

# Legislative Council

Thursday, 19 October 1995

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## BILLS (3) - ASSENT

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

1. Hire-Purchase Amendment Bill
2. Land Tax Assessment Amendment Bill
3. Land Tax Amendment Bill

## MOTION - URGENCY

### *Workplace Agreements Act*

**THE PRESIDENT** (Hon Clive Griffiths): I am pleased to advise that I have received the following letter -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1995 for the purpose of discussing the inadequacy of the Workplace Agreements Act 1993 in preventing prospective and current employees from being intimidated with respect to the entering into of workplace agreements, noting the answer to question on notice 3857 and other initiatives of the Government to have their employees enter into workplace agreements.

Yours sincerely  
Nick Griffiths MLC.

In order for this matter to be discussed it is necessary for at least four members to indicate their support by standing in their places.

[At least four members rose in their places.]

**HON N.D. GRIFFITHS** (East Metropolitan) [2.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

In doing so I note that there is no choice in signing or resigning and no choice in taking it or leaving it. Only intimidation remains for current or prospective employees entering into workplace agreements. Unfortunately, the industrial relations policies of the Liberal Party, state, and I regret, federal, are not about choice but are about intimidation.

The Workplace Agreements Act 1993 is inadequate in preventing prospective and current employees from being intimidated into entering into workplace agreements. It is appropriate that this House consider what intimidation involves. I use that word in the way in which it is commonly understood, not in the very restricted legal meaning that no doubt some see it when one considers section 68 of the Workplace Agreements Act. I refer to the second revised edition of the *Macquarie Dictionary* at page 916 where it says in respect of intimidate -

to make timid, or inspire with fear; overawe; cow . . . to force into or deter from some action by inducing fear:

This is a laughing matter for the government spokesman on workplace agreements in this House. It is a laughing matter because he was a primary instrument in the introduction of this very evil, intimidating piece of legislation - the Workplace Agreements Act.

Several members interjected.

**The PRESIDENT:** Order! When I call order members should stop interjecting.

Hon N.D. GRIFFITHS: The Minister for Transport also shares the view of Hon Peter Foss in considering the intimidation of workers to be a laughing matter. The description of intimidation that I have given by referring to the *Macquarie Dictionary* accurately depicts what the Act set out to do. Section 68, subsection (1) makes what I consider to be a trite observation -

A person must not by threats or intimidation persuade or attempt to persuade another person to enter into, or not enter into -

- (a) an agreement under this Act; or
- (b) an agreement under this Act that contains or does not contain particular provisions.

The word "intimidation" there has a very narrow meaning. It is not a meaning consistent with intimidation as people understand it in the dictionary, and in its application, it is being very narrowly applied indeed. I note section 70 of the Act, subsection (1) which reads -

An employer must not -

- (a) dismiss an employee from his or her employment; or
- (b) alter the employee's position in his or her employment to his or her disadvantage; or
- (c) refuse to promote the employee in his or her employment; or
- (d) otherwise injure the employee in his or her employment,

when the reason for doing so is that the employee refused to enter into -

- (e) an agreement under this Act; or
- (f) an agreement under this Act that contains or does not contain particular provisions.

Section 70 purports to provide a limited degree of protection when one reads the entire section and when one notes how the section is operated upon by employers and the Commissioner for Workplace Agreements. It provides a degree of limited protection for current employees but it is no joy for prospective employees. I note members opposite continue to smile because that clearly was its intention. The matter was very serious because so many Australians continue, for good and proper reasons, to change their employment. Of course, others seek to enter the work force for the first time. Those persons are very vulnerable to this intimidatory piece of legislation that those opposite, I regret, caused to be placed on the Statute books.

The Workplace Agreements Act was designed to intimidate. It is important to consider the distinction between current employees and prospective employees. That is the reason that in my letter to you, Mr President, I draw attention to the answer given to question on notice 3857 that was provided in the Supplementary Notice Paper yesterday -

- (1) Other than new employees, have workplace agreements been taken up by any sworn officers of the police service since 1 January 1995?

The answer was -

Workplace agreements have been offered only to new employees of the WA Police Service.

Significantly the word "only" is underlined.

Several members interjected.

Hon N.D. GRIFFITHS: Of course it is important! It is not a laughing matter. If Mr Foss talks to police officers in his electorate he will find that they are outraged by what has taken place in regard to workplace agreements, and the new employees who are entering the police service are outraged by what the Commissioner of Police had to say to me in the course of the Estimates debates. They are outraged because he, as a servant of

the Government, was required to do certain things. I refer to *Hansard* of 30 August 1995, the Estimates debates at page 127. At the bottom of the page I asked Mr Falconer about the placement of FTEs on workplace agreements. Mr Falconer said, among other things, that from January 1995 all sworn and unsworn new personnel were brought into the organisation on workplace agreements.

At page 128 I inquired whether they signed a workplace agreement on the same terms. Mr Falconer said, "As far as I am aware that was the intention." I inquired whether there was a variation in the offers made to them or were all recruits presented with a generic agreement. Mr Falconer replied -

As far as I am aware they were presented with one agreement. Certainly it was not my intention that the offer be made and that was their choice.

I asked -

Were they offered the choice of the award, or were they presented with a workplace agreement and told to take it or leave it or words to that effect?

The response from Mr Falconer was interesting. He said -

It was not quite as cruel as that -

Hon Peter Foss: Crude or cruel?

Hon N.D. GRIFFITHS: The Minister is crude. Mr Falconer said -

It was not quite as cruel as that, but the message was the same.

It is lovely stuff. I am not having a go at Mr Falconer. In saying that, Mr Falconer was speaking as a servant of the Government. Mr Falconer recognised that the concept of take it or leave it is cruel; and he said that under the instruction of the Government.

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: The word is cruel, c-r-u-e-l. It is as cruel as Mr Foss' view of the welfare of the people of Western Australia. Mr Foss should read *Hansard*! Mr Falconer said, "It was not quite as cruel as that, but the message was the same."

*Points of Order*

Hon P.R. LIGHTFOOT: Mr President -

Hon John Halden: Not another frivolous point of order.

The PRESIDENT: I will determine whether it is frivolous when I hear what it is.

Hon P.R. LIGHTFOOT: As there seems to be some ambiguity with the words, will the member be kind enough to identify the document from which he is quoting?

Several members interjected.

The PRESIDENT: Order! Will the honourable member identify the document?

Hon N.D. GRIFFITHS: Certainly, Mr President. As I said a few moments ago, I earlier referred to page 127 of the *Hansard* of 30 August 1995 Estimates Committee and went on to say, "I turn now to page 128." I regret that the member does not pay this House and me the courtesy of listening to the debate. If he does not want to listen he should go outside now. I am dealing with a matter of importance.

Several members interjected.

The PRESIDENT: Order!

Hon PETER FOSS: Will the member kindly make it clear whether it is a corrected or uncorrected version to which he is referring?

The PRESIDENT: Will the honourable member identify whether it is corrected or uncorrected?

Hon N.D. GRIFFITHS: I believe this is the corrected version.

Several members interjected.

The PRESIDENT: Order! This is not a quiz. If members wish to know the answer they should let me get the answer. Will the honourable member tell us whether it is corrected or uncorrected?

Hon N.D. GRIFFITHS: It is my belief that it is the corrected version.

Several members interjected.

The PRESIDENT: I suggest to honourable members that they keep quiet and let this honourable member have his say. As I keep saying, members do not have to like it or believe it but they do have to listen to it.

*Debate Resumed*

Hon N.D. GRIFFITHS: It seems I might be striking a chord in the consciences of those opposite. They seem very upset with the description that the Commissioner of Police gave of their take it or leave it stance. He used the word "cruel". I very much regret they were as blind in considering the effects of the Workplace Agreements Act as they were when looking at the document which I have been holding up for the last few minutes.

Several members interjected.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: Some of them have been members of this House for some time and yet they did not know what they were looking at. If one is optimistic and believes that they were well meaning people they would have given -

Hon Peter Foss: You have us riveted.

The PRESIDENT: Order! The honourable member has two minutes 10 seconds left. He is supposed to be talking about his motion, not about the capacity of the other members to comprehend anything.

Hon N.D. GRIFFITHS: I am obliged to you, Mr President, because if I were to talk about that I would not speak for very long at all. Mr Falconer went on to say -

If they wanted to be engaged in the police service, they were told these were the terms and this was the workplace agreement. There were people present from various industrial bodies, including the union. They were told of the alternatives, but it was not much of an alternative. If they wanted to come on board at that time, the workplace agreement was the offer.

In looking at the adequacy of the Workplace Agreement Act in dealing with prospective employees it is important to note the process. I do not think that some people have; if they have, more shame on them. I refer to the lodgment process under section 29, what is required of the Commissioner of Workplace Agreements under section 30, and the registration process under section 31. Following the Estimates Committee's hearing evidence from the Commissioner of Police the committee heard from the Commissioner of Workplace Agreements. I asked a number of questions of him about the workplace agreements entered into between the Commissioner of Police and the new recruits. He pointed out that he had legal opinion to the effect that the take it or leave it regime was not intimidation.

HON KIM CHANCE (Agricultural) [2.55 pm]: There are two effective elements to this motion. It deals principally with the question of intimidation and as a secondary issue -

Hon E.J. Charlton: It is about flexibility.

Hon John Halden: Take it or resign.

Hon E.J. Charlton: It is about servicing the community or looking after the union movement.

Hon John Halden: You are going blind again, Eric!

The PRESIDENT: Order! Why do members keep persisting in their endeavours to make Thursday afternoon unsatisfactory?

Hon E.J. Charlton: We are trying to help, Mr President.

The PRESIDENT: The member does not need any help.

Hon KIM CHANCE: It never ceases to amaze me, Mr President, the way that government members treat this issue. Clearly they are embarrassed by it. They do not like the idea of thousands of workers rallying outside or the negative Press on the issue, either in the state Press or, more importantly, in the context of the federal election, in the national Press. Anyone with any doubt should read yesterday's edition of *The Australian*. Although I can understand their embarrassment on the whole question of industrial relations, they should take the President's advice and occasionally listen to our point of view, which is right.

The Government sold the whole issue of these industrial relations "reforms" on the basis that it was seeking to provide a choice. The federal Leader of the Opposition is currently running a recycled version of that argument. It has taken some time for this to become clear because of the Government's dissembling on the matter, but I was listening to the debate in the other place over the speaker and I heard the Minister for Labour Relations say, "We never promised choice to new employees." That is the first time I have heard a government member come out and be quite honest about the Government's position on the question of choice with workplace agreements and industrial reform generally. At least the Minister for Labour Relations has come out with the truth: "We never promised choice."

I know this motion is not fundamentally about choice but about intimidation; however, one can argue reasonably that in compromising people's choice in important matters like the way people earn their living, we are dealing with a form of intimidation.

Hon E.J. Charlton: That is how the unions want to earn their living.

Hon KIM CHANCE: Hon Eric Charlton may ponder for a moment on the differences that exist between the edict "sign or resign" and the edict "take it or leave it".

Hon E.J. Charlton: Mr Foss will tell you in a minute how the union executive operates.

Hon KIM CHANCE: I am sure the Minister for the Environment will be able to construct a legal argument on the difference between those two positions. The problem is that I would probably agree with the Minister for the Environment's interpretation of the legal difference between the two positions. I agree there is a difference in law between sign or resign and take it or leave it. In effect there is no difference to a worker seeking to earn a living. When the Minister for Labour Relations said in the other place, "We never promised choice to new employees", he left out of the equation the fact that a very high percentage of employees during the course of their employment change employers, some without leaving the industry. People frequently change employers. Consider for example a nurse moving from one hospital to another but staying within the hospital work force and doing identical jobs. Unless a nurse happens to work for a chain of hospitals owned by a private company, every time he or she goes from one public hospital to another the employer changes. A nurse moving from Swan District Hospital to the Mosman Park Nursing Home changes employer.

The same thing applies in the country with the board hospitals. When a nurse moves down the road to the next hospital, she or he changes her or his employer. When we consider the enterprise workplace agreement offer which the nurses have been asked to study, we find that - and if I am wrong no doubt the Minister for the Environment will correct me - if 50 per cent plus one of the workers employed in the hospital subject to the offer decide to adopt it, that becomes the standard workplace agreement for that hospital. If someone does not wish to join that enterprise workplace agreement and wants to stay exactly where she is on the present award, she has the freedom to do that. That is how I understand the offer. However, as soon as that person decides to move down the road to an adjoining hospital where such an agreement already exists, that person has no choice. She is bound by the new enterprise workplace agreement, whether she wants to be or not.

That is enforcement of the workplace agreement system by attrition. In any workplace where such a system operates, the whole workplace will eventually be covered as a result

of people being forced into the workplace agreement system. The choice open to the workers is simple: "Take the job or do not take the job; sign the workplace agreement or do not work in this workplace. Go find another workplace, if you can, which is not hindered by the existence of an enterprise flexibility arrangement." I use the word "hindered" advisedly in this context because it is a hindrance to that person's choice.

We frequently hear about the Government's desire for individual freedom for workers. From the example I have given of the health industry, and it probably applies in many other industries, it seems that the Government's concept of individual freedom involves taking that freedom away. I have no particular ideological difficulty with people coming to arrangements under enterprise bargaining arrangements. I have no problem with that if those arrangements benefit everyone. We do not have to argue about them. Indeed, that is Labor's position federally.

When we deny people the choice of being part of one system or the other, the argument which the Government has used in support of the first wave of legislation is blown out the window. The Government did not mean it when it said that it wanted to introduce choice. The Government meant that it wanted to limit people's choice to the form of labour management system which the Government happens to prefer. The Government has not left it up to individual workers to make a choice. It has chosen for them. Every time a person changes his employer - and the Australian work force is very mobile - and exercises his choice in respect of mobility and where he works, the element of choice is lost. He cannot stay on the award or move over to the new employment system because he can see some benefit in it. I will not argue with any workers who decide to choose that option, but the choice will be taken from workers. Some people may think that it is drawing a long bow to call that intimidation.

Hon Peter Foss: That is why Hon Kim Chance should have been around in Robin Hood's day.

Hon KIM CHANCE: I believe that it is not a long bow to draw. Intimidation is expressed in many ways, but I can think of no more effective form of intimidation than to say to a new employee, "Sign that agreement or do not work here." If that is not intimidation, perhaps we should redefine the term.

Hon Peter Foss: You just did that.

Hon KIM CHANCE: Is not to work at all the choice?

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [3.04 pm]: I am pleased to participate in this debate and to give examples of choice, about which we heard so much from the Minister for the Environment with regard to the first wave of the industrial relations reform legislation. The Minister used a phrase which has been used on many occasions when he referred to the meeting of minds so that people could sit down and negotiate, openly and fairly, whether they wanted to be under the award system or under the Utopia of the new workplace agreements.

I want to give examples in education. I do not want to complain about the conditions offered by the Government to members of the remote teaching service. Those conditions are most appropriate. I want to focus on the contracts and information which are being provided to people. These people were offered significant increases in allowances of between \$8 500 and \$11 000. They were also offered an additional 22 weeks' annual leave after three years continuous service at a school. The department's literature states that new graduates and principals can start their careers in those schools. Those people may be rather vulnerable in this process. What did the Government offer those people? It offered a considerable financial package which also included free accommodation. According to the Education Department's document -

The location specific implications of the Agreements are such that for the benefits to function, all Employees (as defined) at a location will need to operate under the terms of the Agreement.

It went on to state that if more than 50 per cent of teachers at a school sign a workplace agreement, all the teachers "would" be under a workplace agreement or they would not

work in that locality. There is no choice there. The idea that there is is absolute garbage. It is no wonder the Government is on the nose in the polls at the moment. It is on the nose because it is so goddamned arrogant, and people are beginning to realise that. However, the problem does not end there. That attractive package could have been offered under an enterprise bargaining arrangement, but that was not acceptable to the Government as there had to be no choice. It was a matter of take it or leave it. Surely the Government would have been proffering the number of people who had signed such agreements under those conditions. I asked the Minister for Education a question without notice about how many people had signed workplace agreements in the remote teaching service. The Minister said, "I'm not going to tell you that." I am used to such answers so I did what I always do: I rang the Education Department. I know that that breaches all our protocols, but I have given them away. If I cannot obtain an honest answer in this House, I will breach every protocol imaginable to get one.

Of the 220 teachers in the remote teaching service, only 100 had signed an agreement, even with the conditions that I have described. The people who were looking forward to those benefits and were looking forward to starting their careers, had to make choices about moving out. Some of them have moved out. How is the system structured? As Hon Kim Chance said, we used to have a holistic education system in which everyone was considered to be a teacher employed by the Education Department. However, to get around the choice concept, they created a separate teaching service - the remote teaching service. The 220 people in that service had no choice. They had to sign the agreement or leave.

