fear of crime" and suggesting that somehow it is not real for people. It is very real for people. I would be surprised if anyone in this Parliament had not been affected by crime in one way or another even over the past 12 months. My mother's house has been broken into twice in the past year. She has now installed a sophisticated alarm system in addition to the door and window locks and security screens she had previously. My grandfather is now 88 years old. Earlier in the year, his house was broken into while he was at home. He remembers very little of the incident but he was pushed over outside his back door on the brick paving and knocked unconscious. The neighbours, my aunt and uncle, heard him call and rushed in to find him lying completely unconscious on the brick paving at the back of the house. His physical health has returned to normal.

Mr Osborne: How old is he?

Mrs ROBERTS: He is 88 years old and my grandmother is 86. His emotional health has gradually recovered but that has not helped my grandmother's emotional health. They had previously experienced a couple of episodes of pilfering, people sneaking in and stealing something, but to be knocked unconscious in one's own home and have one's drawers ransacked is very distressing for elderly people. Numerous constituents have come to see me with similar stories. Quite often they are brought in by their children who are my age or older. The children bring in their parents who live by themselves and are petrified. This is not the kind of society that I or the community of Western Australia wants. The delicatessen down the road from my house has been run by a lovely Vietnamese couple for some years. They have been continual victims of armed robberies. A few months ago my husband went to the shop on a Saturday night to buy the *Sunday Times* and missed an armed robbery by 15 to 20 minutes. These people are friends of ours and they are devastated by these attacks. They have asked me what can they do, whether they can spray them with something, use a knife or whether they should get a gun. I understand why people have that attitude. They work hard. They are there from early in the morning until late at night working hard for themselves and their families, yet people crazed by drugs or whatever continually abuse them and make their lives a living hell, causing them to be frightened to go to work and fearful the whole time they are at work.

The member for Mitchell said that last time we debated crime, I referred to some anecdotes and did not provide the statistics. The member for Mitchell may be a new member but he must learn that members cannot involve themselves in petty point-scoring without any element of truth. He plainly did not tell the truth earlier this evening when he said that I did not refer to any facts. When I raised the matter last week I referred to all the statistics in the 1998 annual report of the Police Service. I also referred to statistics in the Australian Bureau of Statistics document which was released about July 1998. I indicated that Western Australia, unfortunately, either leads the nation or comes second or third in just about every category of crime on which the Australian Bureau of Statistics reports. I read those figures into *Hansard*. I do not know whether the member for Mitchell is being deliberately misleading, whether he needs to clear his ears or whether he just wants to be malicious towards me.

Mr Tubby: He would not want to be malicious to you.

Mrs ROBERTS: I find that very difficult to believe because even the Minister for Police does not misrepresent me.

Mr Osborne: You would not have the courage to attack him in a premeditated manner in the Chamber.

Mrs ROBERTS: The member for Mitchell is one of the more gutless little wimps I have ever encountered. He got up in this place one week when we presented the report of the Select Committee on Crime Prevention, said how cooperative we had all been on the select committee and how much he enjoyed working with me. However, when I was not in the Chamber earlier this evening, he suddenly said that I never refer to any statistics, which was untrue.

Mr Barron-Sullivan: Member, I have the figures here from earlier on. Are you prepared to seek the leave of the House to have these figures incorporated as part of your speech? It is a credible source of statistics.

Mrs ROBERTS: If the member for Mitchell had been in the Chamber he would know that last week I produced the Australian Bureau of Statistics' authoritative comparative figures from State to State. He would also know that I produced the figures from the Police Service annual report of 1998.

Mr Barron-Sullivan: A very selective set of figures.

Mrs ROBERTS: The member for Mitchell continues to show his ignorance because the fact is that there is no selectivity with the Australian Bureau of Statistics' figures. Those figures cover all crimes and I went through all the categories. Clearly the member was not in this place, therefore he would not know that. The fact is that Western Australia has some of the worst crime statistics in Australia. We need to ask why that is so. Why is it that car theft, armed robbery and home burglaries are so much worse here than in other States of Australia? It seems from an answer that the minister gave me yesterday that the figures for car theft have gone up yet again. I asked the minister what was the actual number of vehicles stolen in 1997-98 and he advised that it was 17 145. I asked what the number was in 1996-97 and he said 14 953. It seems that although people were told a year or so ago that the immobiliser scheme would help reduce car theft, the opposite has actually occurred. We need to consider policing in that respect. It may be that we should be concentrating on specialised motor theft squads being properly resourced so that the police can catch the people who commit the crime.

Other members have also looked at the grassroot problems concerning crime. Obviously the drug problem in this State is colossal and requires a deal more than posters, pictures, pamphlets, a few platitudes to parents and a few flashy launches to say that the Government will get tough on drugs or that it has a wonderful drug strategy. Again, the facts do not indicate that the Government has a wonderful record on drugs or that it has a strategy that is in any way working. I was disturbed to learn from a TV program on the weekend that there had been another few heroin deaths in the course of last week.

Mr Prince: Four, I think.

Mrs ROBERTS: Another four or five deaths occurred over the course of the previous week. The Government must do something about that. It must consider other focuses than sentencing. I do not have the time, nor it is appropriate for me, to go into that at this stage. The Opposition will support this legislation; however, it is flawed. The problems with the legislation are of the Government's own making because it brought in the Bill in such a tardy fashion, introducing it only in November after not properly consulting. The suggestion that has been made in the upper House to split the Bill and deal with truth in sentencing separate from the matrix may be a good idea.

MR OSBORNE (Bunbury) [8.16 pm]: I rise to make the briefest possible contribution in support of the legislation, but principally to concur with remarks made by my parliamentary colleague, the member for Mitchell, and to seek leave to have statistics incorporated in *Hansard*.

[The material in appendix A was incorporated by leave of the House.]

[See page 4748.]

Mr OSBORNE: With those remarks I will close my contribution and support the legislation.

MR PRINCE (Albany - Minister for Police) [8.17 pm]: I thank members for their contributions to this debate. I must confess that I am tempted to say that and sit down. However, a number of matters have been raised to which I should respond.

In the course of this debate it seems that although the legislation is about sentencing law, members have strayed justifiably into matters concerning crime rates, apprehension rates, punishment and so on. There are a couple of interesting things that members may find tomorrow when the Crime Research Centre of the University of Western Australia publishes its crime and justice statistics for Western Australia for 1997. As it happens, I have an advance copy, but it is embargoed until tomorrow. I just make the point that members may find it interesting to note that there is not a crime epidemic in Western Australia; that in many respects some interesting conclusions can be drawn from the peaks, particularly in property crimes, burglary and theft. That occurred in 1995 figures, not 1998. Rates for those offences have either declined or remained relatively stable since 1995. Rates for armed robbery have risen continuously since the early 1990s. The rate for unarmed robbery has doubled since 1991 and for armed robbery it has almost quadrupled. Statistics of that nature are fascinating because we are looking at it now for a period of seven to eight years. Although the trend of robbery rates is extremely disturbing, the Western Australian rate is on par with the national average.

Mrs Roberts: When do those figures go up to?

Mr PRINCE: The whole of calendar year 1997. Although Western Australia is still on a par with the national average, it is well below the robbery rate in New South Wales. A notable feature is the pattern of victims. Most of the victims were young men, although there is a rise in the victimisation rates of women over the age of 45 years. The Northern Territory has the highest rate for homicide and sexual assault, New South Wales has the highest rates for robbery and motor vehicle theft, and Western Australia has the highest rates for burglary. In Western Australia, the homicide rate in 1997 was higher than that in 1996, but less than the national average. The report contains a number of interesting statistics, and I do not want to do anything other than whet members' interest to read the media release that will come out tomorrow, which is quite lengthy and detailed, and also to get hold of a copy of the report.

Mr Graham: What is the thrust of it?

Mr PRINCE: The thrust of it is that while in some areas rates have declined and in others rates have increased, Western Australia is either on or below the national average. New South Wales leads in motor vehicle theft and robberies, and WA leads in burglaries, but otherwise WA is on or below the national average. The arrest rates and so on are increasing. The crime rates have risen, as we would expect in line with population increases, but so have the arrest rates. The incarceration rates have decreased, but the length of prison sentences has increased. It is quite interesting. I do not want to get into that report too much now because it is their report and it will be launched tomorrow.

Mr Graham: Does it paint a significantly different picture from the one in the police annual report?

Mr PRINCE: It does in some respects, because it compiles statistics from both the Police Service and the Australian Bureau of Statistics and presents an analysis, whereas the police statistics present the raw data, the numbers and the rates. The report also draws some conclusions and makes some observations which are quite germane and which we should heed.

The statistics are plain and understandable. However, if we were to ask any broadly representative group of people in this city who are middle age or older how many of them have been, or know someone who has been, the victim of a burglary, such as home invasion, I suspect about one-third of those people, and possibly more, would put up their hand. The point I make is that while the rates for robbery, for example, may be very high against young adult males and not high against elderly women, the perception is the reverse; namely, that elderly women in particular, and also elderly gentlemen, are subject to violent attacks. It is true that they are subject to violent attacks, and we hear regularly about the number of such attacks that occur. We can question why that is so and what is the origin of that phenomenon, which is occurring not only in this and every other State, but also in the United States and the United Kingdom. It is not peculiar to Western Australia but is a common fact in the western world at the moment. It has been increasing in the past decade or more, irrespective of what Government has been in power, and it is something with which many Governments are wrestling, in some respects similarly and in some respects in different ways. We should all be aware that it is a problem that must be addressed by all, and we should all look also at what everybody else is doing.

The member for Fremantle said the increase in crime is due to changes in social structure and so on. The crime rates do not bear that out. If that were true, the same thing is happening in New South Wales, which has a Labor Government, and I doubt that the member for Fremantle would be prepared to accept that that argument was correct in New South Wales. However, the point is that rates of crime are roughly comparable, although there are peaks and troughs from place to place. The question is how do we deal with it. I have a view, which I have expressed a number of times. I give credit to the member for Swan Hills for the speech that she made, because she effectively said what I would have said and said it - I am not being unduly complimentary of her - in many respects far better than I could. The origins of crime lie not exclusively, but largely, in lousy parenting and a poor upbringing. I am talking about a child from the ages of one to five years. These children are not in families in which they are nurtured. One can pick those children at kindergarten and in primary school -

Mr McGinty: Is that not part of what I said?

Mr PRINCE: Yes, but it has been like that for a long time. When I was in practice in Albany, I could pick those children at primary school level by name and family, Aboriginal and non-Aboriginal, without even seeing them. Primary school teachers could pick them by behaviour in the classroom, and so could some kindergarten teachers. Secondary school teachers would know what their records were.

Eighty of every 100 people who appear in court never come back after their first appearance. About 15 or 16 of the remaining 20 come back a second time. In many respects this legislation is about the 4 to 5 per cent who come back over and over again. Most sentencing-type legislation tends to concentrate on that small proportion of the population that commits a disproportionate amount of crime and that is recidivist and continually in front of courts, having committed offences and having been apprehended, and basically causing the difficulties that we wrestle with over and over again. Those sorts of people have been around for as long as I have been in legal practice, which is from 1970, and I have no doubt before that. In certain areas, obviously the rates of crime have changed over the years. I agree that social structures have a great deal to do with it, but the problem lies also in the family and the upbringing.

I place a good deal of emphasis on the balanced approach that we have in government. An accusation has been made that the Government is concerned only with a lock-'em-up mentality. That is not correct. The Government has established many projects. The Aboriginal cyclic offending project in Geraldton, which is one example that has been referred to in the debate, has been very successful and has now been extended to Midland. That is a holistic and coordinated approach involving many agencies and addressing a particular group in society that has a cyclical offending pattern. Sentencing reform is part of a total approach to dealing with crime and punishment and the prevention of crime. There is absolutely no doubt when we look at some of the origins of crime that the children of whom I am speaking often appear in hospitals diagnosed with failure to thrive, have behavioural problems in schools, and are functionally illiterate and innumerate. Many government and non-government agencies have to deal with them along the way.

The Government is absolutely firm that through the Safer WA structure, which is a subcommittee of Cabinet, and then through a council chaired by the Commissioner of Police, and councils at the regional and local levels, it will have

coordination between Police, schools, Family and Children's Services, Health and other organisations that deal with families that have dysfunctional children. The member of Pilbara gave the interesting example of such a coordination exercise in which he was obviously involved in 1988 or 1989 in Hedland; and without knowing what the member has done, we have reached the conclusion that that is the way to move, particularly at the local level, because in that way we will get a coordinated approach to the origin of the causes of crime. I stress that that is not the origin of all crime, because some criminals come from backgrounds other than the ones I have mentioned, and many people who come from those sorts of backgrounds are totally law abiding and good citizens in this society. However, a disproportionate number of criminals come from that sort of background.

Mr Graham: I did not intend to leave the minister with the view that what happened in Hedland was aimed at all crime. It was aimed at vehicle theft and break and enter, and passed what we would loosely call nuisance crime.

Mr PRINCE: I understood that. I was simply making the point that what had been done in Hedland was a commonsense response to a particular problem that it was experiencing, and it evidently worked for the time that it ran. What the Government is doing in a more systematic sense is trying to get that coordination that it insists will happen at the local level throughout the whole State. It will take some time to set up, but I am sure that with the goodwill of the officers concerned, particularly at the local level but also at the chief executive officer level, it will happen.

The other area of crime that must be dealt with is the environment that is conducive to the commission of crime. That is where initiatives such as the immobiliser scheme and other preventive exercises come into play. I applaud the City of Gosnells for the prevention programs it has put into place as a result of some studies involving people from the University of London. I am referring to the built-in environment, such as lighting alleyways and so forth in the area, and the many prevention programs and diversionary projects that it intends to get under way or is already operating. They relate to the environment in which opportunistic crime in particular is committed, and endeavours to so minimise the environment that the opportunistic crime is difficult to commit and, hence, the extent of it is reduced. To some extent patrols by security officers in Bayswater have been highly successful. The first of those patrols operated in Kwinana as part of the New Living scheme, which was launched when I was Minister for Housing. It had the effect of reducing opportunistic crime in the Kwinana area by about 40 per cent in three months. Those things are all part and parcel of dealing with the environment in which crime occurs.

There is then the policing, or apprehension, aspect because it is undoubtedly the case that the probability of apprehension is the greatest deterrent, coupled with the certainty of punishment once convicted - not a non-punishment. There lies a difference perhaps between this side of politics and the Opposition's side of politics.

Mr McGinty: The certainty of punishment is a greater deterrent than the severity of punishment.

Mr PRINCE: The probability of apprehension and the certainty of a punishment is the deterrent. I painted that picture so that it is understandable to those who made some misrepresentative comments to the effect that the Government is only interested in one aspect and that it is doing nothing else. That is not so. I could talk for much longer about all the other things the Government is doing.

The sentencing legislation package is made up of two Bills which have three intended outcomes; that is, to provide a clear and consistent sentencing regime, to make the courts more accountable and consistent in sentencing, and to give Parliament more control over the sentences that will be imposed. I appreciate that some members have a problem with the third proposition.

Accountability and consistency in sentencing are difficult for courts because traditionally they have said nothing to market or publicise the work they do. The courts are public places, with the exception of the Children's Court and the Family Court, in which anyone can go, and a fair and accurate report of the proceedings can be published by any form of media. As a result, there was no necessity for any form of publication of what the court was doing by way of its decisions. In the past 20 years, the mass media, which is more attuned to providing information in an entertainment sense, less reports what happens than comments on what it thinks has happened. That is more the nature of reporting today than it was pre-television. That is an observation and not a criticism.

Within the first two or three pages of *The West Australian* every day there is a crime story. If it is not on the front page, it will be on page 3 or page 5. Channel 7 and Channel 9 television stations usually run a crime story within the first three stories in their news programs every night. That has been going on for at least 20 years, and the result is that these criminal events are portrayed relatively briefly, and usually in somewhat sensationalised terms. Current affairs programs are seen more as an entertainment exercise than a considered, dispassionate and lengthy treatise. The result is that perceptions are created in society about the way in which courts behave, which are not necessarily correct. I point to the case recently involving Mr Justice Wallwork. A decision of his was reported, which report was subsequently shown to be quite incorrect when the full text of his sentencing remarks was printed in the newspaper the following week. What he was said to have said in the early brief opinionated report was incorrect, and he had not made that statement at all. I am not having a go at *The West Australian*, but it is commonly the way in which court decisions are reported by all media, for the reasons I have

explained. The difficulty is that, because of the way in which these matters are reported, people have lost confidence in the courts and they no longer have the confidence they previously had that an appropriate sentence is handed out. People do not pack into the courts for their entertainment of the day. They did that at the turn of the century and before television. Many people did that before daily newspapers were as widely able to be read because of literacy rates. That does not happen now.

It raises the problem, and I come back to the question, of accountability and consistency. There is no doubt that the magistracy has difficulty with consistency, simply because so many of them operate in courts on their own and they have limited ability to communicate among themselves. They have problems in being consistent when dealing with the same sorts of cases, but they do the best they can to overcome those problems. The District Court and Supreme Court judges are much more collegiate, because they basically operate from the same building although they go to and from it. They have the ability to talk more, and they deal with a very small proportion of the criminal cases in this State. Most are dealt with by magistrates. If the Parliament can, by this sentencing process and particularly the matrix, make things more accountable, it will serve the judiciary and magistracy very well. It will demonstrate to people exactly what is going on and it will also demonstrate that there is consistency. Where there has been inconsistency, that will be remedied. I am sure that many people who sit on the bench in judgment of their fellow human beings will welcome that.

As to the questions, queries and objections to Parliament having more control over sentences, the criminal law of this State is made by statute and not by common law. The sentences are made by statutes, which are made by this Parliament, and for more than 100 years this Parliament has decided what the punishments will be for all sorts of offences. Parliament has set maximums and, from time to time for some offences, it has set minimums. In some cases it has set mandatory forms of sentence, whether it be by way of fine, suspension of driver's licence, imprisonment or whatever. The Road Traffic Act is a classic example. It contains a significant number of offences for which there is a mandatory minimum of some description, and there are similar things in other Acts.

Mr Johnson: The three strikes legislation.

Mr PRINCE: The member for Hillarys quite rightly reminds me of the legislation enacted by this Parliament whereby after three offences people are given a term in detention. To say it is a novel proposition for the Parliament to seek to have control over sentences imposed, is to ignore what has been going on for the past 100 years when this Parliament has been doing that anyway.

The Bill contains a number of principal reforms, such as changes to remission and parole and the introduction of the presumptive sentencing matrix. Various changes are made to the legislation, including suspended sentences, driver's licence disqualification, sentencing guidelines to be issued by the Chief Stipendiary Magistrate - which he has not been able to do previously - restitution and compensation. The remission and parole changes are based on the Hammond report; that is the abolition of the one-third remission and parole on any length of sentence. The Bill also includes greater capacity for courts to refuse parole. A minimum of half the sentence must be served before parole, and there will be no re-release on parole after an indictable offence and the whole sentence must be served if the person is ineligible for parole. I have the benefit over the member for Fremantle of having practised before the changes were made in 1988 that introduced the formula of one-third, one-third and one-third. Prior to that it was common to find a recidivist offender who was sentenced on a stealing or burglary charge, for example, to something like three years, with a minimum term of imprisonment of six months and who consequently had more than two years on parole which invariably, because of the recidivist nature of his personality, that person breached by committing another offence. He would go back before the court over and again, and would be given another short term of imprisonment with a head term of two or three years, and six or eight months as a minimum term. As a result of that, he accumulated a large number of years of parole which he was not able to discharge because he kept committing offences. This led to the ludicrous situation that sooner or later some court, often on an offence which had very little to do with the offences for which parole had been ordered in the first place, would send him to jail and the Parole Board would breach the parole, and he would wind up doing maybe five years for what would have been a relatively minor stealing offence.

I know the member for Fremantle wanted to raise a case which he thinks illustrates this view. I can tell him that used to happen in the 1970s and into the 1980s until the formula of one-third, one-third, one-third was brought into the then Probation and Parole Act. That means that a six year sentence is actually two years in jail and two years on parole, and the other two years is remitted - it ceases to exist. If a sentence is for more than six years, the offender will serve one-third. Therefore, if the sentence is for twelve years, the offender will serve four years in prison and have two years on parole, and the rest of the sentence, the six years, is remitted. That is the system that we have in place and I have just given a thumbnail sketch of it; it is more complicated than that, but that is in effect how it tends to work. The population have become knowledgeable that this is the case - it has taken some time, largely as a result of the media and people thinking that this is appalling. It is wrong and it should not be the case. That is the origin of the cries for truth in sentencing. If a person is sentenced to six years, that is how long he should spend in jail. If a person is sentenced to three years in prison, and is to be paroled two years into the sentence, that is what a judge should say. The judges do not have a discretion with the laws that we presently have and which were passed in the 1980s. The only discretion they have is to say that the person is not

eligible for parole. However, the way the law is written, there is a presumption in favour of parole and it takes extreme circumstances. The judge must be careful about making a person not eligible for parole. By and large there is a presumption in favour of parole and the one-third, one-third, one-third rule prevails. This is something the people do not accept. It is fundamentally wrong and Judge Hammond basically said we should change that and we intend to do so. His Honour had some differences with what we intend to do with long sentences. He thought the one-third remission rule was not a bad idea to maintain, but we have differed from him in that regard.

