WESTERN AUSTRALIA

# Parliamentary Debates

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Wednesday, 14 October 1998

# Legislative Assembly

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

## BUSES

*Petition*

Mr McGowan presented the following petition bearing the signatures of 129 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, are extremely concerned about the current condition of the buses serving the Rockingham bus route. On a number of occasions in recent weeks these buses have been late which has caused considerable inconvenience to commuters. Additionally the condition of these buses is now very poor with a number of them being leaky and a number of repairs being required to be undertaken. We respectfully request that you take some action to rectify this situation and ensure that our public transport system is one of high class and high quality.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 60.]

## INCREASED POLICE PRESENCE IN WILLAGEE

*Petition*

Mr Carpenter presented the following petition bearing the signatures of 36 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned do respectfully request the Police Minister ensures an increased and improved police presence in the suburb of Willagee to help combat the unacceptably high level of crime in this area.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 61.]

## INCREASED POLICE PRESENCE IN ROCKINGHAM

*Petition*

Mr McGowan presented the following petition bearing the signatures of 20 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, request that the Minister for Police take urgent action to base more Police Officers in the Rockingham area to recognise Rockingham's enormous growth and to combat crime.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 62.]

## HEDLAND COLLEGE ANNUAL REPORT

*Statement by Speaker*

**THE SPEAKER** (Mr Strickland): I have received a request from the Minister for Employment and Training to amend the annual report for Hedland College for 1997, which was tabled in the House on 11 August 1998. The report contained errors in the financial statements, which deviated from the statements audited and certified by the Office of the Auditor General. Accordingly, under the provisions of Standing Order No 233, I advise the House that I have authorised the necessary corrections to be made.

## SHOOTING AT WELSHPOOL

*Statement by Minister for Police*

**MR PRINCE** (Albany - Minister for Police) [11.07 am]: It is with regret and some anger that I advise the House that this morning at approximately 10 o'clock, in a light industrial area in Welshpool, a shooting occurred as a result of which one person is dead and another injured. The vehicle that is said to have been used as part of this crime is registered in the name of the spouse of a member of an outlaw motorcycle gang. It seems probable, but at this stage I do not have information to confirm this, that it is some form of retaliation for the activities and shooting that occurred yesterday. I bring this matter to the attention of the House, and I advise the House and the people of Western Australia of the action the police have been taking in this area in the past month or so.

On 20 July this year the Police Service commenced a task force to deal with what was then seen to be an escalating feud between rival outlaw motorcycle gangs, known as the Club Deroes and the Coffin Cheaters. The primary objective of the task force at that time was to obtain evidence to identify and charge the people responsible for offences committed as part of the feud. The investigations of that task force are continuing. In the very early stages of the feud the Police Service attempted to negotiate with the two feuding gangs to bring an end to their feud. That attempt was unsuccessful, and since that time the Police Service has run both covert and overt operations and surveillance. As a result, as at 23 September a total of 44 search warrants had been executed resulting in the seizure of 50 unlicensed firearms, comprising seven pistols, 12 shotguns, 29 rifles and two machine guns; approximately 16 000 rounds of assorted ammunition; 10 sticks of magnum power gel explosives; 23 detonators; 21 other assorted weapons, including one replica machine gun, three batons, six swords, three knives and eight baseball bats; and assorted drugs comprising more than 1 000 grams of cannabis, 21 ecstasy tablets, 124 grams of amphetamines and six LSD trips.

Those seizures have resulted in 28 people being charged with a total of 57 offences. A statewide operation is being carried out of overt surveillance of the meetings of those gang members and their activities. The police have enlisted the assistance of the National Crime Authority. The NCA has a national operation under the reference name of Panzer which has been ongoing for some time. The police are also researching - and I will back them in their endeavours - the seizure of firearms that are legitimately held under firearm licences from those who are known to be members of or associated with outlaw motorcycle gangs. I assure the House and the public of Western Australia that the Government and the police will do everything they can to bring the culprits to book and to stop this escalating feud.

## VISITORS TO PARLIAMENT HOUSE

*Statement by the Speaker*

**THE SPEAKER** (Mr Strickland): I take the opportunity to acknowledge in the Speaker's gallery from Akashi city in the Hyogo Prefecture - Hyogo Prefecture being our sister State - a delegation under the leadership of Mr Yuji Miyagawa which is here to examine aged care facilities and programs in this State. I invite members to welcome the delegation.

[Applause.]

## BILLS - INTRODUCTION AND FIRST READING

1. Titles Validation Amendment Bill.

2. Native Title (State Provisions) Bill.

3. Acts Amendment (Land Administration, Mining and Petroleum) Bill.

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

4. Parks and Reserves Amendment Bill.

5. Western Australian Land Authority Amendment Bill.

Bills introduced, on motions by Mr Shave (Minister for Lands), and read a first time.

## GOVERNMENT FINANCIAL RESPONSIBILITY BILL

*Third Reading*

**MR BARNETT** (Cottesloe - Leader of the House) [11.15 am]: I move -

That the Bill be now read a third time.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [11.16 am]: On behalf of the Opposition, I indicate my

disappointment that the Government could not see fit to support some amendments that we moved to this legislation. This legislation does not have the full force of the law; indeed, the Government of the day will not be fully accountable for its failure to carry out the provisions of this proposed law. That tells us a lot about the Government's real intentions in promoting this legislation. We tried to put extra teeth into the legislation, by way of amendments, to increase the Government's responsibilities to report to the House about its performance. There is much in this legislation about the Government providing information about future projections and its financial strategy; however, there is not much in it about the responsibility of the Government to assess its actual performance as against the targets that it sets. Therefore, we moved a series of amendments that would have required the Government to report against its previously laid down financial targets; would have required the Government to release monthly financial statements, as has been the case in previous years; and would also have required the Government to include figures from the previous two years in its budget papers. However, the Government took the view that it could not support those amendments.

The Opposition also argued that this Bill has a definition of what should be the financial principles that guide the Government when it sets its tax and expenditure policies. Our view is that those principles are far too narrow; they should take into account the impact of the policies on the welfare and economic prosperity of ordinary Western Australians. We pointed out that in the budget debate last year, it was revealed when the Government's taxing policies were being considered that the Cabinet did not take into account the impact of those taxing changes on ordinary households, in particular the impact on low income households, in Western Australia. The fact that the Government did not do that at the time led us to believe that when this Parliament is laying down the principles that should apply, that should be included in the principles that guide it. Again, the Government saw fit not to support those amendments.

We also believe that when it comes to pre-election periods and the requirement of the different political parties to have their policies costed, this legislation is biased in favour of the Government of the day. Indeed, the Government of the day can use its public sector to cost a range of its policies throughout its time in office, but when an election is declared, the Opposition must go to the Government to see whether it will allow its policies to be costed by Treasury. The Opposition believes that the Under Treasurer -

Mr Barnett: I cannot understand why an Opposition would ask a Treasury to cost its policies.

Dr GALLOP: We may not; we will put forward policies which are costed -

Mr Barnett: That is what I would do.

Dr GALLOP: - and which have some legitimacy in the debate. However, Treasury has some special skills and information that many people in the community do not have; that is why it has a special role in respect of costings. Why not set up a system that is fair to both sides? The Opposition tried to achieve that but the Government did not support the relevant amendments.

We are left with a Bill that is biased towards the Government in pre-election situations, which does not say enough about the Government's performance but which focuses on targets and projections and which has too narrow a definition of the financial principles that should guide the Government of the day.

The Opposition is disappointed that its amendments were not passed. It will now go to the Greens and Democrats in the Legislative Council and outline the issues raised in this place -

Mr House: Are you suggesting that they would also like their policies costed by Treasury and should be included?

Dr GALLOP: They are some of the issues that -

Mr House: They are opposition parties in the Parliament.

Dr GALLOP: In fact, the legislation deals with the Opposition.

Mr House: I wonder whether they would like their promises costed. It would be an interesting exercise.

Dr GALLOP: We are debating three issues: The costing of election promises, the proper assessment of the Government's performance, and the principles that are to guide it. We will discuss those issues in an effort to get the Greens and the Democrats to support the changes that the Opposition tried to have passed in this place.

The Government should understand that the fact that it ignored the amendments in this House will probably not be the end of the matter and that the Opposition will move amendments in the House of Review. More will be said about this issue before its final passage through the Parliament.

Question put and passed.

Bill read a third time and transmitted to the Council.

## PETROLEUM SAFETY BILL

*Second Reading*

Resumed from 30 April.

**MR GRILL** (Eyre) [11.25 am]: The Opposition supports this legislation. That is not necessarily to say that members on this side are complacent or even happy with occupational health and safety in the mining and petroleum industries in this State; we are not and we will strive for continuing improvement in this arena. Much concern has been expressed about the high level of fatalities in the mining sector in the past two or three years. That concern is shared by the Government and it is making an effort to ensure that that level decreases.

In supporting this legislation, the Opposition would not like anyone to believe that it is complacent about the health and safety of workers. Nor does it believe this is a perfect piece of legislation. However, it is a good effort to consolidate the law on this subject, and for that reason the Opposition supports it. It is presumed that over the months and the years, improvements and amendments will be made to the legislation.

Legislation governing the health and safety of workers in the petroleum industry, both on and offshore, is very fragmented. There is a dichotomy between the Commonwealth and the State and different regimes apply depending on whether the activity is on or offshore and whether it is in state, territorial or commonwealth waters. The Acts covering this area are many and varied, including the commonwealth Petroleum (Submerged Lands) Act; the Commonwealth Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Act; the WA Petroleum (Submerged Lands) Act; the WA Petroleum Act; the WA Petroleum Pipelines Act; the WA Schedule of Specific Requirements as to Offshore Petroleum Exploration and Production 1995; the WA Schedule of Onshore Petroleum Exploration and Production Requirements 1991; and the WA Schedule of General Requirements for Occupational Health and Safety 1993. Those pieces of legislation and the regulations apply to a varying extent to health and safety in the petroleum industry in Western Australia.

This legislation, in each of its constituent parts, is not new. In fact, its major thrust - the case management regime - has been applied in offshore waters in Western Australia since about 1991. It endeavours to consolidate a range of elements in occupational health and safety and to ensure that it has jurisdiction over a wide area.

The Western Australian petroleum industry's health and safety record has not been bad and in some respects we have been lucky. However, accidents have happened. Probably the most recent and extensively publicised was the major explosion on the *Griffin Venture* some months ago. The problem has been remedied, but the cause of the explosion in one of the turbines on the ship has not been determined - there is some argument about the defect. That explosion had the potential to be disastrous. In the final analysis it was not, but it had that potential. One can imagine a turbine exploding on a ship that is taking on petroleum gas and liquid petroleum from well below the seabed, storing it onboard, treating it and then pumping it to offshore facilities.

Mr Barnett: Which incident was that?

Mr GRILL: The *Griffin Venture* incident.

The minister is well aware of the potential for significant loss of life. That did not occur and the problem on board the *Griffin Venture* was contained. However, it cost Broken Hill Proprietary Co Ltd a significant sum of money to remedy the situation. There might be some information with which I am not completely up to date. Perhaps the minister will correct me if I am wrong. My understanding is that the full cause of the incident has not been determined. The Opposition believes that in this arena the operators, the Government, the regulators, the unions and all of the parties concerned should be vigilant. That means also that the Opposition should be vigilant in this area. We should keep the Government on its toes. We have endeavoured to do that. Constant work should be done in this arena to ensure that safety standards and practices are improved and that the safety and health of workers is of high priority. That means that the matter is dealt with at the highest level within government and the companies that operate in these offshore and onshore fields.

In his second reading speech the minister referred to a new safety regime. That new safety regime is to be applied onshore and offshore in Western Australia. I have already mentioned that regime. It is the safety case regime or the safety case management system. It is called by different names. It has been applied from about 1991 to most offshore operations. As has been mentioned, this legislation endeavours to consolidate the law in this arena and to spread the jurisdiction so that it applies onshore and offshore and to commonwealth, state and territorial waters. We are informed in the minister's second reading speech, and I think it is correct, that the legislation conforms with the Mines Safety and Inspection Act.

There has been an endeavour to bring about some consistency in approach and procedure between the operation of occupational safety legislation as it applies to the petroleum industry and as it applies to the mining industry. That is a sensible and rational thing to do. There is one distinction however; that is, the Mines Safety and Inspection Act, which applies to mining onshore as distinct from petroleum, does not formally adopt the safety case management system or the safety case regime. That does not mean that the safety case regime does not apply in the mining sector. I believe that in

certain sectors of the mining industry it does apply and that the Department of Minerals and Energy has made an effort to implement the safety case regime in the mining industry.

Members have spoken about the safety case regime. To understand it fully we need to go back a little in history. We need to go back to the *Piper Alpha* explosion that took place in the North Sea some years ago. I cannot remember the exact year. That explosion was a terrible disaster and a major conflagration. Something like 160 men were aboard that petroleum platform. Every one of them was killed.

Mr Barnett: It took place in 1987. I agree with you that it was a defining issue for the industry. Tragic as it was, to the credit of the industry it took it on board and changed its approach.

Mr GRILL: As the minister has indicated, as a result of that terrible disaster in the North Sea, a new approach was adopted and a new look taken at safety on board platforms, ships and other facilities operating onshore and offshore - mainly offshore initially and later onshore - relating to the extraction and processing of petroleum products.

The approach that applied prior to *Piper Alpha* was called the prescriptive approach, whereby certain standards were prescribed and then an inspectorate went round and inspected the facilities to ensure that the standards had been met. That system came under a lot of questioning as a result of the *Piper Alpha* conflagration. The committees of inquiry that looked into that disaster in the United Kingdom and here determined that a different approach was required. Out of those investigations arose the safety case regime that was adopted and put in place.

I am informed that the safety case regime instead of embracing a prescriptive approach to safety now embraces an objective-based regulatory system. As I understand it, the elements of that are these: Firstly, it stipulates standards to be achieved by operators; and secondly, a form of co-regulation operates between the Government's regulators on the one hand and the operators of petroleum leases or licences on the other hand. It is a joint cooperative approach to regulation. It was developed in Australia at least by a consultative committee on safety in the offshore petroleum industry after the *Piper Alpha* disaster. Essentially the safety case regime requires the licence holder to identify major safety hazards and devise management systems which eliminate or reduce those risks. That sounds pretty straightforward and logical but that approach had not been adopted prior to the *Piper Alpha* disaster. Prior to the *Piper Alpha* disaster there was very much a prescriptive approach with inspectors ensuring that standards were met. Now the industry has a system which is embodied in this legislation and which embraces the concept of identifying the hazard and then moving to eliminate it as far as it can possibly be eliminated.

Mr Barnett: Although the system is philosophically sound, for want of a better word, the scale and sophistication of the companies involved means that it works well in this industry. There tends not to be small operators without the necessary skills, as one might find in the mining industry for example. So although the risks are greater because of the nature of the industry, there are corporate and management resources to do the job properly.

Mr GRILL: I agree. The approach is expressed in a necessarily simplistic form on the television advertisements featuring Glen Jakovich which say that one must spot the hazard and then come up with a solution. It places responsibility on everyone to be alert and vigilant for hazards. In that sense it is a straightforward and commonsense approach. It was not seen as being all that straightforward and commonsense until the *PiperAlpha* disaster. As the Minister said, it may not be applicable in all instances. I have no doubt that we will continue to refine and improve these approaches to occupational health and safety.

Over the past decade, worker health and safety statistics in the mining and petroleum industry within Western Australia have improved dramatically. That has been often forgotten when we have expressed our concern about the level of fatalities in the mining industry, particularly in the past few years. Any objective view of those statistics will infer that we are on the right track. However, I have some doubt whether we are reaching our goal as soon as we might and whether all the elements are in place to ensure that occurs.

The Opposition was assured by the minister in his second reading speech and by the officers the minister kindly made available to brief us, that all the relevant parties have been thoroughly canvassed on this legislation. The minister said in his second reading speech that five drafts of this legislation were prepared. I presume that is because very intensive consultation occurred over the drafting period. Our inquiries confirm that fact, about which we are very pleased.

I understand that the committee to which I referred a while ago, that was responsible for the safety case management regime adoption and implementation in Australia, was a tripartite committee that included the operating companies and the work force through the respective unions. The Opposition believes that is the way to go and that everyone, right down to the individual, has a responsibility to improve occupational health and safety.

A minute ago I expressed some concerns about the general approach to worker health and safety in Western Australia generally, despite the fact that statistics indicate that the frequency of major accidents is much reduced from those of 10 or 20 years ago. As I said earlier, the graphs on this subject show a clear downward trend, the anomaly being the number of fatalities in recent years.

If we read anything on this subject it is obvious that the issue relates to one word - culture; that is, the safety culture imbued within an organisation that operates a mine, a petroleum platform or some other facility in the sector. Safety culture has not always been in place in the mining industry in Western Australia. Although I do not have first-hand knowledge of this, I suspect it has not always been in place in the petroleum sector, notwithstanding that the risks in the petroleum sector have been much higher and, by and large, Western Australia has adopted reasonably good standards based on American models.

In my experience a culture of safety in mines has not existed in Western Australia in all instances. Some companies are better than others. I lived in Broken Hill until I was 10 where the Zinc Corporation, which was the forerunner to CRA, which was the forerunner to Rio Tinto Exploration Pty Ltd, in a sense had a health and safety regime in place which was 50 years before its time. It was built around the concept of engendering the right culture from the top of the organisation to the bottom. I can remember as a kid seeing propaganda in the form of handouts, leaflets and newsletters brought home from the company by my father. They dwelt on health and safety and were easily understandable because they were in cartoon form. Even if one were not literate one could understand the company's aim of engendering the right safety culture in that industry. The Zinc Corporation was an enlightened company in those days and had enlightened management attitudes in not just health and safety but also other areas.

A few years ago some of my colleagues and I had lunch with the board of CRA, as it was then. The English branch of Rio Tinto had a director on the CRA board, who was in Perth from London for a board meeting. Following the board meeting the board members had lunch with some members of Parliament. I remember the director from England saying that even though CRA had a good safety record, safety standards in Australia were not good enough. He said that Rio Tinto had a far better record, even in third world countries, than CRA in Australia. They were talking mainly about deep mining at that stage but also about some open cut mines. That stuck in my mind. Since then, I have sought opinions from a range of commentators and directors of big companies that operate overseas, some of which are Australian companies that have done well in Australia and gone overseas. By and large their comments to me have reflected the truth of what the Rio Tinto director told me at that luncheon.

They have also commented that because Australian workers were better educated they thought they knew the job better and how to take shortcuts and they did so, which, in many instances, were dangerous. They operated in an atmosphere in which the taking of shortcuts to increase productivity and production was allowable on the basis that they were good miners and knew what they were doing. Looking back at the statistics, they might have been good miners and more productive than their overseas counterparts, but by our standards today, their safety record was appalling.

What concerns me about the industry is the prevalence of working extremely long hours. Our fathers and our grandfathers fought in this country for good working conditions with a fair amount of leisure.

Mr Thomas interjected.

Mr GRILL: All of us have come to accept that our grandfathers were probably right on that issue. The 8, 8, 8 system of eight hours' work, eight hours' leisure and eight hours' sleep is not a bad regime, with adequate time off for leisure on weekends, etc. However, we have adopted globalisation and as a result the hours of work that now apply in the mining industry are horrendous. In Kambalda, for instance, the average weekly hours of work are 56. I am not talking about the odd worker working 56 hours a week; I am talking about most workers working 56 hours a week. A year or two ago the Minister and I agreed across this Chamber that airleg miners should not be subject to such usurious hours of work, mainly because of the heavy nature of that work. As a result of that agreement across the Chamber, airleg miners have been exempted from that extreme level of working hours.

At the time I commended the Minister for being prepared to listen to the argument on that subject. Airleg miners still work only seven and a half to eight hours a day; nonetheless, there is pressure on them to work longer. For a long time we thought that Kalgoorlie Consolidated Gold Mines Pty Ltd in Kalgoorlie would retain the eight-hour shift. With problems at Mt Charlotte, even in Kalgoorlie, we are not exempt from the longer hours; and KCGM is now seeking a regime of longer working hours. Why do that? We should examine this issue fairly closely. It is being done because mining companies are now embracing a worldwide culture. They are now embracing globalisation and deregulation; they are now competing against miners and other workers in other countries who do not have trade unions or any legislative standards governing hours of work, and they are pushed very hard indeed. Therefore, to keep pace, we have to reduce our standards of work to a lowest common denominator. That is not to say that all of these things are foisted on the workers; they are not. In many instances workers vote with their feet and adopt these standards because they are paid extra money to work longer hours. However, that has not led to improved safety. It has not led to a better standard of living. In many instances it has led to an impoverished standard of living. In many instances men live separately from their wives, families and extended families, or in those situations where they live close to their families, they hardly see them because they are either at work or they are too tired recovering from work.

Mr Barnett: In this industry, which is essentially fly in, fly out and working offshore, there is another dimension to that, which is to be on the rig or platform for a period of days and then to have extended periods of leisure.

Mr GRILL: That is true. My brother worked on these rigs back in the 1960s, and he accepted that fact. Workers must accept the fact that they will work for extended periods on a rig, and then they will have extended leisure hours. However, what is happening now - the minister should be aware of this - is that people are working much longer hours and not getting the rest and leisure periods. A 56-hour week for a person doing heavy work underground is a huge week.

Mr Barnett: Most business people I talk to socially tell me they have never worked harder in their lives than they have during the nineties.

Mr GRILL: Yes, I believe that.

Mr Barnett: These people are in the 40s and 50s age group.

Mr GRILL: Some concession was made in *The West Australian* last week, strangely enough, that parliamentarians work hard. I found it fairly hard to believe that it would be printed in *The West Australian*, but it was.

Mr Barnett: I do not think it will be printed.

Mr GRILL: It was printed in *The West Australian*.

Mr Barnett: It is true.

Mr GRILL: It might have been in the *Sunday Times*. It was in one of the newspapers.

The minister raised the subject of fly in, fly out. I am not an advocate of fly in, fly out. It must apply to offshore rigs, and it must apply to some remote facilities. However, I do not believe by and large it must apply or should apply generally to the mining industry. It is not good for the workers or the country, and I would like to see it prevented.

Mr Barnett: The Government is starting to make some progress on having a proportion of work forces regionally based, working out of Kalgoorlie, Geraldton, Karratha, or wherever it might be. When the Opposition was in government, it tried to do the same thing. That is not a bad compromise.

Mr GRILL: One great impediment to changing the system is that the fringe benefits tax applies to accommodation supplied by petroleum companies and mining companies in remoter areas.

Mr Barnett: It does not apply under the new Howard package.

Mr GRILL: I was coming to that. I like to be even-handed about these things. Although my party opposes the goods and services tax, we have to admit that the GST proposed by the Howard Government would remove that tax. If that happens, I will be clapping with one hand, because the fringe benefits tax is a major impediment as it applies to remote area housing. If that can be removed, one of the major impediments to rejuvenating country towns and communities, by having people live in the country, will be removed.

Mr Barnett: I will also be even-handed. The challenge will then be to change the culture back, away from fly in, fly out, particularly from the workers' point of view.

Mr GRILL: I will give a little vignette on that. Leinster, which is in my electorate, is a nickel mining town. It is underground, deep mining. The town is divided. It is operated by WMC Resources Ltd, and it is still a closed town. When WMC first set up Leinster, it provided a lot of accommodation for married people with families. A beautiful little town was built. A normal 40 or 38.5-hour week was in operation, and people lived on site. Later, WMC adopted a mentality whereby it wanted its work force flying in and flying out on 12-hour shifts, and it moved to 12-hour shifts. To accommodate that, the company had to provide a range of single persons' accommodation. Therefore, the town was divided. On the one hand, there was the family accommodation in which families still lived in a pleasant atmosphere and environment. On the other hand, there were brand new, shiny mess and accommodation facilities for single people. In WMC's push to bring about a completely fly in, fly out situation, it had a plebescite of the people who lived in the town. It was an interesting plebescite, because WMC thought that people would opt overwhelmingly for fly in, fly out. However, the families who lived in the family accommodation opted, almost to a person, to retain what they had, which was to live on site. It was a different matter with the young people who lived in the single persons' accommodation. The young people wanted to get back to Perth on the weekends or for a week or so and see the bright lights. One can understand that. However, the families, almost to a person, opted to live on site. That divided situation at Leinster still exists. I hope it continues, because it is probably the best of all worlds for the people involved. However, to make many of these sites exclusively fly in, fly out is a great impoverishment of the quality of life of people involved in the mining industry.

This next point is slightly esoteric. I have spoken about globalisation and the necessity for miners in petroleum companies and mining companies throughout Australia to compete with overseas companies which have lower pay rates and lower working standards than we have here. However, there is a growing realisation across the world that globalisation must be brought under some check. Even President Clinton appreciates that fact. President Clinton, the Prime Minister of the United Kingdom and a number of the leaders of European countries are finally coming to the conclusion that there should be some

control over international finance. These subjects are interrelated. Even the great George Soros, that great hedge fund entrepreneur, now fully understands that capitalism is in the process of going wild, and if it is not brought under some control, major world economic catastrophes will occur. Many commentators, including Mr Alan Greenspan from the Reserve Bank in the United States, are foreshadowing a major depression if the world economy and world finances are not controlled.

Those things can be said about the world financial system. The same things can be said about worker health and safety. We need not come down to the same lowest common denominator when dealing with finance, worker health and safety, or the conditions under which men and women work in the petroleum industry and the mining industry. This push for longer working hours is all brought about because of globalisation and greater competition within this arena. The price of resource commodities over the past 30 years has shown a downward trend, and the trend seems to be continuing. That is not a good thing for Western Australia. Mining companies are terribly concerned with cost cutting, doing things more efficiently and employing fewer people.

Mr Barnett: A counteraction will be rising standards, particularly in safety, in some developing nations where so-called social metal or metal produced under less than ideal standards will progressively become a thing of the past.

Mr GRILL: That is true; however, it might be that we must wait a long time for that, and there should be some international controls on these matters. I have spoken to a number of people in the mining industry about shift work. The industry now favours 12-hour shifts. These people tell me that four shifts a day provides better productivity than two shifts a day. The problem with four shifts a day is that twice as many people must be employed and that means twice the amount of on-costs or overheads. Those costs are the killer. If we could bring costs down - not all are related to workers compensation - there would be a move back to shorter shifts. If there is a move back to shorter shifts, it will almost certainly bring about a much healthier environment in the mining industry generally. That is another area in which we must be particularly vigilant.

Mr Barnett: People are working longer hours, but maybe having shorter careers; they are retiring earlier or choosing to work harder and leaving earlier.

Mr GRILL: It is becoming very much a young man's game. I have had the opportunity to view these young men in this industry very closely over the years. For a long time I judged the seven or eight rock drilling competitions that were held in the eastern goldfields every year. They do not run at the moment, but they ran for 15 years or a couple of decades. The cream of the mining community would turn up to the competitions. Big money was paid to the winners. Over the years I have seen those people who participated in these competitions get old very quickly. They were gun miners and could earn up to $200 000 per annum, but they got old very quickly. A lot of those young men whom I marvelled at 15 or 20 years ago - they had beautiful bodies and striking, radiant health - are now crippled, arthritic and not very happy looking specimens of humankind at all. They made big money and in some cases they have held on to it, but in most cases they have not. In most instances they no longer have good health. If we simply turn the mining and petroleum industries into a young man's game, sure, young men will go into them and will earn big money for a time, but then they will be discarded and will not have much of a future in front of them. It is not a good system altogether.

I indicated that I would make a few general comments about worker health and safety. We must look at the basic underlying problems affecting worker health and safety. These long hours and fly in, fly out operations do not contribute to worker health and safety. They are partially the problem with the rash of fatalities in the mining industry in this State. Men just get too tired, make mistakes and do silly things. If we bring back a system of people living on site, working fewer hours and having some time available for recreation, we will see a better social life and a better sporting life in those communities. Many of the old sporting clubs have gone by the board. We will see a better population as a result. We support this legislation. It is a step in the right direction and we hope to see further improvements as time goes on.

**MR THOMAS** (Cockburn) [12.06 pm]: I am very pleased to have the opportunity to endorse the comments of the member for Eyre, the opposition spokesman on resources development, who has indicated that the Opposition will support the legislation. I will make a few supportive comments and observations. The member decried the impact of globalisation in the sense that it puts pressure on people to work longer hours. Although that might increase efficiency and make production more internationally competitive, it is incidentally lowering the quality of people's lives. They have fewer recreational hours available to them and those hours that are available cannot be enjoyed to the extent they otherwise might because these people are very tired.

He also made the observation that because of globalisation the safety standards had improved in the petroleum industry. It is a national industry, more so than hard rock mining. In fact, it is an international industry. The major participants comprise multinational companies. People in this industry can be working from month to month in different countries. I have a friend whom I have known since we were children, who works on the rigs. About the only time I see him is when we are on an aeroplane when he is usually returning from some corner of the world where he has been working. That is quite often the case in that industry.

In my experience globalisation has meant that higher standards have been sought in the petroleum industry than I am aware

of in other industries. I am familiar with the operation of the Shell organisation which had a big impact on the industry in Western Australia. Its technology was used in the development of the North West Shelf. That company played a major role in providing the intellectual property for the development of the North West Shelf, and that involved safety standards. That was brought home to me in a conversation with the national manager of Shell Australia Limited. He told me that under the rules of that organisation, if there was a fatality anywhere in that organisation, he was recalled to The Hague to explain to the international managers what had happened, why it happened and what was being done to prevent it recurring. That company rule applied throughout the whole organisation. If a Shell tanker driver was killed in a traffic accident in this country, the national manager of Shell Australia would be recalled to The Hague to explain what had happened and what would be done to prevent it recurring. There is a much more rigorous culture of safety within the petroleum industry than I had experienced previously - my prior experience was in the construction industry, rather than the mining industry.

The importance of safety in the petroleum industry has been reinforced this week more than any other week in the recent history of Australia by the accident which occurred at the Longford plant in Victoria. I am not quite sure from reading the second reading speech and the Bill whether plants of that nature - for example, the natural gas processing plants on Burrup Peninsula - will be covered by the legislation, but I presume they will. The reference in the Bill to petroleum sites and operations sources back to two pieces of legislation, one being the Petroleum Pipelines Act. Therefore, any work that is undertaken on a structure that falls within the scope of that legislation falls within the scope of this legislation. The minister's second reading speech was ambiguous in respect of natural gas processing plants. Does the legislation cover those processing plants?

Mr Barnett: I will endeavour to deal with that matter when I respond.

Mr THOMAS: On my reading of the Bill rather than the minister's second reading speech, I believe that it does cover them, because the sites are referred back to certain pieces of legislation, one of which is the Petroleum Pipelines Act. If, for example, it did not cover natural gas processing plants on the Burrup, it would cover pipelines leading into and out of it but not the pipelines themselves. I would be surprised if that were the case. For the purpose of the discussion, I assume that it covers them, because, dramatically, we saw in the past three or four weeks how important safety is in those plants not only to the people who might be affected by accidents but also to the communities that depend on the plants.

I was pleased yesterday when, in his short ministerial statement, the minister said that the State Government was undertaking reviews to ensure that Western Australia would not be vulnerable to the type of disruption that occurred in Victoria should such an accident occur here. He commented that the structure of the gas industry in Western Australia in any event would suggest that we are not as vulnerable. I am very pleased that it appears that we are not as vulnerable and that the Government is considering the matter. Of course, the primary step which must be taken to ensure that we are not subject to such disruption as occurred in Victoria over the past month is to make sure that accidents do not occur in the first place. Although the main focus has been the disruption that occurred to the economy and to the way of life of people in Victoria, we must remember that, prior to that, an accident occurred in which two workers were killed. The most tragic aspect is that, although people lost work and experienced discomfort, people actually lost their lives. If safety procedures are sufficient to ensure that such accidents do not occur, not only will lives be saved but disruption to the economy and society will not occur.

I now refer to the diminished role of trade unions under the legislation. The definitions clause refers to trade unions, and they are defined by reference to the commonwealth and state legislation under which unions are incorporated. There is a provision for representation on the Petroleum Safety Advisory Board of persons who represent employee groups or organisations of people who work in the petroleum industry in the State, but it does not refer to trade unions. Perhaps the minister will comment on that matter. Is it envisaged that the Government will appoint union representatives to the Petroleum Safety Advisory Board?

Nobody is more concerned to promote employee safety than are workers' elected representatives. As a trade union official, I was a forceful advocate of workers' safety in the construction industry, as were my colleagues, and I am proud of my record in that matter. It would be a good move for the Government, in its relations with the unions and in encouraging the proper functioning of the legislation, to appoint to the Petroleum Safety Advisory Board elected trade union representatives of workers in the industry. That is why my question arises. There is a reference to trade unions, which are defined as organisations incorporated under commonwealth and state legislation. However, the Bill does not mention union representatives being on the board. Rather, it refers to organisations of employees. It seems to be a rather odd piece of drafting to use that phrase in that context, whereas there is a specific reference in the definitions.

I presume that the definitions clause refers to trade unions because clause 60(2) states -

> A trade union must not in any way treat a person less favourably than it otherwise would have done because of the manner in which the person performs or has performed a function as a safety and health representative or a member of a safety and health committee.

That is a bizarre provision. Again, I would be pleased if the minister would explain exactly what that means. A prior provision says that an employer or a prospective employer is not allowed to discriminate against a person because of

something that he did as a member of a health and safety committee or as a health and safety representative, but the Bill then says that nor should a union do so. No-one should discriminate against a person for something that he might or might not have done as a health and safety representative. It is odd that the only reference to a trade union that I can find in the legislation is one that imposes a $5 000 penalty on a union for doing something which it certainly should not do. However, I would have thought that it was hardly necessary to provide for that because it is bizarre to think of circumstances in which a trade union would want to do that. Even so, it is in the Bill.

We find that the organisations that are elected to represent workers' industrial interests - that includes workers' safety interests - are organisations whose existence is envisaged in the definitions clause. But the only reference to them in the legislation is one which imposes a penalty of $5 000 for discriminating against someone, yet where there is provision for representation on the Petroleum Safety Advisory Board, which will be a peak body setting safety standards in the industry, there is general terminology relating to organisations of employees. Why not say "trade unions"? I do not need to name individuals, but members would know of half a dozen or so well-known individuals in this State who have a genuine and long-standing concern with safety in such industries. I am sure that they would make an excellent contribution to the board. I trust that they are the sort of people that the minister hopes to appoint to the board. They have served on similar boards for many years.

Why does the Bill not refer to trade unions, which are constituted under the commonwealth and state legislation to represent employees' interests? I hope the minister will clarify the use of that term rather than trade unions, given the specific reference to trade unions in the interpretation clause. I hope the Minister will be able to allay my concern and indicate his intention to appoint people from mainstream organisations which represent workers in the industry.

**MR BARNETT** (Cottesloe - Minister for Resources Development) [12.21 pm]: I thank the members for Eyre and Cockburn for their support for the legislation. It is important that as parliamentarians we demonstrate bipartisan support for safety in the industry and provide a sense of continuity. As the member for Eyre said, the Bill consolidates a number of pieces of legislation, regulations and current practices into place by way of direction. Bringing these elements together in consolidated and modernised legislation is appropriate. The safety case approach applied in this State from July 1992 is sound. It takes responsibility, and identifies and works through problems to minimise their occurrence through management issues. The industry learnt lessons the hard way through the North Sea *Piper Alpha* disaster. To the credit of the industry, it acted to change legislation and practices in the petroleum industry worldwide. I was wrong in an earlier reference to *Piper Alpha*: I am told that the disaster occurred on 6 July 1988, with 226 people onboard, of whom 167 people were killed. Safety case legislation emerged from the ensuing Cullen inquiry.

I agree with the member for Eyre that the industry has a good record. It is dangerous by its very nature. The Longford incident in Victoria a few weeks ago reminds us that accidents occur, with the potential for significant loss of life and economic loss. The industry is acutely aware of not only safety, but also the disruption to the economic viability of a project through discontinuity of production. Safety is essential.

The member for Cockburn raised the application of legislation to various sites. I am advised that the North West Shelf gas plant at the Burrup peninsular is not covered by petroleum legislation and, therefore, does not come under this Bill. It is identified as a hazardous site and is covered by the Explosives and Dangerous Goods Act. WorkSafe Western Australia has an involvement with that site. However, Griffin gas, Tubridgi and Beelaring Springs are all covered by this legislation.

Some interesting and legitimate comments were made about shift lengths. From time to time, concerns are expressed about increased use of contractors. Indeed, a number of fatalities in the mining industry have been associated with contractors, but we should not jump to conclusions about such a relationship. Given some of the recent tragedies, principal mining companies are aware that they are responsible whether these accidents involve their employees or contractors. Subsequently, they are tightening up attitudes to these matters. I thank members for their support for the measure which has strong industry support following an intensive consultative process. It is good legislation and deserves parliamentary support.

Question put and passed.

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

## ADDRESS-IN-REPLY

*Motion, as Amended*

Resumed from 20 August.

**MR BRADSHAW** (Murray-Wellington - Parliamentary Secretary) [12.27 pm]: I do not have my notes with me and must speak from memory. However, I raise concerns regarding several issues around my electorate, such as that involving the Harvey Agricultural Senior High School and its tertiary entrance examination subjects. That school is 45 kilometres from Bunbury, and has a low number of students undertaking TEE subjects. It has approximately 17 students each in years 11 and 12. Therefore, it is hard to program subjects which will suit everyone in a viable fashion. The school has indicated that

it might be better for its students to attend Bunbury schools. I can see the merits and the down side of that proposition. People who wish to go to Harvey may have second thoughts about doing so if their children must undertake their TEE in Bunbury. These people may decide not to live in Harvey, and the father may travel to Harvey to work. I have worked with the school and parents to retain the TEE subjects at Harvey Agricultural Senior High School.

Also, we are trying to increase student numbers through the development of more subdivisions in the area to provide more opportunities. Currently, we are investigating moving the agricultural college to Wokalup so the college land can be offered for private sale in a subdivision. It is prime land with beautiful views over the new dam and out to the coast. It will certainly attract people to Harvey, where there is a shortage of land. A feasibility study is being conducted on the agricultural college land to see whether it is viable to move it down to Wokalup, where the research station is underutilised. It is planned to close down much of the Wokalup research station, although it will still conduct irrigation research.

If Harvey Agricultural College were moved to that site, it would benefit the college, for a number of reasons. Firstly, the college could take a greater number of students, because a lot more land would be available. Secondly, the college could build up commercial herds of dairy cattle and flocks of sheep, and also herds of beef cattle. The advisory board of the agricultural college believes that would benefit the college, because if the college had only token herds of dairy cattle, the students would not experience the problems that might arise in real life farming. Therefore, it is important that the college be moved to the Wokalup research station. The Minister for Education and the Minister for Primary Industry have given tacit support for that proposal, and the report that is being produced will play a role in the decision that is made, because it involves a lot of dollars. I had hoped that the sale of the land would compensate for the cost of the transfer, but I have noted that there will be a major shortfall, and obviously the Government will need to come to the party by providing the additional funding that will be required.

Another major issue in my electorate is the effect of the national competition policy on the dairy, egg and potato industries. To my knowledge, there are no egg producers in my electorate. However, for a number of years, many of the milk and potato producers have been feeling very uncertain about the future of their industry, because they know that the legislation with regard to regulated industries is under review. In the past, the dairy industry has performed a great service by providing a reliable source of milk for 365 days of the year. The reason that the quota system was introduced was to ensure a continuous supply of milk throughout the year, because at certain times of the year when feedstocks are in short supply and the weather conditions are not right, the production of milk drops off. In the old days, many dairy farmers milked their cows for only nine months of the year and let them dry off for the remaining three months, which led to ups and downs in the supply of milk. The review of the regulated milk industry is putting many people under great pressure. The good thing about having a regulated industry is that people know from month to month how much milk they need to produce and how much money they will be able to bank.

I fear that if the industry were deregulated, the return to those dairy farmers would be reduced, because the dairy companies would take advantage of deregulation to lower the price that they paid to the milk producers. That would cause some of those dairy farmers to sell out to their neighbours and to disappear from the scene and try to find jobs in the city. That would not only put pressure on the city but also lower the amount of money that was spent in country areas. We all know that we need people and money to make country areas viable.

Deregulation of the milk industry would make no difference to our milk exports, because non-quota milk, or the milk that is used to manufacture cheese, yoghurt and flavoured milk, is already deregulated. People can produce as much of that milk as they like, and the dairy companies can pay the producers what they feel is reasonable, or what they feel they can get away with. However, it is important to retain the quota system in order to provide a continuous return to those dairy farmers. In recent years, the people who have been in the dairy industry for some time have invested fairly heavily in buying more land or in buying quotas, both of which are relatively expensive, in order to ensure their viability in the dairy industry, and it would be catastrophic for those people if the industry were deregulated overnight.