That is the implication of the Education Department's document. We heard a lot of guff from the Minister for the Environment. There is no choice. People face the choice of sign or resign or take it or leave. We can call it what we like, but the implications for the worker are exactly the same. If the Government were so successful with its utopian workplace agreements it would want to tell us how many people had signed those agreements. Of course, the Government is not prepared to do that. All it will tell us is that at this time about 40 000 workplace agreements are in operation. That is a cumulative total, not a current total - it is not the number of people actually employed under workplace agreements.

Hon Kim Chance: How many workers are there in Western Australia?

Hon JOHN HALDEN: There are about 800 000. Bearing in mind the sorts of industries where workplace agreements are entered into regularly - that is, in the restaurant and entertainment sector - we find that many people sign a workplace agreement for a week and then leave the job, particularly given the rates of pay being offered. How many people are really working under workplace agreements? The Government tells us that it is nearly 40 000. However, the reality is that it is more like 20 000. This is a system that was going to give us utopia, but seemingly the workers do not want to take it up.

Hon Bob Thomas: A lot of the employers do not want to take it up, either.

Hon JOHN HALDEN: One would think that the Government would give us honest figures about how many workers are currently involved, but of course it does not. The Government generally is just like the Minister for Education, who refuses to comment about the figures because, basically, the workers are not silly enough to want to do away with their rights and conditions. About two months ago I asked the Minister for Education how many employees within the Education Department outside of the remote teaching service had taken up the scheme. As I recall, the answer was less than a dozen. That is not bad out of a possible 20 000 employees; it must be very popular.

Hon N.F. Moore: What is very popular?

Hon JOHN HALDEN: The workplace agreements.

Hon N.F. Moore: Yes, they are very popular.

Hon JOHN HALDEN: I have just explained to the House how I got the figures.

Hon N.F. Moore interjected.

Hon JOHN HALDEN: There are about 100 in the remote teaching service.

Hon N.F. Moore: That is about all there are.

Hon JOHN HALDEN: No, there are 220. Those figures are in the Minister's own document. He should read it sometime.

Hon N.F. Moore: Hon John Halden just does not understand.

Hon JOHN HALDEN: I understand very well and I have explained the situation to the House.

Hon N.F. Moore interjected.

Hon JOHN HALDEN: I have already explained that. The Minister should just be quiet. If he had been here and listened to what I said he would understand. What happened as a result of the pay rise that was eventually offered by the Minister for Education after he told us that the Government could not afford anything? Members will remember the five by five by five offer. Of course, there was a carrot: If workers signed a workplace agreement they could have another 10 per cent. How many signed?

Hon N.F. Moore: I do not know.

Hon JOHN HALDEN: No, but I know: It was not more than a handful. That is the reality. The Minister will not tell me, but I know. The reality is that, even with the carrot of a 10 per cent pay rise, the Government still could not sell the agreements. We clearly have the public at large not relishing the opportunity of entering into workplace agreements. However, the Government -

Several members interjected.

Hon JOHN HALDEN: That is correct. At that point it is. What did the Government do? It made statements like, "If you want to continue working you must sign this agreement." That is what the Minister for Education did - there was no choice.

Several members interjected.

Hon JOHN HALDEN: That is what is in the Minister's own document. The Minister for Education is unbelievable. I keep quoting from his own documents and he keeps saying that I am not telling the truth.

The situation is that when it comes to trying to ram this system down the throat of employees the Government resorts to tactics like this. The Government says that employees must sign the agreements if they want to stay and that they will get an extra 10 per cent if they do sign the agreement. With all that coercion, with all that intimidation, the Government still cannot get a significant proportion of people to sign a workplace agreement.

Hon N.F. Moore interjected.

Hon JOHN HALDEN: It was not a workplace agreement or was the Minister not telling me the truth?

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [3.15 pm]: I find this the most extraordinary debate because it is supposedly about the inability of the Act to prevent prospective and current employees from being intimidated. I have heard some extraordinary ideas about what constitutes intimidation. The last idea was from the Leader of the Opposition, who said that offering people 10 per cent extra to sign a workplace agreement was coercion. What an amazing form of intimidation and coercion that is! How coercive can we be? What a lot of nonsense!

Hon Kim Chance has a different perspective on intimidation. Let us assume that the Workplace Agreements Act had not been passed. If I were to go along to the Police Department and ask for a job, I would be told, "Certainly, you can have a job and the award wages are \$X." I would be offered the option of either taking it or leaving it. Would that be intimidation? Why is it that, when this happens under an award and one does not have any choice, it is not intimidation? That system is wonderful! There is no intimidation. As soon as it is offered under a workplace agreement -



Several members interjected.

Hon PETER FOSS: No, Hon Kim Chance is saying that it is intimidation if one is offered money under a workplace agreement but it is not intimidation if one is given the same choice - or lack of choice - under an award. How many years have the police been offering people \$X and if they do not want that then they do not take the job? How many years has that been the case with every award? Somehow it is suddenly intimidation. I really do think that Hon Kim Chance should be a member of Robin Hood's merry band of men because he is the best longbow drawer that I have ever come across.

Hon Kim Chance: You have missed the point; factually you are wrong.

Hon PETER FOSS: I have not missed the point. The member has taken it and stretched it in a line to infinity. He has managed to take this and turn it into intimidation. He has been excelled by only one person, Hon John Halden, who said that giving a person 10 per cent extra is intimidation. Hon John Halden then stood and said that people were being intimidated into signing these agreements and he gave us the figures. He told us that 40 000 people in a total working population of 800 000 had signed workplace agreements. There has been an enormous amount of intimidation there! He then gave us some figures in relation to the Education Department. They were another sign of intimidation! I point out to Hon John Halden that this shows that people have a choice. It illustrates -

Several members interjected.

Hon PETER FOSS: I know what would happen. If 800 000 people had signed workplace agreements, the member would say that that was intimidation because he would prove it the other way. Whatever the figures, Hon John Halden can prove it. If one person signed he would say that that was intimidation and if 800 000 people signed that would also be intimidation. He has not given one single example of intimidation.

Hon Kim Chance: Sign or resign!

Hon PETER FOSS: Members opposite have not even given an example of that. Hon Nick Griffiths talked about mooing. That is about the only thing he did; in fact, bleating is probably a more accurate description of what the member was doing. Members opposite just do not happen to like workplace agreements and they have made that quite clear to everyone.

Members opposite have not proved a thing. Hon Nick Griffiths came up with extraordinary versions of intimidation, Hon Kim Chance went into fairyland and Hon John Halden went straight off the planet. If members opposite want to know about intimidation I can give them an example. In fact, I will give members a current example. Members might have noticed - although most people did not - that we had a strike on Tuesday. Not everyone participated in that strike; in fact, some people actively tried not to participate. Some of those people were employed by Westrail. Quite properly - unlike the Prime Minister - they dissociated themselves from this activity and turned up for work.

Hon John Halden: You would blame anyone for anything.

Hon PETER FOSS: Interestingly enough, where the union missed them, the workers actually managed to take out some trains - one went from Collie to Worsley. However, where the union representative was present the members were told to go home because they were not allowed to work that day and if they did they would be fined by the union. I regard that as intimidation. If members opposite want a real example of intimidation which fits within the ordinary words -

Hon Kim Chance: That union was not even on strike.

Hon PETER FOSS: Exactly.

Hon Kim Chance: Why did they say they would fine their members?

Hon I.D. MacLean: Why were there picket lines across the railway tracks?

Hon John Halden: You are making it up.

Hon PETER FOSS: I am not making it up. Members opposite can say what they like, but those people were told to go home and they missed out on a day's pay. They actually turned up at the workplace to work and they were told to go home or they would be fined. The example I have given is clear intimidation.

Hon Kim Chance: It did not happen.

Several members interjected.

Hon PETER FOSS: I understand it did happen.

Hon John Halden: You have got your notes from Graham again and he cannot tell the truth.

The PRESIDENT: Order! Members are talking about people having a choice. I will give members a choice. They can stop interjecting and conform to the rules or I will apply them.

Hon PETER FOSS: I would like to debate what is the topic of this motion because it would be a very interesting debate if we were given some examples. All we have had is the most abstruse interpretations of the English language, which have been beyond anyone's comprehension, as to how that can be intimidation. It is like the wonderful protest from members on the other side of the House when Mr Moore explained that he wanted to make sure that those teachers who are not taking strike action got a bonus of 5 per cent. Members opposite complained that it was punitive action. I am sure that members opposite are concentrating on their objection to this legislation. This motion is not an urgency motion; it is nonsense and it is made up, old hat stuff. I am amazed that somebody moved it.

HON P.R. LIGHTFOOT (North Metropolitan) [3.23 pm]: Like the Minister for the Environment I am at a loss to understand where the nub of the Opposition's argument is. I listened to Hon Nick Griffiths' delivery for some time and still could not grasp what he was saying. I reached the conclusion that if I was unable to understand Hon Nick Griffith's peculiar lingua franca I would surely relate to what Hon Kim Chance had to say. I thought he would let me know what it is about. Alas, I could not understand from him where the argument was coming from. I understand his language because I have lived and worked in some of the country in which he used to live and work. If this motion is about intimidation in the workplace why was the no ticket, no start not mentioned by members opposite? Members on this side of the House remember the no ticket, no start - it did not really exist! If a person did not have a ticket he got kicked off the job. He was forced or intimidated into joining a union. We know how John Roberts' company, Multiplex Constructions Pty Ltd, came to be the leading builder in Australia. He did a deal with the trade union secretaries to make sure there were no strikes, and that cost money. That money was added onto the cost of the contracts.

#### *Point of Order*

Hon TOM HELM: Mr President, will you advise the House to which part of the motion the member's references allude?

The PRESIDENT: The member is diverting from the words of the motion and I suggest he talk about intimidation in relation to workplace agreements.

#### *Debate Resumed*

Hon P.R. LIGHTFOOT: I will alter tack slightly. I was talking about intimidation and I am not challenging your ruling, Mr President. I was about to refer to how it relates to workplace agreements. With respect to workplace agreements and the intimidation involved with them, nothing in this legislation stops picket lines. The picket lines in this State on Tuesday were because Keating, Kelty and the ACTU ordered members opposite to blockade Western Australia. What the heck we ever do by remaining in the Commonwealth, I do not know. If that was not treasonable against Western Australia, I do not know what is. That is intimidation. It did not stop the bus drivers from picketing.

and preventing those bus drivers who did not want to lose a day's pay from working. That is intimidation, but it is not stopped under workplace agreements. I can think of the other things that members opposite endorsed, particularly my porcine friend from the Pilbara - for example, the actions by Dollar Sweets, the abattoirs and other industries in the Northern Territory. The unions tried also to blockade Robe River Iron Associates. Do not tell me that the Government did not have to introduce workplace agreements to prevent that happening!

Hon Graham Edwards: When you make these statements it would be handy if you took your hands out of your pockets!

Hon P.R. LIGHTFOOT: That is an interjection I used years ago. Plagiarism of that nature is a type of intimidation too. At least I have a reason to put my hands in my pockets. That is a form of intimidation.

Several members interjected.

The PRESIDENT: Order! There is nothing in the standing orders that prevents it.

Hon P.R. LIGHTFOOT: This is a very serious subject.

Hon Peter Foss: Look at their attitude. They think it is a laughing matter.

Hon P.R. LIGHTFOOT: I guess I have made my point and I will continue to make it. When the Opposition to a person is laughing and Hon Cheryl Davenport is almost hysterical and has to wipe tears from her eyes, I guess one can understand how seriously members opposite take this alleged urgency motion. It is farcical. It is a motion which has no strength to it. It is a motion that I believed, at least collectively, would have had some intellectual input, particularly when Hon Nick Griffiths was the lead speaker, but he portrayed it as nothing other than farcical. No-one could grasp what he was talking about, and when he could not make a valid point he raised his voice two decibels above the occupational health and safety level. The crux of the motion was lost. Members on this side of the House know what intimidation is because they see it every day from the Keating Government. If members opposite do not believe it they should think about the time when the right wing Sydney Labor Party Mafia beat up one of its members beyond recognition. They beat his face to a pulp and he was lucky he did not wear a pair of cement boots in Sydney Harbour. That is what intimidation is all about; it is not about giving people choice, as we propose.

Several members interjected.

The PRESIDENT: Order! There is no need to yell across the Chamber. The member should direct his comments to the Chair.

Hon P.R. LIGHTFOOT: I would rather talk in a much more civilised tone. It is only that members on the other side of the House raise their voices and, because I have the call, I have every right to raise my voice a decibel above theirs so that Hansard can record me. Members on this side of the House know what intimidation is because we see it every day where there are no workplace agreements. We introduced workplace agreements precisely for the reason that members opposite argue; that is, to prevent intimidation, to give workers choice and to give young workers, as the two speakers who allegedly contributed to this debate said, a choice as to whether they want a 10 per cent increase in their pay packets.

[Motion lapsed, pursuant to Standing Order No 72.]

## **SELECT COMMITTEE OF PRIVILEGE INTO DOCUMENTS OBTAINED AND RETAINED BY THE ROYAL COMMISSION**

### *Report Tabling, Extension of Time*

Hon Kim Chance reported that he had been directed to report that the Select Committee of Privilege sought an extension of time within which to report from 19 October 1995 until 2 November 1995, and on his motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 723.]

## **FREEDOM OF INFORMATION AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Peter Foss (Minister for the Environment), read a first time.

### *Second Reading*

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [3.31 pm]: I move -

That the Bill be now read a second time.

This Bill will amend the Freedom of Information Act by repealing the sunset clause in subclause 14(3) of schedule 1 of the Act. Clause 14 of schedule 1 of the Act provides that a matter of a kind mentioned in the secrecy provisions of the Equal Opportunity Act, the Legal Aid Commission Act and the Parliamentary Commissioner Act is exempt from the operation of the Freedom of Information Act. Members will remember that this provision was amended last year to extend the sunset clause for a further year - from 31 October 1994 to 31 October 1995. The purpose of that extension was to provide greater experience with the operation of the Freedom of Information Act so as to assess whether the exemptions affected were necessary or should be permitted to terminate when the sunset clause took effect. With the advantage of that additional time, the agencies concerned have determined that those exemptions are necessary, and that removal of the exemptions would jeopardise the effective operation of the agencies concerned and, in particular, their clients' legitimate expectations of confidentiality. As a result, the Government has decided that the sunset clause in subclause 14(3) of schedule 1 of the Freedom of Information Act should be deleted.

I note that the exemptions being preserved by this Bill do not extend to every document of the agencies concerned; rather, the exemption is limited to documents containing matter covered by specific secrecy provisions. These secrecy provisions apply to prevent office holders and staff appointed under the Equal Opportunity Act, the Legal Aid Commission Act and the Parliamentary Commissioner Act from divulging information about the affairs of other persons which they obtain by virtue of carrying out their functions, other than is necessary for them to carry out those functions. In addition, the exemption applies to documents which the Ombudsman gives to people for an investigation and which the Ombudsman directs must not be disclosed.

The important point for members to note is that the exemption provided by clause 14 of schedule 1 of the Freedom of Information Act is not about protecting the operations of the agencies concerned. Rather, it is primarily about protecting the confidentiality of information provided to those agencies by their clients; that is, members of the public. The Ombudsman is, of course, an exempt agency by virtue of schedule 2 of the Freedom of Information Act. However, this exempt status does not extend to protect documents created or received by the Ombudsman which come into the possession of non-exempt agencies. The necessity for retaining the exemption provided by clause 14 of schedule 1 of the Act is demonstrated by reference to the practice of the Ombudsman releasing draft reports to agencies for comment before finalisation.

The Ombudsman is required by this Act to give persons about whom adverse comments have been made in draft findings an opportunity to be heard. These draft findings may be very damaging to named individuals and may be found to be untrue and not included in the final report. If the exemption provided by clause 14 of schedule 1 is permitted to expire, draft reports sent to non-exempt agencies by the Ombudsman may become accessible under the Freedom of Information Act. The potential for damage to innocent individuals is obvious. The amendment has been requested by the agencies affected, and the Information Commissioner, who has been consulted about this amendment, does not object to it.

I note also that public submissions were sought on the need to continue the exemptions provided by clause 14 of schedule 1 of the Act. Only one of the submissions received supported the sunset clause being allowed to operate, at least in part. That submission was based on a concern that other agencies might improperly use the exemption relating to the Ombudsman's office contained in subclause 14(1)(c) of schedule 1. However, this concern has been dealt with by decisions of the information commissioner which have ensured that the provision is narrowly applied. No submissions were received calling for the removal of the exemption as it relates to the Equal Opportunity Commission or the Legal Aid Commission.

The amendment to which the Bill gives effect is contrary to a recommendation of the Commission on Government. The Government believes that the commission's recommendation does not pay adequate regard to the public's requirement for a strong and effective Equal Opportunity Commission, Legal Aid Commission and Ombudsman. Indeed, following the release of the Commission on Government's report No 1 the Ombudsman wrote to the Premier, the Presiding Officers and the Leader of the Opposition in relation to the commission's recommendation that the sunset clause be allowed to operate, stating -

In my view, if the commission's recommendations in this area are implemented, the effectiveness of the role of my office will be considerably impaired.