First, he recommended that a system of parole should be retained - we accept that; that the one-third remission of sentence should be abolished - we accept that; that the sentencing court be given greater discretion to determining when an offender is ineligible for parole and a statutory provision be made to that effect - we accept that; that the existing formula be modified so that when a parole eligibility is made, the offender will become eligible for consideration for release on parole after a certain half of the term except in cases of more than 12 years and so on, and we accept that only in part. His Honour made the distinction of sentences in excess of 12 years. We have thought long and hard about this and come to the conclusion that regardless of the length of sentence, a person should not be eligible for parole unless he has served at least half of his term. His Honour's next recommendation was that offenders serving sentences of less than 12 months should be eligible for automatic release either with or without conditions after serving half of the term, and remain at risk for the remainder of the term, and we accepted that, but the effect of clauses 7 and 10 of the Sentencing Legislation Amendment and Repeal Bill and sections 19 and 20 of the Sentence Administration Act is that parole can be ordered to any length sentence and that the board must issue a parole order which is to be an unsupervised order for terms of less than 12 months. Therefore, it is a modification but we accept in principle what his Honour said.

His Honour's next recommendation was that a clear statutory guideline should be established setting out the factors to be considered by the Parole Board in determining release - we accept that; that an offender who has been released on parole will remain under supervision for a period equivalent to one-third of the term to a maximum of two years - we accept that; that work release be abolished - we accept that; that home detention for offenders serving terms of less than 12 months be abolished - we accept that; and that a period of community reintegration be provided for offenders not subject to parole and eligibility orders serving terms of 12 months or more - we do not accept that. That is the only one we do not accept. The new concept of release program orders introduced for offenders ineligible for parole deals with the issue that his Honour raised. His eleventh recommendation was that offenders released on parole or community reintegration be at risk of being returned to prison for the commission of any offence, and we accept that. Parole now applies to the remainder of the sentence and offenders are liable to serve the balance if they are imprisoned for offences committed while on parole. In addition, if the offence committed is an indictable offence, the offender cannot be re-released on parole with regard to the original sentence.

Mr McGINTY: Are you saying that Hammond recommended there be no consideration for parole once the offender is returned to prison?

Mr PRINCE: This is Judge Hammond's recommendations in summary form. The offenders released on parole or community reintegration will be at risk of being returned to prison for the commission of any offence committed during the remainder of the sentence. We have accepted what he said, but the way in which we intend that should be applied is that parole now applies to the remainder of the sentence and offenders are liable to serve the balance if they are imprisoned for offences while on parole. In addition - this is our addition - if the offence committed is indictable, which is serious, the offender cannot be re-released on parole with regard to the original sentence.

Mr McGinty interjected.

Mr PRINCE: I accept that the member has a difference of opinion.

Mr McGinty: An offender can be put in jail for nine years for stealing a Kit Kat. I will explain that one in a minute, but that is absurd.

Mr PRINCE: The principle is that if a person has been sentenced to eight years for armed robbery, it will be a minimum six years in jail and two years on parole - that is what the judge says. The offender will do six years in prison and then be liable to go back to jail for the next two years if he does not behave himself, obey the law and so on. If the person then commits an offence - and stealing a Kit Kat is shoplifting, it is stealing, it is an offence of dishonesty, it is indictable - the person goes back to jail. If that is deemed to be unequitable and unfair, the person should not have stolen the Kit Kat.

Mr McGinty: Even you could not, with your attitude, say that is fair, reasonable and just when they go to jail for nine years.

Mr PRINCE: The point I make is that we have accepted almost completely the recommendations of Judge Hammond. We seek clearer guidelines for parole release.

Mr McGinty: One of the problems that I see with this legislation is that the maximum period of parole under the existing legislation was two years. You will now extend that so people will be on parole for longer than two years.

Mr PRINCE: It will depend on what the judge orders.

Mr McGinty: It is possible. Why do you want to go against the recommendations of everyone who says they should be on parole for longer than two years in any circumstances?

Mr PRINCE: I would take it very badly if we were to go back to the situation that existed in the 1970s and until the late 1980s when a court would say to the person that he is sentenced to five years with a minimum of 12 months. Four years on parole for a person who has a record of recidivism is setting them up to fail and that is not good sentencing. It is contrary to proper sentencing practice and should not be done. That is why the law was changed to the formula in the first place. It would be incontrovertible among all members of the bench, magistracy or judiciary, that parole is something that should be for in most cases no more than two years. Two years is long enough to reintegrate into society under supervision, to be limited where they go, where they live, where they work and things of that nature. If it does not work within two years, it will not, and two years is long enough. There may be some cases in which the period is slightly longer. I can also envisage a number of cases when the parole period will be shorter. There is a good deal of science about this now; perhaps there was not in the past. I would expect that the parole period that should be looked at is two years; it could be less; and in very rare cases it might be tempted to be made more.

Mr McGinty: Hammond said it should not be more than two. Your legislation envisages that in some circumstances it can be significantly more.

Mr PRINCE: That is entirely up to the sentencing judge.

Mr McGinty: Why are you doing it?

Mr PRINCE: Why not?

Mr McGinty: You have just put the argument that you set people up to fail if you give them more than two.

Mr PRINCE: If a judge does that, especially when we get to the second stage of the matrix and there is a benchmark, an appeal will result. The parole period is a sentence. If somebody is given a sentence of four years in jail, with four years on parole, that will be appealed on the basis it is contrary to proper sentencing practice. All the authorities say that it is too long a period on parole. If somebody is to be set up with effectively eight years imprisonment but four not in jail, perhaps we should be looking at six with two, or four with two, or whatever the case may be. Those are the arguments that will arise if those anomalies occur. I do not think they will. The judges and magistrates deal with these things daily. They evolve and change the way things are done. They also read the decisions in not only our State but also comparable jurisdictions and see which way things are going. They listen carefully at conferences and so on to people who tell them about analysis, trends in psychology, etc. In that respect those on our bench are better informed, as they have always wanted to be, than they were perhaps 25 years ago.

I am referring to the nine points asked by the member for Fremantle. I understand some estimates have been made of the impact of the legislation on prison population.

Mr McGinty: The department has done studies on it.

Mr PRINCE: I am informed that the figures are only estimates, and the methodology has been queried. I therefore cannot give members a final firm figure because I have not been given the information.

Ms Anwyl: You said you would give us the estimates before.

Mr PRINCE: I said if I could obtain them I would give them to members.

Ms Anwyl: Do you have them?

Mr PRINCE: I sought through my advisers to obtain for members opposite what is available. The Attorney said that the figures are not in a form yet able to be disclosed.

Mr McGinty: Will you not tell us what will be the impact on our budget or our prisons?

Mr PRINCE: I cannot tell members because the estimates are not accurate enough to reveal.

Mr McGinty: Are they embarrassing?

Mr PRINCE: I do not think so.

Ms Anwyl: Can you give us an outline of what they show?

Mr PRINCE: The request was made of me this afternoon. I asked through officers of the Minister for Justice for that to be done. They told me that they are rough estimates which are not sufficient to be handed over at this time. The Attorney General wants them to be more accurate before they are handed over. I do not know when that can be done. I hope it will be soon. That information must be available for debate on this legislation here and in the Legislative Council.

With regard to the impact on Aboriginal imprisonment rates, much the same applies. However, I refer the member for Fremantle to the crime research report that will be released tomorrow. We do not expect much change from about 42 per cent of the prison population made up of Aboriginal offenders, and the balance of about 58 per cent non-Aboriginal. As I said privately, the figure fluctuates between 41 per cent and 45 per cent. From my experience recently, we will probably find an increase in the number of Aboriginal women prisoners over a 10-year period.

Ms Anwyl: According to the Ministry of Justice's annual report they represent 50 per cent of the female prison population.

Mr PRINCE: I accept that is the case. I said that over a period of years I expect a proportionate increase in the number of Aboriginal women in prisons compared with non-Aboriginal women. The Kimberley has by far the highest rate of offences against the person involving Aboriginal people.

Mr McGinty: The issue here is more that the impact of these changes will disproportionately hurt Aboriginal people and cause them to stay in jail longer than non-Aboriginal people.

Mr PRINCE: I doubt that.

Mr McGinty: I don't.

Mr PRINCE: I happily say that it is arguable, but I doubt that will be the case. If I could get some accurate estimates I would.

It is not correct to say that the legislation will cause judges to reduce sentences. The judges will not be reducing sentencing unless we say that the fiction of six years is real. It is not, and it has not been since 1988. Six years is not six years; it is two years. The effective sentence is two years with two years on parole. The changes we are proposing in the sentencing legislation will lead to the sentence for that individual with exactly those mitigating factors being a sentence of two years imprisonment and two years on parole. That is not a reduction in sentence.

Mr McGinty: It is a reduction in the head sentence.

Mr PRINCE: It is a reduction in the figure that can be given whereby a judge says he is sending someone to jail for six years. It was never the case. The maximum prisoners ever did was four and only if they breached parole.

Mr McGinty: What if the community is outraged because somebody is sentenced to only four years but in fact ends up doing only two years?

Mr PRINCE: If at present someone is effectively sentenced to four years in jail, it means a head sentence of 12 years; that is, four years in jail and two on parole. A judge will say, "I am sentencing you to be in prison for four years, plus two years on parole." That is what they are getting now and there will be no difference.

When the sentencing matrix at stage 1 has run for a period, perhaps some months or longer, and we can collect the data which will indicate the relative inconsistency, we will have the data that will justify a regulation to provide a benchmark for a particular offence, such as car theft or home burglary and that will come in here for debate.

Ms Anwyl interjected.

Mr PRINCE: No. The matrix will be set up and we can then collect the data. It will depend on how long that process takes.

Ms Anwyl: Have you any idea?

Mr PRINCE: It may be 12 months or it may be less. It will vary. We think it will take six months to a year.

Ms Anwyl: Will there not be any regulations for half a year to a year?

Mr PRINCE: I doubt we will have regulations until data is collected. Then we will see benchmarks.

Ms Anwyl: That is not what the Premier is saying.

Mr PRINCE: Straight after we have the benchmarks, depending on how they are applied, Parliament will have the capacity to say that for motor vehicle theft the minimum shall be whatever the figure is and it will be fixed. The court will be able to vary from that. However, if the court goes over that benchmark it will be a ground for appeal. The Director of Public Prosecutions must argue the justification for the sentence over the benchmark at the Appeal Court. If the sentence is less than the benchmark, the defence will have to argue that in the Appeal Court. It will not be an automatic appeal but it will give rise to an automatic ground for appeal which someone may then take.

There are three stages to the matrix: The first is to set it up and collect the data; the second is to publish the data showing the various stages in respect of offences so that people will know, with a consistency that we do not have now, what sentence is being imposed for offences, for conditions, people, etc. In that sense it will not be a mindless mathematical grid; it will be a data collection exercise that will give a matrix-type picture of what is occurring.

Ms Anwyl: Judges have been asking for that data for years.

Mr PRINCE: We know. This is a way to achieve that. It has been shown to work elsewhere, but, arguably, it will be suitably modified to suit our conditions. The third stage, depending on what happens and the will of the people expressed through their elected representatives here, involves whether a sentence is adequate. We do that anyway. We come in here frequently over a year or two and change sentences in, for example, the Criminal Code or Misuse of Drugs Act, as is considered to be appropriate by the people we represent. This is exactly the same thing but by a different model. Research indicates that a two-year period of supervision is the maximum which should apply, otherwise offenders are set up to fail. The new system retains this process by limiting the supervision period of parole to a maximum of two years. The offender will then be on unsupervised parole until the end of the sentence imposed by the court. One could have a sentence of eight years, with four years in custody and two years' supervised and two years' unsupervised parole. I am sorry if I unintentionally misled the member earlier.

Mr McGinty: If you breach your parole in the unsupervised period, you come back in.

Mr PRINCE: Yes.

Mr McGinty: A person is then on parole for too long - that is the problem.

Mr PRINCE: I do not think the sentencing courts will do that. In those cases they will say, "Two years and that's it." It may be less. If it does not work within that time, it will probably not work at all.

I am sorry I have not had time to address all matters raised adequately. I have covered most points raised by members, if not everything in detail. However, I take issue with the suggestion by the member for Fremantle about police accruing more power. Most indictable offences end up before the Director of Public Prosecutions. My experience is that as soon as the DPP sees a brief, he invariably looks to see whether he can increase the severity of the charge, or multiple charge. The police do not often do that; they multiple charge but not in the way of the DPP. This Bill is not giving more power to the police. They charge on the basis of the facts as they say exist in a prima facie case. One can argue that way on matters like dangerous, reckless and careless driving and so on. However, when entering areas of murder or wilful murder, the Director of Public Prosecutions will always make the decision anyway. Only a few cases involving some indictable offences in the lower court are dealt with by police. I remind the member of the plan to bring in lawyers as prosecutors in the Central Law Courts and other major courts, and for police prosecutors to move out. I thank members for their contributions.

Question put and passed.

Bill read a second time.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 19 November.

DR GALLOP (Victoria Park - Leader of the Opposition) [9.04 pm]: The Opposition supports the Bill; however, I wish to highlight a number of concerns. Before moving to those concerns, I make some general comments on the outcome of the Premiers Conference on the goods and services tax. In the midst of the election campaign, the Opposition pressured the Government to produce and release an analysis of the impact of the Howard tax package on Western Australia's finances. The Opposition produced its own analysis which clearly showed that the proposal would leave Western Australia worse off in the initial years. The Government criticised the Opposition's analysis and, once again, called the Opposition financially illiterate. Among other things, the Government claimed that the Opposition's analysis overestimated the impact of the loss of any stamp duty in business conveyances, and overestimated the gambling tax losses.

The Premier used his analysis of the Howard tax package as the justification for supporting that package. However, the outcome of the Premiers Conference clearly demonstrated that the Premier's analysis was seriously flawed. It is most revealing that at the conference it was agreed that the application of the package to business stamp duty would not occur on 1 July 2001 as originally intended because the Commonwealth Government had severely underestimated the impact of the abolition of business stamp duty. Also, it was revealed that a review of gambling taxes will be undertaken as it appears that the Commonwealth severely underestimated the level of gambling tax revenue collected in Australia. Third, it was revealed that compensation to the States would increase by $300m. In other words, the original compensation package to the States was insufficient.

I return now to our argument of last September in which the Labor Party said that Western Australia will be worse off to the tune of $600m in the first two years of the proposed Howard tax package. The Premier dismissed our analysis by claiming that the Opposition had overestimated the impact of gambling tax losses, and overestimated the impact of business stamp duty losses. Surely he will now be embarrassed over the claims he then made. The outcome of the Premiers Conference shows that the Opposition's analysis is far more credible than that of the Government. I sincerely hope that in future the Government takes more care in producing analysis which forms the basis of the policy it supports.

This Bill seeks to appropriate from the consolidated fund $199.6m for recurrent payments made during the financial year ended 30 June 1997. The payments were made under the authority of the Treasurer's Advance Authorization Act, and reflect excess expenditures against 1996-97 appropriations and expenditures for which no appropriations were made during 1996-97. I say from the outset that this Bill has been a long time coming. It relates to recurrent payments made in the year ending June 1997. It is extraordinary that this Bill which seeks parliamentary approval for expenditure from the Treasurer's Advance Account for the 1996-97 financial year has not made its way to parliamentary debate until the 1998-99 financial year. I emphasise that point. It is even more remarkable given that the Treasurer's advance arrangement seeks retrospective approval of government expenditure. For both accountability and financial transparency reasons, legislation of this type must be introduced as close as possible after the end of the relevant financial year for proper parliamentary debate and scrutiny.

The late introduction of this Bill is in stark contrast to what was seen in previous years. In previous years, similar Bills which require the approval of funds spent from the Treasurer's authorisation account have all been introduced and second read in Parliament within six months of the relevant financial year's ending. In the 1993-94 financial year, the relevant Bills were second read on 4 August 1994. In the 1994-95 financial year, the relevant Bills were second read on 21 September 1995. In the 1995-96 financial year, the Appropriation (Consolidated Fund) Bill (No 3) was second read on 29 August 1996. The last six Bills to appropriate funds from the Treasurer's Advance Account have all been second read in the Legislative Assembly within five months of the end of the relevant financial year.

Before 1993-94, and the change of Government, when approval for expenditure form the Treasurer's Advance Account was contained in the normal budget Bills, it was also normal to have the expenditure under the Treasurer's Advance Account approved and finalised by the end of December. The inability of this Government to bring this legislation forward earlier, especially considering that it had to cut short sitting weeks late in 1997 due to a lack of legislation, is a clear indictment of its ability to handle its legislative program effectively. It is sad to have to report that the Government was not organised enough to present to Parliament within a reasonable time a Bill which asks for the retrospective approval of expenditure of $200m of taxpayers' money. Once again this Government has demonstrated a disregard for that important role that Parliament has to play in scrutinising and analysing legislation that is introduced.

As I said earlier this year in the Parliament, funding under the Treasurer's Advance arrangements should be used only for extraordinary and unforeseen circumstances or for short-term financing. Where possible, funding of government expenditure should be allocated through the normal Budget Bills to allow for the proper scrutiny of upcoming expenditure. This issue was dealt with in the McCarrey report, which states -

> The use of the Treasurer's Advance to meet major new expenditures can enable a government to avoid the need for full disclosure to Parliament of the circumstances of the payment until such time as the supplementary appropriations are submitted with the following budget. The practice of seeking after-the-event appropriations as a schedule to the following year's Appropriation Bill could also have the effect of limiting parliamentary debate on the issues.

Therefore, the McCarrey report made it clear that we must preserve our responsibility as a Parliament in scrutinising expenditure, and that the practice of seeking after-the-event appropriations limits parliamentary debate on expenditure.

Over recent years this Government has relied heavily on the use of the Treasurer's Advance. In 1995-96, expenditure under the Treasurer's Advance authorisation was $354.6m. This Bill, together with the Appropriation (Consolidated Fund) Bill (No 4), seeks approval for $218m. In 1997-98, it looks like expenditure under the TAA will be above $500m.

Let us look at former years. The average expenditure under the TAA was $144m per annum for the eight years before 1995-96. It is quite clear that the TAA is indeed becoming increasingly relied upon by this Government. Yet again we see a lack of respect for the proper parliamentary processes in this State. It is also interesting to look at the Treasurer's authorisation limits set at the beginning of each financial year. In the 10 years ending 1997-98, the Treasurer's initial authorised limit has been subsequently increased on five occasions, three of these being in the past three years. The Government's significant reliance on the Treasurer's Advance Account to manage its finances raises a number of accountability and financial management questions. In particular, the increasing reliance on the Treasurer's Advance raises questions about the budgeting ability of this Government.

State budgets brought down in April of each year bear no resemblance to the end-of-year outcome. In 1997-98 the budgeted operating surplus of $78m, in comparable terms, ended up being an operating deficit of $116m. The 1997-98 year also saw the Government underestimate recurrent expenditure by $293m, including under budgeting Health to the tune of $90m.

I ask a simple question: What should a state budget do? A state budget should tell people what will be happening in the forthcoming year according to the way Parliament authorises the expenditure. However, increasingly, the actual result is different from what is budgeted. That shows a Government that is not in full control of its own financial mechanisms.

I now want to deal with the particulars of the Bill. Firstly, this Government has put forward a Bill asking for the

retrospective approval of a number of payments, but has provided no justification for these payments. Instead, all we got from the Premier was a general 200-word speech asking for Parliament to appropriate $200m-worth of taxpayers' money. It is interesting to note that in June 1991 the Premier himself raised the same issue of a lack of information. In commenting on the Treasurer's Advance authorisation legislation in June 1991, the member for Nedlands stated -

> The purpose of this account in the first place was to provide funds for extraordinary expenses, such as paying for the damage caused by earthquakes or when the Treasurer needs funds immediately. This legislation is an important part of the operations of this Parliament. However, it has been abused in the past and we want the Government to take a different attitude to its operations. I agree entirely with the Leader of the Opposition when he said that instead of just glibly saying, as was stated in the second reading speech, that a number of unforeseen and unavoidable expenditures have already arisen during the year, it would be proper for the Government to outline those expenditures to the Parliament.

Therefore, while the Premier was in opposition, he made the point that authorisation of expenditure after the event should be only for these extraordinary circumstances. In government, he is increasingly using that methodology to authorise the expenditure of money. That is not the correct relationship that should prevail between the Parliament and the Executive, and it is yet another example of how this Government is losing touch with its important constitutional responsibilities.

As a result of the lack of information provided, the Opposition had to write to the Premier seeking further information on the payments. The State Treasury Department complied with that request and faxed to my office the clause notes provided to the Government on the Bill. The clause notes provide more detail on the payments made from the Treasurer's Advance Account during 1996-97. For example, it is entirely appropriate that the Treasurer's Advance be used to assist people at times of unforeseen and tragic events, such as the Gracetown cliff collapse. That is exactly why these payments are authorised after the event. That is totally appropriate and should be supported by this Parliament. However, other payments, such as the $300 000 for Ministry of Premier and Cabinet office refurbishment, do not on the surface appear particularly justifiable, especially remembering that the Treasurer's Advance Account should be used only in urgent and unforeseen circumstances. We will continue to scrutinise the operations of the Treasurer's Advance Account to ensure that the Government is held accountable for its use of taxpayers' money and that this mechanism is not abused.