A few days ago I spoke to a young fellow who believes he has a bright future in the dairy industry. However, he has incurred a huge debt in order to buy his land and his milk quota, and he is concerned that if the industry were deregulated, the price of milk might drop to below a certain point, which would mean that he would be history financially because he would not be able to meet his financial commitments. Deregulation would affect not only the dairy, egg and potato industries, but also the taxi industry. It would affect a broad area. It is important to reach finality with regard to deregulation so that people know where they stand and can get on with their lives.

Another farmer told me a couple of weeks ago that his son and his wife own a block of land which forms part of their dairy farm. His son's wife now wants to leave the area, and he does not know whether they should sell the land to someone else or he should fork out the money to buy that land, because he does not know where his future lies with regard to the quota system. Many people in the south west are in this position of uncertainty, and it is important that the Government publish the results of the review as soon as possible so that they will know what will happen to the industry.

Another area of concern in my electorate is Clover Meats at Waroona. The workers at that abattoir have been stood down or been given notice because of the non-viability of that abattoir. It is rather sad that these people, some of whom have

worked in that abattoir for many years since they left school, are now without a job. It puts the management of Clover Meats in a bad light because this fight with the unions was brought on at the peak of the season when the maximum number of cattle come on stream and when abattoirs make most of their money as they have a lot of cattle to process. The low times of the season are in March and April, or at the end of summer, when not much feed is available and the cattle are not in the right condition to be processed. One of the reasons that that abattoir is in trouble is that the management did not do the right thing. It is a bit sad that we have now reached the stage where 180 workers have been put off and no longer have a job. I hope that the unions will come to the party. It is not just a matter of the management not being as good as it should be, but that some of the wages that have been earned by the workers have been rather excessive, from the accounts that I have heard. Therefore, there must be a bit of give and take on both sides. I had hoped that the matter would be resolved by now, but I have not heard anything this week about whether it has been resolved. The impact of this situation on Waroona is enormous. Waroona is a relatively small town, and to take 180 workers out of the economy of that town creates a huge problem for the viability of the businesses in that town, not to mention the unhappiness that it generates for the people who live in the town. It is important that the economy of that town is cranked up again. I hope that some resolution will be achieved. A few weeks ago when I first became aware of this matter, I spoke to the Managing Director of Clover Meats and also to the office of the Minister for Regional Development. The company and the unions said at that stage that they did not want the Government to be involved in the negotiations. I guess it should be up to the company and the unions to reach a resolution and the Government should not be involved, but it is difficult to sit on the sidelines and see a business go down the drain under those circumstances.

The Waroona Show was held last Saturday. It was a great show, probably one of the best the town has had for a long time. The situation at the abattoir did not appear to have dampened the enthusiasm of the people of the town, who turned up in their usual numbers. There appeared to be quite a bit of happiness and strength among the people of the town. We all live in hope that that town will come good.

**MR McGOWAN** (Rockingham) [12.39 pm]: I take the opportunity presented by the Address-in-Reply debate to comment on not only local issues in my electorate, but also the recent federal election. It is surprising once the federal election is over how quickly it recedes from people's minds and is relegated a lower stance in general debate in the community than perhaps it deserves.

I formally congratulate the re-elected federal member for Brand, Hon Kim Beazley. Mr Beazley's office is across the road from mine, and over the past four or five years he has provided an immense amount of support and guidance to me in a range of areas, as well as encouragement in my political career. I owe him a great deal. I formally congratulate him on his victory in Brand and his near victory in the federal election.

Mr Osborne: We love beating you guys in an election; it is like playing the pommies in cricket. You love losing and we love winning.

Mr McGOWAN: It is strange that the member for Bunbury would interject, because based on the federal election results he should be careful.

In Brand Mr Beazley secured a swing of 12 per cent on a two-party preferred basis, and more than 52 per cent of the primary vote. He increased his 387-vote margin in the last federal election, which was a close result.

Mr Bloffwitch: You are not looking too good in the northern suburbs.

Mr McGOWAN: I do not need to worry about the member for Geraldton.

Mr Beazley nearly doubled the primary vote of the Liberal candidate. Even more gratifying, he managed to handsomely defeat the One Nation candidate. That bloke achieved a high national media profile, though not a high local media profile. He seemed to hold the view that coverage in the national and international news was more important than that in the local media. That did not do him a great deal of good. One Nation achieved 11 per cent of the vote in the federal electorate of Brand. No-one denies that is still a high vote. It was four times the vote of the Australian Democrats and of the Greens (WA). One Nation polled a large number of votes. However, considering the expected result, the vacillation of the Liberal Party over the allocation of preferences, and the almost tacit encouragement - certainly in the past few years - of One Nation by the Prime Minister, it was a very good result for Mr Beazley.

In total, Mr Beazley won 32 of the 35 booths in Brand, which was a big turnaround on the result in the previous election. He received good results over the whole electorate. One booth recorded an 18 per cent swing to Mr Beazley, and most booths recorded between an 8 and 14 per cent swing to him. It was most gratifying. Most people, including members of the Government, will acknowledge Mr Beazley is a proud and decent Western Australian who has achieved a lot for this State. He offers a great deal to the Mandurah, Rockingham and Kwinana area, and his strong result in this election will put him in good stead for the next election, which will be held within the next two to three years.

I saw Kim Beazley the day after the federal election, and he was not taking anything for granted. He recognised that he had done well in Brand - as he had all over the country - but he also acknowledged there was no such thing as a safe seat these

days. The public has given notice, regardless of whether one is Labor, Liberal or One Nation, that politicians must earn their political support.

In addition to campaigning in the eastern States, Mr Beazley visited the electorate of Brand many times. He was in the electorate during the week following the election at which he achieved 62 per cent of the vote. He was determined not to take our area for granted. I am gratified about that, because historically people on both sides of politics have regarded certain seats as their fiefdoms.

Mr Barnett: Do you think he will move house to live in Brand?

Mr McGOWAN: Mr Beazley maintains a residence in Brand which, obviously, the Leader of the House did not know. I will fill the Leader of the House in on a lot of things today, and that is one thing that he has learned. Like all federal members, Mr Beazley maintains a number of residences.

Mr Barnett: I know some Labor members who, during the 1980s, had a number of residences.

Mr McGOWAN: Naturally, Mr Beazley maintains a residence in Canberra, and one in his electorate. I think he also has a residence in Sydney. If the Leader of the House had taken up the Canberra option, I am sure he would have been a federal member now and would know that.

The Brand electorate requires powerful representation, and that is what Mr Beazley offers. An extremely high rate of housing development is occurring in the Mandurah, Rockingham and Kwinana areas, which places strains on public facilities. The area needs a political representative with the clout to deliver what it needs. I am sure that within the next two to three years Mr Beazley will have even more clout.

I will also concentrate on some extremely important local issues which came out during the federal election campaign. I do not think Kim Beazley achieved a 12 per cent swing based entirely on federal issues, as some particularly important local issues contributed to his result. The first issue is the downgrading of the Rockingham-Kwinana District Hospital. That hospital was constructed in 1974 as a major regional hospital; it was one of the biggest hospitals in the State. However, what was a state of the art and a modern facility in 1974 is now a lot older. What is more, the population in that area over that time has more than tripled. In 1974 the hospital serviced an area with one-third of its current population. The area has now three times the population, and a high level of hospital and medical assistance is required.

With the new Peel Health Campus, the Government is robbing Peter to pay Paul. The State Government has downgraded the Rockingham-Kwinana District Hospital. It is a move that has resonated badly throughout the local community. I made a comment on this issue by way of an interjection on the new Minister for Health, but he did not seem to understand what had taken place. A public meeting was called by the Rockingham City Council during the federal election campaign. It was attended by four opposition spokespersons, yet not one government spokesperson found the time to come along. The federal opposition spokesperson for Health, the state opposition spokesperson for Health and the two local state members were present, but not one member of the Government attended the meeting. It was a very poor performance that no government member made the time to attend that meeting, and it was a poor reflection on the Government that it treated the people with such contempt.

The Rockingham-Kwinana District Hospital has lost five major areas of medical activity and surgery. Gastroenterology, urology, orthopaedics, general surgery and plastic surgery have been taken from that hospital. That hospital services a population of 100 000 people. Most of those services have been relocated to the Peel Health Campus in Mandurah. Members opposite may find that funny and they may laugh about it, but it is not a laughing matter for the 100 000 people living in the second fastest growing area in the State to lose services from their local hospital.

Mr Osborne: We are not laughing at that. Who took them away?

Mr McGOWAN: The Minister for Health. The previous Minister for Health did it, and the new Minister for Health did not seem to understand that it had taken place. It is a matter of great concern to take away those five areas, and particularly general surgery, which covers all major surgery that cannot be otherwise categorised, which was previously carried out by specialists at the Rockingham-Kwinana District Hospital. It does not do the electorate any favours. Also, it is difficult to attract specialists to service hospitals in outer suburban areas. I acknowledge that the same applies to regional areas. Most specialist doctors live close to the Perth central business district, with a heavy preponderance in the western suburbs of Perth. They are reluctant to leave the major teaching hospitals in the centre of Perth. For some reason, people who live in the heart of the city seem to think these areas on the outskirts are a million miles away, but they are not. However, it is easier to attract them to Rockingham than to Mandurah. I do not deny the need for an improved service in Mandurah but the upgrade of services in that corridor should have followed the pattern set by the New South Wales Government in the 1970s and 1980s; that is, the services should be located where the people live. The area with a population of 100 000 should have received the bulk of the services. That would also have assisted in attracting specialists to the area. This Government has caused a great deal of fear, acrimony and heartache in the Rockingham and Kwinana communities, and it has transferred the services to a hybrid private hospital in Peel which services fewer people than does the Rockingham-Kwinana District Hospital. The local people and I regard that as an insult.

Mr Johnson: We had more than 200 000 people in the City of Wanneroo and we did not have the facilities you are requesting.

Mr McGOWAN: I am not debating the services in the City of Wanneroo, but I think it has very good services.

Mr Johnson: It does now but it did not when it had a population of 200 000.

Mr Marshall: Looking at the regional numbers as opposed to those for the metropolitan area, those people are just as close to the Fremantle Hospital, which they have always used in the past in a crisis, as they are to the Mandurah health facility. They can now go to Mandurah if they wish. It is a little selfish to say that the services should not be provided in Mandurah.

Mr McGOWAN: I am not suggesting that the services should not be provided in Mandurah. The member misheard me, and I know he has misquoted me in the local newspaper. The member for Dawesville can misquote me all he likes; no-one listens. The Rockingham-Kwinana area has a population of 100 000 people, and the services should be provided where the people live. I do not deny that the City of Mandurah needs improved services but those services should not be taken from a major population centre and placed in a smaller population centre. That does not make sense. A decent hospital should be established in Mandurah, but not on the back of the people of Rockingham and Kwinana.

I now refer to other local issues which had an impact in the recent federal election campaign. One issue relates to the Koolyanobbing Iron Pty Ltd export facility at Rockingham Beach, which has caused a great deal of anguish and heartache to people living in that area. I congratulate the Government on its recent announcement that it will conduct a proper environmental assessment of this project at the highest level.

Mr Barnett: Why do you object? I would prefer it to continue to go through the port of Esperance, but I am interested to know why you object to this.

Mr McGOWAN: I would also prefer it to continue to go through the port of Esperance. I directed a grievance to the minister against the original proposal because it was not subject to a formal environmental assessment. When the iron ore was transported through Esperance, the highest level of environmental assessment was carried out for a project that is a quarter of the size of the proposed project at Rockingham.

Mr Barnett: What is your concern?

Mr McGOWAN: That is the first concern. Does the minister think it is important?

Mr Barnett: I am interested in the substance of what you are worried about.

Mr McGOWAN: Another concern is its proximity to and potential impact on the quality of life of people living no more than 600 metres from it. That issue was not addressed. A public meeting was held and, again, no-one from the Government attended to explain the issue.

Mr Barnett: Kwinana is an industrial area, so what impact are you talking about?

Mr McGOWAN: You can call it an industrial area, but the proposed development is right next to people's homes. The minister does not have such a development in his electorate.

Mr Barnett: Yes I do, it is called the port of Fremantle.

Mr McGOWAN: It is not the same. It may be in the minister's electorate technically, but it is hardly the same.

Mr Barnett: It is physically in my electorate.

Mr McGOWAN: The minister is being churlish.

Another issue is the potential drift of iron ore dust over the houses of people living in that area.

Mr Barnett: Do you understand that it will be in a shed with extractive systems?

Mr McGOWAN: I understand that, but this project has been dumped on the people without any consultation with the local community.

Mr Barnett: No.

Mr McGOWAN: Yes it was. The first I heard about this was when I read about it in the local newspaper.

Mr Barnett: The company initiated that change, not the Government.

Mr McGOWAN: The port facility will be put in place by the Fremantle Port Authority, which is a government instrumentality.

Mr Barnett: But it was not a government initiative; it was a company decision.

Mr McGOWAN: The Fremantle Port Authority must spend a massive amount, which is expenditure by the taxpayers of this State or the Government.

Mr Barnett: No it is not.

Mr McGOWAN: What is it?

Mr Barnett: If it goes ahead, the operations of the port authority will be commercially based on a contract. It is not taxpayers' money. It will be a commercial operation of the port.

Mr McGOWAN: Is the minister saying that the Fremantle Port Authority would recover the cost of the project?

Mr Barnett: That is right.

Mr McGOWAN: There would still be a public investment at the outset.

Mr Barnett: Yes, an investment on a commercial basis.

Mr McGOWAN: It was a matter of great concern to the people involved and the consultative processes were not good enough. Also, the development is in close proximity to a mussel farming operation which provides a lot of employment, and probably more than the jetty loading facility will provide in the fulness of time. The construction of the facility will provide some employment opportunities but ultimately, according to the estimates provided by Koolyanobbing Iron, the facility will provide only six local jobs. The mussel farming operation next door, which is a very sensitive industry, provides more jobs than that. It may be said that down the track more jobs will be created in the extraction and transport of the product. However, locally there are only six jobs. More jobs were provided by an industry next door which was under threat.

*Sitting suspended from 1.00 to 2.00 pm*

**[Questions without notice taken.]**

Mr McGOWAN: Last year I made comment in this Chamber about caravan parks. I recently discovered on the Internet a press release from the Minister for Local Government indicating that the Government has introduced some amendments to the Caravan Parks and Camping Grounds Act regulations gazetted last year. During debate last year on the regulations, I stated that people living in caravan parks would have certain obligations foisted upon them by the regulations. I outlined that this would create great difficulties for people living in caravan parks and I mentioned that people would be required to knock down the annexes, porches and verandahs adjoining their homes. Such people are not wealthy, and I said that this obligation would impose a great burden. I also said that rules could be introduced in a better way.

When I made those points, the Minister for Local Government sat opposite me and said, "Stop frightening old people. You're completely wrong. Don't scaremonger and cause trouble." I responded by quoting letters written to caravan park residents by members of local government which demonstrated what would take place under the regulations. Nevertheless, the minister rubbished me.

I recently discovered, not by letter or other notification but in a ministerial statement on the Internet, that the minister has adopted everything I suggested in that debate. He amended the regulations implemented last year. This amendment will allow "non-complying structures built before 1 July 1997 to exist, provided they are safe, sound and healthy and do not intrude on the space of neighbours". It almost quotes my press release last year; in fact, the minister has plagiarised my press release! The minister accused me of scaremongering and frightening old people, and he now states that the regulations were "officious and unnecessary". The minister criticises himself and proves me right. I am surprised he has not congratulated me for raising these issues.

Mr Omodei: You must admit that some of the local governments were a little officious in the way they carried out the regulations.

Mr McGOWAN: The regulations were officious and unnecessary. This was as a result of the position in which the Government placed local government. No discretion was provided. The minister admitted as much in his press release - it is here in black and white.

Mrs Roberts: I think the minister is blushing.

Mr McGOWAN: He is upset.

Mr Omodei: Definitely not.

Mr McGOWAN: He will get more of this. When in his press release he called the regulations "officious and unnecessary", he was describing himself; we on this side of the House agree with that view. Interestingly, the minister followed my advice and the lead set. People in one caravan park in Rockingham - four parks are in my electorate - signed a card thanking me

for bringing the matter to the minister's attention. They obviously recognised the effort I put into making the minister change his mind, as well as the Opposition's good work.

In a 90-second statement some time ago I indicated that a big proportion of caravaners are older people. Thousands of caravan club members and others travel north for the winter, as many such people are retired and seek the warmth of the north.

Mr Omodei: I have also raised this matter with Main Roads and CALM - I indicate that to get in first.

Mr McGOWAN: The minister is again following the lead I gave him in my 90-second statement. The caravan parks and camping grounds regulations have established a system which bans people, without the permission in writing of local government, from staying in what were traditionally recognised as caravan areas.

The caravan industry in this State started after the Second World War. We once manufactured caravans in this State, but I believe we no longer do so. A lot of people, particularly retirees and older people, have built up the tradition of travelling north and staying there for three to six months of the year because it is warm and they can enjoy a good lifestyle. Many of those people are on a pension or have limited means. They stay at places like Forty Mile Beach, Cleaverville Beach and Broome. Some people travel a shorter distance and go to Gingin. These people are law abiding. They do not cause trouble or have wild parties. They pay their taxes. These regulations will prevent them from continuing to enjoy that lifestyle.

Mr Omodei: You need to get it right. The former health regulations said exactly the same thing.

Mr McGOWAN: I can read the minister's mind. The former regulations said exactly the same thing; however, the former regulations were never enforced. The minister has now given councils the imprimatur to put in place -

Mr Omodei: You supported the caravans legislation.

Mr McGOWAN: I was not here.

Mr Omodei: The party that you represent supported it.

Mr McGOWAN: We supported the Act, but we do not support the regulations. The minister let the regulations slip through. We did not know about them. The minister is proposing to ban people from camping. I know that the minister will do a backflip on this matter somewhere along the line, because he has done a backflip before and he has now had a bit of practice at it.

Mr Carpenter: He is dancing to your tune!

Mr McGOWAN: Yes. A range of people are suffering. I have received a letter from the Kalamunda lapidary club, which indicates that its members are suffering. I have also received a letter from the Newman Tourist Bureau, which supports my view and believes that the enforcement of these regulations will cause businesses in the north to miss out on the trade that they would otherwise have obtained. I have received a letter from a person who lives in Nollamara, who has the same problem.

Mr Omodei: What you are saying borders on the dishonest, because the current regulations existed under the previous Government. The caravan advisory committee, which comprises the whole spectrum of people involved in the caravan industry, came up with the regulations in the legislation.

Mr McGOWAN: But like many laws and regulations in this State, they were never enforced. Under the Criminal Code it is an offence punishable by life imprisonment to have a relationship with the crown prince. Regulations such as that are in place in this State but are never enforced.

Mr Osborne: I do not intend to transgress that law!

Mr McGOWAN: It is the crown prince, not Kevin Prince! However, it should be an offence to have a relationship with Kevin Prince! Regulations such as this have never been enforced. Over the past 40 years, people in the north have developed a tradition. The minister should put in place different regulations to allow certain areas to be used for this sort of activity and to impose a nominal fee to cover the cleaning and maintenance of those areas. People would accept such regulations.

Mr Omodei: When all these things happen, will you claim the credit?

Mr McGOWAN: Absolutely. The minister has already done a backflip.

Mr Omodei: I am the one who brought in the caravans legislation after 12 years when the party that you represent could not bring it in.

Mr McGOWAN: The Government must do something about this matter. Many elderly people in this State are very concerned that their lifestyles will be affected dramatically.

Debate adjourned, on motion by Mr Osborne.

## SURVEILLANCE DEVICES BILL

*Committee*

Resumed from 17 September. The Deputy Chairman of Committees (Mrs Holmes) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Progress was reported after clause 9 had been agreed to.

**Clause 10: Admissibility in criminal proceedings of information inadvertently obtained -**

Mrs ROBERTS: I presume that this clause deals with the situation where a warrant for a listening or surveillance device has been applied for and given, and where some of the evidence that is obtained relates to the commission of an offence other than the offence for which the warrant has been obtained. The ministerial advisers and departmental officers have advised me that a warrant to install a surveillance device in a person's home may be applied for because that person is suspected of dealing in drugs or of committing some other crime, but in the course of that surveillance, evidence which relates either to that person or to some other person may be inadvertently obtained. They have put to me the argument that if, for example, as part of that surveillance, evidence is obtained in which the suspect's wife admits to the commission of a murder, or to collaboration in a serious crime such as murder, surely that evidence should be admissible in a court.

This matter involves two arguments. The first is that if we are doing things by the letter of the law, to put in place a surveillance device is an infringement of a person's liberty. It is obvious that in some cases people need to be under surveillance, and a warrant must be obtained in order to justify the installation of a surveillance device. However, I am concerned that visitors to a home that is under surveillance, or people who are travelling in a vehicle that is under surveillance, may come under surveillance inadvertently -

Mr Prince: The member for Midland should put her example in the context of a workplace.

Mrs ROBERTS: Many other people will come under surveillance, and anything they say or do could potentially be used against them in proceedings before a court. I accept the argument that has been put on the commission of serious offences; for example, evidence about the Claremont serial murderer or some other crime that has been obtained during part of a surveillance into some other matter should be able to be used. Where the commission of a serious offence is involved we could define that offence, say, as one the subject of a prison term. This clause seems to be heading very much into the big brother state of affairs.

During debate with the member for Geraldton I suggested that if he were under surveillance and his wife was talking to him about tax fraud or some other matter, all of that evidence could be used against her. It is all very well to say that those who break the law deserve to be punished, and those who evade tax or commit any other illegal activity should also be dealt with; however, we have good reasons for requiring applications for warrants, and generally a suspicion about the commission of serious offences justifies the invasion of people's privacy.

I note that subclause (2) contains a disclaimer about applications made in good faith. It could be that an application for a warrant is made on one basis when it is really chasing something else.

Mr PRINCE: That is entirely the correct interpretation. If an agency that is otherwise lawfully permitted under this legislation to use a surveillance device of some nature and was using that, effectively, as a subterfuge, the evidence would not be admissible. That is unlikely given that all the agency must do is to apply properly and it will get the warrant. It is intended to cover circumstances which have arisen more than once over the years, and relates to evidence that has been deemed to have been unlawfully obtained. The classic case is of police officers who have a warrant to enter a home to search for stolen goods, and the warrant is well rounded. However, when they enter the property to look for stolen goods they find illicit drugs. They have no warrant to search for illicit drugs, but they find them. Clearly, possession of illicit drugs is an offence, but the issue is whether one can use those illicit drugs as evidence because one did not have a lawful authority to search for them. In many jurisdictions in the United States they cannot, because their rules of evidence have been developed in one way. In the British and Australian line of thinking the most well known case is Bunning and Cross, which is a Western Australian decision of the 1970s in which a gentleman parked his Rolls Royce up a lamp post; it was a matter of admissibility with regard to blood alcohol content. The High Court found that the court has the discretion to admit the evidence whether it had been obtained lawfully or otherwise.

What would be the situation if, in the course of a surveillance involving a listening device on a telephone that has been properly placed because there is reason to suspect that two people are engaged in the sale of amphetamines or something of that nature, one hears, in the words of section 8 of the Criminal Code, "2 or more persons form a common intention to prosecute an unlawful purpose" - perhaps a murder or a break and enter - which is peripheral to the drug dealing and not strictly to do with the warrant or permission to listen?

Mrs Roberts: Why not take up the suggestion to specify that evidence is admissible if the crime is of a serious nature or if it involves drugs?

Mr PRINCE: The member for Midland is saying that if somebody is conspiring to murder someone the evidence should be admitted, but if the evidence is of the nature of theft from a till, it is not that serious so it does not matter. Either the activity is criminal, or it is not. If it is criminal activity, we should not be trying to draw lines of degree. Conspiring to kill someone is regarded far more seriously than taking money out of a till, nonetheless theft is a criminal activity which society abhors and consequently the law is that property theft is criminal. A classic example would be a surveillance device in a workplace, say, a fast food outlet or a convenience store. Fundamentally, it is there to protect the employee as well as the employer from people who might try to enter the store to shoplift, or to take from the till and so on. The specific purpose of the device is to apprehend thieves. If by means of the device the employer finds that his employee has committed an offence, should that evidence be admissible? I say yes because the employee has committed a criminal act. That is why this clause is appropriate.

Mrs ROBERTS: That has some validity. However, there is a big distinction between surveillance that takes place in a petrol station and in a private place.

Mr Prince: My adviser has pointed out the anomaly in my argument. If it was in a public place, they would not obtain a warrant anyway.

Mrs ROBERTS: That is right. We are talking about private places in which people are undertaking private activities, such as in their home or potentially in their vehicle.

Mr Prince: If one is detecting criminal activity or an attempt to commit a criminal activity, it is crime.

Mrs ROBERTS: If that is linked with subclause (2), in which the warrant was authorised in good faith, the evidence is admissible. What is the penalty?

Mr Prince: Inadmissibility.

Mrs ROBERTS: Is that the only penalty for applying for a warrant allegedly for one purpose when one has another intention in mind?

Mr PRINCE: I refer to where the law enforcement agency obtains some general form of warrant, perhaps in a rather careless fashion, without having reasonable grounds but hoping, by putting some sort of surveillance on an individual or group, it will gather evidence of criminal activity. If a warrant was not obtained in good faith, the evidence obtained is inadmissible in court. If it is not admissible in court, the prosecution case brought as a result of that evidence will fail. If it fails, there is usually the consequence of costs against the prosecution in the lower courts, but not in the superior courts, and there is odium on the officers concerned. If police officers were involved, there would be an internal investigation, inquiry and so on. An offence cannot be created of this because the warrant is the lawful permission to place the device in the first place. There cannot be an offence of unlawfully obtaining a warrant, because it is a warrant that has been lawfully obtained. In these special circumstances the court can ask whether there was good faith in the reason for obtaining the general warrant or whether it was a general subterfuge for a fishing expedition.

I come back to what I said earlier about a surveillance device installed in a house, car or whatever, whether it is a listening device or an optical device, for a particular purpose - drug dealing is a classic example - when evidence may be gathered of other criminal activity; for example, it could be the sexual assault of a child, which is a serious matter, or something more minor such as shoplifting. It is not possible to draw the line and say that simply because the offence is shoplifting and is not a particularly serious offence, although it is a prevalent one, the evidence should not be used, but that evidence of sexual assault of a child may be used.

Mrs Roberts: If you suspect someone is shoplifting, it is highly unlikely you can present a case to the court to place covert surveillance in that person's house because you believe he is an habitual shoplifter and you cannot catch him any other way. I suspect you would not get a warrant for that purpose because the crime would not be deemed serious enough.

Mr PRINCE: There are said to be a number of "professional" shoplifters who engage in that practice almost on a daily basis, and who are well known to the security officers in the major stores. They make a living from shoplifting. The volume of shoplifting probably involves only one or two items. If an individual is suspected of being a professional shoplifter - of which there are quite a few - the police may want to install a listening or optical surveillance device in his home to gather evidence. In so doing, evidence of some other offence may be gained, such as illicit drug dealing or assault of a child. If it is a listening device, it might pick up conversations planning a criminal activity. The police should be able to use that evidence in a criminal prosecution for the crime they have detected. This does not refer to civil behaviour, but to behaviour that is criminal.

Mr RIEBELING: Without wanting to be disrespectful, when making those arguments it appears the minister has forgotten the time when he was practising at the Bar and defended people. The problem clearly arises when the authorities think someone has done something but they are not sure. They may have a suspicion that the person is involved in criminal activities and may want to install a device and go fishing. That is the Opposition's concern. This is a general provision

whereby the authorities may come before a judge and obtain permission to install a device because a person is suspected of committing certain offences. The police may not necessarily know that is the case. Fishing expeditions should be avoided at all costs, and I ask the Minister to think back to his other role.

Mr Prince: The member is quite right. I have not forgotten and I raised the example of the subterfuge and the general nature of a fishing expedition. That is the reason for reference to good faith in subclause (2).

Mr RIEBELING: The Minister said that if the authorities install a device and the evidence obtained refers to a completely different matter, they should be able to use that. That is the problem.

Mr Prince: That is not a problem.

Mr RIEBELING: It appears the Minister does not have a problem with it now, but he should have a problem with it because that is exactly what a fishing expedition of this type is all about.

Mr Prince: The point I make is that the authority which seeks the warrant must satisfy a court for the issue of a warrant and a whole stack of criteria apply. When a warrant is issued which is deemed by a court under clause 10 not to have been issued in good faith, the evidence obtained is not admissible. Otherwise the warrant was obtained in good faith. I refer the member to clause 13.

Mr RIEBELING: As a lawyer defending a person on a charge of stealing, the minister would have been able to say that the warrant was not obtained in good faith because the device was installed to gain evidence of drug dealing. Would that be admissible?

Mr Prince: It could be argued, but whether it would get up is highly debatable.

Mr RIEBELING: Once this goes through, it is very debatable.

Mrs Roberts: The only argument is whether the drug warrant is issued in good faith.

Mr Prince: That is right; so where is the problem?

Mr RIEBELING: If a warrant is granted on the basis of drug dealing but no evidence is gained of that, but evidence is gained of shoplifting, would that be regarded as a warrant issued in good faith?

Mr Prince: Yes, that is right.

Mr RIEBELING: How could that be regarded as good faith if the grant of the warrant, presumably on sworn evidence, led to absolutely no evidence of that offence? I suppose good faith is a matter of interpretation. What other evidence would be needed, other than no evidence, of the substantive reason for the warrant? The minister said that if the authorities picked up evidence of wrongdoing, they should be allowed to use it. That broad sweep coverage of the issue leaves it open to massive abuse. I know that in this day and age people want to make detection of criminals as easy as possible for the police, and I do not disagree with that. However, we must avoid taking away civil liberties to the point at which anything goes with regard to surveillance devices. This clause is a matter of concern and should be reconsidered.

Mr PRINCE: I appreciate the point made by the member for Burrup, because it is a fair point to take about civil liberties and it should never be dismissed lightly. However, the point is that the authorities may gather evidence of criminal activity, whatever it may be. It may not be the criminal activity which grounded the warrant giving permission to install the device but it is criminal activity. Where is the civil liberty aspect in this? A criminal has been detected by a bugging device, whether it is auditory, visual or a mixture of both.

Mrs Roberts: You have the whole police attitude here. You have not necessarily got a criminal, you have someone you want to charge, have you not?

Mr PRINCE: No, I said criminal activity.

Mrs Roberts: You have changed overnight from being a lawyer to a policeman!

Mr PRINCE: Nonsense! What a dreadful thing to say.

Mr McGowan: A frustrated policeman!

Mr PRINCE: My only frustration is in dealing with members opposite. Clause 13 deals with the issue of warrants, and the definition of "court", "judge" and so on. The words of importance in clause 13 on page 18, line 22, apart from the detail, are "that there are reasonable grounds for believing". Therefore, a judge granting a warrant must be satisfied that there are reasonable grounds for believing that an offence has been or is likely to be committed, that the use of the device is justified, etc. That puts an onerous responsibility on a judge before the warrant can be granted. It requires the authority -

Mr Riebeling: It is the same as a search warrant, is it not?

Mr PRINCE: It is probably more stringent than that.

Mr McGowan: Why is that? Is it because it must go to a judge rather than a magistrate?

Mr PRINCE: Yes, or a justice of the peace.

Mr McGowan: Is that the only distinction?

Mr PRINCE: No.

Mr Riebeling: The terminology does not differ greatly.

Mr PRINCE: Does it not? The superintendent just reminded me that there are a number of different Acts which specify the grounds under which search warrants can be issued, but the general one is section 711 of the Criminal Code. It reads -

> If it appears to a justice, on complaint made on oath, that there are reasonable grounds for suspecting that . . .

Mr Riebeling: It is similar.

Mr PRINCE: Yes, it is similar. In this Bill the words are "reasonable grounds for believing" not "suspecting". There is a difference and it is not semantic. This Bill requires reasonable grounds for believing that an offence has been or is likely to be committed; that the use of the device is something that is reasonable; and the court must have regard to the nature of the offence and the extent of the privacy that will be affected and so on. It is a much more complex judicial process for the issue of a warrant than it is for a search warrant.

Mr McGowan: What is the difference between "believing" and "suspecting"?

Mr PRINCE: Suspecting is mere suspicion; belief is a positive holding of a view.

Mr McGowan: Do you say you need more evidence?

Mr PRINCE: Yes.

Mr McGowan: Was that in your second reading speech?

Mr PRINCE: No, it was not, as far as I recall.

Mr McGowan: Why is that?

Mr PRINCE: Because we are debating it now. If a warrant has been properly issued, as the member said, for stealing or shoplifting purposes -

Mr Riebeling: Let us say it is for attempted murder.

Mr PRINCE: No, let us say it is for drugs and in the course of that one winds up getting evidence for murder; then there is no question. However, if it is evidence of shoplifting, the member for Burrup says that human rights conventions require that that evidence should not be able to be used.

Mr Riebeling: No, I will explain in a second.

Mr PRINCE: Let us hear it now.

Mr RIEBELING: What the minister has said - he has read it from the Act - is that the grounding of the warrant is when police officers go to a judge and say they have serious concerns about Joe Bloggs and the ground is the serious offence that requires a surveillance device. They obtain the warrant for that specific reason because it involves a serious matter. They gain permission for the use of the device because of the seriousness of the offence being inquired into.

Mr Prince: It does not say anything about "seriousness".

Mr RIEBELING: Yes it does. The minister read it out. What page was it?

Mr Prince: Page 18. There is no question of seriousness there.

Mr RIEBELING: Of the offence?

Mr Prince: It states, "Reasonable grounds for believing that an offence has been or may have been, is being or is about to be, or is likely to be, committed".

Mr RIEBELING: Of that offence?

Mr Prince: Yes.

Mr RIEBELING: Therefore, we are talking about a specific offence that has grounded the warrant for which the police are looking.

Mr Prince: Yes; or is likely to be committed.

Mr RIEBELING: The minister is saying that because it goes before a judge, that will allow greater protection for the general public.

Mr Prince: What is the problem in detecting criminal activity?

Mr RIEBELING: Let us say a judge is considering whether sufficient evidence exists to ground a device for an offence of dealing in drugs, for instance. According to this clause, once the police have that authority, it does not matter if they find no evidence relating to the serious offence; if the police find something else, they can whack them.

Mr Prince: That is right.

Mr RIEBELING: How does that give protection to Joe Bloggs? How does that provide protection from being bugged to any member of Parliament who receives information from people about government departments and so on?

Mr Prince: What criminal activity is that?

Mrs Roberts: If one follows the minister's argument to its full effect, it would seem we are all fair game in the pursuit of people committing criminal offences.

Mr Prince: No.

Mr RIEBELING: If a police officer goes to a judge and can ground evidence that I am involved in the dealing of heroin -

Mr Prince: Then they should bug you.

Mr RIEBELING: They obtain that warrant and someone gives me information on a leaked document in my capacity as a member of Parliament. That apparently is a criminal offence. Can that be it?

Mr Prince: Yes, of course it can.

Mr RIEBELING: However, there is no evidence in relation to any drug dealing.

Mrs Roberts: If your son comes home and says he drank two dozen cans of beer, this, that and the other and then drove home, they can then go and chase your son.

Mr RIEBELING: I have no problem with the grounding of it. I agree that the evidence must be sufficient and serious. However, in this section the "seriousness" restriction is removed and the police can say, "We ground the application on this offence but if we do not find evidence relating to that offence and find evidence of another criminal activity, we will go for it."

Mr Prince: That is right.

Mr RIEBELING: Where is the protection for the public in relation to groundless warrants?

Mr Prince: Inadmissibility of evidence.

Mr RIEBELING: In this example the original grounding was incorrect. Some people might snigger at this. However, members on both sides of this Chamber can see the day when abuse of a political nature occurs with devices of this nature. People in this place have been investigated by the police and found to be absolutely innocent. However, the grounding of a device of this nature may be so intrusive that who could say that over the course of a year something illegal is not discussed; a minor point may arise. Some people in this place have been scrutinised to such an extent that that would have been grounds, even if of a trivial nature, and they would have been knocked off for it. We have witnessed that in this place in the past few years. The minister knows as well as I do that people in this place have been scrutinised to that extent by the Police Force.

Mr Prince: Yes.

Mr RIEBELING: No offences were found. However, could anyone realistically allow a system to be implemented where the warrants are grounded on one thing and people are caught on another? If that is not fishing, I do not know what is.

Mr PRINCE: What the member for Burrup stated is the law as it is today, taking it out of the context of surveillance devices.

Mr Riebeling: We are talking about this Bill.

Mr PRINCE: Hang on! The member is railing against the ability of an investigating authority to bring forward evidence of criminal activity when it went in there looking for something else. That is the point of principle, is it not?

Mr Riebeling: No, it is not, because the minister is saying that the protection lies in the grounding of the warrant. He says that the warrants protect members of the public because they must be grounded for a serious offence.

Mr PRINCE: It protects the public against people who commit criminal acts.

Mr Riebeling: No. The difficulty of grounding a warrant is to protect the public against abuse by the authorities.

Mr PRINCE: Yes, in a sense.

Mr Riebeling: Exactly right. The minister says that is very important because the authority must provide grounds in the case of a serious offence.

Mr PRINCE: No, the member is the one who introduced the word "serious". That is not in the Bill. He is the one who invented that. The member should listen. If investigating authorities have grounds to believe that they need a surveillance device under clause 13, off they trot to a Supreme Court judge and they must convince the judge that there are reasonable grounds for believing that they need one, as in clause 13(a), (b), (2), (3) and so on. How it can be done is very carefully regulated. Therefore, through that convoluted process of issuing a warrant, the authorities, whether they be the police or some other body, are able to put a surveillance device into what is not a public place. If they do that for the purpose of inquiring into drug trafficking and as a result they find evidence of conspiracy to kill, is the member arguing that they should not be able to use that evidence?

Mr Riebeling: Let us say it involves receiving leaked documents.

Mr PRINCE: I am not sure of the law on that issue. I will refer to shoplifting, which is a minor criminal activity.

Mrs Roberts: Are you saying that leaking documents is not a criminal activity? That is a new line from this Government.

Mr PRINCE: I am not sure; I have not read that section of the Criminal Code in recent times - I have not had the need to. Is the member saying that because shoplifting is a relatively minor matter the evidence should not be able to be used?

Mr Riebeling: Absolutely.

Mr PRINCE: The member would countenance criminal behaviour if it is only minor.

Mr McGowan: The point the member is making is that the police get a warrant for something ostensibly serious and install a listening device. A vexatious police officer could use that device to persecute someone.

Mr PRINCE: I refer the member to the law relating to admissibility of evidence. One can breach a person's privacy by entering a house with a search warrant to look for stolen property and then find illicit drugs. The law in Australia is clear: The evidence of that can be produced in court even though the entry was not for that purpose. That is the approach to be used when writing the admissibility of evidence law into this legislation on surveillance devices.

Bunning and Cross is the leading case in the area of surveillance devices. It provides the additional safeguard in that the court asked to determine whether evidence should be admitted considers the question of whether the warrant was issued in good faith. There is an extra safeguard.

If I were the defence lawyer representing someone on a charge of motor vehicle theft and a warrant was issued in relation to drug dealing, I would say that there was a lack of good faith because the warrant was related to drug dealing and the police officers found no evidence of any such activity. Therefore, the warrant was not issued in good faith and the evidence of motor vehicle theft should not be admitted. What does the court do? The court accepts that and refers to Bunning and Cross and a number of other authorities since the High Court made that decision in the 1970s, and says that it has the power to admit evidence unlawfully obtained - even obtained by reason of an illegal act - and will exercise a discretion. While the argument is accepted, there is evidence of criminal activity and it will be admitted. That is what happens 99 times out of 100 when this argument is run about admission of evidence unlawfully obtained. I expect much the same to result from this legislation.

We have here the built-in defence of lack of good faith. I have not seen that anywhere else. The current law with respect to admissibility of evidence unlawfully obtained has been taken one step further in favour of the accused by saying that this test of good faith must be overcome.

Mr Riebeling interjected.

Mr PRINCE: It provides another arrow in one's quiver in trying to prevent the evidence being admitted. However, once it is in, it is in.

Mr McGOWAN: I accept what the minister is saying - that the line of authority from the United States is very different from ours.

Mr Prince: Not in all jurisdictions.

Mr McGOWAN: It was laid down by the US Supreme Court. I disagree with its position. We have a common law position laid down in Bunning and Cross. I am not sure that is reflected anywhere else in legislation.

Mr Prince: It is not a common law position; it is a judicial interpretation of the Criminal Code of Western Australia.

Mr McGOWAN: I did not know that.

Mr Prince: Mr Bunning was in Western Australia when he parked his car up a lamp post in Hay Street.

Mr McGOWAN: It has been adopted in New South Wales and Victoria as a common law principle.

Mr Prince: Because it is a pronouncement of the High Court.