When the Attorney General introduced amendments to the Freedom of Information Act last year she indicated my intention to conduct a general review of the Act. While that review has progressed, the large number of recommendations by the Commission on Government affecting freedom of information mean it would be inappropriate to proceed to make any significant amendments to the Act until the commission's recommendations have been properly assessed, in particular by the committee of the Parliament established to carry out such an assessment. The timing involved with the sunset clause has meant that the particular amendment given effect by this Bill could not await the assessment of the Commission on Government's report. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

## **MINISTERIAL STATEMENT - MINISTER FOR THE ENVIRONMENT**

### ***Metropolitan Region Scheme - Regional Roads; South East Corridor Omnibus Amendment***

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [3.36 pm] - by leave: Earlier today final proposals for two major amendments to the metropolitan region scheme were tabled as part of the State Government's amendment program which was introduced in 1993. The initiative was implemented to maintain the supply of affordable housing land and to bring the MRS up to date as the regional plan for Perth.

Firstly, the south east corridor omnibus amendment proposed 24 changes to the zones and reservations in the Cities of South Perth, Belmont, Canning, Gosnells and Armadale; the Town of Victoria Park; and the Shire of Serpentine-Jarrahdale. The amendment was advertised in March and more than 120 public submissions were received. Plans to create extensive parks and recreation reservations along the Canning River foreshore attracted the majority of submissions. As a result the State Government has removed the proposal from the major amendment, to allow time for further consultation with landowners.

The second major amendment tabled today results from a review of the reservation and land requirements for future improvements to sections of nine important regional roads in the metropolitan area. In 1963 significant parcels of land were reserved in the MRS to accommodate future traffic demands of our city; however, detailed analysis has shown that in the majority of cases the amount of land reserved can be reduced while also catering for traffic flow and safety. The finalised proposals included in the major amendment are the result of a thorough public consultation process in which people were given two opportunities to comment. Five to 10 metre wide strips along the nine

important regional roads, including North Lake Road in the City of Melville, will now be rezoned for urban use and hundreds of homes will be saved from possible demolition.

The State Government has now presented to the Parliament 16 major amendments to the MRS, which demonstrates its commitment to its promise to deliver thorough and thoughtful planning for the growth of the metropolitan area.

[Consideration of the statement made an order of the day for the next day of sitting.]

## POLICE AMENDMENT BILL

### *Second Reading*

Resumed from 27 September.

**HON N.D. GRIFFITHS** (East Metropolitan) [3.38 pm]: This Bill is fairly short. It seeks to amend the Police Act to bring up to date practices in the Police Department concerning the receipt of money from private sources. The Police Service currently receives money, goods and services from private enterprise and, in return, permits advertising. The Police Service also receives money, goods and services by way of donation. This Bill is not concerned with the latter, although I think the interface between the private sector and the Police Department with donations should also be the subject of legislation, in the way that advertising is the subject of this Bill. The private sector and organisations such as local government shires make contributions to the Police Department, some by way of a contractual arrangement and others by way of donation. These arrangements are in part set out in the recent "Annual Report of the Western Australian Police Service 1995" at pages 164 to 166 under the heading of a sponsorship register. The notation is that the list sets out some of the individuals and companies that have helped during the financial year. As I have said, some of those relate to donations and others to advertising. Some of the arrangements referred to in this part of the annual report will be covered by the proposals contained in the Bill, others relating to donations will not be so covered.

Perhaps the most significant area concerns the provision of the helicopter, which is dealt with on page 143 of the report - that is, the Cape Bouvard Helicopter Rescue Trust. The notation on that is that the department receives sponsorship towards the cost of operating its helicopter rescue service, and the report makes mention of a number of major sponsors. Not all of those are in the private sector, and Western Power and the Western Australian Lotteries Commission are mentioned. The significance of the area of advertising and donations is spelt out more clearly on page 126 of the report. In dollar terms, the value of the contribution for the year ending 30 June 1995 is \$2 280 000; in 1994 it was \$2 516 000. Those figures include non-cash contributions. The provision of goods and services pursuant to written contracts for the provision of advertising are matters which will be covered by this Bill.

From looking at the report it is impossible to determine the specific arrangements that will be covered by this Bill, and what the value of those arrangements is to the Police budget. However, if one can make the assumption that it is a significant proportion of the value of the funds that I have referred to, the subject matter of this Bill and its budgetary impact is of some significance. To my mind there are more important matters than the mere budgetary impact of the provisions of this Bill and the current arrangements.

[Continued next page.]

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

## STATEMENT - PRESIDENT

### *Questions, Ministers' Responsibility for Answers*

**THE PRESIDENT** (Hon Clive Griffiths): I find it uncomfortable that again I need to address members on this subject. It must be said today because it seems to me some

members on each side of the House either forget, or do not understand, what I say from time to time with regard to question time and its purpose. I do not want to keep doing this; in fact, I am sick and tired of it. I am elected by members to take the Chair, and I have said a dozen times that my role and duty is to protect and maintain the rights, privileges, traditions and customs of this House. Members elect me to do that. It makes me sad when, over the years, some of those rights, privileges, customs and traditions are eaten away. Every now and again it is necessary for me to draw to the attention of members some very fundamental and important rules which are being transgressed.

I made a statement at the beginning of this week about questions. Before I presented that statement, I thought about it for a couple of weeks while the House was in recess. I thought I presented it in such a way that people would understand what question time is about. I will say it once more, because if members do not want me to keep saying it and if they want to bowl along without any rules, I can easily accommodate them. If they want me to give everybody the same equal opportunity to do things, they must listen to me now and again.

There is a fundamental principle in our system that when a member asks a question of a Minister, the Minister can choose whether to answer that question. Should the Minister choose to answer the question, that Minister accepts responsibility for the answer. I have also said on previous occasions that members in this Chamber cannot ask questions of members of Parliament in the other Chamber. They can ask questions only of Ministers in this House. I think that is a pretty simple principle to understand. It is not correct to say that a Minister in another place is not answering a question; the Minister in another place cannot be asked a question by any member of this House. The person responsible for the answer is the Minister in this House. If the Minister in this House does not want to answer the question, he must say so and that is the end of the penny section. Obviously, the Minister in this House seeks advice in order to ensure that when he or she gives an answer, there is a good chance it will be accurate. However, it cannot be said, for example, that the Minister for Police has not answered a question. He has not answered a question from this place because he cannot be asked that question. The Minister in this House is responsible for whether the question is answered.

I make this statement because at the end of the line a very dangerous situation could arise if we pursued this line of thinking. I will not pursue that at this point, but I draw the attention of members to a couple of points: The Minister can choose to either answer or not answer a question, but he cannot accuse the Minister in another place of not answering the question. It is the responsibility of the Minister in this House to provide the answer. If, for example, the House found it necessary - as it has over the years I have been a member - to take a Minister to task and to endeavour to use the provisions of the standing orders to force a Minister to do something, such action could be taken only against a Minister in this place. If members continue as they have been, it could allow a Minister of this House at some time in the future to say that a particular matter has nothing to do with him because, by custom, it is suggested that the Minister in another place is responsible and a censure motion should be moved against that Minister. Obviously, we all agree that is totally absurd and it cannot be done. That is the end of the first lesson!

## POLICE AMENDMENT BILL

### *Second Reading*

Resumed from an earlier stage of the sitting.

**HON N.D. GRIFFITHS** (East Metropolitan) [4.40 pm]: The Police Service's receiving money, goods or services from private enterprise causes me some unease. Before question time I referred to the scope of the action between the private sector and the Police Service in this area. I note the matter is currently the subject of a policy document which makes a number of relevant observations. The policy statement reads -

*It is the policy of the Western Australia Police Department in accordance with the following procedures to accept sponsorship or donation of finance, goods or*

*services from reputable individuals or entities, for the purpose of pursuing the mission and objectives of the Department.*

That is a fairly wide policy. Its purpose is described as -

. . . to encourage community involvement in and commitment to Policing -

That is a very noble and proper purpose -

and the extension of our service beyond budgetary constraints, with appropriate safeguards for preserving the integrity of our organisation.

I suppose in a perfect world the police force would not have budgetary constraints and therefore would have no need to receive money, goods or services from outside. In making that observation it is important a policy be in place to encourage community involvement in and commitment to policing. I am not sure whether this is the correct way to go about it; therefore I will not comment one way or the other.

I note the document suggests appropriate safeguards should be in place for preserving the integrity of the organisation. That is paramount. The document sets out a number of procedures. The effective date was 21 December, 1992 but I note it was reviewed as recently as 21 December, 1994 and is therefore, as I understand it, the current policy of the Police Department. In its listing of procedures the first point states -

Members of the Police Department shall not solicit, directly or indirectly for sponsorship or donation to facilitate any departmental function unless specifically authorised.

That is a very proper procedure. However, I would like to know from the Minister whether any difficulties have arisen with the implementation of that procedure. If so, will such difficulties be reflected in any new procedures that the Minister and/or the Commissioner of Police are contemplating? Point 7 refers to occurrences being appropriately detailed by way of documentation, together with proposals for consideration and care being taken to ensure that association with a sponsor, donor or organisation is not likely to damage or compromise the image or standing of the department. I note in that context a number of factors are proposed to be considered, namely the history and reputation of the sponsor, the legitimacy and standing of the sponsor, the sponsor's business and the potential conflicts of interest between the sponsor's activities and the organisation and departmental objectives. During the lifetime of this Parliament that has been raised in this House about matters of sponsorship. Without making any comment one way or the other on whether those concerns were appropriate, I wish to know whether other areas of difficulty have been experienced by the Police Department in implementing that procedure. It seems to me to be a procedure which is somewhat difficult to evaluate. Again they are concepts which are capable of many meanings, and it may be difficult to prospectively sort out somebody's business or ethical standing. A corporation or other individual may appear to be of high standing and a person may be of good repute, but events may show the true position to be otherwise.

Point 10 of the procedures states that appropriate acknowledgment of support may be published in newsletters and brochures produced in support of community based programs, or by way of suitable signage on motor vehicles. That is something of which I have seen a fair amount. I am concerned that may cause some difficulty. What if competition exists between people to engage in that advertising process? That may be a matter of serious consideration, particularly if we are dealing with a relatively small community with a limited number of competitors. If one of them had the imprimatur of the Police Department, that would provide a great competitive advantage. That relates to the matter of the value to the private enterprise which has an advertising contract with the Police Department. It is a point which reflects my unease about that involvement of private money with police procedures. As I say, I am not condemning that because I am concerned that we encourage community involvement in and a commitment to effective policing. However, I have serious doubts whether this influx of private money for commercial purposes - which is after all what advertising is about - is necessarily a healthy thing in the Police Department.



The policy document contains a number of procedures and when this Bill is passed those procedures will need to be changed. I am interested in whether the new procedures have been formulated; and, if so, what they are. If they have not been formulated with precision to date, what procedures are contemplated to come into force?

The financial provisions relating to contracts are welcome. The Bill brings this area of activity under the Financial Administration and Audit Act. It changes the current position, as the Minister correctly pointed out - namely, the current arrangements were put in place by the parties in good faith, and the moneys received from sponsorship are paid into the consolidated fund or held in private trust and subsequently utilised for the appropriate purpose.

The Bill seeks to provide that moneys received pursuant to the contracts the subject of the Bill will be credited to a trust account at Treasury and utilised in accordance with the contract for the purposes of the Western Australia Police Service which will allow the moneys to be held outside the consolidated fund but within the requirements of the Financial Administration and Audit Act. That is a welcome measure and if nothing else it makes this Bill very worthwhile. However, one aspect causes me particular concern. Again, my comments are intended to be neutral regarding whether the issue is good or bad. It relates to the interplay between the Commissioner of Police and the Minister. The Bill contemplates that the Commissioner of Police may, on behalf of the State, enter into a written contract under which police property, as specified in the contract, can be used for the purposes of advertising in return for money, goods or services. That occurs now, but what the Bill is proposing seems to be an innovation - namely, that is to be done with the approval of the Minister. I am not saying that is good or bad, but this changed role of the Minister relating to the Commissioner of Police needs - justification is the wrong word - full and careful explanation.

Hon George Cash: Perhaps it needs clarification. Perhaps we will do things now as they should have been done in the past.

Hon N.D. GRIFFITHS: Police Service matters have been very well looked after in the past, particularly under the administration of Hon Graham Edwards.

Hon George Cash: I did not say they were not.

Hon N.D. GRIFFITHS: The enhanced role of the Minister vis-a-vis the Commissioner of Police relates to the envisaged power of veto by the Minister. The Bill seeks to provide that the commissioner shall not enter into a contract if he is of the view that the proposed use of police property or the presence or nature of the proposed advertising would interfere with or otherwise be inappropriate, having regard to any operation or function of the Police Service or the department. These are fairly wide concepts, and properly so.

It is proposed that the Minister also will have that power. That is a change in the relationship between the commissioner and the Minister. Again, I do not say that the change is good or bad. I want to hear from the Minister in that regard. The second reading speech of the Minister has not, in the Minister's terms, clarified the matter. Insofar as it refers to the matter it has referred to it in as much detail as I have, but it is appropriate that the Minister clarify it rather than I. I understand that others wish to speak on this Bill. Therefore, I conclude my remarks.

**HON GRAHAM EDWARDS** (North Metropolitan) [4.55 pm]: I have listened intently to the argument by my colleague, Hon Nick Griffiths. As usual, he has made some very important points, and put them very well. I hope that the Minister handling the Bill will respond equally well to the points made, just as I invite him to respond to the points that I will make.

In essence, the major thrust of this Bill, the formalisation of the procedures for sponsorship, is not the major change. Hon Nick Griffiths finished his speech on that point: The major change is the relationship between the Commissioner of Police and the Minister. Like Hon Nick Griffiths, I am not saying that this is a good or bad change. I will be listening very carefully to the Leader of the House, just as I know he is listening carefully to my arguments and my comments on the second reading speech! I am

interested to know whether the change is driven by the Crown Law Department or by Treasury Department officials. Can the Minister indicate whether the formalisation of the arrangements for sponsorship are being driven by Crown Law?

Hon George Cash: In the main, it is being driven by a Crown Law; and it continues the request Hon Graham Edwards made some years ago.

Hon GRAHAM EDWARDS: Will the Minister table that advice?

Hon George Cash: I cannot table the specific advice. I have some documentation which may help later.

Hon GRAHAM EDWARDS: Although I note the funds will be held outside the consolidated fund, I worry about our placing funds in a position where Treasury may be able to snare that money. It is very important that the funds are held outside the grasp of Treasury officials.

Hon George Cash: Do you realise that the current trust arrangement is not suitable?

Hon GRAHAM EDWARDS: I will understand that if Crown Law advice confirms it.

Hon George Cash: It follows a request the member made years ago to have it checked out. It is a private arrangement at the moment, not signed for by the commissioner in that capacity. I am talking about the former Commissioner of Police, Brian Bull. It is a private, individual arrangement which is unsatisfactory.

Hon GRAHAM EDWARDS: It has worked well.

Hon George Cash: It might have worked well.

Hon GRAHAM EDWARDS: There is no suggestion that there were any problems.

Hon George Cash: It has been shown that it should not be in that state.

Hon GRAHAM EDWARDS: It is something that needed to be cleaned up. The major change is the relationship between the Commissioner of Police and the Minister for Police. I wonder when we will receive the rewrite of the Police Act. We started work on it when I was Minister. I assure the House I would have been addressing the issue of the relationship between the commissioner and Minister and how the relationship would be written into a new Police Act. I recall being criticised for not having brought forward that Act when I was Minister because the Act was some 100 years old. Knowing the amount of work that has to go into such a rewrite, I would be very hesitant to offer that criticism to the current Minister. When debating the importance of community policing and formalising private sponsorship arrangements, it is important to look at where we are in relation to crime in this State; where we are in relation to community policing; and where we are in recognising just how important community policing is.

Under the heading "Prevention and Control of Crime" and subheadings "Reported Crime in WA in 1994-95" and "Results-at-a-glance", the annual report of the Western Australia Police Service at page 16 states -

There were 232,449 crimes reported to police in the period 1 July 1994 to 30 June 1995. This was a rise of 11 per cent compared with the same period in 1993-94. The crime rate was up nine per cent . . .

It continues -

Reported Offences Against the Person.

In 1994-95 the number of offences against the person increased by 15 per cent compared with 1993-94.

The rate of offences against the person (as a proportion of the population) rose by 13 per cent.

Overall clearance rates for offence against the person was 82 per cent (the same as in 1993-94). This figure compares with other major Australian States.

The next subheading is "Reported Offences Against Property". It states -

In 1994-95 the number of offences against property increased by 11 per cent compared with 1993-94.

The rate of offences against property rose by nine per cent.

Overall clearance rates for offences in this category was 19 per cent (the same as in 1993-94). This figure is lower than for most other major Australian States.

That is an interesting point.

Hon Derrick Tomlinson: The clearance rate is lower but the reported incidence is higher.