The Opposition supports the passage of this Bill. However, we say three things: Firstly, we are concerned that the Government has failed to provide an adequate level of information on this legislation to the Parliament; secondly, we believe the Government has demonstrated gross mismanagement of its legislative program and a complete disregard of the legislative process by not bringing this legislation to Parliament earlier; and, thirdly, we are becoming increasingly concerned at the increased use of the Treasurer's Advance Account by the Government of Western Australia.

With those comments, the Opposition indicates its support for the legislation and its hope that the Government will take on board these important issues I have raised about the relationship between Parliament and the Executive and the importance the Government should place on proper reporting to and respect for this Parliament when it comes to the authorisation of government expenditure.

MR PENDAL (South Perth) [9.20 pm]: I will contribute to this debate at two levels. I will firstly discuss a financial issue which arises out of a Treasury instruction and then I will use the occasion to draw attention to a shortcoming within the government service relating to the taxi users subsidy scheme and spell out how that adversely affects a constituent of mine. I support the Bill, but I will use this occasion to draw to the Government's attention the way its internal payment system - that is, its account payment system - is adversely affecting small business. I know the Bill was sponsored into the House by the Premier in his capacity as Treasurer, but it is fortuitous that the Minister for Small Business is in charge of the Bill in the Treasurer's absence.

Members would be aware that being in small business these days is not easy. Small businessmen rely on a quick turnaround in the payment of their accounts. Without that, many of them are seriously adrift. In 1995, a Treasurer's instruction was issued about the payment of government accounts. I put it to the House that that instruction was quite contrary to the coalition's 1993 small business policy. That policy promised a statutory instrument which would require the Government to pay its accounts within 30 days. Subsequently, the Government relied on an Auditor General's report in 1995 that it needed to be in a position where many small businessmen would have to wait for payment not for 30 days but for 60 days or something just short of that. I understand that the Western Australian Government currently pays out something in the order of $3b in annual goods and services in Western Australia. Small businesspeople are worse off because of the way the Government now pays its accounts than when the coalition was elected in 1993.

I have read Treasurer's Instruction 308, which has been dressed up - that is the best spin I can put on it - in response to the Auditor General's concern that 40 per cent of invoices were being paid earlier than the due date. The Auditor General was concerned that the early payment of government accounts was causing a loss of interest to the government coffers. However, if one examines the Auditor General's 1995 report, one finds that he expressed that concern at a double level. He was concerned not only about the early payment of government accounts to small and large businesses but also about the late payment of those accounts. He observed in the second report of 1995 that some suppliers to government had cause for

complaint about late payment. In a bizarre response to that report, Treasury was told - I understand by the Treasurer; that is, the Premier of this State - to alter instruction 308 after the intervention of the Minister for Finance, Hon Max Evans, who advised the Government internally that it should be seeking to adopt payment practices which were consistent with "normal commercial practice". This was to be done by making payment towards the end of the month after the month in which the creditor's claim for payment was made. That effectively means payment is not made for up to 60 days in many cases.

The point I stress to the House is that the instruction misinterprets what the Auditor General said in his report in 1995. That report gave as much emphasis to early as to late payments. To put it in simple terms, the Auditor General observed that payments should be made when they are due so nobody is advantaged or disadvantaged. Putting all of that aside, this instruction repudiates the coalition's 1993 small business policy in which it was adamant that small businesses would be paid after 30 days at the government level. I use the occasion of this appropriation Bill to ask the Treasurer and the Deputy Premier, who has temporary carriage of the Bill, to look into that situation because it is causing distress among the small business community. Some people might say if a business is concerned, it should go directly to the involved department, but every member of this House knows that people holding small business contracts with the Government are often reluctant to complain about the circumstances of those contracts for fear of the contracts not being renewed or that when similar small contracts come on the scene, they will not be fairly considered for them. Against that background, the coalition's commitments in 1993 should be the principal way it impels itself to deliver on that promise.

The second matter I wish to raise concerns a long-running issue affecting a constituent of mine; a young woman whose position I have raised before in the House. She is in her late 20s and lives in Como. In 1984 as a teenager, she was badly injured in a traffic accident. As a result she has restricted mobility and walks only with the aid of calipers. For the past 14 years she has been in the care of the Royal Perth Hospital Shenton Park campus rehabilitation medicine unit.

As I explained to this House earlier, her problem has been that she has been a long-term user of the taxi users subsidy scheme. This young woman is not able to easily access public transport. She paid a penalty for her honesty when filling in her new application after she had enjoyed the facility for some years. She was honest enough to say that she could use public transport but only with the greatest of difficulty. Members may say that her problem is somewhat familiar because in the past several days very considerable publicity has been given to an elderly husband and wife whose very poignant story has appeared in *The West Australian*. As a result of the intervention of the Premier, as I understand it, the scheme and its assistance has been restored to that married couple.

For several months I have represented the case of Sandra Clothier. I am happy to use her name now with her permission. She has had the taxi users subsidy scheme denied to her. I have put before the House on previous occasions, both by way of questions and by way of private member's business, the very serious position in which she finds herself. We were promised a review, which never occurred. I want to read into the record a letter which I have received from Dr W P Merrick, a specialist in rehabilitation medicine at Royal Perth Hospital who is based at Shenton Park. If this does not convince the Government that it must reverse the decision in Sandra's case, I suggest we are dealing with a very harsh and heartless Government. I like to think that we are not. Dr Merrick wrote to the state Department of Transport on 2 November of this year. This was after I had raised Sandra's case on a number of occasions in the Parliament and on a number of occasions with the Minister for Transport directly. He writes -

> Dear Sir,
>
> Re: Taxi Vouchers For:
> Sandra CLOTHIER . . .
> 54 Ryrie Avenue, COMO . . .
> Date Of Birth . . . 1969.

I ask members to ponder for a moment that we are dealing here with a women who is not quite 30, yet for 14 years to a large measure she has been cut out of society because of the injuries she received in a motor vehicle accident when she was a very young woman. Notwithstanding her injuries, this young woman has used the taxi voucher system to attend to voluntary work in my electorate in organisations like Southcare and the Collier Park retirement village. This young person who has had her life cut off has been generous enough to give herself to that level of voluntary community service, relying on the taxi users subsidy scheme, only to find it has been withdrawn. I have invited the department to acknowledge someone who is attempting to give back out of what she has been able to make of her life. If ever there were a case in which the scheme should be extended, the scheme should be extended to her. However, no-one seems to believe that she warrants that special attention. Thus I will read into the record the letter from Dr Merrick, the specialist in rehabilitation medicine. He wrote to Mr Leicester at the department -

> Further to my letter of 21st September 1998 to yourself and the reply . . . from the Customer Services Co-ordinator in your department dated 27th October 1998. I wish to reiterate some of the crucial points of my letter dated 21st September 1998.
>
> 1. For a period of 8 years, the subsidised use of taxi transport has been an important contributor to this young lady's ability to remain safe and independent in the community.

Madam Acting Speaker, I ask you to note the next part of Dr Merrick's letter because, if anything happens to this young woman, she will have a huge case at law because of the neglect by the Department of Transport through its quite heartless refusal to reinstate to her the taxi users subsidy scheme. This is what Dr Merrick writes -

> 2. Sandra Clothier is well aware of my opinion that she should NOT use public transport. This advice is based upon her very real risk of falling and sustaining further injury; the clinical reasons for this are given in full in my earlier letter.

The letter goes on to deal with a great deal of other material, all of which is relevant but which I do not have the time tonight to read into the record. I use this occasion to appeal again to the Government to be fair, just and equitable to this young woman whose life has been shattered by a traffic accident and whose rehabilitation has depended to a large extent on her very positive attitude, and whose social interaction in society has been almost entirely dependent on the taxi users subsidy scheme, but whose access to that scheme has been cut by a department when undergoing countless numbers of reviews of the scheme. The outgoing Minister for Transport, Hon Eric Charlton, and the Minister for Disability Services, the member for Warren-Blackwood, have both taken a personal interest in the case. However, in light of what has appeared in *The West Australian* in the past few days, I implore the Deputy Premier or the minister in charge of this Bill to forward to the Department of Transport the position of this young woman, Sandra Clothier, but in particular to advise the department of the words of Dr Merrick, whose professional advice to me and to everyone who has been associated with the case is that this young woman should not be using public transport. In the event that some liability occurs because of any accident that she might confront, I for one will pursue it through this Parliament to her satisfaction. It should not need to get to that stage. I use the occasion of this debate to request the minister handling the Bill to refer the case to the department.

Mr Cowan: Which Bill?

Mr PENDAL: The Appropriation (Consolidated Fund) Bill (No 3).

Mr Cowan: Are you talking about the section dealing with small business?

Mr PENDAL: I am dealing with both. Having finished my reference to small business, it seems that this is my only opportunity in a budget measure to seek to have fresh access to the taxi users subsidy scheme, which has been extended to the elderly married couple, extended to Sandra Clothier of Como. To that extent, I support the Bill.

MR CUNNINGHAM (Girrawheen) [9.40 pm]: My contribution to the debate will pay tribute to a very important support group which has operated in Western Australia for the past 50 years. The Catholic Migrant Centre celebrated its golden anniversary on Friday night, 27 November with a celebratory dinner. The Catholic Migrant Centre is a non-profit community organisation under the auspices of the Catholic Archdiocese of Perth. Its services are open to migrants and refugees irrespective of nationality or religion. The Catholic Migrant Centre has a proven record of being in the forefront of refugee settlement. That has been its focus and strength for many years. The centre provides a host of settlement services to facilitate migrants and refugees. These include language and literacy, immigration and refugee advice, casework, welfare, financial assistance, counselling and support for torture and trauma survivors, aged care, employment and training, assistance to former child migrants, adult education and its valuable community work.

From extremely humble beginnings 50 years ago, the Catholic Migrant Centre has grown into a most respected migrant resource centre, playing a major role in the settlement of migrants and refugees and fostering a harmonious multicultural society. The celebration of the golden jubilee was a time for the migrant centre to reflect, to give thanks for its past achievements, to plan for the future and to take time off to celebrate its historical milestone. For 50 years the centre has welcomed the stranger in its midst. For 50 years it has facilitated the settlement and championed the cause of migrants and refugees. It has worked towards building a harmonious multicultural society. For 50 years it has embraced the rich diversity of the cultures of this wonderful land of ours.

The Catholic Migrant Centre was set up after World War II to aid the post-war child immigration program. However, it was also engaged in sponsorships, adult immigration, general welfare and settlement services. At the time it was called the Catholic Episcopal Migrant and Welfare Association. It was registered under that name in 1947. The centre sponsored many people from European countries who did not qualify for an assisted passage. It provided initial accommodation for its own migrant hostel in North Perth. For 45 years, from 1949 to 1994, the centre administered an interest-free travel loan scheme set up by the federal Catholic immigration committee to assist needy migrants who were not eligible for assistance from other resources. Australia-wide this fund helped 60 000 people with an outlay of more than $18m. The centre also sponsored people from many Asian countries. In 1964 it sponsored 108 families from India and Burma and 29 from the United Kingdom. In 1970 over 90 per cent of its 271 sponsorships were from Asian countries.

The Catholic Migrant Centre held a number of events to mark and celebrate its golden jubilee. One of them was a thanksgiving service - a multicultural mass conducted by 16 priests, most of them chaplains to the various ethnic communities. The chief celebrant was Father Adrian Pittarello, a Scalabrinian priest who is the vicar for migration in Western Australia. The Scalabrinian order was founded over 100 years ago especially to minister to migrants and people

living outside of their countries. Today one million people live outside the country of their birth. Their worldwide ministry is still very relevant.

On Monday evening, 23 November, more than 500 people attended a thanksgiving service at which Mr Ben Taylor, an Aboriginal elder, and Mr Gerald Searle, Director of the Catholic Migrant Centre since 1984, welcomed guests. One person in particular was especially moved by the welcome and the spirit of that service which gathered together and expressed solidarity with the nations of the world. That person was Mr Bill Hoff. I met Bill for the first time last Friday night at a function put on by the Catholic Migrant Centre. His family came from Holland, and more than 100 years ago they migrated to India. Bill was born in India and migrated with his parents and siblings, arriving in Fremantle in March 1948. The Hoffs were sponsored by the centre and provided with initial accommodation. They were given all the help that they needed to settle and become independent. The Hoffs were one of the earliest families assisted by the centre. One wonders how many thousands of people the Catholic Migrant Centre has assisted over its 50 years of operation. It is extremely difficult to gauge, because client statistics began to be recorded only in the early 1970s. Since then the centre has recorded assisting 38 445 clients and has conducted 82 221 interviews. Thousands more from over 100 nationalities have been assisted through its language, literacy and life skills groups and the number of people this vibrant, skilled and exciting centre has touched through its community projects, advocacy and consultancy and the contribution made to community relations is immeasurable.

The Catholic Migrant Centre has been an outstanding feature of Western Australian history. Part of that centre's future is to embark on a campaign to build better relationships between Aboriginals and migrants - especially the new arrivals. From 1973 to 1983 the centre was known as the Catholic Immigration Office. During most of this time its director was Father Barry Hickey, now the Archbishop of Perth. Archbishop Hickey has always demonstrated an extremely keen interest in the needs of migrants and refugees. He is Chairman of the Australian Bishops Committee for Migrant and Refugee Affairs. In April 1984, with funds from the department, the centre opened a multicultural creche that catered for the children of newly arrived migrant refugees who were attending English classes. Another longstanding partnership existed between the centre and the Western Australian Department of Training. For 14 years it has funded the centre's employment and training services. Those 14 years go back to a Labor Government and, thankfully, that funding has been continued by the present Government. The department has a strong community focus and it works very closely with the centre. It has also funded several projects conducted by the centre. One of the centre's most outstanding achievements is its involvement in the community refugee settlement scheme. That scheme involves recruiting groups of volunteers to commit themselves for at least six months to helping newly arrived refugees with their settlement needs. That is a very important role of that organisation. So far, the centre has settled more than 1 500 refugees through the scheme. Refugees have come from Chile, El Salvador, Nicaragua, Cambodia, Burma, the former Yugoslavia, Afghanistan, Iran, Iraq, Sri Lanka, Ethiopia, Eritrea, Somalia, Rwanda and the Sudan.

For several years the centre was the forerunner in settling more than 60 per cent of the CRSS intake for Western Australia. That is an enormous percentage. The centre has also, through revolving funds, provided more than $500 000 in small-interest loans to needy migrants and refugees who are unable to access credit elsewhere. Much more could be said about the achievements of that organisation. The celebration of its golden jubilee was an occasion for the Government and the community of Perth to note its massive contribution to the life of our community in Western Australia.

It would be remiss of me not to mention one of the great workers for the Catholic Migrant Centre, Mr Gerald Searle, who has worked with the centre for nearly 15 years. To allow members toappreciate his philosophy I shall quote Mr Searle, the Director of the Catholic Migration Centre. He said that he was saddened that a non-discriminatory immigration policy was being questioned and that -

> Where migrants come from, is, or should be, irrelevant in this day and age. Each nation has something unique, special and precious to offer us. Successive groups of migrants have woven their part into the rich Australian tapestry. When our forefathers arrived they thought there was nothing of value in Aboriginal culture. What a difference it would have made if they had arrived with eyes, minds and hearts open to the original owners of this land. Thank God we have not lost completely this special inheritance, the richness of Aboriginal history and culture.
>
> Multiculturalism is a bold attempt to respect, accept and embrace the rich diversity of cultures in our land. Let us not live to regret any shortsightedness.
>
> A country's wealth in the end is its people. In the climate of economic rationalism it is easy to lose sight of this fundamental proof.
>
> I am proud to have managed the Catholic Migrant Centre for the past year. The Lord has blessed us with staff who are totally committed to assist all those who have come to settle in this our "lucky country".
>
> An atmosphere suggestive of busyness, hard work, availability and generosity pervades the centre. The staff have gone out of their way to assist those most in need.

> Because funding is so tightly tied to outcomes the temptation to help only those who will provide an agency outcome for funding purposes can be very real. While we make sure we attain the necessary outcomes, our focus has been and always will be to seek out and assist the most disadvantaged in our community - to fill any gap whatsoever. Often financial resources are not available as people are turned away from so many doors. The too-hard-to-help are often as a last resort left at our doorstep.

Gerald Searle is what most would term the backbone of the organisation. As director of the Catholic Migration Centre he has provided leadership, guidance and vision to ensure that the Catholic Migration Centre will be well placed to continue into the nearing new century.

Gerald was born and educated in Cape Town, South Africa. He has been involved in several areas of pastoral ministry and has been a staunch, steadfast rock for the centre. He worked for the migrant centre in Bunbury and then took up the position of director of the centre almost 15 years ago. He is especially involved with assisting refugees, irrespective of where they come from or what are their religious beliefs. His leadership qualities are reflected in the fact that the turnover of staff at Catholic Migration is the lowest of any ethnic-related community organisation. He has a very simple belief that as he is doing the "right thing", no matter what crisis may arise it will work itself out - the old belief that God will provide.

Two years ago, when the centre faced a financial crisis, he was willing to take a cut in salary as long as he could continue his work with refugees. His hard work has ensured that the Catholic Migration Centre now has four grants which should stay in place for the next few years. It is indeed a pity that Gerald's good work has not received the recognition that it so richly deserves. I know that the minister shares my view. Gerald Searle should have been recognised well before now for his work at the centre. The work done by the staff goes beyond that set down in their duty statements and work plans. There is not one staff member who does not do extra work. An example is Ana Maria Ortega. Nena Newmann, her offsider in the employment program, has been on sick leave, and Ana Maria has taken on the burden of the whole employment program as well as doing extra in the employment and training area. Vilma Palacios not only does what is required under the Dima Grant but also is acting as the coordinator of the community refugee settlement scheme.

One person I should mention is Nicholas Agocs, chairperson of the Catholic Migrant Centre. He was appointed by the Catholic Archbishop of Perth in February 1998. He has been a member of the board since 1995. Nick was born in Hungary and arrived in Australia in 1950. He has long been associated with various multicultural and ethnic bodies. He was recognised by the Graylands Chapter of the Edith Cowan University as the Achiever of the Year for services to the ethnic community. He is a typical community person. His communication skills, professionalism and leadership, together with the qualities of the staff at the centre, have enhanced and contributed to the success of the migrant centre.

Nicholas Oud, the treasurer, has been involved with many prominent Catholic organisations over many years. Brother Geoff Seaman, who works with the St Vincent de Paul Society, has marvellous skills that have enabled him to carry out volunteer work ably in my electorate of Girrawheen. Tony Giles has expertise in the employment and training area. Graeme Cox has expertise in fund raising. Philip Courtney is an accountant and works in the management and technology area. The majority of clients at the centre are Muslim, especially many of the women it assists, Coptic Christians or Buddhists. Catholics make up a very small minority of the clients of the centre.

Catholic Migration heads an army of bilingual volunteers who visit the aged and assist in English language home tutoring programs. The board is continually headhunted. People who are willing to become members and have special skills or expertise which will enhance the working of the board and, through it, the centre, are in demand. Being a Catholic is not a criterion for selection as a member. One person, Vanessa Moss, is a lawyer who works in the legal aid area of the board. She is a practising Anglican, whose husband is training for the priesthood.

Gerald Searle was instrumental in organising the gala dinner and dance at the Rendezvous Observation City at Scarborough Beach last Friday night, a fitting conclusion to the week-long celebrations. The 300 guests included Monsignor Keating, the Vicar General representing the Archbishop; the Minister for Citizenship and Multicultural Interests representing the Premier and the federal Minister for Immigration and Multicultural Affairs; the member for Nollamara representing the Leader of the Opposition; the newly elected member for the federal seat of Stirling, Jann Macfarlane; yours truly representing one of the most multiculturally-rich electorates in Western Australia; and Bob Kucera, the Assistant Commissioner of Police.

I conclude by reflecting on a phrase used by Gerald Searle, the director of the Catholic Migration Centre of Western Australia: The decision to go ahead with the program of jubilee celebrations was a leap of faith that ended in a dance of joy. Gerald Searle is indeed a great ambassador for Catholic migration in Western Australia. I pay tribute to him, his staff and the Board of Catholic Migration in Western Australia for a job very well done.

MR GRAHAM (Pilbara) [10.04 pm]: I will address some problems relating to Aboriginal communities particularly, and to the north west generally. I could spend my entire speech talking about the lack of state government support to Aboriginal communities for essential services, but I will not because Hon Tom Stephens in the other place has canvassed that matter significantly. With the support of a group of people from the north west, he is actively and avidly pursuing that question

with the Government. The essential services of which I speak are exactly that - things that are taken for granted in white communities and towns in Western Australia; simple things, such as the provision of electricity, water and sewerage services that are taken as absolute rights everywhere in Western Australia except in remote Aboriginal communities.