The CHAIRMAN: We are getting general in the debate. While the philosophy of law is a wonderful thing, we must get back to the relevant issue.

Mrs Roberts: That is what the clause is about.

The CHAIRMAN: No, it is not.

Mrs Roberts: The minister says it is.

The CHAIRMAN: I am saying it is not.

Mr McGOWAN: The minister said that this provision adds something to the current position. Does this clause change the position that would exist vis-a-vis a search warrant?

Mr Prince: Yes, it does.

Mr McGOWAN: The minister is saying that it presents a greater hurdle to the police in addition to the Bunning and Cross case.

Mr Prince: It does.

Mr McGOWAN: Is it something different?

Mr Prince: It is an addition.

Mr McGOWAN: So there are now two defences.

Mr PRINCE: As a result of Bunning and Cross, if a police officer goes tearing into someone's premises without a warrant and finds evidence of illegal activity, that evidence may be admitted in court. This legislation provides that a device cannot be installed without a warrant. To issue the warrant, the judge must be satisfied that reasonable grounds exist for believing one of a number of points. That is the first significant set of hurdles. Then, having obtained evidence of other criminal activity that was not the basis for the warrant, one can have it admitted. However, if in the opinion of the court to whom that evidence is sought to be adduced the warrant was not obtained in good faith, it is thrown out. That does not exist under the doctrine of Bunning and Cross; it is the further hurdle or defence of the rights of the accused person. Of course, if the evidence is admitted, the person is not necessarily convicted because it is simply a piece of evidence.

Mr McGowan: What about the case of a police officer who rushes in without a warrant? That is an exemption recognised by Bunning and Cross.

Mr PRINCE: I am not talking about hot pursuit.

Mr McGowan: You raised that a moment ago.

Mr PRINCE: A police officer who walks into a house, not having any search warrant, with no emergency and not in hot pursuit, and who finds evidence of illegal activity, may have that evidence admitted in court.

Mr McGowan: Let us say that a police officer in an extraordinary emergency puts in a place a listening device or an optical surveillance device without a warrant but based upon an emergency.

Mr PRINCE: That is an emergency authorisation.

Mr McGowan: Is there a provision in the Bill which allows such evidence to be accepted?

Mr PRINCE: Yes, of course. There can be a warrant or emergency authorisation. We will come to that.

Mr Riebeling: Is there any evidence as a result of surveillance that cannot be admitted at any stage?

Mr PRINCE: I have argued it umpteen times in criminal courts. Very rarely have I been able to get anything knocked out. The courts, following the High Court dictum, tend to lean very much in favour of admitting evidence of unlawful conduct. They lean in the direction of saying that if there is criminal activity and the authorities have evidence of criminal activity, it should be admitted.

Mrs Roberts: The whole rationale of this legislation is the result of the Coco case in which there was concern that evidence was not admissible because a trespass may be deemed to have been committed.

Mr PRINCE: There was concern that that was the case. The Coco case involved an illegal activity of trespass. We are not talking about an illegal activity but a perfectly lawful activity.

Mrs Roberts: You were saying that you have never been able to get any such evidence knocked out of court.

Mr PRINCE: Very rarely.

Mrs Roberts: You said that courts basically accept all evidence. If that were the case, it would not matter that people trespassed as long as they got the evidence.

Mr PRINCE: This is where the Coco case comes in. Coco, following on from all the other authorities that have gone down this line, suggests that it might not be the case.

Mrs Roberts: There is a distinction between Queensland and Western Australia. In Queensland illegally obtained evidence where a trespass has occurred is definitely not allowed.

Mr PRINCE: The States have the same code and the same evidence laws. There is always a doubt with unlawfully obtained evidence but usually it is resolved in favour of admitting the evidence, in my experience of my practice. This clause provides that one can have evidence of a criminal activity admitted into court even though it was not the activity that grounded the warrant.

Mr RIEBELING: I discussed with the minister my concerns that this clause is basically designed to cover up any incompetence relating to an investigation, so that if police are looking for one set of evidence and find another, they can use the evidence. If it were a competently grounded warrant, they would be getting the information that the warrant grounded. There would be no problem.

Mr Prince: I strongly disagree with that.

Mr RIEBELING: The minister would but he is wrong.

Mr Prince: Police could have a lot of good evidence that people are engaged in drug activities and then enter their premises. Police may get evidence of that and other things as well. That will more commonly be the case.

Mr RIEBELING: Is it more common that police find evidence that they are not looking for?

Mr Prince: Police may wind up with evidence of drug dealing and perhaps of motor vehicle theft.

Mr RIEBELING: I am not concerned about the cases in which police find what they are looking for. This clause provides authority for use of evidence that was not being looked for. That is what concerns me. The minister said when saying that I was incorrect that one does not have a specific offence when grounding the warrant.

Mr Prince: Why do you not read clause 13?

Mr RIEBELING: Clause 13 provides that the judge must have regard to the nature of the offence. Clearly he must have a specific offence in mind when grounding the warrant.

Mr Prince: Or suspected offence.

Mr RIEBELING: It is still an offence and not offences.

Mr Prince: It is not an offence until it has been committed. Clause 13(2)(a) provides for "the nature of the offence or suspected offence in respect of which the warrant is sought".

Mr RIEBELING: Why have the word "offence" in the first part of the clause when the minister says that it should have "suspected" in front of it? That is a ridiculous argument. All Acts refer to an offence. There is a requirement to ground a specific offence in relation to a warrant.

Mr Prince: Yes, that is right.

Mr RIEBELING: The minister said that was not necessarily the case.

Mr Prince: Clause 13(1)(a) reads that "an offence has been or may have been, is being or is about to be, or is likely to be, committed".

Mr RIEBELING: Clause 13(2)(a) provides that when considering that, one must have regard to the nature of that offence.

Mr Prince: You cannot read it separately. Subclause (2)(a) must be read in the context of the whole clause 13. An offence there may mean that an offence has been or may have been, is being or is about to be, or is likely to be committed.

Mr RIEBELING: That means the offence is not referring to the offence that grounds the warrant.

Mr Prince: Of course it refers to the offence.

Mr RIEBELING: That is what I am saying. I do not know what the minister is on about.

Mr Prince: I am sorry but I do not understand what you are on about.

Mr RIEBELING: If the minister listened instead of making smart-arse comments, we might get to the bottom of this quicker.

The CHAIRMAN: Members will watch their tone of voice.

Mr RIEBELING: Mr Chairman, you allow him to argue in that tone but I cannot respond.

The CHAIRMAN: I do not think that the member should make comments in that tone.

Mr RIEBELING: All at the Table were having a little giggle about this issue, which I consider to be very serious. This clause is set up to protect the public.

The CHAIRMAN: I ask the member for Burrup to address his comments to the Chair, not to the minister.

Mr RIEBELING: My concern relates to the protection of the public that is removed by this legislation. The minister says that there is protection in the grounding of the warrant. I say that the protection is grounded in the identification of the specific offence. Subclause (2)(a) states that and clause 13 infers it. If that is not the case, clearly the minister must be able to show me why it is not the case. When a judge grounds a warrant, a judge takes the seriousness of the offence very much into account. The lack of any evidence on a specific grounding should render other evidence of another offence inadmissible unless the offence would have grounded the device. Why not put into the Bill a clause that will cover a situation in which evidence is gained relating to another offence that would have grounded a warrant of the same type? The clause contains the protection and then the minister has put a loophole into the Bill.

Mr PRINCE: It is not a protection; it is the ability to be able to produce evidence of criminal conduct. Being able to produce the evidence is protecting the public. That is what it is all about; the detection of crime. The member is trying to protect the criminal. If the clause were re-worded in the way he suggested, so that at the time the warrant was grounded had there been knowledge of other criminal activity which was later detected the warrant would have been grounded anyway, what is the point? There is a lawfully grounded warrant in any event.

Mr Riebeling: On incorrect information.

Mr PRINCE: Not necessarily.

Mr Riebeling: It could be.

Mr PRINCE: It is possible. If it is the case, the question of good faith comes in. The warrant may then be found not to have been issued in good faith. We then get into further arguments about the general admissibility of evidence unlawfully obtained. Although I understand the member's reasoning, we must not forget the reason for this Bill; that is, to enable a court to hear evidence of criminal activity.

Mr Riebeling: It is not; it is designed to allow the police to collect evidence.

Mr Prince: Evidence of criminal activity.

Mrs ROBERTS: I take issue with the line of argument the Minister has used. He is trying to suggest that this clause is in the Bill to protect the public interest. Most civil libertarians would take a contrary view. This deals with evidence that is obtained coincidental to a warrant; that is, evidence other than that for which the warrant is sought. One of the arguments put forward by civil libertarians is that when certain police find that they are losing a fight against a crime, their first refuge is often in legislation which makes it easier for them to collect evidence.

It is beholden on us to ensure that we are not providing opportunities for the police to take out vexatious warrants; for instance, when they have not done the groundwork to collect evidence in legitimate ways. For a range of reasons they may be suspicious that an individual is a drug dealer or they may feel vexatious towards an individual because they have had an altercation with him. I hear many claims about police officers and others, some of which are over girlfriends. One example is when someone's girlfriend was formally married to a police officer who allegedly has got it in for the new boyfriend.

It could be used illegitimately, for example, when the police have a suspicion that someone is a drug dealer. They may not have done sufficient groundwork to obtain a warrant and therefore turn their attention to the suspect's girlfriend. They may eventually be able to establish the placement of a warrant on her for a white collar crime or shoplifting even though she was not their real target. They may then get a warrant to put an optical or listening device into the home of the couple on the basis that they are seeking evidence on the woman, when all along their real target is the spouse or boyfriend.

Mr Prince: What if they come up with evidence of criminal activity?

Mrs ROBERTS: The Minister is suggesting that it is okay to go on a fishing expedition. They may as well not be required to go to court and apply for a warrant!

Mr Prince: You are taking that too far.

Mrs ROBERTS: The Minister may think it is legitimate for an officer to collect evidence by getting a warrant on another pretext such as his girlfriend's activities. However, the police do not always come up with evidence. There is no penalty in here for anyone who does that, other than their not being able to use the evidence in court.

Mr Prince: The evidence cannot be used in court but the warrant is the lawful permission to put it into place.

Mrs ROBERTS: If the police are clever enough to convince a judge that they need a warrant for a listening device to obtain evidence about a woman because of shoplifting or a white-collar crime, everyone else in the household will be fair game. It may be that in one case in 100, some other evidence will be uncovered. Does that justify infringing everyone's civil liberties? It is a bizarre argument.

Mr Prince: I disagree because a policeman could wind up with evidence of criminal activity.

Mrs ROBERTS: He may not; he may just harass the bloke.

Mr Prince: Clause 13 is about admissibility of evidence of criminal activity.

Mrs ROBERTS: The Minister is saying it does not matter how the police get their evidence.

Mr Prince: I am not saying that at all.

Mr RIEBELING: The longer this debate continues the more concerned I become. The Minister is saying that this is an attempt to prosecute more people and therefore any steps to make prosecution of criminals easier should be taken.

Mr Prince: That is not what I am saying. If a properly grounded warrant is granted to put in a surveillance device in relation to suspected activity and evidence of other forms of criminal activity are exposed, this clause provides that it may be produced in evidence unless the warrant, in the opinion of the court, was not given in good faith.

Mr RIEBELING: The logic behind that is along the lines of jokes I have heard for years such as "The police would not charge you unless you were guilty". What should be behind this section is what I thought was included in section 13, which was protection for the public. The Minister said, quite outrageously, that if it were passed, I would be supporting the criminals. That is nonsense. I am trying to protect people's rights. The Minister clearly does not care about them and is happy for warrants that are grounded for one reason to be used to obtain evidence for another reason.

Mr Prince: You are inferring that a warrant will be so used. This clause says that if a warrant has been obtained, the surveillance device is in place and evidence of some other criminal activity is obtained, it can be adduced in evidence, unless the court is satisfied there is a want of good faith in obtaining the warrant.

Mr RIEBELING: I hear what the Minister is saying. I am sure that to avoid the perception that big brother is taking over this State, the public will require some degree of confidence that when the police enter a person's home, they are justified in doing that.

Mr Prince: That is the warrant procedure.

Mr RIEBELING: That is exactly what I am saying; the protection is contained in clause 13. The Minister said it was not a protection, but that is clearly what he indicated earlier.

Mr Prince: There is protection. A Supreme Court judge must grant a warrant.

Mr RIEBELING: As soon as a warrant goes to evidence other than the grounds on which it is granted, section 13 would become a nonsense.

Mr Prince: I disagree with your line of reasoning; your logic is flawed, particularly in the context of the law as it is in this State.

Mr RIEBELING: This clause sets up a process that provides that an officer must swear before a judge the need for a warrant, but on finding no evidence pertaining to that which he has sworn to a judge, he finds something, however trivial, in relation to another offence, he will have evidence that could be admissible. That will be intolerable. The general public will not congratulate the minister for that, but they will be annoyed when they discover that once again citizens' rights have been eroded. Citizens' rights are what we are talking about. I do not know whether more successful prosecutions will be brought. Perhaps the concentration should be on more apprehensions rather than greater numbers of prosecutions. However, this clause reduces the rights of citizens, and it will be abused at some stage. I hope that will not occur for another 50 years. However, this clause is open to abuse, and once the system is open to abuse, it will be abused. I hope that will not happen.

Mr BAKER: Every system is open to abuse. However, clause 13 contains greater protective measures than, for example, section 24 of the Misuse of Drugs Act, which deals with the issue of police search warrants. An applicant has to jump through many more hoops under clause 13 to obtain a warrant to use a surveillance device. For example, under clause 13, it is the court in the first instance that adjudicates upon the application, whereas it is merely a justice of the peace under section 24 of the Misuse of Drugs Act. Beyond that, clause 13 contains specific criteria or considerations which must be specifically addressed in each and every application, and one stand alone criterion is the public interest.

Mr Riebeling: The member should be making a speech on behalf of the Opposition. That is what the Opposition is saying.

Mr BAKER: The member is complaining about this clause dealing with the issue of warrants which contains comprehensive protective provisions when compared with other -

Mr Riebeling: That is my argument. Therefore, the member should not disregard it. That is the protection the public is given.

Mr BAKER: The member for Burrup will acknowledge that if a police officer, for example, is executing a stolen goods warrant and he discovers illicit drugs, of course he will take possession of them. The issue is whether at all times a police officer is acting on a bona fide basis in the execution of his duties and whether the warrant was issued on a bona fide basis. Under the Bill, a court vets that; under the Misuse of Drugs Act, a JP does. A cynic would say it is much easier to fool a JP than it is to fool a court. However, beyond that, other descriptive criteria exist under clause 13 which make it more difficult for that procedure to be abused.

Clause 10 reflects what happens at the moment when, during the course of the execution of a warrant, other evidence is obtained regarding other offences. That evidence can be relied upon, providing it is not obtained through illegal, unfair or improper means. General exclusionary rules exist, such as the Lee discretion and the Ireland discretion, and general rules exist regarding conduct which is tainted with illegality from the outset.

I can understand the concerns of the member for Burrup. However, the member will acknowledge that clause 10 reflects the status quo in the law concerning evidence obtained through the execution of a warrant where the evidence does not relate to the offence for which the warrant was issued. The status quo remains. However, this clause spells that out and states that evidence can still be used. The warrant must be issued on a bona fide basis, and as I mentioned earlier, the applicant has many more hoops to jump through. I can understand the member's concerns. However, what is the converse of that? What is a police officer who has obtained the warrant supposed to do if he goes to install the device and discovers a bong, cannabis and amphetamines? Should he put on a blindfold and walk out?

Mrs Roberts: The member for Joondalup was not in the Chamber when I suggested that the seriousness of the offence should be taken into account, and if it involved a certain gaol term or drugs or whatever, that was one factor to be taken into account.

Mr BAKER: That is one factor that would be taken into account at common law if an argument of illegality arose after the initial execution. For example, when considering the criteria in the Bunning and Cross decision, one aspect is the seriousness of the offence; the other is the ease with which the law could have been complied with at the time. However, Bunning and Cross is no longer a relevant case to cite. It has been superseded, so to speak, by many other High Court decisions, as the member is probably aware.

Mrs Roberts: The minister quoted that decision and referred the House to it.

Mr BAKER: Yes. However, it is the old authority. I understand the concerns of the member for Burrup. His concerns are well founded, but ample protective provisions exist under clause 13 to weed out non-bona fide as opposed to bona fide applicants and warrants. Clause 10 reflects what happens at the moment. Other protective provisions exist in the law of evidence which would weed out illegally obtained warrants, warrants obtained through improper or unfair means, or, for that matter, warrants executed using unfair or improper means.

Mr RIEBELING: I thank the member for his contribution, because it supports what I am saying. Clause 13 goes through the loops and hoops to protect the public to make sure the warrant is properly grounded.

Mr Baker: It also protects a person suspected of committing an offence.

Mr RIEBELING: Absolutely, and it is much tougher, with a higher degree of concern in the issuing of a surveillance device than a warrant to enter premises. Therefore, if the warrant is incorrectly grounded after going through all these strenuous hoops and loops, as the member has correctly pointed out, and no evidence is obtained in relation to the offences alleged under the warrant, surely the protections contained in this clause would suggest that the offence for which the warrant was obtained should be of the same severity. To ground a warrant, a judge must have regard for the nature of the offence and those matters listed in clause 13(2)(a) to (f). A judge will not issue a warrant unless he is convinced that wrongdoings are taking place the evidence for which can be obtained only through the use of a bugging device.

Mr Baker: Or an offence may have taken place or may reasonably be suspected to have taken place.

Mr RIEBELING: On my reading of the clause, we are not talking about a police officer going into a judge's chambers and saying, "We think this bloke is a murderer, or possibly a rapist, or has been a heroin dealer. He could be a car thief and a shoplifter. They are the five crimes we think he has committed." That will not happen. The specific provisions of this clause require the police officer to go to the judge and say, "We consider for these reasons that this person may be the Claremont killer. Because of the seriousness of this, we want a device." That is grounded, because it is so serious, and it is in the public interest, and evidence of that nature is needed to convict that person of the particular offence. After the bugging device has been installed, it is found that the person has absolutely nothing to do with the Claremont murders, but has smoked some cannabis and is whacked for that. Is that a protection of the public?

Mr Baker: That happens now and has been happening for many years. The members opposite have not considered the Misuse of Drugs Act or the Police Act in the last year, to my knowledge.

Mr RIEBELING: The member said that the enhanced obligation in clause 13 means there is a greater protection. I agree there should be a greater protection. Clause 13 designs that protection. Clause 10 takes it away when it states that it does not matter if evidence relating to the serious offence on which the warrant is grounded is not found. The member is suggesting that if evidence is found in relation to another offence, that can be used, as long as the police officer believed that what he said to the judge was correct.

Mr Baker: It is the opinion and the belief of the court which is important under clause 13(2).

Mr RIEBELING: Okay. However, the evidence would be given by a police officer.

Mr Baker: In the first instance, but when dealing with the issue of the bona fides for the grounding of the warrant, subclause (2) applies.

Mr RIEBELING: That is right. Because it is so serious, a protection must exist. Why else would it be there? Otherwise, the court system should be done away with! If the police reckon the person is guilty, they should be able to whack him into prison and not worry about trying to gather evidence, because if the police think that person committed the offence, he must have! That is what this clause allows to happen. Clause 13 is a good clause, but not when it is connected to clause 10.

Clause 10 takes away the protections implicit in clause 13, which the member, quite correctly, described as being a much higher level than other warrants. Let us take the Misuse of Drugs Act. Many people would think this method should be used extensively in the detection of drug dealers. Quite rightly, it should be used in relation to them.

Mr BAKER: When reviewing clause 10 of the Bill, we must effect a balancing act - the public interest versus the interests of the individuals who have committed, or are reasonably suspected of having committed, offences to which a warrant may apply. That is the real issue.

Mr Riebeling: Not in relation to the one the warrant applies to. We are talking about those which the warrant does not apply to.

Mr BAKER: Let us say that in the circumstances we have discussed before - that is, a warrant is obtained, issued and the device installed - during the installation, drugs were found before the police officers left the scene. What would members of the public say should happen to the person in possession of those drugs? They would say that person should be charged, otherwise they would be asking questions about this stupid loophole in the system. By way of example, the police may have walked into the premises and seen someone about to hit another person over the head with an axe, but that evidence could not be used because the police officers were on the premises only to install a device, leave and listen. I know what the member is saying. The member's argument is that that is not right and we must look at the nature of the seriousness of the offence.

Mr Riebeling: Grounding the warrant says that.

Mr BAKER: In the first instance. That is what it says.

Mr Riebeling: Everything goes. If they are grounded in only a serious matter, it does not matter what is picked up on the way through.

Mr BAKER: I dare say those warrants will not be used for parking ticket offences or barking dog offences.

Mr Riebeling: They might be used to bug your house one day.

Mr McGowan: You are from Wanneroo. It has been done before. You are a Liberal politician for Wanneroo.

Mr BAKER: I have never been a member of the city of Wanneroo or the shire of Wanneroo - never have; never will.

Mrs Roberts: We can understand why you want to dissociate yourself.

Mr BAKER: I can understand the member's concerns; however, without going over old ground, clause 10 merely reflects the current status quo in relation to the application of the law of evidence as it extends to the execution of warrants.

Mr Riebeling: We are endeavouring to improve it here.

Mr BAKER: I acknowledge that I have seen quite few dodgy warrants executed. It was pretty clear that they were obtained for one purpose and that a justice of the peace had been misled. When the warrants were executed, the police entered the premises for another purpose. That may be the case; however, does the public interest say that the illegal activity should be detected and punished or prosecuted? I think so.

Mr Riebeling: Have you forgotten you are a lawyer?

Mr BAKER: I can see where the member is coming from. I will not be repetitious. It is a case of balancing the private interest versus the public interest. Given the present climate in this State regarding crime, I am sure the community of Western Australia will insist that the scales be tipped in favour of the public interest in detecting and prosecuting crime.

Mr McGOWAN: I raise an issue similar to that raised by the member for Burrup. Let us look at one of those warrants that may have been obtained not in good faith or may have been obtained in good faith, but may have revealed evidence about a minor offence, or may have been obtained by a police officer pursuing the boyfriend of his ex-wife - it may be very rare, but it does happen - in a vindictive, vexatious fashion. What remedies are available in relation to this clause? One of the most unfair areas of law is where someone is pursued in a fashion which is wrong by the police or the authorities and that person invariably incurs great cost and a great deal of heartache in that matter. For a start, the person must meet the lawyer's fees. The court awards $300 or $400 a day in expenses to pay the lawyers and this person is left way out of pocket.

At present the only option is an ex-gratia payment. Recently a constituent of mine went through 12 years of battling for that. These people can incur great social and economic costs as well as great cost to their employment or business. Is there a change in the law to provide more remedies? I have just looked up a section on prerogative writs in a legal dictionary, which referred to a writ of quo warranto. Is anything available by way of those sorts of writs in these circumstances? I know the Leader of the House is familiar with these writs, and I am keen to hear what he has to say about it.

Mr BARNETT: I am advised that if a warrant was in anyway misused, and involved a police officer, the first thing that would happen would be an internal affairs investigation within the police force which ultimately could lead to dismissal under section 8. Any evidence collected would be inadmissible in court.

Mr McGowan: What remedies are available to someone who as a result of this sort of warrant, suffers loss of employment and complete social breakdown for him or his family? That is a big problem at the moment. People are pursued through the courts. I accept that when people are found not guilty in a fair case, there is a problem with compensating everybody, and I do not think that should happen; however, I do not accept that, where someone is pursued wrongly for what might be an improper purpose, some remedy should not be available to that person. Is something available by way of a prerogative writ to stop the prosecution or is some remedy available for compensation?

Mr BARNETT: My understanding is that there is no compensation, as such; however, the normal civil court process would be available to people should they seek a remedy in those circumstances, in the same way that someone was charged with a crime and found to be not guilty. The same risk might apply to any other innocent person if charged and found not guilty. Similarly, if evidence is collected in this way and the person is charged and found not guilty, that person has the same rights as anybody else in the community. There is nothing special about this.

Mr McGowan: What sort of civil action is available?

Mr BARNETT: The member is the lawyer, so I am sure he will have the answer to that. It is the same as for anyone else who is charged and acquitted. I am doing quite well now! Until I spoke, I thought my contribution was equal to that of the other participants in the debate.

Mr RIEBELING: The Leader of the House just indicated that if a warrant is not issued in good faith, the police would know about that and disciplinary action about the issue of it would take place. How many police officers have been charged in the past five years in relation to the grounding of warrants?

Mr Prince: I have no idea whether anybody has ever been charged. I can ask, but I don't know.

Mr RIEBELING: I think it would be an absolute rarity for someone to be charged under the Police Act for not grounding a search warrant correctly. I do not know how many. Perhaps if that is a protection under the Bill, the Minister might point out where it is to be found.

Mr Prince: I bring to the member's attention the provisions of section 711 of the Criminal Code which deals with search warrants and which empowers a justice of the peace to issue. In fact, there is no penalty for what we are talking about, and there never has been.

Mr RIEBELING: It would be under the Police Act.

Mr Prince: The general power is under the Criminal Code.

Mr RIEBELING: The last answer was in relation to internal disciplinary action, I presume. I am trying to find out -

Mr Prince: I do not know. I can try to find out for you.

Mr RIEBELING: Do the advisers know?

Mr Prince: No. I am sorry.

Mr RIEBELING: It was given to us a short time ago as a reason for security in the knowledge that it would not be abused. I doubt whether it would be used.

Mr Prince: My adviser is aware of investigations into such matters of wrongfully obtaining search warrants, for the want of a better expression. He has no idea of how many such cases there are as he is not from internal affairs.

**Clause put and passed.**

**Clause 11: Presumption as to evidence obtained under warrant or emergency authorization -**

Mrs ROBERTS: Discussion on clause 10 flows on to clause 11. It refers to evidence of private conversation or private activity alleged to be obtained as a direct or indirect result of a listening device or an optical surveillance device under a warrant or an emergency authorisation. It states that "it shall be presumed in that proceeding unless the contrary is proved that", and it then outlines paragraphs (a) and (b).

Mr Prince: It is evidentiary onus.

Mrs ROBERTS: Yes. The concern again is that, in conjunction with clause 10, the onus is placed on the member of the public to demonstrate that the authorisation was not made in good faith, rather than placing the onus on the person who applied for the warrant or emergency authorisation. That increases the concerns the Opposition expressed about clause 10. Rather than placing the onus on the police and the people prosecuting to demonstrate that their application for the warrant or emergency authorisation was made in good faith, the evidentiary onus is placed on the suspect, individual or accused.

Mr Prince: It is the accused because it can happen only in court.

Mrs ROBERTS: Yes. It is placed on the accused to prove that it was not done in good faith. In one of the more complex situations to which I referred earlier, a warrant may have been in place for person A and evidence was obtained about person B. Proceeding in court may be against person B, who must prove that the warrant taken out against person A was not done in good faith. Surely, the onus should be placed on those people who applied for the warrant. It is reasonable to expect such people to indicate that they obtained the warrant in good faith.

Mr PRINCE: I understand the point. If the evidence is admitted - which is the way clause 10 reads - it logically follows that the evidentiary onus of showing any lack of good faith resides with the accused person. Otherwise, the whole thing must be turned around to say that evidence cannot be admitted unless that proof is provided. Consequentially, the evidentiary onus will be on the prosecuting authority. Clauses 10 and 11 flow from the law relating to admissibility of evidence unlawfully obtained, which by and large is admitted at the discretion of the court. That is the law in Australia, and the member for Rockingham pointed out the situation in the United States.

Mrs Roberts: My point relates to who should have the evidentiary onus.

Mr PRINCE: Logic follows. Clause 10 indicates that inadvertently obtained evidence - using the words from clause 10 - can be admitted in evidence. It is not admitted only if there is a lack of good faith in obtaining the warrant to gather the evidence. Therefore, it follows in clause 11 that if one is to overcome the evidentiary onus, it must be by the accused, not the other way around. It is presumed in the proceedings, unless the contrary is proved, that the application was made in good faith and the evidence was properly obtained. It is a presumption which is clearly rebuttable. It is up to the court to determine that matter on whatever evidence can be brought. As the member for Burrup mentioned earlier, an application may relate to drugs, but the evidence sought to be adduced relates to motor vehicle theft. Consequentially, there may be a lack of good faith and the evidentiary onus may be satisfied.

Mr RIEBELING: As the member for Midland indicated, the onus should be with the Crown. This argument would apply prior to evidence being admitted.

Mr Prince: If one were talking about a jury trial, it is the sort of argument which takes place while the jury is out of the room.

Mr RIEBELING: Yes. It takes place before the evidence is presented. I thought the minister said that once the evidence is in, the onus of proof must -

Mr Prince: One would have an argument about admissibility, and the onus of proof regarding the lack of good faith will reside with the accused.

Mr RIEBELING: In most cases where an onus of proof is on the defendant, it is because he is the person in possession of that evidence. For example, one must show cause why one carried a gun. The onus of proof is on the defendant. In this case, we are considering what was in the minds of police officers when they were granted a warrant. We must attempt to find out whether it was sought in good faith. Clause 10 is passed, and clause 11 is the test. The minister states that the defendant must prove that the police officers granted the original warrant acted in good faith.

Mr Prince: The contrary must be proved. The defendant or accused must adduce evidence to overcome the presumption.

Mr RIEBELING: All the evidence to determine whether that happens will be in the hands of the prosecution.

Mr Prince: In the sense of paper work, certainly.

Mr RIEBELING: In the sense of everything.

Mr Prince: Nothing will prevent the defendant or accused person from causing the police officers, wherever they are from, to attend court to be cross-examined and to produce papers. That is the inquiry the defendant is capable of carrying out.

Mr RIEBELING: If the defendant disputes that, why should the prosecution not carry out that test? The onus should be with the prosecution. I understand the situation with onus of proof in the case of a drivers licence when a piece of paper must be produced. However, this clause is at the heart of how a person can defend himself in a system which allows the State to enter a home to check on what is done. That person must go to court and claim that the surveillance was not for good reason. That person has no idea why the warrant was granted. How would one defend the granting of a warrant in that situation? They may say that Fred Riebeling is a drug dealer as they watched me for six weeks. How could I fight that claim. I would not know the evidence collected or how the information was gathered to enable the warrant to be granted.

Mr Prince: For your argument to flow, the suspicion is that you are a drug dealer, but the evidence is that you are a car thief. You are on a charge of stealing a car. You say there is a lack of a good faith in the granting of the warrant, which relates to the suspicion of drug dealing. Therefore, the evidence of your stealing the motor vehicle, which is evidence of criminal activity, should not be admitted. Clause 11 provides that the onus is on the accused to bring evidence to the contrary.

Mr RIEBELING: I must show that the warrant was incorrectly grounded.

Mr Prince: For which you are able to subpoena the officers and ask about the evidence.

**Progress reported.**

[Continued on page 2103.]

## CONTAMINATED SITE, GUILDFORD

*Grievance*

**MRS ROBERTS** (Midland) [4.31 pm]: My grievance is to the Minister for the Environment. The matter I raise today concerns a severely contaminated site situated at the corner of Johnson and Helena Streets and diagonally opposite the Guildford Primary School in my electorate. It was contaminated by BP, and was formerly used as a petrol station and it is anticipated it will be used as a petrol station in the future. I have only a short time this afternoon so I have provided the minister with some questions about which my constituents have concerns. We have read the various reports and the information that has been available to the public. The BP report suggests that BP will be excavating contaminated material to a depth of 6 metres, yet the report states that the contamination has been recorded to a depth of between 7 and 8 metres. The first logical question which my constituents ask is -

1. Why is BP only excavating contaminated material to a depth of 6m when the extent of contamination has been recorded (in their own report) to a depth of 7-8m?

I hope the minister will be able to answer that question this afternoon. As it would seem there will be one metre or so of contamination left underground, my constituents' second question is what effect this will have on groundwater. Members will know that Guildford is situated on the Guildford aquifer; it is clay soil and there is a steady flow of groundwater in that vicinity as well as local creeks, so that water flows into the Helena River and other water systems. Only a couple of mornings ago an oil slick was reported in the creek at Kingsmeadow and concern was expressed as to its source. It has been suggested that the information we have been given in the BP report and by the Department of Environmental Protection is conflicting and confusing.

On 13 October a site manager advised residents that excavation would be immediately backfilled, so people are wondering how the contaminated groundwater can be cleaned up by the company if it is backfilling as it progresses. One of the local residents suggested yesterday morning that as the site would be covered up in a couple of days his concerns would be

allayed. However, the report states that the process will take four weeks and from the extent of the contamination as shown on the diagram one realises that the excavation must extend into Johnson Street, yet none of that has occurred so far. It has been pointed out that Johnson Street is the location of some of the most severely contaminated soil. On that basis that will be dug up at some stage and people want to know whether they will be subjected to the same kinds of odours and problems they were subjected to on Monday of this week.

On Monday when children arrived at school the breeze was blowing in their direction and a stench was emanating from the site. I received many complaints from parents and children. Children were saying that it was an awful smell. Even some of those constituents, who were unsure whether it was a hazard when they brought their children to school, realised there was some difficulty because of the smell in the air, and children have complained of soreness, red noses, headaches and the like. The questions continue -

4. Is it likely that the contaminated material under the verge and road on James street, will recontaminate the cleanfill?

5. If yes, then is it fair to say that this clean-up is incomplete?

6. Is it true that PID monitoring on-site detected levels of 5ppm? What action was taken?

7. The Health Risk Assessment (by OTEK) is based on the excavation being open for 4 weeks. Why then is the clean-up commencing with backfilling immediately?

8. What effect will this backfilling have on the risk assessment?

9. What effect will this backfilling have on the ability for vapours to volatilise?

10. Is the Minister aware that information given out by BP to the Public is often conflicting and confusing?

11. What assurances can the Minister give to the community that their health is not being compromised when BP's own Health Risk Assessment states that, "Carcinogens are thought to be non-threshold chemicals, to which no exposure can be presumed to be without risk of adverse effect"?

Heavy metals are included among those carcinogens and it seems that nobody is prepared to say that they are without risk of adverse effect. The community is concerned that much of the discussion has been about acceptable risks and there has been no definition of what is an acceptable risk for an adult compared with a child whose lungs and other organs are forming. Further concerns arise from the fact that BP, the polluter, is conducting its own monitoring rather than the DEP or an independent assessor. I understand that DEP officers said they do not have the resources to independently monitor the site, and that concerns me greatly.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [4.38 pm]: I thank the member for the grievance, because it is an opportunity to clarify some of the issues of concern to the community; also it allows me to update members on that clean-up. I will respond to the member's questions in numerical order, so she has complete answers to them.

1. BP is excavating contaminated material to those depths required to remove any existing contamination.

Therefore, if contamination is at a lower level BP will excavate all contaminated material from the site.

Mrs Roberts: So it will not be as they said in their own report because they said they were excavating to 6 metres.

Mrs EDWARDES: The Department of Environmental Protection requires them to excavate all contaminated material. Therefore, if there is contaminated material below 6 metres they will remove all contaminated material at whatever depth it is found. The answer to the second question is that there will be no effect on the ground water. The answers continue -

3. BP is arranging for air sparging of the groundwater to commence next week, subject to gaining any necessary approvals.

4. No.

5. Not applicable.

6. Yes. BP stopped work until the levels had dissipated.

7. The Health Risk Assessment was based on a "worst case scenario". The backfilling is commencing immediately because it is the most efficient way of completing the work and will minimise the potential emission of any odours.

8. The shorter period would have made the values in the Risk Assessment even lower than before. That is, the risk levels would be lower.

9. It will further minimise the rate of volatilisation of any remaining hydrocarbons.

Obviously some of the questions have raised questions such as the first one on the depth of the contaminated material and excavation, etc. The member has said that information being provided is conflicting and confusing. That is not intended to be the case. It is important when there are questions that the DEP is contacted immediately and a response can be made straight away. The answers continue -

11. The quoted statement is based on a US-EPA risk assessment approach for some types of carcinogens. When this approach is taken a risk-specific dose is determined at an acceptable level of lifetime risk exposure, eg one in one hundred thousand or one in one million. The risk assessment for benzene as used by BP in the Health Risk Assessment was based on this method and provides for adequate protection of public health.

I will give a copy of the answers to those questions to the member for Midland. To bring members up to date, BP has confirmed that approximately 80 per cent of the contaminated material has already been removed from the site. This has included most of the high concentration contamination. It is anticipated that the remainder of contaminated soil will be excavated prior to Saturday, 17 October. The excavation is open only for the duration of each working day.

Mrs Roberts: That is not strictly true because I drove past on Monday evening and there is an open pit there.

Mrs EDWARDES: I will go back to my advisers and ask that question because the advice I have been given is that the excavation is open only for the duration of the working day.

Mrs Roberts: It is covered but there is still a big hole in the ground.

Mrs EDWARDES: It is covered?

Mrs Roberts: They provide a bit of cover but it is still a great big gaping pit.

Mrs EDWARDES: DEP officers are conducting site visits on a regular basis. We give the commitment to the community that we will monitor the clean-up of this contaminated site. Concern was expressed to the DEP by the principal of the Guildford Primary School because some students had been withdrawn from the school as a result of what was perceived to be health risks relating to the remedial activities being carried out at the site. A letter has been sent to the principal informing him that the Health Department considers that there is no health risk to the students attending Guildford Primary School and it is intended that this letter will be copied to the parents of all school children. I have a copy of the letter which I table in the Parliament.

[See paper No 253.]

## BATTYE LIBRARY - ORAL HISTORY UNIT

*Grievance*

**MS McHALE** (Thornlie) [4.45 pm]: My grievance is to the Minister for the Environment in her capacity of representing the Minister for the Arts, and relates to the scaling down of the oral history unit of the Battye Library. I place on record the Opposition's complete objection to the non-renewal of the contract of the coordinator of the oral history unit. I also place on public record the concerns and disquiet of The Oral History Association of Australia, the Australian Society for the Study of Labour History, international experts in oral history and The Royal Western Australian Historical Society and other historical and related associations which have condemned the decision as short-sighted and one which will undermine the reputation of the Battye Library, and more importantly still, will impair the very central role that oral history plays in the documentation of our cultural, political and social heritage.

I briefly give some background to the matter. The oral history unit of the Battye Library has been coordinated over the past two years by the coordinator, Stuart Reid. Mr Reid's contract was for two years with a three year option. The Library and Information Service of Western Australia has decided not to take up that option. Instead it will begin a review of LISWA's role in oral history with terms of reference which were expected to have been prepared by the end of September, although this has not yet been done at this stage. Given that the terms of reference have yet to be determined, a report to be produced by mid-January 1999 looks increasingly unlikely. That thereby extends the period of a vacuum left at the Battye Library. The library will not replace the coordinator but will run the unit from within its own resources. However, they are not adding the resources. Therefore, there has been very much a scaling down of the unit. It is highly unlikely that new projects will be undertaken and the future of existing projects is also in doubt.

The removal of the coordinator occurs at a particularly bad time as use of the collection is significantly increasing following progress that has been made on cataloguing the collection online; and also at a time when new projects are about to begin in Western Australia in the next 12 months, such as the Stolen Generation Aboriginal interviewing projects and the Centenary Federation grants. Those projects will require expert advice on oral history, and the project management that occurred in the unit will no longer be available.

There is also a question about the funding resources for the unit. It has been suggested to me that in the 1997-98 budget, $9 000 was available for the transcription and interviewing program. It is not clear whether there is any money in the 1998-99 budget for transcribing. Can the minister confirm whether there is any money for transcription?

As I said, LISWA's intention now is to review the unit and its work. However, it is somewhat bemusing, to say the least, that LISWA can think of reviewing the work when it has in fact just terminated the coordinator's position. There has been no external pressure for a review. On the contrary, the volume of letters in support of maintaining the coordinator's position is a resounding measure of support for the work that has been done by the unit. Quite frankly, it is not possible to maintain this output and the worldwide reputation of the oral history unit under the current arrangements. As of today there is in fact no coordinator in the unit at all. The unit's worldwide reputation is reflected in correspondence from the president of the International Oral History Association at Harvard in which concern is expressed at the decision to terminate the position. The president's view is that as a consequence "there will be a downgrading of the care and status of the internationally respected Battye Library Oral History Collection". She goes on to write -

> Libraries in Australia, including the Battye Library . . have pushed practices into the next century by reviewing past polices and by taking advantage of new technologies.

She writes that the work of the coordinator in that regard was a significant contribution. She continues -

> In the view of the international community of oral historians, it would be a great tragedy if the Battye Library decided there is no longer a need for a qualified person whose sole responsibility is the care and development of the oral history collection. It would be a great tragedy if the . . collection and its policies should be reviewed in the absence of such a person.

