WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 3 December 1998

THE SPEAKER (Mr Strickland) took the Chair at 10.00 am, and read prayers.

CASTLEDARE ESTATE

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 567 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned petitioners call on the State Government to purchase that portion of the Castledare estate zoned "Parks and Recreation" in the City of Canning town planning scheme No 40 to allow for its full and proper incorporation into the Canning River Regional Park as recommended by a series of reports to Government.
>
> 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 104.]

LANGFORD BUS SERVICE

Petition

Ms McHale presented the following petition bearing the signatures of 350 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned wish to express our utmost concern at the cancellation of bus service 228 which currently travels along Langford Avenue, Langford. Cancellation of this service will leave Langford residents without a night-time and weekend service.
>
> We call upon the Government to take heed of the community's needs and concerns and to urgently examine the possibility of reinstating a bus service along Langford Avenue after hours and on weekends.
>
> 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 105.]

EDDYSTONE AVENUE BRIDGE, JOONDALUP

Petition

Mr Baker presented the following petition bearing the signatures of 62 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents of the new City of Joondalup, call upon the Government of Western Australia to -
>
> 1. Include the construction of the proposed Eddystone Avenue freeway cross-over bridge in the tender specifications or requirements for the construction of the extension of the Mitchell Freeway; and
>
> 2. Provide or obtain from the Federal Government, sufficient funding to facilitate the construction of the said bridge.
>
> We understand that tenders for the extension of the Mitchell Freeway will be called for in the next 60 days and it's imperative that the construction of this bridge is included in the tender.
>
> 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 106.]

BUSSELL HIGHWAY- DANGEROUS INTERSECTIONS

Petition

Mr Masters presented the following petition bearing the signatures of 140 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned believe that -

The Capel Drive/Stirling Road/Bussell Highway intersections are dangerous, as shown by the high number of accidents there since completion of the Capel Bypass.

Urgent action is required by Main Roads WA to make these intersections safer, either through a lowering of the speed limit on Bussell Highway or by redesigning the intersections.

Warning signs should be erected at appropriate places on Bussell Highway, advising that dangerous intersections are ahead.

The police should patrol the intersections more frequently to ensure that drivers obey the rules of the road, in particular, speed limits and stop signs.

Main Roads WA should plant trees in well-chosen sections of the Bussell Highway verge so that, in time, they will block the late afternoon sun for cars driving onto Bussell Highway from Capel Drive.

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 107.]

CAMPING LAWS, AMENDMENTS

Petition

Dr Edwards presented the following petition bearing the signatures of four persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, call upon the State Government to amend certain laws which are seen as unfair, restrictive and discriminatory towards us, the Australian public.

We therefore ask that the following legislation be amended.

1. The Caravan Park 50 km protection zone be returned to its former 16 kms.
2. The 3 night Camping Law be amended to 28 nights on rate payers own property allowing for holiday visits by family or friends without having to seek special written permission from authorities.
3. That country road Park/Rest Areas limit of 4 hours be increased to 12 hours allowing long distance tourists, travellers and truck drivers to vacate roads during the hours of darkness if they so choose.
4. That en-route country Rest Stops of up to 12 hours be not defined as camping.

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

Similar petitions were presented by Mr Board (Minister for Youth) (four signatures), Mr Bradshaw (Parliamentary Secretary) (four signatures) and Mr McGowan (100 signatures)

[See petitions Nos 108-110 and 112.]

CRIME - TRUTH IN SENTENCING

Petition

Mr Baker presented the following petition bearing the signatures of 45 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of the new City of Joondalup demand that new legislation be introduced as a matter of priority implementing -

Truth in sentencing;

Zero tolerance for all crimes - particularly crimes involving violence against the person;

Mandatory minimum sentences for violent criminals; and

Mandatory abstinence drug treatment programs for heroin addicts.

We, our children and our elderly, want to feel safe in our homes and in places of public resort.

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 111.]

CAKE STALLS

Petition

Mr Nicholls presented the following petition bearing the signatures of 758 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned call on the State Government to take all steps possible to prevent any moves by the Commonwealth Government that would prevent or restrict the Australian tradition of community groups holding cake stalls to raise funds. If cake stalls were stopped many of our community organisations would face financial hardship.

Raising funds for charitable purposes through cake stalls has been an established practice for at least the last fifty years and therefore we strongly object to any changes that would stop this practice in the future.

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 113.]

ACTS AMENDMENT (SEXUALITY DISCRIMINATION) BILL

Petition

Mr Baker presented the following petition bearing the signatures of six persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, beseech the Parliament of Western Australia to REJECT the Acts Amendment (Sexuality Discrimination) Bill 1997 and any other legislation which will have the effect of:

1. Condoning or permitting the unnatural act of sodomy to be perpetrated upon 16 year old boys;
2. directly or indirectly, legalising paedophilia under the guise of Anti-discrimination Legislation; or
3. directly or indirectly facilitating the promotion of homosexuality in schools;

and we endorse the stance in response to this Bill taken by the Most Reverend B.J. Hickey, Catholic Archbishop of Perth.

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 114.]

BARRACK SQUARE PROJECT

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 279 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, object to the over use of public funds being used in the Barrack Square Project and ask that instead of the public's money being spent on such a project, it go towards the Public Hospital system, Public Education system, Public Safety, Seniors Safety and Police Services. Public funds have already been wasted on the "Public Comment Project" and as shown in the past, will have little or no effect, as the decision has already been made. This money could better serve the citizens of Western Australia by being spent on the above mentioned public services which would provide a true benefit to the whole of the community, not just a select few.

It is still clear that the Government of Western Australia has a lot to learn about public consultation and priorities. If the Government really cared for public input and comment, it would have listened to the past opinions and comments of the majority of Western Australia's citizens and not the wanton needs of prominent business people and bankers.

In closing we acknowledge the need for some projects of this nature. However when the State Public Services for health, education, police and seniors are adequately dealt with, then the public opinion would be positive to spending vast amounts of public money on such aesthetic projects in an already beautiful city which is already recognised world-wide.

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 115.]

SHEPPERTON ROAD - RIGHT TURN SIGNAL

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 12 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned petitioners call on the State Government to provide a right turn signal for traffic exiting Shepperton Road into Mint Street, East Victoria Park.

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 116.]

SWAN RIVER FORESHORE REDEVELOPMENT

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 57 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens call upon the State Government to reassess its priorities and redirect the $80 million it has committed to the redevelopment of the Swan River Foreshore to more worthwhile community infrastructure projects in the areas of health, education and public transport.

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 117.]

CAR REGISTRATION FEE INCREASES

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 40 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens are totally opposed to the State Government's decision to impose a new tax on WA motorists through massive increases in car registration fees.

Western Australian motorists already pay directly to the cost of roads through State and Federal fuel levies.

The revenue received by the State Government from the fuel levy and from the sale of the gas pipeline provides government with resources to develop our transport infrastructure. This new tax is unfair and has a disproportionate impact on middle and lower income earners.

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

[See petition No 118.]

LATHLAIN PRIMARY SCHOOL - TOILET UPGRADE

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 280 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned petitioners call on the State Parliament to provide funding for the upgrade of the toilets at Lathlain Primary School.

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 119.]

SHOPPING CENTRE, CURRAMBINE

Petition

Mr Baker presented the following petition bearing the signatures of 247 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of the Currambine, Connolly and Joondalup Districts situated within the new City of Joondalup, vigorously object to the proposed re-zoning and possible future development of yet another Suburban Shopping Centre at Lot 998 Connolly Drive, Currambine.

This development will greatly prejudice the amenity of the Currambine area, affect the ongoing financial viability of small businesses located in other existing shopping centres in the general area, and contribute zero to REAL job growth in the northern suburbs. Please do your job, listen to the people and reject this proposed re-zoning application.

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 120.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Western Australian Government Financial Assistance to Industry - Report No 39

MR TRENORDEN (Avon) [10.16 am]: I present for tabling the Public Accounts and Expenditure Review Committee follow-up report on Western Australian Government Financial Assistance to Industry, Report No 39. I move -

That the report be printed.

This report is a follow-up to a report presented in 1996, report No 31 with the same title. The follow-up procedure is very important in the committee process in this House, and particularly for the Public Accounts Committee. The committee uses the procedure as a mechanism to make points between the Executive and the committee system and the Parliament on issues that it believes are appropriate. I and the current deputy chairman of the committee, the member for Pilbara, are the only members of this Public Accounts Committee who served on the committee which presented report No 31 in 1996. I acknowledge the cooperation of the current members of the committee in tabling the follow-up report. Obviously they were not involved in the previous report.

Report No 31 was the most lengthy and complex inquiry ever undertaken by the Public Accounts and Expenditure Review Committee. It was a considerable report at a time when the issues were also being examined at a national level. The report focused on the processes of Western Australian Government financial assistance with two major agencies in the administration of financial assistance; the Department of Commerce and Trade and the Department of Resources

Development. The committee conducted a number of local hearings, sought and received several submissions and undertook an extensive investigative tour of the United States and the Republic of Ireland. The report contained 28 recommendations and the response to it was encouraging. Nearly 70 per cent of the recommendations were supported, partly supported or taken up wholly by the Government. The committee acknowledges that the moves by the agencies reviewed in the report to implement several of the committee's recommendations have led to considerable change. However, the committee wanted to make several points on issues of concern to the committee where no change had taken place.

The report made seven recommendations to further improve some structure and processes associated with financial assistance to industry by government: These related to industry policy, agreement Acts, the role of the Auditor General, the overseeing of financial assistance and, lastly, interagency coordination.

The biannual conference of public accounts and expenditure review committees, which will raise issues of importance and major consequence, will be held in February. This biannual conference involves the Auditors General of Australasia, Canada, Papua New Guinea, and a number of other foreign nations, and Public Accounts Committees from Australasia and Canada. Some of the issues to be discussed relate to this report. A major debate to be held in the February conference is commercial confidence in government, a matter which still concerns the Public Accounts and Expenditure Review Committee in Western Australia and Australasia. We will be interested to see how debate develops in conjunction with the Auditors General of Australia.

I knowledge the support of the committee staff in preparing this report. I refer to Andrew Young, Amanda Millsom-May, who are sitting in the Speaker's gallery, and Kirsten Robinson. It has been a busy year for the Public Accounts and Expenditure Review Committee. I will table another report shortly, at which stage I will expand on that aspect.

Question put and passed.

[See paper No 518.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Interim Report on the Budget Estimates Information and Processes in the Legislative Assembly

MR TRENORDEN (Avon) [10.22 am]: I present for tabling the Public Accounts and Expenditure Review Committee interim report No 40 on the State Budget estimates information and processes in the Legislative Assembly. I move -

That the report be printed.

I recommend this interesting report to members which the Public Accounts and Expenditure Review Committee will post to them. It is dry; however, it deals with matters of concern. The committee's interim report on the budget process is an important step in enhancing the scrutiny role in this House. The committee took up the issue in response to a recommendation of the Standing Orders and Procedure Committee, which along with the Select Committee on Procedure, was keenly interested in enhancing the accountability of government to this House. The Public Accounts and Expenditure Review Committee, as the main accountability committee of the Assembly, has been pleased to produce this interim report. It looks forward to an even more extensive review of the estimate processes in 1999.

The presentation of the budget is a most important process in the scrutiny process of this House. The committee believes it is also one of most misunderstood and unsatisfactory processes the House undertakes. The interim report has undertaken four strategic functions. Some members have taken an interest in my comments. In my 12 years in this place I have heard a lot of comment about the budget and estimates process, and several attempts were made to reform it in this House in that time. Comments I make should be noted by members. This review is an important part of the process. This applies particularly for opposition members as the reality is that those are key members who pursue information and obtain detail.

The report outlines four functions: First, to provide information on why the estimates information is presented and reviewed in the way it is; secondly, to propose improvements to the nature and extent of information provided by Treasury in support of the estimates; thirdly, to propose improvements in the Legislative Assembly's process of reviewing the estimates; and, fourthly, to indicate the issues which the committee will examine in more detail in 1999 in order to improve the estimates information and review process.

In summary, the committee believes the information in support of the estimates is not adequate in providing comparative data, reliable and meaningful performance measures, and details of expenditure. In addition, the committee believes that the information regarding government trading enterprises and some other agencies is not captured through an adequate review process. The committee's initial examination of the estimates review process has led to the conclusion that the process is "inadequate" - a word used throughout the report. Rather, it proposes that a review of the budget be carried out by a new committee system of the Legislative Assembly. This has been recommended through a committee you chair, Mr Speaker. The committee noted the previous recommendation of the Select Committee on Procedure and the Standing Orders and Procedure Committee. The standing committee model advocated by these committees would enable an enhancement

of government scrutiny by the House. Some of the committee's report recommendations refer to improved exchange and delivery of information from Treasury to members.

The committee thanks the Under Treasurer, and the officers who cooperated with the committee's examination and participated in the committee's activities, such as the members' forum on the budget estimates information conducted in November. The committee is pleased that Treasury had expressed a keen desire to improve information provided to people. A very good response was made by Treasury. We are pleased that in our discussion with Treasury, many of the committee's recommendations will be implemented directly by Treasury.

I thank members of the Legislative Assembly and Legislative Council for participating in the member's questionnaire and members' forum. I thank people, but there was hardly a response at all. Interestingly, we are good at complaining in this place. Considerable complaints were made about the budget papers last year. However, when we put out a survey, even with the bait of a light meal, we had a poor response. Mostly thanks to the Leader of the Opposition who put in quite a detailed submission, the committee was able to compile enough information. Like all committees, we would appreciate more assistance from members in carrying out our duties. We will soldier on anyhow. Members should pay some interest in our work, which may produce results in which members may not participate.

I encourage members to actively work for change, and make submissions to the committee. Very few people are happy with the estimates process in this House. The budget process is misunderstood. Considerable grievance has been expressed by members over the years about off-budget agencies, and a lack of scrutiny by the House. We recommend that a totally new process be introduced into this House to enable off-budget items to be examined. We will report in detail on this matter in 1999.

It has been a hard year for the Public Accounts and Expenditure Review Committee. We have covered a large range of issues, and the committee has been hard pressed all year without a break. Three hardworking staff members are allocated to the Public Accounts and Expenditure Review Committee in Andrew Young, Kirsten Robinson and Amanda Millsom-May who do an outstanding job. I also should recognise Patricia Roach, the secretarial assistant to the committee. We have an ongoing program next year which will put pressure on the committee. However, I am looking forward to the public accounts annual conference in February. Many of the issues that are burning within the public arena will be raised in that forum.

Mr Osborne: It will be tremendously exciting!

Mr TRENORDEN: The Auditor General and the Public Accounts Committees make scintillating conferences, Mr Speaker. However, it is a process that we must go through and it gives rewards to the public.

Question put and passed. [See paper No 519.]

PERTH'S BUSHPLAN

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [10.32 am]: The State Government has unveiled a $100m, 10-year plan to protect at least 52 200 hectares of Perth's bushland. The strategic plan, known as Perth's Bushplan, is one of the most significant conservation initiatives ever undertaken by a Government in Western Australia. Bushplan follows world conservation guidelines and aims to save a target of at least 10 per cent of the original vegetation types in the Swan coastal plain section of Perth and conserve threatened plant communities. Perth is growing and there is a need to put in place a scheme that guarantees the future viability and diversity of urban bushland and gives developers a firm set of guidelines for the future.

The Swan coastal plain has more than 1 200 native plant species and is recognised internationally as one of the most biodiverse regions in the world. Perth is one of the few cities in the world lucky enough to have the diversity and extent of remaining original vegetation to be able to even contemplate an initiative of this scale. Bushplan is about keeping the bush in the city. It aims to get the balance right between the commercial requirements of developers and the need for Perth families to have adequate access to bushland. Preserving 10 per cent is an achievable and sustainable target within the confines of a rapidly growing city.

Bushplan has identified 285 Perth bushland sites on 52 200 hectares to be marked for protection. Of this, an estimated 19 000 hectares will be protected for conservation purposes for the first time under Bushplan. The remaining 33 200 hectares of land already have some protection and are primarily government-owned land. The Minister for the Environment, Hon Cheryl Edwardes, said at Sunday's launch of Bushplan that by protecting at least 10 per cent of the 26 vegetation complexes in the metropolitan area, more than half of Perth's remaining bushland will be saved. Affected landowners are being individually notified.

Bushplan is out for public comment over the next four months and an independent committee, chaired by Dr Libby Mattiske, with representatives from development, scientific and conservation organisations, will help the Government assess the public submissions before the final plan is developed. I urge everyone to obtain a copy of Bushplan, to read it and to make a

comment. The Ministry for Planning informs me that every metropolitan parliamentarian is being sent a copy of Bushplan. However, there are spare copies at the rear of the Chamber.

I table Bushplan and commend it to the House.

[See papers Nos 521-525.]

SELECT COMMITTEE ON CRIME PREVENTION

Motion

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

> That the Select Committee on Crime Prevention have power to confer with the Legislative Council Standing Committee on Estimates and Financial Operations regarding the alternatives to prison as a means of punishment and that the resolution be transmitted to the Legislative Council and its concurrence desired therein.

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Second Reading

MR BARNETT (Cottesloe - Leader of the House) [10.36 am]: I move -

> That the Bill be now read a second time.

The purpose of this Bill is to implement essential elements of safety net arrangements agreed between Western Australia and the Commonwealth to ensure the continuation of appropriate taxation arrangements in respect of commonwealth places in the State. The federal Treasurer announced details of these arrangements in a press release on 6 October 1997. The need for these arrangements arose from the High Court's decision in the case of Allders International Pty Ltd versus Commissioner of State Revenue (Vic)(1996). In that case, the court decided that a lease of a shop at Tullamarine Airport was not subject to stamp duty imposed by Victorian stamp duty legislation because of section 52(i) of the Commonwealth Constitution. That section of the Constitution provides that the federal Parliament has executive powers to make laws for the peace, order and good government of the Commonwealth with respect to "all places acquired by the Commonwealth for public purposes". Such places are hereafter referred to as "commonwealth places". The court determined that the effect of section 52(i) is that any state law, including a taxation law, that can be characterised as a law with respect to a commonwealth place is, to that extent, inapplicable in commonwealth places in the State.

The decision has important ramifications for state revenue as, in addition to stamp duty on leases of the type considered by the High Court in the Allders case, it is possible that other taxes imposed by States might similarly be inapplicable to the extent that the taxes affect persons, property or things done at commonwealth places. The court's decision also opens up the possibility of potential tax havens being created at commonwealth places.

At the request of the States, in April 1998 the Commonwealth enacted a package of legislation including commonwealth mirror tax legislation to apply in relation to each State, the State's taxing laws to commonwealth places in the State; and windfall tax legislation to tax refunds of state taxes paid prior to 6 October 1997 where the refund is sought after that date on the basis of the constitutional invalidity of the state taxing law.

The Commonwealth Places (Mirror Taxes) Act 1998 hereafter termed the "commonwealth Act", applies state laws concerning stamp duties, payroll tax, financial institutions duty and debits tax to commonwealth places in this State, to the extent to which the state taxing laws cannot apply because of section 52(i). The effect of the commonwealth Act is that the state taxing laws are applied and operate in commonwealth places as laws of the Commonwealth. The terms of the Commonwealth mirror tax laws are identical to the terms of the corresponding state taxing laws. However, section 8 of the commonwealth Act enables modification of the commonwealth mirror tax laws to provide for any adjustments that may be required where a taxpayer has a liability under both a state taxing law and the corresponding commonwealth mirror tax law. Western Australia will obtain the benefit of the commonwealth Act only after an arrangement is entered into, as referred to in section 9 of the commonwealth Act, between the Governor General and the Governor of the State. When such an arrangement has been entered into, the commonwealth mirror tax laws are deemed, by section 6 of the commonwealth Act, to have always applied in commonwealth places in Western Australia, but not so as to require payment of any amount due for payment prior to 6 October 1997.

Following the adoption of such an arrangement, state taxing laws will continue to apply in and in relation to all commonwealth places in the State where their operation is not excluded due to section 52(i). Where the operation of the state law is excluded because of section 52(i), the corresponding commonwealth mirror tax laws will apply. It is intended that from a taxpayer's perspective, the operation of these new arrangements is to be as seamless as possible; that is, the liability of taxpayers who are associated with commonwealth places and compliance costs forced by them are not intended to differ from that which they would have incurred had they not been associated with commonwealth places and were not subject to the commonwealth mirror tax laws. It is proposed that the State Revenue Department will collect the

commonwealth-imposed mirror taxes and credit the taxes collected to the Commonwealth, which will then return an equivalent amount to the State in the form of a statutory payment provided for under the commonwealth Act.

This Bill complements the provisions of the commonwealth Act and seeks to put in place the necessary legislative support for the proposed administrative arrangements to ensure that the mirror taxes imposed by the Commonwealth in respect of commonwealth places in Western Australia can be administered in the seamless manner intended.

Although I intend this speech only to broadly outline the measures proposed by this Bill, an explanatory memorandum has been prepared to accompany the Bill. The explanatory memorandum will provide members with more detail to assist them in understanding the proposed legislation. At a broad level, the Bill provides for -

> an arrangement to be entered into by the state Governor with the Governor General to provide for the administration of the commonwealth mirror tax laws by state authorities;
>
> empowerment of state authorities to exercise or perform all necessary powers and functions for the Commonwealth when administering the commonwealth mirror tax laws;
>
> the situation where a place becomes a commonwealth place or ceases to be a commonwealth place;
>
> other validation and saving provisions; and
>
> a general modification of state taxing laws to enable them to operate effectively in conjunction with the commonwealth mirror tax laws and to provide for any adjustments that may be required where a taxpayer has a liability under both a state taxing law and the corresponding commonwealth mirror tax law.

Also included is a specific power to modify state taxing laws by regulation in order to achieve these objectives.

The issues this Bill seeks to address also confront all other States. Legislation of a similar nature to this Bill has been enacted already by New South Wales and it is expected that all other States will shortly do likewise.

In closing, I acknowledge the assistance of the Commonwealth in working cooperatively with the States in finding a pragmatic solution to overcome the potential problems posed as a result of the Allders High Court decision.

I commend the Bill to the House and for the information of members table the associated explanatory memorandum.

[See paper No 520.]

Debate adjourned, on motion by Mr Cunningham.

PRISONS AMENDMENT BILL

Second Reading

MR PRINCE (Albany - Minister for Police) [10.40 am]: I move -

> That the Bill be now read a second time.

As members are aware, prisons serve a number of purposes. When we send offenders to prison, we do more than protect the community from them through incapacitation. We also create an opportunity to address the causes of illegal behaviour and to reduce the likelihood of reoffending after release. The better the use we make of this opportunity to break the cycle of crime, the greater will be the extent to which our prisons repay the community for its investment in them. The Government is aiming to develop a prison system that is as advanced and effective as any in the world. We are purposefully seeking flexibility, efficiency, innovation, effectiveness and continuous improvement. One of the strategies that the Government is convinced must be adopted to achieve these outcomes is the introduction of contestability as a means of benchmarking and improving the performance of our public prisons. To that end, the purpose of this Bill is to amend the Prisons Act 1981 to establish a framework which will allow for the provision of prison services under contract and for related matters, and also to amend various other Acts as a consequence.

The Government is not ideologically tied to the concept of private prison services. The provision of these services under contract will be pursued only to the extent that it will transparently improve the overall effectiveness and efficiency of our prison system. To the extent that financial considerations do count, it is in the context of value for money in achieving a prison system that is safe and succeeds in reducing repeat offending.

The core of the Bill is the extension of the statutory powers of the chief executive officer of the Ministry of Justice to enter into service delivery arrangements with the private sector. The chief executive officer will continue to be accountable for the operation of all Western Australian prisons, private as well as public, and will have all the powers necessary to ensure compliance with the Act and to ensure that services meet or exceed the standards set by the ministry. The chief executive officer will also be authorised to delegate sufficient powers to enable operational duties to be performed by a contractor.

Background to the Bill: Developments overseas and in Australia in recent years demonstrate that private-sector participation in the design, construction, financing and management of prisons can stimulate innovation, flexibility, and better, more cost-effective service outcomes. The Ministry of Justice has observed these developments closely and evaluated them in the light of the particular circumstances of Western Australia. The failures as well as the successes have been analysed. At the same time, the performance of our prisons has been compared with results achieved elsewhere. There is a widely held view that the prison system is in need of reform.

In March of this year the Government authorised the Ministry of Justice to call for expressions of interest to explore the viability of new service delivery options, and in particular to test the private sector's potential to contribute to improvement in the provision of prison services. The decision was made against a background of increasing pressure on the prison system and recognition that more was needed than just additional prison accommodation. In short, the Government concluded that the State needed better prisons as well as more prison beds.

Since the beginning of the decade there has been a significant increase in the prison population. Several factors have contributed to this, including an increase in the State's population, increasing rates of crime, various government initiatives in response to community concerns about crime, increased use of imprisonment as a penalty, and increased sentence lengths. The Government has provided funding to expand the capacity of existing prisons. Among other things, this has had the advantage of enabling several regional prisons to increase the placement of prisoners closer to their home communities. However, these expansions, beneficial as they are to the existing system, are only part of the solution to prison accommodation. Through a thorough program of prisoner population modelling, it was determined that a 750-bed medium-security prison for men is required in the metropolitan area. The development of the State's largest-ever prison provides the opportunity to plan strategically for modernised and improved delivery of prison services.

The case for private sector prisons: Private-sector involvement in prisons has been the most significant development in penal policy in the last quarter of the twentieth century. The debate on such prisons focused initially on the comparative cost advantage they might have over public sector managed prisons. However, this discussion quickly broadened to include the quality and range of prison services being delivered, and it is now about cost effectiveness or value for money.

As an example of this, the chief inspector of prisons in the United Kingdom has identified a range of matters in which private prisons have proved better. These include -

(1) the preparation of prisoners for release;

(2) relations between staff and prisoners;

(3) staff morale;

(4) the care of potentially suicidal prisoners;

(5) more flexible visiting hours and procedures;

(6) more out-of-cell hours; and

(7) better control over authorised prisoner movements within prisons.

While still in its early stages, research from the United States suggests that recidivism rates of prisoners from private prisons may be only half that of prisoners from publicly managed prisons. While one may wonder whether an improvement of such spectacular magnitude will ultimately be confirmed, there is no doubt that a significant advance has been made. Importantly, the completion rate of programs for prisoners has been substantially higher. It is no coincidence that verified completion of programs is a prerequisite to contractual payment: the operator must perform to be paid.

As to a comparison of costs, this has been recently summarised by Professor Harding in the Australian Institute of Criminology publication, *Trends and Issues in Criminal Justice* Number 84, published in April 1998, entitled "Private Prisons in Australia: The Second Phase". In relation to costs, it notes that the best current view of the range within which savings on operational costs can be made is thought to be 10 to 22 per cent in the United Kingdom, 11 to 14 per cent in Louisiana, 13 to 17 per cent in Arizona and 9 to 13 per cent in Queensland. It concludes -

> These figures are similar enough to be indicative, if not definitive.

As members are no doubt aware, there is continuing discussion about the level of cost savings achievable through private operation. However, as I noted earlier and re-emphasise now, cost savings are not the primary motive of the Government in examining the prospect of privately operated prisons. We are seeking better prisons and value for the taxpayers' money. It includes design and construction, because these are important to operating efficiency and to the morale of staff and prisoners. Perhaps more importantly, it includes the prison regimes - the structures and programs by which we will make positive and productive use of the time offenders spend in prison so that they are less likely to reoffend after their release.

As I said earlier, imprisonment gives us an opportunity to improve the person so that he becomes less of a risk to the

community when - as nearly all of them do - he returns to it. It is in this area that, based on experience elsewhere, the Government has its highest expectations of potential private-sector involvement in the State's prisons. Any decision on private-sector participation will be dependent upon the Government being convinced about innovation, best value for money and risk management. The evaluation of proposals from the private sector will be comprehensive, and the emphasis will be on quality more than on price.

This Bill is an essential element in the Government's plan to improve the service outcomes of prisons in Western Australia. There are limitations within the current Prisons Act 1981 to achieving these outcomes.

Against this background I now turn to the specific provisions of the Bill. Division 1 is preliminary and establishes the definitional framework. Division 2 relates to contract matters generally. The minimum matters to be included in contracts are set out in the Bill to ensure that contracts provide high standards of service, public accountability and contract intervention options. The chief executive officer must establish minimum standards applicable to the provision of prison services under contract. These minimum standards must be laid before each House of Parliament within 10 sitting days of their establishment or amendment.

The standards will be both quantitative and qualitative and will cover every aspect of prison operations, from the level of security to standards of health care, the quality and type of rehabilitation programs, and the number of hours that each prisoner must be employed. Compliance with the standards will be monitored through provisions in the legislation for the minister, the chief executive officer and any authorised person to have free and unfettered access to a prison, person, vehicle or document. In addition, agencies already authorised by law to have access to prisons will also have access to any new facility. A severe penalty will apply to any person who seeks to hinder such access by an authorised person.

The Bill requires the chief executive officer to prepare and deliver an annual report to the minister, who must then present it to Parliament in a timely manner. The report must enable an informed assessment to be made of the operation of each contractor and the extent to which there has been compliance with the relevant contract. Ultimately, if the standards of prison services are not sufficiently met, significant monetary penalties may be invoked. It should be noted that provisions relating to privately-operated prisons would be considerably more onerous than those currently applying to publicly-operated prisons. However, it is intended that they will be applied uniformly over time across the entire prison system.

Division 3 relates to authorisation of contract workers to perform functions. The chief executive officer will continue to have discretionary powers to delegate or otherwise obtain performance of other functions provided for in the Prisons Act. However, the authority to use firearms or to adjudicate prison offences will be limited. These functions will continue to be carried out by officers under the direct control of the chief executive officer under provisions of the Prisons Act. They will not be delegated to contract workers.

Division 4 relates to vetting and control of contract workers in relation to high-level security work. The Bill seeks to establish any function currently undertaken by a superintendent, a prison officer or any other officer under the Prisons Act as high-level security work. This may include a prison service requiring direct dealing with prisoners, access to information about prisoners or any other work which is deemed so by the chief executive officer. All such declared work, or any amendments, must be published in the *Government Gazette* within 14 days.

Contract workers will be required to have a permit to do high-level security work. The chief executive officer must be satisfied that persons employed by a contractor are fit and proper persons and that they have completed the authorised training requirements. Stringent checking requirements will be imposed before a permit may be issued. For example, a consequential amendment to the Spent Convictions Act will enable access to information that is not normally available, as it may be relevant to identifying a prospective contract worker as unsuitable to undertake high-level security work. Provision has also been made for the taking of fingerprints and palm prints to assist in police clearances. A permit may be refused or, once issued, may be suspended or revoked by the chief executive officer. Any issue, suspension, revocation or reinstatement of a permit must be published in the *Government Gazette* within 14 days.

Division 5 relates to intervention in, and termination of, contracts. The Bill provides for the chief executive officer to intervene in, suspend or terminate a contract under circumstances where an opinion is formed that there is an emergency in a prison service that is the subject of a contract or where the contractor has failed effectively to provide a prison service, or where it is in the public interest so to do.

The chief executive officer may appoint an administrator to manage the contracted prison services in these circumstances. The contractor, each subcontractor and any person appointed or employed by them must comply with the directions of an administrator. The chief executive officer or the administrator may requisition property associated with the contract to continue service provision. Severe penalties are attached to charges that may result from non-compliance.

The Bill also provides amendments to specific sections of the Prisons Act and makes consequential amendments to other statutes, including the Anti-Corruption Commission Act, the Criminal Code, the Freedom of Information Act, the Parliamentary Commissioner Act and the Spent Convictions Act. These provisions are important to the implementation of

any contractual arrangements involving the private sector. The consequential amendments to other statutes are intended to ensure that the powers of investigation, inquiry or review by existing statutory agencies are applied to any contracted prison service.

Other amendments to the Prisons Act include simplification of the process for the chief executive officer to ensure the provision of medical services for prisoners. This involves deletion of a dual process of engagement of medical practitioners and consolidation of the function into a single flexible arrangement for which the chief executive officer will be accountable. Other amendments involve strengthening the statutory provisions for management of contraband items such as drugs and firearms that may come into the possession of prison officers following lawful searches within prisons.

Finally, I return to the issue of possible private sector involvement in prisons in Western Australia. I know many members hold principled views on this subject. However, it is important for members to give reasoned consideration to the effective controls that this Bill places on any private prison operator. In particular, I draw attention to the opportunity that these controls provide, when written into legislation and contractually enforced with substantial penalties, to ensure that such prisons are able to deliver high-quality prison services more cost effectively and with increased accountability. It would be wrong and wasteful to deny this State the considerable benefits of the contracting strategies now proposed. That is what this Bill seeks to achieve, and I commend it to the House.

Debate adjourned, on motion by Mr Cunningham.

ADOPTION AMENDMENT BILL

Second Reading

Resumed from 26 November.

MS ANWYL (Kalgoorlie) [10.57 am]: The Opposition supports this legislation. However, I will raise a number of issues in the course of this address; and I am aware that other members of Parliament from both the independent and government sides will raise other issues. This legislation comes before us in somewhat of a rush. The Hague convention with regard to adoptions was ratified on an international basis, with Australia as a signatory, on 1 December; and the Minister for Family and Children's Services referred to that in the second reading speech. However, some disquiet has been expressed in the intercountry adoption community because of the speed with which we will debate this legislation today. The state law was previously the law applicable in Western Australia with regard to intercountry adoptions. The need to adopt the Hague convention at both a state and national level has meant that this legislation has come before us quickly. I will return to the issue of consultation.

I will now make some general remarks. As a former family law practitioner, I have always been cognisant of the unusual situation in which Western Australia finds itself with regard to the welfare of children in this State, particularly as determined by the Family Court in cases of dispute between parents, whether married or unmarried. Unfortunately, this year a situation has developed where the children of de facto couples will be treated in much the same way as the children of married couples. I never could see any point in discriminating against children according to whether their parents were married or unmarried. However, the way that the law evolved in this State and the way that this State chose not to take on the federal initiatives in this arena meant that for many years we had an anachronistic situation -

Mr Prince: We had the best situation.

Ms ANWYL: The situation was changed this year. Did we have the best system before we changed it, or do we have the best system now that we have changed it?

Mr Prince: There is no doubt that from 1975 onwards, we had the best system, with our own court.

Ms ANWYL: I am interested to hear the minister's comments on this matter, because we discriminated against some children in this State by applying different laws to them according to whether their parents were married or unmarried. How can that be in the interests of children?

Mr Prince: I made my comments with regard to the Family Court. The system that existed in the Eastern States when the Family Law Act came into operation was absolutely absurd; and to have one court was by far the better model. We are the only State that did it, and we should be very proud of it.

Ms ANWYL: I think we are talking at cross-purposes, because the point I was making is that we had an anachronistic situation as a result of having the application of both state laws and federal laws which had been adopted by the State. A clear example is that children whose parents were married had a different status from children whose parents were not married.

Mr Prince: I do not think it made any difference to the children.

Ms ANWYL: I can tell the minister, as a family law practitioner of many years' standing, that it made an incredibly significant difference, because, for example, in the case of a custody dispute where one of the parents did not reside in the

State, the State had no jurisdiction, except by special leave of the Supreme Court - not the Family Court, but the Supreme Court. The situation that we had set up created problems. In any event, the Parliament has now rectified that situation, and that is good.

Mr Prince: Your comments about the set-up of the Family Court are wrong.

Ms ANWYL: The minister has missed the point of my comments. I would like to move on. Perhaps the minister should sit in his seat and listen to what I am saying rather than dart around the Parliament and make the odd interjection while he is actually disorderly on his feet.

The SPEAKER: The minister was sitting on the arm of his seat. I took that as being in his seat, so the member should not reflect on the Chair.

Ms ANWYL: I would not wish to do that, sir, but I do reflect on the minister's ability to participate fully in the debate while he is moving around the Chamber.

The SPEAKER: Just get on with the debate.

Ms ANWYL: We have a piece of legislation hurried before the Parliament today because we are seeking to obtain state autonomy over intercountry adoptions. It is important that members realise at the outset the number of children whose future we are debating. In a very timely fashion the member for Churchlands was able to obtain some statistics by way of questions on notice. They appear in the *Hansard* of yesterday. To keep the number of intercountry adoptions in perspective, for the past financial year there were 19, for the 1996-97 financial year there were 21 and for the 1995-96 financial year there were eight. It is important to keep those figures in mind because they show the highly specialised nature of the parties who deal in this area in Western Australia. I will refer shortly to an intercountry adoption agency. We are not talking about vast numbers of children. We are talking about the continuing wish of the State to administer intercountry adoptions as opposed to allowing federal control.