I make this simple comparison: The town of Wittenoom has a population of about 16 people - curiously about 500 electricity accounts - and receives State Government assistance of about $34 000 a year under the universal tariff policy. The town of Turkey Creek, or Warmun, is an Aboriginal town with a population of about 300 people, which sometimes goes up to 500 people. It has no provision under the universal tariff policy. It begs the question: Why? They are both towns in the remote part of Western Australia. One has a black population, one a white population. One gets a subsidy; one does not. We do not have to be too smart to work out which is which. Clearly that is unacceptable, but I make the point that the Turkey Creek analogy is not unusual in remote Aboriginal communities. I could go on at length about the provision of roads to outback Aboriginal communities, but I will not. For many years, during both the Labor and Liberal Governments, I have challenged respective ministers to drive to some outback Aboriginal communities, preferably in summer, in a car without airconditioning and without their travel allowance. If they did that but once, they would understand the problem. Ministers, both state and federal, are very good at flying into the communities, doing their business over a community lunch and flying out, yet not getting a grip on the problem. It takes two or three days of driving on some of the worst roads in the country to get to some of these communities. If nothing else, it is an enlightening experience for ministers of the Crown to experience something that is a day-to-day fact of life for Aboriginal people in outback Western Australia.

I do not want to speak on those matters at length; instead I will address myself to questions of law and order and police in outback Aboriginal communities. To define the problem I draw on the submission of the Western Australian Government to the Commonwealth Grants Commission 1999 review. The beauty of this report is that it consolidated a series of statistics that were available in the system. They put them together in a form that is usable. The chapter that deals with police offences and Aboriginals in this report makes the point none too subtly that Aboriginal people are disproportionately represented in jails and commit a disproportionate number of the crimes. The State's argument is therefore that the States should receive more funding because these are particular problems. I will define it; the figures I will quote are per capita figures per 100 000 people. The rate for serious assaults by non-Aborigines is 90.82 per 100 000 people. In the Aboriginal community it is 2 010.54 per 100 000 people. I am not a mathematician; I cannot even work out what that is in percentage terms. It is a huge increase in the Aboriginal community compared to the non-Aboriginal community.

Mr Board: It is twenty times.

Mr GRAHAM: I look forward to those interjections along the way, minister.

The rate per 100 000 people in the non-Aboriginal community for common assault is 116.35; in the Aboriginal communities it is 2 505.77.

Mr Board: About fifteen times.

Mr GRAHAM: Thank you, minister. That is fifteen times, not 15 per cent. The comparisons in round figures for burglary are 311 per 100 000 in the non-Aboriginal community and 7 244 in the Aboriginal community. For stealing the rate is 576 per 100 000 in the non-Aboriginal community and 6 321 in the Aboriginal community. For motor vehicle theft the rate in the non-Aboriginal community is 89.59 per 100 000 people, and in the Aboriginal community it is 2 379. For general damage, the rate in the non-Aboriginal community is 183 per 100 000 people, and in the Aboriginal community it is 3 323 per 100 000 people. Those figures very clearly highlight the problem on law and order issues in Aboriginal communities. I have picked those figures because they are the highest. However, with the exception of fraud, I am unable to find any incidence of crime which is lower in Aboriginal communities than in white or non-Aboriginal communities. We can have a whole debate, and one day we will, on the reasons why that is so. I do not propose to do that tonight.

Mr Board: What about white collar crime?

Mr GRAHAM: That is fraud.

I want to address some of the answers that have been proposed because no-one can look at those figures, have a fleeting interest in outback Aboriginal communities and not come to a view similar to mine; that is, there is a problem. The police annual reports for the region also highlight those issues. I will not quote from them. However, the last two annual reports highlighted the difficulties and the problems. Two answers have been put forward. One is for unmanned police stations or community stations to be implemented so that when people contact the police because of a law and order issue in the community, the police will come out to that station and use it as the base from which it will deal with matters in the community. Without going into great detail, I say this in response: That would not be acceptable in your electorate, Mr Deputy Speaker; it would not be acceptable in any major white community in my electorate; and it certainly would not be acceptable as the mainstream policing issue in the city.

Mr Baker: Do they have Neighbourhood Watch and community groups?

Mr GRAHAM: It would not be, and should not be, acceptable in outback Aboriginal communities. Maybe I can put this into perspective because people have views about outback Aboriginal communities as though they are pastoral stations with five or six people on them. That is not the case. The pastoral stations that Aboriginal people own like that operate as pastoral stations. The communities I am talking about can have large populations on them. The Warmun community in Turkey Creek is a good example. Currently, the Australian Bureau of Statistics's figure show there are 360 people in the town. The last time I was there, there were about 700 people in the town. A week later, when I came back out from where I had been, there were probably 200. There is a core population. However, they can have very large populations very quickly and for a very short period. It is unacceptable to have unmanned police stations with someone who is two or three days' drive away who will turn up if something happens. I say "will"; I probably should say "may".

The second option put forward by the police to police these communities is the warden system. The warden system involves an Aboriginal volunteer who will be empowered by the police to report to the police incidents in the community. Why any person would do that is absolutely beyond me, quite frankly. Can members imagine any thinking white person living in a street anywhere in Perth on New Year's Eve, for example, when everybody is partying, agreeing when the police come along and say, "You are the person who, without a uniform, without any power, without any support, with limited training and no resources, is required to keep the peace in that street on New Year's Eve at party time." I suspect that no thinking white person would ever say to a policeman, "Yes, I will do that." Nobody would. In the event that someone did, I will compound the degree of difficulty for that person. If someone did agree to that, how would he deal with this situation: Living next door on the volunteer's street on New Year's Eve is his brother and his wife. They have a domestic row, they are both drunk because it is New Year's Eve and they are partying. They are a well-known violent couple and they start setting about each other, their family, friends and extended relatives. No white person would dream of walking into that situation and pretending that they had some power and authority to be able to deal with it. We would not contemplate it. It would be described as absolute lunacy to do so. They may well do it because it is their family; we have all done that to different degrees. However, to do it because they are required to keep the peace without any back-up, without any resources, without any facilities and without any authority, is a recipe for disaster. If that view is correct - and I suggest it is - why would we then ask Aboriginal people who are two or three days away from the nearest town to police themselves in that manner? That is an absolute nonsense. However, it is the main weapon that the police intend to use in the enforcement of the law to turn around those statistics that I referred to previously.

A member behind me interjected and asked whether they had Neighbourhood Watch and community groups. The answer is no, and there is a difference. A Neighbourhood Watch organisation that is set up in the city suburbs or in a major country town is set up with the permission of the police and the local authorities, and with the knowledge that the police are there to help. It is a completely different situation for a sole person in the community. Just in case people think that the member for Pilbara has just come up with this view, the *Kimberly Echo* of 26 November 1998 states -

> The Western Australian Police Service is ignoring cries for help by Aboriginal communities, according to the Wunan Regional Council, which represents the Aboriginal people of the East Kimberley.
>
> At a meeting of the council held in Balgo last week, Ian Trust of the Wunan Regional Council said the people of Balgo were not receiving a proper service from police.

In case members do not know, Balgo is a healthy drive down the Tanami road and is near the Canning Stock Route.

Mr Board: It is pretty remote!

Mr GRAHAM: It is, and it had a population last time I was there of between 250 and 350 people. It states also -

> There is presently no police officer stationed in Balgo. Police from Halls Creek, four hours drive away, are the closest law enforcement officers.

I can tell members there are not many Multanovas on that road! The article continues -

> Mr Trust said examples like this are the types of things people in Balgo are facing on a regular basis.
>
> "The Wirramanu Aboriginal Corporation, which represents community members living in Balgo, advised the Wunan Regional Council that the police would not even respond promptly when community members are physically attacked," Mr Trust said. "They have had to wait for two weeks before police attend the community."
>
> Kimberley District Acting Inspector Brian Jefferies said that the District Superintendent, Allan Gronow, was discussing the problems surrounding the Balgo community with Police Commissioner Robert Falconer on Tuesday.
>
> Inspector Jefferies said topics such as increased and back-to-back patrols were some of the issues being discussed.

I will be writing to both Superintendent Gronow and the Commissioner of Police to raise the points that I have made and to call on them not to do those things, because they have been tried in the past many times, and they do not work. What can and will work is to give a town of that size a permanent police presence. There is no point putting one officer there; it would

be dangerous and silly. To rotate the police in and out is not a bad idea, provided that all times two police officers are in the town. That would not be an unreasonable request in a small wheatbelt town, and it should not be an unreasonable request in an outback Aboriginal community.

I am harsh on the warden's process, because law and order issues, as we have all agreed in the debate tonight, are complex and difficult issues with which to deal. When we throw on top of the general law and order issues the Aboriginal issues, the remoteness, and the substance abuse difficulties that exist in some of these communities, it is nonsense to expect the community to be able to deal with those problems. To reinforce that, I quote from the coroner's finding into the death of Esky Muller, who died in 1994 on the Stuart Highway, about 100 kilometres south of Alice Springs, from a wound to his left arm, but who was a well known substance abuser. The coroner spent some time looking into the reasons that this lad died and into what the authorities did when confronted with a substance abuser in a remote Aboriginal community. He said, in part -

> It is just not realistic to expect a small community in the deserts of Central Australia to come up with solutions for this complex problem and also to expect that they will be able to implement corrective measures. This was also the subject of evidence by Ms Brady . . ..
>
> I mean it's too hard. There are so many other things that communities are dealing with and I must say it's occurred to me over the years that in many cases we are expecting small communities of Aboriginal people to do the full range of things that we are not expected to do. I mean they are expected to sort of keep law and order, . . . consult with everybody who turns up in the community to ask their advice. They're expected to cope with chronic drinking, with chronic petrol sniffing, with the problems of you know modernizing youth with massive unemployment. I mean they are expected to deal with huge social problems in many cases with very little help, . . .

The point of that statement by the coroner is that it is unrealistic to expect these tiny communities to grapple with and find solutions to complex problems. If today's proceedings in this Parliament are any indication, we cannot find the answers to those complex problems in our community, despite our resources and the sophistication of our systems, yet the police and the Government of the day - it does not matter too much of which political persuasion - expect these people to find solutions to similar problems without any of those resources and that sophistication. I agree with the coroner that that is not a realistic approach for a Government to take.

Mr Baker: What was the date of the coronial inquest?

Mr GRAHAM: It is 2 September 1998. It is a recent decision.

I want to deal also with the wider question of police in the north west. In November, I asked a series of questions of the Minister for Police about police stations. I asked how many police stations there were in Western Australia; what was the location of each station; how many police were located in each station; what were the budgets for two years; what was the area of responsibility; and what was the population of the area of responsibility for each station. My reasons for doing that were to make some comparisons. It was not a particularly difficult series of questions to ask the Minister for Police. It is the kind of information I would expect the Commissioner of Police, or a senior officer in the Police Department, to have on a whiteboard in the office. It is not secret squirrel information. It is basic raw data that a senior police officer should have on a board, file or computer in his office. Unfortunately, the answer I received from the Minister for Police tells me only that there are 163 police stations in Western Australia, but I am not allowed to know where they are. The answer to the remainder of the questions was: Due to the resources and time required to provide a response at a police station level, as per the member's question, the minister is unwilling to commit the resources required. If the member is able to provide a more specific request, a further response may be provided.

Information has been provided in respect of each of the 15 police districts, but no answer on police stations. It is quite extraordinary that I cannot access that information. It is not secret information because a few years ago I asked a similar question of the member for Wagin when he was Minister for Police, and he answered it. I then asked the question of the member for Darling Range when he was Minister for Police. He did not answer it at first, so I asked the same question again a couple of weeks later and he then provided it after I gave him a dolly-up publicly about hiding information. The current minister will not answer the question, but when I asked a question previously in more detail about stations in the north west, I received all the answers I sought. It is extraordinary that I am allowed to know what is happening in Onslow but not in Fremantle; I am allowed to know what is happening in Pannawonica but not in Mirrabooka, Bayswater or Albany. None of those police stations is in my electorate, so if the rule is that I am allowed information only relating to my electorate, I should not have been given the information on the other police stations.

I am bitterly disappointed in the minister. I have had this argument with previous ministers. I guess that when Parliament resumes, I will have the argument with the current minister. It is secrecy for the sake of secrecy. It is not tactical information. I have not asked the names of officers on different operations, who is operating under cover or who arrested Eddie Withnell. I have asked for raw data and it is not unrealistic for the minister to provide it.

MR THOMAS (Cockburn) [10.33 pm]: I will make a contribution to this debate this evening to advocate the case for the creation of a Cockburn Sound trust. I have advanced this proposition on a number of occasions in this House and elsewhere in the past year or so. I believe this proposition is worthy and appropriate, and it would be most welcome in my area. Over the past year, a significant issue has arisen in my electorate relating to Cockburn Sound because the Government has put forward a proposition to develop the southern harbour at Jervoise Bay - a facility which will be critically important to the marine fabrication industry in this State. I strongly support that development in my electorate. However, it has drawn considerable opposition and, more to the point, considerable concern from people in my electorate who fear that further industrial development in Cockburn Sound might add to the deterioration of the environment in that area. It might also reduce the capacity for people to enjoy the environment and recreation facilities in that area.

It dates back to the Australia Day weekend almost a year ago. I remember that long weekend very well for two reasons, because I saw two people I had never seen before. One was the Prime Minister, John Howard, and the other was Cathy Freeman. I am opposed politically to the Prime Minister, and I admire Cathy Freeman a great deal. On that weekend I went to the Australia Day awards ceremony at Government House gardens and saw Cathy Freeman honoured as Australian of the Year by John Howard. It was the first time I had set eyes on both John Howard and Cathy Freeman. That weekend I also went to the athletics grand prix and saw Cathy Freeman run in the 800 metres race and win very convincingly. On the Monday of that long weekend the Prime Minister announced funding for the Jervoise Bay facility under the federation fund. Those three days are memorable because I saw one person I admire greatly and another person I strongly oppose politically. The irony is that the person I oppose politically so strongly announced the Jervoise Bay development project which I support very strongly. I would like to explain that.

The Jervoise Bay development will allow a significant increase in the capacity of infrastructure within this State to handle marine fabrication. Areas offshore from this State are prospective for petroleum development. Not far from this State, in waters off Asia, are other areas which will also be the subject of petroleum development in the years to come. Regardless of what is said about the price of oil at the moment or the economies of those areas, in years to come those areas will be developed for offshore petroleum. When offshore petroleum developments have occurred in this State, often complaints have been made, to which I have been party, that not enough of the work is done in Western Australia or Australia. When those complaints have been made, the response of industry has been that the infrastructure does not exist in this State to allow that work to be done. This project will create the infrastructure. It will create a fabrication facility with a hard-backed wharf that will allow structures of a substantial size to be developed. It will allow offshore facilities to be serviced and, therefore, will allow a substantial proportion of the work associated with the offshore petroleum industry to be done in this State. The Department of Commerce and Trade estimates that if the facility is developed, 1 600 jobs will be created in the area. That would be a substantial gain for the area and I would support it.

When the proposition was put forward, a public environmental review was published by the proponents, who are the Department of Commerce and Trade, which enumerated the environmental impacts as they saw them. Since then there have been major environmental gains in the sense that the proponents now suggest a project which is significantly different from that which was enumerated in the public environmental review. Those changes to the environmental impacts can be categorised in two ways. The first are those that occur in the marine environment, and the second are those that occur in the terrestrial environment. As to the marine environment, the major change is in the design of the harbour. Previously, there was no northern opening proposed but there is now a wide northern opening in the design. As a consequence, the western wall of the harbour will now be an island. On the western side there is an island breakwater and an opening to the north and south. That significantly increases the time it takes for the harbour to flush - that is, for tides and currents to move water in and out of the harbour. On the terrestrial side, the road which formerly would have gone around the System 6 reserve, which is an important reserve for nature conservation, now goes east-west along Russell Road and links up with Rockingham Road. We no longer have any intrusion through that area. There have been significant gains for the environment.

When the matter was considered at a major public meeting in my electorate earlier this year concerns were expressed about the several matters to which I now allude. I recommended then that there should be a Cockburn Sound Trust. I said that, in effect, Cockburn Sound is an inland water within the Perth metropolitan area. I said also that a Cockburn Sound Trust should manage Cockburn Sound in the same way as the Swan River Trust manages the Swan River and the various environmental pressures that are placed on that body of water. Let me explain that. At some times the waters of Cockburn Sound are flushed less often than is the case in the Swan River. In other words, at different times of the year, the waters are flushed out by the tide or currents at a lesser rate in Cockburn Sound than is the case in the Swan River. As members will understand, the river flows at different rates at different times of the year, and of course the tides and currents vary at certain times of the year. In both cases the rate at which the waters flush and the capacity of the body of water to renew itself varies at different times of the year.

We have an environmental problem - competing uses. To a lesser extent as the years go by, the Swan River has been subjected to industrial pressure. There certainly are residential, recreational and transport use pressures in areas adjacent to the river and they all impact on the river, on the ambience of that body of water and on the extent to which it can

contribute to the wellbeing and environment of the people of Perth. Cockburn Sound, too, is an inland water. One might say that it is part of the sea and that it should not be regarded as an inland water, but it has Garden Island on one side, and if we consider the flushing rates we find that in practical terms it is an inland water. It is subjected to residential pressure. People now live along Cockburn Sound and they wish to enjoy the ambience of living by the sea without other uses impacting on what benefits might be obtained.

Industry is located along various parts of the sound. The Navy has a major impact on the area. Ironically, the military use probably contributes most to the environmental attributes of the area in that it sterilises any other use of large areas of Garden Island and hence preserves or conserves the various eco-types including the coastlines on the east and west coasts of Garden Island. However, it is an inland water and we have the legacy of past uses.

In the 1950s, when Cockburn Sound was first developed for industrial uses, there was not such great concern for the environment as there is now. Several industries discharged wastes directly into the water, and in more recent times other industries have discharged wastes into the ground water. The seagrasses in Cockburn Sound, which are important for several reasons were reduced from 4 000 hectares to their current extent of 700 ha. Seagrasses are important as habitat for junior fish and as feedstock for other fauna. That reduction has had a significant impact on the ecological viability of Cockburn Sound. Seagrasses have been reduced to that extent because of nitrogenous intrusions into the sound when it was polluted. Comparatively free discharge of industrial waste into the water was allowed. Since that time such discharges have been eliminated and industries are no longer allowed to discharge waste into the sound. At present the discharge that comes into the Sound is from ground water, which is essentially a legacy from previous years. Wastes that have been discharged, either deliberately or incidentally into the ground water, are now finding their way into the Sound and will continue to do so for some years. We must now deal with a legacy of continuous discharges of nitrogenous waste into Cockburn Sound which has given rise to increased algae growing in water, and reduced light onto the sea floor and a consequential reduction in seagrasses.

What has given rise in my electorate to concern about the proposal for the development of Jervoise Bay southern harbour is the fact that last summer an algal bloom occurred in the northern harbour, an area that was developed two or three years ago but which is different in two respects from the southern harbour. First, the northern harbour is bounded, as the name suggests, to the north and to the east. As a result it has a different flushing regime; that is, I understand it flushes the body of water in and out of the harbour, say, once every five days. I understand that what is proposed for the southern harbour under the current design would flush every two and a half days.

One might say that that is only half the time. However, the effect is logarithmic because of the capacity of the algae, which are the nasties that cause algal blooms and prevent seagrass multiplying at an exponential rate. If the flush time is halved, the potential impact of algal blooms is a geometric progression of the inverse proportion of the flushing time. The fact that this harbour is able to flush in half the time of the northern harbour means the probability of algal blooms is less than half.

To go further, the other variable is the extent to which the ground water intrusion into the harbour is likely to impact on the water quality in that area. The Department of Commerce and Trade documents suggest that in the northern harbour there is a ground water plume that is rich in nitrogen from the Weston Bioproducts WA facility, and the Woodman Point waste water treatment plant which both have contributed in the past - and in one case still is, but not for much longer - to the nitrogenous content of the ground water. The result is a plume which reaches the sea near the northern harbour.

That does not exist in the southern harbour in which bore studies show that the nitrogenous levels are less than in the Sound. One can therefore assume that, if anything, the ground water that flows into the southern harbour is diluting the amount of nitrogenous water in that part of Cockburn Sound. We therefore can reasonably assume that the propensity for that area to develop algal bloom will be much less than would be the case in the northern harbour. I trust that means that algal blooms will not develop and therefore will not cause consequential environmental unsustainability in the southern harbour.

Positive advantages can come from the development in this area. As I indicated earlier, this project will result in 1 600 jobs. I regard that as a significant contribution to the area. It would be a qualitatively different contribution to the industry in the area; that is, it would involve clever manufacturing industry not mineral processing. It would be manufacturing that is likely to involve clever skills and to call on different levels of expertise at various levels.

I was the chairman of the Legislative Assembly Select Committee on Science and Technology some years ago that suggested that a marine technology precinct should be established in the area. Some of the universities in the State have indicated that they would be interested in locating facilities in that area that would be related to the marine fabrication industries and other industries in that area. I understand that if the project proceeded it would involve trade TAFE level facilities and universities will locate these facilities from undergraduate to post graduate research level. I would like to think that some of the marine research facilities - I wish some of my other colleagues were in the House to hear my suggestion - such as the Australian Institute of Marine Science could relocate its facility to the area. If the marine sciences at the University of Western Australia, Curtin University of Technology and Murdoch University were able to collocate with TAFE in a multi-level facility in that area they would not only study how to better build ships and oil production facilities but also be able to better

study and understand the ocean. If we are to understand and deal with the problems of Cockburn Sound, we must deal with them on a scientific basis.