Hon GRAHAM EDWARDS: I do not want to get into an argument about why it is lower. I am merely quoting the comments that have been made. It continues -

While the clearance rate for some property offences was low, the recovery rate for some types of property was high (e.g. 89 per cent of stolen motor vehicles were recovered).

Hon Derrick Tomlinson: In one form or another.

Hon GRAHAM EDWARDS: It does not tell the full story about what damage might have been done to the people who own those motor vehicles or what inconvenience they might have been put to. On page 17 is an area which really concerns me. The heading is "Reported Offences Against the Person". It states -

The number of offences against the person continued their disturbing upward trend. Overall, there were 15,895 reported offences of murder, deprivation of liberty, robbery, sexual assaults and other assaults.

There were 80 homicides, a jump of 45 per cent, 1,366 robberies, up 25 per cent, 11,302 assaults rose by 16 per cent, 2,903 sexual assaults, up seven per cent, and 244 cases of deprivation of liberty, an increase of four per cent.

The emerging trend revealed by the figures was of greatest concern. Although the number of offences against the person was 15 per cent higher than last year, the 1994-95 figure was 24 per cent higher than the average for the previous three years.

It continues -

Comparing rates of offences against the person (per 100,000 population) for 1994-95 with 1993-94:

Homicide rates increased by 44 per cent.

Sexual assault rates increased five per cent.

Deprivation of liberty offence rates increased three per cent.

Robbery rates increased 23 per cent.

Assault rates increased 15 per cent.

Overall, rates of offences against the person increased 13 per cent.

It continues -

... there was:

a 32 per cent increase in homicide rates;

a five per cent decrease in sexual assault rates;

a 16 per cent increase in deprivation of liberty offence rates;

a 41 per cent increase in robbery rates;

a 26 per cent increase in assault rates;

an overall 20 per cent increase in rates of offences against the person.

That is the crime scene we are talking about.

To get a fuller picture one needs to go back to page 13 of the Commissioner of Police's

annual report. Under the heading of "Tackling Crime - a Partnership Approach" he makes these statements -

The Western Australian Police Service alone cannot prevent and control crime. The Western Australian Police Service recognises the importance of community participation.

Skipping a paragraph he continues -

The year saw the Western Australia Service underline its commitment to a proactive approach to policing throughout the state by focusing on the cause of incidents requiring police attention rather than merely dealing with incidents as they arose. There was also a strong focus on jointly developing community-devised solutions to local problems. The devolvement of responsibility to local management, being implemented as part of the restructuring of the Police Service, will also enable the Police Service to more effectively meet the needs and expectations of the community.

I have detailed the environment of crime that the State is currently experiencing. I have referred to comments made by the Commissioner of Police on the way he sees us tackling crime. That is underlined by what he sees as a partnership approach. The current Commissioner of Police is saying nothing new; indeed, in reading some of his comments I am reminded of some of the comments I made when I was Minister for Police in this State when we started to pioneer community policing. Compared to what one used to hear then, one does not hear these days the comments about plastic policing and insufficient funding, the comments about the police having to go out and find their own funds because the Government was too tight to fund them, and so on. I think it is because in part we are much more responsible in our approach to law and order. I am also sure that since being in Government the members opposite have probably found that what we were saying about the approach to crime prevention, which they used to rubbish, is really the only way we can proceed. If we are to get on top of crime, it is important that the community accepts that it has a responsibility to work with the Police Service in order to combat crime.

It is incredibly important that there be this continuing focus on crime prevention rather than simply relying on enforcement. I relate those comments to this Bill because I strongly support the need for community sponsorship of police programs where appropriate. If this Bill makes it easier for that to occur, and if it will formalise some of the practices that have been in place in the past, it is worth supporting.

I am sure that the Liberal Party has learnt much about issues of law and order since it has been in government and I am also sure that it has gone through a very important learning curve. No doubt, one of the greatest blights on our society today is the inconvenience, trauma and suffering that is caused by people who perpetrate criminal acts. I reiterate that we will address the problems of crime only if we can find a bipartisan way of approaching the issue and if we work together to create an environment where the police and the community can cooperate. Of course, we will not achieve that with one piece of legislation. We will achieve it only through a whole series of strategies. I know that a number of strategies are now in place and that new strategies must be continually devised and implemented. It is only in that way that we can create a safer community for our citizens in the long term. For those reasons I strongly support the Bill. However, I expect clarification on the points that I have raised.

**HON J.A. SCOTT** (South Metropolitan) [5.13 pm]: I am afraid that once again I will be the odd person out in this debate. I fundamentally disagree with the principle of funding the police through private organisations.

**Hon A.J.G. MacTiernan**: You are not actually alone.

**Hon J.A. SCOTT**: I believe very strongly that the Government should adequately fund the Police Service for a number of reasons. First, I believe that having police driving around with logos on their cars will trivialise the force and it will open the way for manipulation by private interests. It also creates the potential for money to be donated to

areas of police operations which are highly visible but which may not necessarily be the best place for that money to be spent. Of course, the potential for corruption then increases, especially at the higher levels of the force. There is also the potential for the police to be reluctant to act against sponsors who generously support police operations. We have around the world a recognised problem with political funding, where private organisations, business or interests give money to politicians for their re-election. In the United States that has been an horrific problem in some instances. It leads to all sorts of inefficiencies in the system and also to some very bad decisions being made by government. I believe that the situation would be no different here with our Police Service.

Hon Graham Edwards says that it is a responsible concept for the community to sponsor the Police Service. The community already sponsors the Police Service through taxes and that is precisely how it should be. Everyone who thinks about it knows full well that when a company pays money for a public service it is usually doing that so that it can pick up the money somewhere else.

Hon Graham Edwards: Perhaps I did not emphasise it, but it is important that there be a community acceptance of the problem of crime. If we have a community that says "We pay our taxes so the police should fix it", we will never get on top of it.

Hon J.A. SCOTT: I agree that one must have wholehearted community support for policing. However, the money that the community pays should go through the tax system, not through the private company's coffers and then on to the Police Service. Instead of the force's acting for the community it will, over time, begin to act for those other interests.

This is a terrible mistake. This Bill is an abomination and it should never have come into this place. I do not believe that this sort of funding should ever occur. This is another Bill legitimising something that should never have happened. I know that there was a great problem with police morale in the United Kingdom during the coal strikes, which Hon Ross Lightfoot keeps reminding us about.

Hon P.R. Lightfoot: President for life, Arthur Scargill!

Hon J.A. SCOTT: That is correct. The police felt extremely bad that they had been used as a political tool against the workers by the Government and the coal companies. Of course, the coal companies put that pressure on the Government in the first place. As a result of the political use of the police, the police morale plummeted. I believe that we are setting up the same potential here. It is a fundamental mistake to be funding the police in this way. This Bill is an abomination and it should never have entered this place because it will result in the Police Service's having vested interests and some businesses charging more for their goods so that they can have their logos on police vehicles. This will also result in funds being used in inappropriate areas because a company wants money spent in those areas. I do not believe that any sensible person could possibly support this Bill.

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [5.20 pm]: I thank members for their comments on this Bill, which was described by Hon Jim Scott as an abomination. Clearly, he does not understand that the present procedures for moneys received for certain sponsorship are not within the guidelines set down by this or previous Governments.

Hon J.A. Scott: It is fundamentally wrong.

Hon GEORGE CASH: The member may say it is wrong and he also paints the picture of police cars having Hungry Jack's symbols on them and police officers wearing Coca-Cola badges on their uniforms being wrong. If he were to read that part of the Police Act which provides discretion and autonomy to police officers in Western Australia and then consider the actual application of that authority, he would realise that we are not doing too badly. I know it is not perfect, but for the member to say that we should not be making good of what is - I do not want to use the word "unlawful" because that would give the wrong connotation to what currently exists -

Hon J.A. Scott: It could be fixed by funding it properly.

Hon GEORGE CASH: That is all very well, and I suppose the answer to that is to increase taxes all the way. I advise the member that there are some people in the community who want to work with the Western Australia Police Service, not against it. I relate to what Hon Graham Edwards said; that is, today we do not talk about plastic policemen when we talk about community policing operations. I give Hon Graham Edwards credit for being the instigator of that proposal. He encouraged the Police Department and the community to get behind it and today the community is very much a part of community policing in Western Australia. It provides great support to the Police Department and to the community as a whole. If Hon Jim Scott believes we should not have that kind of support, I suggest we are in a very negative situation because it is critical that the community work with the Police Force and vice versa.

I come back to what this Bill is about. It authorises the Commissioner of Police, with the approval of the Minister, to enter into certain written contracts which will enable advertising to be provided in return for money, goods or services. It is as simple as that. I will explain to the House why it is necessary. For some time the police have enjoyed sponsorship from various organisations. As far back as 1990 when Hon Graham Edwards was the Minister for Police, he detected the need to make sure that any sponsorship provided should be properly accounted for, not only in the physical sense of receiving the money, goods or services, but also in accordance with the Financial Administration and Audit Act.

On 28 August 1990 the then Minister, Hon Graham Edwards, wrote to the Commissioner of Police and referred to a letter dated 19 March 1990 from the Crown Solicitor's Office concerning the police helicopter rescue trust. He indicated that the letter from the Crown Solicitor's Office sets out the view that the Government should not be responsible for establishing a trust to operate outside government. The letter also commented on the concept of the capacity of the Commissioner of Police acting as a trustee. The then Minister said in his letter -

... I have seen a draft of the proposed Trust deed in which the Commissioner of Police establishes the Trust as confirmed by your advice of August 16, 1990 to me.

I understand that finalisation of the documentation is awaiting a further consideration of the draft deed by Solicitors for Westpac.

Would you please arrange for Crown Law advice on the appropriateness of the arrangements set out in the draft deed.

It would be appreciated if the matter can be concluded as soon as possible.

The reason I mention that is to emphasise that this issue goes back five years and the then Minister, either from his own investigation or on advice tendered to him, was told that the arrangement that was being considered at the time would not fit within the Financial Administration and Audit Act and the Commissioner of Police did not have the capacity, power or authority to enter into the agreements he was entering into. That is why I said by way of interjection that the current trust arrangement was entered into by Commissioner Brian Bull in his capacity as a private individual and not as the Commissioner of Police or an agent of the Government. He did not have the authority to do that and that was the very point the former Minister was driving at when he wrote to the commissioner. I do not want to misrepresent Hon Graham Edwards and I am sure he will correct me if I am wrong.

Hon Graham Edwards: I can't remember.

Hon GEORGE CASH: I have the documentation; therefore, Hon Graham Edwards does not have to remember, but he did write asking for the matter to be checked out. However, at the time he realised there was something wrong with the proposition and he requested the commissioner to ensure that the Crown Law Department gave him advice on the matter.

I suppose bureaucracy is what it is and a search of the files indicates that while the letter was sent by the former Minister it was not acted on expeditiously. Although, it was recognised in correspondence between the Crown Law Department and the Police Department that there was definitely a problem. They were well aware of it, but were not exactly bringing the then Police Minister into the equation. It was convenient to muddle along. A contract was entered into and a trust fund was established with the then Commissioner of Police acting as a private individual - well and truly outside the government accounting system.

As Hon Graham Edwards said, and I confirm it - I am not suggesting there was any misappropriation of moneys because that was not the case - it did not comply because the commissioner did not have the authority or power to enter into the contracts. The Commissioner of Police is not a body corporate; therefore, he is not in a position to enter into contracts in the name of the Commissioner of Police. However, he can, if he is authorised by the Minister for Police, who is a body corporate, enter into contracts on behalf of the State. I gave this brief overview because this Bill corrects something that has been wrong for a long time and it needs to be corrected.

Hon J.A. Scott: You are not actually correcting something that is wrong; you are making something wrong by trying to correct it.

Hon GEORGE CASH: The Bill is correcting something that is wrong so that in future moneys, goods and services received by the Police Department will be accounted for in the appropriate manner.

The origin of this was when Westpac provided, on its own account, a coastal air patrol as part of its community sponsorship program. It worked particularly well for some time. After all, Westpac provided the service and paid for it. In 1990 it advised the Police Department that it did not intend to continue its independent coastal air patrol; therefore, it was getting out of that community operation. It told the department that if it acquired a helicopter it would be happy to sponsor it to ensure that air patrols would continue in the State.

As a result of some discussions it was agreed that the police should acquire the helicopter but that the major sponsor funding the operations of the helicopter would be Westpac. This problem then arose: The commissioner did not have the authority to enter into this contract with Westpac. However, an arrangement was stitched together in good faith. The commissioner never had the authority to do what he did in his capacity as the Commissioner of Police. That position is nothing more than a title under the Police Act. It just signifies that the commissioner is the chief executive of that department, not a body corporate.

Advice from within the Police Department was tendered to the current Minister for Police which referred to the concern of the police in accepting sponsorship moneys or other items. Part of the submission made to the Minister was that the settling of the trust - that is, the original trust in which Westpac provided sponsorship funds - by the Commissioner of Police was inappropriate because by so doing it could appear that the State was involved with the setting up of the trust. The trust is a private one and does not involve the State. The submission pointed out that the commissioner is not a body corporate with separate contractual capacity, and the term "Commissioner of Police" describes an office in the Police Department set out under the Police Act 1892. It is no more than a description of the occupation of the person who fills the post. Although the commissioner has certain powers and functions by virtue of the Act, none involves the constituting of a trust or being a trustee of trust funds. It also pointed out that one Commissioner of Police cannot bind future commissioners in regard to trusts.

The advice went on to say that - I have mentioned this in part in response to Hon Jim Scott - when the former Commissioner of Police, Mr Brian Bull, contracted to the trust, he did so in his private capacity. The retirement of Mr Bull and the appointment of Mr Falconer has had no effect on the constitution of the trustees of the trust; Mr Bull is a trustee and Mr Falconer is not. The advice pointed out to the current Minister for Police that as the trust is a private one, it would not be appropriate for the Minister for Police to

execute it on behalf of the State. I make that point because it is important to recognise the state of affairs in which we find ourselves.

Hon Nick Griffiths referred to the document provided by the Western Australian Police Department entitled "Sponsorship and Donation of Finance, Goods and Services". It refers, in part, to the procedures and asks questions in respect of the first and seventh procedures. Procedure No 1 states -

Members of the Police Department shall not solicit, directly or indirectly, for sponsorship or donation to facilitate any departmental function unless specifically authorised.

Procedure No 7 states -

All occurrences are to be documented giving full details together with any proposals for consideration. Care must be taken to ensure that association with a sponsor/donor or their organisation is not likely to damage or compromise the image or standing of the Department. The following factors should be considered:

- (a) the history and reputation of the sponsor,
- (b) the legitimacy and ethical standing of the sponsor and/or sponsor's business, and
- (c) the potential for conflict of interest between the sponsor's activities, or the activities of their organisation, and Departmental objectives.

While Hon Nick Griffiths was speaking I was miraculously provided with advice that the Police Department is not aware of any difficulties relating to soliciting of donations or sponsorship. As to whether there will be a need to review the procedures on the passage of this Bill, I am advised that the procedures cannot be formulated until the Bill passes through the House. However, it is intended to insert within the procedures document a clause to enable the department to put to an end a contract that may have been entered into for sponsorship. That will come into effect if the sponsors were to become involved in some impropriety, or for some other reason.

Hon Nick Griffiths also wanted to know whether there would be any difficulty if there were competition between sponsors; he used the words "sponsors fighting for space". I am sure the Police Department would be delighted if that were the case. Regrettably, although sponsorship is somewhat new to policing in Western Australia, insufficient sponsors come forward. Because of the procedures set out in the policy document and because the Commissioner of Police must have regard to the reputation not only of his force but also of the sponsor, there is no fight for space. A responsible position is taken by all. At this stage companies are certainly not falling over each other to offer sponsorship to the Police Department.

Hon Nick Griffiths paid attention to proposed section 39B(1). Hon Graham Edwards suggested that there could be some conflict by having the Minister enter into operational areas.

Hon N.D. Griffiths: I do not think we were saying that.

Hon GEORGE CASH: Hon Graham Edwards wanted a guarantee that that would not happen.

Hon N.D. Griffiths: We wanted to know the reasons.

Hon GEORGE CASH: I will come to that. We have been told by both sides of Parliament that Ministers for Police do not enter into operational areas, and I believe that to be the case. People need only be part of the organisation to find out that that is the case. The reason clearly comes back to the fact that the Commissioner of Police is not a body corporate. He cannot enter into the contracts on his own behalf and bind the State or Police Force. He needs the authority of the Minister, who is a body corporate. As I pointed out, the former Commissioner of Police, Brian Bull, entered into the helicopter trust as a private individual. The fact that the words "Commissioner for Police" followed



his name did not bind the State one bit. That was the subject of a considerable amount of correspondence between the Crown Law Department and the Police Department after Hon Graham Edwards raised the question and sought some clarification. The Minister is the body corporate. He is in a position to authorise his commissioner to enter into contracts which will bind the State, otherwise the commissioner will enter into contracts in an individual capacity. Hon Graham Edwards recognised that we are attempting to formalise procedures that had not been properly dealt with in the past.