All members of Parliament are agreed on the need to provide for the welfare of children. There is no dispute about that in this case. Certainly Family and Children's Services, the Police Service, the Health Department, the Education Department and all the other major government agencies have as part of their statutory responsibilities the responsibility of protecting the citizens of this State. We agree that we do not want to see some form of commercial trafficking in children occurring in this State. There would be no dispute that as parliamentarians and legislators we are concerned about the commercial trafficking in children that occurs in other countries. We are concerned that that does not happen in Western Australia or Australia. I and other members of the Select Committee on the Human Reproductive Technology Act have received massive numbers of representations from childless couples who have a particular pain to bear. Without necessarily being members of select committees we all know that childless couples in some cases will stop at nothing to obtain a child. I do not impugn childless couples. I am not suggesting that most people would go to any lengths, but one only has to read the *Sunday Times* from time to time to see that some women in our society will act as commercial surrogates for couples. All of the so-called popular women's magazines have stories of women who have used different forms of assisted reproductive technology and in some cases made the resultant children available for adoption. I do not mean to impugn the increasing number of couples in our community who use in-vitro fertilisation and other assisted reproductive technology techniques. The point I am making in a rather long-winded way is that many couples will take quite desperate steps to obtain children.

The figures I have quoted reveal that not a lot of intercountry adoptions are occurring. From a public policy perspective there are very strong humanitarian reasons for considering it desirable that such children from less fortunate countries than ours be brought to a new life in Western Australia. We know from our electorate offices and our constituencies that immigration policies can sometimes create obstacles in the path of intercountry adoption. I know from my own electorate in Kalgoorlie-Boulder that quite frequently couples would like to bring out extended family members, including young children who perhaps have been orphaned or for whatever other reason are unable to be cared for properly in their own countries. All sorts of different laws regulate those children. Adoptions are one perspective, but in my experience immigration laws are usually the most frequent obstacle to those children coming to Western Australia for a better life. There are different views about whether adoptions within Western Australia are desirable. Although the numbers of adoptions are declining very sharply, a significant number of lobby groups in Western Australia are totally opposed to adoption. They believe that adoptions should not take place under any circumstances because they believe that the pain to the relinquishing mother and the possible effects to the children down the track are too great to take the risk, notwithstanding that all the parties are acting in an altruistic fashion. Adoption is an extremely complex area.

I will come back to the legislation before us. It has been precipitated by Australia's adoption of the Hague convention. The Bill before us sets out the Hague convention, which is a lengthy document. I do not propose to quote from it, but members can peruse the 48 articles of the convention as schedule 2B of the Bill. I am told by those who have worked in this area, notably International Adoptions of Western Australia Inc, that there has been a long history of consultation. I expect that the Minister will address the issue of consultation in her response. I will quote from a letter dated 28 November 1998 from Adoptions International of Western Australia -

> The Minister's speech raises a number of contentious issues.

That is, the minister's second reading speech -

> These include Australia's role in the development of the Adoption Convention and the adequacy of the public consultation process within Australia. On the first point suffice to say that the insensitive and obstructive manner in which the Australian delegates behaved during the international discussions on the development of the Adoption Convention gave Australia a very negative international reputation in the field of intercountry adoption which continues today . . .

That does not necessarily reflect on the Western Australian Government but, if it is true, it should cause all of us concern. For humanitarian reasons, whether for the children concerned or the childless couples who are so desperate to adopt, immigration laws permitting, I would have thought that we want to see an increasing rather than a decreasing number of intercountry adoptions. In the interests of the Western Australian community we must find alternative ways of countering the immigration laws so that we can ensure that childless couples are able to adopt under extremely well-regulated circumstances. What this Bill is doing at the end of the day is regulating the circumstances under which people can adopt. That is vital because we do not want to have illegal arrangements in place.

As to consultation, the letter continues -

> The consultation with the non-government sector in WA, referred to by the Minister in her speech, consisted of two requests for comments on incomplete and out of date draft documents, in 1996 and 1997

The letter goes into detail on those, and accuses the minister of ignoring the recommendation of the commonwealth joint standing committee on treaties that recommended the Attorney General's Department improve the consultation process on the implementation of the international agreement, so that it is timely and includes all interested parties. That is not levelled specifically at the Minister for Family and Children's Services or the Department of Family and Children's Services, but is on an Australia-wide basis. Proper consultation is in the interests of intercountry adoption in this State. I ask the minister to address that issue and to clarify Western Australia's role in international obligations and treaties.

I have received representations in two categories. On the one hand, there are concerns that the Government will not retain the bulk of the control, and will set up private adoption agencies. On the other hand, I have received representations from a number of individuals who wish to adopt on an intercountry basis and from Adoptions International of Western Australia. That organisation has been in existence for some time, and I am cognisant that other members will give some more detail on it. The principal area of contention raised by that organisation is the accreditation of non-government organisations. The Bill adopts the language of the Hague convention and refers to the central authority. Pursuant to clause 134(a) the central authority in Western Australia is the minister. Article 6 of the convention sets out the existence of central authorities and accredited bodies, and I am not clear how the legislation provides for other accredited bodies. Part of the difficulty in following the legislation is that the State has a different adoption regime, and to some extent we must marry those two pieces of legislation. That is the principal source of contention according to Adoptions International. We must be cognisant that this may be a growth area down the track. Members of the State Parliament cannot predict how the federal immigration laws will progress and what categories will exist. However, we know that Australia is increasingly a multicultural country, and the number of cases in which members of extended families wish to adopt friends or relatives - siblings, nieces, nephews, and cousins - is increasing. As members of Parliament more and more cases of difficulties with immigration authorities come across our desks. Although the number of intercountry adoptions is low now, there may be many more in the future, and I urge the minister to provide some clarity.

Many of the representations that have been received relate to ensuring that the role of the arrangement of adoptions and associated services can be extended beyond the State to include accredited agencies. I cannot see any difficulty with that, as long as proper regulation is in force. I think that would be a healthy situation. Many board members and the management and staff of Adoptions International appear to have extensive tertiary qualifications which, on the face of it, would outweigh many of the qualifications of people working within Family and Children's Services. It is desirable that the legislative framework set out the sorts of accredited bodies we will allow to operate in Western Australia and that, as a public policy, we facilitate, in whatever way is necessary, intercountry adoptions in which the guidelines of the Hague convention have been satisfied.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [11.15 am]: I support the Bill. I have had the privilege of teaching children who have been adopted from other countries. They were a joy to teach, like all children. I have been involved with a family that has taken part in intercountry adoptions. It is wonderful to see the way in which those children have become part of our society. During this week one of them graduated from high school, and it is wonderful to see how he has gone through his schooling and is now an integral part of our community. He is a credit to his parents, and the success of intercountry adoptions.

The Bill reflects federal legislation complementing the Hague convention. The main aim of the convention is the protection

of children through the cooperation of countries that are party to it. It is an attempt to protect babies in third world countries where sometimes trauma causes families to give up babies for monetary and other reasons. It is an attempt to stop children being kidnapped. The average Australian would be horrified at the thought of kidnapping and a trade in babies. However, as the member for Kalgoorlie stated, it exists. Sometimes people are desperate, and perhaps we can try to put ourselves in those people's shoes to understand their desperation. No Australian would condone that type of activity, and no Western Australian would adopt a child unless it was in the best interests of the child.

The first adoption laws in Western Australia were passed in 1896. Since then different legislation has been brought into the Parliament to reflect changing ideas and social mores. The Bill is part of the type of change we have seen since 1896. The adoption legislation should be carefully handled. It must be strong in order to protect not only the children but also prospective parents, and perhaps the parents of the children who are being put up for adoption. We are moving between cultures, and Australia has experienced the difficulties involved in moving some of our indigenous people into another culture. I feel strongly that the legislation must be watertight to ensure that the best interests of the children are the top priority - nothing else should come before that. The Bill allows for safeguards and standards to be set in law to protect the children involved. Unfortunately, sometimes things take longer than we expect, but that has been necessary to make sure everything is correct.

The minister will know that as I have spoken to her frequently over the past several years about a problem that Adoptions International of Western Australia has. For the past five years it has been trying to obtain a licence to organise its own international adoption agency in Western Australia. I arranged a meeting in the Parliament with the minister to discuss some of these issues. This Bill will help this group because the issue is now in the public arena. The group has been seeking a licence to run an intercountry adoption agency in Western Australia. For five years it has been presenting information to Family and Children's Services in an endeavour to obtain that licence. Its application has proceeded through the minister's department, but it is concerned that, with the introduction of the Bill, a different terminology will exist which will preclude the use of the word "licence". Adoptions International has asked the minister to consider whether the changes in the use of the terms "licence" and "private adoption agency" as they appear in the current Act will alter its position. The Bill uses the terms "accreditation" and "accredited body". It is concerned that when this Bill is passed, the work it has done over the past four or five years will no longer be of use and the process might have to start again simply because of the change in the terminology used in this new legislation. I ask the minister to respond to that because this is a major concern, not only for this group, but also for several other groups which have written to me. One of the leading members of Adoptions International is a constituent of mine so that is one of the reasons I have taken a major interest in this matter. It is asking that the terms "licence" and "private adoption agency" in the 1994 Act be changed to "accreditation" or "accredited body" and it wants to marry the two terms in the legislation, so that what is in one piece of legislation is in the other. I ask the minister whether it is possible to meet its requests.

I know that we do not have much time today, but I support Adoption International's application for a licence. I know several of the families concerned. This is a wonderful Bill and it will bring us into line with other countries so that we are part of the international scene. Being a migrant and being married to a migrant, I personally know the value that migrants give to our country. These children will come in under federal migrant laws as well as the normal state law; therefore, this complementary legislation must be tied up with the federal legislation so that this can happen in Western Australia. I support the Bill.

DR CONSTABLE (Churchlands) [11.23 am]: I endorse the comments of the two previous speakers. I add my general support to this Bill also. To summarise, we are talking about the importance of protecting the lives of children, particularly those involved in intercountry adoptions. We want to protect those children from exploitation and the unscrupulous behaviour that has been mentioned by the two previous speakers. This legislation seeks to establish the role of Western Australia and the commonwealth-state relationship in intercountry adoptions. Australia is now a signatory to the Hague convention on intercountry adoptions. Therefore, the Commonwealth is intimately involved, but at the same time adoption is administered by the State. That is why it was important for the State and the Commonwealth to negotiate an agreement which this legislation follows. I understand most of the consultation and negotiations between the Commonwealth and the State occurred in 1997. Overarching commonwealth legislation in the form of regulations has been in place since 1 August this year.

On 1 December, Australia formally became a signatory to the Hague convention on intercountry adoption. That is why last Thursday the minister showed a great sense of urgency that this legislation be passed before the end of the year. The minister had four months from 1 August to 1 December to deal with this legislation. Negotiations and discussions took place over many years and certainly all through 1997. It is not something that lobbed on her desk at the last moment. At the eleventh hour we are being asked to rush through this legislation because the deadline of 1 December has passed. One of the criticisms expressed by people who are involved and have an abiding interest in intercountry adoptions is that not enough time has been made available for consultation on the legislation because the Bill was second read only last Thursday, and it is a busy time of year for all of us.

I shall make a quick comparison with the position in other jurisdictions. A Bill was introduced on 28 August in the

Queensland Parliament, but it has not yet been passed. It was possible for the minister and the parliamentary counsel in Queensland to have their legislation available from 28 August.

Ms MacTiernan: That is a Labor Government.

Dr CONSTABLE: I have no comment on that.

Tasmania has a Bill on its Notice Paper and no other jurisdiction has yet introduced legislation. Some States have found it necessary to introduce legislation while others are not rushing to do so the way we are. Those States have not even introduced legislation yet, so they obviously do not share the minister's view that it is urgent. Given the small number of intercountry adoptions, I do not think there is much urgency.

My interest in this matter has been obvious for a number of weeks. Seven weeks ago I placed about 17 questions on the Notice Paper. As at Tuesday this week I had not received one answer. There was nothing extraordinary about the questions I asked. In fact, most of them were straightforward questions seeking factual answers, and I will quote a couple of them. Question 886 reads as follows -

> In each financial year since 1993-94 -
>
> (a) how many local and intercountry children were placed for adoption;
>
> (b) how many children were adopted by a step-parent or foster carer;
>
> (c) how many applications to adopt were made; . . .

Question 888 reads-

> Are there any proposals to abolish a fee for adoption services provided by the department, and if so -
>
> (a) why; and
>
> (b) will it apply to both local and intercountry adoptions?

Question 889 reads -

> What, if any, fees are charged by Government agencies in other States and Territories with respect to adoption services?

After I left my office to go to a meeting on Monday afternoon, my office received a telephone call from a senior member of Family and Children's Services who wanted to speak to me. In fact, he wanted to speak to me so urgently that he asked my electorate officer for my home telephone number, which I found extraordinary because in my seven and a half years in this Parliament I have never been phoned at home by such a senior member of a government department. On Monday evening when I returned home at nine o'clock I received a call from this person. Lo and behold, he wanted to explain to me why I had not received answers to my questions. He explained that it was such a busy time, it had been really difficult to get this legislation ready and he made comments about parliamentary counsel, getting the legislation drafted and so on.

It was quite extraordinary that I was telephoned then. Lo and behold, yesterday I got answers to all my questions. I therefore ask the House and the minister why it took so long and why the rush at the end. The minister was given plenty of time to provide the information, which would have been very helpful as part of this debate. I have hardly had time to read the answers because I received them only late yesterday afternoon. That is not good enough in a subject as important and as serious as this. I took the trouble to ask the minister the questions and in seven weeks I am sure someone in the department could have found the time to provide the answers within, say, three or four weeks, and I would have had at least three weeks within which to digest the information. This legislation is not about the needs of Family and Children's Services nor those of the minister, but about children and decent women and men who want to adopt them from other countries. We must take that very seriously, make sure there are no flaws in the legislation, and be well-informed. That is what I tried to do. I do not believe the department or the minister provided the service that either I or this House required to be fully informed for this debate. It is no wonder I feel somewhat angry about this.

I have a feeling of deja vu about the debate. Some members might remember a debate on the closing day of the sitting in 1992 - Thursday, 3 December - when at five o'clock in the morning we debated adoption legislation. Sitting in the gallery were many people who had been promised that legislation for years - and they are still waiting for new legislation. The debate finished with the then minister, the former member for Mitchell, Mr David Smith, apologising to the people in the gallery because the legislation did not go through. Members sitting here today, including you, Mr Deputy Speaker, will remember the expressions on the faces of those people who waited in the gallery. Once again we are rushing through really important legislation about adoption on the very last day of the sitting. Coincidently, it is Thursday, 3 December again - a black day for this subject in this House. Why the urgency? None of the other States or jurisdictions sees it as urgent. The convention is in place. This is not a good way to be making legislation. Having been through that most unusual set of

circumstances of the past few days, I have some questions about Family and Children's Services and how it goes about dealing with sensitive and important issues.

I will comment on a couple of issues and re-enforce the comments of previous speakers. The first relates to the question of consultation. The member for Kalgoorlie quoted from a letter which I intended to quote from, but which I will not repeat it. Some questions have been raised about the consultation between interested parties and Adoptions International Western Australia, which has been involved in the issue with Family and Children's Services for some time. Some speakers have gone into the detail of that already and, again, I will not repeat it. I support their concerns about the consultation and that in the past few days there has not been time for consultation on the legislation.

Another matter I want to raise is the question of accreditation and licensing. In Committee we will need to tease out that issue. It seems unnecessary to have one set of regulations for licensing and perhaps another for accreditation. A non-government organisation that wishes to be involved in intercountry adoption will need to be both licensed under the Act as it stands now and accredited under the articles of the Hague convention. That seems to be double-dipping and perhaps unnecessary. I seek some explanation from the minister on that.

In conclusion, I support the legislation. I do not believe this House has had enough time to look at it. Family and Children's Services has not done the right thing by this Parliament. The Parliament makes the laws, not the minister or the department. We should have the opportunity to look in great detail at legislation that is as sensitive and important as this.

MS MacTIERNAN (Armadale) [11.35 am]: Like all other previous speakers, I support the principle of the legislation. I share the concerns raised about the specifics of the legislation and the way it has been handled. Those issues have been adequately covered by the members for Kalgoorlie and Churchlands. I am very concerned about the way in which intercountry and, in particular, intercultural adoptions have been approached. It is my strong view that there is an undercurrent of political correctness, which has made it very difficult for people to undertake intercultural adoptions. There is no doubt an absolute need to ensure we do not have baby trafficking and baby farming; nevertheless, the barriers put in the way of intercountry and, in particular, intercultural adoptions go well beyond simply protecting against trafficking and exploitation. There seems to be a view that it is wrong to have a person from one culture, who has been brought up with one genetic inheritance, being raised by parents in quite different circumstances. Quite frankly, I believe that is a form of racism, and one that is unacceptable.

Australia is a multicultural society. In fact, Australia can offer a lot to people from a whole range of different cultures. It is not as though children coming to Australia from India or Cambodia or Brazil or even Africa would be isolated and be in a country where they stood out and developed a sensitivity to their appearance or background. On any presentation night, which all members have attended in recent months, at the schools not just in the inner city areas but throughout Western Australia, we see an amazing diversity of cultural types and interaction between students from those diverse cultures. I think the political correctness that argues against the notion of intercultural adoption must be overcome in our society generally, but more specifically within the bodies that tend to administer adoption. Anyone who has visited Third World countries, will know many hundreds of thousands of children have been abandoned. In northern India, children have no-one caring for them; they live off the streets and very often fall into the clutches of Fagan-like characters who organise these children in the most grossly exploitative manner. I find it difficult to understand the arguments of many of the adoption authorities that suggest that these children will be better off staying in their own countries and living in those circumstances. Many countries have been racked with war and civil conflict, and there are far too many children to be looked after for by the remaining adult population. A number of African countries come to mind in that regard. There are exceptional circumstances, such as in the former Yugoslavia where there was a policy of rape of Muslim women by some of the Serbian forces that resulted in the production of children that could not be accepted by their mothers. Those children are languishing in orphanages and institutions; yet here in Western Australia, as we have heard today, we have allowed only 18 intercultural adoptions when there are hundreds and thousands of children around the world who need a better home.

I want to address also the myth that this is just a question of desperate, childless couples who have been unable to conceive naturally and are taking second best. An increasing number of people in our community take the reasonable view that the world is now over populated. They take a strong moral position that they will put aside personal ego, that contributes to society's desire to produce its own genes, and would much rather adopt a child. They are people who, with highly developed social consciences, would be ideal parents for children in intercultural adoptions. There are even people who have one or two children who cannot morally justify having more children, given the world's current population crisis. Nevertheless, they have a home, an income and a capacity to be good parents to more children and want to do that for children from other countries. Again, this is a perfectly valid reason for those people making an application to seek an intercountry or intercultural adoption.

It is not just that we are looking to provide babies for childless couples who are desperate. There are many people who, from a strong moral and humanitarian perspective, want to share the privileges that we have in Australia with children who have been abandoned or orphaned in many countries around the world. It is time that we put to one side some of the overweening political correctness that has informed the thinking of some adoption authorities and let some of these kids, currently

suffering horrific circumstances with no opportunity for a place in the sun, have a fair go in the way that we have by virtue of our place in Australian society. This matter is not about being egotistical, it is not about Australia being better than any other country or a suggestion that we are morally superior. It is to recognise that we have a high standard of living in this country and have been born lucky. Any of us could have been born a child on the streets of Calcutta. It is not due to our virtue that we have had the good fortune to be born in Australia. We have an obligation to do what we can to help kids in environments that are far less fortunate than that in which we find ourselves.

I find it absolutely appalling that there have been only 18 intercountry adoptions in Western Australia in the past year. We have a declining birth rate. We have the capacity to take more children. If we look at this from a holistic, global sense, it is far more sensible to encourage people to take children from countries which are having difficulties providing for them rather than encouraging people in Australia to ramp up their birth rate.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [11.44 am]: I thank members for their contribution to the debate. I appreciate the position, which was entirely anticipated, of all members, in that they agree with the Hague convention on intercountry adoptions, with which this amendment Bill deals; it contains the important principle that the best interests of the child are of paramount consideration. The recognition of an agreement like this with countries which set minimal standards and safeguards with respect to those children is entirely a good thing.

This convention aims to eliminate the abduction, sale and trafficking of children. All members agree with that principle. It does not matter whether we utilise a private adoption agency, as the member for Kalgoorlie said; the important principle is that members on both sides agree that this convention is a good thing and support it.

Comments were made about the amount of consultation and opportunity to contribute to the process prior to the Commonwealth becoming a signatory to and adopting the convention. I would like to outline what happened. Consultation with the relevant government organisations about the Hague convention occurred first in late 1996. In February 1997 not only were those organisations given the opportunity to speak to their submissions but also further consultation occurred in November 1997 following written invitations and an advertisement in our daily newspaper. Ten submissions were received from Western Australia in response to those invitations and they form part of the basis of a national interest analysis on the matter. It is important to note that the consultation process in Western Australia was similar to that which occurred in other States and was adopted from the commonwealth level.

Again, as I outlined in my second reading speech, it is important to note that this is a piece of procedural legislation to implement the Hague convention. After Australia became a signatory in the drafting of this legislation, there was very little discretion for consultation to occur. Firstly, it had to be consistent with the Hague convention; secondly, it had to be consistent with the commonwealth regulations; thirdly, it had to be compatible with the Adoption Act. I am informed that other States do not have as modern or as well-regulated adoption legislation as does Western Australia. It was a complex task, because of our Adoption Act, to meet the requirements to be consistent with the Hague convention, the commonwealth regulations and the Adoption Act. From that point of view, it took a considerable time for parliamentary counsel to draft the legislation that we have before us today.

Although I wanted to have this legislation debated and passed prior to 1 December, that was not possible because of the complexities of the legislation. The fact that other States do not have this legislation in place indicates that it has been a complicated task. However, my commitment was that, if possible, we would avoid the unusual and unique circumstance in Western Australia where, from 1 December 1998 until such time as we passed this procedural legislation, intercountry adoptions under the Hague convention would be managed under the commonwealth legislation and all other adoption procedures would be conducted by the State. That would have led to a unique and possibly complicated situation; so, we had intended that this legislation would be in place by 1 December. That time frame could not be met, but I am pleased that time has been allocated to debate this matter today. Had we not been able to complete the drafting and get this legislation into this Parliament today, intercountry adoptions that are subject to the Hague convention would have been managed by the Commonwealth.

The member for Swan Hills raised her concern that the same process should be applied to licensing that is applied to accreditation. Accreditation is required only for adoption agencies that wish to be involved in intercountry adoptions that are subject to the Hague convention, whereas licensing is required by law in Western Australia for all adoptions, whether intercountry or local. We have received advice that it is not possible for the two processes to be one and the same. I appreciate the concern that agencies do not want to have to go through the same process twice, and I will endeavour to streamline the process. I am advised that the criteria for accreditation will be similar to the criteria for licensing, so it should not be an onerous process for an organisation to undertake the second process of accreditation if it wished to take part in the Hague intercountry adoptions.

The member for Swan Hills also raised her concern about the time it has taken to proceed with an application for a licence to run a private adoption agency in Western Australia. I am aware of the frustration that has been experienced by that applicant. Being the first application of its kind, it has taken longer than both parties had anticipated. The original application for the licence was lodged on 12 December 1996. Since that time, there have been a number of contacts, and

additional information has been sought. The Private Adoption Agency Licensing Committee sought additional information in July 1997. That information was received on 18 October 1997. Further information was requested on 18 December 1997 and was received in January this year. The committee met with the applicant on 25 March this year, and additional information was again requested. While I understand that this has been a frustrating process, because this is the first time that we have gone through the process of considering whether an organisation shall be granted a private adoption agency licence, it is important to ensure that that agency meets all of the requirements and that the best interests of the child are served. On the positive side, I am advised that the Private Adoption Agency Licensing Committee met last week and now believes it has all the information it requires to consider that adoption licence, and its recommendation to me as the minister is being formalised.

I assure the House that that application for a licence will not be impacted upon by this Bill, for two reasons. Firstly, this legislation is not retrospective, and that application was made under the Adoption Act 1994 and was lodged on 12 December 1996. Secondly, this legislation provides for a private adoption agency to be accredited to facilitate private intercountry adoptions with the Hague convention countries. I trust that I have been able to allay members' concerns about those two issues. This Bill is procedural legislation to take up the savings provision in the commonwealth legislation and enable state law to be applied to intercountry adoptions under the Hague convention.

The issues that have been raised in the stolen generation and child migrant inquiries should cause us all to be most concerned that the best interests of the child are paramount. The Hague convention provides that opportunity. The member for Armadale may be interested to know that the federal Attorney General stated in a press release earlier this week that the Hague agreement provides the potential for more intercountry adoptions because the countries that are signatories to that agreement have agreed to adopt certain formal procedures. Those countries have also agreed to ensure that the best interests of the child are paramount.

The accreditation process for an agency to conduct intercountry adoptions under the Hague convention will form part of the regulations that are being prepared. As I have said, accreditation is applicable only to the Hague convention intercountry adoptions, whereas licensing is applicable to all adoptions, whether intercountry or local.

I thank members for their contributions. All members agree that the best interests of the child must be protected, and I look forward to the best interests of the child being protected by this Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mrs Parker (Minister for Family and Children's Services) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Division 11 inserted in Part 3 -

Ms ANWYL: Clause 13 inserts a new division 11 in the Act with proposed section 78A - Arrangements for adoption. Division 11 deals with the adoption of a child in Western Australia who is to live in a convention country overseas. I am not clear why, given that we are adopting the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, we apparently have a different provision; that is, there is no such thing as a reciprocal arrangement between Australia and convention countries regarding what happens to Western Australian children. In my contribution to the second reading I said that Australia is more and more becoming a multicultural country - despite the wishes of some in the community. Why is Australia not considered a sending country? The minister referred to this in her second reading speech. To give the Chamber an example of where this could be a problem, when parents with relatives living overseas die in Western Australia, those relatives may wish to adopt the child as an orphan. How can we make this apparent assumption that it is better for a child to be adopted by people in Western Australia rather than by that child's relations overseas?

Mrs PARKER: In my second reading speech I said that it is a requirement of the Hague convention that signatory countries be considered both sending and receiving countries. Therefore, Australia is considered as both and provision exists for intercountry adoptions and for Australia to become a sending country when the adoptive parents live in another country which is also a signatory to the Hague convention. It would be an unusual circumstance and not the circumstances discussed by the member for Armadale. Under the Hague convention it is a requirement that there be no other possible kin to provide a nurturing family environment in the sending country before the child can be considered for an intercountry adoption. For that reason, it is unlikely that Australia would be considered a sending country but such unusual circumstances are possible where kin could be residents in other countries and the child could be considered for an intercountry adoption agreement. That is not in the spirit of the consideration mentioned by the member for Armadale.

Dr CONSTABLE: I share the concern of the member for Kalgoorlie. The tone of the second reading speech implies some sort of superiority about Australia and examples such as the one given by the member for Kalgoorlie need to be considered.

From the minister's answer I am not sure if children born in this country, whose parents are killed in a car accident and who have close relatives in another country, come under the Hague convention. The minister's second reading speech goes even further. This matter needs to be addressed in this committee stage. In her second reading speech the minister stated -

> In addition, as a matter of policy and practice, this Government will not consent to a child in Western Australia being adopted in an overseas convention country except in very rare and exceptional circumstances and only when it can be clearly established that such an adoption would be the best option for the child.

Perhaps the minister could give the Chamber some examples of these "rare and exceptional circumstances". This speech was written with the minister's agreement and she must have some idea of what a rare and exceptional circumstance might be. Could the minister further explain the policy to the Chamber?

Mrs PARKER: The issue is the policy. To be considered under the Hague convention requirements a child must not be able to be placed in a nurturing family circumstance in his country of birth. In Australia local families can usually be found.

Dr Constable: What about close relatives in another country?

Mrs PARKER: In my response to the member for Kalgoorlie I said the unusual circumstance would be where the kin lived in another country; the child would then be considered. It is not in the spirit of the considerations of the convention as referred to by the member for Armadale. In broad terms, the Hague convention applies to children with that disadvantage in the sending country. Generally in Australia children can be placed with local families. If the circumstance is that they have kin who live overseas, an adoption arrangement could certainly be made.

Dr CONSTABLE: I also asked the minister to give an example of what she would consider to be "rare and exceptional circumstances" as referred to in her second reading speech.

Mrs PARKER: Rare and exceptional circumstances would be circumstances I described and which were also raised by the member; that is, a child resident in Australia whose parents have died, who has no kin present and is not able to be placed locally or has kin who live in another country who wish to adopt the child into the kinship. That principle would apply whether or not the country was a signatory to the Hague convention. That is the unusual circumstance. Generally in Western Australia the policy is that children, particularly Aboriginal children, are placed within their kinship systems if possible. If that is not possible, it will be a culturally appropriate placement within an Aboriginal family. In that context, the unusual circumstance is that there are no kin in the country, but there are kin living overseas and it is preferable to place the child with the kin overseas rather than with a local family.

Ms ANWYL: In relation to proposed section 78A, assuming this were to occur, is the minister aware of situations in which this has been dealt with under existing laws? Will the minister describe the process the department goes through? The proposed section also states that the central authority of the convention country must agree to the adoption of the child, and so must the state central authority. There is a mechanism for the receiving country and the sending country to undergo that process. Would that decision be made by the minister, and what sort of involvement will the department have in that decision?

Mrs PARKER: Under the existing law if both parents of a child had tragically been killed, and if the child had kin in another country, that child would travel to the other country to reside with those kin. The adoption application would be made from that country. In that circumstance it would be supported by the department in Western Australia. They are the unusual circumstances that were not the broad consideration of the provisions made under the Hague convention that were illustrated by the member for Armadale.

Clause put and passed.

Clause 14: Section 130A inserted -

Ms ANWYL: This proposed new section relates to delegation by the state central authority. In what circumstances will that delegation occur? It clearly sets out the process whereby the minister will delegate to departmental staff, but I am concerned to know which staff of the department would receive authority pursuant to that provision. Will it be one person or a large number of people? How will it operate?

Mrs PARKER: The particular application depends entirely upon the functions. For example, there could be a delegation of some functions that are administrative and day to day. They would be delegated to an officer in the department.

Ms ANWYL: The processing of applications and administrative and secretarial duties might be one thing. I want to know exactly what functions are involved. Will only those matters be delegated or will the minister delegate her decision-making power to staff in the department? What safeguards are in place to ensure that does not occur?

Mrs PARKER: There is no intention to delegate that decision-making capacity for the higher-level decisions that must be made. It will depend on the functions, but currently the processing of applications and those sorts of things are done by officers in the department.

Clause put and passed.

Clause 15 put and passed.

Clause 16: Sections 136A to 136H inserted -

Ms ANWYL: Proposed section 136B sets out the mechanisms by which an order can be made for the termination of the relationship between the child and the child's parents in relation to simple adoption. I would like an explanation of the circumstances in which this could occur and what precedent exists for this in Western Australia now.

Mrs PARKER: This clause makes provision for the fact that in some countries an adoption order does not require severance of the relationship between the birth parents and the child, and it is referred to as a simple adoption. However, when an adoption becomes part of an intercountry adoption under the Hague convention, the amendment enables a party to the adoption - the adoptive parents, the birth parents and the adoptee - to apply to the Western Australian Family Court to convert the simple adoption to a full adoption whereby the legal parent-child relationship between the adoptee and the birth parents is terminated. Although it may be the practice in the sending country, if the child has been considered under the provisions of the Hague convention to qualify to be part of an intercountry adoption process, with Australia as the receiving country, this provision confirms that the relationship which was allowed to exist under the simple adoption arrangements of the sending country will be terminated in the receiving country. It will confirm the legal status between the adoptee and the adopting parents in the receiving country, which in this case is Australia.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Section 143 amended -

Dr CONSTABLE: This clause refers to the subject of accreditation, which was a matter raised during the second reading debate by a number of speakers. It needs some more clarification from the minister, particularly with regard to licensing under the current Act. It seems to me that, quite properly, the department and the minister have tried to be very thorough about the process for issuing a licence. It has not yet taken place, but the process has been in place for a while and one application has been made. Let us say that an applicant has a licence granted. The next thing it will need to do is to become accredited, which it would appear is another process. I would think it would be somewhat frustrating all round for the accreditation process to take another two years. It is a great pity that the two processes do not dove-tail or are not exactly the same. I would like an explanation about how the minister sees the matter progressing and becoming a streamlined process rather than one that might become time-consuming and cumbersome. The accreditation criteria were included as a schedule in the commonwealth-state agreement, so why was that schedule not provided in the legislation?

Mrs PARKER: The applicant is present and my advisers have been involved in the application process. The provision in law for the licensing of a private adoption agency in Western Australia came into operation in 1985, but it was only on 12 December 1996 that the first formal application was lodged. It has been a long process. I appreciate the member's support for the principle that we must ensure that the application process gives confidence that the applicant will be able to protect the best interests of the child and all the complex issues regarding adoption. If an applicant receives a licence to become a private adoption agency, the scope of the licence will be considered, but a private adoption licence applies to local and intercountry adoptions. Intercountry adoptions would occur also in respect of countries which are not signatories to the Hague convention. For example, negotiations at the federal level are taking place for a bilateral arrangement to be made with China. It is anticipated that bilateral agreement will come into place next year. It is a requirement of the Hague convention that an agency be accredited according to its criteria. I have undertaken that the criteria will be as similar as possible, and I am advised that they will largely be the same and there will not be a second, convoluted application process. In fact, the first applicant has paved the way. Other applicants for a simple licence will not need to go through the same process because we are breaking new ground and setting the process in place. For example, if a licence is granted, the licensed private adoption agency would apply to become accredited under the Hague convention. As I have said, I have given an undertaking that as far as possible we will streamline those two requirements. I am advised by parliamentary counsel that they cannot be one and the same, but the criteria will largely be the same.

Dr Constable: The criteria already exist in the schedule to the commonwealth-state agreement.

Ms ANWYL: The member for Churchlands has said that the criteria already exist in the commonwealth-state agreement. The briefing notes with which I have been supplied clearly state that the accreditation criteria are included as a schedule to the commonwealth-state agreement, which is an agreement between the States and the Commonwealth regarding implementation of the Hague convention in Australia.

Mrs PARKER: I am advised that the new criteria will be more comprehensive than the existing criteria. They are being drafted. The present licence application was made under the 1994 Act. I am advised that the criteria that have grown out of the federal-state agreement will be in regulations and they are still being drafted. Again, it is a matter of time. The regulations will come back to the Chamber for consideration.

Ms Anwyl: Will they reflect the commonwealth-state agreement?

Mrs PARKER: Absolutely.

Ms Anwyl: There has been a delay.

Mrs PARKER: As I explained to the member for Churchlands, the delay occurred because of the difficult task for parliamentary counsel to draft the Bill because it had to comply with the Hague convention, federal legislation and our own Adoption Act, which of course is comprehensive and complex. It has been a matter of timing. The regulations are still being drafted.

Dr CONSTABLE: I am having trouble with the minister's last comment about timing. I accept that it might have been a difficult task, but there has been plenty of time since 1 August for a draft to be tidied up. It has not happened only recently. Will the minister clarify whether our regulations for accreditation will be different from those in other jurisdictions in Australia, given that they are being rewritten, based on the criteria in the commonwealth-state agreement? How different will be the criteria for licensing and for accreditation? What differences will there be in the criteria? Roughly how long will it take for a licensed organisation to become accredited? What process will it need to follow? How long will it take, given that it will be the first process to occur? Great time and expense seem to be involved for bodies which apply for licensing and for accreditation. It would be annoying all round not only from the point of view of those applying but also from the department's point of view if the two processes duplicate each other too much. How will the system work when the accreditation procedures are in place?

Intercountry adoption is a serious issue, but so are many other issues in which Family and Children's Services is involved. It contracts out or provides support to non-government agencies, and that involves sensitive issues to do with children, dysfunctional families and so on. In many ways I would not regard those issues as more sensitive or more important, yet the minister provides funding for those matters and hands over responsibility for non-government agencies. I hope that, as a matter of policy and at least in principle, the minister will proceed so that licensing and accreditation of non-government agencies will be possible and that she will keep an open mind on it.