Before 1970 there were 4 000 hectares of seagrasses in Cockburn Sound. Only 700 hectares remain. Since we became seriously concerned about pollution and effectively stopped pollution going into Cockburn Sound - that has been the case for the past 10 or 15 years - the seagrasses have not expanded. There are still only 700 hectares there. We do not know how to regenerate seagrasses. If a world-class marine research facility were constructed in Cockburn Sound, together with the other facilities to which I referred, perhaps one of the scientists working there could win the Nobel Prize for working out how seagrasses regenerate.

As I understand it, we do not yet know how seagrasses are regenerated. Surely it is not beyond the wit of human science to work out how these plants, not algae, regenerate. If we can work that out, we will be able to make a contribution to Cockburn Sound. The environment there today is not so different from what it was in 1960 when there were 4 000 hectares of seagrass. The only thing stopping that, is that we cannot work out how to regenerate the seagrass. If we could do that, we could restore that aspect of the environment to what it was before the seventies. I hope that we will be able to do that with the construction of this facility and the associated transformation of culture that might follow.

To my mind it is critically important that the Cockburn Sound Trust be created so that an area, which is essentially an inland water, can be managed to restore conflicting-use pressures. I am pleased to see from the government pamphlets which have been distributed in my area that the Government seems to be committed to that. We will be pleased to look at the detail and I hope we can support it. I also hope the new office will be located in Cockburn. I was very disappointed when the Government sought to set up a community consultation office, or whatever it is called, for the Southern Harbour project, within the Department of Commerce and Trade, that it was located in High Street in Fremantle. It might as well have been located in St George's Terrace. It should have been located in Cockburn near the community that is more directly concerned. When the trust is created, I hope it will have a prominent office appropriate to its role located in the Cockburn area.

I support the project very strongly. I hope it is accompanied by a transformation of the culture of heavy industry in the area, going from simple mineral processing to clever manufacturing which is not related only to building things, but also to other skills. Universities, technical and further education colleges and other education institutions have indicated that they are interested in moving into that area if they are associated with the project. As I said, I would like to see the whole area transformed into a clever manufacturing precinct which will involve science, education and manufacturing. One has only to drive down Cockburn Road to see the successful shipbuilding industry located there; yet people must park their cars on dirt because of the lack of any decent parking areas. That whole area has not been properly planned. There is a need to transform and rebuild that precinct, and I hope this project will provide the opportunity to do that.

Debate adjourned, on motion by Mr Bradshaw (Parliamentary Secretary).

House adjourned at 11.03 pm

APPENDIX A

Selected Offences per 100 000 Population

Source: Mr Barron-Sullivan, Annual Crime Statistics Reports for 1996-97 and 1997-98

	19982-83	1992-93	1997-98	% Change	
				Under Labor	Under Coalition Government
Homicide	2.4	3.7	3.4	-	-
Serious Assault	54.1	173.5	258.9	321	49
Robbery	20.9	62.0	138.9	297	224
Rape (sexual penetration after Criminal Code amendments in 1992)	8.0	57.8	53.8	723	↓ 7
Break and Enter	1801.6	3259.8	3261.1	81	-
Motor Vehicle Theft	471.8	1205.9	1098.8	256	↓ 9
Fraud	505.6	810.5	388.3	60	↓ 53
Total Selected Offences Per 100 000	2864.4	5573.2	5203.2	Up 95%	Down 7%

QUESTIONS ON NOTICE

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

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

694. Mr KOBELKE to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Dr HAMES replied:

(1) The Aboriginal Affairs Department.

(2) In accordance with AAD's staff selection guidelines, if any applicant indicates that he/she has a criminal record on the application form and they were the recommended applicant, further investigation into the criminal record would be undertaken.

(3) Nil.

(4)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Act of Grace Payments

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

(1) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of $2,000 from any department or agency under the Minister's control?

(2) Who were such payments made to?

(3) What was the amount of each payment?

(4) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of $2,000 and $50,000 from any department or agency under the Minister's control?

(5) What was the amount of each payment?

(6) Who was each payment to be made to?

(7) What was the purpose of each payment?

(8) In the -

(a) 1996-97 financial year; and
(b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over $50,000 from any department or agency under the Minister's control?

(9) How many such payments were approved?

(10) How many such payments were made?

(11) What was the amount of each payment?

(12) To whom was each payment made?

(13) What was the reason or purpose of each payment being made?

Dr HAMES replied:

Homeswest:

(1) (a)-(b) Yes.

(2) (i) Ms S Picard
(ii) Mr K & Ms J Jose
(iii) Ms C Bamblett

(3) (i) $251.50
(ii) $1500.00
(iii) $100.00

(4) (a)-(b) No.

(5)-(7) Not applicable.

(8) (a)-(b) No.

(9)-(13) Not applicable.

Aboriginal Affairs Department:

(1)-(13) As part of the Government's response to the Royal Commission into Aboriginal Deaths in Custody report, funding was made available from the Commonwealth to the States by way of a Family Counselling Grant to assist families of those deceased. In 1996/97 and 1997/98 the AAD made numerous Act of Grace payments to relatives to those who died in custody. The maximum payment for any one claim was $6800.00. The answering of the detail of this question will require significant staff resources which I am not prepared to allocate at this stage. Should the member wish to ask a more specific question, I would be happy to consider it.

ADOPTION SERVICES BUDGET

881. Dr CONSTABLE to the Minister for Family and Children's Services:

With respect to the 1997-98 budget -

(a) what was the total -

(i) estimated; and
(ii) actual,

budget with respect to adoption services; and

(b) what proportion of the total -

(i) estimated; and
(ii) actual,

budget with respect to adoption services was allocated to -

(aa) local; and
(bb) inter-country,

adoption?

Mrs PARKER replied:

(a) (i) $1,119,981.
(ii) $1,236,116.

(b) These amounts cover all services and operations of the Adoption Services. This includes all the Pre Adoption and Post Adoption direct customer services, administration and staff salaries. Pre Adoption Services are an integrated service and budget allocation is not made between local, intercountry, step-parent or carer adoptions. An indication of the demand for adoption services is provided by the following, over the past four financial years:

Number of information packages mailed -

3938 Pre Adoption
5827 Post Adoption

4625 registration of requests for a range of Post Adoption Services (often multiple) from adoptees, birth and adoptive parents, other relatives and miscellaneous enquiries have been made.

ADOPTION SERVICES BUDGET

882. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) With respect to the 1998-99 Department of Family and Children's Services budget, what is the total budget with respect to adoption services?

(2) What proportion of the total budget with respect to adoption services is allocated to -

(a) local; and
(b) inter-country,

adoption?

(3) What proportion of the total budget with respect to adoption services is allocated to non-Government sector agencies?

Mrs PARKER replied:

(1) $1,382,018

(2)-(3) Of the $1,382,018, $164,069 is allocated to non government services as follows:

$61,501 per annum to Adoption Jigsaw (WA) Inc. and $102,568 per annum to Adoption Research and Counselling Service Inc. The remaining amount covers all services and operations of the Adoption Services including both the Pre Adoption and Post Adoption areas. The Pre Adoption Service is an integrated one and the budget is not proportioned between local, intercountry, step-parent or carer adoptions.

ADOPTION SERVICES FUNDING

883. Dr CONSTABLE to the Minister for Family and Children's Services:

With respect to non-Government sector agencies providing adoption services which have received funding under the 1998-99 budget -

(a) which agencies received funding;
(b) what was the amount of funding;
(c) was the funding recurrent; and
(d) which, if any, agencies provide services with respect to -

(i) local; and
(ii) inter-country

adoption?

Mrs PARKER replied:

(a) Adoption Jigsaw (WA) Inc.
Adoption Research & Counselling Service (Inc).

(b) Adoption Jigsaw WA (Inc). $61,501.22 per annum.
Adoption Research & Counselling Service (Inc) - $102,568.42 per annum.

(c) Yes.

(d) The funded agencies which provide services to the adoption community in relation to local and intercountry adoption are Adoption Jigsaw (WA) Inc.and Adoption Research & Counselling Service (Inc).

ADOPTION SERVICES FUNDING

884. Dr CONSTABLE to the Minister for Family and Children's Services:

With respect to the 1996-97, 1997-98 and 1998-99 Department of Family and Children's Services budgets -

(a) what was the total amount allocated to the non-Government inter-country adoption sector; and

(b) which non-Government inter-country adoption agencies applied for funding, and in each case -

(i) what amount was requested;
(ii) what was the purpose of the funding;
(iii) was the funding recurrent;
(iv) what was the outcome of the application; and
(v) if the application was rejected, why was it rejected?

Mrs PARKER replied:

(a) Budget allocations are not made according to type of adoption.

(b) (i) Adoption Agency Steering Committee (sponsored by Australia or Children Society) on 7 March 1996 requested $85,000. Adoptions International of WA Inc. on 12 December 1996 requested $40,000.

(ii) Requests were for seeding funds.

(iii) No.

(iv) Refused.

(v) The Government was not seeking to fund private adoption agencies. If it was it would do so within the funding of the Department's services model.

ADOPTION REGISTRATION FEE

885. Dr CONSTABLE to the Minister for Family and Children's Services:

In each financial year since 1993-94 -

(a) what, if any, registration fee was charged by the Department of Family and Children's Services for adoption services, and what did the fee cover;

(b) what was the annual income of the Department with respect to adoption services, and what was the source of the income; and

(c) what proportion of the Department's income came from inter-country adoptions?

Mrs PARKER replied:

(a) An application fee of $750 covering some administration costs became effective 1 January 1995. The fee does not apply to step parent or carer adoptions. Exemptions may apply for children with a disability.

(b)

1997/98	$17,374
1996/97	$34,912
1995/96	$28,147
1994/95	$ 2,910

These figures include a combination of application fees and payments for private assessors, which are paid into Consolidated Revenue.

(c) Not separated into local and intercountry adoption, but are about equal based on the numbers of applications for intercountry and local adoptions.

ADOPTION STATISTICS

886. Dr CONSTABLE to the Minister for Family and Children's Services:

In each financial year since 1993-94 -

(a) how many local and inter-country children were placed for adoption;
(b) how many children were adopted by a step-parent or foster carer;
(c) how many applications to adopt were made;
(d) how many applications to adopt were approved; and
(e) how many enquiries were made about adopting a child?

Mrs PARKER replied:

(a) Unrelated children placed for adoption:

	Local	Intercountry Adoption
1993/94	19	12
1994/95	15	26
1995/96	25	8
1996/97	13	21
1997/98	8	19

(b)

	Step-Parent	Foster Carers
1993/94	46	4
1994/95	88	5
1995/96	17	6
1996/97	29	3
1997/98	29	2

(c)

1993/94	62
1994/95	9
1995/96	31
1996/97	49
1997/98	24

(d) Applications to adopt approved:

1993/94	41
1994/95	54
1995/96	46
1996/97	33
1997/98	44

(e) Following are the number of information packages mailed out by Adoption Services in response to a pre adoption enquiry. These figures do not include packages collected from Adoption Services, mailed from other offices or verbal enquiries where an information package was not required.

1993/94	972
1994/95	614
1995/96	1427
1996/97	1035
1997/98	862

ADOPTION STATISTICS

887. Dr CONSTABLE to the Minister for Family and Children's Services:

In the financial years for 1971-72, 1981-82 and 1991-92 -

(a) how many local children were placed for adoption;
(b) how many inter-country children were placed for adoption;
(c) how many children were adopted by their step parent;
(d) how many children were adopted by their foster carer; and
(e) how many applications for adoption were made?

Mrs PARKER replied:

(a) Local children placed for adoption.

1971/72	448
1981/82	94
1991/92	12

(b) Intercountry children placed for adoption.

1971/72	Not known.
1981/82	21
1991/92	17

(c) These figures are not available as Adoption Services did not deal with all adoptions during these periods.

(d) Foster carer adoptions.

1971/72	Separate figures for foster carer adoptions were not maintained during this period.
1981/82	5
1991/92	2

(e) These figures are not available as Adoption Services did not deal with all adoptions during these periods.

ADOPTION FEES

888. Dr CONSTABLE to the Minister for Family and Children's Services:

Are there any proposals to abolish a fee for adoption services provided by the Department, and if so -

(a) why; and
(b) will it apply to both local and inter-country adoptions?

Mrs PARKER replied:

Adoption Legislative Review Committee Report November 1997 recommended (Rec. 85) current fees for pre-adoption services be abolished.

(a) The Committee considered adoption a service for children and that it is unreasonable for a fee to be charged to a family who are willing to provide for the care of a child.

(b) The Recommendation applies to both.

ADOPTION FEES

889. Dr CONSTABLE to the Minister for Family and Children's Services:

What, if any, fees are charged by Government agencies in other States and Territories with respect to adoption services?

Mrs PARKER replied:

Various fees are charged within States and Territories for adoption services.

ADOPTION APPLICATIONS APPROVED

890. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) Does the Department strictly control the number of approved applications for adoption?

(2) If yes to (1) above, what is the reason for the strict control in respect to inter-country adoptions?

Mrs PARKER replied:

(1) No.

(2) Not applicable.

ADOPTION, INTERCOUNTRY

891. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) Are people who enquire with the Department about adopting a child made aware of the option of inter-country adoption?

(2) If not to (1) above, why not?

Mrs PARKER replied:

(1) Yes.

(2) Not applicable.

ADOPTION APPLICATIONS, PROCESSING TIME

892. Dr CONSTABLE to the Minister for Family and Children's Services:

What is the average period of time within which -

(a) inquiries regarding;
(b) expressions of interest regarding; and
(c) applications for,

adoption are processed?

Mrs PARKER replied:

(a) Verbal and written information is provided at the time of the enquiry.

(b) The time between the lodgement of the expression of interest and the application to adopt varies according to a variety of factors. An analysis of the time periods is not available.

(c) The time between the lodgement of an application to adopt and the granting of an adoption order varies according to a variety of factors. An analysis of the time periods is not available.

ADOPTION AGENCIES, NON-GOVERNMENT

893. Dr CONSTABLE to the Minister for Family and Children's Services:

Are there any non-Government agencies in Western Australia through which children can be placed for adoption?

Mrs PARKER replied:

No.

ADOPTION AGENCIES, APPLICATIONS FOR LICENCES

894. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) When was the requirement for adoption agencies to be licensed introduced in Western Australia?

(2) How many applications have been made for licences?

(3) When was each application made?

(4) What was the result of each application?

(5) What is involved in the licence application process, and how long does it generally take to receive a licence?

(6) What does the licence authorise the licensee to do?

(7) Does the Department monitor the licensed agencies, and if so, at what cost?

(8) Can licensed agencies apply for funding from the Department, and if so, what is the Department's policy regarding providing funding to such agencies?

(9) How are licensed agencies generally funded?

Mrs PARKER replied:

(1) 1985.

(2) One.

(3) December 1996.

(4) In the process of being finalised.

(5) The Adoption Regulations 1995 require a formal written application. The Minister may appoint a Private Adoptions Agency Licence committee to review the application and make a recommendation to the Minister. The Private Adoption Agency Licence committee considers the application and if necessary requests further information and supporting documents. Meetings may occur between the Private Adoptions Agency Licence committee and the applicants for the Committee to seek further clarifications on the application and the applicant to make verbal submissions in support of that application. A decision is made by the Minister on receipt of recommendations from the Private Adoption Agency Licence committee.

(6) A licence authorises the agency to perform specified functions in accordance with the Adoption Act 1994.

(7) No licences have been issued.

(8) There are no licensed agencies.

(9) Not applicable.

ADOPTION AGENCIES, LICENSED

895. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) What percentage of adoptions in Western Australia are effected through licensed non-Government agencies?

(2) If no agencies are licensed, what is the estimated number of adoptions currently facilitated by the Department which could be administered through a licensed non-Government agency, and what amount would the Department save per adopted child?

Mrs PARKER replied:

(1) Nil.

(2) (a) The number would vary depending on the scope of the licence.

(b) Costings have not been undertaken.

ADOPTION, HAGUE CONVENTION ON INTERCOUNTRY ADOPTION

896. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) What is the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption?

(2) Is Australia a signatory to the Convention?

(3) Which other countries are signatories to the Convention?

(4) Is the Convention implemented through any -

(a) Australian; and/or
(b) Western Australian,

statute, and if so, which one?

(5) When will the Convention come into force in -

(a) Australia; and
(b) Western Australia?

(6) What, if any, public consultation took place in relation to the Convention?

(7) What, if any, major objections to the Convention were made, and by whom?

(8) What effect is the Convention expected to have on adoption in Western Australia?

(9) When will Western Australian couples be permitted to apply to adopt children from signatory countries, and which conditions will need to be met before this can be done?

(10) Which non-signatory countries -

(a) does Australia have adoption programs with; and
(b) is Australia working towards having an adoption program with?

(11) What effect will the Hague Convention have on adoption programs with non-signatory countries?

Mrs PARKER replied:

(1) The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is an international treaty to prevent the trafficking and sale of children by putting in place internationally agreed standards for intercountry adoption.

(2) Yes.

(3) Listed below are those countries which are signatories to the Convention as at 11 August 1998. Countries which have ratified the Convention are also listed. Please note that the Convention is in force only for those States which have ratified or acceded or accepted the Convention or had the Convention extended to them. Those States which have only signed the Convention should be ignored.

Participant	**Signature**	**Ratification Accession (a) Acceptance (A) Extension (e)**
Andorra*		3 January 1997 (a)
Belarus	10 December 1997	
Burkina Faso*	19 April 1994	11 January 1996
Brazil	29 May 1993	
Canada* (British Colombia, Manitoba, New Brunswick, Prince Edward Island, Saskatchewan)	12 April 1994	19 December 1996

Alberta		23 July 1997 (e)
Yukon Territory		24 April 1998 (e)
Colombia	1 September 1993	
Costa Rica	29 May 1993	30 October 1995
Cyprus	17 November 1994	20 February 1995
Denmark*	2 July 1997	2 July 1997
Ecuador	3 May 1994	7 September 1995
El Salvador	21 November 1996	
Finland*	19 April 1994	27 March 1997 (A)
France	5 April 1995	
Germany	7 November 1997	
Ireland	20 May 1996	
Israel	2 November 1993	
Italy	11 December 1995	
Lithuania		29 April 1998 (a)
Luxembourg	6 June 1995	
Mexico*	29 May 1993	14 September 1994
Moldova		10 April 1998 (a)
Netherlands	5 December 1993	26 June 1998 (A)
Norway*	19 June 1996	25 September 1997
Paraguay		13 May 1998 (a)
Peru	16 November 1994	14 September 1995
Philippines		2 July 1996
Poland	12 June 1995	12 June 1995
Romania	29 May 1993	28 December 1994
Spain*	27 March 1995	11 July 1995
Sri Lanka*	24 May 1994	23 January 1995
Sweden*	10 October 1996	28 May 1997
Switzerland	16 January 1995	
United Kingdom	12 January 1994	
Uruguay	1 September 1993	
USA	31 March 1994	
Venezuela*	10 January 1997	10 January 1997

* Declaration/Reservation.

(4) The Convention will be implemented through:

(a) Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 (Commonwealth) with a savings provision enabling States and Territories to implement the Convention under their own legislation.

(b) Proposed amendments to the Adoption Act 1994.

(5) (a)-(b) 1 December 1998.

(6) Consultations were held in Western Australia between November 1996 and November 1997. These Consultations included written invitation to 15 relevant organisations and an opportunity for the adoption interest groups to speak to their submission. The Commonwealth Parliamentary Joint Standing Committee on Treaties also consulted adoption interest groups.

(7) None that we are aware of.

(8) The expectation is that any country Western Australia has adoption dealings with, will have formalised and high standard adoption arrangements in place.

(9) See answer (3).

(10) (a) The Department of Immigration & Ethnic Affairs maintains a list of countries with which Australia has intercountry adoption arrangements. The register identifies the following 9 countries which are non-signatory countries:

Chile	Ethiopia	Fiji
Guatemala	Hong Kong	India
South Korea	Taiwan	Thailand

(b) China.

(11) No immediate effect.

GENDER DYSPHORIA STATISTICS

928. Ms McHALE to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to the reply to question on notice No. 244 of 1998, is the Minister aware that the Minister representing the Attorney General answered that "Neither I nor the Health Department have statistics on the number of people in Western Australia suffering gender dysphoria"?

(2) Given this statement, can the Minister explain upon what basis Parliament was told by the then Minister for Health on 9 April 1997 that "it was estimated that at least 250 people in Western Australia suffer from gender dysphoria, of whom 80 have undergone gender reassignment procedures"?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Yes.

(2) It remains the case that neither I nor the Health Department have statistics on the number of people in Western Australia suffering from gender dysphoria. The basis of the estimate, provided by the Minister for Health on 9 April 1997, was my media statement of 7 April 1996 which provided the same estimate as given by the Minister for Health. That estimate arose from ongoing discussions with Gender Council of Australia (WA) Inc.

BUS SERVICES, FREE TICKETS

968. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Is the Minister aware of private bus companies providing free travel tickets to dissatisfied commuters who have had their travel disrupted by late, early or missed services?

(2) In what instances are free tickets made available?

(3) Is there an official MetroBus policy relating to provision of free tickets to dissatisfied commuters?

(4) If yes, what is the policy?

(5) Will the Minister state how much each private bus company has provided in free travel tickets to dissatisfied commuters -

(a) between 1 January and 30 June 1998; and
(b) between 1 July and 30 September 1998?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Yes.