It has also been suggested that oral history is not even a core activity of the Library and Information Service of Western Australia and that the work could be done and support could be given by the Oral History Association of Australia. That attitude shows a lack of understanding of the role of the unit and the importance of oral history and a disregard for the circumstances of the members of the Oral History Association of Australia. The Government stands condemned by the international oral history community for its failure to respond to the overwhelming outcry caused by this decision. It is clearly a decision made on economic rationalist grounds but there is no long-term economic benefit, and there is certainly no rationale to the decision. It discredits the Government's commitment to the development and management of our cultural, natural and documentary collections and is an embarrassment to the State. I call upon the Government in my grievance to explain why it has made this decision and to re-engage the coordinator on a permanent basis.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [4.53 pm]: I am pleased to be able to respond on behalf of the minister. May I just reiterate that LISWA is committed to oral history and is proud of its achievement in this area? The position of coordinator has not been abolished. The contract of the coordinator of the oral history unit expired on 13 October. With that expiration the Battye Library has taken the opportunity to review its role in oral history to ensure that the best use is being made of resources and that priority is being given to the most urgent of its preservation and collecting needs. Obviously with budgetary considerations it is common to all collecting institutions that choices need to be made in favour of materials in greatest need and a continuous assessment undertaken of how resources are allocated. This means that those areas receive appropriate and timely attention. I will refer to what is happening at the Battye Library because of some of the concerns that have been raised. Eminent historian, Professor Geoffrey Bolton, who is patron of the Western Australian branch of the Oral History Association of Australia has agreed to help devise the terms of reference for this review.

Ms McHale: I understand that Professor Bolton is not happy with the decision that has been made. He may be doing that, but it seems to suggest that he endorses the decision. I do not think that is a true reflection of his position.

Mrs EDWARDES: I do not know that is the case. However, he has agreed to help devise the terms of reference for this review. Submissions will be sought from the association as well as from the Professional Historians and Researchers Association, contract interviewers, the Battye Library's customer service council, oral history groups in country and metropolitan centres, university history departments, university indigenous studies departments, as well as present clients such as the Western Australian parliamentary history program. Of course other individual and group submissions will also be welcome. The work of the oral history unit will continue during the review. The continuance of the expertise in oral history in the Battye Library is assured because the acting director at the Battye Library, Ronda Jamieson, established the unit and has spent 18 years working in the field.

Ms McHale: The minister will probably not be able to answer this, but Ronda Jamieson is responsible for preservation services, so she has another job. It is not true to say that the work will continue.

Mrs EDWARDES: The advice of LISWA is that the work of the oral history unit will continue during the review and that the expertise within the Battye Library is with Ronda Jamieson.

I return to some of the issues the member raised on budgetary constraints; LISWA is not targeting the oral history collection

nor is oral history a core function. The Battye Library is taking the opportunity to review its role in oral history to ensure that the best use is being made of resources and that priority is being given to the most urgent of its preservation and collecting needs, of which there are many. I am sure the member would acknowledge that. There has been some criticism of the approach being taken. It is appropriate that when a contract expires the opportunity is taken to review the role to ensure that the best use is made of resources and that priority is given to the most urgent of the preservation and collecting needs of the Battye Library. I have indicated that the position of the coordinator has not been abolished; it has not been filled. The work of the unit will continue. Oral history is only one of several collections that are the responsibility of the original materials team. Regardless of staffing levels services to clients will continue, as they have for the past 37 years since the collection started. Those services include research, reference and collection maintenance. The program is a long-standing, mature and focused service of which Western Australia can be justifiably proud. The question to be asked is whether any new works will be undertaken by the unit. The answer I have is yes, using contract personnel, as have been used in the past.

## CURRAMBINE PRIMARY SCHOOL, PARKING PROBLEMS

*Grievance*

**MR BAKER** (Joondalup) [4.57 pm]: My grievance is directed to the Minister for Education and relates to an issue of great concern for the residents of the suburb of Currambine which is located within the Joondalup district. It concerns the parking and traffic congestion problems in the vicinity of the Currambine Primary School situated in Ambassador Drive. The minister may remember that yesterday I tabled a petition that called for urgent action to be taken to try to overcome the problems to which I have referred. As the minister would be aware, the Currambine Primary School opened at the start of the 1997 school year. It currently has an enrolment of 500 students from years 1 to 7. I understand there is a strong likelihood that the figure will increase to approximately 560 at the start of the next school year. For that matter, it may increase to well beyond 600 students in the year 2000. The minister may be aware that the parents and citizens association recently lodged an application with his department for the introduction of a four-year-old program at the Currambine Primary School. However, I understand that because that application was lodged late it may not be approved for four or five years. I suppose that is a side issue.

As I say, the school is quite large and has grades all the way through from years 1 to 7, so it is not as if it is a developing primary school. The school is situated at the intersection of a very busy road system. I refer to Moore Drive, which is a major thoroughfare which connects the suburbs along the coastal strip of the Joondalup district to the Joondalup CBD, and also Ambassador Drive. It is a relatively new subdivision known as the Crest subdivision. Currently the developer is LandCorp. Only the first three stages of the Crest subdivision have been developed. Subdivisions 4 to 7 will be coming on-line in the near future, possibly in the next six months. As I understand it, on 11 August the remaining stages of the Crest subdivision were approved by the Western Australian Planning Commission. I raise that fact with the minister so that he may appreciate that the current traffic problems at the school will literally snowball once the remaining stages of the subdivision proceed, the blocks are sold off and people build. The problem at the moment is that essentially the school is landlocked.

There is only one road in and out of the school area and that is Ambassador Drive. This problem has been raised with the minister in correspondence but I am concerned that negotiations for a resolution appear to have broken down. I acknowledge that other players are involved, including LandCorp as the developer of the Crest subdivision, and the City of Joondalup which has certain duties relating to traffic flow in the area and control of certain streets. As the traffic problems are largely caused by parents dropping off and picking up their children at the school, I thought it was appropriate to direct this problem to the Minister for Education. These traffic problems are also to a certain extent related to the shortage of parking bays for staff and parents at the school.

Many meetings have been held between the key players - representatives from the minister's department, the City of Joondalup and LandCorp - to try to resolve the matter but things appear to have floundered. The parents and citizens association and I have suggested various ways of overcoming these problems. A partial solution would be the extension to Moore Drive of Carlton Turn which is situated adjacent to the public open space to the east of the school oval. The City of Joondalup is opposed to this proposal because if the extension was effected, it would create a cross-intersection less than 500 metres from the T-intersection of Ambassador Drive and Moore Drive. However, the P & C association is not proposing a cross-intersection; it is proposing a left-hand turn only intersection so vehicles departing the area along Carlton Drive will be compelled to turn left into Moore Drive and head east rather than being able to choose to proceed across that intersection or head south along Moore Drive towards the coast. Another partial solution is the connection of the two sections of Paddington Avenue. I understand from LandCorp that that connection has been considered but the time frame for its construction is crucial. I would like this issue to be resolved by the start of the new school year at the latest.

It is worth noting that under the original agreement with the previous owners of the subdivision, BankWest, and subsequently LandCorp, the Education Department agreed to fund a 50 per cent share of the road costs and 100 per cent of the parking embayment costs for the proposed roads to the eastern edge of the school site. With the advent of LandCorp's amended

structure plan, this road was replaced and this has effectively resulted in the Education Department saving $90 000 which would have otherwise been spent on the construction of parking embayments on the eastern perimeter of the school grounds. I propose that that money be used to construct additional parking bays within the school. I have relayed to the minister a letter from the P & C association setting out a plan for these additional parking bays. It is an important issue which impacts on the safety of children accessing the school, the parents who drop off and collect their children each day, the staff at the school and the residents who live nearby. People are concerned that nothing will happen until a fatality or serious accident occurs in the area and that would be an inappropriate catalyst for the resolution of this issue.

**MR BARNETT** (Cottesloe - Minister for Education) [5.04 pm]: I thank the member for Joondalup for his grievance. He has been corresponding with me and dealing with the department and the other agencies involved in the issue. He has provided some additional information, at least from my point of view, which I will take on board. The Currambine Primary School opened in 1997 and its location presents a number of serious difficulties, particularly in traffic management and parking. The school has only one street frontage which is suitable for embayment parking and that is limited due to the structure of the roads. For the information of members, the criteria of the Education Department is that a new school development provide the full cost of staff car parking, and endeavour, on average, to provide 14 embayment parking spaces per 100 students for parents.

When Currambine opened it had 32 staff car bays and due to the site only 20 embayments for parents which is clearly inadequate. The school currently has a population of 500 students. The department has been investigating ways of trying to alleviate the traffic congestion and the lack of embayment parking along the street frontage. This problem has been compounded by the removal of some embayment parking by the developer due to roadworks. Eventually those parking bays will be replaced on the other side of Paddington Avenue. Twenty-six bays have been provided alongside the public open space within reasonable distance of the school. Following discussions with the school principal, the department has expanded the staff car park to accommodate some parent parking. The school currently has 14 bays in Ambassador Drive and 26 bays on the public open space with some additional spaces being provided in the teacher car park. No further space is available on council land for embayment parking.

The Education Department has prepared a proposal for approximately another 25 bays for parent parking on the school site and has allocated about $2 000 for the traffic management planning studies and the drawing up of plans. The total cost is about $45 000. I understand the Education Department is currently holding discussions with the City of Joondalup regarding its making some contribution to this. The department has fully committed its traffic management funds for this year although I will revisit the issue with it following this grievance. The proposal was to give this matter a high priority, and presumably do something about it in 1999-2000. I am advised the plan would be implemented once the proposed roadworks are finished and would raise the number of parking bays to approximately 70 which would meet the criteria. It has been difficult to find a way to deal with this problem. I hear what the member for Joondalup is saying about the urgency of the problem. Given his comments today, I will ask the department to look at the problem again. It has been compounded by the roadworks in the area. If members were to look at the layout of the site and the streets they would realise that it is an extraordinarily difficult site for a school. During the 1980s, a number of schools were built at the end of cul-de-sacs. That was seen as being safe and desirable but it has caused enormous traffic congestion with people reversing and turning around. This is not a cul-de-sac but it has the same characteristics. I thank the member for his grievance and for his interest in this problem at what is otherwise a good school.

## APPRENTICESHIPS

*Grievance*

**MR BLOFFWITCH** (Geraldton) [5.08 pm]: My grievance about apprenticeships is directed to the Minister for Employment and Training who is not in the Chamber at present. Apprenticeships have been the mainstay of young people getting into trades and professions. It is interesting that if a panel beater, a motor mechanic or a plumber travelled to America, they would be regarded as super-techs. Americans believe the training they receive is probably the best that can be provided in the world. I believe it is. I do not have a problem with the method of training apprentices. However, I disagree with the disproportionate amount of funding given to group trainees. When industry was in a slump seven or eight or maybe 10 years ago, the Federal Government decided to offer incentives to group employers to take on and use apprentices by offering them to the trade on a part-time basis.

Instead of being indentured to one employer for four or five years, depending on the apprenticeship, people could spend 12 months with one employer which may have suited the employer who wanted a second or third-year apprentice, rather than a first-year apprentice. There were many advantages to that system. To set up these things, the executive officer or the training officer as well as the clerical staff had to be funded. I am going back a few years, but each apprenticeship received a subsidy of about $6 500. I have two apprentices in my workshop and my business receives a subsidy of $2 000 each for those people. I wonder why under one scheme the Federal Government is prepared to give between $6 000 and $7 000 for an apprentice in a group scheme, yet small businesses which should be at the heart of providing these apprenticeships, receive an insignificant amount.

All these group training schemes do not work in the same way. Sometimes the people from the group scheme go to employers and say, "You are thinking of taking an apprentice; don't take him on; let us take him on and you pay his wages." Because the apprentice is indentured to the group employer all the grant money from the Federal Government goes to this group employer for doing nothing. Basically the small business is paying the wages and looking after the apprentice, yet the $6 000 still goes the group employer. If I take on the apprentice, I get all of $2 000.

When he meets with his federal counterpart, I ask the minister to mention to him that more and more group training schemes involve officers visiting the businesses that are advertising for apprentices, suggesting that those businesses do not take on the apprentices, but rather that the group employer take that responsibility. Those officers suggest that if the businesses have any difficulties in employing the apprentices, the group employer will take them off their hands. The people who are approached agree. They get none of the $5 000 or $6 000 paid by the Commonwealth for an apprentice. All of it goes to the group employer. Consequently some group employers have $500 000 or $1m in a bank account, and some of the big ones have well over a million dollars in cash reserves.

Is that the type of thing we should be building up with this bureaucracy, with reserves of this size, when small businesses which should be the catalyst for training do not get anywhere near those financial benefits? I just cannot believe any Government would say that it would prefer to take the apprentice away from the factory floor or the small business and give the apprentice to a group training system and, in doing so, give the group employer four times the amount of funding it will give to individual businesses. This must be addressed. I am not saying that we should do away with the group training system; I am saying that the benefits should be equal for both sides taking on the apprentices.

When he gets the opportunity to go east, I ask the minister to talk at these national meetings and with the federal minister and ask why there is such huge disparity on the unit cost of an apprentice through the group training scheme as opposed to an individual indenture. The individual indenture is the foundation on which the apprenticeship system is built. This country has become famous all around the world for this apprenticeship system. In America, Europe and many other places there is no four-year indentured apprenticeship scheme. Our spray painters are considered the best in the world. In America people in this trade do not undergo a four-year apprenticeship. They do a two-week course, get a certificate and then they can work as spray painters. That is the difference between the qualifications required in this country compared with those required overseas. We should treasure this system. We should not penalise small businesses that want to take on apprentices.

**MR KIERATH** (Riverton - Minister for Employment and Training) [5.15 pm]: I appreciate the comments of the member for Geraldton. Before I go to the issue of the group training scheme, one of the problems I see with training at the moment is that it costs and does not pay. In years gone by, training was profitable and many employers got involved in it. It is now a cost to business. I have been talking to a few people who tell me that some of the rigidities in the system have caused some problems. There is also difficulty in getting rid of apprentices if they are not performing. That is one reason some employers are attracted to a group training scheme.

Mr Bloffwitch: I have always found people to be very cooperative. We still have to go through a normal disciplinary warning system and to get the parents involved when we have had to get rid of an apprentice, but we have had support from the various departments to do that.

Mr KIERATH: I have been making an extra effort since being appointed as Minister for Employment and Training to talk to small employers to try to find out why those who used to employ apprentices in years gone by are not doing that today. The fact is that many of these people are no longer doing that. The new apprenticeship and traineeship schemes will go a long way to address those problems. Nevertheless, group training schemes have arisen in areas where some trades - for example, the building trades - have been reluctant to take on apprentices. They have used the group training scheme to take on apprentices to suit themselves; for example, when they have a project on, and when the project has been completed, the apprentices can be handed back to the scheme. There has been some attraction from that point of view.

We must bite the training bullet and ask what it is worth to train someone in a particular trade. Perhaps, ultimately, when the money is allocated, whether it be to a group training scheme, an individual employer or whatever, we would like to move to that. Many controls and changes have been put in place and have started to happen, but are not bedded down yet. We must be a little careful in making any major change in that area. I am more than happy to take up the issue with the federal minister. I do not need to go to Canberra to do that. The previous minister who is in the Chamber now - I do not know whether she asked for this meeting or was given it - has advised me that the ministers will be meeting in Perth in November.

Mrs Edwardes: I asked for it and they were only too pleased to come.

Mr KIERATH: That will be the case right up until they have to travel here by plane. Then they will have second thoughts! I will have the opportunity to take up that issue with the federal minister then. There may well be a time during the visit of the federal minister during which the member for Geraldton might accompany me to talk over those issues with him. I am more than happy to do that.

I am hoping within in the next month or so, once I have found my feet in this portfolio, to make some general announcements on the direction in which training should be headed. We must get back to a situation where it is profitable for employers to train someone and it does not cost anything. Even when it costs something, some employers are prepared to get involved in training; however, if it is profitable to provide training, more employers will be prepared to get involved. I am very pleased with the general direction in which training is headed. At long last some of the old shackles are starting to be removed. We often talk about competency standards, and compressing the time within which to get qualifications. Yesterday I was speaking with a group of people in the hairdressing industry who believe training could be done in one or two years. If it is done right, it need not take an extensive period, as is the case now. Employers say that if the training is done beforehand, it makes apprentices more profitable to their businesses. That is something we can look at.

The same applies to pre-apprenticeships. Those who apply for pre-apprenticeships are usually snapped up by the industry.

Mr Bloffwitch: Normally all it means is that in a four-year term, they will get one year off if good arrangements are in place.

Mr KIERATH: Some of the group training schemes have developed in areas in which a drop-off in apprenticeships has occurred.

Mr Bloffwitch: I am not trying to kick group training schemes as they have a role. However, I cannot see why they should be super funded and we are poorly funded.

Mr KIERATH: The member is right. It raises issues about the building and construction industry training fund as some areas have been heavily funded. That is a matter before me at the moment, which I hope to resolve within a month. I undertake to take up the matter raised by the member for Geraldton with the minister in November.

The ACTING SPEAKER (Mr Sweetman): Grievances noted.

## WANT OF CONFIDENCE MOTION

*Minister for Planning*

**DR GALLOP** (Victoria Park - Leader of the Opposition) [5.22 pm]: I move -

> That this House has no confidence in the Minister for Planning (the member for Riverton) in relation to the Bartholomaeus affair.

I commence by referring to a comment made by the Premier about this affair, as quoted in *The West Australian* this morning, when he was asked whether action will be taken against the former Minister for Labour Relations, the member for Riverton. The Premier was being pressed at the time on whether the fact that his Government was taking action against the former head of WorkSafe, Mr Neil Bartholomaeus, had any implications for the Minister for Planning. The Premier's answer was that it was a red herring, and that the member for Riverton had nothing to do with the matter being discussed. This raised an interesting question: Was the member for Riverton not the Minister for Labour Relations at the time the unlawful policy was determined and announced by one of his chief executive officers? Undoubtedly, the answer is yes. The Opposition is concerned that very important implications flow from that fact.

However, before I discuss those implications, I refer to the concept of ministerial responsibility. Undoubtedly, our interpretation of that concept and its implications in these circumstances are the central subjects of this evening's debate. Ministers have responsibility to Parliament and to the people for what happens in their portfolios. What does this mean? One of two interpretations of the doctrine of ministerial responsibility can be adopted. The radical interpretation of that doctrine is that ministers are responsible for everything that happens, even those things of which they could have no knowledge or in which they have no involvement either directly or indirectly. This interpretation was used by the Attorney General, Hon Peter Foss, when in opposition when he assessed the position of ministers in the former Labor Government. That radical interpretation of the doctrine is now regarded to be too extreme and radical.

I turn now to a softer doctrine of ministerial responsibility; namely, that ministers are responsible for all things that any reasonable interpretation would expect of them. That leaves the question of ministerial responsibility open to debate in each case. However, such debate has a framework imposed on it to guide consideration on whether ministers have failed in their duties. The issue which comes to mind is the nature of the impropriety or maladministration involved in a matter. It might also be the level of personal knowledge and involvement by the minister which would be pertinent to the discussion at hand.

Let us turn to the case before us which is very straightforward. We are considering the relationship between the minister and his departmental head in respect of the conduct of that chief executive. In law and principle, the relationship in this case is very clear. I turn first to the Occupation Safety and Health Act, which clearly indicates that the WorkSafe Commissioner is subject to the control and direction of, and responsible to, the Minister for Labour Relations. In principle, the minister is required to ensure that his chief executive carries out duties in a proper and lawful manner. Some would also argue that it is a matter of law given the oath taken by ministers. It is a matter for debate.

Nevertheless, no question arises about whether ministers and the Government are responsible for the conduct of their chief executive officers. It is law that the Government of the day is the employer of chief executive officers, and has a special responsibility to see that law and good practice are followed. The Public Sector Management Act clearly describes the Government's duty to oversee the work of its senior public servants. The legal framework for this is the Occupation Safety and Health Act and the Public Sector Management Act. The chief executive officer is employed by the Government of the day and is responsible to the relevant minister. The Public Sector Management Act also lays down the role to be played by the Commissioner for Public Sector Standards in helping the Government of the day to determine whether public servants are properly carrying out their duties. That role applied in the case in question.

As we know, as a result of work of the Opposition, a letter was sent to the Commissioner for Public Sector Standards to inquire into the policy announced by Mr Neil Bartholomaeus. Incidentally, the investigation took over 12 months, which says much about the cooperation of this Government with an independent scrutiny officer of this State. The final conclusion of the inquiry conducted by Don Saunders was that Mr Bartholomaeus' policy did not comply with the code of ethics, WorkSafe's code of conduct and section 9A of the Public Sector Management Act. In fact, Mr Saunders concluded that the policy compromised the performance of WorkSafe's public duty. This is not an insignificant matter; it was determined by the independent commissioner to be unlawful, and an action which compromised the performance of WorkSafe's public duty. That is the issue at hand.

Under the first set of guidelines of ministerial responsibility relating to the nature of maladministration, this case is near the top of the pile of importance. In this pile, corruption is just above unlawful behaviour, which we have here. This has very serious implications. The issue at stake here is whether the Minister for Labour Relations, as the minister responsible at the time of the initiation and the announcement of this policy, took adequate care and concern. This minister failed in his duty, not only in that he did not check whether or not the policy was lawful, but he actively endorsed and supported the policy.

I go to the heart of this question. I remind the House that the issue of whether this policy breached the law was a matter for public debate in June 1997, and not just after the tabling of the report of the Commissioner for Public Sector Standards. Therefore, the Opposition is not taking the report of the Commissioner for Public Sector Standards and the conclusion it reaches and then going back into history and retrospectively applying that report to what happened in that time. In fact, in 1997 a public debate took place about whether this action was lawful.

I refer to *The West Australian* of 30 June 1997. Mr Rob Guthrie from Curtin University, an academic with an interest in, and a vast degree of knowledge of, labour relations is quoted as saying that he thought the law had been breached. At that time the Opposition and trade unions were also making the claim that the law had been breached. Therefore a public debate took place. The question was whether the law had been breached. What was this minister's response to that debate? His response was that WorkSafe was merely withdrawing a privilege that had been extended in the past. This is important when considering his responsibility in this affair. In the context of this public discussion, this minister had every opportunity to question and even to revoke the policy. He had the responsibility to do the first, and he had the power to do the second.

I return to the Occupational Safety and Health Act, and I remind this House of what that Act says. The Occupational Safety and Health Act makes it clear that the WorkSafe Commissioner is subject to the control and direction of the minister and is responsible to the minister. Therefore, a debate took place. A serious academic in the community said that the chief executive had acted unlawfully. The minister's response was that the chief executive was withdrawing a privilege that had been extended to trade unions in the past. This minister had every opportunity to question that policy, and he had the power to revoke that policy. He made a decision not to do that, and on those grounds alone he became implicated in an unlawful action by WorkSafe. Indeed, the Opposition need go no further in arguing that is a case for his dismissal from the Cabinet and for this Parliament to vote no confidence in that minister.

However, there is more. Following the release of information related to the work of the Commissioner for Public Sector Standards, Mr Don Saunders, this House now knows that the minister went further than simple endorsement. I quote from the letter of Neil Bartholomaeus to Don Saunders dated 21 August 1998. Here, for the first time in the public arena, is a very clear discussion of the way this policy was initiated and announced. Mr Neil Bartholomaeus was responding to the claims that were made by Don Saunders in his considerations. This was Mr Bartholomaeus' right of reply before the final report was written and tabled. Mr Bartholomaeus says -

> The summary of findings states *"Mr Bartholomaeus' policy was self imposed. It was not a directive from a Minister."*. The 26 June 1997 media statement (Attachment) was issued with the approval of the Minister for Labour Relations. A draft statement was submitted to the Minister's Media Secretary, the Media Secretary discussed it with the Minister who requested one amendment. The draft statement referred to a six month period of changed relationship with unions, the Minister suggested the addition of a review provision at the end of six months in case we might wish to continue with the changed relationship. That amendment was made to the statement. Thus, the Minister's feedback on the draft media statement was essentially to strengthen the approach I proposed in the aftermath of the intrusion of WorkSafe Western Australia's premises. The feedback was also consistent with Government policy referenced at 2. GOVERNMENT POLICY CONTEXT above.

Neil Bartholomaeus indicated that is what happened on that day when that policy was announced.

Mr Kierath: That is someone's version of it.

Dr GALLOP: Is the minister saying that is not true?

Mr Kierath: Yes, I am.

Dr GALLOP: Is the minister saying that when Mr Bartholomaeus was requested to provide information to the independent Commissioner for Public Sector Standards, Mr Bartholomaeus told a lie?

Mr Kierath: I never approved any press release. No-one ever discussed a press release with me.

Dr GALLOP: The House will deal with that matter later. The minister is saying that Mr Neil Bartholomaeus, when asked by the Government to give evidence to an independent commission of inquiry with very strong powers, told lies to that inquiry. That is a very serious thing for the minister to say - very serious indeed - and that will be a further matter for the Opposition to pursue. Not only did the minister endorse the policy, but according to Mr Bartholomaeus, he strengthened it by offering advice on the need for a review provision. I will be absolutely clear about this. That policy which was announced by Mr Bartholomaeus was government policy. It was not just the isolated action of a senior public servant. This was a government policy, and it was endorsed by that minister, either through his inaction in not revoking it or by his active support of it. Whatever interpretation is placed on it, it was government policy, and as the minister, he was responsible for it. Therefore, whether he - or the Premier for that matter - likes it or not, the former minister is caught in the net of accountability. He is caught both by his inaction in not questioning and moving to revoke an unlawful act and by his action in strongly supporting that policy in the public arena, and, according to Mr Neil Bartholomaeus, in strengthening it by adding a review clause.

It should be of no surprise to anyone in this House that the minister would endorse and support such a policy. His anti-union prejudices are well known to everyone in Western Australia. It is interesting that his chief executive officer, Mr Neil Bartholomaeus, was aware of those anti-union prejudices, because when Mr Neil Bartholomaeus wrote to Don Saunders, he quoted government policy in defence of his non-cooperation policy with trade unions. I refer to his letter to the Commissioner for Public Sector Standards. I quote the section in which he deals with government policy. This is Neil Bartholomaeus defending himself when there is an independent inquiry, and, in effect, he says, "What are you complaining about? I was carrying out government policy", and he quoted from the Minister for Labour Relations' speech in this Parliament on 27 October 1994 when the Occupational Safety and Health Legislation Amendment Bill was being debated. The present Minister for Planning said at that time -

> . . . the Government has identified a need to signal a fresh unencumbered approach to occupational safety and health legislation. In so doing the emphasis on consultation and co-operation at the workplace will be strengthened but industrial exploitation of safety issues will no longer be tolerated.

The prejudices within that statement are clear. It would also appear that Mr Bartholomaeus' interpretation of what that phrase meant for the conduct of his office met with the approval of the Minister for Labour Relations. In fact, the minister could not contain himself in supporting the policy that had been laid down by Neil Bartholomaeus, because at last he had a chief executive officer who was taking on his old enemy, the trade union movement in Western Australia.

Mr Johnson interjected.

Dr GALLOP: Would the member for Hillarys repeat that?

Mr Johnson: It could be a lot of people's enemy.

Dr GALLOP: The member first said that the trade union movement was everyone's enemy! Those organisations work on behalf of employees in our community and the member for Hillarys says they are everyone's enemy. I would hate to live in a society where the member's philosophy was the dominant one. It is just as well there are a few remnants of checks and balances left in industrial relations in our community. Ministers and chief executive officers are entitled to have prejudices. However, they are not entitled to allow those prejudices to undermine the rule of law. That is the essence of this issue. The prejudices of the Minister for Labour Relations filtered into the consciousness of the WorkSafe Western Australia Commissioner and resulted in a policy decision which discriminated against unions and jeopardised workplace safety in Western Australia. There is no place for that in the State of Western Australia, and that is exactly what the independent Commissioner for Public Sector Standards concluded when he wrote his report which was finally tabled in this Parliament.

The independent commissioner confirmed what the Opposition was saying about the unlawful behaviour of the chief executive officer. The report contains some unfinished business. The Commissioner for Public Sector Standards can inquire into the issue of public sector standards only by considering the role being played by chief executive officers and other public servants. It is not the role of that commissioner to inquire into the part played by the minister. The function of inquiring into the role of the minister is to be performed by this Parliament, and that is why today we have an opportunity to extend

the argument and look at the role that this minister played. This minister did not fulfil his responsibilities as a minister of the Crown. He failed to make the proper checks, to show adequate care and concern, and he endorsed and strengthened an unlawful policy thereby threatening workplace safety in Western Australia. If Mr Neil Bartholomaeus is to carry the can on this issue, the Government will be indicating to the Parliament and the people of Western Australia that it has no concept of or belief in ministerial responsibility. Just as it has been dragged kicking and screaming to accept some responsibility for the performance of Mr Bartholomaeus, so must it be compelled to accept responsibility for the performance of the former Minister for Labour Relations.

We cannot have a finding of unlawful conduct in government by an independent Commissioner for Public Sector Standards and then say that the issue of the role and responsibility of the minister is a red herring. However, that is what the Premier of this State has said. What sort of message is the Premier sending out to the community about his concept of standards in government by saying that the issue of the role of the minister in this affair is but a red herring? He is saying that this public servant will take the rap for this issue but his Government will defend his ministers. That is a bad message to send to the community about what ministerial responsibility will mean under the Court Government. The Opposition has carefully examined this matter and the role and responsibility of the former Minister for Labour Relations and has found his performance wanting. He has no alternative except to resign from his position. The Government has no alternative except to dismiss him. Parliament should accept no less.

**MR KOBELKE** (Nollamara) [5.44 pm]: I second the motion moved by the Leader of the Opposition, which is one of want of confidence in the Minister for Planning, the member for Riverton. The Leader of the Opposition has outlined the key elements of the case with respect to the minister. These comprise the findings by the Commissioner for Public Sector Standards that WorkSafe WA had not complied with the law and that the public sector code of ethics and WorkSafe's own code of conduct had been breached. Those findings were directed at WorkSafe because the Public Sector Standards Commissioner could not make a finding against an individual public sector employee. Therefore, the commissioner changed his first report and reworded it to make the findings against WorkSafe. As the Leader of the Opposition as already outlined, the Premier has responsibility for senior public servants, and for enacting the disciplinary provisions within the Public Sector Management Act. We must ask why this Premier has been willing to support a minister, the member for Riverton, who has been involved in a breach of law, whose standards have sunk so low that he has supported an officer who has not complied with the law and has breached the standards required of all public servants, let alone the head of a public service agency. We have seen the Premier attempt to sweep the whole matter under the carpet and to put delay on delay.

I remind the House that the edict by Mr Bartholomaeus to deny access to WorkSafe by unions or union representatives was issued in 1997 - over 15 months ago. The Commissioner for Public Sector Standards, Mr Saunders, raised the matter with the Premier on 18 July - as if the commissioner should have to raise it with the Premier! The Premier, as the Minister for Public Sector Management, would have been well aware through the media of what was going on, yet he took no action of his own volition. Yet 15 months ago a complaint was directed to him by Mr Don Saunders as the Commissioner for Public Sector Standards. Month after month the Premier delayed dealing with the issue. When the Opposition brought the issue back into the Parliament a month or so ago the Premier again sought to delay and put off the whole matter. It was only yesterday, 13 October 1998, that the Premier commenced disciplinary processes against Mr Bartholomaeus under the Public Sector Management Act. Over 15 months after the event was initiated the Premier accepted his responsibilities as the Minister for Public Sector Management and initiated the processes to inquire into the conduct of Mr Bartholomaeus. Why did the Premier delay? He delayed because he and his ministers were trying to protect the member for Riverton, the former Minister for Labour Relations. That is the reason this Government has been willing to go along with the tissue of lies and deception that has built up around this episode.

The Premier has been totally derelict in his responsibility as Minister for Public Sector Management. He has failed to act to uphold standards. He has acted only when he has been forced to do so by the Opposition and the pressure of public opinion. At every turn the Premier has sought to protect Mr Bartholomaeus because he needed to protect his minister. Finally, things have started to unravel for Mr Bartholomaeus and the attention of this House must now turn, as it does in this motion, to the minister who supported the implementation and the continuation of the policy put in place by Mr Bartholomaeus. The Government cannot ignore the fact that the standards which have been breached - a breach which it has allowed this minister to get away with - are its own standards.

The Government cannot be partly honest; it cannot say most of the ministers in the Court Government are honest; that is a nonsense. If there is a dishonest minister, there is a dishonest Government and this Government cannot walk away from that. It cannot say that the Court Government sometimes upholds the code of ethics of the public sector. It either upholds the code of ethics or it does not. This minister has been centrally involved in breaching the code of ethics and WorkSafe Western Australia's code of conduct has been simply overridden. The Government cannot have integrity sometimes. It must stand up for something that represents the standards of this State and support this motion to dismiss this minister or the standards of this Government will be taken to be the standards of the member for Riverton - standards which involve breaching the laws of this State and the code of conduct of a public authority. The Government cannot support deception and have any credibility. One minister cannot disrespect the truth without discrediting the whole Government. The fabric of deceit and

deception that has been woven by this minister and Mr Bartholomaeus has started to enwrap the whole Government. A whole range of untruths are being told. Even today in the debate, the minister said that Mr Bartholomaeus told a lie.

When people tell lies, Mr Acting Speaker, whom do we believe? If the Government does not take action when it is clear untruths are being told, when the law is not being upheld and when codes of conduct are being breached, by what standards are we to measure this Government? How are we to accept any of the utterances of ministers of this Government if they will not toe the line and uphold standards with respect to the member for Riverton? Standards cannot be upheld if there is no leadership from the Premier. If the Premier is not willing to adhere to standards, the Government is without standards. If untruths have been allowed to be used time and again in this whole sorry saga, it is clear the Government simply does not know how to tell the truth. If Mr Bartholomaeus was not telling untruths, he should have been sacked for his incompetence. The Government cannot have it both ways. The Premier is being sucked into this whole web of untruths because Mr Bartholomaeus, having been caught out, has tried to rewrite the history of events. Therefore, the Premier and the minister are changing their tunes and putting out stories which are nonsense or not based on the facts.

I turn now to the statement made by the Premier in this House yesterday, part of which reads -

> . . . the initial statement of policy in the media release did not reflect the practical operation of the "policy" within the department of WorkSafe Western Australia. The statements made by Mr Bartholomaeus to the Commissioner for Public Sector Standards and me regarding the operation and effect of the "policy" -

Several members interjected.

The ACTING SPEAKER (Mr Sweetman): Order! The member for Nollamara is painting a picture and there are too many members trying to get onto his canvas.

Mr KOBELKE: Thank you, Mr Acting Speaker. I will repeat the last sentence. The member for Alfred Cove is squealing like a stuck pig; and he is making all the sense of a stuck pig.

*Points of Order*

Mr KIERATH: It is quite clearly unparliamentary to refer to another member of this House as squealing like a stuck pig and I ask that the remarks be withdrawn.

Mrs ROBERTS: Mr Acting Speaker, at the moment you gave your ruling asking members to come to order so that we could hear the member for Nollamara, both of the ministers opposite were interjecting extremely loudly. They should have been censored, Mr Acting Speaker, and you need to take some action; just as the member for Avon is out of order right now. He could not even hold a piece of paper without shaking and screaming at the same time, could he?

The ACTING SPEAKER: Order, the member for Midland!

Mr THOMAS: The phrase "squealing like a stuck pig" is a metaphor and does not suggest that he is a pig, stuck or otherwise. It merely says that he is squealing like one. Therefore, it is not unparliamentary.

The ACTING SPEAKER: Order, member for Cockburn! There is no point of order. Member for Nollamara, I ask you to complete your remarks by addressing your comments to the Chair.

*Debate Resumed*

Mr KOBELKE: I will try to complete the Premier's statement which government members obviously do not want to hear. It reads -

> The statements made by Mr Bartholomaeus to the Commissioner for Public Sector Standards and me regarding the operation and effect of the "policy" were at odds with the statement in the media release.

Obviously, members opposite were not listening to that. However, that statement by the Premier raises many questions. The Premier is saying that Mr Bartholomaeus stated a policy but never implemented it. This Premier rose in this House yesterday and, as an excuse, suggested that there was not a problem because Mr Bartholomaeus was simply telling lies. Mr Bartholomaeus issued a press release which was never implemented. Mr Bartholomaeus went to WorkSafe Western Australia and argued against the commissioners but he did not really believe what he was saying because he was not going to do it. Mr Bartholomaeus spoke to the press on numerous occasions and told them something that was a total lie. Mr Bartholomaeus went on Graham Mabury's program and told a whole lot of lies. That is what the Premier said in the House yesterday. The Premier said that Mr Bartholomaeus actually stated a policy was in place which was never implemented; that it was at odds with what actually happened. We see the tissue of lies and deception that the Premier has been dragged into because he has made a statement that is absolutely nonsense and does not stack up.

If the Premier knew Mr Bartholomaeus was stating something as a senior public servant but his department was doing the opposite, he should have been sacked a year ago. The Premier cannot use as a defence in this place that Mr Bartholomaeus,

through numerous public utterances, was telling lies by saying that his department was not doing what everyone knew it was doing. How can the Government have someone who pretends to be the Premier of this State come into the Parliament and make such a nonsense statement? It is absolutely ludicrous. It is also not factual because we have many examples where Mr Bartholomaeus' policy was implemented. However, the Premier has bought the lie which is recorded in at least one place; that is, Mr Bartholomaeus' letter to the Premier of 8 September in which he says -

> There was never a policy or operational procedure applied by WorkSafe Western Australia that WorkSafe Western Australia would not take information or complaints from union representatives.

That is Mr Bartholomaeus' statement and it happens to be false. This Premier is supposed to be the Minister for Public Sector Management. He comes into this place and tries to spread a tissue of totally untrue information which simply does not stand up. The point I make is that the Premier, in attempting to defend this minister who stood up for Mr Bartholomaeus, has been dragged into the mud and rubbish of the deceit and lies that have been put around by Mr Bartholomaeus. Even today in this House the minister said that Mr Bartholomaeus lied in another instance. While this is all going on the Government says, "That is our standard. We want to live by that standard, having this deceit and deception as part of the Government of Western Australia." It is simply a nonsense.

Without going through all of the record, I will take the last minute remaining to quickly give some of the evidence. We have not only Mr Bartholomaeus' press release of 26 June last year, but also the letter he wrote to me on 23 July which reinforced it. At the meeting at WorkSafe on 2 July he continued to uphold the policy. There is a letter from Helen Creed of 12 August giving evidence that union officials were denied access to officers. There is a letter from Don Saunders of 22 August in which he mentions the policy is being pursued. There is another letter from Don Saunders of 19 September in which he again mentions that the policy is being pursued. There is a letter of 3 October from Mr Neil Bartholomaeus to Mr Saunders which again talks about the policy being pursued. As I have mentioned already, Mr Bartholomaeus was on the Graham Mabury program on 24 September and again talked about continuing the policy; and on 24 December 1997, Mr Bartholomaeus made a statement saying that the ban had now been lifted. This Premier says there was never any policy. Where is the credibility of this Premier and this minister?

*Sitting suspended from 6.00 to 7.30 pm*

Mr KOBELKE: The Premier's prepared statement reads -

> . . . the initial statement of policy in the media release did not reflect the practical operation of the "policy" within the department of WorkSafe Western Australia. The statements made by Mr Bartholomaeus to the Commissioner for Public Sector Standards and myself regarding the operational effect of the "policy" were at odds with the statement in the media release.

This is an example of the depth of deception into which the Premier has been dragged to try to defend the member for Riverton. Anyone who looks carefully at that statement and who has some passing knowledge of the events and inquiry into Mr Bartholomaeus's actions will realise that it is a nonsense. The Premier is somehow saying that the policy was never implemented. He is also saying that the statements made to Mr Saunders and him were that the policy was not being implemented. There may have been one statement to that effect but in Mr Saunders' report and in all the papers that have been revealed through freedom of information, on numerous occasions Mr Saunders was told that Mr Bartholomaeus was pursuing the policy. One can play nitpicking semantics, but the thrust of the statement made by the Premier is demonstrably untrue.

If this Premier is to continue to support the member for Riverton, he will be dragged further and further into the mire of this form of deception. I will read one small quote from the Premier's prepared statement yesterday. It reads -

> Fortunately, it would appear to be the case that it was in fact the dedication, commitment and maturity of the public service officers within WorkSafe Western Australia, that ensured that no harm or disadvantage was caused to any employee as a consequence of the public statements made by Mr Bartholomaeus.

We have the Premier saying that those public service officers disobeyed an order from their chief executive officer and commissioner, and on that basis the good government of this State continued. How can the Premier who wants to uphold standards say to this House that no-one was adversely affected because the officers disobeyed the legal instructions of their senior officer? This is an absolute nonsense. It is the sort of trite nonsense into which the Premier has been dragged to try to defend the minister who is totally indefensible.