Mrs PARKER: Regarding the timing of the implementation of the Bill and the amount of time it will take to draft the regulations, which are not complete, the convention was ratified by Australia on only 25 August this year. The flow-on activity could not occur until after that. The regulations for accreditation between Western Australia and other jurisdictions will be largely the same. The difference between the criteria for licensing and for accreditation will be in relation to only Hague intercountry adoptions. It is difficult to say how long the process will take. In the licensing process, for example, information has been sought which has taken the applicants some time to gather. That is no criticism of the applicants. However, if the committee is to satisfy itself that procedures and protections are in place to ensure that the best interests of the child are being protected, as the member for Churchlands said, it is important to ensure that detail is in place and is comprehensive.

Dr Constable interjected.

Mrs PARKER: Absolutely not; it will be a much shorter time. I anticipate that an application for a licence will be made along with an application for accreditation and they will be considered simultaneously. However, I do not see the process taking 12 months because we have already broken new ground. A provision in law has been available in Western Australia since 1985 and this is the first ever application for an agency -

Dr Constable: Are organisations in other States accredited for licences?

Mrs PARKER: An organisation in South Australia is licensed for intercountry adoptions.

Dr Constable: For how long has it been licensed?

Mrs PARKER: From discussions about the present application, during which we were talking about protocols, it is my recollection that reference was made to the fact that it could be in the interests of applicants to make some contact with the South Australian organisation to see whether we could learn from the protocols it has in place.

Dr Constable: On the other side, has the department made contact with its equal number in South Australia?

Mrs PARKER: I am advised that that did occur.

Ms ANWYL: These provisions will be appended to section 143 of the existing Act which is the general regulations section of the Adoption Act. Given that the Act contains a whole part devoted to adoption agencies, why are we placing the power to make regulations for intercountry adoption private agencies in the catch-all regulation section rather than in the body of the private adoption agencies as contained in the Act?

Mrs PARKER: I am advised that it was on parliamentary counsel's advice.

Ms ANWYL: That does not assist me. It adds some currency to the suggestion that perhaps there is no intention to have private agencies accredited. It makes no sense to place those regulations under section 143 of the Adoption Act; that is, the general power to make regulations specifically in relation to fees, parentage testing, preparation of reports on parentage testing and regulations under the Family Court Act and the Family Law Act. It highlights concerns that the would-be private accredited agency has raised about the Government's philosophy on this issue.

Mrs PARKER: I am advised that parliamentary counsel proceeded along this path to keep all the regulation-making powers within the same place.

Ms ANWYL: It clearly does not do that because section 10 of the existing Act sets regulations as to private adoption agencies. It reads -

> The following matters in relation to applications under . . . are to be prescribed by regulations.

Then it lists from (a) to (i) the matters that are to be prescribed by regulation. That negates the minister's argument.

Mrs van de KLASHORST: Will the minister assure me that people in Western Australia who have applications for a licence now, will not have to start all over again for accreditation and that the work they have already put in for the licence will be taken into consideration if they must be accredited and that there will be no retrospectivity?

Mrs PARKER: Absolutely. I gave an assurance in my second reading speech that the application for a licence provided for in the 1994 Act will not be affected by this amendment and will proceed accordingly. The committee has advised me that it now has the information it deemed necessary to consider that application and is formalising its recommendation to me. If that licence is granted and the agency then wishes to apply for accreditation to manage affairs of intercountry adoptions with Hague convention countries, I have said that wherever possible that process must be streamlined and that the criteria for accreditation will be largely the same as that for licensing. In no way will anyone who has been party to the process of the licensing application want the process to be as lengthy as it has been.

Ms ANWYL: Can the minister tell us roughly when we will see those regulations? Can she also explain whether the criteria in those regulations will be similar to those of other States? Are negotiations ongoing? Given that there is already a schedule for the commonwealth-state agreement which sets out the accreditation procedures, I am unsure of the reason for the delay. Can the minister assure us that the criteria will be uniform between States? Will she be precise about the Government's attitude to private intercountry agencies?

Mrs PARKER: I am advised that parliamentary counsel advised yesterday that it would have the regulations ready as soon as possible, but it could not say when. The regulations must be in line with the commonwealth-state agreement. They will be largely similar to those in the other States. As I said, the facility for a private adoption agency has been available at law since 1985. The provision exists. The committee has been dealing with those issues. I have an open mind about the licensing of a private adoption agency. However, that open mind will always be subject to moderation in consideration of the recommendation. I do not know what will be the recommendation.

The application process has been very thorough. It will require that the best interests of the child must be considered. That is why that process has had to be so complex. By the time recommendations reach me, all those requirements will be satisfied as far as possible. I have an open mind. The facility is available at law and should be considered accordingly.

Clause put and passed.

Clause 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mrs Parker (Minister for Family and Children's Services), and transmitted to the Council.

SENTENCE ADMINISTRATION BILL

Committee

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 1: Short title -

Mr PENDAL: This is the only occasion I have to correct something that I said in my contribution to the second reading debate. I will be brief, and I appreciate the opportunity to place this matter on the record. During the second reading debate

I spoke about a sentencing disparity. I referred to the disparity in a case which went from the lower court to the Supreme Court, and a 12 years' imprisonment sentence was overturned by a Supreme Court judge and a 40-hour community service order was put in its place. In fact, the correct figure was a sentence of three years' imprisonment, not 12 years, ultimately overturned in favour of the 40-hour community order. A substantial disparity still appears to apply with three years' imprisonment at one end of the spectrum, being replaced in the Supreme Court by a 40-hour community service order. Nonetheless, the disparity was not as big as I was led to believe. I clarify that point for the record.

Mr PRINCE: The member and I discussed this matter privately after he spoke in the second reading debate. I pointed out a totally unintentional error had been made. The sentence term was changed from three years' imprisonment to a 40-hour community work order. I have no doubt that if one secured the reasons for that decision by the judge concerned, consideration would have been given to the fact that the person had served part of the three-year sentence before the appeal was dealt with. Undoubtedly, that service of part of the sentence was part of the rationale for reducing the imprisonment term to one of community service work.

Mr McGINTY: Given that we are discussing the title of the Bill, a preliminary matter was raised in the House yesterday; namely, the availability of figures compiled by the Ministry of Justice on increases in prison populations. Yesterday during the debate, the minister indicated that he would make the figures and estimates compiled by the Ministry for Justice available to members. We are aware that subsequently the Attorney General pulled the carpet from under the minister and effectively placed a ban on making the figures available. That is a totally inappropriate way for the Attorney General to act.

It is incumbent on the minister to inform Parliament on the effect of this legislation. A major effect will be, as we all know, an increase in the prison population. It is totally unreasonable to expect Parliament to debate and approve of a Bill when the Ministry of Justice has its figures on the expected impact on prison populations, particularly Aboriginal imprisonment rates. The minister has that information, but will not tell us. I ask him to table the information so that we can conduct this debate on the basis of knowledge.

Mr PRINCE: On the advice I received from officers, and from the Attorney General, the estimates prepared were considered to be insufficiently accurate to be tabled at this time. My adviser tells me that since debate last evening, more work has been done on the figures and the methodology involved. That work is presently with, or is on its way to, the Attorney General. As I said yesterday, I maintain that it is proper for the Chamber to have that information. Unfortunately, I regret that I am unable to provide it as I do not have it. However, if in the course of debate it is made available, I will provide it to the Chamber immediately.

Progress reported.

[Continued on page 4876.]

INTERNATIONAL DAY OF PERSONS WITH A DISABILITY

Statement by Leader of the Opposition

DR GALLOP (Victoria Park - Leader of the Opposition) [12.50 pm]: Today is International Day of Persons with a Disability. It allows us to recognise the rights and interests of those who have a disability. It allows us to recognise their right to participate in our community and realise their humanity to the best of their abilities. It also allows us to recognise the important role played by families and carers in ensuring that those goals are met. To these ends, the Developmental Disability Council has developed a politician adoption scheme. This allows politicians to learn and to help by linking with a person with a disability, as well as that person's family. In my case, I have adopted Michael Robertson of Victoria Park. He has a mild intellectual disability, but he is a highly valued member of our community. I take this opportunity to wish him well with all of his future endeavours.

HOMESWEST - ASSISTANCE TO LOW-INCOME WOMEN

Statement by Member for Fremantle

MR McGINTY (Fremantle) [12.52 pm]: On the last sitting day of Parliament for 1998, I would like to award a bouquet to Homeswest for an important initiative which will assist many low-income women into housing of their own. Homeswest has changed its policy to allow women who receive a modest divorce settlement, but who are otherwise low-income earners, to use that lump sum to acquire their own shared equity house under the Goodstart scheme. Previously, the Homeswest assets test would have left these women ineligible for assistance until they had spent their asset.

Homeswest Director of Financial Services, John Coles, is to be applauded for sponsoring the policy change which will provide security to women in this situation and also meet Homeswest's obligation to assist in the provision of housing to low-income earners. I also acknowledge the support of the Minister for Housing for this change.

Last week Mrs Noreen O'Connor, whose circumstances brought about the policy change, purchased her dream home in

Bassendean on a 60:40 shared equity basis with Homeswest. She is now looking forward to the new year in a new home. This is a great example of a proactive department recognising a real need and extending a helping hand. Everyone has emerged a winner. Congratulations to Homeswest.

PEDESTRIAN ACCESS WAYS

Statement by Member for Carine

MRS HODSON-THOMAS (Carine) [12.54 pm]: I raise an important issue affecting many residents who live in my electorate of Carine and those residents of neighbouring electorates who have pedestrian access ways adjacent to their properties. Whereas once pedestrian access ways were used by the community to walk safely through their suburbs, today by their very nature and lack of visibility they have become the breeding ground for anti-social behaviour, attracting graffiti, vandalism, gathering of gangs, distribution of drugs, unobserved access to homes, and, more particularly, they are used as a means of escape by thieves.

There is no doubt that pedestrian access ways have proved to be a planning failure, and I believe this premise can be supported by the fact that town planners no longer include pedestrian access ways in the planning of current suburban housing developments. The closure of these pedestrian access ways is being done intermittently by local authorities which have been lobbied by their ratepayers who have had enough and wish to reclaim their suburbs from those who flagrantly abuse them. A blanket closure would immediately remove areas from our suburbs that have become a haven for people wishing to participate in antisocial behaviour. I seek support for blanket closure of all pedestrian access ways. I am certain that the Western Australia Police Service would support the closures as there is no doubt they impede the police in their task of protecting the community.

JOONDALUP FESTIVAL

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.55 pm]: The inaugural Joondalup Festival will be held on 26, 27 and 28 March of next year. It promises to rival the very successful Festival of Perth. The festival begins on Friday, 26 March with a spectacular street parade around the city centre. Lighted figures will appear as if emerging from the ancient Lake Joondalup. These figures created by community workshops led by experienced float makers will explore themes of identity in a modern city in a modern land, ancient geology, geography, nature, reptiles, birds, mammals and people. After the parade thousands will be delighted by Joondalup's first street party. Joondalup streets are designed for a party; they are intimate in scale and friendly. Completing the entire event and building on the success of the trial night markets earlier this year, these markets will feature buskers, bands, regional produce, locally-created craft and international food stalls.

The ACTING SPEAKER (Ms McHale): I cannot hear the member and I therefore think that Hansard may be unable to hear him. The member's microphone is on. Perhaps he could talk to me rather than his standing orders.

Mr BAKER: Saturday, 27 March is dedicated to our young people. This day will be characterised by exuberance, controlled risk-taking and raw young talent, such as top bands, music fusion, extreme sports, mural arts, buskers and the Joondalup markets once again. Sunday, 28 March will create a family atmosphere with lots of activities, entertainments and an early but spectacular finale. Activities include continuous entertainment, children's activities, buskers, extreme sports once again, a public art trail, an evening featuring fireworks and the ever-popular Joondalup city markets. Sponsorship is available from corporate members of the community, the largest sum being $10 000, which will entitle the sponsor to have his or her logo on whatever advertising material he or she deems appropriate.

WA MUSEUM, "TAKING PRECAUTIONS" EXHIBITION

Statement by Member for Perth

MS WARNOCK (Perth) [12.57 pm]: I take the opportunity on the last day of this year's sitting to congratulate the Western Australian Museum on its wonderful small exhibition called "Taking Precautions" and to exhort colleagues and the public to make an effort to see it. It is, as the name might suggest, about the history of contraception and it comes to us from the Powerhouse Museum in Sydney, sponsored by Healthway, Play it Safe and the Family Planning Association. It tells us that there is nothing new about birth control and safe sex and that at least from the time of the ancient Egyptians people have been trying to control and regulate their fertility, using everything from magic charms and appalling potions to the 1960-invented pill. Women and men today have very great reason to thank their lucky stars that they live in these times and not in the times of their grandparents, when regulating their fertility was difficult, unpleasant and often extremely unsuccessful. Men will be intrigued to check out the kind of device used by Casanova, and there will not be many who regret the passing of the good old days. This is a compact, fascinating and extremely important exhibition that looks at an often private but very significant part of our social history. See it and take the children too. A happy Christmas!

MARLSTON HILL DEVELOPMENT, BUNBURY

Statement by Member for Bunbury

MR OSBORNE (Bunbury) [12.59 pm]: There comes a time in the history of the development of regional cities when years of careful planning and preparation suddenly seem to come together in a phenomenon which could be described as take-off. This has recently occurred in Bunbury. The Marlston Hill development in Bunbury was recently awarded the significant honour of being the recipient of the best country development award from the Urban Development Institute of Australia. The judges decided that it was the best country development for the revitalisation of an urban area throughout the whole of Australia. The development of Marlston Hill has brought together the CBD and the new part of the city. I congratulate the Minister for Lands, and more particularly Ross Holt, the CEO of LandCorp; Mr Mike Maloney and Louise Ainsworth from LandCorp; and the Bunbury City Council for providing the principal energy behind the development. In addition, I thank the South West Development Commission. As I say, we have recently seen an explosion of the City of Bunbury. An article by Stephen Scourfeld in the *Big Weekend* of 21 November expresses surprise at what was once a dowdy and unregarded country town becoming a vibrant, upmarket and very modern regional city.

Sitting suspended from 1.00 to 1.30 pm

SENTENCE ADMINISTRATION BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Mr McGINTY: We had been discussing the effect of this legislation on the prison population. I appreciate that the minister said that at this stage he will not make available the calculations of the Ministry of Justice, but I ask him to identify those factors in the legislation that will lead to an increase in the prison population.

Mr PRINCE: It is not that I have said that I will not, but I cannot because I do not have the figures. I had a very brief conversation with the Attorney General during lunch and I hope the figures that will identify the matters raised will be available this afternoon.

The member raised matters relating to the abolition of home detention, work release and some other issues. The officers in the department have been working on those matters to try to provide the figures. I do not know whether the Attorney General has agreed to release those figures, but I hope to supply them later today. As a consequence of the changes to work release and home detention, there could be an increase in the prison population. However, in any event, those matters are often a relatively short precursor to parole. If there is an increase, I suggest it will be relatively small in terms of bed days.

If at some later stage the Parliament fixes by motion a sentence for a particular offence, and that sentence is longer than the current average, it will result in an increase. However, that is always the case whenever the Parliament determines to change sentences in any criminal law. It is a matter of speculation because we do not know what changes may be made by motion at some future time. I am now advised that the Attorney General has agreed to the release of some information, and the officer who was with me in the Chamber last night will bring that from the department. It should be here within 10 to 15 minutes and it will be given to the member as soon as possible.

Mr McGINTY: In light of that undertaking, I thank the minister and will leave to one side the probing of that information and wait until I have received the document. I hope to be able to read it when there is a break in the committee proceedings for question time today.

I understand that under the current system parole is for a maximum period of two years, and that is on the basis that if a longer parole period were prescribed, in many cases it would lead to failure. This legislation will allow for a longer term of parole to be served. Will the minister explain how it will occur under this legislation, and will he give examples of how it will apply to short or long sentences? Is it a matter for the discretion of the judge, or will it be contained in the statute as it is at the moment?

Mr PRINCE: Under the current system, for a sentence of, for example, six years or less the judge will indicate whether a person is eligible for parole - which is largely the presumption - and the person will serve two years, less the statutory remission under the Prisons Act, which is also being abolished, and will have two years as a form of supervised parole in the community. The other two years of the sentence is remitted.

Mr McGinty: Are the statutory remissions still current?

Mr PRINCE: They are either going or they have gone. Remission on the minimum term was abolished earlier, and remission on the head sentence will be removed as part of this legislation. They amount to only a few days over a period of some years. Under this legislation, the same person in the same circumstances, if given a sentence of six years, will serve three years before parole can be considered. It can be considered only if the judge directs at the time of imposing the sentence that the person be eligible for parole. The decision on whether the person will be released on parole the day after he has served three years is a matter for the Parole Board. It may agree or not agree. If the Parole Board agrees, the person will have two years maximum of supervised release on parole and the remaining year will be unsupervised.

Mr McGinty: Which clause prescribes the maximum period of supervised or non-supervised parole?

Mr PRINCE: The table in clause 28, which is titled "Parole order (supervised), nature of" illustrates the parole term, parole period and supervised period. The maximum supervised period, irrespective of the term, is 24 months.

Mr McGinty: So there cannot be a supervised parole period greater than 24 months?

Mr PRINCE: That is correct. There can be an unsupervised period greater than 24 months.

Mr McGinty: What is the effect on the parolee of supervised versus non-supervised parole?

Mr PRINCE: The standard obligations are contained in clauses 29 and 30. They are, largely, a carryover of the existing situation, and effectively are a rewrite of the present position. Obviously the Parole Board can put in any others it deems fit, which it does from time to time.

Mr McGINTY: What is the impact on parolees of unsupervised parole, particularly whether there is a difference if they breach parole or commit an offence?

Mr PRINCE: The only condition that applies in the unsupervised period is that the parolee must not be convicted of any offence for which he will be imprisoned. If the parolee is imprisoned for any offence, his parole is cancelled and he will serve the balance of his term.

Mr McGinty: I do not think that is quite right. It is only if someone is imprisoned for an indictable offence that he serves the balance of the term without any consideration of parole.

Mr PRINCE: If someone winds up going to jail whether or not for an indictable offence - a number of traffic offences are indictable - his parole is cancelled and he serves the balance of his term. If someone is convicted of an indictable offence either during supervised or unsupervised parole, he cannot be re-released on parole. If a person is jailed for six years for burglary and comes out on parole after three years, and completes part of that parole period - whether supervised or unsupervised - and in that period is convicted of a drink driving offence which is a second or subsequent offence, he receives an automatic jail term. He will be jailed and his parole will be cancel. He may be reconsidered for parole, because it is not an indictable offence. However, if the same person who has been convicted of burglary - whether on supervised or unsupervised parole - then commits an indictable offence for which he will go to jail, he cannot be re-released by the Parole Board on the burglary term. There maybe other considerations after that time has elapsed, for the further offence for which he has been in jail, which has taken him back into jail for the second time.

Mr McGINTY: I will give a real life example and ask the minister to explain how the new Act would operate for this person. This is the case of a well-known Western Australian, Ray Mickleberg. The minister will recall that in March 1983 he was convicted of the Perth Mint swindle and sentenced to a term of 18 years' imprisonment with a nine and a half year minimum term. He was released on parole in October 1991 once he had served the non-parole period. He was then on parole for a period of two years, until October 1993. In the future, he will be required to serve half his term before he is eligible for parole. That happened to be the order in his case, so there is no change there. However, he would remain on parole - supervised for the first year and unsupervised for the balance. Under the new proposal he will remain on parole seven years longer. If he commits an indictable offence and is jailed during that period, his parole will be cancelled. What if he is convicted of an indictable offence? How do we justify leaving someone on parole for nine years and in jeopardy for that period - in light of what the minister has said? The second point is that in Ray Mickleberg's case, three months after he had finished his two-year parole period - on 12 January 1994 - he was charged with shoplifting from Woolworths in Karrinyup, and he was convicted of that offence. He stole $33.23 worth of goods - two Oil of Ulan moisturisers, one Kit Kat chocolate and a can of Rid insect repellent. Shoplifting is a crime at the absolute bottom end of the scale, but it happened only a few years ago. He was convicted. What is the impact of that conviction for an indictable offence? As it turned out he was fined and not jailed, but can the minister confirm that had he been given a short, sharp sentence by the magistrate in effect he would have been required to spend up to nine and a half years in jail on account of stealing a Kit Kat?

Mr PRINCE: That raises a number of matters. Although shoplifting was an indictable offence, and notwithstanding Coles and other retailers would say it is not at the bottom end of the scale - that is beside the point - it is unlikely that a person who shoplifts in those circumstances will be jailed unless he has a significant record for doing so or he is deemed to be a professional shoplifter.

Mr McGinty: That is the reason I raised the example. It was an enormous sentence.

Mr PRINCE: Yes, but in relation to another matter. It is inconceivable that a magistrate would do that to a first-time shoplifter even with such a prior criminal record. I have mentioned my client with the murder conviction and the subsequent relatively petty stealing offence. It was a similar situation. If the magistrate determines not to imprison, there is no breach of parole as long as it happens outside the supervised period. If the Parole Board, in releasing the person on supervised parole, says, "It is a term of your parole that you do not commit any offence at all", the mere fact of having committed a minor offence could be a breach of parole. That is up to the conditions that are specified at the time. The commission of an indictable offence in the supervised or unsupervised period that does not take a person to jail does not automatically breach parole. However, if a person goes to jail, that is an automatic breach of parole. If he goes to jail for an indictable offence, he cannot be reconsidered for parole for the offence for which he was then on parole and must serve the balance of the term, but he is given credit for the period that he has served. That is a change from the pre-1988 situation, as I recall it, when somebody who had say, four or five years' parole, would do two and a half years, do something silly, wind up inside, breach parole and have to start again, so he got no credit, which is how we wound up with those huge "we owe the Parole Board X number of years" exercises which caused the 1988 Act to come into play. If the person does not commit an offence that is of such seriousness that he goes to jail, the probability of his being in breach of parole would be minimal. I obtained the information from the Attorney General.

Mr McGinty: I am delighted. One can commit an indictable offence even when on supervised parole?

Mr PRINCE: Yes, but if the Parole Board, as a condition, notwithstanding what is in the Act, says, "You will not commit any indictable offence", and he does, it will be a breach of his parole and it will be up to the Parole Board to breach it; it is not an automatic breach. Jail is an automatic breach irrespective of any board decision. I have been given a paper from the Attorney, which states -

> **(1) ABOLITION OF HOME DETENTION AND WORK RELEASE**
>
> A total effect of 71 beds was estimated based on the fact that currently some 71 prisoners are on either of these two orders at any one time. The greatest effect would be in the first year after proclamation (40 beds) specifically as a result of the abolition of home detention for prisoners sentenced after the proclamation of the new legislation. The other 31 beds will be needed over a period of years as, although current prisoners would still be eligible for work release, this will not be an option for prisoners sentenced under the new legislation.
>
> **(2) EFFECT OF CLAUSE 49 - PROHIBITION OF THE PAROLE BOARD'S ABILITY TO RECONSIDER PAROLE WHERE AN OFFENDER HAS BREACHED PAROLE BY AN INDICTABLE IMPRISONABLE OFFENCE.**
>
> It is known that 452 persons in 1997/8 breached parole by re-offending. A sample of 10% (45) of these persons was studied. Of these some 16% (7) breached by an indictable offence for which they were imprisoned and on average they would have had to serve an additional 12 months on their original sentence had the new legislation been in effect. This is an average figure - the actual additional time to serve for the sample varied from 1 month to 4 years. All of the above is on the assumption that the new sentence would **always be served concurrently** with the balance of the old.

That is a reasonable assumption. The paper goes on to state -

> On this basis some 72 additional prison beds would be required. If the legislation was enacted early in 1999 the effects of this additional bed demand would begin to be felt at the beginning of the 2002/3 financial year, and would most likely accumulate to its peak of 72 over two years. Some 40 additional beds are already in use as a result of tougher breaching action by the Parole Board.
>
> All of this may vary depending upon the future behaviour of prisoners on parole.

Mr McGINTY: I again refer to the Mickelberg example. It seems that the nine years that someone was on parole in the Mickelberg example is an inordinately long time. Eight or nine years in jail, as in the Mickelberg case, for a relatively minor offence is a extremely long period. In fact, it occurred with the shoplifting case.

Mr Prince: The likelihood of a serious offending that will take the person to jail is highly improbable. It is possible but it is improbable.

Mr McGINTY: Is it all that improbable that a magistrate might have given Ray Mickelberg a short, sharp period of imprisonment?

Mr Prince: Yes, it is. All the readings on sentencing that I have seen in the past 10 or 15 years have strongly suggested that a short term of imprisonment does more harm than good because the threat of imprisonment is of more deterrent value than

the experience. Three months in jail, particularly for a young person, simply shows that it was not as bad as it was feared. Therefore, the concept of a short, sharp term does not work. That is largely why magistrates and judges moved away from the practice of 14 days or 28 days in jail 20 or 30 years ago. Now we rarely see sentences shorter than six months. As the officer reminds me, we cannot impose a sentence of less than three months. It is highly unlikely that anybody will use the short, sharp sentence rationale. It will perhaps be caught by a mandatory imprisonment - for example, section 49 of the Road Traffic Act - or where the offence warrants a jail term.

Mr McGINTY: In the Mickelberg case, the shoplifting was accompanied by an assault on the store security officer. I would have thought that that combination of events made prison a very likely option.

Mr Prince: It does.

Mr McGINTY: Mickelberg could still be in jail today with many years still to serve because of a relapse involving a Kit Kat bar.

Mr PRINCE: The officer confirms what I had suspected. If there is an indictable offence such as stealing - the Mickelberg case is a good example - and the person is not jailed for that but in the course of that criminal conduct he punched the female security guard, who winds up with a broken nose - in other words, a relatively serious assault, but not indictable - and is sent to jail for that assault, the fact of jail breaches parole. The indictable offence not having been the thing that took him to jail means that he may still be considered for parole again by the Parole Board at a future date. If, however, in the course of whatever the criminal conduct may have been, out comes a knife and a wounding occurs, that is an indictable offence for which the person goes to jail, and that is it - parole is cancelled.

[Questions without notice taken.]

The CHAIRMAN: I remind the member for Fremantle that we have been debating the short title of the Bill for 20 minutes, and that if he wishes to talk about probation and other things, he should wait until we deal with the other clauses.

Mr McGINTY: The minister and I have discussed a range of in-principle issues that we may be able to dispose of up-front, and we intend then to move through the Bill with great expedition.

We have been dealing with the impact on imprisonment rates. The minister has tabled a document which is quite different from the internal work that has been done by the Ministry of Justice. This document identifies two impacts on the imprisonment rate as a result of these changes: The abolition of home detention and work release will require an additional 71 beds; and a further 72 additional prison beds will be required because of the operation of clause 49, which prohibits the Parole Board from reconsidering parole where an offender has breached parole by committing an indictable imprisonable offence. If we work on the basis that it costs $62 000 a year to keep a prisoner in a maximum security prison in Western Australia, the additional cost of those two items is $8.8m. In the calculations done by the Ministry of Justice on the impact on the rate of imprisonment, what other factors were identified as representing either an increase or a decrease, or a likely increase or decrease, in the prison population as a result of the operation of this Bill?

Mr PRINCE: The member has assumed that a person who would otherwise be on home detention or work release would now be in jail, and that that would cost $61 000 per annum per prisoner. If the people who are presently on home detention or work release were in jail, they would be in a minimum security prison, and that would cost not $61 000 a year, but about half of that amount. In minimum security prisons, particularly Pardelup, which I know relatively well, Wooroloo, which I know less well, and Karnet, the running cost per prisoner is much less than in Albany Regional Prison, which is maximum security, or Casuarina Prison, which is from where the cost of $61 000 per year comes. The member's calculation is not necessarily accurate, and I hope the member accepts that.

I am unable to tell the member what other factors in this legislation may lead to the requirement for additional prison beds. All that I have, as a result of the member's request yesterday, is that which I have read into *Hansard*. I have not tabled the paper, because apparently I cannot do that.

Mr McGinty: It is not much!

Mr PRINCE: That is the best that I can obtain at this time. I have no doubt that this matter can be pursued by a number of means; and the member would not expect me to tell him how.

Mr McGINTY: That might well be the case, and I can assure the minister that there are a variety of areas in which the Attorney General will be compelled to produce that document.

Mr Prince: I cannot compel him.

Mr McGINTY: I know but it is disappointing that on the last day of the parliamentary sitting, when we are dealing with very serious legislation, the Attorney General is withholding from public debate - and, more particularly, parliamentary debate - some very important information that should be in the hands of Parliament when dealing with this matter. What issues in this legislation, apart from those now quantified by the Ministry of Justice - the abolition of home detention, work release

and return to prison with no prospect of parole of a parolee who commits and is jailed for an indictable offence - will lead to an increase or decrease in the prison population? Perhaps the removal of presumption in favour of parole is one of those factors, and perhaps toughening the conditions of parole by the Parole Board is another.

Mr PRINCE: Having pondered on that question with my adviser, the only thing he and I can think of is the release program order which is a new innovation that has not been carried over from previous legislation. If it is breached it leads to a fine, and if the fine is not paid and other methods of recovery are not effective, the person could land up in jail. That is the only one I can think of. Because that form of order has not been used before, there is no data to work from. It would be hypothetical to calculate, and would require a number of presumptions to be made on how many people might be on that order and how many might fail. It would be getting into the area of guesswork rather than an educated progression.

Mr McGinty: Is it possible to look at the removal of the presumption in favour of parole, which is a much trumpeted aspect of this legislation, and try to quantify the impact of that?

Mr PRINCE: That, again, will be difficult because it depends upon how the Magistrates' Courts deals with these things. I make the point - I am obliged to my adviser for having obtained this information for me - that the Supreme Court deals with 600 offences a year which is 0.4 per cent of the offences committed in this State in a year. The District Court deals with 4 000 offences, or 2.5 per cent of the offences committed in this State each year; the Magistrates' Courts deal with 135 000 offences, or 84.6 per cent; and the Children's Court deals with 20 000 offences, which is about 12.5 per cent of the total. It will depend very much on how the magistrates, the District Court judges and, to a much lesser extent, the Supreme Court judges use the ability to determine that someone is eligible or ineligible for parole, as opposed to the way in which it currently operates. That, again, requires someone to guess. To a large extent that is not known, although an endeavour could be made to work it out. I am aware that the member wants a dollar value at the end of the day related to additional beds, but that will be difficult to calculate without making a number of presumptions, all of which can be challenged as premises to an argument. It can probably be said that the methodology of any one of the ways in which this could be done would be, to some extent, flawed. I am speculating because I have not seen any calculations to that effect. I do not know what the result could be. Answering the question would require someone to go through that process.

Mr McGinty: Presumably the Ministry of Justice has done something along those lines.

Mr PRINCE: It may well have done in working out estimates but, if it has, I do not have and cannot give the member that information because it is not available to me. Even if it were, it would be based on a great deal of assumption which in itself can be challenged or debated.

Mr McGINTY: I want to deal with the case of a person who has escaped from custody and query whether that person will be eligible for parole again. We have dealt with the issue of a person who is jailed on an indictable offence when that person is on parole. He will be returned to jail and not considered for parole until the expiry of the original term. Will an escapee be returned to jail for the totality of his term and be treated similarly, or is escape from prison treated as a less serious offence than stealing a Kit Kat bar?

Mr PRINCE: I know a person can be charged for escaping legal custody under the Police Act, the code and the Prisons Act. If we are talking about a person who is a sentenced prisoner and who escapes from a minimum security jail -

Mr McGinty: Ryder is the current example.

Mr PRINCE: Yes, he is the current example and a couple of others escaped from Pardelup Prison two or three weeks ago by walking out. These things happen from time to time. That would be a charge under the Prisons Act more than likely, although the person could be charged under the code.

Mr McGinty: The Bill states in clause 49 that it does not matter if these things are an indictable offence or otherwise.

Mr PRINCE: We are talking about the escape charge itself. Whether it is an offence under the code or the Prisons Act, I understand it results in an automatic cancellation of parole. If the person is sentenced to a further three months detention for escaping legal custody, which is a fairly common penalty, there can be no suggestion of parole for that sentence.

Mr McGinty: Why?

Mr PRINCE: Because it is a matter of good policy that a person should not be paroled for part of a sentence imposed for escaping legal custody.

Mr McGinty: I cannot find that in the Bill.

Mr PRINCE: The person is not on parole when escaping legal custody; he is in custody. Assuming that person is given a concurrent term of imprisonment for escaping legal custody - if it was cumulative, it would be a different exercise - when it has been served that person may be eligible for consideration for parole. It is stated in section 89(4) of the Sentencing Act that a parole eligibility order must not be made in respect of a prescribed term. Section 85 of that Act defines "prescribed term", among other things, as a term imposed for escaping lawful custody.

Mr McGinty: Under this legislation, an escapee would be eligible for parole but a person who committed an indictable offence would not. That is an inequity.

Mr PRINCE: I do not think so. Under the current law such a person is in custody, whether he has one day before he can be considered for parole, or many years. If that person escapes legal custody, he has committed an offence of breaking out of the custody into which the State has placed him through its judicial process.

Mr McGinty: A relatively serious offence.

Mr PRINCE: I think it is a quite serious offence. It is getting at the very nature of the reasons for the person being put into custody in the first place and, consequently, all prisoners are dangerous when they escape. A person could be imprisoned further for the escape, which invariably happens, and that term of imprisonment would be concurrent on the parole period, but cumulative upon their minimum term, which is normal and will happen under the new law. For example, let us consider our six-year man - six years, done three, escapes legal custody at two, gets an extra six months, will do three plus six months before being able to be paroled, and then at the discretion of the Parole Board. If a person has been sentenced to six years, the Parole Board might say, "After three years you may be given parole." The concept of parole is that one is a sentenced prisoner in jail, but because one has done this or that program, that anger management course and so on, the board might say, "We consider that as a result of all the reports about your character, the way you have behaved and the way in which you are endeavouring to reform yourself, you can be let loose in society again earlier than would otherwise be the case, on condition. That is your parole. You have made a promise. Breach it and you will come back." We must remember the nature of parole.

Mr McGINTY: If the minister wants the legislation to be tough on people who abuse their parole or do something such as escape lawful custody, and if he is to remove the possibility of parole in certain circumstances, appropriately tough legislation would also remove it from escapees, particularly in the current case of Mr Ryder. I would have thought that, if anything, his behaviour would have justified his forfeiting parole - I would certainly appreciate the minister's comments on that - compared with the hypothetical Mickelberg case with which we dealt a few minutes ago.

Mr PRINCE: It will depend on individual cases. According to what I have read in *The West Australian*, Ryder has been a recidivist criminal since his early teens. He has escaped legal custody. When he is apprehended he will undoubtedly be charged with not only escaping lawful custody but also any other offences that he might have committed while he has been out, and he will be imprisoned for further periods, whatever they may be. That is appropriate because of the nature of the offence that he has committed. I am not sure whether he, on his present sentence, has been declared eligible for parole.

Mr McGinty: He most probably has.

Mr PRINCE: He may or may not have been. If Justice Murray's remarks are reported correctly in *The West Australian* - Justice Murray being a former crown prosecutor and so on - it is unlikely that he would have been given eligibility for parole, but he might have been. It is an almost exceptional case in which a judge says, "You are a menace to society and you should be locked up." More often than not it is the sort of case that leads a judge also to say, "I declare that you are not eligible for parole." Clause 16(b) of the Sentence Administration Bill states -

> the behaviour of the prisoner when in custody serving the sentence in so far as it may be relevant to determining how the prisoner is likely to behave if released on parole;

The Parole Board is likely to look sideways at someone who has escaped legal custody and say, "You are probably a lousy risk on parole", unless there are extraordinary extenuating circumstances, which happens from time to time and we might wind up with a technical escaping of legal custody, if I may put it that way. For example, a person might simply overstay his welcome while being taken to the dentist and turn up a little later, as opposed to the person who breaks out and keeps going. The Parole Board will take account of those matters and they will vary from case to case, but the Parole Board, having the power and obligation to consider behaviour in custody, will be able to take account of people who break out. Without cogent advice in the sense of psychologists' reports and so on that the person's character and behaviour and so on are such that he is likely to have undergone a damascene conversion, he is be unlikely to get parole. A person such as Ryder would be unlikely to get parole.