(2) The private bus companies provided free travel tickets to passengers who had been inconvenienced by late or missed services. These tickets were purchased from Transperth by each company at its own expense.

(3) No. MetroBus no longer has responsibility for public transport policy. The development of policy is the responsibility of Transperth. Transperth does have an official policy relating to the provision of free tickets to dissatisfied commuters.

(4) The Transperth policy allows for the provision of free tickets to passengers who have been disadvantaged by events such as late or missed trips. In these circumstances, Transperth assesses each application on its merits and where warranted may provide a free ticket to the passenger to maintain the passenger's goodwill.

(5) Transperth does not hold information relative to free tickets issued by private bus companies, but notes that the Transperth policy and those of the private bus companies are consistent in application.

HOMELESS PEOPLE, CRISIS

1004. Mr BROWN to the Minister for Family and Children's Services:

(1) Is the Minister aware of a report that appeared in *The West Australian* on 7 September 1998 concerning City Homeless Crisis?

(2) Is it true, as stated by the Council to Homeless Persons, that homelessness is reaching crisis point in Perth?

(3) If so, what action does the Government plan to take to overcome the crisis?

(4) If not, on what grounds does the Minister claim the Council of Homeless Persons is wrong?

Mrs PARKER replied:

(1) Yes.

(2) The recently completed Western Australian evaluation of the Supported Accommodation Assistance Program (SAAP) identified the following issues in relation to the increasing difficulty of homeless people in accessing crisis accommodation. These were:

A shortage of permanent rental accommodation for low income people; a lack of options for people leaving accommodation services; insufficient emergency accommodation services.

The lack of exit accommodation means that families are staying longer in SAAP accommodation, causing a backlog and reducing the availability of places for families requiring emergency accommodation. Homeswest have advised that they currently have 619 accommodation units in the Perth City area and have plans for an additional 69 units.

(3) Family and Children's Services has undertaken the following initiatives to improve services for homeless people:

The funding of 10 new services in 1997 and 1998. Many of these new services have only recently become operational or are currently undergoing a Request for Proposal. When all new services are fully established it is anticipated they will make an impact on homelessness in WA.

The new services are:

Metropolitan Services:

A service for homeless Aboriginal families (this service is a cooperative venture with Homeswest);

a support service for young people who have been in supported care/accommodation. This service aims at early intervention to prevent homelessness a service to provide medium to long term supported accommodation for young people in the south east metropolitan area;

a domestic violence support and outreach service for Aboriginal people located in Coolbellup.

Country Services :

four new women's refuges/safe houses in Derby, Newman, Carnarvon and Wyndham;

a youth accommodation service in Northam;

a service for homeless young women and single women in Kalgoorlie.

Work has commenced on a project to improve the co-ordination of services provided to homeless people from a number of government departments. The project will focus on promotion of an across government approach to this issue. The government will also be addressing the need for new services as part of the negotiation of the next Supported Accommodation Assistance Program with the Commonwealth in 1999/2000.

(4) The figure of 14,500 estimated homeless people in WA was first quoted in a newspaper article in March 1998. The department is unable to confirm the accuracy of the figure and has requested access to the source documents. From information provided in the SAAP National Data Collection the best estimate of the number of people using Supported Accommodation Assistance Program accommodation in 1996/97 is around 9,000.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1047. Mr RIEBELING to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mrs PARKER replied:

(1) No.

(2)-(4) Not applicable.

COMMITTEES AND BOARDS, MEMBERSHIP

1065. Mr BROWN to the Minister representing the Attorney General:

For each board, committee, or the like, in each portfolio under the Attorney General's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(a)-(d) I refer the member to Tabled Paper 461 tabled by the Hon Premier on the 24th November 1998.

COMMITTEES AND BOARDS, MEMBERSHIP

1069. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mrs PARKER replied:

The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1070. Mr BROWN to the Minister for Planning; Employment and Training; Heritage:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr KIERATH replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1072. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Dr HAMES replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1073. Mr BROWN to the Minister for Health:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr DAY replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1074. Mr BROWN to the Minister representing the Minister for Finance:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr COURT replied:

The Minister for Finance has provided the following response:

(a)-(d) I refer the member to the information contained in the document tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1075. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr BOARD replied:

It is advised that:-

The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1076. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

I refer the member to the information contained in the document tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1079. Mr BROWN to the Minister representing the Minister for the Arts:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a)-(d) I refer the member to Tabled Paper 461 tabled by the Hon Premier on the 24th November 1998.

COMMITTEES AND BOARDS, MEMBERSHIP

1082. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a)-(d) I refer the member to Tabled Paper 461 tabled by the Hon Premier on the 24th November 1998.

TAXI USERS' SUBSIDY SCHEME

1107. Mr PENDAL to the Minister representing the Minister for Transport:

(1) With reference to the Taxi users' subsidy scheme, is it correct, that the eligibility criteria changes for the scheme, which were implemented on 1 July 1997, were originally to be reviewed in July 1998?

(2) What authority/individual was responsible for deciding that the July 1998 review would be concluded?

(3) Why was there no review conducted in July 1998?

(4) Is it intended to conduct the review at some time in the future, and, if yes, when?

(5) With the July 1997 implementation of the new eligibility criteria, how many previously subsidised users were excluded from the scheme?

(6) What were the cost savings of excluding the previously eligible subsidised users?

(7) How many subsidised taxi users are eligible under the criteria implemented in July 1997?

(8) What is the cost to the Government of the current subsidised users, under the criteria implemented in July 1997?

(9) What are the details of the funding constraints on expanding the taxi users' subsidy scheme, as mentioned to me in the Minister's letter of 30 September 1998?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) Yes.

(2)-(4) The review is continuing and is expected to be completed in early 1999. Once completed a report will be provided to the Minister for Transport.

(5) 430.

(6) $84 000 per annum, assuming those excluded from the scheme had average taxi usage patterns.

(7) There are 12 600 persons who have been determined to be eligible members of the scheme under the current criteria. A further 7 000 members to TUSS are yet to have their eligibility under the new criteria assessed. There is also a significant number of persons, who used the scheme in 1997/98, who have yet to submit an application to determine their eligibility under the new criteria.

(8) The 1997/98 cost of the scheme was $4.2 million.

(9) The cost of the scheme is escalating and for 1998/99 will exceed the allocation provided in 1997/98. The additional cost of the scheme is being met from within Transport’s overall budget.

DRIVERS LICENCES, SENIORS

1110. Dr CONSTABLE to the Minister representing the Minister for Transport:

(1) How many driving licences were held in 1997 by drivers -

(a) under 85 years of age; and
(b) 85 years of age and over?

(2) How many drivers over 85 years of age undertook driving tests for their motor vehicle drivers licence in 1997?

(3) How many of those drivers failed to have their driving licences renewed?

(4) How many accidents were reported in 1997 involving drivers over 85 years of age?

(5) How many accidents were reported in 1997 involving drivers under 85 years of age?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) As per Transport's 'Analysis of Total Licences on Record' for the year ending 31 December 1997, a total of 1 199 053 Western Australian driving licences were held in 1997:

(a) 1 196 187 licences of those licences were held by drivers under 85 years of age; and
(b) 2 866 licences of those licences were held by drivers 85 years of age and over.

(2) All drivers aged 85 and over must undertake a practical driving test on an annual basis before they renew their driver's licence. In 1997, 2 118 drivers over 85 years of age renewed their motor vehicle driver's licence.

(3) Data on the number of drivers over 85 years of age who failed to have their driving licences renewed is not available. However, during 1997 748 drivers aged over 85 years of age either chose not to renew their licence or failed the test and were not permitted to renew their licence.

(4) 128 accidents involving drivers over 85 years of age were reported in 1997.

(5) 35 311 accidents involving drivers under 85 years of age were reported in 1997.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1113. Mr KOBELKE to the Minister representing the Attorney General:

(1) Have any departments or agencies within the Attorney General's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) No.

(2) (a)-(d) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1117. Mr KOBELKE to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mrs PARKER replied:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1131. Mr KOBELKE to the Parliamentary Secretary to the Minister for Justice:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(2) I refer the member to my answer to Question on Notice 1113.

MINISTER FOR PLANNING - MINISTERIAL CAR

1140. Mr RIEBELING to the Minister for Planning:

(1) Apart from official Ministerial drivers, what are the names of the people who are authorised to drive the Ministerial car allocated to him?

(2) With what frequency do these other authorised drivers use the Ministerial car?

(3) For what purpose do these other drivers use the Ministerial car?

Mr KIERATH replied:

(1)-(3) The vehicle may be driven for official use or at other times for private purposes by any person who is the holder of a valid driver's licence if authorised by me, or the Director General of the Ministry of the Premier and Cabinet.

MINISTER FOR POLICE - ELECTORATE CAR, ACCIDENT

1143. Mr RIEBELING to the Minister for Police:

With respect to the accident involving the Minister's electorate car on 26 March 1998 will the Minister explain the discrepancy in the answer provided by him to question on notice 591 of 1998 and that provided by the Premier to question on notice 588 of 1998 where the Minister said the electorate car driven by his wife was involved in an accident in Albany and the Premier said the accident occurred in Perth (Daglish)?

Mr PRINCE replied:

The electorate car had minor damage done to it in the shopping centre in Albany prior to 26 March 1998 which I was referring to in Question 591. Before this was reported further damage to the vehicle happened at Daglish which was reported as per answer to Question 588.

MAIN ROADS WA - INDEC CONSULTING CONTRACT

1256. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) How many consultancy contracts were issued by Main Roads Department to Indec Consulting in -

(a) 1996;
(b) 1997; and
(c) 1998?

(2) In respect of each consultancy contract, what was the final value of the contract and were tenders were called in respect to that contract?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) (a) 1996 1.
(b) 1997 4.
(c) 1998 6.

(2)	(a)	Contract 61/96	$13 881	Part of panel contract.
	(b)	Contract 387/97	$72 790	(i)
		Contract 513/97	$32 471	(ii)
		Contract 539/97	$51 157	(iii)
		Contract 640/97	$2 000	(ii)
	(c)	Contract 725/97	$85 166	(i)
		Contract 809/97	$116 520	(ii)
		Contract 1137/97	$130 553	(ii)
		Contract 1185/97	$27 110	(iv)
		Contract 325/98	$41 700	(ii)**
		Contract 391/98	$1 500	(iv)

(i) Sole supplier approved to accelerate an urgent requirement for a feasibility study on Private Sector Participation Model for Traffic Control Infrastructure management.

(ii) Sole supplier approved on the basis that their expertise was not readily available elsewhere for this work.

(iii) Sole supplier approved to examine urgently ways and means to improve efficiency in allocation of State road funding to Local Government.

(iv) Sole supplier approved as the work related to contracts (ii) avoiding duplication of work and building on their background knowledge and thus reducing overall costs.

** Costs to date; estimated final cost $91 425.

ROAD SAFETY - PASSENGERS IN THE BACK OF UTILITIES

1258. Mr McGINTY to the Minister representing the Minister for Transport:

In each of the last five years -

(a) how many road accident deaths involved people travelling in the back of a utility;

(b) how many of those people were children;

(c) how many people were -

(i) seriously injured; and
(ii) injured;

in those circumstances;

(d) what research has been done on the practice of allowing people to travel, unrestrained, in the back of utilities;

(e) what is the legal status of passengers travelling unrestrained in the back of utilities in Western Australia and each other Australian jurisdiction; and

(f) what consideration, if any, has the Government given to outlawing this practice?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) Based on Police road crash reports, from 1994 to 1998, there have been 14 deaths attributable to passengers riding in the open load space of vehicles.

(b) There have been no children (12 years-of-age or less) killed.

(c) (i)-(ii) Police road crash data does not allow for this information to be obtained.

(d) The Road Safety Council has considered research in Western Australia and the Northern Territory undertaken by the Office of Road Safety and has made recommendations based on this research to the Minister for Transport.

(e) It is illegal in New South Wales and Queensland. It is permitted in Victoria, Tasmania and South Australia. The practice is not common in Victoria and Tasmania. The Northern Territory is phasing the practice out. It is currently legal in Western Australia.

(f) Following a recommendation from the Road Safety Council, the Minister for Transport approved the drafting of Amendments to the Road Traffic Code on 1 July 1998 prohibiting passengers riding in the open load space (OLS) of vehicles unless the vehicle is fitted with an approved roll cage. The introduction of the Regulation will occur after a responsible time interval that allows for fitting of a roll cage. After a specified period of time it will become illegal to travel in the OLS of vehicles even when fitted with a roll cage. The WA Open Load Space Project which is being co-ordinated by the Office of Road Safety is based on a successful Northern Territory measure to reduce deaths and injuries occurring to people riding in the OLS of vehicles.

LANGFORD PRIMARY SCHOOL - SPEED SIGNS ON ROADS

1259. Ms McHALE to the Minister representing the Minister for Transport:

I refer to correspondence from the then Minister for Transport dated 1 May 1997 stating installation of the 40km speed signs at Langford Primary School would be considered by the end of 1997 and ask -

(a) have 40km speed signs been installed on roads surrounding Langford Primary School;

(b) if yes, on which roads;

(c) if no, which roads have been designated; and

(d) when will the signs be installed?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a) Yes.

(b)-(d) Norbury Way which has a school frontage approximately 400 metres long, is the only frontage road suitable for the installation of a School Zone. The Zone has been in place since September 1997.

LYNWOOD PRIMARY SCHOOL - SPEED SIGNS ON ROADS

1260. Ms McHALE to the Minister representing the Minister for Transport:

I refer to correspondence from the then Minister for Transport dated 8 July 1997 listing September 1997 as the proposed date for installation of the 40km speed signs at Lynwood Primary School and ask -

(a) why have they not been installed as at November 1998; and

(b) when will the 40km speed signs be installed on roads surrounding Lynwood Primary School?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a)-(b) The member will be pleased to know that School Zone signs have been in place on all roads fronting Lynwood Primary School since September 1997, as stated in the former Minister's letter of 8 July 1997.

MADDINGTON PRIMARY SCHOOL - SPEED SIGNS ON ROADS

1261. Ms McHALE to the Minister representing the Minister for Transport:

I refer to correspondence from the then Minister for Transport dated 8 July 1997 stating installation of the 40km speed signs at Maddington Primary School would be considered in early 1998 and ask -

(a) why have they not been installed as at November 1998; and

(b) when will the 40km speed signs be installed on roads surrounding Maddington Primary School?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a)-(b) Maddington Primary School has two road frontages, Albany Highway and Cowan Street. Albany Highway is not suitable for the installation of a School Zone due to its arterial nature and high traffic volumes. The school frontage on Cowan Street is approximately 50 metres long and the road layout results in a very low speed environment. The assessment did not consider 40 kilometres per hour signs were necessary in this environment.

KENWICK PRIMARY SCHOOL - SPEED SIGNS ON ROADS

1262. Ms McHALE to the Minister representing the Minister for Transport:

I refer to correspondence from the then Minister for Transport dated 8 July 1997 listing October 1997 as the proposed date for installation of the 40km speed signs at Kenwick School and ask -

(a) why have they not been installed as at November 1998; and

(b) when will the 40km speed signs be installed on roads surrounding Kenwick School?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(a)-(b) The school is situated at the end of Moore Street, which is a short cul-de-sac and has no other frontage roads. An assessment showed that Moore Street has a very low speed environment and the installation of a 40 kilometre per hour School Zone is not necessary.

TRUCK PARKING BAYS, REMOVAL

1276. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Is the Government making moves to remove all or any truck parking bays that are under the control of the Department of Main Roads or Department of Transport?

(2) If yes, will the Minister provide details of which bays are due for removal and the reasons why?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) No. Main Roads' policy is to consult with the road freight industry in order to identify and provide areas which can be utilised safely and to the benefit of road users.

(2) Not applicable.

AUSTRALASIAN CORRECTIONAL SERVICES' REPORT ON PRISONS

1292. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) With reference to question on notice 786 of 1998, will the Minister detail what parts of the report were considered to be of a marketing nature?

(2) Was it in conformance with the specifications in the contract to have content in the report of a marketing nature?

(3) If the answer to (2) above is no, why not?

(4) Has the Minister taken any steps to ensure that future consultants engaged by the Ministry of Justice provide advice and reports without any inclusion of marketing content?

(5) If the answer to (4) above is yes, will the Minister provide details of the steps he has taken?

(6) If the answer to (4) above is no, why not?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) As I indicated in my answer to Question on Notice 786, the content considered to be of a marketing nature related to suggested building solutions bearing in mind that building and operating correctional facilities are part of the company's (Australasian Correctional Services) interests.

(2) The scope of the consulting services called for in the tender was sufficiently wide to permit the comments made by the company.

(3) Not applicable.

(4)-(6) No changes to current contract practices are necessary.

MAIN ROADS WA - TRAFFIC SIGNALS AND LIGHTING CONTRACT

1298. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) When will the Minister announce the successful tenderer for the multi-million dollar contract for the privatisation of Main Roads Western Australia's traffic signals and lighting function?

(2) Why has it taken so long to make the announcement?

(3) How many Main Roads Western Australia staff responsible for this function have already been made redundant or redeployed?

(4) Who is currently responsible for the maintenance of traffic lights?

(5) What performance indicators does Main Roads Western Australia have in relation to the time in which traffic signals should be repaired?

(6) How long has it taken to repair the traffic signals on the corner of Plain Street and Adelaide Terrace?

(7) How long has it taken to repair the traffic signals on the corner of Main Street and Morley Drive?

(8) How many complaints has the Main Roads Western Australia received about the lack of maintenance on traffic signals since 1 July 1998?

(9) Have any road accidents resulted from traffic lights not functioning properly?

(10) If yes, would the Minister provide details of each accident?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) It is anticipated that the tender will be awarded in January 1999.

(2) The proposed performance based contract required each tenderer to submit a price as well as an extensive amount of information about how they intend to maintain and improve signal and lighting infrastructure over the 10 years. The assessment of this information to identify the tenderer that offered the best value for money took about ten weeks. Some minor issues need to be resolved before the contract is finalised.

(3) None, however, some employees have taken voluntary redundancy payments and left.

(4) Main Roads Western Australia and will remain so.

(5) Performance Indicators require that:

All signal matters reported that are identified by Main Roads as dangerous have a two hour response time to make safe or fully repair if minimal work is required.

All signal faults reported that are identified by Main Roads as not being dangerous, or necessary to the safe management of traffic, are prioritised against other works with regard to repair timing.

(6) The site was made safe within one hour of report and final repairs were completed within 14 days.

(7) The site was made safe within one and a half hours of report and final repairs were completed within 16 days.

(8) All reports are dealt with promptly. However, if the Member is aware of any particular sites which may be of concern, I would be happy to have Main Roads check them out.

(9)-(10) Main Roads is not aware of any recent crashes which have occurred.

WESTRAIL - SALE OF FREIGHT BUSINESS

1300. Dr GALLOP to the Minister representing the Minister for Transport:

(1) With respect to the decision to sell Westrail's freight business what considerations are involved in respect of railway lines and roads at Leighton?

(2) Will this have any impact on Perth's metropolitan rail system?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) The Government is proceeding towards disposal of Westrail's freight business; however, the final decision will depend on recommendations made to Cabinet by the Rail Freight Sale Task Force. Decisions about railway lines and roads at Leighton have already been made. Those decisions were generally in accordance with the Fremantle Regional Strategy Plan.

(2) No.

HOSPITALS - CLOSURE OF OPERATING THEATRES DURING HOLIDAY PERIOD

1325. Dr CONSTABLE to the Minister for Health:

(1) What plans are in place for the coming Christmas/New Year period for the closure of operating theatres at each of the following hospitals -

(a) Royal Perth Hospital;
(b) Sir Charles Gairdner Hospital;
(c) Princess Margaret Hospital for Children;
(d) King Edward Memorial Hospital; and
(e) Fremantle Hospital?

(2) Over the Christmas/New Year period which operating theatres will be closed and for how long at the following hospitals -

(a) Royal Perth Hospital;
(b) Sir Charles Gairdner Hospital;
(c) Princess Margaret Hospital for Children;
(d) King Edward Memorial Hospital; and
(e) Fremantle Hospital?

Mr DAY replied:

(1) (a) Royal Perth Hospital will stagger the availability of ten operating theatres currently in use, over the Christmas and New Year period.

(b) Sir Charles Gairdner Hospital will stagger the availability of the twelve operating theatres over the Christmas and New Year period. Theatre availability on public holidays, weekends and after hours will remain as normal.

(c) Princess Margaret Hospital has five operating theatres. Of these five theatres PMH will be closing 4 theatres from midday on December 24 to 10 January 1999 inclusive. There will be one emergency theatre maintained during this time.

(d) King Edward Memorial Hospital has four operating theatres and will be closing 2 theatres from 24 December to 10 January 1999 inclusive. There will be one emergency and one caesarean theatre maintained during this time.

(e) Fremantle Hospital will be closing 5 of the 7 operating theatres between 21 December 1998 to 3 January 1999 inclusive.