The statement was not true because I can give two cases to the House, and the evidence is before the Premier, that officers were adversely affected. The Kununurra Hospital had a radiation problem which it was trying to resolve with WorkSafe. When Mr Bartholomaeus brought in his ban on contact with union representatives that process was stopped. The excuse is that another agency looked after that problem. That is irrelevant. The fact is that WorkSafe quite properly was addressing the radiation hazards at Kununurra Hospital. That whole process was stopped, leaving the employees in jeopardy or certainly at a disadvantage. Therefore, the statement by the Premier is wrong in respect of that complaint. Another

complaint related to a mineral processing company in the southern suburbs of Perth. The union representative there went to WorkSafe to report a range of clearly unsafe practices at that workplace. WorkSafe refused to respond. That is set out in correspondence in black and white. WorkSafe told the union representative to get the individual to report. The individual was reluctant to do so but did so on the basis that the union said that the person's name would not be released and that the person would not be victimised. Unfortunately through WorkSafe or some other means that employee's name was released to the employer. The employee was or at least felt victimised. That employee was quite clearly adversely affected by the ban Mr Bartholomaeus put in place. Those are but two examples which put the lie to the statement the Premier made in this House yesterday.

I will return to the key focus of the motion; that is, that there can be no confidence in the member for Riverton as a minister in this Government while we continue to see that he has supported Mr Bartholomaeus in his actions, which have been shown in the report by Mr Saunders to have breached the law and codes of conduct required of a senior civil servant. Mr Bartholomaeus took those actions with the full support of the minister. Even if the minister had not supported Mr Bartholomaeus, as he clearly has both implicitly and explicitly, he should have intervened as minister when the complaints were made to ensure that there was not a continuation of a clear breach of Mr Bartholomaeus' legal requirements of as Commissioner for WorkSafe. We have found that this Premier has time and again failed in his duty to show leadership and to pull into line the member for Riverton to ensure that he met the minimum standards required of any Government. There is nothing left for this House but to censure and to pass this vote of want of confidence in the member for Riverton as a member of the Court Government, or alternatively to place clearly on the record the standards that this Government is willing to wear.

If this Government supports the member for Riverton, it is saying that it is okay to tell lies. We even had reference tonight to the dispute between Mr Bartholomaeus and the minister in which they give totally conflicting views when they know what they are talking about. One or other must be lying. That is what people sink into if this Premier is not willing to uphold standards and to ensure that this censure vote is carried. We have clearly seen from Mr Saunders, an independent person who has had to push this Premier for a period approaching 12 months to complete a report, that he has considered that report and found that WorkSafe has not complied with section 9 of the Public Sector Management Act, the Western Australian public code of ethics and WorkSafe's own code of conduct. Slowly the Opposition has teased out of the Government the various facts to put together the picture. We know that although this finding was against WorkSafe, it was against Mr Bartholomaeus. It was not in the power of Mr Saunders to name an individual, so he had to rewrite the report so that it applied to WorkSafe. We also know that Mr Bartholomaeus took those actions with the consent and the support of the minister. The minister, who is responsible for WorkSafe under the Act, who has the power and the obligation to direct Commissioner Bartholomaeus, must accept full responsibility for the actions WorkSafe WA took in its breach of the Public Sector Management Act and the codes of conduct, as clearly found by Mr Don Saunders.

We can get into procedural fairness and the whole process that needs to take place to ensure that the rights of individuals are upheld. That is not what this Government is about. This Government has sought at every turn not to ensure that we have proper administration but to try to hide the facts of the matter to ensure that nothing would happen to uphold standards in this Government. It comes down to which way the Premier will vote on this motion. In previous debates on this and a range of matters relating to the member for Riverton the Premier has totally avoided the facts of the matter.

The Premier has spoken about everything else except the facts laid out by the Opposition in this place time and again. Those facts reveal that the member for Riverton is not fit to be a minister, even in this Government, given the depths to which it will sink, let alone any other government in this State. The vote on this matter tonight is one more opportunity for this Government to uphold some reasonable standards or to show that it will accept the standards of the member for Riverton, which are well known in the community of Western Australia to be so low that they cast a very bad light on all members in this place.

**MR COURT** (Nedlands - Premier) [7.40 pm]: The Leader of the Opposition has once against jumped in too early. He has cobbled together a motion of no confidence against the Minister for Employment and Training that has no basis. He has come into the Parliament today and started throwing around words, saying that Mr Bartholomaeus has been involved in unlawful behaviour. He keeps using the term "unlawful behaviour".

Dr Gallop: Have you read the report?

Mr COURT: No report has said there has been unlawful behaviour. The member for Nollamara said that the Minister has been dishonest, and that Mr Bartholomaeus has been telling lies and is incompetent. This member has just sat down, having said that we must talk about procedural fairness. There is no procedural fairness when it comes the Labor Party. Members opposite have said that the man is a liar and is incompetent, but the member for Nollamara says that we must have procedural fairness in the matter. Yesterday, the Leader of the Opposition jumped in. Those opposite cobbled together this motion. The Government has just finished giving a ministerial statement in which it said that a decision has been made to start a formal disciplinary process. The advice we received was that there may have been a breach of a code of conduct and a code of ethics.

Dr Gallop: Read the Saunders report.

Mr COURT: We got the Saunders report and all the additional information. Mention was made of the complaint in Kununurra, and I will delve into that in a moment, or the Minister may want to. The advice we had was equivocal about whether a formal disciplinary process should be started. We have made a decision to go down that path, to proceed with that process. Those opposite have jumped in moving a motion of no confidence in the Minister. They do not even know the facts.

Dr Gallop: We do know. They are in this report.

Mr COURT: No, they do not. They talk about unlawful behaviour, about lies and incompetence. The member for Nollamara said that Mr Bartholomaeus should have been sacked. I will tell the House this: Mr Bartholomaeus was a loyal and dedicated public servant under the previous Labor Government and he has been a loyal and dedicated public servant under this Government. I would not have a clue which party he votes for. However, one thing I do know is that while he has been running WorkSafe WA the question of safety in our workplaces has undergone a quiet revolution. Of course he has been unpopular in a number areas; however, I find it absolutely unbelievable, particularly when he is being subjected to a formal disciplinary process, that those opposite come in here and accuse him of being a liar and incompetent.

Dr Gallop: It was your Minister.

Mr Kierath: I never said that at all. I would not say that.

Dr Gallop: Let us hear what you said.

Mr COURT: I go back to the beginning of this matter.

Several members interjected.

The SPEAKER: Order! I can understand members getting emotive about these matters. The Premier is giving his speech. There is far too much interjection, particularly from the member for Cockburn. I remind him that I am mentioning him because I object very strongly to members who interject with personal, denigrating comments across the Chamber to members who are not on their feet. It is just not on. I allow a lot of interjection, particularly from the members who have spoken and raised an issue and want to get to the heart of it. Members are getting a fair go. Let us not go beyond what is a fair go.

Mr COURT: Members opposite keep talking about this case in Kununurra. I will put on the record what happened in that matter.

Dr Gallop: When will you defend the Minister?

Mr COURT: The Leader of the Opposition should just hold fire. This matter started on 26 June 1997 when the member for Riverton was the Minister for Labor Relations. Approximately 30 unionists marched on the offices of WorkSafe Western Australia, chanting slogans critical of the chief inspector of construction and engineering, Mr Frank Keough. Those 30 unionists forcibly entered the building and threatened staff. That behaviour is okay by the standards of those opposite. That is the sort of standover tactics we have seen used by the bikie gangs in recent days. That is how this incident started, but people have forgotten about that.

Several members interjected.

The SPEAKER: Order! If I am to throw the member for Midland out of the Chamber, I will have to throw out other members, too. Members should see what they look like from here. There is far too much interjection. Let us tone it down a little.

Mr COURT: These 30 unionists forcefully entered the building and threatened staff. That was the beginning of this exercise. People react in different ways when faced with those standover tactics, but no-one in a public service position should have to accept being be intimidated in that way.

In the Kununurra case, one complaint was made to the Minister for Labour Relations. The Australian Liquor Hospitality and Miscellaneous Workers Union wrote to the Minister on 7 August 1997 about alleged radiation exposure from x-ray machines in hospitals and alleging further that an inspector was being uncooperative and had said that he had a directive not to talk to union officials. On 1 September 1997, the Minister responded to the union advising that the WorkSafe inspector involved had consulted with the employer and the safety and health representative in the hospital and had been told that the issue had been resolved. The safety and health representative did not request that the inspector attend forthwith. The inspector also consulted the Radiation Council of Western Australia, which administers the Radiation Safety Act and regulations. The Minister was satisfied that the inspector had fulfilled his duties -

Mr Kobelke: After he had refused to deal with it.

Mr COURT: The member is not listening. As I was saying, the Minister was satisfied that the inspector had fulfilled his duties and that radiation safety is enforced by the Radiation Council of Western Australia. A follow-up letter was sent by the union and, again, the Minister responded that he believed the inspector had performed his duties in accordance with the Act and departmental policy. It should be noted that the matter was not even raised in the Saunders report. All the information was given to Mr Saunders, and it would appear that the matter has been properly addressed. Members opposite use Parliament to develop its case study on how things were affected. I have already said that we could not justify the commencement of the formal disciplinary process as a result of the report of the Commissioner for Public Sector Standards.

Mr Kobelke: Why not?

Mr COURT: Because we had Crown Solicitor's advice that the report contained nothing to warrant our starting that process.

Mr Kobelke: You do not need the report to start the process; you could have done it 15 months ago.

Mr COURT: Hang on. I said we would get additional information, and other parties provided that additional information. When the Crown Solicitor gave us advice again, he was still equivocal about whether there was enough evidence to warrant starting disciplinary processes. The disciplinary process we have started is outlined in section 81 of the Public Sector Management Act. Mr Bartholomaeus has been given seven days to provide an explanation of his conduct, and a decision will then be made on whether an investigation should be conducted. As far as I am concerned, it is improper and inappropriate for members opposite to use Parliament to accuse Mr Bartholomaeus of being a liar and incompetent when he is undertaking a proper disciplinary process.

This is a want of confidence motion in the minister who had responsibilities in this area.

Mr Carpenter: You have no confidence in him - that's why you moved him.

Mr COURT: I have every confidence in the minister, my friend! By jumping in, members opposite have demonstrated that they do not give a damn about proper processes.

Dr Gallop: This place is the process!

Mr COURT: The Leader of the Opposition does not give a damn. Those in the Labor Party really know how to go for someone - the vilification of Mr Bartholomaeus is really showing the true colours of members opposite. I do not know Mr Bartholomaeus' politics today; however, I know that in earlier times he stood for the Labor Party. This motion is all about members opposite never forgiving Mr Bartholomaeus or this Government for the way in which WorkSafe took away the abuse of safety issues by some union officials in this State. Under the guise of safety issues, those union officials developed some industrial muscle. As Mr Bartholomaeus implemented the Government's policy, the union officials were no longer able to use safety issues for purposes other than improving workplace safety. For all the faults which this Government or Mr Bartholomaeus may have had, one cannot take away this State's good record on safety issues.

I have full confidence in the minister. I feel ashamed that a senior public servant who has given so much loyal service to this State must commence a disciplinary process with opposition members cowardly accusing him of being an incompetent and a liar.

Question put and a division called for.

Bells rung and the House divided.

Several members interjected.

The SPEAKER: Order! Even though we are in the division process, members are still required to be orderly.

The division resulted as follows -

Ayes (14)

| | | | |
|---|---|---|---|
| Mr Brown | Mr Kobelke | Mr Riebeling | Mr Thomas |
| Mr Carpenter | Mr Marlborough | Mr Ripper | Ms Warnock |
| Dr Edwards | Mr McGowan | Mrs Roberts | Mr Cunningham *(Teller)* |
| Dr Gallop | Ms McHale | | |

Noes (27)

| | | | |
|---|---|---|---|
| Mr Ainsworth | Mrs Holmes | Mr Minson | Mr Trenorden |
| Mr Baker | Mr House | Mr Nicholls | Mr Tubby |
| Mr Barnett | Mr Johnson | Mr Omodei | Dr Turnbull |
| Mr Bloffwitch | Mr Kierath | Mrs Parker | Mrs van de Klashorst |
| Dr Constable | Mr MacLean | Mr Prince | Mr Wiese |
| Mr Court | Mr Marshall | Mr Shave | Mr Osborne *(Teller)* |
| Mrs Edwardes | Mr Masters | Mr Sweetman | |

Pairs

| | |
|---|---|
| Ms Anwyl | Mr Board |
| Mr Graham | Mr Day |
| Mr Grill | Dr Hames |
| Ms MacTiernan | Mr Barron-Sullivan |
| Mr McGinty | Mrs Hodson-Thomas |
| Mr Bridge | Mr Pendal |

Question thus negatived.

## TOWN OF COTTESLOE INQUIRY

*Motion*

**MR McGOWAN** (Rockingham) [8 00 pm]: Mr Speaker -

Several members interjected.

The SPEAKER: Order!

Mrs Roberts interjected.

The SPEAKER: Order! The member for Midland has transgressed seriously. The member for Rockingham wants to start his speech.

Several members interjected.

The SPEAKER: Order! The member for Bassendean has transgressed on several occasions. If he continues to transgress, I will toughen up. We have had some fun and merriment but the member for Rockingham has the call.

Mr McGOWAN: I move -

> That this House expresses its grave concern at the unwarranted action of the Minister for Local Government in initiating a politically motivated inquiry into the Town of Cottesloe and by so doing undermining the autonomy of local government.

This is an important issue. It relates to the administration of government at the very heart of this State. It relates to the Deputy Leader of the Liberal Party and his behaviour in relation to the executive government of this State. Members opposite may rubbish this issue and think that the Cottesloe Town Council is not important, but it is important. In addition, the administration of office by the Minister for Local Government and the Deputy Leader of the Liberal Party is very important to the people of this State.

Several members interjected.

Mr McGOWAN: We have seen the misuse of executive power by the Minister for Local Government in order to help his political mate, the Deputy Leader of the Liberal Party. The Minister for Local Government is the numbers man for the Deputy Leader of the Liberal Party.

Several members interjected.

Mr Barnett: Now I am in trouble.

Mr McGOWAN: The Deputy Leader of the Liberal Party is in big trouble. The major problem he faces is that while he is mustering the numbers for his frontal assault on the bloke to the right of him he must watch his flanks. Fortunately for him, his numbers man, the Minister for Local Government, is in a position to help him with his flanks. The Deputy Leader of the Liberal Party has his soft underbelly in his seat of Cottesloe; that is, the Mayor of Cottesloe is not a member of the Liberal Party. That is a big problem. It upsets and galls the member for Cottesloe. It has got to the deputy leader and that is why this inquiry was initiated. Government members in the western suburbs regard the area as their personal fiefdom, their political kingdom, and it gets them that the Mayor of Cottesloe is independent. He will not do what the Deputy Leader of the Liberal Party says. Members can look at any range of media articles from the western suburbs newspapers and see that the Mayor of Cottesloe does not do what the Deputy Leader of the Liberal Party tells him to do. That is the deputy leader's big problem. What is the solution? Get his numbers man, the Minister for Local Government, to fix up the council behind his back.

I will set out the history of the Cottesloe Town Council.

Mr Barnett interjected.

Mr McGOWAN: I expect the Deputy Leader of the Liberal Party to interject the whole way through my speech and I look

forward to that. On 25 August this year the Minister for Local Government put in place an inquiry, or, as he preferred to call it, an assessment of the Cottesloe Town Council. What did Mayor John Hammond do to deserve this assessment? I will go over the facts of the matter and the history of the past few years of the Cottesloe Town Council. Mayor John Hammond was elected in May 1996 in one of the biggest turnouts ever in the Town of Cottesloe of 42 per cent of the ratepayers. He received two-thirds of the vote and defeated a friend of the Deputy Leader of the Liberal Party, Julian Donaldson. The deputy leader did not want John Hammond to defeat Julian Donaldson. He had an ally there and did not want an independent who does not do what he is told to defeat his mate in the Town of Cottesloe. That was the first thing to upset the Deputy Leader of the Liberal Party. John Hammond was also the first mayor in a number of years who was not a member of the Liberal Party. He was elected, he is independent and he is not an ally of the deputy leader. Over the next few months he began taking an independent stand in relation to a range of local issues. The first was the western suburbs highway.

Mr Barnett: No, his first stand was to sell the mayoral chain.

Mr McGOWAN: The Deputy Leader of the Liberal Party must hate him for that.

Several members interjected.

Mr Barnett: He wanted to but the people objected. It was his first pronouncement.

Mr McGOWAN: Did that upset the Deputy Leader of the Liberal Party?

Mr Barnett: No, it did not, but had he gone ahead with it, I would have bought the chain and donated it back to Cottesloe when there was another mayor.

Mr McGOWAN: The deputy leader said he sold it.

Mr Barnett: He wanted to sell it. The council did not agree.

Mr McGOWAN: He wanted to sell it and the council would not agree with him. Does the Deputy Leader of the Liberal Party regard that as sacrilegious?

Mr Barnett: I do not think it is appropriate to sell the mayoral chain. It was not his to sell.

Mr McGOWAN: That was the first big issue. The Mayor of Cottesloe wanted to sell the mayoral chain. The major issue is the western suburbs highway. It will run adjacent to Curtin Avenue through Cottesloe. This highway is something the Government and the local member support. The local member, Colin Barnett, supports this western suburbs highway running through his electorate. The mayor, John Hammond, went on the record opposing the western suburbs highway.

The second issue arose when the local member, the Deputy Leader of the Liberal Party, said he wanted the Town of Cottesloe to upgrade the de Vlamingh Memorial on the seafront at a cost of about $50 000. This was a major expenditure for the Cottesloe Town Council, but the Deputy Leader of the Liberal Party thought it was a good idea and wanted the council to do it. Some important people from Holland were coming to Western Australia and the Minister for Education wanted the Cottesloe Town Council to upgrade the Vlamingh memorial. The council refused. It was of the view that its money would be better spent on providing footpaths and roads.

Mr Barnett: De Vlamingh came here 300 years ago and I do not think we will be here for the 400th anniversary. I thought the anniversary of de Vlamingh's visit and naming of the Swan River to be of some significance to this State, as did the Dutch Government and other local governments in the area.

Mr McGOWAN: The minister is becoming agitated and upset. He did not like the fact that the mayor would not spend council money on the memorial. The minister told the council that he had been embarrassed in the eyes of the Dutch Government because the council would not upgrade the Vlamingh memorial. To be frank, I do not think that the Dutch Government could care less. The minister has taken issue with the council on three matters: The mayoral chain, the western suburbs highway and the Vlamingh memorial. The fourth issue arose when this upstart mayor in Cottesloe said that he supported the retention of Swanbourne Senior High School. That made the minister see red, because he wanted to close the school. He is the Minister for Education and it is an issue within his portfolio. It was important to the minister to close the Swanbourne Senior High School and the minister and the Mayor of Cottesloe disputed the issue in the local newspaper.

Mr Barnett: Do you know in which municipality is Swanbourne Senior High?

Mr McGOWAN: I know that it is not in the Town of Cottesloe. However, it is an issue in the western suburbs of Perth and constituents of the Mayor of Cottesloe probably have children who attend or work at Swanbourne Senior High School. It is an issue for the mayor, so he took on the minister. The minister won, because he is the Minister for Education, but he did not like the mayor's involvement. As an issue it is up there with the mayoral chain; it is big stuff to the minister and he is upset.

Mr Barnett: It is a big issue.

Mr McGOWAN: It is a big issue, because the Minister is the bloke who thinks he should be Premier. If that is what the minister does to his local town council when it disagrees with him - if that is the example he sets - woe betide anyone in Western Australia who disagrees with the minister if he ever becomes Premier!

I will set the scene: The Cottesloe Town Council calls a public meeting on the western suburbs freeway. A range of people attend. Mayor John Hammond, the independent whom the minister hates, is chairing the meeting. The minister shows up to discuss the western suburbs freeway and the chairman calls for questions. The minister puts up his hand, and he expects to be the first person to be called - after all, he is the local member.

Mr Barnett: I was not invited to speak.

Mr McGOWAN: The minister indicated that he wanted to speak, but the mayor selected someone else to speak. The minister, being high and mighty, storms out of the meeting and says to all and sundry that he has been snubbed by the Cottesloe Town Council.

Mr Barnett: What is your source for "snubbed"?

Mr McGOWAN: How would the minister describe it?

Mr Barnett: Did you make it up? That is typical.

Mr McGOWAN: No, I did not make it up. I believe they are the minister's words. Are they the minister's words?

Mr Barnett: No. I did not use the word snubbed.

Mr McGOWAN: Is the minister sure the word was not snubbed? Was the minister insulted?

The minister leaves the meeting. He is upset with the mayor whom he feels has snubbed him and he starts bagging the council everywhere. The council invites the minister back for another meeting on 25 May this year. What does the minister do? He tells the council, firstly, that it is too hard on its staff; and secondly, that he, the Premier, the Cabinet and public servants have absolutely no faith in the Cottesloe Town Council.

Mr Barnett: That is not true. Who supplied the member with that view of the meeting?

Mr Carpenter: Are you going to have him arrested?

Mr McGOWAN: I hope he was not a teacher!

Mr Barnett: The member for Rockingham is a lawyer; it is an important point. It was resolved by the council that it be an in camera meeting and I would be interested to know who told the member that. I do not care.

Mr McGOWAN: The minister's true colours are showing. Is the minister saying that it is not true, that he did not tell the council that he had no faith in it? What did the minister say to the council?

Mr Barnett: When I have an in camera meeting I do not divulge what occurs.

Mr McGOWAN: I want to hear what the minister said to the council. Did the minister tell council members that he, the Premier, the Cabinet and public servants had no confidence in them and that they were a disgrace?

Mr Barnett: No.

Mr McGOWAN: It is obviously too much for the minister to remember.

The minister went to the Cottesloe Town Council and picked on a bunch of barely-paid local elected officials who do the job for the benefit of the community. The minister, who is the local member, is upset that the councillors will not do what he tells them to do, so he abuses them. He says, "I'll deal with you mob" and so reveals his true colours. What do we see then? An inquiry into the council is subsequently launched by the Minister for Local Government, ostensibly on the basis of the resignation of three councillors. Why did they resign? Three of them resigned immediately after the minister told them that he, the Premier and the Cabinet had no confidence in them. They are upset because the minister is the local member and he is probably someone they respect.

Mr Omodei: To get you back on track, the councillors resigned on about 27 June, and you said the inquiry took place on 25 August this year. It was an assessment.

Mr McGOWAN: The Minister for Local Government is fantastic at raising irrelevant points. If the minister had listened he would realise I said that the councillors resigned shortly after the Deputy Leader of the Liberal Party, the member for Cottesloe, launched his verbal assault on them. That is what occurred. They are local officials. They probably respect him - he is their local member - and they resigned shortly afterwards. The so-called crisis in the Cottesloe Town Council was fomented by the Minister for Education, and that gave the Minister for Local Government the excuse to put in place his

assessment, as he likes to call it. I would call it a witch-hunt. That is the background to the inquiry's being launched. A local organisation by the name of Save Our Suburb made up of local citizens also must be considered. The president of that organisation, Mr Tony Sheppard, wrote to the minister about the sacking of the council events as follows -

> The councillors of the previous era are unlikely to be re-elected, as they were conclusively rushed from office. Whilst I understand that they have a fair grasp on the Cottesloe Liberal Party, I believe they may have done their dash on Cottesloe Council.

They were ex-Liberals. Cottesloe Town Council was formerly made up completely of Liberals. He then said to the Minister for Local Government -

> Please do not bring Liberal politics into Cottesloe Council. Mr Hammond certainly has problems. So does Mr Barnett.

That is what the citizens of Cottesloe asked the minister to do. What did he do?

Mr Barnett: Whom are you quoting?

Mr McGOWAN: Tony Sheppard, the president of Save Our Suburb, a prominent Cottesloe organisation whose candidate was the mayor. Of course, it knocked off the minister's candidate. The local members of the community were upset by the fact that the Liberal Party had had control over the council for a long time; they kicked it out at the election, the minister hated it, therefore he put his vindictive program in place to knock over the council.

Mr Omodei: Identify whom you are talking about. Someone might read this one day.

Mr McGOWAN: Before all this took place, the Save Our Suburb group in May 1997 requested the Minister for Local Government to investigate the council. Of course he did not do so. We now come to the inquiry that was commenced by the minister into the Cottesloe Town Council on 25 August this year. The minister appointed a bloke by the name of Bob Smillie to run the inquiry. He is not a bad bloke; he was the former chief executive of the Kwinana Town Council. He launched the inquiry into the Cottesloe Town Council at the minister's behest. I like Bob Smillie; however, he has conducted this inquiry in a very funny way. All the former councillors who resigned have been interviewed, including the former chief executive officer. However, neither the Mayor John Hammond nor any of the serving Cottesloe councillors have been interviewed.

Mr Omodei: Your information is wrong. That is not correct.

Mr McGOWAN: How is that?

Mr Omodei: Mr Hammond was interviewed.

Mr McGOWAN: No, he was not. The minister is wrong.

Mr Omodei: I will give you the chronology.

Mr McGOWAN: All the councillors were interviewed, but John Hammond was not. The minister will say he was afforded natural justice because the inquiry report was delivered to him and he could then comment on it. Although Bob Smillie is a good bloke, through this inquiry he has made all these recommendations and all sorts of findings against the local mayor without the local mayor having the opportunity to put his view on the matter. It has not afforded him any natural justice whatsoever. What is more, how can the inquiry officer conduct an inquiry when he does not even interview the principal subject of the inquiry in order to ascribe any weight to the evidence that that person may be able to give? It seems to be a very strange way of conducting an inquiry into a local council.

The other point is that the Mayor of Cottesloe, Mr John Hammond, had a major dispute with the former chief executive officer of the Cottesloe Town Council, a woman by the name of Mrs Grimoldby. In reading these submissions, we find that Mr Smillie was one of Mrs Grimoldby's referees. This minister has put in place someone who has an obvious perceived conflict of interest, yet he must make an impartial assessment of this council. It was never intended that this report provide an impartial assessment of the council. The minister's idea of this report, put in place by the numbers man, was to knock down the mayor. The whole point of the inquiry was to put in place a report which knocked down the Mayor of Cottesloe, someone who has disagreements with the member for Cottesloe. That is the way to fix up a problem in the electorate so that the member for Cottesloe can concentrate on the main game, which is getting the numbers against the Premier. That is the main game, not the electorate. He cannot worry about the electorate; that is too small. He must leave that behind. He gets the Minister for Local Government to try to fix up the local mayor.

It is a gross misuse of the rights and responsibilities of the Minister for Local Government. It is something which he should not have done and for which he must answer. We must remember - and it is public knowledge - that the Minister for Local Government's position on the front bench is very tenuous. He knows that. How does he stay on the front bench? It is when this bloke - the member for Cottesloe - becomes the leader. That is how he stays on the front bench and that is his only hope for the future. Of course he helps a mate. They help one another out, do they not? That is what they do in these matters.

Mr Barnett: We actually shake hands in funny ways!

Mr McGOWAN: We have seen a gross misuse of the executive power of the Minister for Local Government in relation to the Cottesloe Town Council. They may laugh about the people at Cottesloe. The Deputy Leader of the Liberal Party laughs about the people of Cottesloe and says that this is not an important issue. That was his comment at the outset. However, we regard the 7 000 people of Cottesloe as very important. They deserve a decent council, the council they elected. When they kicked out the Liberal Party from the council, they deserved that decision to stand. They do not need ministers of the Government rushing in trying to knock them off for their internal political purposes. They do not need that and it is not what they should have.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [8.28 pm]: The member for Rockingham raised a number of issues that are very important to the debate tonight. The first issue is this: What is the role that the Government of the day gives to local government in our system? Under the new Local Government Act the philosophy is to encourage autonomy and local decision making in our local governments. The philosophy is to transfer power down to local government and to insist that accountability and responsibility lie at the local level on issues that arise. That is an important matter that has been raised and dealt with by the member for Rockingham.

The other important issue that he raised was the attitude that members of this Government adopt towards citizens in the community who organise against it. The record of this Government to those who oppose it is sad indeed. Earlier tonight we considered the attitude and performance of the Minister for Planning in his dealings in his departmental area. This House has also been considering in recent times the attitude of the Minister for Education regarding school teachers who oppose Government policy and exercise their rights, as citizens, to write letters to the newspaper. The Minister for Education said in that context that those school teachers had their primary loyalty to the Government of the day. A protest against that was organised by the State School Teachers Union of WA. It is most important that our citizens protest when ministers of the Crown say that their public servants should be loyal to the Government of the day rather than to the people of Western Australia and that teachers should be loyal to the Government rather than to the education system. The role of local government and the attitude of the executive arm of government towards those who might oppose it are two important issues.

I turn to the role of local government. Governments always have some overseeing responsibility over local government. In a last resort situation, state governments must take action in relation to local governments. On this side of the House, our view is that whenever a local government is dissolved by governmental action, elections should be held as quickly as possible, and we are putting forward this view in the new local governments in Wanneroo and Joondalup. I remember being in government when commissioners were in office in the City of Canning. Those commissioners were doing a good job. They came to the Government of the time and said, "We want to complete our work." We said, "No. The people of that area deserve to have elections as soon as possible in view of the decisions that are being made." Therefore, emphasis must be placed on the democracy rather than the control.

Dissent within local councils occurs frequently, just as it does within this Parliament, just as it does within a coalition, and just as it does within a political party. There are different views, different interests, different factions, and in some cases even different parties. These things happen in local government. In the Town of Cottesloe divisions arose over policy issues, and these were published in the local press. The local press in the western suburbs is extremely active. It is a large newspaper which covers local politics closely. The publicity surrounding those local conflicts has been published. One conflict concerned Van Eileen, the hamburger bar; another concerned the de Vlamingh memorial; another concerned car parking fees; and another concerned whether the council had a problem with a road that went through the golf course. These issues always arise in local government. However, as a result of the tensions and differences surrounding those issues, a division arose in the council, and some councillors felt the time had come for them to move on and for others to come in. That is local government; that is politics; that is democracy.

Interestingly, the framework within which this Government made a decision to move in and assess that council was on the basis that some resignations in that area had been submitted. Those resignations were in the order of normal politics. That leads us on this side of the House to ask why all of this happened in the Town of Cottesloe. Why is it that the Minister for Local Government sent in those people to investigate those affairs? When it first happened, I remember listening on a Friday afternoon to an interview on the radio with the Mayor of the Town of Cottesloe about this matter. He was shocked about what was going on and how it came out of the blue. At that time I thought something strange was going on regarding this matter. When one goes deeper into the issue, one sees what is going on. What is going on is an authoritarian Government at work.

The Minister for Local Government, with his colleague, the Minister for Education, decided to send in a fishing expedition to see what they could discover about the Mayor of the Town of Cottesloe. If this Parliament and this State accept that sort of authoritarian behaviour by a Government, it is a sad day for democracy. We have seen creeping authoritarianism in this State since the election of the coalition Government. We have seen creeping authoritarianism in the attitudes, the values and the laws of this State since this Government has come to power.

The problem for the Mayor of Cottesloe was that he was independent. He was independent on the school closures issue,

and he had the temerity to believe - I am sure this would interest you, Mr Speaker - that the people who lived in the western suburbs should have the right to send their children to a good government school. He argued that strongly. Members will recall that the argument of the Minister for Lands was that people on high incomes should send their children to private schools.

Mr Shave: Absolutely.

Dr GALLOP: The Opposition does not believe in that sort of society. People should have a choice. The Mayor of Cottesloe had the temerity to say that people in the western suburbs should have a choice. He also had the temerity to raise very serious questions.

Mr Barnett: I ask the Leader of the Opposition one question. For the benefit of the House, could the Leader of the Opposition describe his reaction when the mayor, John Hammond, suggested paid parking at Cottesloe beach?

Dr GALLOP: I was upfront about that: We opposed it.

Mr Barnett: You went berserk.

Dr GALLOP: We opposed it. We had a meeting with the Mayor of the Town of Cottesloe, and we said that all beachfront parking in Western Australia should be free, and a partnership should be developed between the State Government and local government to care for our beaches. That is what is called a cooperative attitude to local government compared to the authoritarianism in which the Government engages. The Mayor of Cottesloe had the temerity to oppose and ask questions of the Government over its planned western suburbs highway which would cut through the heart of some of the most interesting suburban areas in Western Australia. All local governments in the western suburbs, to the south and to the north are opposed to that. By stealth, this Government is bringing about that western suburbs highway. The Mayor of Cottesloe had the temerity to ask questions about that issue and to raise serious concerns about that on behalf of the people whom he represented in his area. He should do that. That is his job and his responsibility.

As the member of Rockingham said, all of this was too much for the member for Cottesloe, because he is used to having the council as his personal fiefdom rather than it being a general representative of the people of Cottesloe. The member for Cottesloe resented the independence of the mayor so much that he decided something should be done about it. The member for Rockingham put the view to the Parliament tonight that the Minister for Local Government is the numbers man for the member for Cottesloe in terms of his moves within the Liberal Party today. That is based on evidence that has come to the Opposition about these matters.

Mr Omodei interjected.

Dr GALLOP: What has been revealed about the Minister for Local Government is his contempt for the Premier. He says it publicly to everyone throughout the State who wants to listen. The Opposition moves around the State and, like the Minister for Local Government, its members visit many local governments whose members tell us that is what he says. He can dispute that if he wishes, but that is what they tell us.

The Minister for Local Government decided to have an assessment of the Cottesloe City Council and sent in the assessor from his own department. The executive of government sent someone on a fishing expedition to undermine the reputation of the mayor and to discover something that could be used against him in a legal sense. We should ask ourselves if this is the way we want government conducted in Western Australia today. Do we want the executive arm of government using its power to set up a fishing expedition on an independently elected mayor who has the temerity to oppose the Government on issues very dear to the hearts of his constituents?

When we examine what the Department of Local Government has done, the real motives become clear because the reports make it obvious that it did not know why it was supposed to be there. It was not like a normal inquiry prompted by a claim about corruption or a specific allegation about malpractice or whatever. It was nothing like that. Departmental officers met the mayor, but they were unsure of why they were there. They were on a fishing expedition on behalf of the Minister for Local Government, who was working on behalf of the Minister for Education to intimidate the Mayor of Cottesloe.

Mr Omodei: You have a very fertile imagination.

Dr GALLOP: I believe that the interpretation of events by the member for Rockingham on this whole situation stands the test.

Mr Trenorden: What test?

Dr GALLOP: This is the test: Officers of the Department of Local Government go in there, not knowing why they are there except that they were sent by their political masters to do a job. In other words, the real job was political and not about good government in that area. Regarding the conclusions of the report thus far, it is absolutely ridiculous -

Mr Barnett: You have accused me and the Minister for Local Government of an improper motive.

Dr GALLOP: Indeed, I have.

Mr Barnett: You have accused the Minister for Local Government effectively of corruption of his responsibilities.

Dr GALLOP: Indeed, I have.

Mr Barnett: You have 16 minutes to substantiate that.

Dr GALLOP: My whole speech has substantiated it. Officers of the Department of Local Government went into that area and did not know why they were there. They were sent in for political reasons. Although in a minute the minister can give us an explanation of why they went there, this is all about the authoritarianism of the Minister for Education. I have referred to it lock, stock and barrel. When the going gets tough in this Parliament, the Minister for Education gets to be a bully boy. When teachers oppose him, he says they must be loyal to the Government of the day. When independent elected mayors of local authorities oppose him he sends in the local government authority to do a job on them. We live in Western Australia, which is part of the Commonwealth of Australia, which has democratic traditions which do not believe in that behaviour. The Minister for Local Government has many answers to these issues.

Mr Trenorden: What issues?

Dr GALLOP: That is a pathetic interjection. If this Government is allowed to get away with this behaviour, every local authority in the State will get the message that if they oppose the Government, it will intimidate them. That is what this is all about.

In conclusion, very important issues are at stake about the future of our system of local government and the relationship between the executive arm of government and our citizens. If we as a Parliament do not stand up on these issues and make it clear to the minister and the Government that that behaviour is unacceptable, we will be letting down the people of this State.

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [8.45 pm]: I cannot believe what I have heard tonight. For a start the first half of private members' time was an absolute shemozzle with the debate collapsing because of the Opposition's inability to conclude its own censure motion.

At this time we could be debating a large number of local government issues such as structural reform, the possibility of changing the structure of financial arrangements for local government as a result of a federal election, roads issues and rural councils. However, the best the Opposition could do was pick Cottesloe.

I feel almost inadequate compared with the Rhodes scholar, and the lawyer from Rockingham, who were right about the Local Government Act giving local governments increased autonomy. However, with that comes some accountability. I make no apology for the increased monitoring I recently put in place for councils in this State. Local governments should not think that they are beyond the scrutiny of the Government. Their very existence is the result of a state statute. They are responsible to not only their municipalities, but also the Parliament, the Minister for Local Government and the Department of Local Government.

The assertion by the member for Rockingham that the assessment of Cottesloe was politically motivated is fantasy. I have been in Parliament for nine years, six years of which have been as a minister, and I have never seen a debate like this arise on such a trivial matter. The member should get into the book writing and movie business. Talk about fantasy! I understand that lawyers and Rhodes scholars can get into conspiracies of all kinds.

Dr Gallop: Who initiated the inquiry?

Mr OMODEI: It was a combination of matters. I have a chronology of events which I will read out. I discussed it with the executive director of local government, who took the action.

Mr McGowan: My request initiated it.

Mr OMODEI: The main business of the assessment at Cottesloe is a very low assessment of local government. Local governments in some kind of difficulty are advised that they can access a council advice program. A dozen councils have requested a council advice program which is higher on the scale than that which was recommended for Cottesloe. To suggest the programs are politically motivated is absolute rubbish. Above that we have an executive director's inquiry. We then have a ministerial inquiry and a royal commission inquiry. I will go through the chronology of events and members opposite can make up their own minds.

As for the inquiry undermining the autonomy of local government, I remind members that local government exists under state statute and that we do such things to several local governments in country Western Australia. I suggest that it would have been a good idea for Cottesloe to ask for a council advice program so that departmental representatives could go there. We usually send a departmental person, an elected person and an Institute of Municipal Management person to assist local government to work through its difficulties.

Mr McGowan: Did the minister discuss it with the member for Cottesloe?

Mr OMODEI: No, I did not.

Mr McGowan: How come the *Mosman-Cottesloe Post* says that Mr Omodei said that he would raise the issue of Cottesloe with Mr Barnett and that they share some concerns?

Mr OMODEI: Was that to do with the car parking issue?

Mr McGowan: No.

Several members interjected.

Mr OMODEI: Let us get it straight. I will explain it later on. It was not an inquiry into the council; it was an assessment -

Several members interjected.

The SPEAKER: Order! It is absolutely intolerable for members to interject across the Chamber when they have nothing to do with the debate.

Mr OMODEI: Members should understand what levels of inquiry there are. I will organise a briefing so that it can be explained to them very slowly what kind of inquiries there are in local government. In this case, there were the resignations of three councillors and then another one councillor, and one councillor then went on extended leave. If a local government in any electorate had received the resignations of four councillors plus one on extended leave - I think that there are 11 councillors at Cottesloe - would members not take notice of that?

Mr Marlborough: You may do.

Mr OMODEI: "You may do"! The mass resignation of four councillors and another on extended leave necessitated a change of meeting dates to get business done. It also had an election to hold because four councillors had resigned. If it had wanted to go to a postal vote, as occurred recently in Margaret River, it did not even have the special majority to move the motion for a postal vote. It was something of which I took notice. We take notice of reports in the paper. We then talk to the council. I do not do that; my department does that automatically. It is done all over the State. There is no sinister motive in the department's going to local government. For example, we now have a supervisory panel at Wiluna. It has been well received by the local government. It is working with the local government. A departmental person is chairing the panel, along with an elected member and an Institute of Municipal Management member. It is working cooperatively to sort out the problems which caused a breakdown between the council and staff.

Mr Kobelke: Did the resigned councillors complain to the minister?

Mr OMODEI: No, not that I am aware of. I cannot remember. It was common knowledge that there were some problems. I will detail the report so that members can have a clear message.

The fifth councillor left the council. At that time there was a precarious situation. When I was asked by the media whether the council was in crisis, I said that I did not think that it was in crisis but that if another councillor resigned it would have been because it would not have had enough members. Another amazing point is that when the department conducts an inquiry such as occurred recently in Toodyay and York, a draft report is compiled after talking to all councillors and to people in the community and it is sent back to the council to correct any errors of fact.

Mr Marlborough interjected.

Mr OMODEI: It is also sent to the council or, alternatively, released to the public if that is required.

Several members interjected.

The SPEAKER: Order! On three or four occasions members have interjected across the Chamber while a member is trying to deliver a speech. If members interject and the member pauses, I will allow it, but we cannot have members interjecting as well as other members trying to make a speech. It is ridiculous.