Hon Graham Edwards: I would not say improperly dealt with, but dealt with in an informal way.

Hon GEORGE CASH: I am prepared to accept that, in so much as the former dealings were done in good faith, even though in my view and from the information provided to me it was obvious that people in the Police Department knew that it did not fall within the Financial Administration and Audit Act.

Hon N.D. Griffiths: This Bill places the matter on a sounder legal footing.

Hon GEORGE CASH: Yes. I venture to say it is probably the very Bill that Hon Graham Edwards was looking for in August 1990 when matters were raised with him about doing things in a proper manner; it has taken a very long time to get this far. I was asked who was driving the change. The Crown Law Department continues to express its concern, and recommends as a matter of urgency that this matter be dealt with so that it is put in a proper order. The Treasurer advises that the sponsorship will not become part of the consolidated fund. It will be a trust fund that is established on behalf of the Police Department to do what is agreed between the sponsor and the department.

Mention has been made of both the 1994 and the 1995 annual reports, both of which contain a sponsorship register setting out clearly those organisations, individuals and companies that have provided sponsorship to the police during the year. It contains a limited explanation on the type of sponsorship provided by those various groups.

Hon N.D. Griffiths: It is not a complete register.

Hon GEORGE CASH: Could Hon Nick Griffiths explain why?

Hon N.D. Griffiths: First, the document says "this is a list of some sponsors", not all. Secondly, the Police Department has difficulties producing a complete list of all those sponsors in one form or another because of the interaction at a local level and the current procedures. The report of the Police Department is not complete and does not give a complete list of everybody who has provided goods or services to the Police Department.

Hon GEORGE CASH: That is fair comment. The sponsorship register in the 1995 annual report is expressed in such a way as to offer appreciation to those supporters for their sponsorship during the year.

Hon Graham Edwards also mentioned crime statistics in the latest annual report. I will not repeat those various statistics. However, it is important that we recognise that although the statistics on page 13 to 16 have been cited, on page 3 of the latest report under the heading "Highlights 1994-95" the following comments appear -

There were 232,449 crimes reported to police during the year. The crime rate was up 9 per cent, after adjusting for population changes. 63,415 of these offences were solved or cleared, an improvement of 10 per cent on last year.

That point must be made clear.

Hon Graham Edwards: The point I was making concerned prevention. The fact that someone has been caught after they have physically assaulted someone is often not a great comfort to the person who has been assaulted.

Hon GEORGE CASH: I will not go through all the highlights in the annual report, because the bottom line is that the commissioner is encouraging the community to work closely with the department, and equally the police to work closely with the community. However, the emphasis must be on education in the community about general policing matters and the trauma and suffering that is caused by criminal acts. I agree with

Hon Graham Edwards that there is a need for a bipartisan approach to policing in Western Australia.

Hon John Halden: We have a bipartisan Minister. He is both the commissioner and Minister, depending on what the problem is.

Hon GEORGE CASH: There would appear to be a cooperative approach on policing.

Hon N.D. Griffiths: What about the National Party?

Hon GEORGE CASH: The National Party supports us in that regard.

Hon John Halden: Does the Minister for Labour Relations agree with that?

Hon GEORGE CASH: Members should not indulge in too much jest, because if we go past six o'clock we will sit after tea.

Hon Kim Chance: And it is not a funny matter anyway.

Hon GEORGE CASH: I should repeat for the benefit of members that the two areas that were causing Hon Nick Griffiths and Hon Graham Edwards some concern were proposed section 31(b)(1) and the general question of trust accounts. I have made it clear that the Minister does not particularly want to be involved, because it imposes an additional burden on him. However, he is the body corporate and the Commissioner of Police is not and there is a need for them both to be involved in any sponsorship offered to the Police Service, and for which a contract is entered into. I invite the House to support the Bill.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon George Cash (Leader of the House) in charge of the Bill.

**Clause 1 and 2 put and passed.**

**Clause 3: Part IVA inserted -**

Hon N.D. GRIFFITHS: Proposed section 39B states -

The Commissioner of Police, with the approval of the Minister may, on behalf of the State, enter into a written contract . . .

Those words do not envisage a situation where the Minister, on behalf of the State, is entering into a contract. It is the commissioner entering into a contract; the Minister is merely giving the situation a tick.

Hon George Cash: That is right.

Hon N.D. GRIFFITHS: How does that stand up to the Minister's earlier explanation?

Hon GEORGE CASH: That was the very point that I was driving at. The current Commissioner of Police, as was the former Commissioner of Police, Mr Bull, is in a position where he cannot enter into contracts on behalf of the State. He is not a body corporate. If the Commissioner of Police is to bind the State, it is necessary for him to rely on the authority of the Minister for Police. That is the reason to join both the commissioner and the Minister in respect of these matters.

Hon N.D. GRIFFITHS: I am not suggesting that this clause be amended. However, there would not be a need for the Minister to be involved if the Parliament gave the Commissioner of Police the power to do it himself. That is, if the clause were to be drafted so that the words "with the approval of the Minister" were deleted, the clause would read "the Commissioner of Police may, on behalf of the State, enter into a written contract . . ." As it stands, the clause provides that the commissioner may enter into a contract. Hon Graham Edwards and I sought clarification regarding this new interplay between the Minister and the commissioner. With respect, I do not think the Minister has given a full and proper answer. I am not being personal. I do not think that the Minister has dealt with the matter as fully as I wish him to do, or as fully as he would like to do.

Hon GEORGE CASH: The point Hon Nick Griffiths makes is right, but is it right only if the commissioner is a body corporate and empowered to enter contracts on behalf of the State. That is not the case at this stage. Hon Graham Edwards asked how the rewrite of the Police Act was progressing. While he was speaking, I sought some advice. I was handed a note stating that the current rewrite is under way but finalisation is awaiting certain Delta program changes. Whether the Commissioner of Police, as a result of that change, will become a corporate body I cannot say. However, for the time being under the present Police Act, the commissioner is not a body corporate and cannot enter into contracts on behalf of the State. He needs to be joined with the Minister for Police because the Minister provides the authority.

Hon GRAHAM EDWARDS: Proposed section 39B(2) states -

The Commissioner shall not enter into a contract if either the Commissioner or the Minister is of the view . . .

The commissioner would not enter into a contract if he thought he should not.

### *Progress*

Progress reported and leave given to sit again, pursuant to Standing Order No 61(c).

### **QUESTIONS - DIRECTED TO THE PRESIDENT, PROCEDURES**

HON SAM PIANTADOSI (North Metropolitan) [5.56 pm]: Mr Deputy President (Hon Barry House), I seek some guidance. I am sorry that the President is not in the Chamber because he gave some clarification on other matters today. Earlier today, in response to a question by me, Hon George Cash, on behalf of the Premier, advised me to direct certain questions to the President of the Legislative Council. I understand that I am unable to ask questions directly of the President. I need to take care of these matters on Tuesday. Therefore, I seek your guidance, Sir. Should I redirect my questions to the Premier or heed the Premier's advice and direct my questions to the President, even though I understand that I cannot do that? Either the Premier has misled the House or the Premier is not aware of the procedures in this place.

Hon George Cash: The Premier is aware of the procedures, and the answer stands.

Hon SAM PIANTADOSI: I should direct my questions to the President?

Hon George Cash: That is correct.

The DEPUTY PRESIDENT (Hon Barry House): I was not in the Chamber earlier. My advice is that the member should put the matter in writing to the President prior to Tuesday so that the President can respond. The member should write to the President seeking information so that the President can reply in writing. Questions cannot be directed to the President in the Chamber.

Hon SAM PIANTADOSI: I am to write to the President. I sought that clarification because the Premier did not respond in that way. He advised me to direct my question to the President, but I was aware that I did not have the ability to question the President. I was taken aback that the Premier sought to deflect the questions and pass the buck to the President. I would hate to tackle the President and incur his wrath.

### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.58 pm]: I move -

That the House do now adjourn.

### *Adjournment Debate - Strike and Blockade Cost*

HON SAM PIANTADOSI (North Metropolitan) [5.59 pm]: This week has been very interesting, considering the events of last Tuesday. I am concerned about the blatant attempt by the Government to place blame for those events. The Government has

continually reminded Western Australians of the cost to the State of last Tuesday's exercise. The figure bandied around was \$50m. We heard no explanation of how that cost was arrived at or from where the figure came. I am concerned about the actions of the Minister who was responsible for the disruption on that day.

Hon N.D. Griffiths: And his mates.

Hon SAM PIANTADOSI: Yes. He was the major contributor to the alleged \$50m loss. Interestingly on that day the Minister spent approximately \$20 000 of taxpayers' money to fly overseas. Under normal circumstances an economy fair to Indonesia would cost approximately \$1 000. However, I guess a Minister cannot travel economy class; he needs to travel at least in business class.

Hon I.D. MacLean: Your Ministers did not travel business class.

Hon N.F. Moore: Your Ministers always travelled first class.

Hon SAM PIANTADOSI: Is that right? Are members opposite saying that Mr Kierath was justified in spending \$20 000?

Hon N.F. Moore: It depends on the circumstances.

Hon SAM PIANTADOSI: That is not the issue, the Minister for Education should not have two bob each way. If he wishes to engage in debate, he should either engage in it fully, otherwise say nothing.

Hon I.D. MacLean interjected.

Hon SAM PIANTADOSI: Barney should listen.

*Withdrawal of Remark*

Hon I.D. MacLEAN: The member referred to me as Barney. That is not the way he should address members in this House and he is quite well aware of that.

The DEPUTY PRESIDENT (Hon Barry House): Order! That is quite right; it is unparliamentary and members are to be referred to appropriately.

Hon SAM PIANTADOSI: If Hon Ian MacLean is offended by my affectionate term for him I withdraw unconditionally. However, I will not be affectionate to him again! The surname of the nickname to which I alluded when referring to Hon Ian MacLean is Rubble, but in that context it is commonly known as "Rouble". We all know how wild the rouble is; its mood swings from day to day. He has that nickname because we are unsure how he will react. I apologise to the member and will refrain from referring to him that way again.

*Debate Resumed*

Hon SAM PIANTADOSI: I remind members opposite who have frequently pointed the finger at the Labor Party about excessive spending by members and Ministers in past Governments -

Hon N.F. Moore interjected.

Hon SAM PIANTADOSI: Hon Norman Moore is very silent concerning Mr Kierath's activities. Why could he not have flown out on Monday and cost the State only about \$3 000? No; he had to have his own private jet to fly to Indonesia. Flying on Monday was not good enough. It is obvious that the \$20 000 will not come from his pocket.

Hon N.F. Moore: Wasn't it Mr Dawkins who sent a jet from Canberra to Western Australia to pick up a briefcase?

Hon SAM PIANTADOSI: Hon Norman Moore is thick today; he has had a hard week and is not quite himself, because he is not listening. I said that he and his crony mates sitting opposite are a bunch of crooks. He is as much a crook as the rest of them.

Hon N.F. Moore: I am not a crook.

The DEPUTY PRESIDENT: Order! I am trying to get a word in to ask members to stop interjecting. However, it is difficult when they will not stop injecting when I call order.

*Point of Order*

Hon P.R. LIGHTFOOT: Hon Sam Piantadosi referred to the Minister in a most derogatory and unparliamentary manner. I ask you to direct him to withdraw his remark, Mr Deputy President.

Hon Sam Piantadosi: Which one was that?

Hon P.R. LIGHTFOOT: If he made more than one remark he should withdraw them all.

The DEPUTY PRESIDENT: Order! I am not sure to which term Hon Ross Lightfoot is referring. If the member will identify them, the member on his feet may wish to withdraw them.

Hon Sam Piantadosi: That makes two of us.

Hon P.R. LIGHTFOOT: He said to the Minister "You are just as much a crook as the rest of them".

Hon SAM PIANTADOSI: I said they were all a bunch of crooks.

The DEPUTY PRESIDENT: Order! Hon Sam Piantadosi knows the rules. If he specifically referred to the Minister as a crook his remark should be withdrawn.

Hon SAM PIANTADOSI: I did not do that, Mr Deputy President, but I referred to all members opposite as a bunch of crooks.

*Debate Resumed*

Hon SAM PIANTADOSI: When members opposite were pointing the finger at the Labor Government for excessive spending they were very pious about it. A Cabinet meeting would have been held on Monday. Why was Mr Kierath not instructed to fly to Indonesia on Monday night?

Hon John Halden: He had to have the Premier's permission to do it.

Hon SAM PIANTADOSI: The Premier acknowledged that the flight cost the State \$20 000 and gave that action his blessing.

Hon N.F. Moore: What about Bill Hayden's spending?

Hon SAM PIANTADOSI: It is amazing how members opposite are always able to bring other issues into the debate. I am glad to hear that Mr Moore will stand to support his mate, the Minister for Health, after I have finished. We are not talking about Bill Hayden. However, if Mr Moore wants to talk about him on another occasion that will not be a problem. We are talking about the excesses of Graham Kierath.

Hon N.F. Moore: I think you should be a bit even handed.

Hon SAM PIANTADOSI: I am. Mr Kierath flew to Jakarta to open a seminar sponsored by the Federal Government. I do not know whether the Federal Minister for Health was aware of that or whether she gave it her blessing. I do not think she would have given her permission for Mr Kierath to open that seminar. However, what worries me is that on that private excursion Mr Kierath was accompanied by a number of friends. No doubt they were attending the health seminar!

Hon John Halden: They were looking at the Indonesian health service; it is what ours will be like in two years.

Hon SAM PIANTADOSI: We have heard how Minister Foss supports Australian Medical Enterprises. It was established in America that that company was run by a bunch of crooks and that concerned us. I am now concerned about who made up the party that accompanied Mr Kierath to Indonesia because he was to look at the health system there. Will he import technology from there or export the AME to Indonesia? At the end of the day we should find out, as that excursion cost Western Australian taxpayers \$20 000. Who will foot the Bill for those people who were with Mr Kierath, who were not members of the Government or the department? Were there freebies for mates? I stick by my guns. When I refer to members opposite as a bunch of crooks I am supported by the evidence printed in the paper today.

*Adjournment Debate - Children's Week*

**HON B.M. SCOTT** (South Metropolitan) [6.08 pm]: I draw to the attention of the House a significant event that will take place in Western Australia next week beginning on Saturday; that is, Western Australian Children's Week. For those members who perhaps are not involved or aware, the focus for next week will be on the importance of children around the world. The Western Australian commitment is to examine improved programs to better the lives of all our children. It will be a week where we acknowledge and celebrate children's achievements and rights and give recognition to their parents, teachers and care givers. The origin of Children's Week was a United Nations resolution in 1954 when it was deemed that an international children's day should be held. Therefore, on next Tuesday, 24 October throughout the world children will be celebrated.

More than 145 countries around the world celebrate universal Children's Day, and in Australia it is the centre around which Children's Week revolves in each State and Territory. The Western Australian Children's Week Council, which organises the activities in Western Australia, is a chartered body of the Meerilinga Young Children's Foundation, and is chaired by Mrs Patricia O'Sullivan. It aims to celebrate childhood through providing opportunities for children to celebrate their achievements. Throughout the week, children will hold concerts in Raine Square and elsewhere in the State. The aim of the public forums and focus on children is to give children a high profile for this one week and to seek cooperation between all of the organisations at every level of government that work towards improving the life of young children. The National Children's Week Council supports the implementation of the United Nations Declaration on the Rights of the Child through supporting the appointment of an ombudsman or commissioner for children; raising issues that affect the wellbeing of children throughout Western Australia -

Hon John Halden: You said the national body. Does the state body support that convention?

Hon B.M. SCOTT: Both the national and state bodies acknowledge that; that is one aspect of the convention that is deemed acceptable.

The theme of this year's universal Children's Day is to build a better world for everyone in the year of tolerance and aims to encourage children to develop a world in which everyone can live harmoniously regardless of race, religion or ability. It will involve activities throughout the State, and we must acknowledge the parents, caregivers and teachers who have put aside time to prepare children to perform in different arenas, because it gives children a great sense of achievement to perform and it gives many other people great enjoyment. A number of organisations sponsor and support the activities of Children's Week. I am pleased to say that the President of the Legislative Council has agreed to a request from Hon Judyth Watson and me to hold a children's debate in this Chamber next Friday evening.

Hon A.J.G. MacTiernan: Just to do something completely different!

Hon B.M. SCOTT: Yes; just for a change.

I have been involved in Children's Week for many years, and each year we have had a Western Australian poster for Children's Week. Two years ago, it was decided to have a national poster. This year, some Western Australian children from Beaumauris Primary School at Ocean Reef - Marcus Leung, Brendan Lumbers and Luke Williams - won the competition to create a national Children's Week poster. I attended the launch of that poster last week by Mrs Marlena Jeffery, the wife of the Governor of Western Australia, who is patron of Children's Week in Western Australia, and I was very proud to be associated with those young Western Australian school students whose poster was chosen to be displayed throughout Australia. That poster captured perfectly the spirit of this year's theme by portraying a child's view of children from all backgrounds working and playing together to build a world in which we can all live in harmony.