Mr McGINTY: I return to the point about someone who is on parole and therefore at risk of return to prison for a period longer than two years. In many cases, such people are doomed to failure. If I may refer not necessarily to Mr Mickelberg but to the circumstances of someone who was sentenced to 18 years in 1983, under the new Act he, although released on parole on October 1993, would still be on parole today and in fact would remain on parole until 2001.

Mr Prince: Yes, except it does not apply to him because he has finished.

Mr McGINTY: Yes, but using his circumstances -

Mr Prince: Someone who was sentenced after the Bill becomes law, yes.

Mr McGINTY: They would still be on parole many years - perhaps a decade - later in those circumstances.

Mr Prince: Yes, but able to change jobs, change residence and to travel outside the State.

Mr McGINTY: At risk of being returned to prison?

Mr Prince: Only if they commit an offence which puts them back in jail.

Mr McGINTY: An indictable offence?

Mr Prince: No, an offence which puts them back in jail - another offence.

Mr McGINTY: The minister should check that because I do not think that is right.

Mr Prince: I am right. Any offence that jails someone cancels his parole.

Mr McGINTY: But he is still eligible for parole -

Mr Prince: If he is back in jail as a result of an indictable offence he is not eligible to be considered for parole again on that parole term.

Mr McGINTY: That is the point that I was making. One might be ineligible for release on parole for a decade for a relatively minor offence.

Mr Prince: I suppose that is the case.

Mr McGINTY: In light of all the experience of anyone who has ever dealt with this matter - the minister as a solicitor in Albany and I as a member of the Parole Board - that is far too long to keep people on parole. In light of our discussions, will the minister consider, with the Attorney General, amending that provision so that we do not have the absurd situation of people being on parole for a decade or more and at risk of being returned to prison?

Mr PRINCE: I understand what the member for Fremantle says. We would wind up going back to the formula, and instead of one-third, one-third and throw the other third away, we would have half, two years and throw away the other, whatever it is.

Mr McGinty: What is wrong with that?

Mr PRINCE: It is wrong in principle because nothing should be thrown away. Does the member understand that? It gets a bit silly. Let us refer back to the six years. At the moment, in effect, we have two years in jail, two years on parole and that is it. The sentence, irrespective of the fiction of six years, is actually four years, two of which are inside and two of which are not. Under the new law, a person who is sentenced to six years will do three; then he may be considered for parole and the period of parole will be two years - that is five years - and he will then have one year unsupervised parole, and that is the end of his sentence of six years. The member for Fremantle would sentence him not to six years but to five years, because he would then serve three years in jail, two years on parole and then finish. When we had the pre-1988 system in place, judges and magistrates would say, "I sentence you to five years; twelve months' minimum." The person then went part way through a long parole period, breached it, went back inside, came back and the whole of the parole was deemed to be unserved, so it simply accumulated. The 1988 Act overcame that to some extent but it created another problem. For example, we are saying that a person's sentence should be six years of their life surrendered to the State. We are then saying that not less than half of that will be the maximum form of surrender to the State by being locked up in a jail. Part of the other half - no more than two years - will be a form of big brother looking over the shoulder while living in society. That is called supervision. The remaining period, whether it be one year or five years, will be spent under licence by privilege. It is a privilege to be living in society. When that period is passed the number of years of life surrendered to society in a confined or lesser confined way will have been discharged. The debt will be paid.

It makes no sense to have any form of remission in that equation because remission is only there as a reward for good behaviour. Remissions do not work that way any more. In the management of the internal workings of prisons, withdrawal of privileges is much more effective. That facility was not available prewar; there was a different regime. Now we have different methods of management within jails. We should not have a remission system. Remissions are a hangover from the past. If there is to be any form of remission period, sentencing should not be for that long.

In this clause we are saying offenders should serve whatever is the sentence, whether it be in close confinement or just on trust at the end of the sentence. It assumes the offender will not do anything so wrong as to cause a court to send him back to jail. That is a progression from the total confinement of maximum security to being an ordinary citizen unless an offence is committed for which a judge or magistrate will impose another sentence.

Mr McGINTY: That was a good effort, but I am unconvinced. I refer back to the Ministry of Justice and suggest that the figure will be significantly greater even on these two criteria than has been indicated. I refer to the second dot point on the page under (2) where consideration has been given to people on parole who have breached and been jailed for an indictable offence. Consideration has been given only to the first two years after they have been released on parole.

Mr Prince: That is all the parole is at the moment.

Mr McGINTY: Under this new scheme it might be for a decade.

Mr Prince: That is still highly unlikely.

Mr McGINTY: I appreciate those figures will taper away; but the figure will be greater because of offenders who are jailed for indictable offences which are committed while they are still within the terms of their imprisonment, but after their parole is finished. Does the minister concede that these figures are an underestimate on that account if on no other?

Mr PRINCE: It is not a matter of concession. These figures are worked out on what is happening now and what happened in the immediate past few years regarding sentencing practice. We can only speculate as to what will occur in the future - by "the future" I mean five years. The Attorney General has agreed to a review clause being inserted by legislative amendment, which is a good move.

Mr McGinty: Are we dealing with it here?

Mr PRINCE: It is on the Notice Paper. It involves a review after four years which will be tabled in the fifth year of the report. That is a good move because I suspect - it is more me speculating than anyone else - that judges and magistrates will change their sentencing methods, as I expect them to and as they usually do in line with changes in society as well as changes in the law. We probably will not have as many long sentences, such as 18 years with parole, so the person is then eligible for parole after nine years with two years on supervised parole and the other seven on unsupervised parole. The judges will consider that and probably conclude that is not necessarily a reasonable outcome for many people. They will probably make the head sentence shorter because they will know that the whole of the sentence they impose comprises some form of sentence, punishment or supervision close to being almost free.

Mr McGinty: I am sure the Deputy President would be delighted to hear that when he heard that the head sentences would be approximately one-third -

Mr PRINCE: I have no authority for this published by a judge or magistrate. However, they have always said, "We don't take into account the 1988 Act, which is a third, a third, a third." They would be less than human if they did not know that six years meant two years, or 12 years meant four years. It is inconceivable that they do not realise that; they do.

Ms Anwyl interjected.

Mr PRINCE: The lawyers understand this, but the general public does not.

Ms Anwyl: What about your view?

Mr PRINCE: The general public then says that sentence is not enough; six years is not six years; it is two and the judge should be sentencing somebody to six years. We are changing the law so that we wind up giving the judges the ability to fix a head sentence that is appropriate, half of which will be served in jail, two years on supervised parole and the remainder of the sentence, whether it be six months or six years, in a much less supervised form of release. It is still a sentence. It will be a problem for that criminal only if he commits another offence that is serious enough to cause him to go to jail. It must be remembered that jail is used as the last resort. Many other sentencing options can be used. The Mickelberg case was a classic; notwithstanding a stealing charge and being charged with assaulting a security officer, I think he was put on a bond of good behaviour. That was the judgment of the magistrate of the day.

We are considering a person who commits an offence of such seriousness that a sentencing court - whether it be the Supreme Court, the District Court or the Magistrates Court where most offenders will be - will say it has no option in this case because of the facts, the circumstances and the record other than to send that person to jail. If that means the person has blown his parole and has to serve another two years or whatever the case may be, being given credit for whatever time has been done, so be it. He chose to commit the crime.

Mr McGINTY: I noticed the comments in the paper last week from the Dean of the Law School of the University of Notre Dame. Can the minister assist us in this debate by advising whether Professor Craven was right in his criticism?

Mr PRINCE: The first stage of the matrix is data collection, the second stage is the publication of the imprisonment pattern set out on the matrix and the third stage is the setting of benchmarks. I do not think Professor Craven realised that the third stage of setting benchmarks will be done by regulation in both Houses.

Mr McGinty: That is not regulation.

Mr PRINCE: It is a regulatory form of making legislation in the sense that it is subordinate and perhaps he thinks that regulations cover the size of sewerage pipes and are tabled but nobody does anything about them. The regulatory mechanism to be implemented after a motion of each of the Houses of this Parliament will require someone to move and, I imagine, second a motion, and a debate to be held, before it is passed. During that process it will be subject to amendment that will

involve both Houses. We will use the normal parliamentary, legislative process to fix benchmark sentences. Rather than have that done by way of amendment to a section of the Criminal Code, which takes months to prepare, it is to be performed by the more simple process of writing a motion. That may well be somewhat more complex than most of us would be capable of doing; nevertheless, it will be a motion which will be readily understandable by members of Parliament and members of the public. It will indicate that it is the Government's intention, to which Parliament agrees, that the benchmark sentence for, say, motor vehicle theft shall be three or six years' imprisonment or whatever. People will see that Parliament is debating the matter at the Government's behest. It is something that the Opposition or any member can move as a private member's motion. It will make the process for fixing benchmarks transparent.

In that sense Professor Craven was perhaps thinking the process was more akin to the run of the mill, and relatively innocuous, regulations made more by the bureaucracy than anyone else, which are tabled and passed without any form of parliamentary scrutiny or debate. I know of no other process of the nature proposed here, other than possibly the major amendment under planning legislation.

Mr McGinty: They are still disallowance matters.

Mr PRINCE: Yes. It is a little similar as it is a subordinate legislation exercise subject to debate and scrutiny. It is the only one of which I can think which is similar to what is proposed in this Bill. Professor Craven's remarks were interesting, but perhaps he was not as well informed as he usually is.

Mr McGinty: How would you categorise them - misleading, false?

Mr PRINCE: No. I would not say that about anyone unless that person were prepared to say to me that he or she was deliberately trying to mislead, or produce a falsehood. That is part of the definition of both misleading and false. Perhaps he is not as well informed as is the member for Fremantle.

Clause put and passed.

Clauses 2 to 29 put and passed.

Clause 30: Parole order (supervised), additional requirements -

Mr PRINCE: I move -

> Page 20, after line 5 - To insert the following paragraph -
>
> (b) requirements to protect any victim of an offence committed by the prisoner from coming into contact with the prisoner;

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 to 100 put and passed.

Clause 101: Monitoring equipment -

Mr PRINCE: I move -

> Page 61, line 27 - To delete "6 months" and substitute "12 months".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 102 to 104 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

MR PRINCE (Albany - Minister for Police) [3.26 pm]: I move -

> That the Bill be now read a third time.

MR McGINTY (Fremantle) [3.27 pm]: I take this opportunity to summarise some of the concerns expressed by the

Opposition during the course of this debate. It is well accepted by everyone who has anything to do with the parole system that in many cases, if not most, to leave a person on parole for two years or more, at risk, if offending, of returning to prison if the initial sentence was imprisonment, is too long. It is wrong to move from the current law under which a maximum time a person can be on parole is two years, to the new measure under which somebody might be on parole for a decade, as in the example given. This will unnecessarily clog up our prisons.

I have no difficulty with being tough on people who represent a threat to the community. Such people should be told that they have forfeited their right to serve out the balance of their sentence in the community if they constitute a real threat. I give a petty, but real life example: Someone who steals a Kit Kat from the supermarket could be put back in prison for nine or nine and a half years, which is an absurdity I would not want to entertain. By contrast - this shows the inequity in the legislation - someone like the current escapee on the run, Mr Ryder, will not forfeit parole. The legislation is poorly considered in this sense: People who commit a serious offence and represent a real threat to the community, such as an absconding prisoner, will not be denied parole; however, someone who commits a minor offence may be denied parole. If someone commits a serious indictable offence, I am the first to admit that he forfeits the right to serve out the balance of the sentence in the community. This legislation is more about the rhetoric of crime and punishment than seriously applying a system which is internally consistent and proportionate. Therefore, I suggest that the minister should review the decision and perhaps discuss with the Attorney General the appropriateness of retaining the current maximum period which people can spend on parole. If they can last for two years, they should be given every encouragement to stay out of prison rather than run the risk of being returned to prison for what can in many instances be a minor offence.

The second point I make is that we have seen the ministry produce some very limited figures on the impact on the prison population. What they show is that 143 extra beds will be needed to cater for two things: Firstly, the abolition of home detention and work release; and, secondly, the fact that people will be returned to prison and not be eligible for parole if they commit an indictable offence for which they will be jailed. I have already pointed out, certainly in respect of the second matter, that they are under-estimates, because at the moment if one breaches one's parole by committing an indictable offence for which one is jailed, that can occur only for the first two years after one is released from prison on parole. As I pointed out, under the new scheme, once a person is released on parole, he is at risk of being returned to jail for up to perhaps 10 years. It is quite feasible that that will be the case, rather than having a maximum. Therefore, the estimate from the ministry is a conservative one.

We also need to factor in the increase in prison population on account of the reversal of the presumption in favour of people being granted parole, and the stricter conditions that will be applied. It causes me considerable concern that this will inevitably lead to a dramatic increase in the Aboriginal imprisonment rate in Western Australia. They will be the people who will be most adversely affected by this. That is the last thing that we need to see. The minister has not tabled the figures on Aboriginal imprisonment rates; the minister has not tabled the figures on all those other elements of this Bill which will see a growth in the prison population.

I assure members - I mean this as a direct criticism of the minister who is representing the Attorney General in this House - that we will pursue every available parliamentary avenue through the upper House, where the Government cannot arrogantly ignore the will of the House and the proper procedures, to ensure that the public is fully informed, and that the Attorney General's attempt to cover up the Ministry of Justice's estimates of those figures will not prevail at the end of the day. Those figures will be made available, and we will ensure that they are made available. That is one of the disappointing aspects of this debate. When we debate these matters in the House, we should be debating them on the basis of all the information being available so that we can then sit down and apply our minds to it.

This legislation is born of the arrogance of a Government that is not prepared to listen to reasonable suggestions on this legislation. The blanket refusal to produce the Ministry of Justice's calculations of the impact of this legislation is an example of that, as is the failure of the Government to consider not putting people out when they are certain to fail, with 10-year parole periods and the like. The current prescription is that the maximum period that a person can be on parole, and therefore at risk of being returned to jail, is two years. I think that is reasonable. It is not a matter of being hairy chested or tough or full of bravado. If we have something that might work, and all of the experts in the field say that it is reasonable, we should adopt it. The minister himself has used the language that to give someone a parole period of more than two years will doom them to failure. This legislation gives some people a 10-year parole period during which they are under risk of being returned to prison. It is silly to go down that path and to do something which we know will fail in order to achieve some poll-driven imperative for the Government, and try in that sense to portray this legislation as being about tough sentencing when in fact it will mean a significant reduction in the head sentences that are proposed.

In dealing with this matter, we must recall that we have had unprecedented criticism of this legislation by the entire judiciary in Western Australia. It is my view that the absolute breakdown in relations between particularly the Attorney General, but on the other hand the Government, and the judiciary -

Mr Prince: That is not quite correct. The Supreme Court does not like it; the District Court is happy about it, with the omission of the parole side of things; and the magistrates have not been asked.

Mr McGINTY: Who in the judiciary supports the matrix, including the magistracy? I would be absolutely amazed if there is one person. What we have are all the superior courts in Western Australia, down to a man and a woman, saying the Government has got it wrong.

Mr Prince: There has not been any consultation with them.

Mr McGINTY: No. They are saying the Government has got it wrong. If the Government expects the judges to just carry on like good little boys and girls and do their jobs, best of luck to it. The minister is a braver man than I am, Gunga Din. I conclude by saying that we have reservations about the workability of this legislation. In respect of the legislation that we are about to deal with, we will be raising a number of concerns about the matrix, which I think should be subject to significant parliamentary scrutiny, and I am sure that it will be. With those comments, I indicate our general support for the thrust of this legislation.

MR BRIDGE (Kimberley) [3.36 pm]: I was correctly reported in *The West Australian* this morning as asserting that this was a political stunt. I said that yesterday and I meant it. There is no doubt about it. When the senior players in the judiciary say that we have got it wrong, my position is shown to be correct. They are the people with the knowledge; they are the people who are able to assess the correctness or otherwise of impending law; and if, in their judgment, it is incorrect, it is remiss of us, as legislators, to introduce a law which is considered by the experts to be wrong. It is that principle that I criticised yesterday during the second reading debate. That remains my position on this legislation.

I did not enter into any discussions in the committee stage, because I have now adopted an attitude in my parliamentary career as an independent member of Parliament that if a bad piece of procedure or a bad piece of law is being debated and one is being called upon to share in that process, one should not do so. One is tampering with something that is not right; therefore, one should not tamper with it.

I will give a perfect example of how one can achieve success without tampering with it. In the eastern States there is a procedure called the Murray-Darling ministerial cap on water extraction from the Murray-Darling system. The Watering Australia Foundation found this year, in assisting the irrigators of New South Wales, that a significant principle was at stake. This cap could conceivably have caused the demise of the livelihood of thousands upon thousands of farmers in New South Wales in particular, and in many other parts of Australia. Over the past couple of years the practice was for organisations throughout those areas to work and tamper with this system in their best endeavours to try to change it. Invariably, the issue was getting away from them, because as they compromised a bad procedure, they gave ground, and they consolidated that procedure one step further by setting in concrete the formal nature of it.

We made a decision during this year that we would not operate that way. We decided that we would highlight the principle, and we would fight that principle at the highest level, without any compromise. In the past two weeks the ministerial council on the Murray-Darling has agreed to a review of the process. It has agreed that the nature of its current structure needs to be revisited in its entirety. That is why I believe we must not engage in these sorts of practices when we know that by chipping away at the edge we are dealing with bad law. I have taken the view that if a law is bad, one says so, as I did yesterday, and one makes oneself abundantly clear and then hopes that processes out and beyond this Chamber may bring some good sense into play. I repeat, we are going down the wrong track.

There is no doubt that issues need to be addressed, and that the community is seeking protection and comfort. We will not achieve that by the introduction of bad laws but perhaps we may through the refinement of the existing law and getting the operational factors within those existing laws to work better out there in the community. It was revealed here all through yesterday, and it is said outside and beyond the walls of this Parliament, that there is a breakdown in the system. Let us identify the breakdown and revisit it if need be and put it into a whole new structural plan. That is what we must be doing, not introducing a new law and then because we have done so say that it will appease the people out there.

I feel that more harm than good will come out of this whole process as a result of these two pieces of legislation. I regret that. As I said some years ago when I was in a party that talked about the introduction of stiffer penalties, I did not like it. I said that at the time, and look at the consequences today. What did that do for the State? Did it bring about a massive reduction in crime because people would suddenly be scared of higher and stiffer penalties? In no way; if anything, it probably increased defiance towards the government decree on those sorts of issues. As a result of that, here we are now still playing around and trying to deal with what seems to be law and order getting out of hand. We will not deal with it and achieve results through this sort of process. I repeat, I do not like it. The principle of this law is wrong and I will not support the process.

MS ANWYL (Kalgoorlie) [3.42 pm]: Having been able to listen to the committee stage of this debate, my comments are still predicated on the fact that Parliament is none the wiser about the Government's intention with this legislation. We were privy to the public split that seems to have developed between the Premier and the Attorney General, as reported in yesterday's media. The Premier was clearly on the record as saying that this legislation would facilitate tougher sentences by early next year. On the other hand, the minister handling the legislation said that that is not right and that it is part of a three-stage process. I know that we will move into the matrix in greater detail.

Mr Prince: The matrix is part of the other Bill.

Ms ANWYL: I know that. We are also being asked to consider the Sentence Administration Bill with an absolute paucity of information, as pointed out by the member for Fremantle. I will make one illustration of that. In my earlier speech I quoted from the report of the Standing Committee on Estimates and Financial Operations, which as the minister will know wishes to look at alternatives to imprisonment. Its report sets out in some detail some statistics about imprisonment rates, the cost of imprisonment and so forth. I received today the most recent report from the Crime Research Centre. Unfortunately, I have not yet had an opportunity to digest it because I received it at about 2.30 pm or 3.00 pm.

Mr Prince: I received my copy last night. I have not digested it either. It is a very learned tome and quite detailed.

Ms ANWYL: That is right. I do not criticise the minister for not having digested it because, as he has said, it contains a lot of information. We had some brief discussion yesterday about Aboriginal imprisonment rates and how the Sentence Administration Bill would affect them. If the minister looks at the statistics provided in the report of the estimates committee, he will note that they specifically quote the Ministry of Justice 1997-98 annual report on Aboriginal imprisonment rates. The figures contained in that are quite different from those in the Crime Research Centre report. We had an exchange yesterday about figures and so forth. The minister's understanding was that it was in the range of 41 to 45 per cent.

Mr Prince: Roughly.

Ms ANWYL: I accept that it is rough, but the report of the Ministry of Justice states that it is something like 33 per cent. This underlines the difficulty that we as legislators have. We are being asked to make decisions about a person's liberty. I can recall as a very junior practitioner in this State being involved in the preparation of documents for an order nisi review, which is what one had to do to get someone out of custody. Frequently one would have to do that where one was dealing with justices of the peace in the country because often that was all that was available when it came to sentencing prisoners. As a result, justices of the peace had a reputation, certainly in the 1980s, for being much tougher with imprisonment than magistrates. The point of my anecdote is that at that time I can recall being advised by the senior practitioner for whom I worked that it was really important to have the documents done on the exact day because one day in custody was one day too many. As a student of criminology during my university years in Victoria I frequently visited jails. I majored in criminology. I spent a great deal of time talking to prisoners in those jails with much younger and less jaded eyes than I have now. I can recall appearing in the Supreme Court and in one case in which an appeal from a decision of a single judge ended up in the Full Court. Again, the solicitor for whom I worked impressed upon me, and I can recall his arguing this to the three justices of the Full Court at that time, that one minute longer in custody than somebody must do by law is too long. I think we would agree.

Mr Prince: That is right.

Ms ANWYL: I am pleased the minister agrees on that principle. If we accept that as a fundamental principle, with this legislation, in the absence of proper evidence, we are about to condemn lots of people to much longer than one minute, one hour or one week in jail. As has been suggested by the report of the Chief Justice, we may be doing so unconstitutionally in the matrix side of sentencing.

Mr Prince: Inherent in everything you have said is that you regard a prison sentence as being the sentence that a person serves in custody and nothing more, yet as a matter of law it is the totality of the sentence, whether in custody, on work release as it is at present, or on parole as will happen under this legislation through a very unsupervised form of release. The totality is the sentence. However, you, like I and like many others, regard only the time spent in jail as the sentence. That is the general public perception.

Ms ANWYL: I am cognisant of those matters. One of the most grave results of this Bill is that the Government is abolishing work release and home detention. I am cognisant of the fact that those are sentencing options and part of a sentence.

Mr Prince: I am trying to say that another way of putting it is this: Parole is not freedom. Only when the total time of the sentence has elapsed is the person free.

Ms ANWYL: I accept that. The point I am making is that the hard end of all that is once people are in custody. As difficult or not difficult as parole orders may be - the whole parole area is under-resourced - the time that really deprives a person's liberty is when that person is in custody. Does the minister accept, as I do, that no-one should spend any longer in jail than their sentence? Let us remember that many people are in custody prior to being sentenced, because there are remand prisoners.

Mr Prince interjected.

Ms ANWYL: It cuts it out, but it is small comfort to those people once they are acquitted of the charges, because they have already spent a long time in custody.

Mr Prince: That is another issue.

Ms ANWYL: It is, but let us remember that our jails house many people who are yet to be convicted of the crimes for which they are charged. In that context, which is the deprivation of liberty, the justices in the sentencing report have expressed some serious concerns about judicial delays in the sentencing system. With the exception of the fast-track, early plea of guilty system there are some real concerns, particularly as they relate to country circuits. The minister and I are both country legal practitioners. We are used to putting up with things that city people do not encounter. This legislation will impact not only upon sentenced prisoners but also upon prisoners on remand.

Mr Prince: I do not know whether the member is correct. Having appeared mostly in Albany and Bunbury, and rarely in Esperance and Perth, one can almost invariably get the matter on earlier in Albany than in Perth. Bunbury has an almost continuous circuit, but Bunbury has always been over-treated. It varies from place to place, and according to some extent to the time of year. There tend to be more cases at some times of the year than others. I accept the general view that delays, particularly in sentencing, are not good. Anybody who is in custody awaiting sentence should be dealt with as fast as possible.

Ms ANWYL: Kalgoorlie-Boulder has a problem at the Magistrate's Court level.

Mr Prince: Do you have two?

Ms ANWYL: We would like two. A resident magistrate has just been injured seriously for the second time in a motor vehicle accident. People are waiting for lengthy periods, including several Ministry of Justice employees who are suspended without pay waiting for hearing dates.

Mr Prince: Are they in custody or on bail?

Ms ANWYL: They are on bail, but I am pointing out that that is one of the repercussions. At one stage Magistrate Lane was resident in Kalgoorlie on a half-time basis. Since her departure there has been no formal arrangement. We have visiting magistrates who cover the situation when the resident is on circuit to Leonora, Laverton, Kambalda, Coolgardie and Norseman. In addition, he sits in the Court of Petty Sessions sitting as the Family Court. He has a huge amount of Wardens Court work to do, and he runs a Children's Court. We need another magistrate. The public focus on serious crime, but many people are in custody for crimes that are dealt with in petty sessions.

Mr Prince: Of the 135 000 cases, over 80 per cent are dealt with in Magistrate's Courts and less than 0.4 of 1 per cent of all charges are heard in the Supreme Court.

Ms ANWYL: We also have a serious problem dealing with superior court matters because of the large number of criminals dealt with at that level. Almost every year since I have been in Kalgoorlie there have been extra sittings of both the District Court and Supreme Court to deal with the backlog.

Mr Prince: Would you normally have four circuits?

Ms ANWYL: It varies. The length of sittings varies more - sometimes we will have one, two or three week sittings. The compounding factor is the courthouse facilities at Kalgoorlie-Boulder. The minister will agree that there are many inferior courthouse facilities in country areas. Kalgoorlie-Boulder is one of the busiest courts yet no additional facilities have been provided for many years.

Mr Prince: Not like Bunbury.

Ms ANWYL: No. As a practitioner having appeared in both courts it was a joy to appear in Bunbury Court compared with Kalgoorlie. The trouble is that even when an extra judge is made available we do not have the court facilities. I checked this with a couple of senior members of the judiciary only last week, and it is an impediment to dealing with the long list that we have. Obviously the situation in Kalgoorlie is different from Albany, Bunbury and so forth.

Judicial delay is a real cause for concern. As the Labor spokeswoman on Family and Youth I have particular concerns about the increased costs associated with imprisonment - notwithstanding that the Government has been unable to quantify those costs. It seems that the so-called social welfare area is often the first to receive some pruning when times are difficult. I had the privilege recently of attending a lecture by a visiting professor of social work from the University of Washington, Seattle, Professor Richard Cattalano, who gave details of the cost of prisons to the State of California - it was something like $5.5b. It is difficult to believe, I know, but that is the cost of imprisonment in California. The American three-strikes concept in some States means that if someone commits three serious felonies he is in jail for life.

Mr Prince: The population of the State of California is over 50 million. The figure is huge but the population is also huge.

Ms ANWYL: Yes, and the obvious question is what is the budget of the State. However what that professor related, and what I can confirm, is that various Governments, whatever their political persuasions, often have difficulty finding the money at the preventive early intervention stage, and the larger the prison budget gets - notwithstanding the minister's comments

in the second reading speech on the privatisation of prisons legislation - as we spend more and more dollars at the top end we will have fewer and fewer to prevent people getting into the system in the first place.

Mr Prince: It is always a matter of balancing resources and arguably the resources used at the beginning are better spent, although it is difficult to measure the result.

Ms ANWYL: We should discuss this later because the US has developed clear measures for that. We know from the Auditor General's report on young people who are unable to live at home that was tabled in Parliament last week that of the young people - 12 to 17 year olds - in state care almost one-quarter already have some involvement with the criminal justice system. We are not slow at identifying the nature of risk indicators. However, we are a bit slow at identifying the protective factors that can be set up. For example, Kalgoorlie-Boulder has four times the state average of the consumption of intravenous drugs. We know we have a lot of drug use in my community and that is one factor which has some relation to whether young people take drugs. If plenty of drugs are available on the street corner, kids are more at risk of assuming that sort of behaviour. We know from some United States research that drug use decreases where communities take on the concept of proactive drug policing. I acknowledge that some early attempts are being made by drug action groups to halt the prevalence of drugs. Where the community takes a proactive stance, to the extent that elderly people are prepared to sit on street corners, the street drug trade has decreased.

As a result of the research which has been conducted, we know that has a direct correlation. In Western Australia, we are a bit behind in monitoring those protective factors but the TVW Telethon Institute for Child Health Research is good at identifying those early risks. Only this week Professor Zubrick from the institute talked about the need to partially focus this debate on preventative factors. However, I have not noticed the Premier doing a lot of that. In the media the Premier said that tougher sentences would be finalised early next year and introduced into Parliament under this sentencing legislation. One has to ask if the minister's scenario is right. I cannot quote from the *Hansard* but the minister's speech suggested that we would have to monitor and collect the data and until we did that we could not move into the next phase. I am left with some doubt about how we, as legislators, can make a decision without knowing the data. The judiciary has been calling out for the data for many years and yet this legislation is being passed.

MR PRINCE (Albany - Minister for Police) [4.01 pm]: I thank members for their cooperation in the passage of this legislation, for the debate which has been germane, proper and not repetitive and for assisting the Government by agreeing to the legislation being debated cognately.

Question put and passed.

Bill read a third time and transmitted to the Council.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL

Second Reading

Resumed from 29 October.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 1: Short title -

Ms ANWYL: During the second reading debate of this Bill, time prevented us from dealing with everything which needed to be dealt with. I have some general questions. At page 17 of his report Chief Justice Malcolm states that the judges -

> . . . would welcome the opportunity for constructive discussion regarding the measures which the courts themselves could adopt which would deal with many of the issues which are currently dealt with in the Bills.

Assuming these pieces of legislation pass through the other House, what will be the mechanics for ongoing constructive discussion? Will there be such a thing and why did this not take place before?

Mr PRINCE: I do not share the view of the member for Fremantle that if the judges do not agree with this, it will not happen. If this measure is passed into law as it should, and will be, by the other House because it is what the people want, the Chief Justice, the justices of the Supreme Court and the Chief Judge and the judges of the District Court will obey the law because it is as it is written. The implementation of the legislation will require debate and discussion at an administrative level between the Attorney General or officers from the ministry and the administrative staff, the Chief Justice, the Chief Judge and the Chief Stipendiary Magistrate. Clearly some discussion and debate is needed about the actual process by which this is to be done, particularly the matrix, the method by which the data is to be recorded at the time of sentence, the method

of transmission and collation of that data and its transmission to the ministry for collation and production in an understandable form. That is the first step in the matrix concept and system. I have no doubt that this will take place a short time after passage of the legislation but I cannot tell the Chamber how long it will be. The Chief Justice, the Chief Judge and the Chief Stipendiary Magistrate will be involved in the development of any regulations which may need to be formulated concerning the form to be used for collection of data or something of that nature.

Ms ANWYL: The judiciary has expressed concern about what it claims to be a potential for interference with court procedure. As the minister will know, the present arrangements are that the courts can by way of rules of court and practice, make rules relating to the internal workings of the court. The judiciary have raised a concern that -

> The provisions regarding the requirements of sentencing reports and other matters to be prescribed by regulations constitute a substantial interference with this power and jurisdiction.

They continue under the next point -

> There is a substantial question whether the various reporting requirements sought to be imposed upon Judges by the reporting requirements contained in the proposed legislation may be the subject of constitutional challenge as representing an attempt by Parliament to impose upon Judges executive or administrative functions incompatible with judicial independence: cf *Kable v Director of Public Prosecutions* (1996) 189 CLR 51.

What assurance can the minister give members of this Parliament that this legislation is constitutionally valid? Has advice been obtained on this point given that the report of the judiciary has been in the Government's hands for over a week? If legal advice has been obtained, will the minister detail its general thrust? I realise that the minister cannot table that opinion.

Mr Prince: There is none.

Ms ANWYL: If there is not, how can Parliament deal with the legislation when a unanimous report of the judges of the Supreme and District Courts of Western Australia has raised the possibility that the nature of the matrix legislation might be unconstitutional?

Mr PRINCE: The Chief Justice's assertion that there may be an element of unconstitutionality in the matrix legislation, as the Attorney would say, is a novel idea. I do not know whether he would agree with that - in fact, I am sure he does not. However, to answer the specific question, to my knowledge no advice has been sought on the unconstitutionality point raised by the Chief Justice. I am advised by the gentlemen sitting with me at the Table that to their knowledge no such advice has been obtained in the past seven days. What is required to be collected by way of information is largely what judges and magistrates do when sentencing anyway. They usually repeat the aggravating circumstances, the mitigating circumstances and the facts of the case and other matters that are particular both to victim and to perpetrator of the offence of whatever nature it may be, and it is that form of data that is sought to be collected. Magistrates, judges and justices are already doing that, but they are doing it in a particular form in a prose sense when reduced to writing. I think that I am right - my advisers will correct me if I am wrong - that we are seeking to be able to collect data in a matrix in a grid format. That is what it comes down to.

It does not involve the bench - whomever it may be - doing anything other than what they are already doing from the point of view of the reasoning process concerning sentencing or the factors that they take into account. We are asking them to record information in a particular way so that it can be collected and collated at a central point. That will create a true and accurate picture of sentencing practice in this State in relation to certain offences, categories of people, whether they be male or female, ethnic origin, age, category of offence and so on. All the matters that the member would have been accustomed to putting before a court, whether it be a stipendiary magistrate or Supreme Court judge, by way of mitigation in sentence are what one would expect to see recorded in that way, as would be the matters put forward by a prosecutor and the matters that the judge considers to be germane to the sentencing process. Often judges properly comment on the public view with regard to a certain sentence. The reasoning process that judges go through requires them to consider a raft of issues. The matrix requires them to reduce that to a form of data which are able to be collated at a central point and in due time to produce a report in grid form to show what are the tariff sentences in particular, what are the discounts and additions for aggravating and mitigating circumstances, and what allowance or otherwise is made for age, gender and so on. All those things are being done now, and we are asking the judiciary to reduce them to a particular form. With the greatest respect it is probably non unconstitutional, but that may be a matter that others will judge.

The CHAIRMAN: I remind members that we are still debating only the short title and that we should not have a general debate.

Ms ANWYL: The report is persuasive in that a unanimous view has been expressed by the judges that there may be a constitutional breach. If I had a particular matter of law on which I was seeking an opinion, I could not think of a better way to get an opinion than a unanimous report from the senior judiciary in this State.

Mr McGinty: Does the minister not agree with that?

Mr Prince: That is a reasonable proposition. I seem to recall the Master of the Rolls, Lord Denning, commenting to the effect that he remained sanguine in the thought that he was right and the appeal courts were wrong.

Mr McGinty: Is that what happened in respect of native title?

Mr Prince: What Justice Lee has done can be described only as novel.

Ms ANWYL: I now refer to the alleged inconsistency of sentences. Some comments by senior members of the Government in the public arena suggest that to some extent there is inconsistency. The number of appeals on sentence that are mounted is set out at page 6 of the Chief Justice's report. The minister will agree that, given the number of sentenced prisoners in Western Australia, the number of appeals is low, and certainly the number of successful appeals is extremely low. In the Supreme Court there were 32 appeals and applications for leave to appeal against sentence, of which six were allowed, 25 were dismissed and one was varied. In the District Court there were 78 such appeals, of which 17 were allowed, 56 were dismissed and five were varied. Interestingly, in the Children's Court, about which we hear so much in the media, there were only three appeals from sentence, of which two were allowed and one was dismissed. In terms of inconsistency, the Director of Public Prosecutions and defence counsel do not consider there to be huge inconsistency. Certainly, from the perspective of the Appeal Court there does not appear to be a huge number of successful appeals. Does the minister maintain that there is inconsistency in sentencing? If so, what is the source of his evidence for that, particularly given that we have such difficulty in obtaining evidence about sentences, as has been alluded to by the Chief Justice?