(2) (a) Of the 10 operating theatres currently in use at Royal Perth Hospital, over the Christmas and New Year period, the following number of theatres will be closed:

21 December 1998 - 24 December, 1998 inclusive, 2 theatres will be closed;
25 December 1998 - 28 December 1998 inclusive, 7 theatres will be closed;
29 December 1998 - 31 December 1998 inclusive, 5 theatres will be closed;
1 January 1999 -3 January, 1999 inclusive, 7 theatres will be closed;
4 January 1999 - 10 January 1999 inclusive, 3 theatres will be closed.

Additional requests for emergency theatres will be addressed on a daily basis, ie, if an urgent operation needs to be scheduled, either adjustments will be made to existing schedules or another theatre will be opened providing staff are available.

(b) Of the 12 theatres located at Sir Charles Gairdner Hospital, over the Christmas and New Year period, the following number of theatres will be closed for four weeks -

5 for the week 21/12/98
8 for the week 28/12/98
7 for the week 4/1/99 and 11/1/99.

(c) As for 1(c) above.

(d) As for 1(d) above.

(e) As for 1(e) above.

POLICE STATIONS - NUMBER AND BUDGET

1331. Mr GRAHAM to the Minister for Police:

(1) How many Police Stations are there in Western Australia?

(2) What is the location of each station?

(3) How many police are located in each station?

(4) What was the budget for each station for the year 1997-8?

(5) What is the budget for each station for the year 1998-9?

(6) What is the area of responsibility for each station?

(7) What is the population of the area of responsibility for each station?

Mr PRINCE replied:

(1) 163.

(2) See paper No 514.

(3)-(7) Due to the resources and time required to provide a response at a Police Station level as per the member's question, I am unwilling to commit the resources required. If the member is able to provide a more specific request a further response may be provided. However information has been provided in respect to each of the 15 Police Districts.

DISTRIBUTION OF POLICE RESOURCES PER POLICE DISTRICT IN WESTERN AUSTRALIA

District	Police Stations	Police Officers (a)	Budget 1997-98	Budget 1998-99	Area of Responsibility (Sq Kms)	Population (b)
Cannington	7	289	$1 443 000	$1 484 000	1726	261 341
Fremantle	9	350	$1 810 000	$1 646 000	634	283 875
Joondalup	6	228	$1 241 000	$1 259 000	818	234 242
Midland	5	203	$1 063 000	$950 000	1984	138 768
Mirrabooka	9	218	$1 173 000	$1 293 000	136	213 256
Perth	8	505.8	$2 086 000	$1 949 000	88	113 200
Albany	11	113.7	$919 560	$863 000	54 193	50 958
Bunbury	20	261.5	$1 847 620	$1 820 000	26 600	168 662
Geraldton	14	171	$1 563 580	$1 466 000	178 097	54 834
Narrogin	14	75	$637 090	$610 000	52 360	23 840
Northam	23	156	$1 374 570	$1 274 000	90 193	60 897
Kimberley	7	132	$1 818 315	$1 845 957	419 078	25 674
Pilbara	14	175	$2 176 078	$2 223 405	444 114	42 567
Kalgoorlie	10	204	$2 202 633	$2 103 165	879 645	41 046
Meekatharra	6	34.5	$528 317	$441 000	393 014	6 723

(a) Counts of sworn police officers are based on Approved Average Staffing Levels as at October 31, 1998. The figures include senior police, police officers, Aboriginal Police Liaison Officers and special constables. Part-time employees are counted as a proportion of a full time person, therefore the full time equivalent (FTE) may include a decimal point.

(b) The population figures used to calculate the police to population ratios were sourced from the 1996 Census of Population and Housing data base (CDATA96). Figures relate to the location of persons (place of enumeration) on Census night (August 6, 1996). This count may differ slightly to a count of usual residents. The counts are based in a "best fit" of district boundaries with Australia Standard Geographical Classification (ASGC) boundaries. The difference between calculated and actual populations are not measurable, but are assumed to be minor. Population counts therefore do not reflect daytime populations based on place of work, entertainment or shopping that may be especially relevant to the Perth District.

TAXI USER SUBSIDY SCHEME - KALGOORLIE-BOULDER

1343. Ms ANWYL to the Minister representing the Minister for Transport:

(1) How many applications were received from the postcode areas Kalgoorlie/Boulder (6430, 6432) for the Taxi User Subsidy Scheme in -

(a) 1996;
(b) 1997; and
(c) 1998 to date?

(2) How many applications for the Taxi User Subsidy Scheme were approved in -

(a) 1996;
(b) 1997; and
(c) 1998 to date?

(3) How many such applicants have applied to have their rejection reviewed in -

(a) 1996;
(b) 1997; and
(c) 1998 to date?

(4) How many of those applicants were successful in having a favourable case review in -

(a) 1996;
(b) 1997; and
(c) 1998 to date?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) It is not possible to extract information of this detail from the current system.

(2)

(a)	1996/1997 financial year	3 193
(b)	1997/1998 financial year	9 620
(c)	1998 to date	3 060

(3) (a)-(b) No records kept.
(c) 198.

(4) (a)-(b) No records kept.
(c) 117.

POVERTY TASK FORCE - RECOMMENDATIONS

1345. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the report of the Poverty Task Force and ask -

(a) which recommendations from that report are currently referred to other departments, agencies or Ministers for consideration and describe the matters which each have been requested to report to you on; and

(b) what procedure is in place to ensure that the recommendations of the Poverty Task Force are considered in the budgetary planning for the next financial year 1999-2000?

Mrs PARKER replied:

(a) Recommendations 32, 37, 38, 40, 41, 42, 43, 44, 46 and 59. Individual agencies have responsibility for relevant recommendations.

(b) It is the responsibility of each agency to consider the implications of the relevant Poverty Taskforce recommendations for their budget.

GOVERNMENT DEPARTMENTS AND AGENCIES - USE OF PERSONAL CREDIT CARDS

1413. Mr CARPENTER to the Minister for Planning; Employment and Training; Heritage:

(1) Have there been any instances where public sector employees within your portfolio area have used personal credit cards for Government related expenses and then claimed reimbursement at a later date?

(2) If yes, on how many occasions has this occurred and how many employees have been involved?

Mr KIERATH replied:

(1)-(2) From time to time employees may have found it necessary to use personal credit cards for Government related expenses, e.g. circumstances where an officer has not been issued with a corporate credit card, in unanticipated instances requiring expenditure, or where a particular type of corporate credit card was not accepted. Reimbursement is made on production of all appropriate documentation, including receipts and authorisation. Such instances may have occurred over many years, and the information sought would be extremely difficult to gather.

MOTOR VEHICLES - FAMILY CONCESSION

1480. Dr GALLOP to the Minister representing the Minister for Transport:

(1) What is the family vehicle concession?

(2) How does the scheme work?

(3) Who qualifies and who does not qualify for the scheme?

(4) How many Western Australian families access the concession rate?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1) A reduced rate of vehicle licence fees introduced on 1 January 1990. Currently the family rebate is $28.00 (12 months) or $14.00 (6 months) and is deducted from the standard rate of vehicle licence fee.

(2) At the time of registration and licence renewal, the owner of a vehicle is required to nominate if the vehicle is used for family purposes.

(3) The family vehicle concession applies to motor cars and motor wagons -

(a) registered in the name of a natural person (ie not a company);

(b) with a tare weight of 3 000 kilograms or less; and

(c) that will, during the period for which the licence fee is calculated, be used solely for social, domestic, or pleasure purposes and not for the carriage of passengers or goods, for hire or reward or in any business, trade or profession.

(4) 797, 968 as at 9 October 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES - CREDIT CARD EXPENDITURE

1500. Mr CARPENTER to the Minister for Planning; Employment and Training; Heritage:

(1) Will the Minister state the total expenditure on Government credit cards in the Minister's office for the following financial years -

(a) 1996-97; and
(b) 1997-98?

(2) For each individual credit card holder in the Minister's office, will the Minister advise -

(a) the name and position of the card-holder;
(b) the credit limit on the card; and
(c) the total expenditure on that card in -

(i) 1996-97; and
(ii) 1997-98?

Mr KIERATH replied:

I am not prepared to devote the considerable resources which would be required to provide the information sought. However, if the member has a specific question I will endeavour to provide the information.

SUBIACO REDEVELOPMENT - FUNDING

1518. Mr CARPENTER to the Minister for Planning:

(1) Will the Minister advise what funding was made available by the Commonwealth Government for the Subiaco Redevelopment?

(2) How were these funds allocated?

(3) Were there any requirements made by the Commonwealth Government with respect to the provision of these funds?

(4) If the answer to (3) above is yes, what were these requirements?

(5) Will the Minister table the agreement between the Commonwealth and State authorities regarding the allocation of funds?

(6) If the answer to (5) above is no, why not?

(7) What taxpayer funds have been expended on the Subiaco Redevelopment to date, including funds from -

(a) Westrail;
(b) Main Roads Department;
(c) Water Corporation;
(d) AlintaGas;
(e) Planning Commission;
(f) Department of Land Administration (DOLA);
(g) Landcorp;
(h) Homeswest;
(i) Local Government; and
(j) Subiaco Redevelopment Authority?

(8) What will be the final costs for building lots in the development?

(9) What level of subsidy are taxpayers funds providing on each block that may be not be recouped from the sale of the blocks?

(10) What provision has the Subiaco Redevelopment Authority made for land to be made available for social housing?

(11) If none, why not?

(12) If provisions have been made, what percentage of this is for housing for people with disabilities?

(13) If provisions have been made, what land is available now?

Mr KIERATH replied:

(1) $5.15m.

(2)

Year	$m
1994/95	1.413
1995/96	2.287
1996/97	1.450

(3) Yes.

(4)

1994/95	Establish authority and undertake planning and other studies.
1995/96	Release of Revised Concept Plan Draft Redevelopment Scheme and Concept approved for advertising by the Minister Developed a public consultation strategy Designs and performance specification for tunnel and station finalised and expressions of interest called Development of a master plan for the Subiaco project Commenced assembly of land for station and tunnel project, housing, commercial use and public open space
1996/97	Government approval for the Concept Plan and Draft Redevelopment Scheme Mixed-use development of State Government land holding Construction of linear park

Let contract for construction of infrastructure
Let contract for 'design and construct' of railway sinking infrastructure works and commenced construction
Commence new housing development

(5)-(6) No. If the member wishes to have a copy of the document he can apply for access through the Freedom of Information Act.

(7) (a)-(h) No direct contributions;
(i) City of Subiaco endowment land valued at $12,061,685;
(j) $14,402,810 (Land $13,902,810; CF Grant $500,000);

The Department of Transport provided $1m to extend the railway platform.

(8) Estimated costs of developing lots for sale and all infrastructure is $123,176,000.

(9) Nil. Surplus from sale of lots subsidises essential infrastructure, eg Tunnel and Station.

(10) The Authority proposes to use its planning powers including the development of site design guidelines to provide three to four lots capable of providing six to eight units on the BOC Gases site.

(11) Not applicable.

(12) 100.

(13) None. BOC Gases site will not be available before 2001/2002.

TRUCK PARKING BAYS - REMOVAL

1539. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Has/is the Government making moves to remove all or any truck parking bays that are under the control of the Department of Main Roads or Department of Transport?

(2) If the answer to (1) above is yes, will the Minister provide details of which bays are due for removal and the reasons why?

Mr OMODEI replied:

The Minister for Transport has provided the following response:

(1)-(2) Please refer to my response provided to Parliamentary Question Legislative Assembly 1276 dated 11 November 1998.

SWAN DISTRICT HOSPITAL, DIALYSIS SERVICE

1576. Mrs ROBERTS to the Minister for Health:

(1) Has the business plan to provide a dialysis service in the Swan region now been completed?

(2) If the answer to (1) above is yes, when was it completed and what is the result?

(3) If the answer to (1) above is no, why not?

(4) When will a dialysis service be operational at the Swan District Hospital?

(5) Are you aware of the hardship you are placing on a significant number of people by failing to provide a dialysis service in the Midland area?

(6) Given that the previous Minister for Health acknowledged the need for a dialysis service in the Midland area in May, why is it taking so long to provide a dialysis service?

Mr DAY replied:

(1) The Health Department has initiated an expression of interest process for the provision of a satellite renal dialysis service in the Swan region. Therefore, it is too early to determine if the service will be provided at and by the Swan District Hospital or by a private sector operator.

(2) The expression of interest will be publicly released in early December 1998. A restricted tendering process will follow in January 1999, provided the Expressions of Interest proposals indicate the presence of a competitive market. If this is not the case, planning will commence to establish a satellite service at Swan District Hospital.

(3) See questions (1) and (2).

(4) It is anticipated that a Swan Satellite Renal Unit, whether it is provided by the private sector or Swan District Hospital, will be ready to take patients in the latter half of 1999.

(5) I am aware of the difficulties experienced in travelling from the Swan region to metropolitan teaching hospitals for weekly dialysis treatments. The development of a Swan Satellite Renal Unit is consistent with the principle of providing care closer to the homes of patients. I would point out also that the difficulty for dialysis patients from localities further from the central city area such as Bunbury, Peel, Joondalup, Armadale, Kalgoorlie and Geraldton has also been acknowledged. Some priority has been accorded to these areas given the longer travelling distances and the need in some cases for patients to re-locate to Perth permanently or for prolonged periods of time in order to access their treatments.

(6) There have been a number of recent investments within the Statewide Renal Dialysis Program including the development of Satellite Renal Units at Armadale, Peel and Bunbury. These new developments have now been consolidated. According to the 1998/99 Program Purchasing plan, Fremantle and Swan are the next in priority for investment.

PETROL SNIFFING, ABORIGINAL COMMUNITIES

1584. Mr GRAHAM to the Minister for Health:

(1) What initiatives has the Government put in place to address the problem of petrol sniffing in Aboriginal communities adjacent to Central Australia?

(2) What is the budget allocation for each initiative?

(3) On what date was each initiative put in place?

(4) Which, if any, initiatives are joint initiatives with the Northern Territory Government?

(5) Which, if any, initiatives are joint initiatives with the Federal Government?

(6) Which, if any, initiatives are joint initiatives with the South Australian Government?

Mr DAY replied:

(1) The Health Department has developed a broad strategic approach to the management of petrol sniffing. Attention is being given particularly to efforts to improve the strength of the family and community dynamic and the provision of appropriate care and treatment services. In addition to a number of collaborative initiatives with other state agencies there are two specific initiatives managed by the agencies within my portfolio. These are the Warburton Women's Centre Arts Project and the Kanpa Facility Review Project. In addition, the department is awaiting final agreement from Warburton Council for another project focused on at risk.

(2) $35,130 and $35,000 respectively.

(3) The agreements for undertaking these initiatives were signed by representatives of the Warburton Community on 26 May 1998. The final initiative is yet to be signed by the Council.

(4)-(6) None.

THEATRE MUSEUM

1673. Ms McHALE to the Minister representing the Minister for the Arts:

I refer to the Theatre Museum located within His Majesty's Theatre (HMT) and ask -

(a) what is the staffing of the Museum;

(b) what is its annual budget;

(c) what would happen to the Museum if the management of HMT is contracted out;

(d) what would happen to the curator's position if the management of HMT is contracted out; and

(e) who currently owns the collection?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) 1 full time employee.

(b) $35,000

(c) The theatre museum function will be retained within the Ministry for Culture and the Arts and has not been included in the competitive tendering contract for venue management.

(d) The Curator position will be retained within the Ministry for Culture and the Arts and has not been included in the competitive tendering contract for venue management.

(e) The Performing Arts Museum Collection is owned by the Perth Theatre Trust.

PUBLIC RECORDS OFFICE, RELOCATION

1685. Ms McHALE to the Minister representing the Minister for the Arts:

I refer to the relocation of the Public Records office and ask -

(a) what is the cost of the relocation including the refurbishment costs of the former Department of the Arts; and

(b) what is the justification for relocating the Public Records office at public expense when Parliament has not yet determined the status of the State Records office?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1) The refurbishment cost is $400,000.

(2) Refurbishment of the former Department for the Arts area would have taken place whether or not there was new legislation for public records. The relocation of the search room and working offices of the Public Records Office to the ground floor of the Alexander Library Building has been envisaged for some years. The Public Records Office has never had a "public face" befitting its status and function. Recognition of that status and function will be achieved by the move, as users of the Public Records Office will now have the convenience of direct access from the plaza area of the Cultural Centre. Space freed up on the fourth floor of the Alexander Library Building will be well utilised by the Battye Library, which has been in need of more accommodation for some time, especially in respect of its private archives (ie non government records) program and the need for better accommodation for long term researchers.

KALGOORLIE REGIONAL HOSPITAL, WAITING LIST

1706. Ms ANWYL to the Minister for Health:

(1) When did "A" Ward at Kalgoorlie Regional Hospital close?

(2) What was the reason for closure?

(3) What number of patients are currently waiting for operations or other treatment at the Kalgoorlie Regional Hospital?

(4) What is the length of time that each patient has been waiting?

(5) What amount of operating theatre time is available to visiting surgeons each week?

(6) Has the amount of such theatre time changed this year as compared to last year, and, if so, specify?

(7) Are there any plans to attract additional resident or visiting specialists and if so, specify?

(8) At any time during 1998 have theatre times available to visiting or resident specialists been altered, and if so, specify and state the reason?

Mr DAY replied:

(1) 20 December 1997.

(2) For routine maintenance.

(3) There are no patients on a waiting list.

(4) Not applicable.

(5) There are 10 x four hour sessions available for elective surgery every week, and a theatre is available 24 hours a day, seven days a week for emergency surgery.

(6) Yes. There was a two month period in March-April 1998 when two theatre sessions were closed. The current allocation, of 10 sessions, is four less than the normal allocation. This reduction has been in place since early October, due to the shortage of nursing staff.

(7)-(8) There is no clinical requirement to attract any additional resident Specialists. A Plastic Surgeon is in the process of being appointed.

DENTAL TREATMENT, KALGOORLIE-BOULDER

1707. Ms ANWYL to the Minister for Health:

(1) What is the current number of patients waiting for dental treatment in Kalgoorlie-Boulder?

(2) How long has each such patient been waiting?

Mr DAY replied:

(1) 18.

(2) 2 months.

QUESTIONS WITHOUT NOTICE

MIRIUWUNG-GAJERRONG DECISION - GOVERNMENT'S LEGAL ADVICE

517. Dr GALLOP to the Deputy Premier:

(1) Why were copies of the legal advice given to the Government by the Crown Solicitor's Office the day after the Miriuwung-Gajerrong decision provided to the Association of Mining and Exploration Companies and other mining industry representatives late last week?

(2) Who authorised the release of that legal advice?

(3) How does the Government justify withholding that publicly funded legal advice from this Parliament, while providing copies to private commercial interests in our community?

Mr COWAN replied:

(1)-(3) The Leader of the Opposition has the advantage of me, because he has been given a full briefing on the Miriuwung-Gajerrong decision. I am aware that the Association of Mining and Exploration Companies, the Chamber of Minerals and Energy of Western Australia and the Chamber of Commerce and Industry of Western Australia were given a briefing by precisely the same people who briefed the Leader of the Opposition: The Attorney General, the Crown Solicitor and officers from the Department of Premier and Cabinet. The Leader of the Opposition knows that it is not the practice of any Government, not just this Government, to table legal advice provided by -

Dr Gallop: You gave that advice to private interests.

Mr COWAN: I have gone to some pains to explain to the Leader of the Opposition that I was not at the meeting, so I did not give anybody any advice. It is not the practice of this or any Government to provide advice from the Crown Solicitor to the Parliament, and we do not intend to vary that practice.

MIRIUWUNG-GAJERRONG DECISION - GOVERNMENT'S LEGAL ADVICE

518. Dr GALLOP to the Deputy Premier:

I ask a supplementary question. How does the Government intend to investigate this matter, as promised to this Parliament by the Premier yesterday?

Mr COWAN replied:

I have not been advised by the Premier of his intention to make any details available to the Parliament. However, I am sure that the Leader of the Opposition will be able to ask him that question when he returns, and he will be able to give the Leader of the Opposition the answer.

LITERARY ASSESSMENT - YEAR 3 STUDENTS

519. Mrs van de KLASHORST to the Minister for Education:

Yesterday, the minister released the results of the literary assessment which year 3 students sat earlier in the year. I know the parents in my electorate are vitally interested in their children's education and are naturally keen to learn how their children performed in that assessment. What information will parents receive on their children's performance?

Mr BARNETT replied:

I thank the member for Swan Hills for the question, particularly given her professional background in education. The assessment of year 3 students conducted in August involved 24 000 essentially eight-year-old students across government schools, all Catholic schools, and about half of the independent schools. Western Australia was the first of the Australian States to undertake that assessment, against the nationally agreed benchmark, and we will be the first of the Australian States to report information directly to parents. Parents will receive over the next week or so an assessment which will show how their sons or daughters performed on each of the criteria of reading, writing and spelling, and how that compares with the national standard.

The benchmark is a difficult and subjective thing to measure, but the standard that has been set is a high standard, and deliberately so. The whole objective of the nationally agreed program is to raise literacy standards in Australian schools. In that sense, it is a standard against which the level of development in reading, writing and spelling is assessed. It is not a case of children, in particular eight-year-old children, passing or failing. It is not a test or exam. It is an assessment of their developmental stage. I was disappointed in some of the media comment, particularly an article in today's *The West Australian* headed, "One in five fail reading test". That can be extraordinarily discouraging, because not one in five children failed any test.

Mr Cowan: One in four passed.