It is commendable that we have a significant organisation in this State, the Meerilinga Young Children's Foundation, which has made a commitment to promote a better life for

all of our children and to celebrate their work and achievements. I am pleased to have had a long association with that organisation. My personal contribution to Children's Week is to organise an annual lecture series directed at children and families. This year, I was fortunate to obtain the services of Paul Barron, who will address the issue of film and television for family viewing. That lecture was to be held in Fremantle next Monday night during Children's Week but Paul Barron has been called overseas so it will not be held on Monday; but it will be a Children's Week activity. He will address issues surrounding his production of the internationally recognised television series "Ship to Shore". When I asked Paul Barron what was his ethos behind his production of films for family viewing, he said, "That I can sit down with my three year old son and my father to watch anything that I produce." That is a commendable comment. I acknowledge Paul Barron's contribution to film and television in this State for child and family viewing. I have pleasure in stating that next week is Children's Week and I hope we will all be aware of the importance of our children, who are our future.

*Adjournment Debate - Strike and Blockade*

**HON A.J.G. MacTIERNAN** (East Metropolitan) [6.18 pm]: Members will recall that on Tuesday, we had a major industrial dispute in this State. Some surprisingly inconsistent information came out about that dispute. Brendan McCarthy said that it did not cost the State a cracker and was a real fizzer. At the same time, the Premier said that it cost the State \$50m. It is about time the Chamber of Commerce and Industry of Western Australia and the Government got together to sort out their economic analysis.

Hon N.F. Moore interjected.

**Hon A.J.G. MacTIERNAN**: Given Mr Rowe's unfortunate preselection experiences recently, he probably is not talking to the Premier.

Hon N.F. Moore interjected.

Hon John Halden: What did he say?

Hon Kim Chance: He said, "We do not operate like you people."

**Hon A.J.G. MacTIERNAN**: The Minister is absolutely correct. Members opposite do not operate like we do. They cannot work together. They are completely dominated by factions. We have factions - there is no doubt about that - but we do not spend the amount of time shafting each other in this House that is spent by members opposite. There is no doubt that we have factions, but we have a way of working together and a common commitment, which, unfortunately for this State, members opposite do not share. It is not just the cost of Tuesday's industrial action that must be of concern to the community. Hon Colin Barnett has flagged from time to time that there is the larger consequence that companies may be frightened away from investing in this State. We once again saw Hon Colin Barnett act in some unanimity of view with the union movement, because that same view was expressed by Bill Ethell, Wally Pritchard -

Several members interjected.

**Hon Sam Piantadosi**: Mr Tomlinson has Parkinson's disease because he has been shaking all afternoon.

**The DEPUTY PRESIDENT** (Hon Barry House): Order! I had to admonish the Minister for interjecting and Hon Sam Piantadosi is interjecting on his own side.

**Hon A.J.G. MacTIERNAN**: Hon Sam Piantadosi is not interjecting. He is merely assisting.

**Hon Sam Piantadosi**: See how we cooperate!

**Hon A.J.G. MacTIERNAN**: Exactly, and we are not even from the same group.

**Hon Kim Chance**: He is Italian!

**Hon A.J.G. MacTIERNAN**: He is Calabrian, is he not?

**Hon N.F. Moore**: You're in trouble now.

Hon A.J.G. MacTIERNAN: We are in danger of losing the thread of this debate. I draw the attention of the House to the third strand of the economic consequences of the industrial action and other unmentionable matters that led to it. The Government's industrial relations policy is undermining the very positive gains that have been made in industrial relations over the past five to six years. The theme that we have been at pains to highlight for some time is that real improvements in productivity in the workplace and real movements towards enterprise bargaining depends on there being a real culture of cooperation and a real sense of commitment and trust between employees and employers. I will share this information with the House and particularly those members opposite who would like to take this information back to the Cabinet room and the party room. I understand that the Deputy Premier has indicated today that certain unmentionable matters will be taken back to Cabinet and the party room.

Hon P.R. Lightfoot: The matters are always negotiable. The Minister said that earlier this week.

Hon A.J.G. MacTIERNAN: That is very interesting. We are very pleased to see that these matters will be renegotiated, but I will share with members opposite a letter that Mr Kierath received. It may well be that Mr Kierath does not pass on this type of letter.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: I have four minutes left, and obviously Mr Lightfoot does not have a home to go to. Mr Kierath was sent a letter by a fairly senior employer who shares very much the opinions of this side of the House on the economic consequences of the Government's industrial relations strategy. The company writes -

Dear Mr Kierath

I am writing to advise you that our workforce have withdrawn their labour for 24 hours in protest against the proposed second wave of Industrial Legislation at present before Parliament.

Our Company's Enterprise Bargaining Agreement involves a commitment to work together and encourages unity between Management and the Unions on site.

The Pilbara region has, for many years, been subject to considerable industrial disputation. This has since changed and over the previous 5 to 6 years, all parties have endeavoured to work together to improve harmony and efficiency. It is disgraceful that in this day and age your lack of foresight and understanding can lead to so much unrest and disparity.

We believe that this legislation will create more dissatisfaction and open the way for major economic inefficiencies as was the case in the past.

This is an important message for those on the other side of the House.

*Point of Order*

Hon DERRICK TOMLINSON: I request that the honourable member identify the letter from which she is quoting.

Hon A.J.G. MacTIERNAN: I am quoting from an extract from a letter. It does not reveal the name.

Hon DERRICK TOMLINSON: I ask the member, in accordance with standing orders, to identify the letter from which she is quoting. I request that be carried out.

The DEPUTY PRESIDENT (Hon Barry House): According to standing orders it is a very legitimate request, and the letter must be identified.

Hon A.J.G. MacTIERNAN: The copy of the document which has been provided to me and to which I have had access is simply addressed "Dear Mr Kierath". It does not identify the author of the letter.

Several members interjected.



Hon A.J.G. MacTIERNAN: I have raised this for the benefit of members on the other side. The member can approach Mr Kierath and ask if he has received a letter along these lines. I am confident he will find that Mr Kierath has received this letter. My concern in raising the contents of this letter was that I felt that perhaps Mr Kierath would not be making the letter widely available.

Hon P.R. Lightfoot: What sort of evidence would a lawyer call that letter? Unacceptable is what he would call it.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon DERRICK TOMLINSON: I request that the honourable member table the anonymous letter from which she is quoting.

The DEPUTY PRESIDENT: The document is to be tabled.

Hon A.J.G. MacTIERNAN: The member can check with Mr Kierath to see whether it is legitimate.

[See paper No 727.]

*Adjournment Debate - Air Charter Services, Minister for Health and Labour Relations, Indonesia Trip*

HON N.F. MOORE (Mining and Pastoral - Minister for Education) [6.26 pm]: I will quickly respond to a couple of comments made by Hon Sam Piantadosi in his tirade earlier this afternoon. He accused the Minister for Health and Labour Relations of using \$20 000 to go to a conference in Indonesia. Mr Kierath used that form of transport because he chose to remain in Western Australia to, as it were, face the music in respect of the industrial action on Tuesday. As a consequence he was unable to go on a commercial flight to an international health conference.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon Sam Piantadosi: That is not true. It was not international.

The DEPUTY PRESIDENT: Order!

Hon N.F. MOORE: International people were attending. In fact he may well have been representing Dr Lawrence at the conference because she could not go.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon N.F. MOORE: We had a situation where in order to remain here and face the rabble from the other side on their day of action he chose to travel by private jet.

Hon Sam Piantadosi: That is offensive.

Several members interjected.

The DEPUTY PRESIDENT: Order! Let us bring a bit of order into the debate.

Hon N.F. MOORE: He chose to travel by charter to Indonesia. It is a very rare occurrence; in fact, I think it is the only time that a Minister from this Government has travelled overseas by such a jet. One of the reasons why we as members of the Western Australian Parliament when we hop on to aeroplanes and walk down the aisle, go past commonwealth public servants, commonwealth members of Parliament and commonwealth Ministers on the way to our seats down the back is that people like Hon Sam Piantadosi will otherwise get up in here and try to make political mileage from it, as on this one occasion when it happened.

Hon Sam Piantadosi: I always travel economy, Mr Moore.

Hon N.F. MOORE: Maybe the member does, and maybe he is happy with that. His federal colleagues, the democratic socialists of the world who run the Federal

Government, run a VIP fleet of aircraft with two 707s. Mr Keating spent \$10m refurbishing his 707 so that he did not have to look at the journalists when he sat in his seat. Mr Hayden, the former federal Leader of the Opposition, now the Governor General, rather than take another VIP aeroplane, took a 707 full of people to Gallipoli and it cost \$750 000 more than it should have. Do members opposite know why he did that? It was because he could not get his wardrobe on the smaller aeroplane, yet members opposite talk about Graham Kierath going on one flight to an international health conference at a cost of \$20 000. The Labor Party is a mob of hypocrites.

Hon Sam Piantadosi: You're a bunch of crooks.

Hon N.F. MOORE: Whenever they are in government their snouts are in the trough so deep that it is a wonder they do not suffocate.

Hon Sam Piantadosi interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! Order! Let us proceed with a bit of order. The interjections are out of order. When I call for order it must be obeyed.

Hon N.F. MOORE: I remind members of Mr Dowding's decision in a past Labor Government in Western Australia to have a government charter aircraft, which he organised without even calling tenders. He decided that the Government needed an aeroplane. I have not disagreed with the Government having an aeroplane; I think the Government should have a jet aeroplane. However, Mr Dowding - again, a great democratic socialist; one of those who believed everybody should travel economy class - decided that the Government should have a Kingair aeroplane. Did he call tenders? No. He chose a contractor, and that Labor Government had a \$1m contract for a Kingair. Because the Government did not proclaim the financial interests of members legislation, it had a code of conduct during the election campaign that members of Parliament and Ministers, except the Premier, would not use the Kingair. What occurred? Hon Tom Stephens flew around in the Kingair during the election period, breaching all the requirements of that code of conduct.

Hon Sam Piantadosi interjected.

Hon N.F. MOORE: People like Hon Sam Piantadosi come into this House and try for a vague political purpose - the matter has already been in the newspapers, so he will not get any more coverage - to make the point that the chartering of an aeroplane by Hon Graham Kierath to attend an international conference was in some way improper.

Hon Sam Piantadosi: You can dish it out, but you can't take it.

The DEPUTY PRESIDENT: Order! Hon Sam Piantadosi has had a say in this debate. I have tried my best to make everybody sit and listen; now it is his turn to sit and listen.

Hon Sam Piantadosi: He interjected on me when I was speaking.

Hon N.F. MOORE: Hon Sam Piantadosi in the same context of that speech called all government members crooks.

Hon Sam Piantadosi: You are.

Hon N.F. MOORE: There we go again. Hon Sam Piantadosi should be the last person to call anyone a crook because that is not in his nature. He is a nice person, as I understand it. He would not call people "crooks". I understood him to be a genuine sort of person who would not use that sort of language.

Hon Sam Piantadosi: I must have good reason; you just proved my point.

Hon N.F. MOORE: I am surprised that Hon Sam Piantadosi should come in here and try to make mileage out of this issue. As members of Parliament we should have some rapport with each other about these sorts of issues. We take every opportunity to stitch up somebody on the other side for these sorts of things at a time when our federal colleagues have worked out that this is the way to get from place to place. They know it is important for Ministers and members of Parliament to travel. They have been able to resolve their differences. Instead of getting up in the House like Hon Sam Piantadosi did

and trying to score political points, they work it out so they do not have this sort of nonsense.

Hon John Halden: I will make you a proposition: When you resource the Opposition appropriately, we will talk to you. You screw us to the ground with nothing.

Hon P.R. Lightfoot: Trust me - I'm the Leader of the Opposition!

Hon Derrick Tomlinson: You're a killer!

Hon N.F. MOORE: The guffaws from Hon Derrick Tomlinson are spot on. The Opposition has heaven on earth compared with what it gave us. I can remember the days when we were in opposition and we suggested a committee system in the Legislative Council. Members opposite said no. We asked for money for the committees. I was on one committee that had no money to employ anyone for about nine months. It was Hon John Halden's leader, Hon Joe Berinson, who would not put in any money. Now Hon John Halden says we should put in money. This Government has spent more money on parliamentary and committee travel than has been spent in the history of this Parliament - and Hon John Halden sits there and whinges. I cannot believe him; he is in heaven compared with his predecessors with his resources and the funding provided to him.

Hon John Halden: What resources?

Hon N.F. MOORE: There are more people in his office than in mine, I suspect.

Hon George Cash: Mr Halden, you have an office! What more do you want? Do you have a chair?

Hon N.F. MOORE: He has a typewriter! It is unfortunate that Hon Sam Piantadosi should use this occasion tonight to denigrate one of the Ministers of the Crown who is doing his job in a proper way by attending a conference. He would normally have gone on a commercial flight. If he had not stayed in Perth during the dispute Hon Sam Piantadosi would have been the first to criticise him.

Question put and passed.

*House adjourned at 6.36 pm*

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**QUESTIONS ON NOTICE****GOVERNMENT DEPARTMENTS - TELECOMMUNICATIONS, EXPENDITURE**

107. Hon TOM STEPHENS to the Minister for Education:

- (1) What was the total telecommunications expenditure for each department or agency within the Minister's current portfolio areas for each of the following years -
  - (a) 1992-93;
  - (b) 1993-94; and
  - (c) 1994-95 (Budget estimate)?
- (2) What part of this expenditure in each of the years above was for telecommunications expenditure other than Telecom phone accounts?

Hon N.F. MOORE replied:

I am not prepared to devote the considerable resources which would be required to research and collate the information sought. If the member has a specific question I will endeavour to provide the information.

**GOVERNMENT DEPARTMENTS - CHRISTMAS CARDS, COST**

124. Hon TOM STEPHENS to the Minister for Education:

For each department or agency within the Minister's portfolio area -

- (1) What was the cost for printing, preparing and posting Christmas cards in December 1994?
- (2) How many Christmas cards were -
  - (i) printed; and
  - (ii) posted,in December 1994 at public expense?
- (3) How many Christmas cards were sent to -
  - (i) other government departments or agencies;
  - (ii) Ministers; and
  - (iii) members of Parliament?
- (4) Is a Christmas card mailing list maintained?

Hon N.F. MOORE replied:

- (1)-(3) The information is not identifiable separately within each office. Costs are contained within the overall stationery and postage budgets of each department or agency.
- (4) A number of informal lists are maintained.

**GOVERNMENT DEPARTMENTS - PROGRAMS MEETING NEEDS OF ABORIGINES**

431. Hon TOM STEPHENS to the Minister for Education:

- (1) Which departments and agencies within the Minister's portfolio areas have programs aimed at delivering services or other government activity to meet the needs and interests of Aboriginal people in Western Australia?
- (2) What funds have been allocated within the 1994-95 financial year for specific use by each of these departments or agencies within the Minister's portfolio area to deliver programs that target the needs of Aboriginal people?

Hon N.F. MOORE replied:

I am not prepared to devote the considerable resources which would be required to research and collate the information sought.

If the member has a specific question I will endeavour to provide the information.

#### GOVERNMENT DEPARTMENTS - SAVINGS

471. Hon TOM STEPHENS to the Minister for Education:

- (1) What departments and agencies within the Minister's portfolio areas have effected savings to government in areas of expenditure since February 1993?
- (2) What was the precise cash value of savings involved?
- (3) What policy change brought about these savings?

Hon N.F. MOORE replied:

I am not prepared to devote the considerable resources which would be required to research and collate the information sought. If the member has a specific question I will endeavour to provide the information.

#### STATE PRINT - FULL TIME EQUIVALENTS; REDUNDANCIES

*Coventry Group Ltd, State Print Employees Employment*

555. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Services:

- (1) How many full time equivalents did State Print have as at 31 May 1994?
- (2) How many employees of State Print were employed by the Coventry Group Ltd as at 1 February 1995?
- (3) How many former employees of State Print were provided with redundancy payments as a result of the transfer of ownership of State Print to the Coventry Group Ltd?
- (4) How many former employees of State Print were offered redundancy payments?
- (5) How many former employees of State Print have been redeployed within the public sector?

Hon MAX EVANS replied:

The following reply has been provided by the Minister for Services -

- (1) As at 31 May 1994 State Print had 175 full time equivalents. The actual number of employees was 187.
- (2) 46 employees. An additional five employees have since joined the Coventry Group Ltd.
- (3) No former employees of State Print were provided with redundancy payments as a result of the transfer of ownership to the Coventry Group Ltd.
- (4) A general severance scheme was offered to all Department of State Services registered redeployees in June 1995. Former State Print employees, except those who transferred to the Coventry group, were eligible to apply and 40 former employees accepted that offer.
- (5) As at 28 September 1995, 16 were permanently placed with other agencies, and 60 were on temporary placement. Twenty other employees had left State Print.