Mr OMODEI: The draft report went to Mayor Hammond from the department on the basis that any corrections should be made. He released that confidential draft to the public. We must ask why he would want to release that report -

Dr Gallop: Do you honestly think that the expenditure of public money on that report was justified? It is a disgrace.

Mr OMODEI: Let me tell the Leader of the Opposition exactly what happened. The report that went to Mayor Hammond from the department actually recommended that no further action be taken and that local government appeared to be running well. I will give a chronology of events, rather than pluck some figures, so that members know exactly what happened. On 27 and 28 June there were articles in the local press regarding the resignations of three councillors. On 11 and 26 July 1998 there were several articles in the local media regarding the resignations of councillors and an exchange of opinions on mayoral leadership between Councillor Dale and Mayor Hammond. On 29 July 1998 -

Dr Gallop: Do you think that public money should be spent on investigating that sort of thing? It is a joke.

Mr OMODEI: Let me tell the Leader of the Opposition what happened. Why does he not listen to this?

Dr Gallop: I have read it.

Mr OMODEI: He has not seen it, because it came to me from the department only today.

On 29 July there were articles in the local news regarding the resignations of four councillors. On 4 August there was an article in the *News Chronicle* regarding the resignation of Councillor Furlong, bringing the number of councillors to resign in two months to four. On 8 and 9 August, there was an article in the *Mosman-Cottesloe Post* regarding leave being taken by Councillor Dale and the council operating with five councillors and the mayor. Also, there was mention of the changing of the monthly council meeting date because of absences. By the way, as at today, Councillor Dale has resigned as well, but at least we have four back. Thank God for that.

Mr Marlborough interjected.

Mr OMODEI: On 12 August there was an article in *Local News* regarding Councillor Dale taking leave and the changing of the monthly council meeting. We must bear in mind that it changed on 8 and 9 August because of absences. That article stated that the minister would meet the mayor to discuss the current situation at the Cottesloe council. I should have thought that that would have been a responsible action by the minister, bearing in mind the articles that had appeared and that councillors had resigned.

Mr Marlborough interjected.

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

Mr OMODEI: The article asked "Is Cottesloe in crisis?" I was quoted as replying, "I don't think so just yet, but it's close. If another councillor resigns they're in trouble." John Lynch, the executive director, suggested that because of recent resignations a low-level assessment of the situation at the town be made by officers from the department. On 14 August I met Mayor Hammond and the chief executive officer, who expressed concern that there were four vacancies on the council and another councillor on sick leave. On 17 August I wrote to John Lynch advising of the meeting and requesting -

> A report assessing the functioning of the Council, at both officer and elected member level. Such report should advise what further action, if any, is needed to assist the Council and whether ongoing monitoring is required.

That was not a radical political decision. On 17 August the mayor faxed me a letter stating -

> Press reports indicate that you are appointing an inspector to monitor the Town of Cottesloe as a result of reports you have received that the Town of Cottesloe is "in crisis".

The mayor outlined why the four councillors had resigned and sought the terms of reference for the inspector. We must bear in mind that nowadays we have authorised officers.

On 18 August, Mr Austin, the chief executive officer of the Town of Cottesloe, wrote to the minister regarding comments in the Press -

> . . . implying that the Town of Cottesloe will be subject to some sort of inspection by your department . . .

He reaffirmed that he would welcome a visit from departmental officers to discuss the situation.

On 18 August discussions were held between Mr Steve Cole, the director of local services, and Mr John Gilfellon, the manager of monitoring services - both have been in the department for many years - about how the assessment would be undertaken and who would undertake it. It was agreed that Mr Smillie, who was engaged on contract to the monitoring and investigations section, because of his local government experience, would undertake the assessment.

On 20 August, Mr Smillie and Mr Gilfellon met with the CEO, Mr Austin, at the town offices to advise him of the assessment and to assure him that it was not an inquiry but an assessment to determine the function of the local government and what, if any, assistance could be offered. Mr Austin offered his and his officers' full cooperation.

On 21 August, Mr Smillie met with Mayor Hammond at his office to advise him of the assessment. On 21 August, Mayor Hammond wrote to the minister - letter faxed on 21 August - confirming that he had met with Mr Smillie, expressing his concerns about the meeting, and requesting that future meetings with past or present councillors and himself be taped and transcribed and that interviews with the town's administrative staff be transcribed. I believe that was a bit of an overreaction.

On 24 August, Mr Smillie commenced his assessment by interviewing senior staff at the town, resigned councillors, Councillor Dale, and one other person who had requested an interview. On 31 August, the Minister wrote to Mayor Hammond advising him formally of the assessment and its purpose, as per his request to the executive director - letter dated 17 August. On 31 August, Mr Smillie and Mr Clifford, a departmental officer, attended the ordinary council meeting at

Cottesloe as observers. On 22 September, Mr Gilfellon, the manager monitoring and investigations, sent the mayor a copy of the draft assessment report for his comment. The letter advised that -

> The draft report acknowledges that the examples given of concerns raised by former councillors have not been verified against Council records and are anecdotal. Your comments and advice are important in allowing me to reach a balanced view.

On 24 September, Mr Gilfellon spoke on the telephone to Mayor Hammond about the report and the mayor's concerns that it was not a balanced report. Mayor Hammond advised that his comments were sought to ensure the report was balanced before it was released to council. The mayor agreed that he had asked the CEO, Mr Austin, to open the envelope marked "confidential" and fax the report to him at his office. Mr Gilfellon advised Mayor Hammond that it was the department's preference that he not release the report to other parties. Mayor Hammond expressed his concern that only the resigned councillors had been interviewed. Councillor Dale, a sitting councillor, had already been interviewed.

On 25 September, Mr Gilfellon advised Mayor Hammond by telephone that the department would now be interviewing all sitting councillors in addition to those who had resigned. Mayor Hammond indicated his intention to raise the draft report with council at its meeting the following week. Mr Gilfellon repeated the department's preference that he not release the report. On 29 September, Mr Smillie began interviewing all the sitting councillors who had not been interviewed. On 1 and 2 October, Mayor Hammond's office advised that his response to the draft report had been sent to the department.

On 3 October, an article appeared in the *Mosman-Cottesloe Post* regarding comments made by Mayor Hammond at a recent council meeting and that he had given a copy of the draft report to each of the six councillors. On 5 October, Mr Gilfellon advised Mayor Hammond by telephone that his response had been received by the department, that the draft report would be amended to reflect his comments, and that he would receive a copy of the final report for his comments prior to its being forwarded to council. On 10 October, an article appeared in the *Mosman-Cottesloe Post* regarding a defence of the draft report by John Lynch, the executive director of the department. On 10 October, four new councillors were sworn in following an extraordinary election. On 14 October, Councillor Dale submitted his resignation from council.

That is a résumé of events as provided to me by the department.

Dr Gallop: Are the resignations the only reason that you intervened? Were no complaints sent to you?

Mr OMODEI: Complaints about the parking issue were made by some of the businessmen. That is a totally different issue.

Dr Gallop: It is a political issue.

Mr OMODEI: It is not a political issue. It is a local government issue, and some criticism was made of the council. The Leader of the Opposition would have to agree, after listening to that résumé of events, that there has been no sinister plot or conspiracy. I may have spoken in passing to the -

Dr Gallop: You may have spoken to him? You just said you did not.

Mr OMODEI: I have officers of the department in his electorate. I spoke to the member for Cottesloe when walking through the corridors. This was not a major issue. This was only a major issue in the mind of Mayor Hammond. He was the fellow who was suggesting to people that the minister was spying on his council. I have better things to do than go to Cottesloe and spy on the council. That is not my style. I am in the business of helping local government.

Dr Gallop: That raises the question of why you were doing it.

Mr OMODEI: I find the Leader of the Opposition's attitude quite remarkable. On the one hand, he wants to defend this council from this so-called conspired attack on it, yet when the Royal Commission into the City of Wanneroo recommended that there be external intervention and I suspended that council, the Leader of the Opposition ranted and raved and demanded that the members of that council be sacked; and guess what happened? An independent inquiry into the actions of those councillors recommended that they be reinstated! The Leader of the Opposition was just as wrong then as he is now. He is wrong all the time.

I find it remarkable that when we are in private members' time, this is the best the Opposition can do.

**MR BARNETT** (Cottesloe - Minister for Education) [9.05 pm]: For the sake of the record, I will reflect briefly on this evening's events. The issue on which we commenced private members' business was some disciplinary action that had been taken against Mr Neil Bartholomaeus, the former chief executive officer of WorkSafe WA. That is a serious issue, that was attracting considerable public and media attention. The Opposition came into this House and moved a motion of no confidence in the now Minister for Planning. To move a motion of no confidence is effectively to move for the resignation of a minister. That is a most serious action to take. That issue was treated seriously by this Government. The Premier had been in the north of the State, but he ensured that he would be back in time to speak on the matter. The current Minister for Labour Relations was to speak on the matter, and the Minister for Planning was to give his version of events.

The Leader of the Opposition set the scene for the so-called attack of the Opposition. The member for Nollamara then made what I consider a fairly ineffectual contribution to the debate. The Premier then responded. At that stage, we had heard from the mover and the seconder of the motion, and the Premier had made his response. One would expect that because it is opposition time and an opposition motion, the Opposition would carry the debate. In fact, the debate collapsed. The essence of the point is that this is private members' time. It is an opposition motion on a serious matter. The debate collapsed.

Dr Gallop: It did not. You closed it.

Mr BARNETT: The debate collapsed. In my eight years in this Parliament, two of which were in opposition, I have never seen an Opposition collapse a debate on a major issue. Indeed, I have never seen such an incompetent performance by an Opposition in private members' time. It is absolutely extraordinary. Arguably, the Bartholomaeus issue and a motion of no confidence in a minister is one of the major political issues of the past two years. It is not the responsibility of the Government to sustain debate on an opposition motion. It is the Opposition's motion and the Opposition's private members' time. If the Opposition cannot sustain the debate, that is hardly anything for government to concern itself with. It was the most extraordinary and incompetent performance I have ever witnessed.

The incompetence of the Opposition is made even clearer by the fact that effectively two full hours have now been allocated to a debate about the Town of Cottesloe in my electorate. I am a Cottesloe ratepayer. I love Cottesloe. I am very proud to be the member for Cottesloe. I am flattered that the Opposition would make the Town of Cottesloe its major item of business. Let us talk about the Town of Cottesloe.

Dr Gallop: Get on with it!

Mr BARNETT: We have plenty of time. We have another 50 minutes.

Several members interjected.

The ACTING SPEAKER (Mr Baker): I formally call the member for Armadale to order for the first time.

Mr BARNETT: We have heaps of time. The essence of what the Opposition is saying - please correct me if I am wrong - is that I as the member for Cottesloe and as Deputy Leader of the Liberal Party and a minister have somehow, for some local political advantage, influenced the Minister for Local Government to undertake an inquiry into the Town of Cottesloe.

Dr Gallop: We have had no other plausible explanation thus far.

Mr BARNETT: That is the Opposition's assertion. As I said by way of interjection I assume that the Opposition is accusing me of improper motive.

Dr Gallop: We have seen no basis for intervention.

Mr BARNETT: The Opposition is also accusing the Minister for Local Government of acting improperly, if not politically corruptly, in exercising his ministerial responsibilities. They are serious accusations. Out of those accusations there are two possibilities; either the Opposition can substantiate them or, if it cannot, the Opposition should have the character to apologise both to the Minister for Local Government and me.

Dr Gallop: You cannot even defend it.

Mr BARNETT: I have not even started; I have another 25 minutes. The Opposition could not substantiate it. That does not surprise me because there is no substance to the accusation - there never is!

Dr Gallop: Are you angry with the Mayor of Cottesloe?

Mr BARNETT: I will get to the mayor. The Town of Cottesloe and the Cottesloe electorate is - I do not know if there is any such thing as a safe seat - a strong Liberal seat with a primary vote of around 65 per cent. The majority of people living in Cottesloe are strong Liberal supporters. However, in my time I have never seen overt or covert political interference by the Liberal Party or the Labor Party in the operation of the Town of Cottesloe. It is a Liberal area; good people in that area stand for election.

The Save our Suburb group which in its eyes had a legitimate concern about development on the beachfront formed a lobby group, as is its democratic right. It did not behave as a party political organisation, although it did similar things. It ran an organisation and held preselections for candidates. They were pretty casual affairs, but the people involved acted as a lobby group. To some extent while it was neither Liberal nor Labor, it was the closest thing to a political group operating on the council. In my time in the area I have never before seen a political lobby group in the Town of Cottesloe. It was not a Liberal or Labor party group; it was a group which had a concern about the beachfront. It did all the things of which the public might accuse political parties.

One thing is absolutely sure: I have never, ever in any way whatever taken part in local government elections. I have never stood for local government, assisted a candidate in local government or asked a single individual to vote in any way in a local

government election. I ask anyone to challenge me on that. I have never, ever played any role, no matter how insignificant, in local government.

Mr McGowan: Is former mayor Julian Donaldson your mate?

Mr BARNETT: Julian Donaldson was a councillor when I became the member for Cottesloe and he subsequently became mayor. Through his role as mayor we became friends. However, we do not socialise outside of where we might meet in that sense. We are not close friends. I regard Julian as a fine person, and a friend. Perhaps once in the past three years we have had dinner together.

Mr McGowan: Is he a member of the Liberal Party?

Mr BARNETT: Yes, and so are many people in Cottesloe and the majority vote Liberal. I did not know Julian Donaldson, who is a very good person, until I became the member for Cottesloe and he became a councillor. That is how we met.

There are some issues. Cottesloe has been a fairly sleepy hollow by the sea for a long time.

Dr Gallop: And that is how you like it.

Mr BARNETT: I do not care if it is sleepy or exciting. Recently there have been a lot of issues in Cottesloe.

Dr Gallop: Have they made you angry?

Mr BARNETT: I do not get angry about local government.

Dr Gallop: Storming out of a meeting is pretty angry.

Mr BARNETT: One of the first pronouncements of the new mayor, John Hammond, was that he would sell the mayoral chain. I made no public comment, although I thought it was ridiculous.

Dr Gallop: So you do not like him.

Mr BARNETT: I have no feelings either way for John Hammond. I do not think selling the mayoral chain is particularly responsible. If it had been put up for auction I and a number of people would have bought it and donated it to the council.

There were a few other issues. The member for Rockingham mentioned the Vlamingh memorial. That memorial on the border of Cottesloe and Mosman Park commemorates the visit of Willem de Vlamingh 300 years ago. The 300th anniversary of the discovery and naming of Rottnest Island and the Swan River was a significant event in our history. The Vlamingh memorial was pretty tacky. There was a Vlamingh parks project, and funding was available from the Ministry for Planning to go towards the memorial. The Town of Mosman Park was supportive. I admit that one of the designs was a bit over the top. It was a mast arrangement with sails and I could see that was inappropriate. I was disappointed -

Mr McGowan: You were angry. He embarrassed you in front of the Dutch Government.

Mr BARNETT: I was disappointed that the Mayor of Cottesloe publicly opposed commemorating the 300th anniversary of de Vlamingh's visit because I do not think I will be around for the 400th anniversary. It was a significant event in which the Dutch Government and the Dutch Ambassador had an interest. There was a prospect of Dutch involvement in it. That evaporated because of small-minded, contentious local controversy. The Dutch Government quite properly exited from it and that was disappointing. Many people in this State were disappointed that the 300th anniversary was not marked as it should have been marked. However, with the assistance of the Minister for Planning, the Government is developing the de Vlamingh parkland area, and I am chairing the committee on his behalf.

Another issue was the surf reef. That is something that this Government and the previous Government wanted to see in place and I hope that construction will eventually start. It is 300 metres off the coast. Again the Mosman Park Town Council is supportive. The reef is right on the border of Mosman Park and Cottesloe. As the local member, despite some criticism by some prominent people, I have fully supported the surf reef for young people. I do not support toilet blocks and grandstands on the beachfront. I have never yet seen a surfer paddle in to go to the toilet. They do not need that as they can stay out at sea. The surf reef is a great idea and I was disappointed when the Town of Cottesloe opposed it. The vast majority of young people support the surf reef.

Dr Gallop: The minister is adding up the issues.

Mr BARNETT: I am indifferent to the mayor, but we should have had a better commemoration for the de Vlamingh anniversary. I happen to support the surf reef.

One issue that did get up my nose was underground power. Members may recall that when the Government announced the pilot program which provided one-third funding from the State Government from Treasury, one-third from Western Power and one-third locally, one of the four pilot areas that were named independently of me was Cottesloe. I was conscious as

the Minister for Energy that I could be criticised because my electorate was one of the areas involved in the pilot. That $11m project with effectively two-thirds State Government subsidy was generous to the people of Cottesloe. I expected as the Minister for Energy to get a lot of public criticism about that. Cottesloe, along with every other local government, put in proposals according to the criteria, which was for underground distribution lines, not high voltage transmission. When the Mayor of Cottesloe campaigned and criticised Western Power publicly for not putting down the transmission lines and threatened not to sign the documentation, I had to make the point in private that if he did not sign it would go to the next bidder and as the member for Cottesloe I would be extremely disappointed if Cottesloe did not get underground power. If I was angry it was over that issue because that was a formal application properly assessed by the Western Australian Municipal Association and Western Power. I was delighted that Cottesloe qualified, even though I realised politically I could be accused of some sort of favouritism. When the Cottesloe Town Council criticised something about which I knew the people of Cottesloe were absolutely delighted - and criticised it quite wrongly - I got annoyed at that issue, but none of the other issues.

Mr McGowan: What about the western suburbs highway?

Mr BARNETT: I will get to the western suburbs highway. I have plenty of time - 16 minutes - and the member for Rockingham has another half hour. The other issue that arose was beach front parking. Mayor Hammond announced that Cottesloe was to have paid beach front parking. Immediately the Leader of the Opposition jumped up and down and said, "We are going to legislate to stop it."

Dr Gallop: For all councils on an equal basis.

Mr BARNETT: The Leader of the Opposition could not wait to jump in. There were similar reactions on this side of the House. Despite all of that, I wrote a lengthy letter to the mayor, which was widely reported in the local media, explaining my position on it and that I could see merit for some paid parking, but not in the way in which the Cottesloe council proposed to introduce it. I could see merit for limited periods of paid parking in the prime, most accessible parking areas to perhaps encourage young and fit people to park over the road in the large, less accessible and less attractive area; and in particular, to encourage a turnover of spaces. Indeed, the Mayor of Cottesloe, in part of his lobby campaign - which I think the Minister for Local Government would support - actually quoted at length my correspondence. He even sent out a circular to residents quoting me as supporting him on that issue. Therefore, that is hardly evidence of someone who might hate the Mayor of Cottesloe. I am largely indifferent to the man. I see him around socially, and I see him at functions. I happen to disagree on a few of the things that he has done; however, that is simply on a policy issue - it is nothing personal at all.

I return to the roads issue. There is no doubt that roads through the western suburbs is the most contentious issue. As a member of Parliament - dare I say it, a politician - I am aware that there are no votes for me in promoting highways. It is not good politics; even members opposite know that.

Dr Gallop: It is not good politics having a mayor who is opposed to it either, is it?

Mr BARNETT: The facts are worth looking at. The so-called western suburbs highway is not something secret; there is no secret agenda. It is part of the Stephenson plan from 1962. The question is: What has this Government done with respect to the western suburbs highway? I will tell members what we have done. One thing we have done, with the cooperation of local members, was to take out that part of the Stephenson Highway reserve that went through the middle of Bold Park which was critical to the long-term protection and integrity of Bold Park. We also straightened, at considerable expense, a piece of road through City Beach which had been a black spot for years. I was receiving calls almost weekly about accidents, several of them fatal, and we straightened that piece of road. Also - and I admit it - I urged the construction of the Servetus Street project which is not winning me any support locally but has been a contentious issue for 25 years in the western suburbs. Members who have driven down Servetus Street know that it is an absolutely dangerous piece of road, probably the most dangerous in the western suburbs. There is no joy in this Government spending more than $20m on about two kilometres of road. However, people have died on that road and more people will die. There was a tragedy waiting to happen with school children on that road. It was a horrendous piece of road and I advocated that we needed to do something about it. No-one, including the community, likes to see the great chasm that is currently under construction. However, many people in the community are now saying that it had to be done, so let us sit back and judge it and look at the landscaping when it is done, because there was no choice. The issue relates to Curtin Avenue which leads off Servetus Street and runs down to Fremantle. It was studied at length as part of the Fremantle regional study and the former Minister for Planning, Hon Richard Lewis, and I had a great deal to do with that. I will mention the facts on Curtin Avenue, because that is the important issue, and it is a big issue.

Mr Kobelke: The main issue for the assessment.

Mr BARNETT: No, this is the main issue in my electorate. We are talking for two hours about my electorate, therefore we have plenty of time. Curtin Avenue, which is just a normal road with one lane either way, currently carries 25 000 vehicles a day. Twenty-two per cent of those are commercial vehicles. If one stands on any corner of Curtin Avenue, one will see that many of those vehicles are port related, heavy trucks carrying containers or fuel distribution out of North Fremantle.

It is extremely dangerous as those vehicles cannot stop within 100 metres if a child steps onto the road. Although people do not like the idea of highways through suburbs, it is inescapable. There are 25 000 vehicles and that figure is growing at 2 to 3 per cent a year, and one-quarter of those are commercial vehicles. Many of them are heavy commercial vehicles and the volumes continue to grow.

Dr Gallop interjected.

The ACTING SPEAKER (Mr Baker): Order! The Leader of the Opposition will come to order.

Mr BARNETT: I want to talk about Curtin Avenue in this context because an article appeared in the local news. I do not know if it is correct but it quotes the Mayor of Cottesloe, John Hammond, saying that he had been told by the State Government that the highway was not negotiable. He went on to say that frequent submissions to Cottesloe MLA Colin Barnett brought no reaction. That appeared in a prominent, full page article in the newspaper. In response to that - I thought somewhat courteously - I wrote to His Worship the Mayor, Mr J. Hammond, at the Town of Cottesloe as follows -

> Dear Mayor
>
> In the Local News of April 8 in an article headed "Mayors: Highway obsolete thinking", you are reported as having made comment to the effect that 'frequent submissions to Cottesloe MLA Colin Barnett brought no reaction'.
>
> I have checked my correspondence and appointment files over the last two years and can find no such submissions, or indeed any record of you seeking a meeting to discuss the highway issue.

In response Mayor John Hammond wrote back to me and said -

> Thank you for your letter dated 24 April 1998 which was forwarded to me by the Town of Cottesloe on 5 May 1998.
>
> It would appear that I have been misquoted.

That was it.

Mr McGowan: He should have said sorry.

Dr Gallop: You are always asking people to say sorry.

Mr BARNETT: He should have. Far from the mayor having made frequent submissions to the member, there was no submission, not even a discussion, not even a request for a meeting, and not even a phone call. It was described in the media as "frequent submissions"; and the response was, "I was misquoted."

The mayor quite properly organised a public meeting on the roads issue. The speakers at the public meeting were Cottesloe Mayor John Hammond, which was totally appropriate; and he also asked Cambridge Councillor David Berry and Greens WA representative Giz Watson. Fine, that was his choice. The meeting, I must say, was a joke. About 60 to 80 people turned up and what occurred was an attack on the Government about secret plans for highways and whatever else. I thought that was a waste of ratepayers' money because I know that many of the people at that meeting had turned up in good faith wanting to know what were the issues about traffic and what were the options. All they got was essentially a series of political speeches, or speeches of no content.

Dr Gallop: As judged by you.

Mr BARNETT: The Leader of the Opposition can say that.

Mr Marlborough: You did not stay there through the whole meeting.

Mr BARNETT: I did. I stayed there and listened dutifully to all of those speeches. I wanted to make a comment after but I was not given the call. I did leave because at that stage we were in the midst of the abortion debate, it was 7.20 pm and I needed to be back here; that is why I left. Subsequently, I organised a public meeting which involved representatives from Main Roads, the Ministry for Planning, the Department of Transport and the Metropolitan Region Planning Authority. That meeting was attended by 120 people, I chaired it, and it consisted of entirely factual information, pros and cons. I gave no view and no position, but the meeting provided what the people wanted; that is, a discussion of some of the options and realities about traffic flow and regional planning in the area.

Dr Gallop: As judged by you. Local democracy does not work too well in your thinking.

Mr BARNETT: I chaired the meeting, as a local member should do. However, I had no input into the presentations. They were presented by public servants in each of their areas. I did not agree with everything they said but I did not interfere at all.

Mr Marlborough: Can I ask a question?

Mr BARNETT: No, because I have only seven minutes, and the member for Peel has half an hour.

Mr Marlborough: Why do you think this inquiry was held? You are the local member.

Mr BARNETT: That is what I will talk about now. I have never played any role, political or otherwise, in local government in any area, let alone the Town of Cottesloe. I defy anyone to find any person who will say otherwise. It has never happened. Following the meeting on road planning and correspondence with the mayor, I attended an in camera meeting with the council. I discussed the issues I have raised tonight in similar terms and I expressed my view.

Mr Marlborough: Did you organise for the media to be there?

Mr BARNETT: No, I did not.

Mr Marlborough: Who did?

Mr BARNETT: I do not know. When I arrived and found the media present, I told the council that I thought it should be an in camera meeting.

Dr Gallop: Why should it be in camera?

Mr BARNETT: Because I had arranged to meet with the council.

Mr McGowan: At a council meeting.

Mr BARNETT: No, it was prior to a council meeting. I said essentially what I have said tonight and I thought it was best said to the council directly and frankly. The media were there albeit not at my invitation and I left it up to the council which resolved that the meeting should be in camera. That was its choice. I have some concerns about the issues I raised. I made that very clear as I have tonight but I said it in camera. I have never bagged the council. The Opposition will not find any example of that. I do not do that.

Mr McGowan interjected.

Mr BARNETT: A lot of its behaviour -

Mr McGowan: You created the crisis.

Mr BARNETT: I have been through the events. We come to this situation; the Opposition cannot hide from the fact that five councillors have resigned. I knew two of them reasonably well. I do not know the others. I have met them at a council function as councillors. I know Councillor Peter Eastwood and Councillor Furlong. I played tennis with Councillor Furlong. I do not know why they resigned although they have given their reasons. I think the major reason was the golf club and Jarrad Road.

Dr Gallop: Do you think that justifies an inquiry?

Mr BARNETT: The issue was that five councillors had resigned. The Minister for Local Government is right. In no way have I requested, urged or suggested to the Minister for Local Government that he do or not do anything. Casually he has asked what is going on in Cottesloe and I have replied that councillors have resigned. It has been clear between us that anything the Minister for Local Government or the chief executive does is up to them. I stand here in this House, recorded by Hansard, and say categorically that I have never, ever sought to influence the Minister for Local Government to do anything with respect to the Town of Cottesloe and I have never influenced him to do something else. He will confirm that. The fundamental point is, the Leader of the Opposition and member for Rockingham have come in here and flown some kites. That might be what this place is about. They have not been able to substantiate a single thing. There has been no improper motive. I close on what I said before: The Opposition has not been able to substantiate its claim because there is no validity to it. I wonder whether the Leader of the Opposition and the member for Rockingham will have the character to apologise.

**MR BROWN** (Bassendean) [9.34 pm]: I want to deal with one matter raised by the Leader of the House. He commenced his address tonight by referring to what occurred earlier this evening and drew some comparisons. I will comment on the observation he made and, in that way, contrast what we have seen in this debate to what we saw in the earlier debate this evening. I give the Minister for Local Government 10 out of 10 for this. It is unusual for the Opposition to congratulate a minister but I give the Minister for Local Government 10 out of 10 for having the courage to stand up in this place and respond. That is not what his ministerial colleagues do. What some of his ministerial colleagues do is sit there mute and say nothing when they are accused of the most significant issues. We saw a contrast in this debate between the Minister for Local Government and the former Minister for Labour Relations. As soon as the two opposition speakers had spoken, the Minister for Local Government had no equivocation about getting up on his feet. He jumped up rather than sit there like a scared rabbit looking around, wondering if he could get up, thinking about the issue. He had the courage to get up and speak about this issue. The minister is earning his money. It is great to see that at least one minister in this House has the

guts to stand and tell us his position. Will he tell his ministerial colleague that that is what is expected? We expect people to defend themselves when accusations are made but to do so is unprecedented in this House. We have seen people who do not have the courage to stand up and defend themselves when strong allegations are made.

We are often told in this place when these issues are raised that the member concerned or most directly concerned is not here and it is wrong to raise the issue. We are told that that person should be given the opportunity to respond, and to raise the issue when he is absent is ethically wrong. The issues should be raised when the person is sitting across the Chamber, can listen to the debate and hear what is being said about him or her and then can stand up and put an argument. In an unprecedented debate tonight, a minister had a no confidence motion moved against him and he did not stand and defend himself. In this debate, the Minister for Local Government had no hesitation in defending himself. He got to his feet, he did not obfuscate, and he did not look around to survey the lie of the land. He got up because he was the person put in the frame by the comments of the member for Rockingham and he had the courage -

Mr Trenorden: Huge courage.

Mr BROWN: He had the huge courage to get up and defend himself.

Mr Barnett: You make the Town of Cottesloe your number one issue and he will come out every time. We only let him loose on the big issues.

Mr BROWN: At least he is earning his dollars and doing what is expected of him. He does not sit down like a scared cat.

Mr Omodei interjected.

Mr BROWN: I am enjoying drawing the parallel here. The minister who did not defend himself always has a lot to say in this place. He never takes interjections, and never answers questions properly. Yet, when it comes to the question of a no confidence motion, does he jump to his feet to defend himself, or does he outline in detail the position? No, he does not! I am pleased that the Leader of the House has, by his comments, given me the opportunity to contrast the debates tonight on the two motions because they should be contrasted. At some stage or another I would like to go through the records to see whether there has ever been a previous occasion when the minister concerned has not replied to a motion of no confidence when that minister was in the House. I think it is absolutely unprecedented.

*Points of Order*

Mr OMODEI: I have been listening with great interest to the member for Bassendean - I wish he would stop - but I do not think he is referring to the motion at all.

Mr BROWN: The Leader of the House took some time in dealing with the whole of the debate this evening. I have not taken anywhere near that length of time. To the extent that the Leader of the House was able to deal with the question, which is the whole issue of the debate tonight, I believe I should be allowed to do likewise.

The ACTING SPEAKER (Mr Baker): I can see that it is certainly arguable, but on balance I will not allow the point of order. I remind the member that he must try to ensure that his comments are directly related to the motion before the Chair and not the previous motion.

*Debate Resumed*

Mr Barnett: Why do you not home in on some of the key issues in Cottesloe? You have clearly prepared for this speech and must have done a lot of research on Cottesloe. As the local member I want to hear your views on those Cottesloe issues.

Mr BROWN: The Leader of the House is extremely smart. No wonder he is seen as such an arrogant person in his electorate, and even by his friends. I cannot believe that someone who occupies his position needs to demonstrate such arrogance. It is a bit of a failing in him. In other ways he is probably seen as the most competent of all that mob over there.

Mrs Edwardes: Excuse me!

Mr BROWN: The minister is merely the K and M minister. I will tell her about that afterwards. The minister knows what that means. She is the kiss and make up minister. When her former colleagues have mucked it up, the Government sends in the K and M minister. She was sent into Environment to kiss and make up and fix it up. She was sent into Industrial Relations to kiss and make up and fix it up. It is a nice compliment being the K and M minister. The Premier gives her a few bucks to go out and spend to get people happy. When Community Services was mucked up by the former minister, the Government sent in the K and M minister to give the community organisations a few bucks before the last election. She gave the Western Australian Council of Social Service its money back. It was kiss, kiss and love, love when the Government sent in the K and M minister. The minister is not much good at policy and not much good at debate but she is good at the other stuff. Good on her for doing it.

The ACTING SPEAKER: Will the member relate his comments to the motion?

Mr BROWN: I am relating to the interjection.

Mr Barnett: Will you get to Cottesloe at all? The motion is on Cottesloe.

Mr BROWN: I will get to Cottesloe whenever the member for Cottesloe is ready. As I said, my purpose in getting up tonight -

Mr Barnett: Is to fill in half an hour.

Mr BROWN: No, the Opposition has more speakers. My purpose was to contrast the position of the two motions. I did not want the debate to go down in *Hansard* not recording that a minister of the crown, which is a very serious position, the subject of a very serious no confidence motion before the Parliament, did not have the capacity or guts to get up in this place and defend himself. That must be unprecedented. Whatever happens to this and future motions, any minister who is here and hears that sort of motion and does not have the courage to get up and defend himself, deserves to be condemned.

**MR KOBELKE** (Nollamara) [9.46 pm]: There is very little time for me to comment on the contributions by the two members on the government side. I will certainly take an extension of time if government members are willing to give it to me. I would like some time but I am running out of it.

The member for Cottesloe did not mount any defence of the motion and the allegations made by the previous speakers on this side. He wasted a bit of time initially talking about the previous motion in which the minister could not even defend himself. At least the minister stood up in this debate, even though his contribution did not amount to any real argument as to why he wasted taxpayers' money in heavying the Town of Cottesloe. The member for Cottesloe said that the mayoral chain was an issue. Was that the reason for the inquiry?

Mr Barnett: No.

Mr KOBELKE: Was the de Vlamingh monument the reason for the inquiry?

Mr Barnett: No.

Mr KOBELKE: He said those issues concerned him. Was there a basis in the surf reef for having an inquiry? It was not the surf reef. The member for Cottesloe said that one thing was an "up-the-nose issue". It was underground power. Was the behaviour of the council on the underground power in some way sufficient for an inquiry?

Mr Barnett: No.

Mr KOBELKE: Was the council's handling of the beach parking issue the basis of some sort of inquiry or assessment of the council? It was not that one. The member for Cottesloe went on to talk about the roads in the western suburbs. I accept his comments that the issue is very controversial and difficult, and he had different points of view from the council that may have caused him some political discomfort. However, he made a very telling comment when he said that the public meeting that was called by the council was a waste of taxpayers' money because in his view "the speeches were of no content". Was that waste of money in consulting with the people in a way the member for Cottesloe did not appreciated as a basis for an inquiry?

Mr Omodei interjected.

Mr KOBELKE: I will come to the minister in a minute. Was that a basis for an inquiry?

Mr Barnett: No. It was a waste of ratepayers' money and I am a ratepayer.

Mr KOBELKE: The member for Cottesloe held an in camera meeting. The tone and the presentation to which the member referred seemed to make a lie of the fact that he was not very happy with it. He said the in camera meeting was to discuss the issues that I have gone through. He said that somehow he was not happy with that but he did not intimate that it was the basis for saying that the council was not working properly. Having spoken for nearly half an hour, in the last two minutes he went on to say, as I understood it, the reason was that a number of councillors resigned.

Mr Barnett: Five.

Mr KOBELKE: However, the member for Cottesloe said that he did not know why they resigned. That is the basis for an inquiry. If the member is really concerned about the running of a council and has resignations of councillors and really feels that something is wrong, he should at least find out whether it was a chance coincidence or whether it was symptomatic of an underlying problem. The member for Cottesloe says that he does not know why the councillors resigned. He presents no evidence to show that some underlying cause would necessitate a review in order to find some means for getting the council back on to an even keel. The member for Cottesloe had no validity at all in calling for an inquiry into or an assessment of the council. He took half an hour to tell us that he had no reason for it. In doing so he put enough on the record to suggest that he had a vested interest in getting at the council. That is the point of the motion. In my limited time I cannot go into that further.

I turn to the contribution of the minister. He took a reasonable amount of time and we appreciate that. However, I did not pick up any evidence that justified the use of taxpayers' money.

Mr Barnett: Ratepayers.

Mr KOBELKE: No, taxpayers' money through the Department of Local Government. The minister showed no reason to go in to act to assist the council. If there is no reason, that is clearly a waste of taxpayers' money. The minister made it quite clear, although he is trying to hide the fact, that he initiated the assessment. There were no complaints to him by residents or councillors, if I understood what he was saying. He had a list of press cuttings. This minister will put in an assessment on the basis of a list of press cuttings. All of the local government authorities must be getting pretty worried. Any local council involved in difficult issues with the community will have those contentious issues vigorously debated, and they will appear in the local newspaper. Will the council be worried when three, four or five argumentative articles appear in a local newspaper that the Minister for Local Government will come in and there will be an assessment? That is a nonsense.

The minister goes through a checklist of newspaper articles about local government somehow to validate the call for an assessment.

Mr Omodei: If you had a quarter of your councillors resign, what would you do?

Mr KOBELKE: I would find the reasons for that.

Mr Omodei: That is exactly what we did.

Mr KOBELKE: That could have been done with a simple telephone call from the minister to Mayor Hammond or the chief executive officer. If they told the minister there was reason for concern, that is a different matter. The minister has laid nothing before the House tonight to say that there is a basis for the inquiry. This is a minister who has wasted taxpayers' money, heavied the Cottesloe Town Council and has no reason for it.

Dr Gallop: There is a reason, and we know what it is.

Mr KOBELKE: The minister cannot give a reason. For two and a half years, despite clear evidence of corruption and wrongdoing in Wanneroo, this minister would not call an inquiry. Under this minister, the councillors from the Nedlands City Council asked for an inquiry and he would not conduct one until many of them decided to walk out and resign to force him to call an inquiry. In the case of the Cottesloe Town Council, not one councillor complained to the minister, yet he has called an inquiry.

Mr Omodei: You called it an assessment before. Let's just stick with that.

Mr KOBELKE: It is a form of inquiry, which the minister is calling an assessment. According to the minister's words, the council was not in crisis; however, he was concerned that if another councillor resigned there could be a crisis. That is the basis for calling in the Department of Local Government to do an assessment. The minister totally failed to give any substantial reasons that the Cottesloe Town Council should be put under the microscope.

We must come back to what the Leader of the House has alluded to. There is a bit of tension between him and some players on the local council, the mayor or whomever. For all people who look at the issue objectively, the only reason taxpayers' money was wasted in a trawl through the Cottesloe Town Council seems to be the hope that it might somehow be able to muddy the water and put a bit of dirt on Mayor Hammond. If there are other reasons, the minister has failed totally to demonstrate them tonight. Part of the Government's defence was to say that it must present a case beyond reasonable doubt, and that is an absolute nonsense.

The minister has expended taxpayers' money on this inquiry. He has put the officers of the Department of Local Government through the council in a way which I believe is improper. From what the minister has said tonight, there was no substantial reason to do that.

Mr Omodei: What do you mean no substantial reason? Four councillors resigned; one was on leave and the CEO resigned - and that is not a substantial reason?

Mr KOBELKE: On the balance of evidence one must say that the minister was serving the interests of the member for Cottesloe who clearly has a difference of opinion with Mayor Hammond. Both the minister and the Leader of the House have failed to address any of the issues. Therefore, I believe the case has been won by the Opposition because the minister and the Leader of the House have been wasting taxpayers' money in quite a dictatorial way to see whether they can gain some political advantage. The problem is that this scenario might sound outlandish in any place except Western Australia in 1998 under this Government. The people are finding that that is the way this Government does business; whether he is dealing with teachers or Main Roads Western Australia, the member for Cottesloe thinks that he can just bully and use standover tactics to get what he wants. This inquiry is about that, and nothing more.

**MR McGOWAN** (Rockingham) [9.55 pm]: Two amazing things have happened tonight: First the Minister for Planning

showed the courage of a sheep in remaining seated, not standing to defend himself against the Opposition's attack on him; secondly, the Deputy Leader of the Liberal Party backed up everything we had to say when he made his speech. The crux of our argument was that -

Mr Trenorden: You didn't have anything to say. You didn't put up a single question.

Mr McGOWAN: The member should just be quiet. The crux of our argument was that this Minister for Resources Development had a major dispute with the independent mayor of the Town of Cottesloe, and he confirmed that. He said that he hated the mayor because of the shame he had caused. He said that he was embarrassed in front of representatives of the Dutch Government. I do not think those people could have cared less. For some reason he thinks they care about him. He also confirmed that he had a major dispute with the mayor about underground power and that he was upset with the mayor over beachfront parking.

Mr Barnett: I largely agreed with him.

Mr McGOWAN: Finally he said that he was upset about the western suburbs highway. He confirmed everything that we had to say; that he has a major dispute going on with the mayor of Cottesloe. Under questioning, he confirmed that the former mayor of Cottesloe was a member of the Liberal Party and a friend of his.

Mr Barnett: Most of Cottesloe is.

Mr McGOWAN: In summary, the minister hates the independent mayor, and the former mayor was a Liberal Party member.

Mr Trenorden: You should be in the New South Wales right. Are you in the New South Wales right?