Mr PRINCE: I must make a few brief comments about that matter. The number of appeals that are brought is not necessarily representative of the inconsistency of sentences and judgments that are made by the courts in this State. It should be but it is not. That is because there are umpteen examples - any practitioner in that jurisdiction will be able to think of them - where the advice has been, "You should appeal this because", and for all sorts of reasons, usually lack of money, lack of legal aid or lack of ability to bring an appeal, the client says no. There is no data on how many such cases there might be. Undoubtedly some counsel will tell clients that they should appeal, genuinely believing that to be the case, when any dispassionate observer would say, "No, because what you got was within the tariff and within the allowability." Personal factors come into it as well. I have so advised many people and I have had senior counsel's advice to appeal, but they have said that they could not get legal aid to do it - I am talking about 10 years or more ago - that the family could not afford it, or that they just did not want to. There have been a stack of reasons. Therefore, there were no appeals.

Mr Baker interjected.

Mr PRINCE: Yes. In an ideal situation everything that is appealable would be appealed. That is not the case. I have no idea how many appeal out of the cohort that should. I suggest the number is relatively small. I take issue with the use of appeal figures to indicate there is inconsistency. It is common knowledge, particularly among lawyers who practice in the criminal courts, that some judges have certain views in certain cases. In receiving a sentence one might be better off before Judge X than Judge Y. That is recognition of human differences between judges. Is that something that should be countenanced? We have a degree of sophistication in our society whereby we should be able to be more consistent about these matters without being mechanistic. There should be an ability to be able to be more consistent. My experience is that the magistracy would like that, especially as some tend to operate as single individuals, particularly country magistrates, who do their best to stay in touch with their brethren, but it is not easy.

Regarding the remarks of the Chief Justice, the Court of Criminal Appeal has had the capacity to give guideline judgments since 1994. On about a dozen occasions the Director of Public Prosecutions has asked for guideline judgments in certain areas. Not one has yet been given by the Court of Criminal Appeal.

Ms Anwyl: In what areas were they?

Mr PRINCE: One that comes to mind involved sentencing for drug trafficking. Another involved burglary. It is all very well to say we can achieve consistency by other means. However, for four years the Court of Criminal Appeal has had in law the capacity to do it and has been asked to do it and has refused. It could say that it refused because none of the cases involved sufficient justification for doing it or the circumstances did not warrant it. In the volumes of paper the adviser has, under the heading "Guideline judgments proposed by the Crown in Western Australia" reference is made to sexual relationships and suspended sentences, fraudulent activity, domestic violence and indefinite sentence of imprisonment. Not one has been issued. There is a widespread public perception that there is inconsistency in the criminal law. We know that. The matrix system will lead to greater consistency. That is its virtue.

Ms ANWYL: In terms of the framework proposal for this gathering of data that will occur so that we can as a Parliament move to the next stage and have regulations, although it is not right to say the whole Parliament initially has input into that process, what will be different about the manner in which this statistical information will be collected? I refer particularly to comments in the report of the Chief Justice about the cessation of the Australian Bureau of Statistics data in 1989 and the frustrations that have been experienced in terms of comprehensive statistics. The Judicial Commission of New South Wales is pointed to by the Chief Justice as an example of a place in which comprehensive statistics are gathered. What will change

as a result of this legislation? I am also mindful that the Crime Research Centre report, which was released today, contains figures for 1997, but now we are at the end of 1998. Will the gap between when figures are available be closed so that we do not have a year's delay as occurs now?

Mr PRINCE: I understand the Crime Research Centre has drawn together available crime and justice statistics for the calendar year 1997.

Ms Anwyl: The Ministry of Justice works on a financial year.

Mr PRINCE: I know. The centre has worked on a calendar year because it enabled it to include police statistics and the ABS data however that is collated. I am sure the ABS data is more of a survey rather than a collection of all data. That covers the period not quite 12 months ex post facto. It is very useful and interesting, particularly from a trend point of view and as a good planning tool. However, from the point of view of response, 12 months is a long time. We want to be able to get some detailed sentencing information and then be in a position to publish it fairly rapidly so that everyone can see what is happening.

I made some remarks yesterday about the way in which the activities of the courts are reported in the popular media. I did not make them by way of criticism but by observation that "news" in the current affairs sense in Australia, as it is in America, the United Kingdom and all similar places, is a form of entertainment and is treated as a short grab on television. There is very little extensive treatment of cases. A court case is not amenable at any time to a short grab particularly when presented in a form that seeks to entertain by grabbing the viewer who is holding a remote control ready to skip channels.

That is no way for the courts to be judged. However, it is the way the courts are being, and have been, judged. No amount of effort by anybody has been able to turn that around. We should be able to publish in a totally defensible way data showing what factors are taken into account and the results that can be used by the public to make informed judgments without their having to wade through umpteen pages of each decision or judgment of each court in this State - Supreme, District, Magistrates' or Children's Courts - which is the sort of thing lawyers do, we do it selectively. The Attorney General wants to publish some detailed sentencing information next month. He wants to be able to do that for six months; that is, for March to September of 1998. That will be the beginning of this process. With the matrix in place we will collect better data, collate it and publish it. I would like to think that is not a threat to the people who sit on the Bench but is an accurate reporting of what is occurring.

The number of times I have had this conversation privately, usually in social surroundings, with magistrates and judges at which time they bemoan the way in which court cases are reported is legion. This is a way to represent in a shorthand fashion, but with accuracy, the manner in which the Bench reasons in coming to a sentence so that it is understandable. That is much of what is behind this.

Ms ANWYL: I raised the resourcing issue during earlier debate. I draw the minister's attention to the remarks of the Chief Justice. Another report was released by the judges of the District Court to which I draw the minister's attention. The last page of the second report read -

> A practical result of the imposition of a sentencing matrix on the lines proposed must inevitably, for the reasons outlined above, call for an expansion of judicial resources. The Judges of the District Court are proud of their work ethic and efficiency but could not cope with the demands of the matrix system unless there is a significant increase in their numbers and court facilities.

The minister has not been able to provide any costings, with the exception of $140 000 relating to work release and home detention, or figures on the prison system and how it will survive. Can the minister now provide any costings? Has any logistical work been done on how many more judges will be needed, given earlier comments about the Kalgoorlie Courthouse not coping already, and an increased problem with delays. The minister cannot give any answers regarding prisoners and costs. Can the minister provide any information about the cost to the State of these laws regarding judicial resources? Legal aid cost is another aspect. The annual report of the Legal Aid Commission identified that it suffered a $1.3m deficit last financial year. Can the Minister give any idea of the cost of all these aspects to the State?

Mr PRINCE: The member just won the trifecta! I cannot give any estimates or costings - not because I do not wish to, but because I do not have them. I do not know whether the work has been done.

Ms Anwyl: Will it be done?

Mr PRINCE: Hang on. I am aware that the District Court believes more judges should be appointed.

Ms Anwyl: The lower courts too.

Mr PRINCE: That should be debated with the Attorney General. That applies not only to the individual judges, but everything which goes with the position; namely, court space and so on. It is a matter for debate between the Chief Judge and the Attorney General, and ultimately for Treasury and the Government. That is taking place.

Without doubt, the District Court is extraordinarily efficient, particularly in recent times. It has reformatted the way in which it works, which is absolutely first class. The way they are dispensing justice in civil and criminal matters should be the subject of accolades, especially when comparisons are made with the County Courts of Victoria and New South Wales. The District Court is justifiably proud of its work ethic and efficiency.

The court is concerned that compliance with the matrix will place a burden on it. I doubt whether anyone can say that with any form of definition before regulations are drawn up outlining the method by which data will be collected. I hope that it will take place in the next month or so, subject to this legislation passing the other place. A much more accurate estimate will then be able to be made on whether extra resources are required.

Ms ANWYL: I repeat my concern that the minister's answer has not made clear to me what the Government will do about assessing the cost of this proposal. As a country member, I have raised the problem of the court in Kalgoorlie. Page 4 of the report of the District Court judges sets out the time spent on the criminal circuit -

> There are eleven circuit towns and the court sits in each town six times a year apart from Esperance and Carnarvon where the court sits five times a year.

It is stated that the length of each circuit varies from one to three weeks. The Kimberley circuit, for example, comprises three towns and extends over a two-week period. Further detail is provided in the report. The real concern is outlined as follows -

> The outcome of the proposed legislation will be to substantially extend the time required on each circuit to dispose of pleas of guilty and shorten the time available for trials by jury leading inevitably to an ever growing backlog of criminal trials in the circuit towns.

Again, justice in the country will be different from that in town. Will the minister make some investigation? Is the Ministry of Justice onto this issue? Has this issue been lying in the office of the Attorney General for nine days, or has some real effort been made to determine the cost of implementing these legislative changes? It is not only a matter of the judges and courts. It relates to all Ministry of Justice staff engaged in the court process.

Mr PRINCE: I understand the point made by the member for Kalgoorlie. A degree of misunderstanding has arisen particularly about how stage one of the matrix is expected to operate. I refer to the data collection. It must be given effect to by regulation, the process for which involves consultation with judges. Obviously, the regulations will be tabled and subject to disallowance and so forth. The collection of information may well not involve all offences that come before the court. Initially, almost certainly, only a select few offences will be involved. The officers tell me that reports will be sought on 17 offences, although that has not yet been decided. It is a matter for the Attorney General and the Government to determine. However it is a matter for regulation to be debated in the Houses. When those matters are determined, one may be able to make some estimate of how much more time a judge will need to spend completing that task, by way of administrative action, and how much more time than in the current situation will be required to deal with sentences in an administrative way. Until that decision is made, no estimate, accurate or otherwise, can be made regarding whether a greater requirement for resources will arise. Obviously, a greater requirement for time will be involved somewhere to collate the information when it comes in. Those matters will flow from the determination of the regulations on how the data will be collected as an exercise by the judges. That will involve the judges in discussion. Also, this will consider the number and types of offences for which data will be sought. If it is half a dozen, the effort required will be less than the entire criminal calendar which may be the result in some years to come.

Clause put and passed.

Clauses 2 to 4 put and passed.

New clause 5 -

Mr PENDAL: I move -

> Page 3, after line 10 - To insert the following new clause -
>
> **5. New section 49A inserted**
>
> After section 49 the following section is inserted -
>
> " **49A. CRO: Treatment for heroin addiction**
>
> (1) Where a court making a CRO is satisfied that heroin addiction contributed to the commission of the offence a requirement imposed by the court under section 49 may include a requirement that the offender -
>
> (a) undergo treatment for heroin addiction;

(b) submit to testing for heroin usage; or

(c) any other requirement relevant to the offender's heroin addiction or usage that the court considers necessary or desirable,

as specified in the CRO.

(2) Before imposing a requirement under this section the court may, in accordance with its powers under section 21, order a pre-sentence report as to -

(a) the offender's heroin addiction and usage; and

(b) specific treatments, if any, for such addiction and usage. ".

I referred to this new clause last night during the second reading debate. I made no apologies then, and I make no apologies now, for the fact that it is to a large extent inspired by the experiences of Dr George O'Neil, whose work is well known to every member of this House. Originally Dr O'Neil put a proposition which was found to be not capable of being implemented, and it led to this compromise that, in his view, will indisputably save lives during this summer. It is as clear as that. During the committee debate I will read into the record his assertions to that effect.

This new clause will allow a judge or a magistrate to pause in the sentencing process, to take a deep breath, and to allow a person whose alleged offence has a basis in heroin addiction to agree to certain courses of action which will give that person the chance of perhaps saving his or her life. I repeat that I will read some extracts from Dr O'Neil's work, as well as some material from elsewhere around the world, to suggest that we must give this amendment a go. A view has been expressed that this general power to do these things exists anyway. I do not dispute that. What we are seeking to do is to turn a general power into an explicit part of our sentencing regime for one good reason; that is, that one-third of the criminal cases being prosecuted in Western Australia right now have a basis in heroin addiction. Therefore, if we are, by this amendment, seeking to be that explicit in addressing the heroin problem, it is for a good reason. The problem is a horrendous one. As we debate this Bill, people die because of that lack of intervention. I appeal to the Government not to resist the chance to do something in an explicit way, which I acknowledge we already have the opportunity to do in a general way. I am as familiar with those clauses as any other member of this House will be.

The fact that it will save lives, and the fact that a reputable specialist can be as emphatic as he has been, demands of us that we give it a try. I am not in a position to say that that will occur. However, I put to members of the Government, and other members who will vote on this, that it is not something that has gone to their party room; therefore, they are free to make a decision on a matter which will indisputably save lives.

Mr McGINTY: There is the power contained in the Act to do that which this clause proposes to do specifically in respect of heroin. However, that is not an argument for not passing this amendment. Any member in this Chamber who has had any exposure to people who come within the criminal justice system with an addiction to heroin would appreciate the intense problem that that poses. We are capable of identifying heroin as a major destructive force in the lives of those people who become addicted to it, and also as a major contributor to the commission of a great number of crimes. Very few services are available to people with a significant heroin addiction who turn to crime to feed that habit which can succeed in breaking that addiction. We are all familiar with the methadone program, and that has its role. The naltrexone program that the member for South Perth referred to is conducted primarily through the work of Dr George O'Neil in his Subiaco surgery. I have referred people to Dr O'Neil and I am aware of other people who have gone there. I am aware of the great success that he has achieved. Sure, there is a downside. However, he has achieved a high point in totally breaking the heroin addiction of a number of people, thereby giving those people hope in life.

One of the impressions I had as a result of serving on the Select Committee into the Misuse of Drugs Act 1981 was the failure of the drugs programs in our prison system, and particularly the failure of our prison system with respect to people who have a heroin addiction. The availability of heroin in prisons, death by overdose, the incidence of overdose, and also the misuse of heroin in prisons, is far too great for those programs to be regarded in any sense as making a worthwhile contribution towards weaning people off heroin or the rehabilitation of people. Heroin is not available to prisoners, except in limited circumstances.

The extent of the problem for people with a heroin addiction is massive. I believe a case can be made out - the member for South Perth is making out that case - for an express provision to be included in this legislation - as one can easily be - which gives no greater power than that which exists generally under the Act to deal with this arguably greatest of problems, certainly for those people who are heroin addicts. Unfortunately, there are thousands of them in Western Australia. If the Parliament is serious about giving a message to judges and to the Parole Board, and if we want to show the community that we are serious that this issue, above all other drug issues, should be treated in a special way because of its disastrous effects, its impact on crime, re-offending and the like, we should pass this amendment.

I am aware that there has been some discussion about whether we should generalise it and make it a general provision in respect of drugs, giving a power to insert particular conditions into a community-based order for people with drug-related dependencies or drug-related crime patterns. One could include alcohol - there is no doubt that alcohol is a major contributor to crime - or tobacco or amphetamines or marijuana. However, it seems to me that the justification for inserting a provision of this nature lies in the fact that the drug in question is heroin and it is absolutely destructive. If we were to make this a provision relating to drugs generally, it would dilute it and rob it of some of its import and effectiveness. Heroin is the curse and the problem. Let us debate and then vote on a provision which will give particular power in relation to heroin. I support the amendment of the member for South Perth.

Ms ANWYL: I too support the amendment of the member for South Perth. I believe that the judiciary and the magistracy currently have the power to make orders of this type, as the member for Fremantle said. The report of the Standing Committee on Estimates and Financial Operations as it relates to prison sets out some answers provided to Hon Mark Nevill by the Attorney General. They show that 25 per cent of all prisoners are on court order and drug-alcohol programs. I have a reservation about our singling heroin out of the wide range of addictive drugs. Heroin is very much the flavour of the month for drug addicts, but there is a wide range of other drugs, particularly amphetamines and alcohol, with which many inmates of prison have problems.

The DEPUTY CHAIRMAN (Ms McHale): Order, members. There is too much noise. I am again having difficulty in hearing, and I am not deaf.

Ms ANWYL: I suppose it is enough to make you deaf, madam Deputy Chairman.

The statistical data collected shows that many people, particularly young people, have a tendency to use drugs. Young men are over-represented and they have a particular tendency to use a cocktail of drugs. It has been described frequently, and certainly it was the evidence that I heard as a member of the committee looking into this, that many people will take as many drugs as are available and they will mix drugs and so forth. Although I applaud the motivation of the member for South Perth in moving this amendment, it is somewhat narrow-minded for us to single out heroin. I make the point again that these options are currently available. The real issue in our prisons, and certainly for those on custodial sentences of some kind and maybe out in the community -

Mr Prince: The Bill refers to a non-custodial option.

Ms ANWYL: Often a conditional release order sets out that provision will be made for drug treatment. Whether in or out of prison, let us bear in mind that the real problem in our community is the high rate of recidivism. Someone who is in prison might be on a release order the following week. Our real difficulty is with resources in the community. It is narrow-minded to ignore the fact that so many prisoners are not able to access the drug and alcohol programs that they so much deserve. Having said that, I support the amendment.

Mr BRADSHAW: As much as I think the member for South Perth is trying to do the right thing and trying to get people away from addiction, which is the root cause of a lot of crime in Western Australia, the point he is missing is that addicts need the will to get rid of their addiction, and unless they have that will, it does not matter how many times they are told to try to beat it, it will not work. As with the naltrexone treatment when trying to get people off heroin addiction, there is no perfect solution to any of these problems. Some years ago I visited Cyrenian House, where heroin addicts and drug addicts are treated. I also visited Holyoak, which is the Alcohol and Drug Authority's clinic. All such places have a percentage of winners but in the main they all have a big percentage of losses. If addicts do not have the will to try to beat their addiction, no matter what we put into legislation it will not work.

Mr McGinty: For a lot of people, particularly those caught up in the criminal justice system, the measure of compulsion, which is what they need to stay out of jail, gives them the focus and incentive to do something about drug addiction. It is not perfect and people need to be committed, but maybe that is the incentive to start people on that track, which I feel makes it worthwhile.

Mr BRADSHAW: The member for Fremantle is right in certain ways. The courts have the ability to order people to have treatment for their addiction. It is not necessary to tie that up with this legislation. As much as I would like to see all addicts forced into a program, unless they have the will to do it, it will not work. It is difficult for me to say that I will not support the amendment, because I feel that we should be making every effort to get people off their addiction. It certainly behoves the prison system to put more measures in place to help addicts. I cannot believe that heroin is so freely available in prisons. If it is the case, the system must be looked at in a big way. I can only go on what I read in newspapers and what I hear. If it is the case, we must make sure that we overcome it. Certainly one of the ways to get people off their addiction is to keep the drugs away from them. With a bit of luck, the longer they are off them, the more chance they have of becoming rehabilitated. It comes down to a combination of things: We should have better programs in place to help addicts and we should also make sure that they do not get hold of drugs while they are in prison.

Mr PENDAL: The first remark of the member for Murray-Wellington is correct: An addict must have some desire before

he or she can take the major step of becoming free of drugs. Let me answer the second part of his argument with the words of Dr O'Neil. It may well be that that would allow the member to support the amendment. Incidentally, let me stress that the amendment does not belong to any of the party rooms and, therefore, I believe people have freedom rather than having to act on the say-so of one minister not of this place that it should be defeated. I want to read the opinion of Dr O'Neil on the very point that the member makes. Bear in mind that Dr O'Neil's remarks to me were made in his call for a contract between the doctor and the addict which would then be enforceable by the courts. That was its weakness, and that is not my amendment. The amendment has been modified so that we do not have a situation wherein a court of law is enforcing a private contract. With that in mind, this is what he said to me -

> Phillip, we have discovered after treating 800 patients that virtually no patient who takes Naltrexone continues to use heroin. There are many publications showing that virtually 50% of patients or more who use Methadone continue in crime and continue to use heroin. The difference between the two drug treatments is enormous and the community has not had the benefit of Naltrexone for a variety of political reasons within Australia.

Later on we will deal with that. I want to maintain the answer to the member. He then says, and this is really the kernel of his argument -

> . . . I am very confident we would have a tool which would improve the care and treatment of heroin addicts in Western Australia, and protect the community.

Dr O'Neil is talking about some form of agreement, which is implicit in the modified version of the amendment. He continues -

> I have every confidence that there are hundreds of young West Australians wishing to cease their heroin use -

That is the desire of someone hooked on this dreadful stuff to get off it. To continue -

> - and looking for assistance with appropriate medical treatment. I have every confidence that doctors can work with these young people and negotiate the type of agreement that I have asked for.

The agreement to which he refers is the original agreement, which we found impossible to put into an amendment. Nonetheless, what we are seeking to do with the amendment will give Dr O'Neil half a loaf without giving him all of the bread. Dr O'Neil continues -

> . . . over a three year period it is my belief that this new program would be cost effective and is a tool to bring the death rate from this epidemic under control.

I will go into the other points raised by Dr O'Neil in more depth later. We have a chance to make a difference in legislation. This is not on my say-so, but on the say-so of one of a few people who have a handle on the heroin problem. That is the great strength of Dr O'Neil. Most people know that his speciality is in another discipline entirely.

Mr Prince: He is a gynaecologist.

Mr PENDAL: Yes. There have been criticisms of his methodology for treating addicts at his Subiaco clinic. All of that aside, he is one of the few people making inroads into the problem. Tonight members have a chance to save lives in the coming summer.

Dr TURNBULL: I support the amendment. The Bill will set the scene for a more accountable and consistent approach to sentencing and to management of people who appear before the courts. Both sentencing Bills will create a new ethos and direction in sentencing. Some people say that we do not need a direction to a judge to be as specific as this amendment requires. However, if we are trying to set a symbolic new scene in the management of criminals, or people who commit acts, the wording in the Bill on how we deal with drug addicts is very important. I agree with the member for Kalgoorlie that the amendment should not refer to a "heroin addict", but to a "drug addict", which encompasses all addicts. The majority of people who commit crimes have two distinct problems: They are illiterate or affected by attention deficit disorder, or they are addicted to drugs. The police, lawyers, judges and prison officials should have a change in mind-set about how they address the underlying reasons that these people are engaging in criminal activities.

The amendment proposed by the member for South Perth would create a new ethos in the management of prisoners. A number of clauses which we have agreed to in this Bill and in the Sentencing Legislation Amendment and Repeal Bill will increase the time people spend in jail. We should put in place programs for addicts who have received either custodial sentences or non-custodial sentences. People who are in jail because the underlying root course of their criminal behaviour is drug addiction, should be in a separate part of the jail. There should be isolation areas within the jail, so that other prisoners do not mix with drug addicts, and in which special programs can be run. The Bunbury Regional Prison has a special area for sex offenders. We keep those people separate from other people in the criminal system, and we apply programs to address their sex-offending behaviour. That is a good idea. We should have two different units for sex

offenders in which two different methods are used to address their behaviour, and we should compare the results. Western Australia has two different programs for drug addicts; the type of program that the University of Western Australia and Dr O'Neil are addressing with naltrexone, and the Alcohol and Drug Authority program. We know that the ADA programs in particular are not very effective.

Mr BAKER: I stand for the purpose of allowing the member for Collie to continue her remarks.

Dr TURNBULL: I do not hold fully with the comments of the member for Murray-Wellington, who said that many of these programs are not successful because we cannot force people into changing their behaviour; people must want to change their behaviour. As a doctor I have spent many years trying to analyse why people make that decision. I have found the most fascinating, varied and unique reasons for people making that decision. I know many people who were heroin addicts, but I know three of those people very well. All three made the decision to change their behaviour when they entered the criminal justice system. One of them was faced with the threat of going to jail, and the other two went to jail. The two who made their decision as a result of being put in prison, both said that they would not question their behaviour if they had been permitted to continue with their lifestyle, and that imprisonment made them question their behaviour. Many people say that because the results of the naltrexone trial are not conclusive, we should not continue with it. If that is the criteria, we should wipe out the Alcohol and Drug Authority program, because its results are not particularly spectacular at all. I found, particularly with alcoholics, that self-help groups such as Alcoholics Anonymous achieved better results than the Alcohol and Drug Authority program. I am using that as an example to show that we must not stop setting up programs which will challenge people to change their behaviour.

I know they will never stop permanently unless they make the decision to change, but they will not make the decision to change unless they are challenged. That challenge can come from many varied places and I assure members it can come from judges and prisons. In supporting this amendment, I feel that the argument of some members that it is not appropriate to include this provision in the Bill because the judge can make the decision anyway is one-sided; however, the purpose of the legislation is to send a message to the judicial system that things have changed; from now on we will address things differently in Western Australia. Including this amendment in the Bill would let everybody know that this is the way we should be managing drug addicts. I know the amendment is very limited; it deals only with heroin when it should include all drugs; it refers to conditional release when it should be talking about people in all areas, but at least it is a start. If the minister cannot support this proposed new clause, I ask him to give strong consideration to finding another way of conveying the message that drug addiction must be addressed with some degree of coercion.

Mr BAKER: I have a couple of questions for the member for South Perth about the intent of his proposed new clause. It refers in proposed subsection (1)(a) to "undergo treatment for heroin addiction". Can the member clarify what sort of treatment he is thinking of? Is he thinking of treatment with a view to abstinence being the ultimate goal, or treatment with a view to substituting another drug for heroin, such as methadone?

Mr Pendal: The ultimate test can and is being achieved in varying degrees around the world. Naltrexone is achieving up to 65 per cent.

Mr BAKER: Proposed subsection (2) opens with the words, "Before imposing the requirement under this section the court may, in accordance with its powers under section 21, order a pre-sentence report" regarding the offender's heroin usage. If there is a scintilla of evidence or a submission made in mitigation to the effect that the behaviour complained of which resulted in the charge was caused directly or indirectly by the consumption of heroin, it would be preferable to compel the sentencing court to direct the pre-sentence report to address the offender's heroin addiction. Does the member have any response to that?

Mr PENDAL: The essence of the member's query is in the light of the pre-sentence report provisions under current section 21. He is asking whether "may" is strong enough and whether we should make it even more serious by making it "shall". Off the top of my head, I do not have any great objection to that. The reason that our draftsman left it out, and it is the only thing I can think of, is that we are beginning to limit the sentencing officer's options if we are saying that he "shall" do something as distinct from "may". However, if it meant the difference between the member supporting my amendment and not supporting it, I would certainly consider upgrading the word from "may" to "shall". I would be interested in hearing his or the minister's view about whether the substitution of that word then starts to defeat some of that which we have acknowledged in the course of the second reading debate about limiting the options of a sentencing judge or magistrate. If the price of the member's support for my amendment is the deletion of the word "may" and its substitution with the word "shall", I would be amenable to that.

Mr PRINCE: I make a few remarks, first, to the suggestion that section 21(3) of the Act should be amended so that a pre-sentence report shall include reports on the physical and mental condition of the offender. That would be monumentally difficult to do. It would require a greater reporting function than presently exists. It is not something that is desirable and it should be left up the sentencing court to decide whether a report on an offender's physical or mental condition report should be obtained. Secondly, with respect to the question posed by member for South Perth in changing in his amendment the word "may" to "shall" on the third line, it then becomes a mandated exercise. If a magistrate or judge finds that a person

has a heroin addiction and he offers him a CRO, the magistrate or judge shall include a requirement - it is mandatory. There is much power in the change of words. If that is to be the case, how many of these people will accept that? Many of them will then say, "No thank you, I do not want a conditional release order." A conditional release order is the up-to-date version of the bond to be of good behaviour. Effectively, one cannot be placed on a conditional release order if one refuses.

I will make a number of remarks about the member's amendment, but before I do I will say a couple of things which largely arise out of my being Minister for Health for two years, seven months and eight days. I know about naltrexone and I know of Dr George O'Neil - I met him a number of times - but I have not been to his clinic. I have also read a significant number of reports about the drug. I have also read in recent times some of the preliminary results of naltrexone trials that have been carried out in the eastern States. Dr O'Neil is not carrying out a treatment program; he is carrying out a trial and significant problems have been encountered with that in a technical sense. I know that a small number of his former patients have died from overdose. Many of them have been on or are still on naltrexone, but it is not a wonder drug, and he is among the first to say so. It is a drug that has been around for 30 years and has been used mostly in the United States and the United Kingdom for people who have a severe alcohol addiction. It has been used from time to time in regard to narcotic addictions. It is a treatment, but not the only one. It is suitable for some people and not for others. It is essential that the individual has a support network. It is not the chemical that solves the problem; it is the individual who solves the problem. The remarks of the member for Murray-Wellington were entirely correct. If we get to the stage of applying a form of compulsion for a drug addict, whether it be heroin or a cocktail of drugs - which is what most people tend to use; they do not use one alone - we must consider that question properly, not as an adjunct to talking about the sentencing matrix, which is what this debate is about. I have a great deal of sympathy for and would like to support the sentiments and intent behind this amendment; however, I will not support the amendment as it is written, nor will I support it with some minor amendments.

Mr Pendal interjected.

Mr PRINCE: I do not agree that it should limited to only the use of heroin for the reason that the individual who is taking heroin almost certainly is taking other drugs. Some of them will be illicit drugs and some of them may be prescription drugs. It is often the case that a person with a heroin addiction not only is addicted to heroin but also is taking methadone and is almost certainly using amphetamines, or perhaps not, and is almost certainly getting some form of prescription drug, licitly or illicitly. From my knowledge and experience over the past two and a half years, I know that to limit the amendment to heroin is to limit of the effectiveness of what the member intends to do; it should be "drug" instead of "heroin". However, it should not extend to nicotine and if it extends to alcohol, we need to think the matter through more comprehensively than we have done.

Mr PENDAL: The minister is right in saying that naltrexone is not a magical solution.

Mr McGinty: It is in some cases.

Mr PENDAL: Indeed, as I was about to add, but in this city right now naltrexone is one of the most impressive ways that the lives of people are being saved. The minister is also correct in saying that Dr George O'Neil is not conducting a clinical trial.

Mr Prince: He should be but he is not.

Mr PENDAL: We are not the only pebble on the beach. In many parts of the world clinical trials have been conducted under the most rigorous medical and scientific conditions. I will refer to one which involved 510 patients in four countries. I got this off the Internet this afternoon. It is a little different from what Dr O'Neil is doing because it is the use of Naltrexone under general anaesthesia. However, the results are staggering. Interestingly, the report brings in a word which the member for Joondalup helpfully introduced to the debate. He talked about "abstinence" rather than something which seeks to divert people in a less than compelling way. These are the results as of July this year as presented to the Royal College of Psychiatrists in London. Under the heading "Abstinence rates during follow-up" the report states -

> RODA was first used in Cairo in October of 1995 and the follow-up data are unusually complete. Of the first 30 patients representing all patients detoxified at least four months ago, only five patients have not been regularly followed-up usually because of living or working abroad. Regular urine tests have been done in the remaining 25 cases. As of July, 1996, only one out of the 25 had relapsed to opiate use, though in four cases urine has been positive for cannabis.

The report then introduces the point the minister made about the importance of social or familial back-up. Who better to provide that than Dr George O'Neil with his ethics and his personal beliefs about the role of the family? According to the London report -

> The very high 'success rate' in the Cairo patients - 76% even if all patients lost to follow-up are assumed to have relapsed - probably reflects both the rigorous selection of well-motivated patients and the suitability of close-knit Egyptian family structures for treatment involving family supervised naltrexone . . .

That is the answer to a serious issue raised by the minister. I do not want to confine the amendment only to naltrexone but people keep coming back to my amendment and naltrexone as though it has an elasticised side. Why? It is working and the man who has made it work has sufficient social contact with these people, the addicts, to believe that they are and will be prepared to enter into that serious sort of agreement. I again commend the amendment to members.

Mr PRINCE: I understand, appreciate and support much of what the member for South Perth has said, but the fact remains that the naltrexone treatment that Dr O'Neil has been administering is not the ultra rapid detoxification to which the member referred. That is practised in Cairo and Tel Aviv by Dr Wieizman. Many people have travelled to those clinics, including a number of Australians. The success or failure of these people depends on their degree of commitment to giving up their addiction and the support they obtain. Dr O'Neil has been remarkably successful in that support structure - I am sure partly because of his personality, his beliefs and the people who surround him - but if we are to have a good drug treatment program which works on the basis of abstinence and uses naltrexone or any drug of a similar nature which acts as a opiate-blocker, we need a system which enables those support structures to exist regardless of whether the person has a family or is part of an organised group. That is the crux of the matter. We cannot make that happen by an amendment to a sentencing Bill. We need specific legislation to do that.

Mr Pendal: With respect, that means a wait of two or three years.

Mr PRINCE: Not necessarily; listen.

Mr Pendal: And in the meantime another 300 people die.

Mr PRINCE: Listen, please. I have sat as a member of the ministerial council on drugs - which is Australia-wide - for the past four years.

Mr Pendal: My experiences, I am sorry to say, are limited to just Dr George O'Neil.

Mr PRINCE: I know. Drug trials are taking place all around Australia as a result of the initiatives of Ministers for Health and Police. In every State some of them involve naltrexone. I hope the result will be the Therapeutic Goods Authority declaring that naltrexone is able to be prescribed because it is not at the moment. That is the threshold problem Dr O'Neil keeps running into because of the way he does his work. However, the total effect of what I am talking about is that we need to address this problem in a coherent fashion. The member for South Perth has had some private discussions with the Attorney General and he has been working with others for some time and discussing the concept of a drug court and some other initiatives. This amendment is well crafted, but it is not the best it could be. I wish to support its sentiments strongly but, by way of example, clause (1) of the amendments reads -

> Where a court making a CRO is satisfied that heroin addiction contributed to the commission of the offence . . . may include a requirement that the offender-
>
> (a) undergo treatment for heroin addiction;
>
> (b) submit to testing . . .

He submits for testing; so what? It must go on to say somewhere "and if found to have heroin in their system then . . ."; but then what? Therein lies the problem. The amendment is well crafted but in that sense it needs to be more complete than it is. It is something we need to consider as a total exercise in talking about how we deal with drug addiction in society. We are dealing with it in the context of the sentencing legislation alone, which should be part of how we deal with it, but not the totality. I have spoken to the Attorney General while the debate has been going on. Without equivocation, I undertake that the matter will be the subject of intensive work over the next few months. To bring the amendment - even if we change word "heroin" to the word "drug" - into this Bill, will not achieve that which the member for South Perth and I seek to achieve in what we have been talking about. If we make it the condition of an intensive supervision order, the community-based order in proposed section 61 and thereafter, it might work. If we make it a condition of the intensive supervision order, in proposed section 68 and thereafter, it might work. I am not sure the best place for it is the conditional release order. That is the most minimal form of sentence that can be imposed by a court.

Mr BAKER: I stand to allow the minister to continue his remarks.

Mr PRINCE: That is the lowest threshold, the lowest form of sentence, and the least intrusive form of sentence. Here, by persuasion, if not by coercion - there is a subject we need to debate - we are trying to get the people who are drug addicts, whether the drug be heroin, amphetamine or any other cocktail of these terribly harmful drugs, into a treatment program. Do we do that by their agreeing to it - effectively that is the suggestion if it is attached only to a conditional release order - or do we do it by coercion, which we may be able to do if we attach it to either a community-based order or an intensive supervision order?

Of course, the power already exists in the Sentencing Act. Section 49(1) states that a court making a conditional release order may impose any requirements on the offender it decides are necessary to ensure good behaviour. The same power

exists also with a community-based order and with an intensive supervision order, but not with suspended imprisonment. The advice of the Attorney General last night is quite correct. Courts can do this now. I agree that we should make it explicit, even though it is implicit. It is highly desirable to make this explicit. I agree with the member in principle, and with his sentiments. I want to see it done, as do many members on this side of the House. I have some considerable reservations about whether this is the way to achieve it, notwithstanding the passionate pleas to that effect. I am asking the member for South Perth to not bring this matter to a vote on my undertaking and personal assurance that I and many members on this side of the House will take up this matter with the Attorney General forthwith.

Mr TRENORDEN: I have been listening to this debate intently. I am caught in a bind. People may have noticed in the media that at the most recent National Party conference, I was the only member of Parliament in the National Party who supported a heroin trial. I happen to agree with what the minister is saying. I just do not think heroin addiction is a criminal problem. I also have a dilemma with that which the member for South Perth has put forward. We must adopt a holistic attitude in how we go about this. I sat on a select committee years ago when I was first elected. It was clear that if we want to rehabilitate offenders in a prison system, there is only one way to do it; that is, to offer it to those who want to be rehabilitated and forget about the rest because it is a question of motivation. The same applies to addiction to drugs.

Since I made my statement on television, I have had a lot of telephone calls from people I know. I have been surprised by the number of people whose families are involved with heroin and other drugs. Not long ago the problem was put to me very succinctly by someone I know quite well whose family is going through this pain. This fellow's son is taking drugs and, of course, his father wants him to get off them. The son says, "Dad, realise that I am taking heroin for one reason, and one reason only - because I love it." We must keep that attitude in mind when dealing with these matters. The first decision we must make is to deal with drug addiction as a health problem, not a criminal problem.