### MINISTERIAL PORTFOLIOS - MOTOR VEHICLES

704. Hon TOM STEPHENS to the Minister for Education:

- (1) How many vehicles are currently in use within each department or agency within the Minister's portfolio area?
- (2) What details are available about the type of vehicle fleet maintained by each department or agency within the Minister's portfolio areas?
- (3) What positions within each department and agency have vehicles provided to the position occupant?
- (4) What is the monthly cost to each department and agency within the Minister's portfolio for operating and maintaining its vehicle fleet?

Hon N.F. MOORE replied:

I am not prepared to devote the considerable resources which would be required to research and collate the information sought. If the member has a specific question I will endeavour to provide the information.

### POLICE - OFFICERS, PORTER, TREVOR AND KINGSLEY, FISHERIES OFFENCES, CASE TRANSFER

3632. Hon MARK NEVILL to the Minister for the Environment representing the Attorney General:

Further to question on notice 2096 of 10 May 1995, what cost savings could be made by transferring this case to Perth where there was -

- (a) a plea of guilty; or
- (b) a plea of not guilty?

Hon PETER FOSS replied:

- (a) The defendant requested that the case be transferred to Perth where he resided. He made the request on the basis that he would plead guilty. The Crown Solicitor's Office consented to that transfer on the basis that the costs to the Crown in sending a prosecutor to Geraldton to attend court would be avoided. Those costs would have included disbursements related to air travel, travel allowance, airport transfer and, depending on transport availability, accommodation. Those costs would have been in addition to the salary related costs of the prosecutor. By contrast, the costs to the Crown of attending court in Perth related only to the time spent by the prosecutor in attending court. While the Crown would almost certainly have had costs awarded in its favour, it is unlikely that any amount awarded would have covered its total expenditure.
- (b) As there was a plea of guilty, consideration of this issue does not properly arise. However, had there been a plea of not guilty, a determination of whether to consent to a transfer of the case would have depended on consideration of costs and convenience to the Crown. As both prosecution witnesses were then stationed in Geraldton, it is unlikely that consent would have been granted.

### PLANNING, MINISTRY OF - MYARA BROOK, KEYSBROOK, DRAWING OF WATER BY YAMBA SUBDIVISION LANDHOLDERS

3668. Hon J.A. SCOTT to the Minister for the Environment representing the Minister for Planning:

With reference to the drawing of water from Myara Brook in Keysbrook -

- (1) Does the Department of Planning and Urban Development condone the illegal drawing of water from Myara Brook by Yamba subdivision landholders?

- (2) Why has DPUD failed to prosecute Murray Shire for their non-compliance of gazetted conditions for buildings within the Yamba subdivision?
- (3) What action has the Minister's department taken to seek Murray Shire's compliance with such gazetted conditions in the future?

Hon PETER FOSS replied:

- (1) The Department of Planning and Urban Development has been replaced by the Ministry for Planning. The ministry does not condone illegal activity.
- (2) The Ministry for Planning does not have the legislative power to prosecute a local government authority.
- (3) None.

#### PORT KENNEDY DEVELOPMENT - SOIL CONSERVATION RESERVE

3680. Hon J.A. SCOTT to the Minister for the Environment representing the Minister for Planning:

With reference to the Port Kennedy development, what assurances has the Minister given to the Minister for Primary Industry that the area of the Port Kennedy soil conservation reserve would be managed once the Reserve was lifted?

Hon PETER FOSS replied:

Following approval by the Minister for Planning earlier this year to implement the Port Kennedy development project the Minister for Primary Industry has been advised that the developers' contribution of \$500 000 has been paid to the State and will be spent on the creation of the Port Kennedy scientific park. The Minister for Planning has also advised the Minister for Primary Industry that the Western Australian Planning Commission is the accountable authority for the expenditure of funds on the Port Kennedy project. The Ministry for Planning provides administrative support to the Port Kennedy Management Board and provides professional management assistance.

#### JUSTICE, MINISTRY OF - YOUNG OFFENDERS ACT

*Juveniles Referred by Children's Court Magistrates to Juvenile Justice Team*

3687. Hon CHERYL DAVENPORT to the Minister for the Environment representing the Attorney General:

- (1) Since the proclamation of the Young Offenders Act in March 1995, how many young Aboriginal and non-Aboriginal people have been referred by Children's Court Magistrates to a juvenile justice team?
- (2) What education and training programmes have been conducted for police prosecutors on this aspect of the Young Offenders Act?
- (3) If none, why not?
- (4) If so, who conducted the training?
- (5) How many training sessions were the police prosecutors required to attend?

Hon PETER FOSS replied:

(1)	Team	Aboriginal	Non-Aboriginal	Unknown
	Wangara	22	133	27
	Fremantle	28	88	
	Thornlie	55	127	18
	Midland	32	81	79
	Country	91	149	
	Total	228	578	124

(2)-(5) These questions should be referred to police.

**JUSTICE, MINISTRY OF - JUVENILE JUSTICE TEAMS**  
*Outcomes Administration*

3688. Hon CHERYL DAVENPORT to the Minister for the Environment representing the Attorney General:

- (1) Are possible outcomes prepared administratively by a juvenile justice team prior to the conduct of a family conference?
- (2) If so, why?

Hon PETER FOSS replied:

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

**EDUCATION DEPARTMENT - PART TIME PROMOTIONAL POSITIONS**

3715. Hon JOHN HALDEN to the Minister for Education:

With reference to question on notice 199 of 1995, how many part time promotional positions are being trialled in 1995?

Hon N.F. MOORE replied:

Seven part time promotional positions are being trialled in 1995.

**EDUCATION DEPARTMENT - LANGUAGES OTHER THAN ENGLISH**  
*Training Programs for Teachers*

3753. Hon JOHN HALDEN to the Minister for Education:

With reference to question on notice 319 of 1995, would the Minister outline the following details of the training programs that have commenced since 1993 -

- (1) when did these programs commence;
- (2) are all programs still ongoing; and
- (3) how much funding has there been for each of these programs for each year since their commencement?

Hon N.F. MOORE replied:

- (1) The programs commenced in May 1994 and June 1995.
- (2) Yes. All programs are still ongoing.
- (3) As the course providers are selected through a public tender process, the amount of funding varies from course to course. In general, the course fee per participant ranges from \$1 000 to \$1 800. In addition, the department funds all other associated costs; for example, travel to and from the course venue, accommodation and meals for country participants, and textbooks.

**OFFICE ACCOMMODATION - 815 HAY STREET, GOVERNMENT LEASE**

3761. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Does the State Government lease premises at 815 Hay Street, Perth?
- (2) What is the cost per year of leasing these premises?
- (3) Who currently occupies these premises?
- (4) If these premises are vacant, who were the previous occupants?
- (5) When did the previous occupants vacate these premises?
- (6) Why did the previous occupants move from these premises?
- (7) How much did the move cost?
- (8) Where did the previous occupants move to?



- (9) What is the cost of leasing these new premises?
- (10) What does the Government propose to do with the vacant premises at 815 Hay Street, Perth?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) No. The lease of accommodation occupied by state government agencies in the building was terminated on 18 August 1995.
- (2)-(3) Not applicable.
- (4) The state government agencies which occupied the building were the Department of State Services and the Western Australian Industrial Relations Commission.
- (5) Department of State Services - November 1994; Western Australian Industrial Relations Commission - July 1995.
- (6) The lease in the building had expired and it was considered that the standard of accommodation and services was below an acceptable level.
- (7) Department of State Services - \$804 000; Western Australian Industrial Relations Commission - \$2 193 000, funded by the owner within the rental structure.
- (8) Department of State Services - 441 Murray Street, Perth - existing leased premises formerly occupied by the corrective services division of the Ministry of Justice; Western Australian Industrial Relations Commission - National Mutual Centre, 111 St George's Terrace, Perth.
- (9) 441 Murray Street, Perth - \$1 193 693 per annum, including outgoings; National Mutual Centre - \$565 908 per annum, including outgoings, in first year, increasing to \$655 608 in year 2 and \$1 104 108 in year 6, with market reviews every two years thereafter.
- (10) Not applicable.

**LAND TITLES - TRANSFER OF WYNDHAM PRISON SITE TO WYNDHAM-EAST KIMBERLEY SHIRE, FEE**

3767. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) On what basis was the Shire of Wyndham-East Kimberley required to pay the State Government some \$30 000 for the transfer of title of the Wyndham Prison site to the shire?
- (2) Did the State Government receive representations from the shire seeking the waiving of this fee?
- (3) Why did the Government not accede to these representations?
- (4) Will the Government reconsider this matter with a view to waiving this \$30 000 transfer fee?
- (5) If not, why not?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) The requirement for payment by the Shire of Wyndham-East Kimberley for the Wyndham regional prison was because the shire refused the offer of a vesting of the property. The \$30 000 is the current market value of the land only.
- (2) Yes.
- (3) The shire requested freehold transfer and on that basis agreement was reached that the shire pay \$30 000 for the property.

- (4) No.
- (5) Government policy is that the transfer of assets is at market value.

#### JUSTICE, MINISTRY OF - FREEHILL, HOLLINGDALE & PAGE, PAYMENTS

3813. Hon A.J.G. MacTIERNAN to the Minister for the Environment representing the Attorney General:

- (1) How much were Freehill, Hollingdale and Page paid in the 1994-95 financial year to provide legal services to the Ministry of Justice?
- (2) How much of this payment was for advice or services relating to industrial relations matters?
- (3) Are Freehill, Hollingdale and Page currently under contract to provide further legal services to the Ministry of Justice?
- (4) If yes, what are the nature of services contracted?
- (5) What selection or tendering process were adopted in respect to the awards of the contract for services referred to in (1) and (3)?

Hon PETER FOSS replied:

- (1) \$224 269.
- (2) \$17 630.
- (3) No.
- (4) Not applicable.
- (5) In regard to industrial relations matters, the Ministry of Justice engaged Freehill, Hollingdale and Page on the basis that among other reasons, they were the largest provider of industrial relations services of this kind in the State, were familiar with the requirements of government and had extensive experience in developing and negotiating enterprise agreements. When referred to the State Supply Commission for its notification, the State Supply Commission expressed the view that given the detailed reasons for selection put forward to it, Freehill Hollingdale and Page were clearly the most suitable firm to meet the ministry's needs at the time. The services provided by Freehill, Hollingdale and Page played a significant part in developing the prison reform package which will save the State some \$8m per annum over the period 1994-98, a total of \$32m.

#### MINING INDUSTRY - KCMG, ENVIRONMENTAL DAMAGE TO TENEMENTS P26-1848, P26-1858

3886. Hon J.A. SCOTT to the Minister for Mines:

With reference to a letter dated January 10, 1994 signed by the Minister for Mines (his reference 3491) which states: I also understand the KCGM has written to you undertaking to rectify any environmental damage on your tenements P26/1848 and P26/1858 caused by their operations -

- (1) Has KCGM rectified and rehabilitated the environmental damage that was caused on the holders of P26/1848 and P26/1858?
- (2) If no, will the Minister immediately instruct KCGM to rectify and rehabilitate the environmental damage that was caused by its operations on P26/1848 and P26/1858?
- (3) If not, why not?

Hon GEORGE CASH replied:

- (1) The rectification of any environmental damage claimed by Mr Kean is a matter between himself and KCGM. I am advised by my department that

KCGM installed a cut-off trench between the tailings dam and the tenements referred to, and also installed two water reclaim bores to prevent water incursion on to those tenements.

(2)-(3) Not applicable.

## QUESTIONS WITHOUT NOTICE

### KEMERTON - PORT PROPOSAL

815. Hon TOM HELM to the Leader of the House representing the Minister for Resources Development:

- (1) Is the Minister aware that there is a proposal to construct a new port facility in Geographe Bay immediately west of the Kemerton Industrial Park?
- (2) Does the Minister support the development of a port facility at this location?
- (3) Has the Minister consulted with local members of Parliament on this proposal?
- (4) If yes to (3), which members and did these members indicate their support or otherwise for the proposal?
- (5) If no to (3), does he intend to consult with them and when?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Minister for Resources Development has advised me in the following terms:

- (1)-(5) There is no proposal to construct a new port to the west of Kemerton. A study has been completed into the feasibility and practicality of constructing such a port and this report has been referred to the infrastructure coordinating committee of the Western Australian Planning Commission for consideration and recommendation to Government.

The report identifies the needs of the Kemerton area and on receipt of the advice from the WAPC, the Government will evaluate such issues as engineering, financial environment and social impact of the port concept before further consideration is given to developing the proposal.

Copies of the study were sent to Mr John Bradshaw, MLA, member for Wellington; Hon David Smith, MLA, member for Mitchell; Mr Ian Osborne, MLA, member for Bunbury; and Hon Bill Stretch, MLC, Hon Doug Wenn, MLC, and Hon Barry House, MLC, all members for South West Region. These members will be consulted during the process of further evaluating the Kemerton port concept.

### STATESHIPS - WESTPAC VESSELS, PAYMENTS

816. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it correct that the Government has to make a payment to the Westpac bank on the buy out of the three Stateships vessels following the sale of those vessels to overseas buyers at a price less than the contractually agreed sale price?
- (2) If so, is the Government obliged to make good the shortfall between the contract price and the actual sale price?

Hon E.J. CHARLTON replied:

- (1)-(2) As I mentioned the other day, I am not totally responsible for the financial transactions which took place because of the financial component.

Therefore, if the honourable member wants the specific details, I ask him, as I did the other day -

Hon John Halden: But then you will give me the same answer.

Hon E.J. CHARLTON: No, try me.

Hon John Halden: I have tried.

Hon E.J. CHARLTON: You might be tried yet.

Hon Bob Thomas: Why does the Minister make such abusive comments?

Hon E.J. CHARLTON: I would not waste time making them about Hon Bob Thomas.

Hon John Halden: Why will you not give me an answer?

Hon E.J. CHARLTON: I will give the honourable member a couple of points of clarification. If he wants the specific details, he can put the question on notice.

Hon John Halden: To which Minister?

Hon E.J. CHARLTON: To me. Before the honourable member does that, there are a couple of things he needs to know. The Government negotiated with Westpac an arrangement by which the contract did not proceed. The contract had another five years to run. As a consequence of that, the Government was required to pay more than \$35m, depending on exchange rates, interest rates and a range of other matters under the contractual arrangements. We terminated that contract. The response to the second part of the honourable member's question is that there is no shortfall to pay because we have negotiated and entered into an agreement with Westpac and it was paid out. Off the top of my head -

Hon Sam Piantadosi: There is not much there.

Hon E.J. CHARLTON: That is right. Off the top of my head, I believe \$29m was paid and I reported that to Parliament. The terminology of the question is not consistent with what has happened. If the honourable member wants the details, he should put the question on notice.

#### WORK CAMPS - LAVERTON

817. Hon CHERYL DAVENPORT to the Minister representing the Attorney General:

- (1) How many detainees/prisoners have been released from the work camp at Laverton after completing their term of incarceration?
- (2) Have any of those released -
  - (a) re-offended;
  - (b) breached the terms under which they were released?
- (3) If yes to 2(a) or (b) -
  - (a) on what date were such persons released; and
  - (b) on what date did they re-offend or break the conditions under which they were released?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Three.
- (2) (a) There is no evidence at this stage that any have re-offended;
- (b) one.
- (3) (a) The offender breaching his conditions was released on 11 August 1995;
- (b) the offender concerned breached his conditions on 19 August 1995

for non-compliance with the conditions of his supervised released order.

**WORK CAMPS - LAVERTON**

818. Hon CHERYL DAVENPORT to the Minister representing the Attorney General:

- (1) Is it true that a detainee in the Laverton work camp stabbed another detainee recently?
- (2) If so, how serious was the injury?
- (3) When did the incident occur?
- (4) What steps have been taken to ensure that a similar incident does not occur in the future?
- (5) Has the Attorney called for a report on the incident?
- (6) If so, will the Minister table the report on its completion?
- (7) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

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

**CONTAMINATED SITES - McCABE STREET, MOSMAN PARK**  
*Hydrogen Cyanide Gas Reports*

819. Hon J.A. COWDELL to the Minister for the Environment:

I refer to claims by the Chief Executive of the Department of Environmental Protection in this week's *Mosman Park-Cottesloe Post* that toxic hydrogen cyanide gas will not be formed at the old CSBP site being developed for housing in McCabe Street, Mosman Park. Is the Minister aware of a report by Halpern Glick Maunsell, consultants to the project developers LandCorp and Octennial PL, warning of a potential hazard from lethal hydrogen cyanide and toxic hydrogen sulphide gas at the site?

Hon PETER FOSS replied:

I thank the member for some notice of this question. If the honourable member is referring to contract documents prepared by Halpern Glick and Maunsell in relation to work force protection, those documents point to the limited potential under certain chemical conditions - strongly qualified by the word "potential" - for toxic gases including the possibility of hydrogen cyanide and hydrogen sulphide to be produced from the slurry dump. On advice from the Western Australian Chemistry Centre in relation to the alkaline nature of the storage cell as opposed to the site itself, Dr Jenkins, in his article in the *Mosman Park-Cottesloe Post*, referred to the fact that circumstances leading to the production of hydrogen cyanide were "most unlikely". If that gas were produced, it would be at a minute scale and pose no health risks. Halpern Glick and Maunsell correctly provided precautionary advice to contractors working on the clean-up program.