Mr McGOWAN: The minister then said that he has never been involved in local government and as far as he knows the Cottesloe Town Council has never had anything to do with the Liberal Party. This is directly contrary to what the most prominent local public group said. The president of the Save Our Suburb group, a local ratepayers association which managed to win the majority of seats at the recent election for the Cottesloe Town Council, has written to the minister to tell him to butt out and not put Liberal Party politics into the council. The minister is saying that there has never been any Liberal Party politics in the Cottesloe Town Council. The president of SOS has written to the minister and said, "Please do not bring Liberal Party politics into Cottesloe Council. Mr Hammond certainly has his problems and so does Mr Barnett." He sure does.

I turn to the Minister for Local Government. The member for Bassendean stood up and congratulated him on speaking. For a bloke who reads all his speeches, it was not a bad effort. When he read out his speech he raised a few issues. First of all I asked him whether he had discussed the matter with the Deputy Leader of the Liberal Party. The answer was that no, he had not discussed it with him.

Mr Omodei: Not formally, no.

Mr McGOWAN: Then we have an article in the *Mosman-Cottesloe Post* which states -

> Mr Omodei said he had raised the issue of Cottesloe with Mr Barnett and they shared some concerns.

Within minutes, he has been caught out misleading this Parliament. He then said that it was not him, that he did not do it, that it was the executive director of the Department of Local Government. We then have a letter from the minister to the mayor of the Cottesloe Town Council. It states -

> My request originated from our meeting of 14 August . . . I have asked the Executive Director to provide me with a report assessing the functioning of the Council.

He put the blame on the executive director.

Mr Omodei: Why don't you read my speech tomorrow and we will see exactly what happened.

Mr McGOWAN: It might be good bedtime reading; it might put me to sleep. The minister then said that there was a crisis there and we have personality disputes in a local council. Oh my God, that must be a crisis! We never have personality disputes in a town council - never! That is unheard of. Who would believe we would have a personality dispute on a town council?

Dr Gallop: That is the definition of local government.

Mr McGOWAN: That is right. The minister said that we must have an inquiry. It just happens to be an inquiry directly into the mayor who poses the biggest threat to the Deputy Leader of the Liberal Party. That is what the minister is upset about and what he is hiding. That is what all of this is about and what he has used taxpayers' money for.

Question put and a division taken with the following result -

Ayes (18)

| | | | |
|---|---|---|---|
| Mr Brown | Mr Grill | Mr McGowan | Mrs Roberts |
| Mr Carpenter | Mr Kobelke | Ms McHale | Mr Thomas |
| Dr Edwards | Ms MacTiernan | Mr Riebeling | Ms Warnock |
| Dr Gallop | Mr Marlborough | Mr Ripper | Mr Cunningham *(Teller)* |
| Mr Graham | Mr McGinty | | |

Noes (26)

| | | | |
|---|---|---|---|
| Mr Ainsworth | Mrs Holmes | Mr Nicholls | Mr Trenorden |
| Mr Barnett | Mr House | Mr Omodei | Mr Tubby |
| Mr Bloffwitch | Mr Johnson | Mrs Parker | Dr Turnbull |
| Dr Constable | Mr MacLean | Mr Prince | Mrs van de Klashorst |
| Mr Court | Mr Marshall | Mr Shave | Mr Wiese |
| Mr Cowan | Mr Masters | Mr Sweetman | Mr Osborne *(Teller)* |
| Mrs Edwardes | Mr Minson | | |

Pairs

| | |
|---|---|
| Ms Anwyl | Mr Bradshaw |
| Mr Bridge | Mr Pendal |

Question thus negatived.

## ADDRESS-IN-REPLY

*Motion, as Amended*

Resumed from an earlier stage of the sitting.

**MR BROWN** (Bassendean) [10.05 pm]: I wish to take the opportunity during this debate to raise a number of issues concerning my electorate and, time permitting, I will also raise a number of matters concerning the portfolio responsibilities I hold on behalf of the Opposition. The first matter concerns a proposal to establish a minimum security prison at the Pyrton site in Lord Street, Eden Hill. This proposal has been put forward by the Ministry of Justice. We became aware that it was under consideration by the Government some three months or so ago when a question was asked in the other place. The Attorney General revealed that consideration was being given to placing a prison on that site. Since that time, four separate community meetings have been held to consider various issues about the proposal. At each of those meetings the community expressed a strong view that a prison should not be established at the Pyrton site. It was not a view that was simply put forward as a NIMBY view; that is, a "not in my backyard" view. It was a view put forward for a variety of reasons. In recent years attempts have been made to improve the nearby suburb of Lockridge. Considerable success has been achieved in improving that suburb with the redevelopment program. Residents of that suburb are concerned that the redevelopment will be undermined by the establishment of a prison in such a close vicinity. The residents of Eden Hill, Bassendean, Success Hill and those areas surrounding the prison's proposed location have expressed strong opposition to its being established in that area. It has not only been a question of people attending public meetings and expressing opposition, but also the opposition has been reflected in a survey conducted by the Town of Bassendean. There was a very high response rate to the survey and of that response rate, something in the order of 80 per cent did not accept the proposal to establish a prison at that site.

The Attorney General has said at meetings with community representatives that he has not yet made a decision whether the Government will establish a prison on that site. A panel set up in part by the Ministry of Justice is currently in place and is contributed to by the committee established by the community. That panel is meeting at present to consider all the issues concerning the proposal. It will meet this weekend - all day Sunday - under the chair of an independent mediator. It will have one final meeting, after which a report on the community's views will be presented to the Attorney General. At the end of that process, I think the community will have a strong view that the proposal should not go ahead. Those views will be put forward, so the Minister can make a decision on whether to ignore community opinion and establish the prison on the site, or listen to community opinion and look for alternative sites.

If a decision is made by the Government to establish a prison on that site, it will be strongly rejected by the local community and I understand that members of the local community will become very politically active. A number of these people have shown the capacity to do so in the past when the Government has considered certain matters. These people will be equally active again and do everything in their legal power to have the decision reversed. A number of these people were told, not by the Minister I understand, that they can shout as much as they like, but the Government may well make a decision against their wishes because it is an easy decision for the Government to make: The area is in an electorate held by the Labor Party

with a 12 per cent margin. If one considers the polling at the recent federal election, that margin is probably now closer to 17 or 18 per cent. Therefore, no political damage will be caused by offending the local community. I hope that will not be a factor when the Government makes this decision.

A number of people in the area understand the political process at the local level and understand the need to maximise their position if the Government were to make a decision on that basis. A number of people have indicated to me strongly that although they are not members of the local Labor Party branch - I do not know which way they vote - if a decision were made to locate a prison at Pyrton, they would campaign strongly against the Government. They will not put their efforts into my seat, even though I have invited them to do so; they believe my seat to be safe, as much as one can be safe these days. They will campaign strenuously in Ballajura and Yokine in support of their position. I record that view expressed to me as a representative of the community. These views are passionately held. I am pleased that the Deputy Premier is listening to my comments. This is a small but closeknit community, something like some of the communities the Deputy Premier represents. Some people have lived behind Bassendean and Eden Hill for a long time. People can tell the history of the area as they have lived there for generations.

They do not take kindly to the proposal for another reason: No-one has been able to point to any decision by any Government to establish a prison right in the middle of an established area. It is true that Canning Vale prison is now surrounded by housing. However, the nearest house was six or seven kilometres away when it was constructed. You may know, Madam Acting Speaker (Mrs Holmes), that when it was proposed to set up a minimum security prison in Canning Vale two or three years ago, considerable outrage was evident in the area, notwithstanding that residents lived near a maximum security institution, which had existed before the houses were built nearly 20 years ago. Large public meetings were held about the proposal. I attended the meetings as then opposition spokesperson on justice. People were very concerned. People can argue in a rational context about whether that level of concern is warranted. However, every member of the House, including the Deputy Premier, I am sure, recognises that fear of crime is increasing. The true level of crime is a matter open to debate. Nevertheless, fear is increasing. The last police survey I saw, which applied to the year before last - I do not know about last year - outlined that the number of people who fear crime 24 hours a day, seven days a week increased by 3 per cent in one year alone. That fear is very debilitating. People in the face of that fear do not go out into their front yards or enjoy their lives. Many of us have a fear sometimes, such as walking through a park at 2.00 am. Most of us do not have a fear of crime when in the community, working, at home, or taking out our children and grandchildren. People should not fear crime at those times. It may be that such fear is also causing concern in the local community about this prison proposal. However, many concerns have been documented. I can table this report titled "Community Response to the Proposal to Establish a New Women's Prison on the Pyrton Site".

Mr Cowan: Do you have a suggested alternative?

Mr BROWN: Some alternatives have been suggested, but each of them has been ruled out by the Ministry of Justice. One proposal was to establish the prison at Bandyup outside the prison fence. Land is available at Bandyup, which is four or five kilometres from the proposed Pyrton site. Public transport is not available. It will mean that whoever is in charge will need to transfer prisoners to community projects. However, the Geraldton Regional Prison was located right in the centre of Geraldton and then moved to Greenough out in the bush. To the best of my knowledge, minimum security prisoners in that prison work in the town of Geraldton. They must be transferred by prison officers as the only form of travel available.

I agree, as do most people, that a discrimination currently exists against women prisoners. Male prisoners rated as minimum or medium security might be on farms, open institutions or somewhere where the rules and environment are much different from a maximum security prison. That opportunity has been available to males at least since 1928 when the Pardelup Prison was established. That opportunity has not been available to female prisoners, which has been a problem with the system under previous coalition and Labor Governments. I have no problem with a minimum security prison being made available for women to ensure that they have an opportunity to attend such an institution. It is a matter of where it should be located. Land is available at Bandyup. Equally, other sites are available which are not as optimal as the Pyrton site from the pure Ministry of Justice perspective. In my view it would be totally wrong to take only that into consideration when making this determination. That must be balanced against the community's views. If the community's views were ambivalent or if the community was supportive, it might be a different situation. However, the community is not ambivalent or supportive. It has been very strong in its opposition. The Ministry of Justice has talked about women prisoners working in the community if the institution is located there. The worst thing that could happen in that environment is for the women not to be accepted for the work they can do in the area, not because they are prisoners but because the community does not accept the way the Government has disregarded their views. Once the process is complete, if the community view is as I believe it to be, I urge the Deputy Premier in Cabinet - I understand this must be a Cabinet decision - to bring some wiser counsel to the Attorney General if he decides to go down this path.

Another local matter I wish to raise concerns an area of land which is known as the former TAFE site situated on the corner of Morley Drive and Bottlebrush Drive in Kiara. This large area was formerly owned or controlled by LandCorp, and it was the subject of the proposed amendment to the metropolitan region scheme that recently came before this House for consideration. It was proposed to rezone the land from public purposes to urban, to allow the development of the site. The

local Kiara community, coupled with the people in Eden Hill, strongly indicated by way of a petition to this Parliament that it wanted the area to be retained as bushland. Almost 1 000 people signed a petition requesting that. In any event, when the amendment went before the other place it was disallowed, so the zoning remains as public purposes. I thought that was the end of the matter; the amendment had been brought to the Parliament and Parliament had made a decision.

However, I have been advised, firstly, that the land has now been either transferred to or purchased by Homeswest. Homeswest owns land for the purpose of developing it for housing. Secondly, the Executive Director of Homeswest has advised me in writing of his intention to further review the use of that land. It has engaged a consultant to consult with the local community about the future use of that land. I raise this issue because this area is considered very important by the local community. The local progress association is taking an active interest in the land, and has raised a number of petitions that have been tabled in this Parliament. I only hope that some consultation takes place. That will be fine, but at the end of the day the community has spoken on two separate occasions. This land has been the subject of two separate metropolitan region scheme proposed amendments, and on each occasion the community has presented significant petitions for the retention of the area as bushland. I hope that any consultations that take place will not be on the basis that they will ultimately lead to rezoning of that land. Consultation is fine, and I am sure people are always happy to talk, but not on the basis that it will necessarily lead to rezoning. The people I have the privilege to represent in the community have made their position clear; that is, they are keen for the land to be retained as bushland.

A further matter I raise on behalf of the local community relates to the Bassendean Primary School. I am glad the Minister for Education is in the Chamber representing the Government tonight; he is the only minister now present. The Bassendean Primary School has made representations through the appropriate channels for an improvement in the school facilities; namely, an additional classroom and an upgrade of other rooms necessary for that school. I wrote to the minister about this matter earlier this year, to which the minister responded that it was envisaged that one additional classroom would be needed to deal with enrolments to the year 2000. He also recognised that the school needs an administration upgrade and specialist facilities. Likewise, the Director General of Education has advised, through the manager of client services, that an upgrade is needed of the administration and specialist facilities when funding becomes available. Meetings are to be held on site later this month with the Education Department and next month with the minister. I hope that not all the funds allocated in the budget for educational purposes, particularly for capital works, have been allocated this year. That school should be given priority and I hope that by raising these matters some improvements will be achieved. I have previously reported to the Parliament the nature of the facilities required and the reasons they are required, and I do not intend to go through them all again this evening. However the changes can easily be justified.

The next matter I raise briefly to indicate the attitude of the Government to its former employees and senior citizens. I raise it on behalf of a constituent who was a former employee of the Metropolitan Transport Trust and received a pass to use MTT services in recognition of his considerable service. Now that the transport system has been privatised, that employee does not receive any benefits from the pass because it is obsolete. It is interesting that employees who received a gold pass - those who operated at senior levels of the former MTT - still receive the benefits of their pass. They have access to free travel paid by the Government. However, the pass has been withdrawn for ordinary employees - those who gave 20 years service and received a pass when they retired because it was a condition of their employment. When this matter was raised with the Minister for Transport, he simply dismissed it and said that these people are retired and the Government does not care about them and has no commitment to them.

Likewise, I raised with the Minister for Seniors questions about the recent changes Transperth made to the times during which pensioners can travel on concession fares. I asked whether there had been any consultation with seniors groups about these changes, which would disadvantage pensioners. The advice I received does not exactly answer the question, but I can infer that there was no consultation with seniors before that change was implemented. These matters and others concern individuals in the community, and they are a reflection of the Government's thinking and attitude.

On a separate matter again, a taxi driver constituent has raised concerns about his taxi licence increase. He provided two pieces of correspondence from the Department of Transport dealing with the licence renewal fees he must pay. He received a notice on 7 January 1998 informing him that to renew the licence for a further 12 months he would be required to pay $863.63. He elected to renew the licence for six months, so six months later he received a further bill. On 8 July he was advised that for a further 12 months' registration he would be required to pay $1 163; that is, he would be required to pay an increase of $299.40 or more than 30 per cent.

I wrote to the Minister for Transport about that on 27 July asking how he could justify increasing licence fees by just under $300 or more than 30 per cent. The minister acknowledged receipt of my letter on 30 July. That is now two and a half months ago and I have not heard anything from him. I have been waiting 10 weeks for a response and my constituent still does not know how the Government can justify a 30 per cent increase in taxi licence registration fees.

I wanted to deal with a range of other matters, but I do not have the time to do so. Some time ago in this House we debated the commonwealth Job Network. This Government supported the Federal coalition Government in saying that the Job Network was working well and was a good initiative. In more recent times, the New South Wales Chamber of Commerce -

an employer group - has carried out a survey which indicated that its small business members consider the Job Network an absolute disaster. They think it is appalling, as do many small business people in Western Australia and many people who are looking for jobs. The situation is particularly difficult for those people seeking employment who are either married or in a relationship and their partner is employed. They are not entitled to social security benefits, and under the Job Network arrangement they get no assistance to find a job. The reason is that no payment is made by the Commonwealth Government to either the public or private agencies if they find a position for a person who is not on social security benefits. It is a disgrace and an insult to those people who are seeking employment and who wish to make an active contribution to the State.

**MR GRILL** (Eyre) [10.35 pm]: I appreciate the opportunity to make some remarks in the Address-in-Reply debate. I currently have an electoral office in the central business district of Kalgoorlie-Boulder, and I have had that office for some years. Because Kalgoorlie-Boulder still has a large number of tribal Aboriginals and a large Aboriginal population, many Aboriginal people come to my office every day of the week. My electorate secretary deals with them on a very fair and evenhanded basis. Unfortunately, those conducting retail activities in the central business district - that is, in Burt Street - are objecting to the presence of those Aboriginal people. They believe, and in some instances they are correct, that the Aboriginal presence attracts a range of anti-social activity. I do not believe that is true in the majority of cases. However, Aboriginal people do camp in the area, live in the open and frequent the doorways. They do not have facilities such as toilets, bathrooms and so on. Sometimes they beg and at other times they are inebriated. There is a feeling that they do not create an amenable environment in which to trade. As a result, the Kalgoorlie-Boulder Promotion and Development Association has objected to their presence. It has suggested that I curtail the services that are extended to Aboriginal people by my staff, refuse to have them in my office or perhaps relocate my office. The latter is probably the more preferable option. I have decided to relocate my office out of the central business district, and I have applied to the Government to do just that.

The situation has become the subject of some comment in the media in the eastern goldfields, but it is not media attention that I seek in any way. However, it has created a very unfortunate situation. There is no way that I can exclude Aboriginal people from my office and there is no way that I can curtail the services offered to them. Some people in Kalgoorlie-Boulder have alleged that I provide financial handouts and airline tickets to Aboriginal people to travel back to their communities in the central desert and elsewhere. That is a figment of the imagination of some very racist people. Nonetheless those things are being said and they are the accusations I have had to face. Quite frankly, I want to get out of the firing line. I think Aboriginal people are certainly attracted to my office for the services that are extended. They are extended, as I said, by my secretary on an amenable and efficient basis. However, they are not just attracted to that part of Boulder because there is an electoral office there. They are also attracted because there are facilities, shopping, bright lights, hotels, alcohol, and access to law and order which they do not have in their communities in most cases. There is an ability to socialise. They come to see their friends in hospital and in prison, and they are close to the prison in Boulder and not so far away from the hospital. They are also close to medical services. Therefore, even though I intend, I hope with the help of the Government, to relocate my office, I do not believe the problem will go away. There are other answers to the problem. Proper camping facilities need to be set up for these itinerant and fringe-dwelling Aboriginals.

Mr Barnett: I missed your original point. Why do you want to relocate?

Mr GRILL: I applied to relocate.

Mr Barnett: But your electorate staff is having difficulties?

Mr GRILL: No. My electorate staff do not have difficulties except with the odd Aboriginal person, and they can handle that. My problem is that quite a number of business people in the area object to Aboriginal people congregating in the area because of the services that are extended to them from my office. I want to get out of the firing line; I would rather be elsewhere. I have spoken to the Minister for Services about the matter and I have written to the Premier. I am hopeful that I can be relocated shortly.

However, Aboriginal people from various communities will be attracted in increasing numbers to places like Kalgoorlie-Boulder and to the bright lights of cities, and more frequently as time goes on. In addition to that, there is also a problem in these cities and towns with young Aboriginals from broken homes. Many Aboriginals who live in Kalgoorlie-Boulder - largely in Homeswest accommodation - behave in a very anti-social way and are responsible for a large amount of lawless behaviour in the city. These young Aboriginals are alienated, disaffected and mainly unemployed. They are largely uneducated and are the product of dysfunctional families. They are embittered and, as I have already mentioned, they indulge in a whole range of anti-social activity, including the abuse of substances. An increasing number of them also abuse drugs.

We must be concerned about the level of crime and the increase in crime in Western Australia today. I have with me a cutting from *The West Australian* of Saturday, 1 November 1997 wherein a criminologist, David Indermaur, from the University of Western Australia had this to say -

> WA has higher rates of murder, abduction, rape and assault than the national average, according to the University of WA criminologist David Indermauer.

> But Mr Indermauer stood by his claims that higher rates of violence did not necessarily mean that WA was inherently unsafe.

He goes on later to say -

> "If the Government was really concerned about crime rates, they would research the situation and look at statistics more thoroughly and then look at the problems and possible solutions," he said. "At the moment there is only a certain amount of information available.
>
> "The issue of crime in WA compared to other States needs to be looked at more carefully so we can get some answers."
>
> "The Northern Territory always comes up with the highest crime rates and it may be that we are similar to them with vast rural areas and it may be that we share demographics with them. That sort of information could help us to deal with the problem more effectively."

What Indermaur is saying here is code for, "We have a problem with Aboriginal people. We have a problem with Aboriginal youth. We have a problem with Aboriginal broken homes and dysfunctional families." Indermaur does not state that as directly as I have just put it. However, if we read the article, that is what it means. There is a reference to the Northern Territory, to demographics and to vast rural areas. It comes down to only one thing; that is, we have a problem with Aboriginal youth and Aboriginal lawlessness. There is a need to look at the statistics and recognise the problem. He is suggesting that we are not recognising that problem. I suggest that he is saying that we are not prepared to look at the problems as directly as we might. There are probably a range of reasons for that. I think one of them is that the epithet of racist is used very quickly and very widely in Australia today and no-one wants to wear that epithet around their neck, therefore they tread very gently and carefully whenever making comments in this arena.

I have looked at the statistics for crime among indigenous people in Western Australia. In fact, not so long ago, I received an answer from the Attorney General on the subject. It appears that Aboriginal people in Western Australia are responsible for more than one-third of the incarcerations in this State at an adult level. At a juvenile level they are responsible for about 60 per cent of the incarcerations in juvenile institutions. We should bear in mind that adult Aboriginals comprise about 2.5 per cent of the population and juvenile Aboriginal youth about 4 per cent. Those statistics are particularly alarming.

The same group of criminologists at the University of Western Australia also conducted a study in 1996 into domestic violence. It found that the level of domestic violence in Aboriginal homes was 50 times the level of violence in non-Aboriginal homes or non-indigenous homes. That is a very frightening statistic. It is no wonder, therefore, that Professor Indermaur wants these statistics examined with some impartiality. It is no wonder that he thinks that the State is endeavouring to bury the problem.

If we also look at it from the other perspective - that is, who are the most likely victims of crime in Western Australia - we find that Aboriginal women are more likely to be the victims of domestic violence crimes than any other group. Young Aboriginals are more at risk from violent crime than almost anybody else. Young Aboriginal males may commit more violent crimes; however, they are also the victims of that violence.

The real level of sexual assault on young Aboriginal women is alarming. I do not have statistics but I have anecdotal information from Kalgoorlie. The level of rape and sexual assault among Aboriginal people in Kalgoorlie is probably as high, by way of a proportion in the ratio, as the level of domestic violence. Cases have occurred in Kalgoorlie in which young Aboriginal women have come within the care of Family and Children's Services, which has had trouble finding places in which to safely house the young women who have been assaulted by elements of their family. They are more likely to be assaulted by their relatives and extended family than they are in the broad community. We have an immense problem, much of which is below the surface and unrecognised and which the community at large has a propensity to bury.

We should ask ourselves whether our policies with respect to Aboriginal people are working. If we are reasonable and objective about it we must say resoundingly that they are not working. In fact they are failing, not only in the levels of criminality or delinquency but also in a range of other respects. They are failing in relative and in absolute terms; that is, in terms relative to the white society and in absolute terms because each year the figures are getting worse.

Regarding some of the criteria by which we can judge the policies, I refer first to education. The Minister for Education is with us tonight. In *The West Australian* on 30 May 1998 at page 39, under the heading "Aboriginal education 'a failure'", Roger Martin wrote -

> The education system has failed Aborigines, according to Education Minister Colin Barnett.
>
> Mr Barnett told a Legislative Assembly Budget estimates committee this week that despite about $500 million being spent on Aboriginal education around Australia during the 1990s Aboriginal children were not staying at school.

> Mr Barnett said there was a range of initiatives in place to improve the standard of education of Aborigines, including special scholarships, finding ways to encourage children into school and providing career paths for Aboriginal teachers.
>
> But Mr Barnett said educational authorities around Australia were not getting the results they hoped for.
>
> "I would concede that education has probably failed Aboriginal people in this country," he said

One of my colleagues who is also present tonight, the member for Thornlie, made some pertinent remarks in the same article about retention rates. They reflect the same trend. So far, our policies on education are not getting results. To use the words of the minister, they appear to be failing us. In the dozen or so communities around Warburton in the central desert, Governments, whether they be Labor or Liberal, have spent immense amounts of money. I accompanied a former Minister for Education, Carmen Lawrence, when she opened a number of schools in the area. We felt a glow of satisfaction when we saw all sorts of amenities put in place which were of a considerably high standard. However, what have we achieved out of that? We have not produced one secondary school graduate. That is a very unfortunate situation. The Minister is frowning, but if he could name a graduate that has come out of that area, I would be surprised. This is a very sad comment, but in my experience the parents of Aboriginal children in the eastern goldfields - I use that area in a very enlarged sense to include some of the central desert communities - in many instances are much better educated with basic education than their children. They at least went to school, although not necessarily in the best of circumstances. In many cases they went to mission schools from which, in most cases, they came away with a basic education. With reference to the retention rates to which the member for Thornlie referred, many of the children do not go to school. They do not have an adequate education and simply are not able to cope in this world. That is when we see them drop out and display their disaffection in antisocial activity.

Mr Barnett: You are aware that we are proposing to establish hostels primarily for Aboriginal children in Kununurra. That proposal was widely criticised, but interestingly not by the Aboriginal people, who were supportive of it. Perhaps it could be argued it is a return to the past, but the point you are making is that children are not attending school, not eating properly and not having a good night's sleep.

Mr GRILL: I supported the minister publicly on that issue. However, we must be careful about how it is implemented. For example, a friend of mine at East Kalgoorlie School, who is a dedicated teacher, put in place a program for Aboriginal children. In fact the East Kalgoorlie School is basically an Aboriginal school. She found that some of the children were not getting to school and when they did get to school they were undernourished, poorly washed and poorly dressed. She found the funds to provide for a bus to collect them and to provide breakfast when they arrived and the resources to shower them and give them clean clothes. It was a wonderful program for which one could do nothing but applaud her. However, did that program do anything to change the culture? One could say it could if on a consistent basis it changed the culture of the young children coming through. Once she started picking up that reasonably small group of children, all the other parents decided that if the bus was coming around, they would not bother to take their children to school any more, so they went on the bus. They also had the notion that if they were going to use the bus, they did not need to give their children breakfast. In the end she was supplying transport, breakfast, lunch, clean clothes and shower resources for a large number of Aboriginal children.

I support an experiment that will make use of a hostel. In fact I put the proposal to an upper House committee headed by Hon Derrick Tomlinson a few years ago when it visited Kalgoorlie.

Mr Barnett: It would be interesting to see it in Kununurra. Will a hostel work in the part of Kalgoorlie about which you are talking? Will it be supported?

Mr GRILL: I would support it.

Mr Barnett: Would Aboriginal people support it, which is the key?

Mr GRILL: A large number of them would. Many of the Aboriginal people came from the Mt Margaret Mission. Although I am not a great advocate of what happened at that mission, because its discipline was draconian and it cut off the children too dramatically from their culture and their parents, that very strict upbringing imbued the children with a good basic education. Some of the better known Aboriginal people have come from Mt Margaret Mission and done good things in life. The Mt Margaret Mission gave the Aboriginal people some social graces and allowed them to cope in the white world. I do not want to turn the clock back to that sort of situation, because they had their heads filled at the same time with a whole lot of fundamentalist nonsense and quite a lot of deleterious philosophy, quite frankly. However, if the provision of a hostel were carried out sensitively and children were not divorced completely from their parents and culture, it could work. Certainly there is no point in taking children to school, feeding them, washing them and clothing them and then allowing them to go back to a situation in which they would be at risk from domestic violence and young women would be at risk of sexual interference from extended family members. We need to look at the matter in a holistic way. If we do, we will get some results. A piecemeal approach will not work even with the best will in the world and the most altruistic intent. A lot of people do have altruistic intent in this respect.

A lot comes back to the question of responsibility. If young Aborigines can be taught responsibility and they are prepared to take responsibility for themselves, their near family and later on perhaps for the wider Aboriginal family, we would be heading along the right track. However, by act and by deed I believe that we are saying to Aboriginal people that they do not need to take responsibility. That is a very bad lesson. A lot of it comes from well-meaning people. A lot of it is foisted on us from Canberra by people who do not have any direct knowledge of Aboriginal welfare and who see Aboriginal people not as they are but as noble savages and bring about a whole range of extremely paternalistic policies. Aboriginal people are capable of taking responsibility for themselves. That is where policies should be directed.

It is clear that Aboriginal health is in a very parlous state. Despite the money that has been poured into it, one finds that in many respects Aboriginal health is going backwards, certainly in relative terms to the white community. I have a whole range of newspaper cuttings with me which attest to that fact. I do not have time to go through them now and I will not. Over the years I have looked closely at the problems of Aboriginal health. They really come back to some very basic questions of alcohol abuse, cigarettes, diet particularly, exercise and a willingness to take medication on a regular basis. Some of the nurses in the central desert tell me that this question of responsibility is important there too. A lot of Aboriginal people understand and appreciate the necessity to take tablets, for instance, for a range of ailments. They take them while they are under supervision in the community but once they leave the community and go to the bright lights of the city for instance, they do not bother to take the medication. Why that happens is confounding but it happens.

I believe it comes back to the question of responsibility. If one looks at syphilis rates, at petrol sniffing, at the World Vision report or breast cancer, even in those areas there are problems. A report in *The West Australian* of 7 February of this year indicated that the levels of breast cancer among Aboriginal women was a lot higher than in the general community. I will not refer to the cuttings and information but there is a huge problem there. I do not believe that our policies are working. We need to have a new, fresh look at this subject and we need to get to the real causes of the problems, as criminologist Professor David Indermaur has suggested. We need to attack it afresh.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

*House adjourned at 11.05 pm*

**QUESTIONS ON NOTICE**

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

ALINTAGAS AND FREMANTLE DOCKERS' SPONSORSHIP AGREEMENT

34. Mr THOMAS to the Minister for Energy:

(1) Does the sponsorship agreement between AlintaGas and the Fremantle Dockers include access to 'sponsors boxes' or other hospitality facilities at Subiaco Oval, the WACA or any other sporting venues?

(2) If yes to (1) at what venues, apart from Subiaco Oval and the WACA, does the agreement provide for access to hospitality facilities?

(3) If yes to (1) is provision of food and drinks in the hospitality facility part of the sponsorship agreement or is this charged separately?

(4) If food and drinks in the hospitality facilities are charged separately, who is the arrangement with and is this stipulated by the Fremantle Football Club, the WA Football Commission or some other party?

Mr BARNETT replied:

I am advised:

(1)-(4) The specific details of the sponsorship agreement between AlintaGas and the Fremantle Football Club is subject to commercial confidentiality.

WESTERN POWER'S SOUTH WEST INTERCONNECTED GRID CUSTOMERS

35. Mr THOMAS to the Minister for Energy:

(1) How many customers are connected to Western Power South West interconnected grid whose power supply source is contestable under the open access regime applicable from 1 July 1997?

(2) How many of these customers purchase power from a third party supplier using the Western Power transmission system?

(3) Does Western Power compete with private suppliers for contestable customers?

(4) If yes to (3) above, do contestable customers get quoted rates for the supply of electricity?

(5) If yes to (3) above, is a transmission component of the price quoted to contestable customers calculated separately and is this component itemised in the quote given to contestable customers?

(6) Is the same transmission price as that envisaged in (5) made available to competing electricity suppliers who are seeking to supply contestable customers?

Mr BARNETT replied:

Western Power has advised:

(1) 63 customer sites connected to Western Power's South West interconnected grid were contestable under the open access regime from 1 July 1997. This includes customers deregulated under the Goldfields Gas Pipeline Agreement Act 1994.

(2) 16 of these sites purchase power from independent power producers using the Western Power transmission system.

(3) Yes.

(4) Contestable customers do get individual quotes for the supply of electricity.

(5) The customer is quoted a bundled price. However, Western Power will provide the transmission component if requested by the customer.

(6) The transmission price is published and available to all electricity suppliers and customers. Western Power's retail business (Marketing and Sales Division) is charged the same transmission price as any other supplier.

WESTERN POWER'S TELEVISION ADVERTISING CAMPAIGN

36. Mr THOMAS to the Minister for Energy:

In relation to the current television advertising campaign being run by Western Power -

(a) what advertising agency was involved in the production of this campaign;
(b) what was the value of this contract?

Mr BARNETT replied:

(a) The Brand Agency.

(b) This campaign was included in Western Power's total Marketing Budget for 1997/98. Due to the competitive market in which Western Power increasingly operates, it is not appropriate to release the cost of individual campaigns.

ALINTAGAS

*Television Advertising Campaign*

37. Mr THOMAS to the Minister for Energy:

In relation to the current television advertising campaign being run by AlintaGas -

(a) what advertising agency was involved in the production of this campaign;
(b) what was the value of this contract?

Mr BARNETT replied:

I am advised:

(a) AdLink Advertising.

(b) Advertising costs for AlintaGas are confidential, the business is operating in a competitive environment and the information is commercially sensitive.

POWER FLUCTUATIONS IN EXMOUTH

104. Mr BROWN to the Minister for Energy:

(1) Is the Minister aware that power fluctuations and surges are costing Exmouth small business people and residents a considerable sum of money?

(2) What action is being taken to reduce power fluctuations and surges in Exmouth?

Mr BARNETT replied:

I am advised:

(1) Western Power has no current formal power fluctuation complaints and has not received a complaint in the last 18 months. Local Western Power employees and contractors also have no knowledge of customer problems and complaints.

(2) None.

SOLAR POWER IN EXMOUTH

105. Mr BROWN to the Minister for Energy:

(1) Has any department or agency under the Minister's control given serious consideration to the use or potential use of solar power in Exmouth?

(2) If so, what work has been done on this proposal?

(3) If not, will the Minister ensure this option is thoroughly investigated?

(4) If not, why not?

Mr BARNETT replied:

(1) Western Power continually reviews the opportunity to utilise renewable energy sources for the supply of electricity across Western Australia. This includes the potential for solar power at locations such as Exmouth.

(2) Western Power is a member of a national consortium which has gathered solar data at sites around Australia (including Geraldton and Kalgoorlie in WA) and the photovoltaic (PV) facility installed at Kalbarri has provided experience with a 20 kilowatt plant connected to an electricity grid. The current cost of power delivered from a PV system is about 2 to 3 times the cost of power from a diesel system such as that at Exmouth. For this reason there are presently no plans for a solar plant at Exmouth. Western Power considers that, at present, wind energy is the more mature and commercial renewable energy technology. The state-of-the-art wind turbine now being installed at Denham will provide information and experience that may see this technology extended to similar regional sites.

(3)-(4) Not applicable.

MILLENNIUM BUG

139. Ms McHALE to the Minister for Resources Development; Energy; Education:

(1) Is the "Millennium Bug" computer problem an issue for any of the departments or agencies under the Minister's control?

(2) If so, when will those departments or agencies have installed and tested all Year 2000 corrections?

(3) What have been the total funds expended to date to correct the "Bug"?

(4) What is the total cost estimated to be to install all corrective measures?

(5) Do those departments or agencies intend to engage external resources to manage the process?

Mr BARNETT replied:

Department of Resources Development

(1) Preliminary testing (and compliance certification from suppliers) indicates there will not be problems that cannot be readily addressed.

(2) Formal detailed testing expected to be concluded by December 1998.

(3) Approximately $10 000.

(4) Approximately $20 000.

(5) No.

Office of Energy

(1) Yes.

(2) June 1999.

(3) $2 000.

(4) $12 000.

(5) No.

I am advised by Western Power

(1) Yes.

(2) A programme is in place with the aim of achieving Year 2000 readiness for the various business processes, facilities and systems that are affected. The date of readiness depends on the priority of the item and the availability of solutions to solve the problem. Dates for readiness range from end 1998 to mid 1999.

(3) Approximately $7 million.

(4) The total cost to install all corrective measures will depend on a number of factors, including whether work is outsourced or performed internally, and on technical items yet to be supplied. It is expected to exceed $10 million.

(5) Western Power is using internal staff as well as the services of a number of contractors to address Year 2000 issues. The process is being managed by Western Power.

I am advised by AlintaGas

(1) There are no significant issues which are unlikely to be remedied prior to December 1999 and therefore impact on service to customers.

(2) Major corporate systems which were assessed as being non Year 2000 compliant have either been replaced as part of a major computer systems re-engineering project, or are in the process of being made compliant. Apart from Year 2000 compliance upgrading to the Customer Information System which is scheduled for completion in March 1999, all systems replacement work is complete. Year 2000 upgrading of mid range business systems will be complete by end of June 1998. Personal computers are Year 2000 compliant.

(3) Year 2000 activities have been funded from normal capital improvement or maintenance operating budgets for computer systems upgrades, maintenance and replacement. As part of a computer systems re-engineering project approximately $13.2 million has been spent to establish a new suite of computer applications to replace legacy mainframe systems. The new computer applications implemented are Year 2000 compliant.

(4) An estimated $0.5 million will be spent during financial year 1998/99 to make the existing Customer Information System Year 2000 compliant. Testing and auditing of a general range of technical equipment for Year 2000 compliance following upgrading by vendors is expected to cost approximately $200 000.

(5) AlintaGas has not engaged consultants to manage the Year 2000 Compliance Project. Work is being managed by senior AlintaGas staff. It is estimated that two contract information technology professionals will be required, working under the management of AlintaGas staff, to assist in the completion of audit and testing work currently outstanding.

The Education Department of WA

(1) The "Millennium Bug" computer problem is an issue for the Education Department of Western Australia.

(2) The Education Department's target is to test all critical business systems and applications by May 1999.

(3) One FTE is currently fully devoted to the Year 2000 project with budget spent to date of less than $20 000. Other resources are being used on a part time basis to identify Year 2000 problems and implement solutions. This work is being done as part of normal systems development, acquisition and maintenance.

(4) The cost to install all corrective measures for critical business systems and applications within the Education Department's Central Office is estimated to be $1.350 million. Additional to this amount will be the expenditure required by schools and Districts to make systems other than the centrally supported critical business systems and applications Year 2000 compliant.

(5) The Department will consider using external resources on a project by project basis to assist in the testing of Year 2000 work and in the review of Year 2000 progress.

Department of Education Services

(1) Yes, however, the Department of Education Services has a Year 2000 plan in place to ensure all equipment is Year 2000 compliant.

(2) The Department of Education Services plans to be Year 2000 compliant by the end of June 1999.

(3) Estimated expenditure in 1997/98 was $2 500 and in 1998/99 is $7 500.

(4) Total cost is estimated to be $131 500 by 2000/01.

(5) Management is being undertaken by the Curriculum Council with whom the Department of Education Services has a contractual arrangement for provision of IT services.

Curriculum Council

(1) Yes, however, the Curriculum Council has a Year 2000 Ready Plan in place. The main software system affected (the Student Records System) is currently undergoing modifications to make it Year 2000 ready.

(2) The Curriculum Council has scheduled to finalise all Year 2000 corrections by the end of August 1999.

(3) The total funds expended to date are:

| | |
|---|---|
| one Level 5 salary | $ 47 000 |
| part of one Level 6 salary | $ 25 000 |
| part of one Level 3 salary | $ 15 000 |
| replacement of PCS | $ 55 000 |
| total: | $142 000 |

(4) The total cost estimate to install all corrective measures is $200 000.

(5) The Curriculum Council does not intend engaging external resources to manage the process. The Year 2000 Ready Plan uses current resources, including internal Information Services staff.

SOLAR POWER, EXMOUTH

334. Mr BROWN to the Minister for Energy:

(1) Has any department or agency under the Minister's control given serious consideration to the use or potential use of solar power in Exmouth?

(2) If so, what work has been done on this proposal?

(3) If not, will the Minister ensure this option is thoroughly investigated?

(4) If not, why not?

Mr BARNETT replied:

Please refer to the answer for Question on Notice 105.

NATIONAL DAIRIES WA LIMITED

431. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) Has any department or agency under the Minister's control have shares in National Dairies WA Limited?

(2) How may shares does the department or agency own?

(3) What is the purpose of the share ownership?

Mr BARNETT replied:

Department of Resources Development

(1) No.

(2)-(3) Not applicable.

Office of Energy

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

Western Power Corporation

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

AlintaGas

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

Education Department of Western Australia

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

Department of Education Services

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

Curriculum Council

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

TOURISM

*Information on Public Transport*

451. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Will the Minister advise if his office and/or the Western Australian Tourism Commission has received complaints from tourists about the lack of information on Perth’s public transport system?

(2) Has the Minister and/or the Commission taken this matter up with the Minister for Transport?

(3) Has the Minister for Transport given the Minister and/or the Commission any undertakings that information on public transport routes, timetables etc will be published in a user friendly format and made generally available to tourists?

Mr BRADSHAW replied:

(1) Very few complaints have been received.

(2) Yes.