I am nervous about having conditional release orders as a mechanism. Frankly, I do not like it. I would prefer a more holistic approach. I am 100 per cent on the side of the member for South Perth when he says that we should take a lateral approach. I do not like the conditional release order approach because of what the minister said a few minutes ago; it is the lowest level of supervision. Some of these kids do not think twice about the old lady they beat up or the family they have disturbed when they break into a house to steal some goods, because their love of the drug is so great that they put all matters aside. The only people with whom we can deal with some efficiency, are those who are motivated. That is the word that the member for south Perth used, which is absolutely correct. We must deal with some of those well-motivated people who did terrible things, who cannot be let out of the system because of what they did. We should not look upon them any differently from the person who stole cash from an employer and no violence was involved. I have difficulty in splitting it in that manner. I am also not a believer in box cures. I do not know of George O'Neil. Whoever he is, I am sure he is well-intentioned and maybe he runs a fantastic program. I also learned in the select committee to which I referred earlier that we must have a whole range of remedies so the well-motivated can grab the straw they need, and not be categorised by us and placed into the one box. I am 100 per cent motivated towards the amendment of the member for South Perth. I have committed myself publicly to a lateral solution; however, I am concerned about the community release order arrangement. On balance, I am not sure which is the right way to go. I agree with the point of view of the member for South Perth, but I think he is dealing with only part of the problem.

Mr BAKER: I have two brief questions - one to the member for South Perth and one to the minister. Will the member confirm that the amendment he is foreshadowing may result in the need for an offender to be supervised, directed or instructed by a community corrections officer? One argument being advanced is that existing section 49 of the Sentencing Act is broad enough to include what the member is trying to do, and that subsection (2) of which states that a requirement imposed by a court -

Mr Pendal: It is not, of course, because that requires no supervision. My amendment specifically and implicitly will demand supervision.

Mr BAKER: It will demand supervision by a community corrections officer?

Mr Pendal: No.

Mr BAKER: It may demand supervision by a CCO?

Mr Pendal: I do not know the answer to that. I am envisaging a medical practitioner.

Mr BAKER: However, the member would acknowledge that it may be hypothetically possible for a CCO to supervise?

Mr Pendal: I do not know.

Mr BAKER: My concern is that section 47 of the Act states -

> A court may sentence an offender under this Part only if the court considers -
>
> . . .
>
> (b) that the offender does not need supervising by a CCO during the term of the CRO.

As the member is proposing to import a new section 49A into part 7, it does not seem to be the appropriate part to import it into. However, I am not sure whether the member has considered that aspect as well. The minister has already given undertakings. It may be premature to debate the matter further.

Mr PENDAL: I would be happy for the matter to go to a vote. I will finish my contribution to the debate. For 18 years I have been a member of this and another House and I have heard the same argument from every minister who ever handles a Bill. That is, "We will take it away; we agree with you in principle; we are not too happy about the drafting." Ministers are never happy about the drafting. In the end, it becomes a contest as to whose draftsman is better - the Government's, mine or the member for Marangaroo's!

Mr Cunningham: Girrawheen is better!

Mr PENDAL: Girrawheen. In the end, I put this proposition: It does not matter a monkey's about whose is the best draftsman because, like other members of this place, I have seen all sorts of legislation challenged in the courts or interpreted in ways that Parliament may not have intended. The argument comes back to an offer made in good faith by the minister saying, "We agree with the general principle that you are trying to achieve but let's wait until we are sure next year. Let's give it another three or six months." Wrong! That could cost us another 100 deaths. We are living in a society, a town, a city that is not ignorant of the trials that have been conducted by George O'Neil. He will probably be the first to admit that all of those tests do not stand up to the rigour of some of those that we have referred to today. All he knows is that he is saving people's lives. The members in this Chamber have a chance to vote tonight in a non-political and non-party way and to say, "We are not sure either but we will give it a go." Maybe it is drafted inadequately and maybe this time next year, or in March or April, the minister may need to come into this House and introduce a Bill because it is not working 100 per cent. However, what does that suggest? It might suggest that we leave this session having achieved something real and tangible for people who are in the community suffering, including the people whose houses are being broken into as a result of heroin addiction, and all of those things mentioned in the first part of my proposed new clause.

There is one person who is holding up the passage of this Bill and causing some unnecessary discomfort to many members - one person - and he is not even a member of this House! It has not gone to party rooms; therefore, members do not have that sense of loyalty to stick by a decision. It could not have gone to party rooms; it only went on the Notice Paper yesterday. I am not saying it will work; George O'Neil is saying it will work. I am not saying it will work; a number of senior legal identities in this State who have assisted with it say it will work. For heaven's sake, it should not be a contest between whether my draftsman or the minister's draftsman has done a superior job. I go to the private members' draftsman in this place who is a very capable and professional lady. However, for heaven's sake, let us not make it a contest between who can draft legislation better. We leave this House in a couple of hours. In a week's time this legislation is likely to be enacted; that means we will go into a summer break and will not return for four or five months.

I put this final question to members: How many lives could we save in that period, given the appalling death rate that we have seen in the last 12 to 15 months from this horrible drug? This is about a sentencing option, not about naltrexone, albeit that is an implicit part. I implore members to vote in favour of the amendment.

Mr BARNETT: I have listened only to part of this debate about the amendment proposed by the member for South Perth. Clearly, a number of members on this side of the House are supportive - certainly sympathetic. I do not think I have heard anyone express any dislike for the sentiment and objective of the proposal by the member for South Perth. The difficulty that we face is that we are in the last night of sitting. Had we had another week of sitting or if we were to sit tomorrow, as Leader of the House I would simply adjourn the debate at this stage while we went away and did some work on what has been proposed.

Mr Pendal: With respect, that is possible. You have all the staff available to you. In the last two days no-one has taken that initiative.

Mr BARNETT: The debate has started now and, as I say, normally I would adjourn the debate on this Bill for us to go away and consider the position. The minister handling the Bill on behalf of the Attorney General has said that we will consider this seriously; we will look at it in the upper House. As the minister said, it may be more appropriate that it form part of a separate piece of legislation. There are potentially unforeseen consequences. However, the member for South Perth can take it as given that even though it has not been discussed in our party room, government members are broadly supportive of what he proposes. If it goes to a vote and if we end up dividing, members of Parliament will think about which way they should vote.

Mr McGinty: A free vote.

Mr BARNETT: No. What we will not do as a Government is hand over responsibility for government. That is what we saw happen to the School Education Bill 1997 and we are not about to do it to this Bill. However, the minister has said that the member for South Perth has raised a very proper point and one that has widespread support within this Chamber. Handled properly, it will become part of the law of this State. However, it will not become part of the law of this State in

a vote taken in five minutes' time. An undertaking has been given by the Government that it will do the work and it will progress it.

Even though we can have a vote and divide on the sentencing law, we all know that when it goes to the upper House it will be referred to a committee. Therefore, despite the passionate speech by the member for South Perth, no lives will be saved over summer because this sentencing law will not become law until sometime next year. Therefore, he should not try to draw emotions into the argument unfairly on that score. This sentencing law will not become law, if what the Opposition says remains the case, until perhaps March or April next year. That is the reality. The Government will not run ragged on amendments on the run. We will do this, we have undertaken to do it, but we will do it properly.

New clause put and a division taken with the following result -

Ayes (18)

Ms Anwyl	Mr Grill	Mr McGinty	Mr Thomas
Mr Carpenter	Mrs Hodson-Thomas	Mr McGowan	Ms Warnock
Dr Constable	Mr Kobelke	Ms McHale	Mr Cunningham *(Teller)*
Dr Edwards	Ms MacTiernan	Mr Pendal	
Dr Gallop	Mr Marlborough	Mr Ripper	

Noes (23)

Mr Ainsworth	Mr Day	Mr McNee	Mr Trenorden
Mr Barnett	Dr Hames	Mr Minson	Mr Tubby
Mr Bloffwitch	Mr Johnson	Mr Nicholls	Dr Turnbull
Mr Board	Mr Kierath	Mr Prince	Mrs van de Klashorst
Mr Bradshaw	Mr MacLean	Mr Shave	Mr Wiese
Mr Cowan	Mr Marshall		Mr Osborne *(Teller)*

Pairs

Mrs Roberts	Mr Court
Mr Graham	Mrs Edwardes
Mr Riebeling	Mr Sweetman
Mr Brown	Mr Barron-Sullivan

New clause thus negatived.

Clause put and passed.

Clauses 5 to 24 put and passed.

Clause 25: Part 14A inserted-

Mr PRINCE: I move-

> Page 26, line 6 - To delete the line.

This amendment corrects a drafting error in the Bill.

Mr Pendal: A drafting error? We are not doing things on the run, are we?

Mr PRINCE: No, we are not. The problem has been identified by the parliamentary draftsman who wrote the Bill. Paragraph (c) of proposed section 101M states -

> indicate the degree to which -
>
> (i) each of those factors;
>
> (ii) the relevant sentence . . .
>
> affected the relevant sentence;

It does not make sense to consider the degree to which the relevant sentence affected the relevant sentence. Therefore, we are seeking to delete the first reference to the relevant sentence.

Amendment put and passed.

Mr PRINCE: I move -

> Page 32, in the table after line 5 - Column 2, the 6th example commencing with "$25 000 fine" - To delete from column 3 "more" and substitute "less".

This amendment is to the table at page 32, which contains an error in the comparison of the actual sentence imposed, which is the centre column, with the recommended sentence, with regard to the fine of $25 000. In the example that appears, the fine is less severe rather than more severe, which is an error, and accordingly parliamentary counsel has drafted the necessary amendment.

Mr Deputy Chairman, I seek clarification from you and from the Clerks. The table is not part of the substantive law but is an example. Is the amendment that I have moved a clerical amendment or an amendment to be made on the floor of the Chamber? I do not want it to wind up being wrong as a result of some minor matter.

The DEPUTY CHAIRMAN (Mr Baker): My advice is that it is not a clerical amendment. The minister has moved the amendment, and my advice is that we bat on.

Amendment put and passed.

Ms ANWYL: My questions relate to clause 25, specifically new section 101A, which deals with the application of the division. As is so often the case with this legislation, at some time regulations - members do not know when and of what type - will prescribe offences. Earlier this evening the minister said that 17 offences would be prescribed.

Mr Prince: I said that officers are looking at only 17 offences. I do not know whether we will wind up with 17 prescribed offences or fewer.

Ms ANWYL: Seventeen is a much clearer indication than no indication at all, and that is what I have been working on prior to this evening. Can the minister enlighten the committee about the offences under discussion to date? When the Premier publicly commented that tougher sentences would be finalised early next year and introduced into Parliament in sentencing legislation being debated, was he correct? Which tougher penalties will be prescribed for which offences, and exactly when will the regulations be available for scrutiny?

Mr PRINCE: The Bill provides for the matrix to be given effect in three stages: One is reporting sentences, about which I spoke at some length; the second is reporting variations from indicative sentences which obviously arises from data processing after the reporting phase; and the third phase is sentencing according to a prescribed method. Each of the stages is given effect by way of regulation. The formation of the regulations must involve consultation with the judges and magistrates, the Chief Magistrate, the Chief Judge and the Chief Justice. Those regulations will be published in the *Government Gazette* and will be subject to disallowance. It will take some time. The offences to be looked at are yet to be decided, but preliminary work covers the following categories of offence: Wounding, stealing a motor vehicle, serious assault, robbery, robbery in company, robbery while armed, indecent assault, grievous bodily harm, deprivation of liberty, criminal damage, criminal damage by fire, burglary, home burglary, aggravated burglary, assault occasioning bodily harm, aggravated sexual assault, and aggravated indecent assault.

Ms Anwyl: What is the minister reading from?

Mr PRINCE: From notes. I cannot table documents when in committee. Those are the areas on which work has been done so far to consider those offences, some of which - it has not been decided whether it will be all of them, some of them, or some others - will be the subject of the reporting initially. Then will come the development of the report of variation from indicative sentence and possibly then the motion to prescribe, which is the third stage of the matrix process. They are being looked at to see what is going on, insofar as the data is available. It is not very good. Clearly, the ministry is looking at the more serious offences, relating to not only burglary in the home and motor vehicle theft, but also offences against the person. That includes the more serious form of assault, and wounding is obviously a very serious form of assault, and also sexual assault at the serious end of the scale. Those are the offences being considered at present, but no decision has been made on which will be the subject of the reporting and the rest of the work. I have no doubt that it will be worked out in the next little while. When this Bill is passed it will go to the Legislative Council and, undoubtedly, will disappear into a committee. I hope it will be seen at some future date. Incidentally, I am delighted to report that the Surveillance Devices Bill has emerged from a committee in which it has been buried for months and was passed last night. Perhaps the same will happen with this Bill.

Mr McGINTY: I follow up on the other part of the question raised by the member for Kalgoorlie. The Premier indicated there were three specific areas in which penalties would be increased.

Mr PRINCE: The Premier has expressed the view, which is generally shared by most members of Parliament and certainly members of the public, that one of the areas of grave concern is robbery. By that I mean mugging, particularly robbery of the elderly person. The other areas were burglary, often described as home invasion, which is a form of robbery that occurs within a person's home, and motor vehicle theft. The figures from the Crime Research Centre today clearly show that New South Wales has a much higher rate of robbery and motor vehicle theft than WA, but WA has the second highest rate. We should not be proud of that, but we should work on it more and more. One way is to find out whether in the minds of the public, as expressed to members of Parliament, appropriate sentences are being imposed for those offences

Ms Anwyl: The Premier went much further than that.

Mr PRINCE: He may well have done, but I do not recall his remarks. I am not trying to be evasive.

Ms Anwyl: The Premier said that tougher sentences would be finalised early next year and introduced to Parliament under the sentencing legislation being debated. The minister is saying that he does not know when it will be, but it will not be early next year.

Mr PRINCE: The Government is looking at a number of areas but they are all at the serious end of the scale where people, quite justifiably, have serious concerns about them. I speculate that the general public is far more concerned about home invasion and burglary, mugging, particularly of elderly people, and stealing cars. They are probably at the top of the list and I certainly expect them to be involved in this process

Mr McGinty interjected.

Mr PRINCE: If any broadly representative group of society were asked what they thought about sentencing in the three areas I have mentioned, they would say that they are too light.

Mr McGinty: What is the tariff for home invasion?

Mr PRINCE: It varies. The average sentence for aggravated burglary, on the information we have with us, which is inexact, is probably around 18 months to two years.

Mr McGinty interjected.

Mr PRINCE: Not at this stage, no. Members have different views on that matter. We must think about what is the appropriate thing to do.

Mr Wiese: Within what range do you get to the average band?

Mr PRINCE: I am sorry; from the information available to me, I am not sure. According to the data I have, the highest sentence was 10 years and the lowest was four months. An average of about 18 months would tend to say that although we have one at 10 years, the overwhelming majority are significantly less than 18 months. If that is a reasonable conclusion to draw, arguably the penalty range is great, but the bulk of them perhaps will be considered by most people to be too low. I have a graph which shows that almost all such offences are at the low end from the point of view of terms of imprisonment, notwithstanding what the Supreme Court has said. That is happening. That is what the matrix is intended to address.

Ms ANWYL: The Chief Justice's report sets out the matter in great detail. In 1996-97 for specific offences, particularly burglary and armed robbery, the median sentence increased significantly. Even with what we know are inferior statistics, we can work out that much.

Mr Prince: How else do we get out the message to demonstrate to the public that that is happening? The public does not believe it.

Ms ANWYL: I acknowledge that, but as legislators we have a responsibility to react on the basis of evidence, not on the basis of public perception. I accept that that is difficult and that the Government wants to win government at the next election. However, we have failed to address whether specific and general deterrence will assist in respect of individual offenders or the community at large and whether it will be achieved by any of those measures. The Government has failed to present one iota of evidence that the penalties which will be tougher according to the Premier, will have a long-term result. Only this week it was pointed out that more legal aid resources are required to address the increased number of offences under the repeat offenders legislation. A distinct mandatory sentencing regime has been in place for some time.

Mr Prince: Do you mean the one that was introduced in 1992?

Ms ANWYL: It was brought in by the Lawrence Government. I am talking about the young offenders legislation which provides mandatory sentences for prescribed offences.

Mr Prince: Are you talking about the three-strikes legislation? The serious and repeat offenders legislation came in 1992 or 1991, when Carmen Lawrence was Premier.

Ms ANWYL: That is the one to which I refer. It prescribed mandatory sentences.

Mr Prince: Nobody was caught by it.

Ms ANWYL: As amended, perhaps.

Mr Prince: Absolutely nobody was caught by it for years. As far as I can recall, one offender was caught, and he is still there. Perhaps a few nicked off across the border to South Australia.

Ms ANWYL: The concept of mandatory sentencing has been embraced in relation to burglary. I do not know the detail and I do not want to spend the next five minutes on it because time is limited. We have no evidence of deterrent effect on the number of offences.

Mr Wiese interjected.

Mr PRINCE: The member for Wagin is correct; a recidivist criminal behind bars will not commit crimes in the general community - what he does in prison is another matter. As the member for Fremantle said yesterday with more eloquence than I, the deterrence is found in the probability of apprehension and the certainty of punishment. It is the two together. I cannot remember the phrase that he used, but it was spot-on. The two are coupled. At the moment there is the widespread perception that one will not be punished heavily if one is caught for burglary. The graph proves it. Most such sentences are less than 12 months. We must deal with the sentence as well as the probability of apprehension, which is another issue which we have debated and no doubt will debate again, but we are dealing with the sentencing exercise. The Chief Justice's report might be correct - I do not dispute that - but the perception is otherwise. We must bring perception and reality much closer together. One way of doing that is to collect information and to publicise it regularly so that our debates take place with information and so that trends can be seen. That is what the first stage of the matrix is about.

Ms ANWYL: I have made the point - I will not labour it - that the Chief Justice and all members of the judiciary consider that the notion is misconceived. Page 10 of the Chief Justice's report refers to the judicial calendar that is available now. Each justice or judge must -

> . . . cause to be prepared a "calendar" following each criminal sitting at which they preside detailing the sentences imposed on each offender . . . and is supplemented by the transcript of the reasons . . . It is a relatively short step from prescribing the form of a judgment to prescribing what may be said in it.

Will the minister assure me that, apart from detailing the form of the judgment, we will not have even greater interference? Clearly the judiciary is -

> . . . mindful that this creates a significant potential for interference in the exercise of judicial discretion in sentencing.

What will happen, given that many regulations are yet to come to Parliament?

Mr PRINCE: I am not altogether sure what the member is driving at. I know what the calendar is - I have seen it and I have obtained certified copies of it on innumerable occasions for the purposes of appeal. It is a simple document - "this person, that offence, that punishment, that's it". The transcript is available in the city virtually instantly. In some country centres, it is available after waiting a hell of a long time and in some instances having paid for it. In a sense that is the information that we seek by the legislation but it is not in the form that we would like it, in a relatively more simple reported sense. I do not find a problem in asking judges to report in a different form that enables the report to be used for data analysis. Analysis leads to intelligence. Intelligence should then inform action - that is a simple proposition. It is not interfering with the sentencing process; it is simply saying, "Give the aggravating factors, the mitigating factors and the other factors; tell us about it and provide the information." It is all there anyway, but it is in prose form - sometimes comprising several pages - and in a calendar which the judge fills out, stating, "Fred Smith, aggravated sexual assault, seven years", or whatever the case may be.

Ms Anwyl interjected.

Mr PRINCE: It is not available in an understandable form. To be able to pick up all the transcripts, read them, and then convert that into the sort of thing that can be processed in the proper fashion would be a monumental task. It is not beyond the realms of possibility to ask the people who make those decisions to reduce it to a form that can be handled and processed.

Ms ANWYL: Proposed section 101J provides for factors to be taken into account or ignored. Where does the concept of cooperation with sentencing authorities or police that leads to the apprehension and conviction of another offender fit into this scheme of mitigation? What will happen in terms of the present practice, of which the minister would be aware of, whereby letters of comfort are handed up to the judge on a sentencing occasion, because as we all know, a real fear is held by prisoners -

Mr Prince: I do not anticipate any change to that at all. It is absolutely essential that when a person has given that degree of assistance to the prosecuting authorities, police or otherwise, that is a matter that should be made known to the judge in confidence. From the point of view of working out the regulations, there must be a method by which this is a factor that can be disclosed in a confidential way. That is also something that must be taken into account when the judge is looking at the totality of the sentences for that offence. It may be that those will be left out; otherwise they would skew it. It does not happen on that many occasions.

Ms ANWYL: It does not happen in enough cases. We would like to see as a matter of public policy a situation in which convicted or charged criminals cooperate more with the authorities, particularly in drug offences, leading to the conviction

of other drug traffickers. I wonder whether the minister's comment just now sits with the whole concept of accountability, transparencies, selling this to the public and all the rest of it. How will the minister reflect that in terms of the statistics that will be gathered, and how can the minister be sure there will not be some skewing of results, especially in relation to drug offences?

Mr PRINCE: Under section 8(5) of the Sentencing Act relating to mitigating factors -

> If because an offender undertakes to assist law enforcement authorities a court reduces the sentence it would otherwise have imposed on the offender, the court must state that fact and the extent of the reduction in an open court.

That is when someone says, "I will help you by giving evidence." Those will be able to be seen without a problem. The only ones that create a problem is when the individual up for sentence has given information, but is not being asked to be a witness at some future trial. The fact he has given information which has been useful is something that the magistrate or judge should be told about because it is a factor that they should take into account as a mitigating factor in the sentence. A way must be developed in the reporting process under the first part of the matrix for that to be quarantined from all the others of that offence, so it does not skew the results. Otherwise, I cannot think of anything else which is done whereby that degree of confidentiality is desirable because someone says, "Yes, I promise to give evidence against my co-accused", and the judge says so in an open court. It is almost exclusively in drugs and conspiracy type cases in which the individual gives information to police on the basis that nobody ever sheets it home to him. That is the one, but there are not that many of them. I wish there were more, but it is a matter of working out the reporting format to take account of that.

Ms ANWYL: I note the hour and for the record I wish to state that I have extreme disquiet at the fact that we are rushing this legislation through this House.

Mr Prince: We can stay until midnight if you like.

Ms ANWYL: I do not think that that is an option because I understand other business is before the House.

Mr Prince: We can sit until breakfast, although I would not eat it.

Ms ANWYL: I do not think that is the proper way. We can sit until breakfast but we do so in a complete vacuum from the information which the member for Fremantle and I have been able to elicit to enable us to make proper decisions about the implications of this legislation. Having said that, I refer to page 14 of the Chief Justice's report. He refers to division 4 and states that he finds it objectionable that there will be regulations which will enable the introduction of mandatory penalties. The Chief Justice states that this would be contrary to sections 41 and 42 of the Sentencing Act. Those sections provide for sentencing options. I wonder whether any advice has been obtained given that the report has now been in the hands of the Attorney General for nine days. Is there some concern about this? If the answer is that no legal advice had been obtained, does the minister intend to obtain advice, and if not, why not? Having asked that, I wonder whether the minister will respond to the concerns raised by the Chief Justice on page 10 where he states that it is a relatively short step from prescribing the form of a judgment to prescribing what may be said in it and his concerns about constitutionality.

Mr Prince: I am sorry; I thought I had.

Ms ANWYL: I am sorry; the minister did. In relation to the regulations, the Chief Justice states on page 13 that the provisions in this legislation for Parliament to adopt a resolution is a poor substitute for the scrutiny received by a Bill. We will not have the same sort of scrutiny as was evidenced recently with amendments to, I think, the criminal law amendment legislation, which served to amend the Criminal Code.

Mr PRINCE: I thought I had covered the matter on page 10. I do not see that there is any suggestion now or in the future that the court will be constrained about what it says. I am told by my advisers that advice has been sought from crown counsel about the possible conflict with sections 44 and 45 of the Sentencing Act . That advice is on its way to the Attorney. Neither I nor my adviser have seen it. I do not think the member's comments about lack of scrutiny were correct and to a certain extent the remarks I made about Professor Craven are appropriate here. If we wind up with a presumptive sentence, it comes in here by way of motion. It will be subject to as much debate and scrutiny as it would if it were an amending Bill. We will be able, not only in this Chamber, but also in the other, to debate the full ramifications of it as extensively as we like, and amend, and so on. I understand why people assume it would be a regulation that goes quickly through the Parliament as most regulations tend to pass without being looked at. However, it is not that form of regulation-making. The Joint Standing Committee on Delegated Legislation will look at it as well as will both Houses, and if the Legislative Council is still doing what it has been doing in recent times, it will send it to a committee. I really do not see that is a point.

Clause, as amended, put and passed.

Sitting suspended from 6.30 to 7.00 pm

Clauses 26 to 39 put and passed.

New clause 40 -

Mr PRINCE: I move -

Page 41, after line 4 - To insert the following new clause -

Part 6 - General

40. Review

(1) The Minister administering the Sentencing Act 1995 is to carry out a review of the operation and effectiveness of -

(a) the Sentencing Act 1995 to the extent that it is affected by the amendments made to it by this Act; and

(b) Parts 3 and 4 of the Sentence Administration Act 1998,

as soon as practicable after the expiration of 4 years from the day on which this Act receives the Royal Assent.

(2) The Minister is to prepare a report based on the review and cause it to be laid before each House of Parliament within 5 years after the day on which this Act receives the Royal Assent.

Mr McGINTY: I move -

That the amendment be amended in line 3 by inserting after the word "effectiveness" the words "in reducing crime".

We agree with the concept of the amendment, the objective of which is to review the operation and effectiveness of these two pieces of sentencing legislation, and also to have a yardstick; that is, whether they have been successful in reducing crime. When we dealt with this matter in the opening speeches, I raised the importance of major legislation dealing with crime and punishment and of going beyond the political rhetoric associated with it and having an objective assessment as to whether it has achieved its purpose, which must be to reduce crime. If this legislation does not influence the crime rate in a downward direction, it has failed. If we know that an objective assessment will take place, with the yardstick being whether the legislation has succeeded in reducing crime, we are less likely to get knee-jerk reaction legislation in this place. People will know that it will be assessed and judged accordingly. I welcome the new clause moved by the minister, but it is important to spell out the criteria against which it will be judged for the purpose of having the review of the operation and effectiveness of the legislation.

Mr PRINCE: It will undoubtedly come as no surprise to the member that I do not I agree with his amendment; however, imposing any form of sentence on people, whether it be by way of conditional release order, fine, and ultimately imprisonment, is a method of punishment for an offence. That does not necessarily mean crime will be reduced. Another part of sentencing people is intended to deter them from committing further crime. In some cases that is effective, and in some it is not. If it were always effective, we would not have recidivists. It is also intended to act as a general deterrent to those who might be contemplating the commission of an offence. There is much debate and difference of opinion about its effectiveness. As the member said - I will feed back his words to him, because I agree with them - the most effective deterrent is the probability of apprehension coupled with the certainty of punishment. If we are to measure the effectiveness of this sentencing amendment by only the reduction of crime, it is not being measured properly. Other factors may militate against a reduction in crime, notwithstanding that this works. This may well work effectively for individuals who come into the sentencing process. It may well work very effectively in preventing them from continuing with what otherwise would be recidivist behaviour in many other ways, particularly from the point of view of bringing public perception and reality closer together by being able to publish data, figures and so on. It may be considerations totally outside the sentencing process which have an effect on reducing crime. Many other things can intervene and cause an increase or decrease in crime; for example, if quite a number of the initiatives, which are running at the moment and are intended to prevent crime, are successful, it could be that the result of the review of this legislation is that it has been far more effective than it really has been. Some other factors may have come into play which have reduced the incidence of crime. Equally some factors might come into play that have increased the incidence of crime, notwithstanding the effectiveness of this legislation. Although I understand the member's mischief, and I do not want to keep him from his dessert any longer, I do not agree with the amendment on the amendment.

Amendment on the amendment put and negatived.

New clause put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Prince (Minister for Police), and transmitted to the Council.

SURVEILLANCE DEVICES BILL

Returned

Bill returned from the Council without amendment.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from 2 December.

MR CARPENTER (Willagee) [7.11 pm]: I take the opportunity to raise a few brief matters relating to my shadow portfolio areas and my electorate. Initially, I refer to some of difficulties confronting people with a disability in transport, in the metropolitan area particularly, where their capacity to access transport is being diminished by a variety of factors. These include reduced train passenger assistance in the metropolitan service, and increased difficulty accessing the taxi subsidy scheme. Privatisation of the bus routes, although only part of the issue, has delivered some difficulties with bus timetabling and altering and diminishing some bus services, which has created problems for some people with a disability.

One case was drawn to my attention by Les and Margaret Gilham of Canning Vale, who are the parents of two children with an intellectual disability. Their children attend the Cannington Education Support Centre. After several months of individually concentrated transport training, their children were able to catch the local route 225 bus to and from school each day. This was a considerable achievement for the family and a great aid in the running of their family unit. However, the family read about changes to the bus timetable in the newspaper, and made inquiries to discover that the timetable for the morning and afternoon buses the children caught were to change. The 8.00 am pick-up bus changed to 7.40 am - which was an inconvenience but manageable - and the afternoon bus from Cannington railway terminal was changed from 3.37 pm to 3.07 pm. The next bus now leaves one hour later at 4.07 pm. The children finish school at 2.50 pm and are unlikely to be at the bus station in time to catch the 3.07 pm bus. Members must remember that the children have an intellectual disability and are not always able to concentrate on a matter at hand like quickly and directly travelling to the rail terminal after school. Therefore, they must wait at the terminal for up to an hour for the 4.07 pm bus.

This is a great difficulty and concern for the family. So far, the delay has led to their son with an intellectual disability being confronted by a gang of youths at the railway station and being beaten up. He was involved in an altercation with other users of the transport system because of his lengthy stay at the terminal, as opposed to the previous situation of getting on the bus almost upon arrival at the terminal. The two children have to wait almost an hour, and it is almost impossible for them to avoid problems either of their own making or visited upon them by other people.

The Gilhams are extremely dismayed that the bus timetable has changed, as its impact on the family has been severe. They would like the bus timetable to be reconsidered in view of their needs. They are not asking for a huge reconsideration, but a change of 10 minutes or so to enable the children to catch the bus under the previous arrangement. The family were advised that an extensive public consultation had occurred prior to the changes being finalised; however, they were not made aware at any stage of the consultation period until apparently it was over and the new timetable was instituted. They feel that this was unfortunate and unfair to them. Information kits were delivered into the Gilham's letter box, as they were to all residents. However, this happened after the changes were implemented. Therefore, the family were caught unawares that the changes were taking place. It was unacceptable given such short notice. They asked for their situation to be brought to the attention of the Government, and I take this opportunity to raise their case.

They are not the only people to contact my office on issues of transport and access for people with a disability, or without a disability. A number of problems have arisen from the bus timetable changes and the new privatised route in Fremantle. These changes have had an adverse affect on the suburb of Samson and the Seton Catholic College: Buses are not turning up and children are regularly arriving late for class. I believe it is being addressed by the parents and citizens' association and the school itself with the bus company. I am optimistic that a positive solution to the problem will be found. When contacted from my electorate office, the bus company was found to be very amenable, for which I am grateful. I raise the Gilham case as their situation deserves the attention of the authorities which may be able to alleviate the problem.

I now take two or three minutes to address the issue of police resources in my electorate. I have spoken on several other occasions on this matter, but given that this is the last opportunity I will most likely have to speak to Parliament this year, I express my disappointment about what has happened in 1998 with police resources in my electorate. I was aware last year that plans were afoot to close the Hilton Police Station, which was the only station in my electorate. I made an issue of this

closure in an attempt to ensure it would not happen. I was given an assurance by the then Minister for Police that no plans were afoot, as far as he was concerned, for the closure. I was also given a face-to-face assurance by senior levels of the Police Service that it would not close. Nevertheless, it closed, which I find very disappointing.

Hilton Police Station had 14 police officer attached to it covering the Hilton, Hamilton Hill and Coolbellup area. The station's closure coincided with the opening of the Murdoch Police Station, to some fanfare. The Murdoch station, we were told, was to have 40 police officers, but I understand that the number is now 22 officers covering a large part of the southern metropolitan area. I have been outspoken in the local media about the impact on suburbs in my electorate with the opening of Murdoch. There was an immediate, perhaps coincidental, but nevertheless real, increase in the crime rate in the area formerly covered by the Hilton Police Station. The Fremantle service conceded that a diminution of resources to that area had occurred, and gave a commitment to address the problem. I have taken the word of the service on that on behalf of the people I represent, who are disappointed with the Government and the Police Service for deciding to close the Hilton Police Station. They believe - I think they are right - that their fears about the impact of the closure are being realised. That is something that should be reconsidered in the new year, if that is possible. A different approach should be taken to the allocation of police resources in the southern metropolitan area, particularly in the suburbs where there are relatively high levels of crime and people, so that people are at least able to insulate themselves against the effects of crime. I am talking about suburbs like Willagee, Hilton, Coolbellup, Hamilton Hill and so on. In common with all members of Parliament, I suppose that this is if not the biggest then certainly one of two of the biggest issues in my electorate. I am hopeful in the new year that some positive action will be taken on that issue.

That leads me on to the next topic on which I want to briefly touch, which is the adoption by local government councils of the private security guard scheme. My electorate is overlapped by three local government councils: Fremantle, Cockburn and Melville. Some time ago, the Melville City Council decided to adopt a scheme whereby it would employ a private security firm to give some reassurance to its ratepayers that their concerns about law and order were being taken into consideration. I support the Melville City Council in what it has done; however, it is most unfortunate that it has found it necessary to take that action. When I raised a matter of accountability of the private security firm, I was asked what better idea I could suggest in addressing the matter of law and order. The simple answer to that is The Western Australia Police Force. That is what the WA Police Force is there for. It is an understandable but regrettable development that the responsibility for this area of activity is being devolved to local councils. It is privatisation of police function by stealth. We, as a Parliament, must be wary of the ramifications. There have been complaints already about the effectiveness of the security operation paid for by Melville City Council. I believe that the council is acting in good faith to address the legitimate concerns that have been raised; however, there are problems of accountability and perceived function. There are people in the community who believe that the private security firms have the same capacity and powers as the Police Force; they do not.

We must be very careful in devolving powers to other organisations normally associated with the Western Australia Police Force; the trend should be stopped. However, I understand why the Melville City Council and some of the other councils in our metropolitan area have taken this step. It is an effort to protect the interests of their ratepayers. I believe that Melville City Council offered the State Government to pay the wages of extra police and that proposal was declined. The Melville City Council also put a proposal to the State Government that it would pay for the conversion of a building in the council district to be used by police and would pay the wages of police. However, that proposal was not acceptable and it was left with the alternative of employing a private security firm. That is a development that we should look at with some scepticism for the reasons that I have mentioned.

Finally, I briefly address Homeswest developments in my electorate. They are principally focused on two suburbs, Willagee and Coolbellup. The Homeswest development in Willagee has been slow to take off. There has been a long period of inactivity in which the whole redevelopment was redesigned. Large areas of the suburb were effectively bulldozed, left vacant and laid waste which created an antisocial climate in which the remaining houses in the development zone were subject to a higher rate of criminal activity, break and enter offences and so on, because basically they had lost the protection of the neighbourhood. I note that the development is in full swing now and I congratulate the Homeswest officials at Fremantle for the development plans that they have produced; and I look forward to the completion of the project because it will transform the suburb of Willagee and leave it a better place. I know that the people in Willagee are looking forward to it with great expectation. The blocks in the development are now on the market and are expected to be fully taken up by the end of the summer period, which is a positive development. In Coolbellup, the redevelopment is of a different nature with more refurbishment of the suburb. There is no new construction; however, the existing housing stock is being refurbished. The Fini Group of Companies have taken over that redevelopment after the withdrawal of the Buckeridge Group. That is seen by the local residents as a positive change, and I concur with its view. The attitude of the Fini Group to its responsibilities in the project development is like a breath of fresh air.

Mr Osborne: It is doing an excellent development in Bunbury too.

Mr CARPENTER: Yes. It has been very positive in its negotiations with the local community. It has gone out of its way to listen to the community concerns or interests in the project and has taken into consideration those interests. I believe that

the Fini redevelopment of Coolbellup will be a major improvement to the suburb, which all people of Coolbellup will be able to enjoy. Again, Homeswest officers in Fremantle have been very cooperative with my office and I look forward to the completion of both the Willagee redevelopment and the Coolbellup redevelopment.