**SCHOOLS - WARWICK PRIMARY**  
*Fire, Demolition of Buildings Contract*

820. Hon A.J.G. MacTIERNAN to the Minister for Education:

- (1) What was the cost of the recent demolition of burnt buildings at Warwick Primary School?
- (2) Who was the contractor awarded the demolition contract?
- (3) Was the contract put out to tender?

(4) If yes to (3), who were the tenderers and what were their respective tender prices?

(5) If no to (3), why not?

Hon N.F. MOORE replied:

(1) An amount of \$195 170.

(2) Brookes Maintenance Service.

(3) No.

(4) Not applicable.

(5) The work was organised by the Western Australian Building Management Authority, which has a list of approved registered contractors. As the building damage involved asbestos products, the choice of firms available to undertake the work was limited to the five that had experience in this area. On the day of the fire, Brookes Maintenance was the third firm contacted and the first able to respond immediately to the work request.

**FINES - NON-PAYMENT OF, WARRANTS OF IMPRISONMENT;  
WARRANTS TO SEIZE GOODS**

821. Hon TOM HELM to the Minister representing the Minister for Works:

(1) How many writs have been issued for non-payment of fines since 1 January 1995?

(2) In this period how many people have been gaoled for non-confirmation of those writs?

(3) How many writs are being prepared for the following regions -

(a) south west;

(b) north west;

(c) the wheatbelt;

(d) Kalgoorlie?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Up to 19 October 1995 no warrants of imprisonment had been issued, and 3 367 warrants to seize goods had been issued.

(2) Nil.

(3) (a) Up to 19 October 1995, 179 warrants to seize goods had been issued;

(b) up to 19 October 1995, 412 warrants to seize goods had been issued; and

(c)-(d) up to 19 October 1995, 275 warrants to seize goods had been issued.

**EDUCATION DEPARTMENT - TEACHERS INDUSTRIAL DISPUTE**  
*Federal Industrial Relations Commission Order*

822. Hon I.D. MacLEAN to the Minister for Education:

Has the federal Industrial Relations Commission issued an order relating to the teachers' dispute? If so, what is the effect of that order?

Hon N.F. MOORE replied:

The federal Industrial Relations Commission has today made an order on the teachers' dispute. The effect of the order from Justice Munro is essentially that the dispute is finished - or should be finished. The federal commission has

effectively ordered that the Government pay all teachers in Western Australia a 5 per cent pay rise as of last Monday, with the exception of those teachers who accepted the Government's 15 per cent offer which expired yesterday evening at 5 o'clock. The State School Teachers Union of WA is required to lift its bans and not engage in industrial action. The Government is required to withdraw its move to deregister the union; to withdraw its decision to seek an end to the union dues issue; to not proceed under regulation 25(a); and to withdraw any action under section 7(c) and (d) of the Education Act on industrial relations issues.

The order allows for a number of trade-offs to apply; that is, staff meetings will be held out of school hours and professional development will be undertaken out of school hours. The other issues contained in the Government's offer - the 7.5 per cent and 7.5 per cent offer - can be undertaken provided the agreement procedures that were in place as a result of the 1991 memorandum of agreement are applied. Effectively the industrial commission has made an interim order which applies until 30 November. On that date the federal commission proposes to make a decision about a federal award for teachers in Western Australia. If that decision is made on 30 November, one assumes that beyond that date the Australian Education Union and the Education Department will negotiate a federal award. That could take any amount of time - experience indicates six to 12 months - for an award to be finalised. In the meantime teachers who have chosen to accept the offer of 15 per cent will receive it in two instalments: The first instalment of 7.5 per cent backdated to 1 September and the second instalment of 7.5 per cent on 1 January 1997.

An interesting side effect of this matter is that the State School Teachers Union virtually does not exist any longer in a technical sense because the teachers in Western Australia by virtue of this order are members of the Australia Education Union. I wonder what that means for the employment of staff who work for the State School Teachers Union. Although I understand that the office bearers are identical, it may be that the office staff are not.

Hon A.J.G. MacTiernan interjected.

Hon N.F. MOORE: The State School Teachers Union has no jurisdiction -

Hon A.J.G. MacTiernan: It is still an order.

The PRESIDENT: Order! This is question time. It is not a time to give points of view on debatable matters.

**GRIFFIN VENTURER - BHP PETROLEUM PTY LTD**  
*Tank Operations Incident Inquiry, Visscher Report*

823. Hon J.A. SCOTT to the Minister for Mines:

I refer the Minister to my question without notice 780 of 17 October.

- (1) Has the Western Australian Department of Minerals and Energy been asked recently by the Federal Government to respond to claims by the second mate on board the *Griffin Venturer*, Mr Visscher, at the time of the incident that certain technical information relating to the potential for an explosion on board the vessel had not been adequately addressed in the original state-federal report?
- (2) If yes, will the Minister table that additional report, given the level of public interest and concern in this potentially disastrous incident?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not at this time. The report is being considered by the commonwealth Minister for resources.

## EDUCATION DEPARTMENT - SCHOOL SECURITY

824. Hon JOHN HALDEN to the Minister for Education:

Is the Minister now able to answer the question I asked on Tuesday of this week regarding the increased security at schools? If so, will the Minister provide the answer? For the Minister's assistance the question states -

On 29 September, the Education Department issued a press release stating that the Education Department had stepped up security procedures to keep crime to a minimum for the two weeks of the school holidays. Further to the same press release, it was claimed that, "in spite of a major investment in electronic alarm systems, the number of reported crimes at schools this year increased 23 per cent with a monthly average of 432."

- (1) What were those increased security measures?
- (2) Will the Minister confirm that security operators in the Education Department are/were aware of no new procedures over the two week holiday period?
- (3) Will the Minister confirm that, with the significant increase in crime at schools, there has been no increase in personnel resources to help combat the ever increasing crime rate?
- (4) Is it just a matter of time before millions of dollars worth of damage to schools occurs because the department is not addressing the issue appropriately?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The increased procedures consisted of the introduction of daytime patrols during the vacation and calling on the public through a wide advertising campaign to be more vigilant during this period by reporting all suspicious activity around school sites to education security or the police.
- (2) The security contractor employed by the Education Department was issued with a copy of the press release regarding increased security procedures on Friday, 29 September, and advised the staff accordingly. Contract personnel were also involved in a television segment produced by Channel Nine for the "Crime Stoppers" program. This segment was filmed on Friday, 29 September. Its object was to increase public awareness. This segment received praise from security personnel.
- (3) The Education Department increases personnel resources during school vacation periods and appoints an additional staff member to the control room on weekends and public holidays. This increase occurs from October to March.
- (4) The Education Department has an ongoing commitment to install electronic security in schools. The installation of these systems has proved most successful in the early detection of crime. The Education Department also has an ongoing commitment to involve the community in the School Watch program, and is trialling new security lighting.

## POLICE - CASE BJJ, CHILD WITNESS ALLEGATIONS

825. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

- (1) Were allegations made by a child witness in the case BJJ that
  - (a) she had been subjected to sexual assault; and
  - (b) she witnessed the death of a baby as part of a satanic ritual?
- (2) Have those allegations been investigated?



- (3) When were those allegations first made?
- (4) Have investigations been completed?
- (5) How long have the investigations taken?
- (6) Were any police officers the subject of that investigation?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

My inquiries indicate that the question relates to a current operational inquiry, and it is therefore deemed inappropriate to comment on those matters at this time.

**DIRECTOR OF PUBLIC PROSECUTIONS - CHAPMAN, DEREK,  
PRISONER, ALLEGED ASSAULT BY PRISON OFFICERS, REPORT**

826. Hon MARK NEVILL to the Minister representing the Attorney General:

When does the Attorney General expect to table the report by the Director of Public Prosecutions, Mr J. McKechnie, into the alleged assault by 10 prison officers on prisoner Derek Chapman?

Hon PETER FOSS replied:

On 28 September 1995, in a ministerial statement, the Attorney General advised the Legislative Assembly of the Government's intention to table the report. In that statement it was pointed out that where adverse findings might be made against individuals relevant extracts had been provided to them to give them an opportunity to respond prior to the report's being finalised and tabled. That process was agreed in the interest of natural justice and it is still in progress.

**POLICE - NANGA CLUB, MEMBERS**

827. Hon I.D. MacLEAN to the Leader of the House representing the Minister for Police:

Did the following police officers belong to the elite police social club named the Nanga club run by the now deputy commissioner, Mr Les Ayton -

- (1) Detective Kim Gage?
- (2) Detective Senior Sergeant Ian Brandis?
- (3) Sergeant Peter Donovan?
- (4) Detective Brian Griffiths?

Hon A.J.G. MacTiernan: Who is playing politics in the Police Department now?

The PRESIDENT: Order!

Hon GEORGE CASH replied:

There is not, nor has there ever been a police social club known as the Nanga club. Family outings and weekends have been held, commencing about 20 years ago, at places such as Nanga Bush Camp, Guilderton Caravan Park and Mandurah. The weekends and outings have been arranged by various people over the years. In the mid 1970s to the early 1980s, some of the outings were arranged by now deputy commissioner Ayton. As far as can be recalled, the named officers have not attended any of the family outings or weekends.

**QUESTIONS - OUTSTANDING**

828. Hon MARK NEVILL to the Leader of the House:

Will the Leader of the House ensure that Ministers who represent Ministers in the other House get those Ministers to answer some of the questions that have been on notice for a long time? I have more than 100 questions on notice dating back to March - that is seven months ago. The main offenders are the Minister for Police, whom the Leader of the House represents in this House, and, to a lesser

extent, the Attorney General and the Minister for Fisheries. What action will the Leader of the House take to ensure that Ministers in another place do not treat the House with contempt by delaying or avoiding answering questions in this House?

Hon GEORGE CASH replied:

I do not presume to know why Ministers in another place have not provided answers to those questions. However, while Hon Mark Nevill was asking his question, I quickly calculated how many of his questions are outstanding. He is right; the number is considerable.

Hon Mark Nevill: With the questions that I have asked today, the number is about 130.

Hon GEORGE CASH: The honourable member has asked what action I will take. On Monday, I will raise the matter in Cabinet in respect of Ministers whom I do not represent. Tomorrow morning, I will contact those whom I represent, and ask them to produce answers as a matter of urgency.

**PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF -  
THATCHER, COLIN, NOMINATED FOR CEO POSITION**

829. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:  
Was Mr Colin Thatcher one of the persons nominated by the Commissioner of Public Sector Standards to the Minister for Public Sector Management for the chief executive officer position with the Department of Productivity and Labour Relations?

Hon GEORGE CASH replied:

Yes.

**LAND - LOTS 35 AND 48 BRIXTON STREET, KENWICK  
*Government Purchase; Conservation***

830. Hon J.A. COWDELL to the Leader of the House:  
I refer to the recent acquisition by LandCorp and Homeswest of lots 35 and 48 Brixton Street, Kenwick, land covered by System 6 interim protected area notices, and ask -

- (1) Will the Government intervene to preserve those very important conservation areas?
- (2) If not, why not?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1)-(2) Lot 48 has been purchased by the Western Australian Planning Commission and a major portion of the land has been set aside for conservation. The balance of the land, which includes lot 35, was the subject of a consultative environmental review by the Environmental Protection Authority and has been granted conditional approval to proceed with development.

**WATER AUTHORITY - SEWERAGE INFILL PROGRAM  
*Complaints Inquiry; Committee Chaired by George Strickland***

831. Hon SAM PLANTADOSI to the Minister for Water Resources:

Earlier this year the Minister set up a committee chaired by Mr George Strickland, the member for Scarborough, to investigate numerous complaints that had resulted from bad workmanship by private contractors on the infill sewerage program.

- (1) Has Mr Strickland finalised his report to the Minister?
- (2) If so, will the Minister table Mr Strickland's report?

(3) If not, why not?

Hon PETER FOSS replied:

There are a couple of misunderstandings in that question. The number of complaints is remarkably small in comparison with the huge amount of work in the wide area in which it is being carried out. My concern was that complaints were perhaps not responded to in the period in which they should have been. The idea of Mr George Strickland being involved was to have an independent -

Hon Sam Piantadosi: Independent!

Hon PETER FOSS: If the honourable member thinks that Mr Strickland is a tame cat who will do as I bid -

Several members interjected.

Hon PETER FOSS: As the honourable member will know from my colleagues' laughter -

Hon Sam Piantadosi: They are laughing at the Minister.

Hon PETER FOSS: No, they are not. There is no greater act of putting one's life in the hands of another than asking Mr George Strickland to be the chairman of a committee to examine critically the behaviour of one of my agencies. Mr Strickland has clearly and publicly stated his views. We had a process for the handling of complaints, and there was a rapid escalation if they were not dealt with in a certain time. Mr Strickland and two other people were the ultimate arbiters of whether a complaint had been appropriately dealt with. Mr Strickland's role is not to investigate and report but to be a watchdog so that if, within a certain period, a complaint has not been resolved, it darn well will be resolved. I assure the honourable member that that is the intent.

It is intended to be a practical way of having an independent look at what the Water Authority is doing and making sure that there is a very critical look at the way in which it handles matters. I have been pleased at the improvement in handling complaints by the Water Authority. I still believe that it can go further. Everyone should always work on the basis that one can do better. I certainly intend that the authority will do better. It is certainly not intended that Mr Strickland produce a report, although he has the right to advise whether changes should be made.

#### WATER AUTHORITY - MAINLINE CONTRACTING

832. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) Can the Minister confirm that at a meeting of the Water Authority of Western Australia and the Mainline Contracting team it was discovered that -
  - (a) Mainline Contracting had not kept photographic records up to date;
  - (b) Mainline Contracting had not ensured that adequate photographs were taken before work started on projects;
  - (c) this action failed to give protection to householders for any damage caused to their respective properties; and
  - (d) the above action could cost householders thousands of dollars in damaged property?
- (2) What structure has, or will, the Minister put in place to compensate householders for claims to WAWA for damage?
- (3) Will the contractors be liable for all, or part, of the damage caused to householders?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) (a) Incorrect. Mainline had taken photographs but the presentation was not in compliance with contract requirements.
- (b) Incorrect. Mainline had taken adequate photos in accordance with the contract requirements.
- (c) Incorrect. Properties are reinstated to the satisfaction of the householder prior to contract completion.
- (d) Incorrect. Householdors will not incur costs.
- (2) Contract documentation includes arrangements for satisfactorily dealing with householders' claims for damage.
- (3) Yes, for that part of the damage caused by the contractors' activities.

**WATER AUTHORITY - MAINLINE CONTRACTING**

833. Hon SAM PIANTADOSI to the Minister for Water Resources:

- (1) Can the Minister confirm that the Mainline Contracting team at its job in the Balga area -
  - (a) has failed to provide adequate safety on its worksites;
  - (b) has been issued with two infringement notices over safety issues;
  - (c) and that the Mainline management has openly stated that if it were to comply fully with safety regulations, it would not win any tenders;
  - (d) is behind schedule in completing the job; and
  - (e) has failed the necessary quality tests and has been requested to bring it all up to date immediately?
- (2) Has Mainline overrun the tendered price for this particular job?
- (3) What is the estimated new completion date for this job?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) (a) No. Mainline has provided adequate safety, as required under the contract, on its Balga work sites.
- (b) Mainline was issued with two infringement notices -
  - (i) men were not wearing hard hats;
  - (ii) pipe was stacked too high.
- (c) No, it did not say it would not comply.
- (d) Yes. This is being dealt with in accordance with the provisions of the contract.
- (e) Tests are continually carried out to measure whether required standards have been reached. When the required standard has not been achieved, further effort is required in accordance with the contract requirements.
- (2) No, it is a schedule of rates contract.
- (3) Contract date for practical completion is 20 October 1995.

**PARLIAMENT HOUSE - STAFF**

834. Hon SAM PIANTADOSI to the Leader of the House representing the Premier:

- (1) How much will be spent on the landscaping proposal for Harvest Terrace

and Parliament House, as part of the Government's overall plan for improving the Kings Park area?

- (2) What measures does the Premier propose to take to alleviate the working conditions of staff at Parliament House?
- (3) When will the Premier provide proper accommodation for the Hansard staff who are currently working in dog boxes in occupied corridor space?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. My inquiries indicate -

- (1) Parliament House grounds have not been considered in the concept plans for either Kings Park or the western gateway concept plans. The closure of Harvest Terrace has been included in the western gateway concept plan. Before closure of Harvest Terrace can be contemplated, public comments must be assessed and agreement will be required from the Joint House Committee. Should agreement be reached, detailed plans will be required prior to costing.
  - (2)-(3) These questions should be directed to the President of the Legislative Council.
-