Mr BARNETT: I make the comment again that it is not a test that children pass or fail. It is an assessment of how they are performing. To describe it as passing or failing can be very discouraging to children who are struggling to achieve. Many children who perhaps did not achieve that benchmark are still doing quite well at school. I was also concerned at some of the comments reported in that article, which states -

> WA parent and teacher groups said the results did not show anything that they did not know and vindicated their position that the tests were a waste of money which would have been better spent on remedial programs.

I do not believe that parents will regard it as a waste of money to assess every child in this State, and to do that again in year 5, and to provide direct feedback to parents. I was aghast at the attitude taken by the Western Australian Council of State School Organisations, as a parent body. I know that parents in this State want information on how their children are performing and progressing.

ANTI-CORRUPTION COMMISSION - MILLER SPECIAL INVESTIGATION

520. Dr GALLOP to the Deputy Premier:

Will the Government ensure that the Anti-Corruption Commission provides the terms of reference for the Miller special investigation to the legal representatives of the reinstated police officers; and if not, why not?

Mr COWAN replied:

I can understand the Leader of the Opposition's having a workload that would preclude him from reading the Anti-Corruption Commission Act, but I cannot understand his staff not having the time to read it; and if they did, they would know that the Act precludes -

Dr Gallop: The inquiry is completed. You are talking gobbledegook.

Mr COWAN: The Act precludes the Government from giving any direction -

Dr Gallop: Which section?

Mr COWAN: Section 52.

Dr Gallop: That is wrong.

Mr COWAN: I will get to that section in a minute. There is no capacity for the Government to give an independent body, which the ACC is, any direction whatsoever. The Leader of the Opposition knows that; and if he does not know that, his staff should. To return to the release of the material that the Leader of the Opposition has talked about, section 52 of the Act precludes the ACC from making that advice available, for the simple reason that if the advice were made available, it would also require the ACC to reveal the names of the people who provided the information. The Leader of the Opposition knows that.

ANTI-CORRUPTION COMMISSION - MILLER SPECIAL INVESTIGATION

521. Dr GALLOP to the Deputy Premier:

I ask a supplementary question. Is it not the case that the inquiry to which those terms of reference refers has been completed?

Mr COWAN replied:

I understand that it has, but again, I have not asked the ACC whether it will continue any inquiries. I do not understand what that has to do with the provisions of the Act, and my suggestion to the Leader of the Opposition and his staff is that they read it.

RAIL TRANSPORT - COST

522. Mr NICHOLLS to the minister representing the Minister for Transport:

Can the minister indicate -

(1) The estimated cost to replicate the northern railway line from Perth to Currambine in today's dollars?

(2) The estimated cost to build a railway line between Rockingham and Mandurah?

Mr OMODEI replied:

The Minister for Transport has provided the following response.

(1) The estimated cost of replicating the northern suburbs railway in November 1998 dollars is approximately $308.5m, made up of $193m for infrastructure and $115.5m for the rolling stock.

(2) The estimated cost of building a railway line between Rockingham and Mandurah is now being finalised as part of the master plan for the south west metropolitan railway.

PERTH AIRPORT, ROBBERY

523. Mr BROWN to the Deputy Premier:

I address this question to the Deputy Premier as co-chairman of the cabinet standing committee on Law and Order.

(1) Is the Government concerned that the robbery at gunpoint of two English tourists at Perth Airport may damage Western Australia's reputation as a safe tourist destination, particularly in the United Kingdom where substantial sums of public money have been spent on promoting this State?

(2) What action does the Government intend to take to protect the State's image?

(3) What action is being considered to improve safety for tourists at Perth Airport?

Mr COWAN replied:

(1) The very short answer to the first part of the question is that the Government is very concerned about the image that will be portrayed as a consequence of that robbery.

(2)-(3) The only suggestion I can make about improving or redeeming Western Australia's image is to make sure that the people who committed the offence are caught and brought to justice. I can assure the House that the Police Service is doing everything in its power to make sure that happens. With respect to how this State can ameliorate that difficulty, particularly in the United Kingdom at a time when many people from the United Kingdom come to Australia to escape the cold weather, we must indicate that Western Australia should not be judged on one isolated incident and that it is a safe destination. Western Australia should give people as much encouragement as possible to visit this country, to meet with their relatives or for whatever purpose. People must understand that this was an isolated incident and that the Police Service is doing everything within its power to bring those people to justice.

PERTH AIRPORT, ROBBERY

524. Mr BROWN to the Deputy Premier:

Can the Deputy Premier advise exactly what has been done since this incident arose?

Mr COWAN replied:

No, I cannot. I have not received a briefing on that issue. If the member wants to ask a question about that, I suggest that he ask the Minister for Police. As the co-chair of the cabinet standing committee on Law and Order, I am sure the member

will understand that the Government is more concerned about the implementation of programs and policies in the long term, and it has started that process. If the member would like to ask me a question about that, I would be only too pleased to advise him.

ADOPTION AGENCIES, LICENSING

525. Mr MINSON to the Minister for Family and Children's Services:

I refer to a letter being sent by members of the Intercountry Adoption Community to members of Parliament, regarding the licensing and accreditation of non-government organisations with respect to adoption services. The letter urges an amendment to the Adoption Amendment Bill 1998, currently before the House, to ensure that the establishment of a licensed adoption agency remains possible. Is it necessary to amend the Adoption Amendment Bill 1998 to achieve that purpose, and is there a possibility that such an agency will be established in the near future?

Mrs PARKER replied:

I have received a copy of the material that has been circulated, and I note that in the letter the Intercountry Adoption Community supports the Hague convention. The Adoption Amendment Bill ensures implementation of that convention in Western Australia under state law. An amendment to the Adoption Amendment Bill currently before this House is not necessary to achieve the purpose of licensing a non-government agency to conduct adoptions. I assure all members that it will remain possible for a licensed non-government agency to be established to conduct adoption services in application of section 9 of the Adoption Act 1994. The Adoption Amendment Bill enables regulations to be made regarding the accreditation of non-government organisations, pursuant to the Hague convention, and regulations are currently being drafted in this regard.

I advise the member that one application for licensing by a private adoption agency is being considered by the private adoption agency application committee. I am advised also that the committee has now concluded that the applicant has provided the information necessary for it to make a recommendation to me on that application.

MOTOR VEHICLE THEFTS, IMMOBILISERS

526. Mrs ROBERTS to the Minister for Police:

Yesterday the minister stated in an answer to a question on notice that the Western Australia Police Service does not record statistics on the number of motor vehicle thefts involving vehicles fitted with fuel immobilisers. However, on 8 September the minister claimed in a media statement that the Police Service had told him that not one car with an immobiliser fitted and activated had been stolen.

(1) How could the minister claim in September that not one car fitted with an immobiliser had been stolen when the police do not record such statistics?

(2) Was the minister wrong in his answer to my question, or was he wrong in his media statement?

Mr PRINCE replied:

(1)-(2) Neither. Insofar as is known, no car with a correctly fitted immobiliser that is operable has been stolen.

Mrs Roberts: But you do not know. I have spoken to people whose cars have been stolen even though they are fitted with immobilisers. You will not know what you do not record.

Mr PRINCE: Can I have more than one sentence?

Mrs Roberts: You usually do!

Mr PRINCE: Good. At present the only way of knowing that an immobiliser is fitted is if the vehicle is insured, and the insurance company has been party to the fitting of the immobiliser and a rebate has been paid. As far as is known, no vehicle to which an immobiliser has been fitted and which is working properly has been stolen.

Ms MacTiernan: How do you know that?

Mr PRINCE: Through the insurance people. With regard to other vehicles that have immobilisers fitted but where an insurance company is not involved, the police do not record in the information they take following a vehicle theft whether an immobiliser is fitted to the vehicle. They probably should do that, and I have no doubt that they will do it in future. Then, totally accurate statistics will be available.

SHIRE OF COLLIE, ABOLITION OF WARDS

527. Dr TURNBULL to the Minister for Local Government:

The Shire of Collie has proposed the abolition of wards within its district. What is the outcome of the council's proposal?

Mr OMODEI replied:

I thank the member for some recent notice of the question. The Shire of Collie proposed to the local government advisory board that its current structure of two town and two rural wards be abolished. The board has recommended, and I have now accepted, that the council's proposal should be implemented.

LANGUAGE DEVELOPMENT CENTRES

528. Mr RIPPER to the Minister for Education:

I refer to the minister's promise to provide special assistance to year 3 children who have not met national literacy benchmarks in recent literacy tests - which the Opposition supports - and ask -

(1) Is the minister aware that in at least one language development centre alone, 50 children who have been referred will not have places in 1999?

(2) Is it also the case that almost 30 children living in the Armadale health district need, but will not receive, language development centre services in 1999?

(3) Will the minister provide a specialist language development centre for the Armadale region?

Mr BARNETT replied:

(1)-(3) I would be in a better position to answer the questions had the member given me prior notice that they specifically related to the language development centres in the Armadale area. I will take it on board and look into the circumstance raised. As the member intimated, the literacy assessments show that at least one in five students needs additional assistance. The Government has committed $4m to a program under the name of Literacy Net for next year, which is one part of the many things that need to be done.

Mr Ripper: You have a problem with waiting lists.

Mr BARNETT: Yes, but as I said the community must appreciate that we must use more resources, both financial and human, on raising the literacy standards by early identification which this assessment does, and on assisting those children. That will be extraordinarily expensive and very demanding on schools. Language development centres play an important role and under provisions in the new Education Act, I envisage some primary schools developing special programs to deal with language problems and literacy difficulties in young children. That is the type of flexibility and development we want to see within the state government system. I undertake to look at the specific points raised by the member about Armadale.

YELLOW PAGES INDEX, SMALL BUSINESS SURVEY

529. Mr BAKER to the Minister for Small Business:

I refer to the recent Yellow Pages Australia small business survey. Have the results of the survey disclosed anything of special interest to Western Australians, particularly those seeking employment?

Mr COWAN replied:

I thank the member for some notice of this question.

I am sure the member is aware that the Yellow Pages index is a quarterly survey of 1 200 businesses across Australia. Only 150 small businesses in Western Australia are surveyed. It is a small survey group, but there are reasonably encouraging signs inasmuch as 60 per cent of small businesses in this State are confident that they will improve or enhance their business prospects in the ensuing year. They are confident that they will expand their businesses. Only 19 per cent said they expected their businesses to contract. With respect to the employment opportunity to which the member refers specifically -

Mr Graham: He must keep his eye on the emerging employment opportunities. He will need a job in a couple of years!

Mr COWAN: That is a challenge the member for Joondalup will very readily accept and I am sure he will meet it.

Ten per cent of the businesses that were surveyed indicated they were confident they would be employing a greater number of people in the coming financial year. That also is a very good sign for Western Australia because it must be remembered that 56 per cent of people in employment in Western Australia are employed by small businesses.

PRIVATISATION OF ELECTRICITY, GAS AND WATER SERVICES

530. Dr GALLOP to the Minister for Energy:

I also refer to the latest Yellow Pages small business index which shows that 65 per cent of small businesses in this State are opposed to the privatisation of electricity, gas and water services. Will the minister give a commitment that he will not move to privatise part or all of AlintaGas prior to the next state election?

Mr BARNETT replied:

Small businesses in this State were delighted when this Government abolished the security deposit system. It was one of the first actions of this Government. Small businesses are also delighted that there have been no increases in electricity prices since this Government came to office. Small businesses are not upset by what has happened in energy reform in this State.

Dr Gallop: Aren't they?

Mr BARNETT: No, they are not. Water is not within my area of responsibility. I do not think there is any move to do anything of this nature with water supplies. There is no proposal now and there will not be in the future to privatise Western Power. I do not rule out some privatisation as is happening with the expressions of interest for new power generation in regional areas, the sale of the Bunbury power station and the co-generation plants that may come into play, but the privatisation of Western Power is not on the Government's agenda. It is common knowledge that the board of AlintaGas asked Deutsche Bank to undertake an assessment of AlintaGas and a strong business and economic case exists for the privatisation of AlintaGas. In due course, that will be considered by Government and a decision may be made. I say publicly that it is appropriate to proceed with the privatisation of AlintaGas, but many factors must be considered and I stress that the Cabinet and the Government have not discussed the issue in any detail. If a decision were made to privatise AlintaGas either fully or in part, the next decision would be how it should be done, and, finally, when it would occur. None of those decisions has yet been considered.

ALINTAGAS, PRIVATISATION

531. Dr GALLOP to the Minister for Energy:

The minister said that the matter was not discussed in any great detail. In what detail was it discussed by Cabinet?

Mr BARNETT replied:

In case the Leader of the Opposition has not noticed, his party is no longer in Government or Cabinet. The detail was that no formal cabinet submission was made. There may be one, but there has not been one at this point.

NUCLEAR WASTE DUMP IN WESTERN AUSTRALIA

532. Dr EDWARDS to the Deputy Premier:

Has the Deputy Premier or his senior staff met with Pangea Resources regarding the feasibility of establishing an international nuclear waste dump in Western Australia? Will the Deputy Premier confirm that he and his officers reject absolutely and unconditionally any possibility of WA being used for this purpose?

Mr COWAN replied:

I confirm that I had an informal meeting with representatives from Pangea Resources and I apologise for being unable to say who those representatives were. It took place almost two years ago. Since that time no contact has been made by that company with either myself or any officer of my department. The representatives informed me that, as a company, they were searching worldwide for a site for the storage of waste and that Australia was included in their identification of a site. I indicated to them that it was unlikely Australia would be receptive to such an idea, but as we had a uranium industry in this country, such an idea would be progressed only in conjunction with that industry. Those representatives have not come back to me since then.

ROSS RIVER VIRUS, PEEL REGION

533. Mr MARSHALL to the Minister for Health:

The Dawesville and Mandurah communities are concerned about the recent announcements that an increase in the Ross River virus will occur in the Peel region. There is already an early season with an aggressive mosquito population.

(1) Is money available for local governments to increase aerial helicopter spraying?

(2) Has a cure been found to combat Ross River virus?

(3) Is the Health Department monitoring the breeding areas of mosquitoes, and if so, what are the high risk locations?

Mr DAY replied:

I thank the member for some notice of this question.

(1) Funds are available for aerial spraying by helicopters to reduce the mosquito population in the Peel region. Specifically, $40 000 is available to charter helicopters and, in addition, the Health Department has agreed to provide $64 000 that will be matched on a dollar-for-dollar basis by the Peel region contiguous local authorities

group - in other words, the local authorities in the Mandurah-Pinjarra and Waroona regions - so that, if necessary, 18 helicopters can apply the mosquito larvicide in areas where mosquito breeding is well-defined. I am advised that at a meeting which took place on 13 October this year, the mosquito control advisory committee agreed to CLAG's requested budget for larvicide.

(2) A cure or vaccine for Ross River virus has not been found. The disease must be allowed to run its course and I am advised that, in many cases, doctors can prescribe effective systemic relief.

(3) Yes, monitoring is being undertaken. The highest risk areas are in the Peel region and this is where most of the monitoring activity and the aerial larvicide applications are being carried out.

UNIFORM ELECTRICITY TARIFF - REGIONAL AND REMOTE WESTERN AUSTRALIA

534. Dr GALLOP to the to the Minister for Energy:

When will the Government table regulations that will give effect to the proposed compromise of the uniform electricity tariff in regional and remote Western Australia so that Parliament will be given the opportunity of properly scrutinising that proposal?

Mr BARNETT replied:

The regulations to which the Leader of the Opposition referred are extremely important.

Dr Gallop: Why can't we debate them in this Parliament?

Mr BARNETT: We may well get an opportunity.

Dr Gallop: May well! "Will get an opportunity" is what we want to hear.

Mr BARNETT: The Leader of the Opposition is behaving strangely today. The regulations are very important because they will guarantee uniform tariffs for about 14 000 households and a uniform tariff for about 5 000 small businesses. They also give the 80 larger businesses a choice between scheduled tariff levels and a contract with Western Power or a private power supplier if one is in place. They will be great. I expect the Opposition to support them.

Dr Gallop: Bring them in.

Mr BARNETT: I have no choice but to bring them in; they will be tabled shortly.

Dr Gallop: We have only one day to go.

Mr BARNETT: I cannot do it without the regulations and they will be tabled as anyone who has been in Parliament for more than about six weeks will know. They are about to be tabled.

TREES - COST OF PRUNING BY WESTERN POWER

535. Mrs van de KLASHORST to the Minister for Energy:

Will the minister advise how much money is being spent by Western Power to prune naturally growing trees under the power lines in the Swan Hills area?

Mr BARNETT replied:

I thank the member for some notice of this question. Tree pruning is always a contentious issue in semirural areas. For that reason the use of area bundled cables is important. The costs are as follows: In 1997-98, $33 570 was spent on Western Power labour costs and $540 453 on services for a total of $574 023. For the year to date expenditures total $14 800 for Western Power labour and $72 600 on contracted services. Those figures relate to the Midvale district which incorporates the Swan Hills area.

LIQUEFIED PETROLEUM GAS - PRICES

536. Mr THOMAS to the Minister for Energy:

I refer to the minister's claim in this place on 4 October that the Office of Energy would make a submission to the Australian Competition and Consumer Commission inquiry into LPG prices and to an answer given in the other place last week that the Office of Energy had made no such submission.

(1) Why has no such submission been lodged with the ACCC even though the minister said one would be made?

(2) Does the minister support the ACCC's inquiry or does he agree with the member for Roleystone, who in a letter to a constituent advised that the only recourse available in respect of LPG prices in WA was "to buy a parcel of

Wesfarmers Limited shares and then to go along to a stockholders' meeting to express your views. On the other hand if you buy enough stock you may change your views entirely"?

Mr BARNETT replied:

(1)-(2) The member for Roleystone has always been innovative in his approach to policy issues! I remind members that the so-called ACCC inquiry was informal. It was not referred to the ACCC by the Treasurer; it was raised by Senator Dee Margetts in an election campaign. The ACCC should not be involving itself in essentially political banter arising from a four-week election campaign. However, I indicated that the Office of Energy would make a submission. As it turned out that course was not followed.

Mr Thomas: Another broken promise.

Mr BARNETT: If the member for Cockburn feels aggrieved he should contact the ACCC. He will find the Office of Energy has worked closely with the ACCC and provided much of the information it used.

Dr Gallop: That is not a submission.

Mr BARNETT: I do not pretend that it is a submission. We have worked with the ACCC. Two previous inquiries have been made. The member for Cockburn referred to the Wesfarmers Limited arrangement. It is true that that arrangement has essentially a monopoly provision that allows that firm to contract the LPGs from the flow of natural gas down the pipeline. Members opposite should be careful with this issue. Their Government established that arrangement. It will not expire until 2005. In the meantime, I am hopeful that, along with the new owner, Epic Energy Pty Ltd, the Government can renegotiate.

If the member for Cockburn implies by his question -

Dr Gallop: We do not imply.

Mr BARNETT: I think he did.

Dr Gallop interjected.

Mr BARNETT: Members opposite do not want to hear the answer.

Mr Thomas interjected.

The SPEAKER: Order! I have allowed a fair amount of interjection as is the practice in this place. We cannot have people shouting out like that. It is ridiculous.

Mr BARNETT: The implication from the question was that somehow the Wesfarmers agreement was the problem.

Dr Gallop: No, it wasn't. Do you want to see our submission?

Mr BARNETT: No. I make the point that if the Wesfarmers agreement is part of the problem, members opposite should look hard at themselves. A Labor Government set up that arrangement and this Government must untangle it.

STEALING WITH VIOLENCE - SENTENCES

537. Mr MASTERS to the Minister representing the Attorney General:

Clause 15, at page 7 of the report to the Parliament by the Chief Justice of Western Australia states that, in almost 50 per cent of stealing with violence while armed cases, the sentence for a single offence was in the range of four to 10 years. Since the maximum of this offence is 10 years, clause 15 implies that almost half of the offenders convicted of stealing with violence while armed received a sentence of less than four years.

(1) Will the minister confirm the light sentences given to almost 50 per cent of these offenders?

(2) Is this the type of problem that the Government's new approach to sentencing is designed to overcome?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(2) The Chief Justice in his report at clause 15 reports that for 1997 the median sentence for armed robbery was four years. The median in a distribution is a value of half above and half below. The member is correct in stating that the 50 per cent of sentences for armed robbery in 1997 were below four years. Up-to-date sentencing information for the 1997-98 financial year supplied by the Minister for Justice confirms that 48 months - four years - is the median sentence. The actual sentences and the number of persons sentenced which make up the 50 per cent below

the median value are: Number of sentences of 12 months, 9; 15 months, 2; 18 months, 2; 24 months, 15; 30 months, 6; 36 months, 41; 42 months, 4; 44 months, 1; 45 months 1; and 48 months, 49. There were 259 single offences for armed robbery for which imprisonment was the penalty. It is important to realise that not all armed robbery offences receive imprisonment sentences. In 1997-98, 89 per cent of armed robbery offences received imprisonment. That is down slightly from the 91 per cent reported by the Chief Justice for 1997. Of these 32 offences, the following community-based sanctions were applied: One custodial release order, three community based orders and 28 intensive supervision orders. Research on these offences for the purpose of the matrix indicate the very concern the member expresses.

The SPEAKER: Order! 21 questions were asked today, including supplementaries.