As this is the last time that I will speak this year, I take the opportunity to wish all the members and you, Mr Deputy Speaker, a very merry Christmas and a happy new year.

MR GRILL (Eyre) [7.27 pm]: Mr Deputy Speaker, as you know and as the other members here appreciate, I come from the mining electorate which sustains a large part of the wealth of this State. I want to talk for a short period about native title and the effects that that is having on the mining industry. Like most people in this House - certainly all people on this side of the House - I welcomed the Mabo decision mainly on the basis that it addressed a range of wrongs which had been done in the past to Aboriginal people, and because I was angry about the way in which certain pastoralists and others had treated Aboriginal people. I was involved in negotiations in the Kimberley, for instance, in an endeavour to get living areas for Aboriginal people on pastoral stations. I was appalled by the fact that the lessees of those stations endeavoured, through a whole range of stratagems and mechanisms, to prevent that from happening. They put forward a whole range of arguments why it should not happen. I was surprised because I knew these people and thought that they were fair-minded. Frankly, when it came down to it and the question was actually put to them, they did not behave in a fair way. I was also angry, as were many people in Western Australia - and right across Australia I think - that the very moderate land rights legislation put forward by the Burke Government was rejected in the upper House.

After having passed through this Chamber and after finally receiving the support of the Chamber of Minerals and Energy of Western Australia, as it is now called, the Pastoralists and Graziers Association - I think it was called the PIA at that time - and the National Farmers Federation. A whole range of organisations which were normally in the conservative camp came across and supported that legislation. It was a tragedy, and it was unthinking of the upper House to reject that legislation. It was moderate, it was workable, and it was something that ultimately had the support of most Western Australians. However, it was defeated, and as a result of that defeat and as a result of the threats made against the Australian Labor Party with respect to the forthcoming election, the Hawke Government backed away from national land rights legislation. It had indicated that it might bring down that legislation. However, after the experience in Western Australia, that did not happen.

Much of the motivation behind those who were responsible for Mabo and other decisions which were subsequently made came about because of the anger and frustration at losing that legislation here in Western Australia. Nonetheless, there was reasonably general support for Mabo. From my experience of going out on occasions to negotiate on behalf of Aboriginal people to protect their heritage sites, to negotiate compensation on other occasions, and to negotiate with the Government to confer upon them certain pastoral leases and sheep stations, that added grist to the mill and allowed me to have some empathy for the general thrust for legitimate land rights.

I had some doubts, although I did not express them very publicly, about the national native title legislation which was put in place by the Keating Government. I had doubts about its practicality. Although I was not vehement in expressing those doubts, I nonetheless expressed them. I expressed them in this House, I expressed them to some of my colleagues, and I certainly expressed them in Caucus. However, I think it was a legitimate attempt to put in place some codification of what people thought native title meant. It was not a very good attempt, and I think that everyone now concedes that that legislation was not workable.

Some of the excuses put forward for the fact that it was not workable, especially by my federal Labor Party colleagues, were that at the end of the day the Liberal Party would not negotiate in the Senate with the Labor Party on the major provisions. There is some truth in that. My colleagues made the point that they were driven into the arms of the Greens and the Australian Democrats, who had a more radical view of native title land rights than the Labor Party. That was the position put forward by some of my colleagues at the time. They said that we would have had a much more workable piece of legislation had the Liberal Party been prepared to play ball.

I look at this legislation through the eyes of the people in the eastern goldfields. Even with the Howard Government's 10-point plan, few people in the goldfields - I am talking on all sides of the equation here, from the Aboriginal point of view, from the mining point of view and from the view of just the average person in the street - believe that in the hot-house atmosphere of the eastern goldfields, which has immense mineral resources and diverse groups of Aboriginal people in various states of adhesion to their old culture, native title legislation is working at all. There has been very little success in the eastern goldfields. I had been hopeful that we would grope our way towards a better piece of legislation at a somewhat faster pace than we have over the last few years.

Even when one speaks to people from the National Native Title Tribunal, which is the only commonwealth body which is headquartered in Western Australia, they concede that the native title legislation has not worked in the eastern goldfields. They argue that in other parts of Australia and other parts of Western Australia it has worked. However, in a recent briefing with the National Native Title Tribunal, it conceded that in the eastern goldfields it had not yet worked, and it was possible that it might never work.

Mr Barnett: Does the member agree with Mr Justice French? He advocates negotiation. Is negotiation possible in the goldfields?

Mr GRILL: I intended to deal with that later. However, I will deal with it now. I have read his comments, and I have heard them on the Australian Broadcasting Corporation. There now seems to be a general cry coming from that side of the debate. I have spoken to a number of lawyers and people involved in the Western Australian Native Title Working Group; that is, the Aboriginal industry side of the native title working group. I do not know why they are all ringing me at the moment, but they are all now putting forward the argument for consultation. I am not opposed to consultation. However, when one reads what Mr Justice French says, he is talking about the day-to-day operations. I took a cutting out of the paper yesterday. I was going to bring it into the House and quote what he said. I have no doubt that in respect of the day-to-day operation of the Native Title Act negotiation is the way to go. However, when one is talking about some of the fundamental issues that were covered, but not as well decided as they should have been, in the Miriuwung-Gajerrong decision, one is not talking about a situation where negotiation will work. The questions are fundamental. They go right to the heart of the matter. One will not be able to put together groups on both sides of the argument that will be able to negotiate through those questions. Some of them are quite profound; they go to the question of who owns the minerals. Do they attach to the land or do they belong to the Crown? Do they belong to the people of this State in the name of the Crown or do they belong to the persons who hold the land?

Mr Cowan: There is already law about that. That should not be in question.

Mr GRILL: There is law about that, but that law is certainly cast into question by the Miriuwung-Gajerrong decision, very much so, because it talks about resources. I remind members that "resources" covers a lot more than petroleum and mineral rights. It covers water rights and timber rights; it includes a whole range of rights that can be categorised under the heading of resources. However, I will return to minerals and petroleum. Of course, the 1904 Mining Act reserved all minerals, irrespective of whether they be precious minerals, to the Crown. Of course, we make a distinction between precious minerals and other minerals.

Mr Cowan: Except for the Victorian grants, those land grants were made in the nineteenth century, prior to the 1904 Act coming into operation.

Mr GRILL: The provisions in the Mining Act apply back to 1899.

Mr Cowan: But grants prior to that.

Mr GRILL: The Deputy Premier is talking about grants made prior to that. He is talking about areas like the Hampden area, which is between Kalgoorlie and Kambalda, that carried mineral rights. There probably is an argument that can be made on the Aboriginal side - it is not an argument that I would support - that minerals and petroleum go with the land. There was a history prior to 1899 of that being the case in Western Australia. Therefore, that is a case that can be put. It is not a case that I would support in any way, because for the whole time that I have been in Parliament I have taken a strong view that minerals and petroleum and other basic resources, including water - water will be a big factor here - belong to the people, in the name of the Crown. That question must be decided as soon as possible.

Dr Hames: Do you have time to explain briefly what you mean when you say that water will be a big issue for the future?

Mr GRILL: The Miriuwung-Gajerrong decision includes much of the Ord valley.

Dr Hames: I missed part of the conversation. I thought you were talking about the Kalgoorlie region.

Mr GRILL: We can extrapolate as far as we want, frankly, because if we accept the criteria and thresholds that were applied in the Miriuwung-Gajerrong case, it is conceivable that much of the 92 per cent of the State that is already encompassed within land rights claims will be granted. It is arguable that water is a resource. What then do we make of a claim that covers the Ord valley, for instance? Does the water belong to the Aboriginal people or the Crown? It is an interesting question, and I have no doubt that it will be argued on behalf of the Aboriginal people that the water belongs to the owners of the land. We go well beyond minerals and petroleum. A pretty good case can be made, as the Deputy Premier said a while ago, that minerals and petroleum belong to the Crown, because they were reserved to the Crown in 1904. I do not know of any argument or statute - there may well be one - that reserves all water to the Crown.

Dr Hames: So all the underground water used by the mining companies may be under threat?

Mr GRILL: I do not want to be alarmist, but we need to understand that decision in terms of resources. It does not define resources in any way that really bears serious consideration. I believe that in a 260-odd page decision that dealt with this question of ownership and control of resources, some effort should have been made by the judge to define what he is talking about. It seems to me that a number of these decisions that have been made by the High Court, and by the Federal Court, as in the Miriuwung-Gajerrong case, have opened up more questions than they have decided. It is all very well for Mr Justice French - for whose intellect one must have great respect - to say in a lofty fashion that this can be decided by agreement. Does he not sound so reasonable! All of us would say, "Let us decide this by consultation and agreement." Those are lofty words, but when we get down to it and really consider it, it just makes things harder and harder.

A lot of people at the bottom of the economic spectrum have been extremely disadvantaged by native title legislation. I acted for one family with freehold land who had their property claimed and who had to take action through me to have the claim lifted. I acted for them, not in any official legal sense, but I am a lawyer and I do things for people through my office. In that sense, I am acting for about 20 people in Kalgoorlie right now who own homes on leasehold land and who are being forced into actions in the Federal Court, and I do that work for nothing. At the end of the day, it may be unnecessary for them to be in that court, because the State Government will look after their interests, but when I have asked the crown solicitors at various meetings, "Should I should leave these people to you, for you to look after their interests, or should they become a party to the action?" I have been told prudently by the crown solicitors, "We will do our best, but they may slip through the net, so you had better advise them to become parties."

Mr Trenorden: That is reasonable advice, is it not?

Mr GRILL: I cannot criticise, because I do not know enough to be able to criticise; and who does know enough in this vexed area? These people have not had the money to freehold their property in Kalgoorlie. When I first went to Kalgoorlie, half of the properties were on leasehold land, but the people who were left at the bottom are among the 20 people who have come to my office - and it affects a lot more than those 20 people - because they are being forced into actions in the Federal Court. A lot of people are suffering. A lot of small prospectors who want to go out to the bush and proceed with their application for a tenement are being asked for a Land Rover, fully provisioned with water and petrol, and then $400 or $500, and sometimes $600 or $700, a day to go out and do an inspection of the land in question. I know these people intimately. My brother is a prospector. Those costs are well beyond those people. They do not have that sort of money. They do not have a spare, modern, up-to-date Land Cruiser or Land Rover that they can put in the field and fully provision for that purpose.

We have conferred upon Aboriginal people immense benefits over the past five or six years. I have a list of them here, which I have catalogued and audited. Aboriginal people have outright control of between 12.5 per cent and 13.7 per cent of the total land area in this State. They have picked up an additional 10 per cent through the native land use agreements. At least 25 per cent of the Kimberley is controlled by Aboriginal people. It is not as though they are in the position that they were in 10 or 20 years ago. Immense benefits have been conferred upon them. It is time we took stock, looked at the balance, and endeavoured to come to some fair and reasonable settlement of these questions, because a lot of people are being hurt. Many of those people are small people, and I have immense concern for them. I have a huge clientele of Aboriginal people. Many of them are also being hurt in this process, and I could give a range of stories in that respect. I do not have time to do it now, but, by God, I do not want another decision like the Miriuwung-Gajerrong decision which opens up the whole question further and further without some definitive answer. It is incumbent upon us, when we have the opportunity in this Chamber and in the other place, to bring about some settlement. There should be a compromise on both sides, and I hope there will be.

Mr Wiese: Are you willing to table that paper or pass it to members?

Mr GRILL: Yes.

MS McHALE (Thornlie) [7.47 pm]: I raise two issues. They bear no relationship with each other, apart from the fact that one relates to my electorate, and the other relates to the portfolio of the Arts. The first is with regard to an issue that I raised in this House concerning police numbers at Cannington Police Station and the Cannington police district. The debate that I had with the Minister for Police was described by the local community newspaper as a "war of words" between the minister and me. That is the media's portrayal; I did not see it in that way. The feedback that I have received from the public, and specifically from family members of police officers who have read with interest the several articles in that paper, has led me firmly to the view that my analysis was quite correct and the minister's analysis was wrong. The feedback that I have received is that I have been 100 per cent right in saying the very simple message that the police at the Cannington Police Station or district, however we wish to describe it, are under-resourced. I put on record that my work in that regard was in no way an attack on the work of the police officers. It is unfortunate that the Minister for Police decided to portray it in that way. I commend the work of the police officers. I know how hard they work. It was precisely because of that that I raised the issue of resourcing. I know that they are committed to serving the community, just as I am. I know that they have families who are concerned about their wellbeing, safety and health as a result of the hours that they must work as police officers. I must say that the police officers have been let down by the senior bureaucracy of the police and certainly by the Government if we need to get into a war of words about the proper and correct analysis of whether the police are adequately resourced in my area. There must be a gaping gap between what is happening on the beat and the media machine that generates the view that everything is sweet on the beat and that they have never had it so good. I know this from the families of police in my area and not necessarily the police because they are bound to secrecy and not to talk to the public: There is a gaping gap between the perspectives.

Some of the things that have come up from the media are interesting. For example, I was told that there were no booze buses on Christmas Eve and Christmas Day of last year. The reason was that the Police Service could not afford to pay the penalties for Christmas Day. When I checked that out by a question on notice, I found it was correct and that there were no booze buses on Christmas Eve or Christmas Day of last year. There are reports that officers are discouraged from doing

overtime because the Police Service cannot afford to pay the overtime rates. There was a report that one police station was closed to send the staff from that police station to another police station. There are reports of using police officers as Westrail guards because the budget situation for that month over Christmas was so bad that the Police Service had to relocate the police officers somewhere. There are examples of issues relating to the resourcing of police, if not across the metropolitan area, then in my area, which are symptomatic of what I see as a serious problem.

If we then look at the problem from the community's perspective, we can see how the problem of under-resourcing translates into what we all hear as members of Parliament, and certainly I hear from the areas of Langford and Thornlie. There is a strong perception of insecurity and almost hopelessness because people feel that really nothing is being done and that the Government is not dealing with the problem. We know that people are too scared to leave their homes, particularly at night, yet the perception of their being safe in their homes is also very strong. It is a sad indictment that we have not been able to address these problems and that they continue. Motor vehicles are being stolen. A number of residents in my area have had their cars stolen from Kenwick railway station, yet it is interesting to note that Westrail for the third year in a row made a profit. This year it was a $45m profit -

Mr Cowan: Not out of urban transport it didn't.

Ms McHALE: Overall it made a profit. The point is that perhaps some of that money could be ploughed back into making sure that our railway-station car parks are safe, so that people do not feel under threat. In recent times there have been holdups in shopping centres. One constituent rang me to say that she was attacked and abused when she was walking home. She managed to get home and rang the police. The police said that at least she had got home and she was not under a life-threatening situation. It was not considered to be a high priority. The woman had been traumatised. Admittedly, in the end she had not been seriously physically assaulted although she had been assaulted. Fortunately for her it was not in a life-threatening way. However, to get the response that it was not a life-threatening situation and therefore not a high priority is indicative of the problem of a high and rising crime rate and under-resourcing.

A glue sniffing problem recently occurred in Thornlie at a bridge which is notorious for children assembling and abusing substances. My office rang the police. They could not attend because they had no cars available to get out quickly to deal with the children there and then, as they were sniffing various substances. For residents, the perception is one of being under siege or threat and certainly from my perspective there is under-resourcing. I plead to the Minister for Police to look again at the resourcing of Cannington Police Station. If he took the time to look at the rostering of police officers, he may see the situation takes on a different flavour when he begins to understand how few police officers are rostered on at any one time.

I want now to change the mood of my contribution quite significantly and move away from the issue of crime and under-resourcing of police, which has a very real and direct impact on my electorate, to something pertaining to my shadow portfolio of the Arts. I want again to put on record that it is a very great privilege to be opposition spokesperson for the Arts. I take that responsibility very seriously and with a great deal of passion. I had the privilege last night of attending the launch of the Wesfarmers' arts diary for 1999. I want to put on record my thanks to and recognition of Wesfarmers for taking the initiative. However, I must also say that Wesfarmers is one of the strongest corporate citizens when it comes to sponsoring the arts. It is well known nationally for its significant financial contribution to a variety of art forms. This diary is the latest in a series of initiatives that Wesfarmers has taken. The diary marks for the first time the collation of information on cultural organisations, events and programs and also venues. The information is collated into one source that sets out on a day-by-day basis what is happening in Perth from a cultural and artistic perspective.

Over 280 events are provided and produced by 36 organisations in Perth, which represents a very broad cross-section of our artistic community and different forms of culture and the arts. Without sounding trite, there would be something for everybody in the diary. It is not just about a glossy brochure for the arts for the few but is a very real effort and attempt to open up access to the arts to a broader range of our community by providing information, which is very easily read and in a clever format, which is very simple but very artistic. The message that we can take from this is that there are corporations and companies which value the arts in our community; in fact, the diary says that the arts play a central role in defining and influencing our society. Wesfarmers recognises this in a very practical and real way. In my view a responsible Government, and certainly a responsible minister, would be working very hard to broaden the base on which we might see companies sponsoring and supporting the arts, but not as a substitute for government funding. I reject any notion that sponsorship by companies is an alternative to government funding. That is certainly not my position. The position of the Labor Party is that the arts in Western Australia should be strengthened through government funding, because the Government has a responsibility to the arts and to the community of Western Australia.

The point I make also is that we should be creative and work with companies to encourage them to see the value of supporting the arts. We cannot expect them to be involved in sponsorship merely from a philanthropic point of view, although some people see it in those terms; but value adding can be gained by companies sponsoring the arts. More people visit arts institutions than participate in sport. An editorial in *The West Australian* a few weeks ago made it an either/or situation, but that is not the case. I stress that arts are supported in a very big way by people in the community and, therefore, there should be no dissent or disagreement about their receiving terrific support from both the Government and corporations.

I come back to the diary and place on the record that Arts WA and the Australia Council have also provided funds to establish this diary. I express my appreciation to both organisations for supporting the diary. I urge all members to obtain a copy. I believe they are free, but even if there is a small charge, it is certainly worthwhile because the diary will open people's eyes to the wealth of artistic expression in Western Australia throughout the year, and not just in the first three months when the Festival of Perth takes place. I also place on record my thanks to the people who made this diary a reality; that is, Michael Chaney, as Chief Executive Officer of Wesfarmers, the Chairman and Board of Directors of Wesfarmers and, just as importantly, a young woman who is manager of the arts section of Wesfarmers, Fiona Kalaf. She made this concept a reality not for the interests of Wesfarmers or the shareholders directly, but for the benefit of enriching access to our arts and enriching our community health through a vibrant arts industry. Anybody who diminishes the arts as being either highbrow or elite does not understand what the arts are about and how important they are to this community. This Parliament owes it to the arts industry, to those who work in it, those who enjoy it, and those who benefit in many ways from experience of the arts, to show vision and leadership. In my view, it is most important that members show pride in having such a strong arts industry. It is strong because of the commitment of those who work in it. They see it as important. Parliamentarians and ministers opposite should always remember how they can support the arts in whatever portfolio they have because there is a link between the arts and every element of our society. It is incumbent on ministers to be the ambassadors for the arts and on me, as shadow minister, to encourage them to do that.

I congratulate Wesfarmers on this diary. It is a terrific display of its commitment, and I wish it well. I also wish to give members my best wishes for Christmas. It is the end of my second year as a member of Parliament -

Mr Marlborough: And you have loved every minute of it!

Ms McHALE: And the member for Peel has loved every minute of it! I wish members a safe Christmas and I look forward to a challenging year ahead.

MR TRENORDEN (Avon) [8.06 pm]: A cynic may say that I am speaking at 8.05 pm to demonstrate where I was on the last day of the parliamentary sitting. I have a few comments and I will then go to the other place, because it is important to share some things with the other place.

Mr Cunningham: Take your drinks. You are not too shy to go.

Mr TRENORDEN: I had not intended to mention it, but I recall a day in 1992 to which the member for Girrawheen contributed rather substantially. It was one of the few times that I saw a telephone call received in this House. It was a very prominent day!

Mr Cunningham: Forget that, I want to stay quiet from now on.

Mr TRENORDEN: I wish to raise two matters, but I will rise to the challenge made by you, Madam Acting Chair (Ms McHale), for a couple of seconds. I agree with you wholeheartedly. The arts are an essential part of any healthy community, and I wish a few people in Perth would recognise that there are people living over the ranges who would like to participate in the arts. I have no grievance whatsoever, and the member for Thornlie has seen me at a number of events. I enjoy that part of life immensely, but I am aggrieved from time to time at the sparseness of the opportunities for country people to be involved in the arts.

I shall talk about banking for a few minutes. In December last year, on behalf of the Deputy Premier and the Minister for Fair Trading, I took part in a regional financial services task force, and a few weeks ago I went to Melbourne, using my imprest account, to follow up on information I had received. I have some information that even members from the metropolitan area might like to hear, because there is no guarantee that they will not be affected by bank closures.

Mr McGowan: Melbourne Cup weekend!

Mr TRENORDEN: That is the time I was spotted on the Melbourne tram paying my fare with coins. I did get some publicity but I am not sure whether it was good or bad. I need to tell members about what is happening in the area of bank closures. The Australian Bankers Association has done a backflip since the report was written and has made considerable changes. It has released a seven-point package, which I will not read because of time constraints but which is available if people wish to see it. It has made a commitment to help elderly people to use new technology. It says that the multiple use of automatic teller machines is limited only by technology and not by policy. People have heard banks say that people are free to use any other bank's ATM, but at a price. The Australian Bankers Association believes that notice of bank closure should be extended to take into account local conditions. In Tasmania, Westpac Banking Corporation, which operates as Challenge Bank in this State, is trialling a one-stop outlet. That arose directly from the report. The task force pushed hard for a one-stop outlet. That means that the big four could operate from the same premises, and that might be an alternative to closing banks in the suburbs.

The Australian Bankers Association has stated that EFTPOS will be used more extensively. Again, I am not promoting that; I am reporting its views to the House. The Commonwealth Bank has said that the cheapest way to get money from it is to

go to Coles and take it out by card. The Commonwealth Bank is encouraging that activity. I am not promoting that point of view, as it has grave connotations. The Australian Bankers Association is keen for Australia Post to become involved in the movement of cash, and I will talk about Australia Post's position in a moment.

The ANZ Bank has announced publicly that it has no intention to close any of its branches within the next 12 months. The ANZ is keen to tailor banking services to community needs. The bank will agree to a period in which branches will be secure and it will then carry out a review in the community about prospective closures in the next 12 months. The association will encourage banking business to be directed to branches, so it will be active about bringing people into ANZ branches. The ANZ is trying to apply lateral thinking to banking in rural Australia.

Australia Post has an important role to play with the banking services offered by GiroPost. There will be 20 agencies in Western Australia offering GiroPost. However, there are limitations to it. Australia Post has a legislative requirement to provide 2 500 outlets in rural and remote Australia. An Australia Post agency must have 12 000 transactions a year to be eligible for a GiroPost agency. I visited Rupanyup and Minyip, two communities in the Wimmera in Victoria. Australia Post said that a GiroPost agency was not warranted in those towns, yet the Bendigo Bank has started a community bank. I make that point to give members some perspective. Australia Post is not prepared to take back its role of being the major handler in the shipping of cash throughout Australia. Australia Post also has no intention to become a bank in its on right, and it is concerned about electronic capture, which is a cost factor within Australia Post. It recognises that telecentres and Australia Post have similar ambitions, which is an important factor in Western Australia. I visited Bendigo and spoke at length to officers of the Bendigo Bank. I also spoke at length to the communities at Rapanyup and Minyip, and saw their enthusiasm for the community bank which was the first to be established under the arrangements with the Bendigo Bank. A member of the Department of Commerce and Trade, a member of the Wheatbelt Development Commission, a CEO of local government and I met with the community bank and the Bank of Bendigo and went through the raft of procedures. Organisations like the Bendigo Bank are offering viable options for rural communities. I unashamedly praise the position taken by the Bendigo Bank. Since it has taken its position, Westpac in Melbourne has announced its intention to follow the Bendigo Bank route, and a financial institution in Western Australia is seriously considering doing the same thing. In my opinion, within a short time most of the big four banks will offer the same sort of facilities. The threat of losing banks in the rural communities has dropped off markedly. The community bank situation is an option. If a community bank has done its sums and is run properly with the support of the community, many country towns will have a mechanism that will churn out profits for the community. Bendigo Bank operates a 50:50 partnership with the community. If the community can get its act together and it supports the local bank, the community will have a solid cash flow within its control. I could say a lot more about regional banking, but I will not. However, if members are interested in that they should come to me. In the future we will hear quite a few Western Australian rural communities seriously looking at an arrangement with the Bendigo Bank.

Some months ago, the Australian Army announced that the Northam army camp is likely to be surplus to requirements in 2000. The Northam army camp was established in the 1930s. It was a major site for training Australian soldiers in the Second World War, and tens of thousands of Australian soldiers went through the camp. During the Second World War, 1 500 Italian prisoners of war were housed there. Immediately after the war between 32 000 and 34 000 displaced Europeans found a home in the Northam army and Holden camp. Northam has the right to say that it is one of the real multicultural communities in Western Australia. The impact of 32 000 people on the population of the town of Northam in the 1950s was substantial. It changed the face of Northam. Many of those families stayed, or still have connections in Northam and other base camps, like Cunderdin, Wyalkatchem, and a number of other places in the wheatbelt, as displaced people went to work for the then Water Authority, the Public Works Department and local government. I believe that one-quarter of a million Australians are linked to those 30 000 displaced people. I am sure that some members in the Chamber undertook cadet training at Northam. I am sure there are more than just the member for Wagin. The 10th Lighthorse and the Citizen Military Forces also operated from the Northam army camp.

Some months ago I visited Ellis Island in New York Harbour, and saw an amazing monument to the 20 million people who passed through there from late in the last century until the 1920s. Ellis Island has been established as a monument to all of those Americans. A wall of remembrance surrounds one structure, and lists those names for all to see. If members go to Ellis Island they will see people walking along that wall looking for their family name. Off to the left of that structure one can look out to the Statue of Liberty. Even as an Australian visiting Ellis Island, I could understand the emotion of Americans and their pride in that place. The community group which runs Ellis Island was good enough to allow me to meet with it. I spoke with the group about how it established Ellis Island and its objectives. We are attempting to replicate that in Northam. We are not trying to establish a museum, as people tend to think of them with rusting machine guns and tanks but rather we would like to establish a living site for many of the people connected to Northam - I am not sure about the cadets and whether we want the member for Wagin on our records. We want to be able to put the family trees of most of the groups I mentioned earlier onto computers so people can search their family roots. We have a tremendous amount of resources. Most of the ships which came into Fremantle were filmed. We have a lot of film about the army activities in the Second World War and the displaced people. We want to build a capability for people to return to that site and know that it is where their grandfather or father passed through in the Second World War or their parents or themselves came as either

middle-aged people or young children to become Australians. We have received a lot of information from people who want to be involved. Community groups such as the Italians and the Poles are keen to be a part of this project. It will not be a cheap exercise but we want to do this, not for Northam but for the State and the nation. There are marvellous, wonderful stories to be told by the displaced people; some are horrific and others are heroic. They are wonderful stories and wonderful people. We want to record the stories so generations in the future people can come to the site and trace their roots. It will be an expensive and hard job but we have a strong desire to achieve it. As members run into people interested in this I would appreciate their telling them about the project and ask them to get in touch with my office. I can direct them to the right people. A few months ago I was speaking to two farmers. Because of their surname I asked them about their roots and both of their parents were Italian prisoners-of-war in Northam.

MR KOBELKE (Nollamara) [8.22 pm]: Workers compensation is a major issue of debate in the State currently. I do not wish to canvass it at the moment, but I will talk about one important aspect; that is, the rate of injuries in the workplace. If injury rates are reduced, a major cost imperative for workers compensation is removed. If we have lower incidence rates of accidents, the cost implications will not be so severe. The anecdotal evidence of the past four or five years has suggested that WorkSafe, as the controlling body for occupational safety and health in this State, has been falling behind and has not been doing the job. That has not sat with the figures WorkSafe has issued. WorkSafe has been telling us that it has been doing a fine job. However, the statistics in this area are very complex and one wonders whether we are receiving a deceptive set of statistics. The long-term injury rate in this State, and across Australia generally, has been rising, and those injuries are very expensive for workers compensation. My suggestion that the figures put out by WorkSafe were not the real picture but were a deceptive picture of health and safety in this State is starting to show up in some of the official figures. I refer first to a media release headed "WA Small Business has Jaundiced View of Workers' Compensation". This was a survey of small businesses across Australia conducted on behalf of *Yellow Pages*. The first few paragraphs state -

> Western Australian small business proprietors have a somewhat jaundiced view of their workers' compensation system according to a special Yellow Pages® *Small Business Index* report.
>
> Only 17 per cent of proprietors believe the Western Australian workers' compensation system has improved in recent years - the lowest finding of all the states and territories.
>
> This compares with the 36 per cent national average and the nation's top improvement rating - Victoria - where 58 per cent of small business proprietors believe their system has improved.

The release goes on to quote the economic adviser to the index, Dr John Marsden, as stating -

> "While premiums have recently risen sharply following several years of heavy discounting, it should be remembered that reported rates of injury in Western Australia appear to be among the highest according to statistics reported to the National Occupational Health and Safety Commission," . . .

That is clear evidence that Western Australia is doing worse than the rest of Australia. I seek leave to have two tables incorporated into *Hansard*.

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

[See page 4937.]

Mr KOBELKE: Under the heading of "Main findings" the report stated -

> Reported emphasis on safety is significantly higher in the ACT and lower in South Australia and Western Australia. The increased awareness of safety is lowest in Queensland, South Australia and Western Australia.

The first table shows the results of small business proprietors who were asked if they agreed, disagreed or had no view on the following statement -

> We place a great amount of emphasis on workplace safety and have specific policies in that area.

In Western Australia 15 per cent of the small business proprietors in the survey disagreed, the highest rate of any State and higher than that of the Commonwealth. More small business proprietors did not feel that they were placing a great emphasis on workplace safety. Another question asked in this survey was -

> Over recent years we have become more aware of the need for good workplace safety practices.

When asked whether they agreed or disagreed with or did not have a view on the statement, again we find Western Australia had the worst record, with 13 per cent saying they disagreed with the statement. That is, they had not become more aware in recent years of the need for good workplace safety and practices; it had gone the other way and was worse than the other States. That is significant, because Western Australia has had the biggest and most expensive public education campaign of the States. I assume, as we do not have the figures, that our WorkSafe campaign has run into millions of dollars. Through a high profile campaign on television and a range of promotions, WorkSafe has tried to get the importance of health and

safety through to people. It seems that those millions of dollars have not been well spent. The children in our schools may know all about it, and can get it on the Internet. However, the small business proprietors have a worse view than the rest of Australia which, generally, has not experienced a campaign anywhere the magnitude of the Western Australian campaign. Some other States started to take up the idea after we did. It was a good initiative. It is important to have education but we must ensure it is effective. On the basis of this survey by Yellow Pages, the campaign clearly has not been effective. It appears that what we have been about with WorkSafe WA is perceptions not performance - just creating a broad public image that something is being done when it is not happening on the ground.

The figures for accidents and incidents in health and safety are very complex. I acknowledged at the start that it is very difficult to achieve comparability. Different complexions can be put on these figures. That complexity has been used by WorkSafe Western Australia to create a deceptive image. It has selectively used statistics to claim that Western Australia is doing well. This fits in with the whole promotion. The significant issues and trends for WorkSafe are outlined in the 1997-98 budget papers. The first dot point states -

> The Government has a vision for occupational safety and health in Western Australia known as the WorkSafe WA 2000 Vision which aims that by the year 2000: . . .
>
> > Western Australia achieves the lowest work related injury, disease and fatality rates in Australia; . . .

A further dot point on the page states -

> The WorkSafe Western Australia 2000 Vision and Plan support the Government's vision for Western Australia to attain the highest standard of living in the world by the year 2000.

The second dot point is a total fantasy because, as we know, Western Australia is slipping back. I do not have time to go through all those figures. However, compared with the rest of Australia, Western Australia is going backwards in its standard of living. The claim that we will have the lowest work-related injury, disease and fatality rates in Western Australia is not being lived up to. The compendium of statistics of the National Occupational Health and Safety Commission of Australia, which I got hold of only a week ago, indicates that WA is doing very poorly. I seek leave to have a graph incorporated into *Hansard.*

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

[See page 4938.]

Mr KOBELKE: Western Australia has the worst record of all the States in Australia. I will explain the statistics by quoting from this report. This is the national body for health and safety in Australia; it collects the statistics from all of the state government agencies. The report states -

> Caution needs to be exercised when comparing jurisdictional data. The different mixes of industries and workforce characteristics can make direct comparisons between jurisdictions misleading.
>
> A common statistical technique for dealing with comparisons of this type is called *indirect standardisation*. This approach provides a means of taking the different mix of industries into account and, as a result, can allow more valid performance comparisons between jurisdictions.
>
> Essentially, the technique has been applied by using national incidence rates at industry division level and jurisdictional employment figures to derive a ratio of the *actual number* of occurrences reported to the *expected number* assuming those national rates.
>
> Figure 12F shows standardised incidence rates for injury/poisoning cases by jurisdiction. In most cases, these standardised rates show only minor differences from the raw rates.

There is a whole page of those graphs and Western Australia is near the top half to the top of those graphs. Western Australia's rate of standardised incidence of new injury-poisoning cases is 12.4 per 1 000 wage and salary earners. New South Wales, on 19.6, is the State with the lowest rate. We have a higher incidence of accidents in the work place in Western Australia. WorkSafe is trying to paint a different picture. Under the previous minister and the previous chief executive of WorkSafe, we had an agenda which has not been primarily about health and safety in the work place. I will not go into that, but it has been debated in this place on many occasions and it is fairly clear from the anecdotal information and the debates in this place. The national body that collects statistics now indicates that we are doing worse than the rest of Australia. Mr Neil Bartholomaeus was moved on; the minister was moved on, but a cloud still hangs over the sacking or the removal of Mr Neil Bartholomaeus and his departure from the Public Service. The Premier must accept responsibility for that. The Premier has handled the removal or sacking of Mr Bartholomaeus poorly. It is not appropriate to go into that now, but I am sure that there will be further debates on that issue.

The outstanding issue is this: What conditions of retirement or redundancy were offered to Mr Bartholomaeus? So far, the Premier has refused to release them. Mr Bartholomaeus has now set himself up as a consultant to work in this area. Of

course, he has the right to do that, but we must know whether the terms of the redundancy package actually enabled Mr Bartholomaeus to use any of the intellectual property that was developed while he was the chief executive officer of WorkSafe. Does Mr Bartholomaeus have the right to use contacts, particularly overseas contacts, which were built up while he was chief executive officer? Much taxpayers' money was used to establish goodwill in countries throughout Asia so that they might come to us for occupational health and safety services. Is Mr Bartholomaeus, under his retirement package, permitted to take advantage of all those contacts, which were acquired as a result of spending taxpayers' money, or is there a limitation such as that which is often placed on senior executives when they depart a company? We are yet to find out.

I will deal briefly with the history of Mr Bartholomaeus's departure and the setting up of his consultancy company. On 13 October 1998 Mr Bartholomaeus was moved by the Premier from his position of WorkSafe WA Commissioner. On 26 October application was made to reserve a new company name called WorkSafe International Pty Ltd. On 9 November Mr Neil Bartholomaeus became the sole director and secretary of the new company, WorkSafe International Pty Ltd. The very next day, 10 November 1998, the Premier announced that Mr Neil Bartholomaeus had left the Public Service. The terms of the retirement package were not announced. We do not know what restrictions or benefits were given to Mr Bartholomaeus to use the intellectual property and the goodwill that he had attempted to build up while he was WorkSafe WA Commissioner. Was Mr Bartholomaeus given special permission? Was it part of the settlement package? We are yet to find out. However, we are aware, of course, that when AlintaGas found that a company was using the word "Linta" it immediately took legal steps to stop it. Will the Government take action against Mr Bartholomaeus for setting up a company that uses the name "WorkSafe"?

Let us consider section 6(1) of the Western Australian Occupational Safety and Health Act, where we find the definition of WorkSafe Western Australia Commission. Subsection (5) states -

> In addition to the name mentioned in subsection (1), the Commission may use, and operate under, the name "WorkSafe WA".