(3) Yes, Transperth timetables were redesigned commencing December 1997, after extensive customer research and all timetables will be in the new format by October 1998. Timetables are available from numerous outlets throughout the metropolitan area, including libraries, shire offices and Transperth information areas. A Transperth interactive website was launched in February 1998. This website is believed to be one of the first of its kind in the world, allowing users to plan the journey on their Journey Planner from address to destination. The Journey Planner indicates the best method and mode of transport (and integrates where necessary), and appropriate buses, trains or ferries to make the trip. There is the opportunity for people to provide feedback directly to the Transperth unit and many people take this opportunity to provide their comments. The website is not just used by locals, it is accessed by people interstate and internationally. Transperth has also commenced a project providing extensive static journey planning information at major facilities and stations. This suite of information allows a new user or visitor, to plan their trip on public transport and find all necessary information to make that trip. There is also a direct phone link provided to the Transperth InfoLine which is free of charge.

## CARNABY'S COCKATOO PROGRAM

601. Dr CONSTABLE to the Minister for the Environment:

Further to your answer to question on notice No 2670 of 1997 -

(a) why was the Carnaby's cockatoo program not reported on in the agency's annual report;
(b) what is the sale price of the captivity-raised cockatoos, and who sets the price;
(c) what are the expected proceeds from the program; and
(d) for what specific conservation purposes have such previous sales occurred?

Mrs EDWARDES replied:

(a) The Carnaby's Cockatoo program was in its infancy at the time the 1996/97 Department of Conservation and Land Management annual report was prepared and the analysis of results had not reached a stage where they were suitable for publication. As mentioned in the answer to question 2670, results of the first year of the program were announced on 29 August 1997, outside of the 1996/97 reporting year.

(b) There will be no set sale price for the captive-raised cockatoos sold by CALM. Any birds from this program that are disposed of by CALM will be disposed of through a public tender process.

(c) In view of the proposed disposal being by public tender, the proceeds will depend on the number of birds offered in the tender and the prices submitted in any tenders made by aviculturists.

(d) Previous tender disposals of captive-raised birds (Naretha Bluebonnets) provided captive-raised birds to general aviculture (only one Naretha Bluebonnet was legally held before the program), with the result that the market price for that species has declined to the extent that poaching from the wild is less attractive to unscrupulous aviculturists. CALM also learned about the fitness, relative size and genetic viability of the wild population of this subspecies through investigations associated with the captive breeding program. The proceeds from the disposal of Naretha Bluebonnets have helped fund the assessment of the pest potential of new species proposed for import and keeping in aviculture, and for monitoring of Carnaby's Cockatoo breeding and repair to nest sites.

## CROCODILES MANAGEMENT PROGRAM

602. Dr CONSTABLE to the Minister for the Environment:

What is the management program for saltwater and freshwater crocodiles referred to at page 9 of the Department of Conservation and Land Management (CALM) annual report for 1996-97?

Mrs EDWARDES replied:

It is the "Management Program for the Saltwater Crocodile Crocodylus porosus and Freshwater Crocodile Crocodylus johnstoni in Western Australia 1996-1998." This is the management program approved by the State and the Commonwealth that covers the conservation of wild crocodiles and the regulation of crocodile farming in Western Australia.

## TRANSPORT

*Concessional Fares*

622. Mr BROWN to the Minister for Seniors:

(1) Is the Minister aware of changes recently made to the concession fare arrangements by Transperth?

(2) Is the Minister also aware that such changes have disadvantaged pensioners who receive concession fares?

(3) Did the Minister confer with seniors and/or pensioner groups on the change before it was implemented?

(4) If so -

(a) what groups did the Minister confer with; and
(b) on what date did such consultations take place?

(5) If not, why not?

(6) Will the Minister make representations to the Minister for Transport to have the concession arrangements that applied before 1 July 1998 reinstated?

(7) If not, why not?

(8) Will the Minister ensure that in the next State Government publication to seniors that seniors are advised about the changes to the concession arrangements and why they were made?

(9) If not, why not?

Mrs PARKER replied:

(1) Yes. Concession fares were changed on 20 April 1998.

(2) The changes may affect some seniors, even so, concession fares still remain at 50% or less of the standard fare.

(3)-(6) This matter is the jurisdiction of the Minister for Transport.

(7) Not applicable.

(8) As a matter of course, State Government publications provide accurate details of concession fares. It has been long standing practice in Western Australia, that changes to concession arrangements are announced by the responsible Minister prior to the introduction of the change.

(9) Not applicable.

## RAPE OFFENCES, KUNUNURRA

628. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister advise the circumstances relating to the multiple rape and other offences on an adult female in Kununurra in mid June 1998 by a number of adult male offenders from the Northern Territory?

(2) What was the recorded time and date of the offence?

(3) What was the recorded time the Criminal Investigation Branch or other major crime investigation unit was advised?

(4) What was the time and date Criminal Investigation Officers attended the crime scene?

(5) What was the time and date forensic or scientific section was advised of this matter?

(6) What was the time and date that the forensic/scientific unit attended the scene?

(7) Was there a delay in this matter in requesting any specialist service?

(8) What is the cost to date involving this matter including the extradition of the suspects from the Northern Territory?

(9) Are any additional costs attributed to a break down of service, or lack of immediate attention by the police service?

(10) Will any of the above costs be attributed to restricted financial or budgetary constraints within the police service?

Mr PRINCE replied:

(1) This incident involved the sexual penetration of a female adult against her will by two adult male persons with a third male person being present. The facts of the case are subjudice.

(2) The offence occurred over a period prior to 0120 hours on 21 June 1998.

(3) 0900 hours 22 June 1998.

(4) Station officers attended the scene at 0125 hours on 21 June 1998.

(5) 1500 hours 23 June 1998.

(6) At 1130 hours on 24 June 1998.

(7) No.

(8) Costs to date $9,823.25.

(9)-(10) No.

## POLICE

*Radar Detectors*

631. Ms McHALE to the Minister for Police:

(1) Does the Government intend to make radar detectors illegal?

(2) When does the Government intend to do this?

(3) Are radar detectors legal in any other Australian State or Territory and if so, which?

(4) Is there any research to support the assertion that radar detectors installed in private vehicles assist in reducing speed limits?

(5) Is it the intention of the Government to ban the sale of radar detectors, the installation of such devices or both?

(6) Will the legislation operate retrospectively to ban detectors already installed?

Mr PRINCE replied:

(1) Recommendations of the Road Safety Council and all Australian Police Services are being considered, together with proposed uniform Australian Road Rules, to ban the sale and possession of all radar detectors and jammers. Additionally, notice has been received of recommendations made to the Federal Government that such devices be prohibited imports to Australia.

(2) There is no indication at this time as to when this matter will be finalised.

(3) Currently, Western Australia and the Northern Territory are the only State and Territory yet to prohibit these devices.

(4) No. Radar detectors are designed and built so that the user may avoid being detected or captured by enforcement equipment. Unmarked Police observations of drivers who use these devices have found that the user is more likely to be travelling at a higher speed than other traffic. Also these people will only slow sufficiently long enough in the vicinity of enforcement detections to avoid being detected and the majority return to previous higher speed levels immediately thereafter.

(5) Refer to (1) above.

(6) Yes. If these devices are already considered to be contrived to avoid the law and encourage unlawful acts then they should be totally banned.

## MINING LEASES

*Metropolitan Area*

684. Dr EDWARDS to the Minister representing the Minister for Mines:

(1) How many mining exploration leases currently cover land in the metropolitan area?

(2) In what local government areas are these leases?

(3) How many mining leases currently cover land in the metropolitan area?

(4) In what local government area are these leases?

Mr BARNETT replied:

(1) A total of 27 exploration licences. 23 are granted and 4 are yet to be determined.

(2)

| Local Government Area | Granted Licence | Application |
|---|---|---|
| Chittering | 2 | |
| Fremantle | 1 | |
| Gingin | 8 | 2 |
| Serpentine/Jarrahdale | 8 | |
| Swan | 3 | |
| Wanneroo | 1 | 2 |

(3) A total of 99 mining leases. 67 are granted and 32 are yet to be determined.

(4)

| Local Government Area | Granted Lease | Application |
|---|---|---|
| Canning | 1 | |
| Chittering | 2 | |
| Kalamunda | 1 | |
| Kwinana | 5 | 3 |
| Rockingham | 1 | 1 |
| Stirling | 1 | |
| Cockburn | 5 | 3 |
| Gingin | 17 | 2 |
| Serpentine/Jarrahdale | 12 | 9 |
| Swan | 4 | 10 |
| Wanneroo | 18 | 4 |

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

692. Mr KOBELKE to the Minister for Planning; Employment and Training; Heritage:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mr KIERATH replied:

Planning

Ministry for Planning [including Minister for Planning (Appeals Office)]

(1)-(5) The Ministry for Planning has a policy of screening prospective employees regarding a criminal record by self assessment. All prospective employees are required to declare whether they have a criminal record. There is no cost in this process. The Ministry for Planning does not have a policy document on this matter.

East Perth Redevelopment Authority

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

Subiaco Redevelopment Authority

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

Employment and Training

Western Australian Department of Training

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

Central Metropolitan College of TAFE

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

West Coast College of TAFE
(1) No.
(2)-(5) Not applicable.

South East Metropolitan College of TAFE

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

South Metropolitan College of TAFE

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

Midland College of TAFE

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

Central West Regional College of TAFE

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

Great Southern Regional College of TAFE

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

Hedland College

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

Karratha College

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

Kimberley College

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

CY O'Connor College

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

South West Regional College of TAFE

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

Heritage

Heritage Council of Western Australia

(1)-(5) The Ministry for Planning is the employing authority for the Heritage Council of Western Australia and has a policy of screening prospective employees regarding a criminal record by self assessment. All prospective employees are required to declare whether they have a criminal record. There is no cost in this process. The Ministry for Planning does not have a policy document on this matter.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

702. Mr KOBELKE to the Minister representing the Minister for the Arts:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mrs EDWARDES replied:

The Minister for The Arts has provided the following reply:

(1) Nil

(2)-(5) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

704. Mr KOBELKE to the Minister representing the Attorney General:

(1) Which agencies within the Attorney General's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Attorney General table a copy of each such policy document?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) Ministry of Justice (including Crown Solicitors Office and Solicitor General) and Office of the Information Commissioner

Ministry of Justice

(2) The following categories of employees and prospective employees are required to undergo a criminal records screening before taking up an appointment. This is not exhaustive and positions not included may from time to time be deemed to be a designated position:

| AREA | POSITION |
|---|---|
| OFFENDER MANAGEMENT | |
| Executive Director's Office | All positions |
| Prisons | Prison Officer (all levels) |
| Superintendent | |
| Assistant Superintendent | |
| Nurse | |
| Psychologist | |
| Offender Records | All positions |
| Community Based services | All positions |
| Juvenile Justice (Custodial) | All positions |
| Policy Programs and Projects | |
| - Programs | All positions |
| - Education | All positions |
| Health Services | All positions |
| COURT SERVICES | All positions |
| PUBLIC TRUST OFFICE | Trust Officer |
| | Manager (Trust areas) |
| | Senior Policy and Review Officer |

| | |
|---|---|
| ABORIGINAL POLICY AND SERVICES | All positions |
| CORPORATE SERVICES<br>Information Services Directorate | All positions |
| PAROLE BOARD/SUPERVISED<br>RELEASE REVIEW - BOARD SECRETARIAT | All positions |

VOLUNTEERS & STUDENTS in the above designated positions.

(3) The procedure is not costed specifically as the Ministry of Justice's Internal Investigations Unit organises record checks.

(4) The Ministry of Justice bears the cost of obtaining records checks with the exception of temporary relief staff engaged through an agency who are required to provide their own police clearances prior to engagement.

(5) Yes. [See paper No 252.]

Office of the Information Commissioner

(2) All potential applicants are notified that appointment is subject to police clearance.

(3) Nil.

(4) The Information Commissioner requires the successful applicant to produce a criminal conviction clearance certificate before an appointment is submitted to the Attorney General recommending that the appointment be approved by Executive Council

(5) Not applicable.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

706. Mr KOBELKE to the Parliamentary Secretary to the Minister for Justice:

(1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

(2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?

(3) For each such agency, what is the cost of criminal record screening per individual?

(4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?

(5) Will the Minister table a copy of each such policy document?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(5) I refer the member to the answer to Question on Notice 704.

## POLICE

*Number of Officers on Active Duty*

772. Dr CONSTABLE to the Minister for Police:

(1) How many more police officers are on active duty, as claimed in His Excellency, the Governor's speech made in Parliament on 11 August 1998?

(2) How many officers were on active duty in each of the last five years?

(3) What is the definition of "active duty"?

Mr PRINCE replied:

(1)-(2) The approved average staffing level for sworn officers increased over the last (5) five years as indicated below:

| | |
|---|---|
| 30 June 1994 | 4,243 |
| 30 June 1995 | 4,388 |
| 30 June 1996 | 4,616 |
| 30 June 1997 | 4,814 |
| 30 June 1998 | 4,815 |

(3) All sworn officers are on active duty and are available for the whole and varied range of duties within the police service.

MR SHANE RUDD, TRAFFIC ACCIDENT

903. Dr EDWARDS to theMinister for Police:

(1) Was a Mr Shane Rudd charged recently over a traffic accident on Gardner River Road, near Northcliffe, on 21 July 1998?

(2) If so, what was the charge?

Mr PRINCE replied:

Please refer to answer for PQ865.

## QUESTIONS WITHOUT NOTICE

BIKIE GANGS

**203. Mrs ROBERTS to the Minister for Police:**

I refer to the minister's claim that the Government is doing everything possible to end the escalating bikie war on Perth streets and ask -

(1) Is it not the case that the coalition's justice committee, of which the minister was a member, was warned by the then Deputy Police Commissioner, Les Ayton, in August 1993 that tough new organised crime legislation was urgently needed in Western Australia to combat the growing power of bikie gangs?

(2) Is it not the case also that Mr Ayton warned that there was a distinct possibility of the two major bikie gangs in WA becoming involved in a power struggle for their particular patch of criminal activity, and that the possibility of a Milperra-style shootout was not beyond possibility?

(3) Why has the Government failed to act on many of the recommendations Mr Ayton made to that committee, including the introduction of racketeer influenced corporate organisation legislation which, more than five years later, the minister is only now considering?

**Mr PRINCE replied:**

(1)-(3) I recall a conversation with Mr Ayton in 1993-94 or thereabouts when a number of things were discussed relating to organised crime, crime generally and the organised form of drug crime that occurs. In other words, it was not confined to the question of outlaw motorcycle gangs. There was general debate and discussion about the way in which these things were being sought to be addressed elsewhere; certainly the United States was one place; New Zealand is another in recent times; and currently something is happening also in Denmark. It has taken some time for this matter to progress.

Mrs Roberts: Five years.

Mr PRINCE: Hang on! Whether legislation modelled on the RICO legislation in America would be appropriate is yet to be determined. This is not America.

Dr Gallop: It was "yet to be determined" in 1993 and you have done nothing about it.

Mr PRINCE: We have not done nothing about it.

Mrs Roberts: What have you done?

Mr PRINCE: Whether that legislation is effective is debatable and must be determined because in America the outlaw motorcycle gangs are still an enormous problem. It is a matter that must be addressed not only within a State but across all States, which is why the National Crime Authority has a reference to do just that.

Mrs Roberts: But what is your excuse for not doing anything?

Mr PRINCE: We are looking at the whole question now with a view to bringing forward what will be appropriate measures. However, it is required to be done across all jurisdictions.

Mrs Roberts: That is what you have been saying for five years.

Mr PRINCE: That is something that is in hand and will be dealt with now.

## SPORT AND RACISM

**204. Mr MASTERS to the Parliamentary Secretary representing the Minister for Sport and Recreation:**

This Government and all responsible sporting bodies are opposed to racism. I have been involved in Australian Rules Football as a junior football umpire in Busselton and I ask -

(1) Are there any laws controlling anti-racial behaviour in sport?

(2) What rules or regulations, if any, have been put in place by the Australian Rules Football authorities in Western Australia to control and penalise racist behaviour in that sport?

**Mr MARSHALL replied:**

I thank the member for some notice of this question. The minister has provided the following response -

(1) The Western Australian Equal Opportunity Act addresses, among other things, discrimination on the ground of race. The Act defines what constitutes a voluntary body or a club, and it clearly states that it is unlawful for sporting bodies to permit racial discrimination in sport in Western Australia.

(2) The Western Australian Football Commission has been proactive in addressing racism in sport. Westar Rules games are subject to bylaw 33, which relates to behaviour detrimental to football. This bylaw allows action to be taken when conduct occurs that threatens, disparages, vilifies or insults another person on the basis of that person's race, religion, colour, descent or national or ethnic origin. Westar has an agreed complaints process to address these matters.

In 1996-97, the Ministry of Sport and Recreation's Aboriginal unit launched the "Give racism the boot" campaign at Subiaco Oval with the support of the WA Football Commission. Curtain raisers are held every year at AFL matches in partnership with the West Coast Eagles Football Club. The WAFC has based its anti-racism program on the AFL model and both AFL clubs in Western Australia have undertaken cross-cultural awareness training with the AFL.

The 1997 Western Australian junior football policy provides procedures for dealing with racial and religious abuse incidents. Specific reference is made to equal opportunity and the need to encourage participation in football regardless of ability, size, shape, sex, age, disability or ethnic origin.

Several members interjected.

Mr MARSHALL: This is very important.

The SPEAKER: Order! The Parliamentary Secretary will wind up the answer.

Mr MARSHALL: The Fremantle Dockers Football Club also held a half-day session with staff and players in 1997. This was facilitated through the Equal Opportunity Commission and issues of racial abuse, strategies to combat incidents on and off the field and legal aspects were discussed at the workshop. That is very important.

## ANTI-CORRUPTION COMMISSION AND ARGYLE DIAMONDS AFFAIR

**205. Dr GALLOP to the Minister for Police:**

Mr Speaker, you might give us a free kick for time delays.

(1) Will the minister assure the House that the Anti-Corruption Commission's entry into the Argyle Diamonds affair is not merely an attempt to sweep this scandal under the carpet and muzzle outspoken lawyer John Quigley?

(2) How will another secret, closed-door inquiry resolve this matter and restore public confidence in the police?

**Mr PRINCE replied:**

(1)-(2) The question is interesting in that it states that the ACC is now entering into this matter. I refer members to tabled paper 245, which was tabled yesterday and which is a letter from the ACC to the Premier. It states -

> This Commission has been involved with the inquiry for some years. Indeed, it was this Commission, when it was known as the Official Corruption Commission, which took statements from a witness, whose evidence provided a breakthrough in the inquiry, which had until then been stalled, and resulted in the decision to lay the initial Argyle charges. Since that time, the Commission has received a number of allegations . . .

Dr Gallop: Read the first sentence of the second-to-last paragraph.

Mr PRINCE: Certainly. It reads -

> The Commission will conduct preliminary inquiries into those matters to determine whether or not some further action should be taken by it, or by some other party, or indeed whether we should recommend a Royal Commission as called for by Mr Quigley.

In the context of the letter from the ACC tabled yesterday in this House, it should be abundantly clear to the Leader of the Opposition that the Official Corruption Commission as it was, the Anti-Corruption Commission as it now is, has been involved in this matter for at least the past five or six years; that it has had an ongoing interest in it; that it has played a very important part in the result of charges being brought against Roddan and others, which led to the people who actually stole the diamonds being convicted and sent to gaol; and that, as a result of remarks made recently by Mr Quigley, it is now reactivating part of its involvement.

Dr Gallop: Mr Quigley will not speak to them. That is where you have a big problem.

Mr PRINCE: It is Mr Quigley's problem. As the Chairman of the ACC goes on to write in the final paragraph of the letter -

> I would note, in passing, the Commission is surprised at Mr Quigley's statement reported in The West Australian, that the matters, about which he is concerned, cannot be referred to the ACC because Mr George Tannin, who originally prosecuted in the Argyle matter, is a Special Investigator employed by the Commission. Mr Quigley should know that Mr Tannin's Special Investigation relates to specific terms of reference entirely unrelated to the Argyle Inquiry.

The ACC has the power, the ability, the background, the knowledge and everything that can be known about this matter. It is the best organ to investigate. It also has the great ability, as I quoted from Mr Commissioner Wood yesterday, of being able to investigate without any fear of recrimination when people want to tell the truth without it being known. That cannot be done in any other organ. If the ACC recommends a royal commission, so be it.

ANTI-CORRUPTION COMMISSION AND ARGYLE DIAMONDS AFFAIR

**206. Dr GALLOP to the Minister for Police:**

As a supplementary, is it not the case that the Chairman of the Anti-Corruption Commission, Mr Terence O'Connor, QC, has publicly stated that he is against royal commissions as a means of dealing with these issues?

Several members interjected.

The SPEAKER: Order!

Dr Turnbull interjected.

The SPEAKER: Order, member for Collie!

**Mr PRINCE replied:**

I do not know whether Mr O'Connor said that.

Dr Gallop: Come on! It is quoted in the newspaper. What a ridiculous answer. He is prejudiced against royal commissions.

Mr PRINCE: A prominent Queen's Counsel who takes on this job, onerous as it is, is prejudiced?

Dr Gallop: He is prejudiced against royal commissions. He said so.

Mr PRINCE: No he did not.

Dr Gallop: Yes he did.

Mr PRINCE: He said that he does not see that royal commissions are necessarily the best way of investigating matters of this nature. Commissioner Wood, the commissioner who ran the Royal Commission into the New South Wales Police Service, agrees with him, and so does everybody else who has ever looked into allegations of police corruption.

Several members interjected.

The SPEAKER: Order! I have given the Leader of the Opposition considerable licence in his interjections. That is fair enough, but it is not fair enough for other members to start interjecting across the Chamber. They are only continuing the interjection process, which of course slows down question time. Perhaps the minister could bring his answer to a close.

Mr PRINCE: Indeed, Mr Speaker, I shall try to.

The SPEAKER: He will.

Mr PRINCE: The only reason the Opposition wants a royal commission is for political purposes. That was the self-same reason that the member for Peel called for one into the Wanneroo City Council, which dug his political grave.

## NORTHAMPTON SHIRE COUNCIL

**207. Mr MINSON to the Minister for Local Government:**

The minister will be aware of a submission from Northampton Shire Council seeking an amendment to local government regulations to allow it to form a strata company to deal with 51 leases at Horrocks Beach. As the local member, I fully support the council in its endeavours and indeed have been working on the project for nearly 10 years. I would appreciate the minister's advice as to the progress in dealing with the council's submission.

**Mr OMODEI replied:**

I thank the member for some notice of this question. I also acknowledge the member's support for the Shire of Northampton and its problems. Recently I was there to assist the shire in this matter. In essence, the shire proposes to convert 51 leases over cottages at Horrocks Beach to strata lots. In doing so, it must form a strata title company, which is not permitted under the Local Government Act. I indicated to the council that, subject to legal advice, I would approve drafting of regulations to allow that to occur. I have now received that advice which indicates that there are no impediments. I have asked the Department of Local Government to draft the appropriate regulations.

I place on record my appreciation of the support and encouragement the member for Greenough has given on this important local matter.

## MAIN ROADS WESTERN AUSTRALIA

*Independent Investigation Agency Pty Ltd Contract*

**208. Ms MacTIERNAN to the minister representing the Minister for Transport:**

I refer to page 18 of the report tabled by the Premier yesterday which states that the Main Roads Commissioner, Ross Drabble, was aware of cost blowouts in the Independent Investigation Agency Pty Ltd contract. When was Mr Drabble first made aware -

(a) that the approved expenditure on the IIA investigation was $15 000;

(b) that expenditure had exceeded $15 000; and

(c) that expenditure had exceeded $50 000?

**Mr OMODEI replied:**

I am advised by the Minister for Transport that the commissioner is in the goldfields region today on Main Roads business. I will obtain that advice from him as soon as I can and respond to the questions in writing as soon as possible.

## DRUG EDUCATION CAMPAIGNS

**209. Mr BAKER to the Minister for Family and Children's Services:**

I refer to the article in *The West Australian* of 13 October this year which stated that young people top this State's drug charges and that anti-drug education campaigns do not work. Does the minister share the view that public education campaigns on the harm caused by drug abuse do not work?

**Mrs PARKER replied:**

The vast majority of drug charges have always been incurred by people under the age of 25 years. There is no surprise about that; nor is there any surprise that cannabis is the most widely used and abused illegal drug. The Government is very

concerned about that. Claims that public education campaigns do not work are simplistic and untrue. The Government has always said that no single strategy would work and that it had to have a multi-faceted program in place. Education is one of the fundamental planks of that program.

A sophisticated education program is being targeted at parents, students and drug users. Our public education campaigns are well targeted and well researched. Some of our public education campaigns are being adopted by other States because of the work that has gone into them and their target audience. No single strategy could ever work, but it is certain that education in a number of different ways will continue to be a fundamental plank in this Government's response to the terrible problem of drug abuse that confronts all of us.

UNIFORM TARIFF POLICY

*Leaked Cabinet Document*

**210. Dr GALLOP to the Minister for Energy:**

I refer to the leaking last year of a cabinet submission on the uniform tariff policy.

(1) Why did the Minister not report that leak to the police given the Premier's claim yesterday that leaking government documents is a criminal offence?

(2) Did the minister discuss the leak and the need for an inquiry with the Premier or any of his cabinet colleagues; if so, what was their response?

(3) Does the minister consider it his duty to report criminal activities within government to the police or other law enforcement agencies?

**Mr BARNETT replied:**

Some cabinet documentation relating to regional pricing found its way into the media. I was extremely unhappy about that. I raised the matter at Cabinet, and I am satisfied that corrective measures were taken within the department concerned.

UNIFORM TARIFF POLICY

*Leaked Cabinet Document*

**211. Dr GALLOP to the Minister for Energy:**

I ask a supplementary question. Is the minister telling the House that the source of that leak was known to him and his colleagues?

**Mr BARNETT replied:**

No, it was not.

EMPLOYMENT TO VACANCY RATIO

**212. Mrs HODSON-THOMAS to the Minister for Employment and Training:**

Will the minister inform the House about the unemployment to vacancy ratio in Western Australia, and what implication that has for people seeking employment?

**Mr KIERATH replied:**

A survey by the National Institute of Labour Studies Incorporated, which was published in the *Australian Bulletin of Labour*, indicates that for every job vacancy in Australia there are 10 applicants. The State with the highest figures was Tasmania, which had a ratio of 36 applicants for each job. I am pleased to inform the House that the State with the lowest ratio is none other than Western Australia, which has fewer than six applicants for every job, which is almost half the national average.

It was reported in *The Age* - I refer to this specifically for the benefit of members opposite - that Western Australia offers the best hope for the jobless of any State in the country. The institute further stated that if people are looking for a State with a strengthening job market, Western Australia is the place to be. That is not a comment that this Government made; the National Institute of Labour Studies made that comment, and I agree with it wholeheartedly.

Ms MacTiernan: It has nothing to do with your Government.

Mr KIERATH: It has a lot to do with this Government, through, firstly, the labour relations framework it has put in place, and, secondly, the investment climate it has created, as well as the economic performance of the Government in managing state finances. All those factors have created a very favourable climate for business growth and business development, and, flowing on from that, a strengthening in the job market. That is why, at one stage when Labor was in power, this State had

the worst unemployment in the country alongside New South Wales. Now this State is consistently the best, and these latest figures are an endorsement of the Government and its strategy.

As a parent of young people, I encourage all those young job seekers and the older job seekers not to listen to the prophets of doom and gloom opposite but to get into the job market. The latest figures show that the job market has actually increased. In other words, the job market improved so much that people who had given up looking for jobs re-entered the job market seeking jobs. That is a strong endorsement of this Government and its policies.

## WORKSAFE COMMISSIONER

*Lack of Confidence of Minister*

**213. Mr KOBELKE to the Minister for Labour Relations:**

On 8 September the Minister told the House that no reason had been presented to her not to have full confidence in the former WorkSafe Commissioner, Neil Bartholomaeus. Yesterday, however, the Minister claimed that she had requested Mr Bartholomaeus to be moved from WorkSafe because she lacked confidence in him. What event or developments between 8 September and yesterday caused the Minister to lose confidence in Mr Bartholomaeus?

**Mrs EDWARDES replied:**

Obviously a number of matters are between me and Mr Bartholomaeus. Those matters will stay between Mr Bartholomaeus and me and will not be made public.

## PEEL DEVIATION

*Commencement*

**214. Mr MARSHALL to the minister representing the Minister for Transport:**

The Peel inner structure plan clearly identified a new highway named the Peel Deviation to allow south-west traffic an alternative to the existing Old Coast Road route. Will the minister tell the House if and when the Peel Deviation is scheduled to commence?

**Mr OMODEI replied:**

The Minister for Transport provided the following response -

> I know the member for Dawesville recognises the high priority this Government has placed on the road to Bunbury. This is in stark contrast to the Opposition when in government. It is of interest to note that in the five years to 1992-93, $27m was spent on this road, whereas for the five years to 1997-98, the coalition Government has spent $47.4m. The Government has also committed a further $54m in the Main Roads' 10-year program.
>
> The Government clearly recognises the need to address growing congestion along the Perth-Bunbury highway in the Mandurah area, and planning is well advanced for the Peel Deviation, which is expected to take the majority of north-south through traffic out of Mandurah. Main Roads is currently undertaking an assessment of the priority to construct the Peel Deviation and possible funding options. The timing of the construction will depend on the outcome of this assessment as well as funding availability. The assessment will be completed and a decision on the timing of the project will be made by December this year.

## UNIFORM TARIFF POLICY

*Leaked Cabinet Document*

**215. Dr GALLOP to the Minister for Energy:**

I refer to the answer given by the minister earlier today on the leaking of a cabinet submission relating to uniform tariffs.

(1) In what department or departments were corrective measures taken?

(2) What were those corrective measures?

**Mr BARNETT replied:**

(1)-(2) When the information found its way into the media - I think it was in a local Esperance newspaper - I raised the matter in Cabinet. I do not know the person or persons responsible for leaking the information. If I had such information, I would have referred it to the Commissioner for Public Sector Standards. I have raised the matter. There have not been any leaks of information relating to my portfolio since then, and I have left the matter at that.

## LEGAL SYSTEM

*Review*

**216. Mr BAKER to the minister representing the Attorney General:**

I understand that several months ago, the Attorney General announced that a specialist committee would review the legal system and the administration of justice and the laws of Western Australia. Will the Minister provide this House with a progress report concerning the committee's activities to date and indicate when it is anticipated that the associated report will be released to the public?

**Mr PRINCE replied:**

I shall paraphrase the reply from the Attorney General. On 22 September 1997, the Law Reform Commission was given a reference under the Law Reform Commission Act. The full terms of reference, for anyone who wishes to look at them, can be found on the web site for the commission or the Attorney General, or on the issues paper published in June by the commission. The commission has held public meetings in Karratha, Kalgoorlie, Bunbury, Geraldton, Perth and Albany, which finished with two public meetings in Perth, one in the Playhouse Theatre on 20 August and one in the Kim Beazley Lecture Theatre on 24 August. It was accepting written submissions on the subject of the reform of the criminal and civil justice systems until the end of August. The law reform reference requires the commission to report no later than 30 November 1998. It is anticipated that in approximately six weeks the report will be handed to the Attorney General. From my discussion with officers of the commission at the meeting in Albany, which I attended, I understand the meetings have been well attended. A number of submissions have been received. It has been a very informative process, and the commission expects to be able to compile and present that report within the time frame; that is, by 30 November this year.

## GOODS AND SERVICES TAX

*Impact on Pensioners*

**217. Dr GALLOP to the Minister for Seniors:**

Does the Minister agree with the Deputy Premier that the Howard Government's tax package will have to be finetuned to ensure pensioners are not losers as a result of the goods and services tax?

**Mrs PARKER replied:**

The tax reform package will certainly deliver benefits to Western Australians.

Dr Gallop: That wasn't the question.

Mrs PARKER: It is important when talking about this tax package that we understand it involves the complete framework. It is anticipated it will provide benefits that will deliver an increase in services to all Western Australians. This is a major reform being undertaken by the Federal Government and, as in any major reform, it will need finetuning along the way. Members opposite should contrast that with the Federal Opposition's reply to the tax package. It did not bother to finetune it; rather the federal Leader of the Opposition completely dropped the component relating to the pre-1985 capital gains tax because it was such an unreasonable impost on seniors. It was not finetuned; it was dropped completely. I will be meeting with my federal counterpart soon to discuss issues of concern. As I said, in the development of any major reform, we would anticipate finetuning.

## GOODS AND SERVICES TAX

*Impact on Pensioners*

**218. Dr GALLOP to the Minister for Seniors:**

As a supplementary question, is the minister telling us that her answer in Parliament before the federal election that pensioners of Western Australia would gain from the package is no longer her view?

**Mrs PARKER replied:**

The Leader of the Opposition must be careful and refer back to *Hansard*, as I did today, and check what was said. I said that the federal tax package involved many benefits for seniors. I made the observation that the Australian Labor Party's package had generally overlooked seniors. There were several benefits for seniors. As I have always said, one must regard the federal coalition's proposals as a total tax reform package that presents an opportunity for all of Australia. I hope that in the months ahead the standard of debate on tax reform will actually be raised.

CAPE NATURALISTE LIGHTHOUSE PRECINCT

**219. Mr MASTERS to the Minister for the Environment:**

The Cape Naturaliste Tourist Association has been trying for some years to gain management control over the Cape Naturaliste lighthouse precinct. Will the minister please advise -

(1) What stage has been reached in negotiations between the State and Federal Governments on the handover of the precinct to the people of Western Australia?

(2) Does the minister support the Department of Conservation and Land Management entering into an agreement with the Cape Naturaliste Tourist Association for the lease of the precinct, with a view to having a modest annual fee in exchange for significant and ongoing capital expenditure by the association?

**Mrs EDWARDES replied:**

(1)-(2) Negotiations are continuing between the State and Federal Governments, and they are at an advanced stage. I support a negotiated lease or a licence for the management of the lighthouse. Obviously, in negotiating a rental, any capital investment would be one factor taken into account in the discussions.

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

*Real Estate Commissions*

**220. Ms MacTIERNAN to the Minister for Housing:**

The improper payment of $128 000 in real estate commissions by the Industrial and Commercial Employees' Housing Authority has now been under investigation for three years. Six months ago, the minister said that in the fullness of time he would reveal what had been done to recover that money. Will the minister now tell us what he has done?

**Dr HAMES replied:**

I thank the member for some notice of this question.

It is not correct to say that an improper payment of $128 000 was made. I know that $128 000 is the figure to be considered, but the matter is sub judice, so it is not appropriate for the member to state that it was an improper payment. With regard to what has occurred, as a result of the investigation, which members may recall I initiated late last year, an individual has been charged with 41 counts of official corruption pursuant to section 83 of the Criminal Code. His hearing date is 21 December 1998, at the Court of Petty Sessions, and he is currently on bail. Investigations into other matters are still proceeding and I am unable to comment further on them.

MULLALOO SURF LIFE SAVING CLUB

**221. Mr BAKER to the Parliamentary Secretary representing the Minister for Sport and Recreation:**

The Mullaloo Surf Life Saving Club is now by far and away the largest surf lifesaving club in Australia, following its membership sign-on day last week. What is the nature and extent of any assistance the club may obtain from the Western Australian Government to enable the club to expand its facilities on the vacant block of land adjacent to the southern end of its clubhouse?

**Mr MARSHALL replied:**

I thank the member for some notice of this question. He is actively involved in the Mullaloo Surf Life Saving Club as a sponsor of the club, and he also works there on weekends.

Several avenues are available to the club to access money for capital works. The first is Surf Life Saving Western Australia which, as the state body, is funded annually by the Lotteries Commission of Western Australia for equipment and capital improvements to its club infrastructure. Clubs can apply at any time to Surf Life Saving Western Australia for assistance through the fund. Each application is dealt with on its merits and an allocation is not dependent on matching or contributing dollars from a club. The second avenue for the club to receive funding is through the community sporting and recreation facilities fund, which is administered through the Ministry of Sport and Recreation. The purpose of that fund is to provide Western Australian government financial assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation.

Grants are made on an annual cycle and the next batch of applications will be called for in mid-1999 and will close at the end of September 1999. That will provide adequate time for the Mullaloo Surf Life Saving Club to prepare its concept, designs and application for submission in September 1999. The ministry provides advisory services and would be pleased to assist the club.

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

*Missing Files*

**222. Ms MacTIERNAN to the Minister for Housing:**

On 19 March 1998 the minister acknowledged the disappearance of files relating to the controversial Karratha land transactions by the Industrial and Commercial Employees' Housing Authority.

(1) Considering that the Government has now spent more than $200 000 to discover the source of a leaked document concerning public safety, what action has the minister undertaken to recover the missing files or to discover how they disappeared?

(2) Have any efforts been successful?

**Dr HAMES replied:**

I thank the member for some notice of this question.

(1)-(2) I am pleased to advise that the missing files were discovered on 28 May this year and were sent to the public sector investigation unit of the Western Australia Police Service.

GRAFFITI

**223. Mr BAKER to the Minister for Police:**

I refer to the Police Amendment Bill which, among other things, proposes new offences in relation to graffiti. If the Bill is passed by the Legislative Council, which State or Territory will have the toughest anti-graffiti laws in the Commonwealth of Australia?

**Mr PRINCE replied:**

If the legislation is passed, it will undoubtedly provide the most effective legislation that there is, because it will give police power to arrest and to take into custody a young person who has a can of spray paint, a wax crayon, a whiteboard marker or a glass-cutter in circumstances in which it is reasonable for a police officer to consider that such things could be used to commit an offence. I say "if" - the legislation has been passed by this House - because I understand that Hon Nick Griffiths, in opposition in the other place, has amendments to take out the whole of that power so that we would be not only exactly where we are now but also probably worse off. Furthermore, Hon Nick Griffiths would bring in more amendments so that no young person is able to be imprisoned without something else being done first, which is, of course, a contradiction in terms because that is in the Young Offenders Act anyway and it is also in the Sentencing Act.

Those matters were debated in this House and were clearly explained. Obviously, Hon Nick Griffiths did not read what was said here and he is attempting to prevent good anti-graffiti legislation from becoming law. Only a few weeks ago the Leader of the Opposition said that the Opposition would facilitate and was in favour of law and order legislation to enable such matters to be properly policed. Perhaps the Leader of the Opposition has no control over Hon Nick Griffiths. The Opposition in the other place will negative what would be good law unless the Leader of the Opposition does something about it.

LIQUEFIED PETROLEUM GAS PRICES

**224. Mr THOMAS to the Minister for Energy:**

(1) Is the minister aware that the Australian Competition and Consumer Commission has commenced an inquiry into the price of liquefied petroleum gas in Western Australia?

(2) Is the minister aware that the price of LPG in Western Australia is much higher than it is in other States notwithstanding that we have plentiful supplies of natural gas?

(3) Will the Government make a submission to the inquiry; or

(4) Will the minister adopt the same attitude as he took in relation to the gas pipeline access law when he expressed the view that Western Australians should be left to "manage the State's economy without interference from Canberra"?

**Mr BARNETT replied:**

(1)-(4) Of course the Government is aware of the Australian Competition and Consumer Commission's decision to inquire into liquefied petroleum gas prices. This is certainly not the first such inquiry, which is described as informal. Inquiries were conducted by the Prices Surveillance Authority in 1991 and 1994. The State Government has also

undertaken a series of informal inquiries to see whether reductions in the price of LPG could be achieved. I would like to see that happen. I suspect that when the Australian Competition and Consumer Commission inquires into LPG prices, it may be interested to consider contracts entered into during the time of the previous Labor Government.

This question provides an opportunity to raise another point: The Government is fully cooperating with the ACCC inquiry, and the Office of Energy will make a submission. However, Senator Dee Margetts raised the possibility of an LPG inquiry after the issuing of writs during the election campaign. It was legitimate to raise the matter during the election campaign; nevertheless, it was inappropriate for the Australian Competition and Consumer Commission to respond and announce an inquiry during that campaign. The proper action would have been for the ACCC to wait until after the election to make the announcement and then conduct an inquiry. The ACCC effectively became a participant in a political campaign. The inquiry, which the Government supports, has merit. However, the ACCC would have been better advised to wait until after the federal election to announce the inquiry rather than become a participant in the political debate for the purpose of a political campaign.

*Point of Order*

Dr GALLOP: I note that today three ministers missed question time, two missed yesterday's and three ministers will be absent tomorrow. I note also that today's question time followed the tabling yesterday by the Premier of two important reports, which should have been the subject of questions in Parliament today. I note that the Government tomorrow will have three ministers missing, including the Premier until 2.15 pm. Perhaps, Mr Speaker, you could talk to the Leader of the House about putting question time off until 2.30 pm tomorrow so all ministers will be available for proper questioning.

The SPEAKER: Order! I am not really interested. There is no point of order, but the point of view is fairly expressed. The Government has a responsibility to get ministers here. As the Premier explained, he has very important business to attend to tomorrow. Today demonstrates that the Leader of the Opposition will have ample time tomorrow to ask questions.

*Questions without Notice Resumed*

The SPEAKER: That ends question time. For members' information, 22 questions were asked.

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