Subsection (6) states -

> A person other than the Commission who uses or operates under the name mentioned in subsection (1) or (5), or any name that is so similar that it is likely to be misunderstood as referring to the Commission, commits an offence.

That is the state Act. In the commonwealth National Occupational Health and Safety Commission Act a similar section makes it an offence to use the term "Worksafe Australia". Section 7(2) states -

> A person other than the Commission shall not assume or use the name "Worksafe Australia", or any name so closely resembling that name as to be capable of being mistaken for it, in connection with any trade, business, calling, profession or undertaking or as the name or part of the name of any institution, premises, vehicle, vessel or craft.

There is a clear legal prohibition on people using "WorkSafe" or names close to it, yet Mr Bartholomaeus has set up his company, WorkSafe International Pty Ltd.

Mr Wiese: Who do you think should be charged - the Australian Securities and Investments Commission for allowing it to be registered?

Mr KOBELKE: I do not think that is the case. If the person gives up the name, that is the end of the story. The question is whether the Government will take action or whether it was a term of the retirement package. We do not know. It certainly seems very odd. If the Government has not given permission to do that, action must be taken to ensure that there is compliance with the Act. Although, to my knowledge, the term "WorkSafe International" has not been reserved, I assume that the Government does not go around reserving under companies legislation names which are set down in statutes. There is no need for that. WorkSafe WA International Services is on a website which mentions all the business being generated by WorkSafe WA internationally. It is generally referred to as WorkSafe International. Over the years there have been questions in Parliament about WorkSafe International.

WorkSafe International has spent a great deal of money developing a profile and making good contacts throughout different parts of Asia. We, on this side of the House, from time to time have tried to determine if that money was well spent. The initiative was a good one; it commenced under the Labor Party. I make no comment whether we did it well or badly, but we initiated it. We looked to the current Government to see whether it was doing it well, but no accounts are available. We do not know how many millions are being spent, and how many millions may have been received back in fees. No net accounting has been undertaken to show the results from spending a huge amount of money, of which Mr Bartholomaeus would now seem to be able to take advantage as a part of his retirement by using the good name that may have been established for WorkSafe International. These are questions that must be answered and we will be waiting to see how the Government will respond to this.

Action can be taken because of the statute which states that an offence has been committed. It may be that a judgment is

made in the courts that WorkSafe International Pty Ltd and WorkSafe WA International will not be confused and therefore he could use it. My judgment would be otherwise, but obviously a case could exist which Mr Bartholomaeus may wish to defend.

I close by pointing out to members that this Christmas there will be many families in which the father, mother or one of children has been injured at work. For many of them this Christmas will be a very unhappy Christmas; a Christmas of uncertainty, of suffering from the accident, of lack of income because of the person not being able to do their normal or full employment. This Christmas will be a struggle for many of those families. While I genuinely offer all members best wishes in the hope that they will have a most enjoyable Christmas with their families, I hope that this Parliament will think carefully about the changes to the Workers' Compensation and Rehabilitation Act to ensure that the Christmases for those families, who have an injured member, will not be made a worse Christmas, and so that those injured workers may with their families enjoy a good Christmas, as I wish all the members of this Parliament and staff who enable us to function here, and to come back renewed in 1999.

MR WIESE (Wagin) [8.43 pm): I know it is not popular to make too much comment at an hour such as this on the last night of Parliament. However, I wish to comment on the unpopular topic of taxation. We are in the process of instituting at the federal level a goods and services tax of 10 per cent. I make it very clear that that is a very positive move and I hope that we are successful in bringing that through to fruition. Removing a great range of taxes such as sales tax, stamp duty, fuel taxes, FIDs and BADs will be a very positive move, both for the ordinary man in the street around Australia and for businesses around Australia. In my opinion that is the first step to this whole question of tax reform. There is a screaming need for substantial tax reform that goes far beyond the introduction of a GST and the removal of a range of what I would call peripheral taxes. We must tackle the real taxation problem of this country which is the basic pay-as-you-earn tax system which exists in Australia. It needs a drastic reform. The existing pay-as-you-earn system crucifies the average working person and business community around Australia. It is an enormous disincentive to both workers and business. It is a huge disincentive to those who want to put in the extra effort, to work some overtime and earn a bit more money to take back to their families. The first problem with the tax system is that the rates are far too high.

Ms MacTiernan: How do you account for the fact that people are working longer hours, if it is a disincentive? Why are the statistics showing people want to work longer hours?

Mr WIESE: They just want to support their families. By working that extra time, by doing that extra work, they pay at least 40¢ on every extra dollar they earn. They have to put in all of the extra work to earn the extra money. They are only doing that so they take can take home a bit more money to provide more for their families. We need to introduce into this State a totally different taxation system, one that has been referred to as a flat tax system. I suggest a flat tax rate of 15¢ for every dollar earned. The benefits will be multifold. Firstly, the ordinary people in the street will take home, on average, an extra 25¢ in the dollar, to spend as they like, rather than having it go directly into consolidated revenue, without their ever having seen it. That is a huge incentive.

Ms MacTiernan: Do you remember the Joh for PM campaign?

Mr WIESE: Some people knocked that. Although the Joh for PM campaign was a dreadful mistake, he was standing for a system of flat taxation in Australia, and it was desperately needed. It is unfortunate that all the knockers, such as the member for Armadale, crucified that idea. At the end of the day the introduction of that system will put incentive back into the workplace. Instead of paying 40¢ in the dollar, people would pay 15¢ on every extra dollar they earn. That would mean, firstly, a huge increase in the amount of their take-home pay and, secondly, a huge increase in the amount of money average people can spend in our retail industries, on goods, motor cars and whatever other services they may want to buy.

Let us take the example I often use of the average person around Australia earning a wage of $600 a week, of which at present $140 is paid in taxation, which goes straight into consolidated revenue. He never even sees it. Under a system of flat taxation of 15¢ in the dollar, that person would pay $90. He would have an extra $50 - a huge increase - in his hand to spend on goods and services in the community.

Ms MacTiernan: How would the Government fund schools for children? Answer that.

Mr WIESE: If the member would shut up for a moment, I will. I apologise, if that was an unparliamentary remark.

The ACTING SPEAKER (Ms McHale): Order! It was, in my view.

Mr WIESE: The person who at present is paying 40¢ the dollar, but under a flat tax system would be paying 15¢ in the dollar, would then go into the retail establishments, the world of commerce, and spend the extra 25¢. The moment that money is spent, 10¢ in every dollar would be raised under a goods and services tax. The person earning $600 and paying $140 in taxation under the present system is being taxed at 23¢ in the dollar. Under the system of a 15 per cent flat tax plus 10 per cent for a goods and services tax, he would contribute 25¢ in the dollar to consolidated revenue.

In the meantime, he would have retained and spent that money in the commercial world buying goods and services. This

will put a great deal more money into the retail establishments around the country creating a substantial amount of growth. That is a huge incentive for people to do extra work to earn extra money to be in control of their destiny and spend the money themselves, rather than placing it into the coffers of government, which spends the money as we all know. This presents a huge opportunity for change by adopting a system of flat tax at the suggested rate of 15¢ in the dollar.

If one wanted to take the multiplier effect of that 25 per cent extra a person has to spend, and follow it through the retail establishments it passes, every time that extra money is spent at a retail business, it generates another 10 per cent of GST. Ultimately, instead of the Government collecting 23¢ in the dollar from the $600, it will collect closer to 40¢ in the dollar by the time the multiplier effect has applied to the extra money being passed around the community. Governments will not lose out. The Government will potentially gain more taxation from the system of a flat tax plus a GST.

Mr Carpenter: Therefore, people will pay more tax.

Mr WIESE: The Government will collect more tax because that money is actually circulating through the commercial community. People will make their decisions on how the money will be spent. Each time it is spent, another 10 per cent of GST will be generated on the extra $50 the person took home.

I raise two other issues relating to taxation: First, capital gains tax is probably the most iniquitous tax in Australia since we got rid of probate duty. This tax is already having a very serious distorting affect on investment and business decisions people are making in Australia. It also impacts upon how overseas people make investment decisions in relation to how they see Australia as a place in which to invest their money. Investing money to set up factories, or overseas people setting up businesses, creates jobs and generates income for Australia. The reality is that because of the capital gains tax, a large number of companies are making decisions about how they will invest their money which does not produce such job creation; that is, people decide against the establishment of new businesses and new investments in capital and infrastructure. It flows that if a new business becomes profitable, and the capital value increases, if people want to change out of that investment, they will be lumbered with a capital gains tax on all the improved value the business has accumulated. That good business provides jobs and generates money in the country.

Capital gains also causes a distorting affect with the stock exchange and investments in shares in Australian companies. In the past people were able to invest in those shares; they were able to see those shares being put to use by establishing mines and by establishing businesses to utilise inventions that have been made in Australia. God knows, that did not happen too often. However, they were the investment decisions about where those shares were being utilised and invested. The money raised by those shares was being invested in that sort of thing. Now, we have a situation in which people are making deliberate decisions that they will not invest in those shares and in those new companies, because at the end of the day if the company prospers, becomes a good investment and increases in capital value, when the time comes for them to cash in their investment, they know they will be lumbered with a very substantial capital gains tax of 30¢, 35¢ or 38¢ in the dollar on every dollar increase in the value of those shares. Therefore, they are not making those investments and we do not have that money currently available in this country to establish a great number of businesses that were established in the old days.

The exact reverse has happened. Companies in Australia are now making decisions to take their investments offshore and to establish businesses offshore to manufacture goods which should be manufactured here in Australia. As a result, jobs which should remain in Australia are jobs that are being created offshore, outside of Australia. That is the distorting effect which capital gains tax is having now, and that effect will only get bigger as we go on.

The other issue that I raise relates to what probably could be seen to be an associated or similar area in our taxation system; that is, the existing system of investment allowances for people who want to establish businesses and who want to buy the latest and best machines and technology available to set up their businesses so that they can manufacture in Australia. Currently, if a person were to invest $1m to bring in the latest piece of manufacturing equipment or the latest piece of technology, they would spend their $1m and get a $200 000 investment allowance. However, they pay tax on the other $800 000 if that money has come out of the profits from their business. Therefore, not only do they not get any investment assistance, but they also pay tax on the other $800 000. That is a huge disincentive to businesses in Australia to invest in the best technology and the latest modern equipment.

As I said before in relation to capital gains tax, when people in industries make decisions to invest in new equipment or replace worn-out equipment to bring their industry up to a state of technology at which they can compete on world markets, they invest in that machinery and technology offshore because of the total lack of realistic investment allowance in Australia. Once again, that produces exactly the same result: Jobs and investments move away from Australia and those businesses are no longer here. That is happening, and has been happening for the past 10 years. A large reason for that relates directly to the failure of past and present Australian governments to acknowledge that if they are to encourage businesses to establish, to make major capital investments, to upgrade plant and machinery in Australia, those businesses must be given an incentive. The reality in the real world is that other countries are doing that; other countries are bending over backwards to bring investment into their countries and to encourage new industries and companies to build their factories in those countries. We are losing out. The reality is that we lose not only those jobs, but also the huge amount of capital which goes out of Australia when we have to purchase those goods and bring them back into Australia.

Within the last three or four days we heard that the deficit in our capital outflow versus goods coming in is the largest we have experienced for something like 10 or 12 years. The reality to a large degree is that because we are not manufacturing goods like refrigerators, washing machines, electric motors and things of that nature here in Australia. These days when I buy a piece of machinery for the farm, virtually every bit of it is imported into Australia, whereas 15 years ago virtually every bit was manufactured in Australia.

Ms MacTiernan: Member for Wagin -

Mr WIESE: No, I have only two minutes. Because we have failed to assist those companies by way of investment allowance, we have lost all of that manufacturing industry, and we are seeing huge amounts of money flow out as we bring consumer goods into Australia that should be manufactured in Australia. I have a huge belief in the ability of Australian workers to produce goods of the highest and the best quality, comparable to anything anywhere in the world. I have a huge faith in their ability to do that in competition with any other country in the world. However, one must give those workers a chance. One must give those workers access to the best manufacturing and intellectual technology. The only way we will do that is by providing companies with a realistic investment allowance to make that investment, thereby enabling them to put their money back into Australia rather than sending it overseas.

The goods and services tax is the first step on a long road of taxation reform that we desperately need in Australia. I believe the two things that I have just outlined are the two major steps that should be taken in order to make proper, effective taxation reform in Australia.

DR TURNBULL (Collie) [9.02 pm]: I report to the House activities that are going on in my electorate. In my electorate at the moment, and throughout the country areas of Western Australia, there is concern about the level of funding for country hospitals and health services. One thing which we are looking at is the fact that the budgets of most country hospitals and health services have been constrained for about four to six years. In that area, changes to productivity and work practices, as well as changed service patterns, have been introduced. One of the most important things at the moment is that country hospitals and health services have received recognition of the increased requirement on their budgets to pay for the increases in the wages and salaries of their nurses and other staff.

I fully endorse nurses and other staff in country hospitals and health services receiving wage and salary increases. These should be in line with increases that have been paid to all other people in the community. However, it is impossible for many of our health services to fund those increased payments out of their allocated budgets. That is the first point. The second point is that the same applies to the home and community care service. Those services are the best way of delivering health services in our community. HAAC services are provided by a combination of paid, experienced and highly qualified staff, and volunteers. We in Australia, and particularly in Western Australia, are very fortunate to have such an extremely dedicated service as HACC. However, it is essential that we give that service a budgetary increase each year in line with the increasing cost of providing that service. There is no point our saying that HACC must continue to operate with last year's budget so that it must reduce its staff or cut out some of its services. The same situation can be found with Meals on Wheels, which is an absolutely fabulous service, with a high number of volunteers and a paid, supervisory component. The increasing costs of running that service are beginning to catch up with it. The people who receive that service must now pay more for their meals, and it is only right that they should make a contribution, but the amount of funding for that service should also be increased.

The same problem exists for the Silver Chain Nursing Association, which is most likely the most wonderful model of a combination of voluntary and paid staff that exists in the world. Silver Chain operates on the philosophy that it is providing a service and that its clients can make a voluntary contribution, or what is called a donation. In almost all of the country towns in which this wonderful service is provided, and I believe also in the metropolitan area, the majority of its clients do make a voluntary contribution to Silver Chain, and that donation is substantial and realistic. However, it is unfortunate that because a small percentage of people do not make this donation, Silver Chain is proposing to ask people to make a payment for this service. That will be very upsetting for many of the seniors and other people who receive this service and willingly make a donation. I see many tragic examples in this country of the 80 per cent to 85 per cent of people who do the right thing being penalised because 20 per cent or 15 per cent of people will not do the right thing. We are bringing in very strong laws, and we are proposing to change Silver Chain's philosophy, all because a small percentage of people will not play the game the right way, and those people who do the right thing will be penalised. Those people like to feel that they are making a donation. They do not want to feel that they must make a payment and call that a donation.

I see the same situation with our young people. I have spoken previously about this matter in the Parliament. The vast majority of the young people in our society have extremely good attitudes, and they feel very strongly about and are extremely supportive of each other. I am very pleased to report to the House that I find much less racism among the young people in our society today than my children found and that I found when I went to school. I am just using that as an example of where all the focus is on those young people who are not behaving, who are at risk or who are truanting from school. An enormous amount of focus and effort goes into that. The 85 per cent of young people who are working towards developing their personalities and helping to contribute to the community and schools are to a certain degree ignored. Many

of the programs which are being put into place through our youth service are very good in that respect. The youth committees which want us to focus on the good things that young people are involved in are certainly taking the right track. If we cannot get that message through the traditional, damning fourth estate of the media, we must find other ways of presenting the story.

Coming back to the health issues, I have heard from a number of people connected with the hospital and health service boards that the old argument about whether an area should have local hospital and health services boards or district hospital and health services boards has raised its head again. Unfortunately I have heard it said by a number of people that within three years the local health boards must be wound up to be replaced by district hospital and health boards. That is not coalition policy and is certainly not National Party policy. National Party policy is that the decision whether to have a local hospital and health board or a district one is to be made in the area. I know that many problems are attached to both models. There is even the problem that staff in hospital areas to the public service union, and that people from one union cannot line-manage people from the other. That is absolute nonsense. The longer I have gone through it, the more I have seen that this artificial division of people and the unions to which they belong is so entrenched is a problem.

There are problems whichever way the board structure is looked at, whether on a local or a district basis. It must be the decision of those people. The hospital and health service management boards have people from the community who are vitally concerned with the management and with ensuring that the service for their area is delivered correctly. Those people cannot be ignored. They are the life blood of health services in country areas. The same applies to volunteers, to whom I referred, in the home and community care program, ambulance services, meals on wheels and Silver Chain. The country runs on volunteers. We must recognise that the volunteers on the management boards can work through these programs. There has been a huge amount of change in country, and the metropolitan area of course, in the health management structure. It is starting to settle down. We must leave the hospital board people and the district board people to sort out their management structures in a way that suits their districts and not enforce yet another change on them.

I have spoken to people who have mentioned these rumours and said that, as far as I understand, the different districts have that ability. Most of them are running well at the moment, although changes have been made recently in the upper great southern. The Boddington Hospital has decided to stay out of the system and to keep its local hospital and health board. Boddington has its budget under control. One of the reasons for that is the high level of private health insurance cover held by people in that area compared with those in many other areas. This hospital has maintained a reasonably high private health insurance membership by encouraging people in the area and it has benefited by being able to manage its budget in a balanced fashion. It should have access to the money that it has carefully husbanded and allocated to services and should reap the benefit of that balanced budget. At the moment people are saying that Boddington can continue as it is. However, I hope that in three or so years that hospital will not be forced into some other type of financial structure. I see that mentioned in other places.

This has been a good opportunity to tell the House that country health services are running well. They have some problems, particularly with attracting staff, but the vast bulk of services to country people are being delivered very well. That is being done with the assistance of volunteers. It is being done with the goodwill of the people within the community.

The Saturday before last the minister came to Boyup Brook and opened a big extension to the Boyup Brook Hospital. This is to implement the policy of integrating nursing home patients with the general hospital to provide multipurpose services. The staff in the hospital care for the aged, and they are also available for the accident and emergency cases that arise. It is an extremely good model, but those staff must have training to maintain their skills in accident and emergency care because there may be no more than three such cases in one year. The people of Boyup Brook, Boddington and Wickepin want their health services to be structured in that way. The staff must be capable of providing the accident and emergency care when it is needed. Health services in country hospitals in Western Australia are of a very high standard, although adjustments must be made in certain areas to ensure that they continue to be the best in the world so that people in country areas can have confidence that the health services will be available when they are needed. Most people in country areas are very fit and well, and they appreciate their hospital and health services.

MS MacTIERNAN (Armadale) [9.19 pm]: I raise a number of different issues. First, I note the passing of Tony Prospero. Tony was the long-term President of the Landlords Advisory Service. Tony was aged 61 years - a very young-looking 61 - when he died last Tuesday week after heart surgery. His death was a shock to many of us. Tony was described in an obituary in *The West Australian* as a champion of private landlords. It was a good obituary, but it might have given the impression that Tony was looking after the interests of landlords to the exclusion of tenants. In my many discussions with Tony, I found he was someone who had a balanced and fair view of the relationship between a landlord and a tenant, and I note the member for Perth agreeing with me. The legislative models that Tony sought to put in place were ones that offered fairness, to both tenants and landlords, and he had a great deal of compassion for the situation in which some tenants found themselves. I found him an impressive man to deal with. He also had a strong interest in the real estate industry and expressed cogently and passionately his concerns about entrenched power interests in the real estate industry and how a group of powerful players in the industry was able to perhaps persuade the Government to take a policy course that was not in the interests of the industry in general and certainly not in the interests of the broader community. Tony was actively

fighting a great many issues in that regard at the time of his death. I will miss the advice and help that he gave me. I am pleased to note that his wife, Gail, who was his constant companion and friend, has vowed to continue his work with the Landlords Advisory Service and in ensuring that we get a better real estate industry in this State. I pass on my deepest sympathy to his family - to Gail and to their children and grandchildren. It is heartening to see that Gail will continue that work.

The second issue concerns a completely different topic that I pledged to a number of disabled people I would raise in Parliament. I will ensure that the Minister for Disability Services receives a copy of my comments tonight. A plan is in place in Westrail to replace customer service assistants with security guards. At the moment, customer service assistants service a variety of stations between 7.00 am and 2.30 pm. They provide a valuable resource for disabled people. Many of us who are able-bodied completely overlook the practical difficulties experienced by disabled people in accessing transport and the important role that customer service assistants play in providing them with mobility that increases their quality of life. They are concerned at the demise of these customer service officers and their replacement with security guards whom they believe are not the appropriate personnel to deal with them. I will read a couple of these letters because they are quite powerful. The first is from Graham and Catherine Dargie OAM. Graham writes -

> My wife and I are regular passengers on the Westrail TransPerth rail service. We both use either manual wheelchairs or our recently acquired Electric Scooters. . . . We both have been involved in lobbying and advocating for accessible public transport. We both acknowledge the significant advances that the Department of Transport has made, particularly in and around Perth.
>
> We are very concerned that the phasing out of Westrail Customer Service Assistants will significantly affect the future patronage and good quality of service that we currently receive on the TransPerth service. Whilst we accept that we need to give advance knowledge of our travel plans to a central coordination unit, we do not expect to be let down. Both my wife and I experienced incidents in the past, particularly after 3pm, when having made a booking . . . we are not met or assisted at our departure or destination point. This is the time when the rostered security patrols seem to take over from the regular CSA staff.
>
> Whilst we acknowledge that the security of passengers is a major component to the increase and maintenance of patronage on the TransPerth service, the majority of the Security Officers appear to have a very limited customer focus. We appreciate their presence on and around the TransPerth service is an important deterrent to miscreants, however their pre-occupation with security issues does not give them time to assist passengers who may have mobility difficulties. It would appear to us that they are more interested in security.

The letter continues in a similar vein. I also have a letter from Mrs Val Porter who lives in Stirling. She writes -

> I am writing to you to register my concerns at the possibility of proposed staff changes being implemented on the suburban trains with Westrail.
>
> I am a physically challenged woman who is wheelchair dependant at all times, and travel the train lines often. The reason for my concern is the idea of employing private Chubb Security Assistants on the morning shift and not replacing the Customer Service Assistants when they leave . . . . The Customer Service Assistants are very helpful to our disabled travellers and have a high focus on assisting us on and off the various stations and making sure of our care and safety.
>
> I am aware the Security Assistants are very necessary during the later shift, as their main concern is security, not personal assistants to help individuals. As most wheelies and visually impaired people I know often travel mainly in the day light hours for the very reason of safety and being assisted when they require travel . . . .

I have many more of these letters from people in wheelchairs, talking about the difference in the attitudes of the customer service officers and the security guards and making the important point that the security guards are selected for a totally different focus. Their job is primarily security and it has been demonstrated time and again that they do not have the interest, time or capacity to assist disabled travellers. Some very interesting comments were made in federal Parliament today by a former member of this Parliament, Hon Graham Edwards. He made the point that many politicians like to be seen being photographed with disabled people during their election campaigns, but perhaps not enough of us take time to consider the difficulties which many disabled people face in everyday life experiences.

This is a classic case. I doubt that we will be saving any money by replacing the customer service officers with security guards because the Government will be paying on cost to Chubb Security which needs to make a profit out of the exercise. Even if we were, it is a small cost to us as a community to make the lives of the disabled significantly better by giving them the wherewithal to travel on public transport.

I urge the Minister for Disability Services to take up this matter with the Minister for Transport to see whether this decision can be reviewed. The ministers should listen to those people who are visually impaired and who are, in their own words, "wheelies"; they should listen to what they say about their experiences and allow these customer service assistants to

continue in their very valuable role. It is very easy for us, as able-bodied people, to overlook how significant a small change like that can be to their quality of life.

The puppet show goes on. I remind members who may be thinking that the member for Peel has been at the balcony party that he is a sworn Rechabite. The exuberance that we are seeing with these fluffy puppets has nothing to do with the drink, but rather a more deep-seated genetic problem.

Mr Ainsworth: Is he here to speak on the Gender Reassignment Bill?

Ms MacTIERNAN: They are still struggling with the member for Peel on that one. We need more than a Bill to help him.

Mr Marlborough: I will show you my disabled bear with no legs and my abled bear.

Ms MacTIERNAN: I pass on my thanks to the member for Peel for demonstrating so capably the sorts of problems that I was demonstrating. The only thing now is perhaps the member for Cockburn can assist with providing a customer service officer vis-a-vis a security guard. Perhaps we can have a security guard punching up the bear.

I mentioned in this place a couple of weeks ago an extraordinary scandal that has been taking place in the City of Canning. A developer who was placed on a council committee overseeing the redevelopment of the heart of Canning managed to get access to information that led him to purchase land worth, conservatively, over $500 000 for the mere sum of $1. I have raised this matter in this place and I have written to the Minister for Local Government asking him to take up this matter. I was horrified to learn, as were some of the councillors of the City of Canning, notwithstanding these serious doubts about the legitimacy of these transactions that have now been raised, that the City of Canning was proposing to rezone these properties on Monday night which would have allowed them to be sold. If the allegations that we have made in this place prove correct, it would have thereby allowed this grave injustice to be exacerbated. Fortunately, a few councillors took up the fight on this issue and refused to be party to this. As I understand it, the matter has now been deferred. I hope the Minister for Local Government is taking this matter seriously. I also want to express my concern to the Minister for Police, who, unfortunately, is not in the Chamber, so I will have to write to him.

Mr Day: He is where you want to be.

Ms MacTIERNAN: I have no interest in drinking, Minister for Health.

Mrs Roberts: We know you like to socialise from time to time.

Ms MacTIERNAN: I am following the example of the member for Peel. I have decided that I will adopt him as a role model. I shall eat a lot more but drink a lot less and do weird things with my hands.

It was a serious allegation of fraud which involved cheating an elderly gentleman with a major illness out of land worth more than $500 000 by telling him that it was just a laneway, that it would just create difficulty for him and that, for the princely sum of just $1 and a free will thrown in, he could divest himself of that troublesome property. The matter was referred to the fraud squad, which then, strangely enough, referred the matter to the Armadale police. When the matter was taken up by the Armadale police, they said that it had nothing to do with them. The victim of the fraud lived in Serpentine. It was not a matter that could be handled by uniformed police in the Armadale Police Station, so the matter was then sent back to the fraud squad. Since then the fraud squad has not taken up or assigned the matter, notwithstanding that it is evident that urgent action must be taken because the property is in the process of being divested to third parties.

There is another level to the concern. Rumours are circulating that a police officer with strong connections in the City of Canning has intercepted the file and indicated that it is not to go any further. I have no way of establishing whether that is true, but I find it difficult to understand why no further action has been taken. I urge the Minister for Police to take up the matter. I hope that it was not a case of political interference. I will ensure that the Minister for Police learns of the issue so that he can follow it up.

The fourth issue concerns Homeswest and the use of Thermalite blocks. When I was a member of the other place I waged a campaign against Thermalite blocks, which have been developed by a company known as BGC. Thermalite blocks are lightweight, aerated, concrete blocks which are used in housing construction. Although their properly constructed, properly manufactured counterparts are used successfully elsewhere in the world, unfortunately the history of the product in Western Australia has not been good. It has been suggested that the product is not properly developed. Use of those blocks has been abandoned even by companies associated with the manufacturer. The only organisation that seems still to use Thermalite blocks is Homeswest. Over the past four years there has been a dramatic increase in the percentage of Homeswest work obtained by BGC and BGC-related companies. Notwithstanding that a building's specifications may require double clay brick, the Buckeridge group of companies is able to win contracts using cheap Thermalite blocks. One of the problems associated with Thermalite blocks is that it is difficult to affix proper hard-set plasters to them, so gyprock, which is not standard in Western Australian homes, is now used. In fact, the only homes in which gyprock is used are buildings that have been built with Thermalite blocks. The plaster has come away and gyprock has had to be used to mask the problems associated with Thermalite blocks.

I believe it is irresponsible of Homeswest to be allowing this inferior product to be used in construction. It is having an adverse effect on the good builders who have traditionally served Homeswest. It has allowed this company to undercut all the other building companies and produce a product which is unlikely to stand the test of time. The use of this product will mean that the maintenance costs for Homeswest will be vastly increased. I urge the Government to review that decision and the use of Thermalite bricks, not only because it is providing an unfair situation and unfair advantage for one company, but more importantly because it is compromising the quality of Homeswest housing.

With those comments I wish everyone a happy Christmas. The member for Peel, who is not interested in going to the balcony party, will now do a full-on puppet presentation for us.

MR MARLBOROUGH (Peel) [9.41 pm]: I will take the time of the Parliament to try to convince the Government to reconsider its announcement of the relocation of the Claremont Speedway and the Ravenswood drag racing into Kwinana. I am glad that the Minister for Commerce and Trade has come back into the House because I hope that by the time I have finished talking about the reasons the decision should be reconsidered very quickly, he will have seen the sense of doing that. I believe the evidence will show that the thinking behind the Cabinet's decision to place this speedway facility in Kwinana will undermine the ability for industry to grow in Kwinana, and very quickly will jeopardise its future. I have a map here which I am happy to table - I can talk about it while the minister has a look at it if he would like. It is from the latest BSD report commissioned by, I think, the Department of Commerce and Trade to look at the community risk from the Kwinana industrial strip. That contour, which has not changed for the past 10 years, show that the minister's proposed speedway is to be placed within the one-in-a-million 10^{-6} contour, which states that this sort of development should not happen there because it immediately starts to put lives at risk. It sits squarely within that contour. It will be seen clearly outlined on the map. I know I do not need to the explain to the Minister for Commerce and Trade the importance of that document that he has before him. I have said it before and it needs to be said again now: The industrial area of Kwinana is possibly the most important piece of real estate to this State. It is important for this reason: We cannot duplicate the Kwinana industrial estate anywhere in the metropolitan area in our lifetime. We attempted to do so in 1989 when Ian Taylor was the minister and he announced on a Monday morning - it was a headline in *The West Australian* - that the Labor Party would create a new industrial area in Breton Bay near Moore River. By Friday, the public outcry was so great that the front page of *The West Australian* had a story that the Government had withdrawn from that proposition. Since that time, all Governments have had to make sure that the environment in which that industry is located continues to grow, to survive and to remain viable to protect not only the urban cells it abuts, but also the millions of dollars worth of investment in heavy industry that exists in that arena. I am sure the Minister for Commerce and Trade will know Mr Mike Baker, the former manager of Broken Hill Proprietary Co Ltd in Western Australia, who is now the spokesperson for the Kwinana Industries Council, the body that covers all the major industries on the Kwinana strip. I met with him on Monday. The minister's office must talk to him urgently because industry is very concerned about this development.

That joint body, the Kwinana Industries Council, is about to undertake a survey, which will cost a lot of money, to see whether the present industry can stay within the noise envelope that exists over the whole of the Kwinana industrial area. There are some problems with its being able to do that. It is setting about its own report to try to convince the Environmental Protection Authority that it can do that; and if the council cannot convince the EPA, it wants to be party to trying to sort out the problems that may be ahead of it. As Mike Baker indicated to me on Monday, there is no point in its going ahead with that very costly work if the Government is to proceed with putting the speedway there. There is no way industry, this speedway and the drag races can remain within the noise envelope that exists over the Kwinana industrial area. I do know where the thinking for putting the drags there came from. I am not opposed to a speedway.

Mr Cowan: You would get more noise from the speedway and the drags.

Mr MARLBOROUGH: That is right. People have read the stories about the relocation of the Claremont Speedway in *The West Australian*. They are not concerned so much about the relocation of the Claremont Speedway, but the fact that the Ravenswood drags and, as of last week, the motorcross facility, which is presently located on Cockburn Road opposite the Henderson yard, and the go-carts etc, will also be located there. The problem with drag cars is that they cannot be muffled down, as I am told by the experts, as is the case with speedway vehicles. The whole idea of drag car racing is for them to get from point A to point B as quickly as possible. Many of the world-class vehicles have jet engines. We are talking about massive noise levels that cannot live side by side in the envelope that exists over industry.

I can assure the minister that members of staff in every department, other than the Ministry for Planning, are pulling their hair out in trying to work out what has happened. I suggest all ministers are about to get letters from their departments. It is clear that industry cannot live within this contour and meet the guidelines. It seems that Cabinet, or whoever, went to the Ministry for Planning and merely said that a decision has been made to put the speedway in this area of Kwinana, the old mud lakes site. The Ministry for Planning seems to have run off with an idea from Cabinet or the appropriate minister or ministers and said that it will start the appropriate planning work, instead of, as put to me by senior public servants from other departments, telling the minister that it is a good idea but he has picked the wrong location and the facility cannot be put there for certain reasons. We should look at how significant that contour is.

CSBP made application in 1989 to build a sodium cyanide plant, for which it had to provide the first cumulative risk report I came across as the local member. The company had to go overseas as no company in Australia was capable of producing the report. CSBP went to London and spent hundreds of thousands of dollars on the report written by Cremar and Warner Ltd of London. The report has been in my office, as the local member, for the past nine or 10 years. Although the risk contour for that plant does not come near that site, the contour is within the existing Kwinana industrial strip. Therefore, it impacted on existing industry.

The report outlines some problems built into that industry alone, which, if things went wrong, would absolutely impact upon this speedway. For example, one of the responsibilities of creating that cumulative risk for the one-in-a-million, 10^{-6}contour, as it is referred to, is that industries within it must produce a risk management strategy. They must demonstrate not only that the plant can be operated with no possibility of accident, but also that if an accident occurs, they can handle the affects of the accident. A problem with the cyanide industry is that its product must go off-site.

Mr Cowan: No. The mud lakes in Kwinana are not cyanide - they are caustic soda.

Mr MARLBOROUGH: Let me finish. I am indicating how an industry has the potential to impact on the site. It must take the cyanide product off-site to the goldfields. This means running down Thomas Road abutting Kwinana within three-quarters of a kilometre from this proposed site. Therefore, 30 000 tonnes of cyanide per annum will be transported from the CSBP plant to the goldfields in trucks of 20 or 40 tonnes. If a spill occurs on Thomas Road when 10 000 people are at the speedway, three-quarters of kilometre from the accident, there will be little chance of averting a disaster. I use that as an example to indicate to members the significance of any accident, and the importance of these reports and contour lines.

I believe, minister, that this speedway will not be placed on the Alcoa mud lakes as the original publicity indicated. I understand that it has been decided that the Alcoa mud lakes are not sufficiently environmentally secure to support such a facility; that is, they have a history of leaking into underground aquifers, the flats contain the byproducts of the Alcoa plant, bores are down, and so on. My understanding is that it has already been decided that this speedway will be moved from the mud lakes onto the limestone ridge, which moves it closer to existing industry. Therefore, I suggest that this increases the risks. The minister may not be aware that besides the industry he and I generally recognise fit within the risk contour on the map, the State's most important gas line sits within hundreds of metres of this proposed development. I refer to the pipeline that brings gas down from the North West Shelf to feed Alcoa and other industries

Mr Cowan: How will a speedway or drag strip impact on that?

Mr MARLBOROUGH: It is the reverse. One need only look at the event that happened in Victoria recently to realise that if there is an explosion in the gas pipeline or in oil lines running out of BP, all sorts of evacuation processes may be triggered that will see the emergency services incapable of handling the situation. The notion of putting a speedway within this contour is not new. If the minister looks at the history of his department, particularly the Environmental Protection Authority - and the Ministry for Planning would know - two previous attempts have been made to put a speedway within this contour, not on the same piece of land but close by. Both of those proposals were rejected by the EPA on the grounds that I am suggesting to the minister are the very grounds on which he needs to rethink this proposition very quickly.

Mr Cowan: Do you think the EPA will make the same decision this time?

Mr MARLBOROUGH: I think it would.

Mr Cowan: I don't.

Mr MARLBOROUGH: Why not?

Mr Cowan: Because I don't think the risk factor is as great as you are claiming it to be.

Mr MARLBOROUGH: The minister may be right and I may be wrong. What I do know is that the risk contour does not depend on what the minister and I think personally. That risk contour is a scientific measurement of the hazards that exist that must be recognised to allow the community to live side by side with industry; that is one measure. The other extremely important measure is that industry cannot be established within Kwinana unless it can stay within the measures that are inbuilt into that risk contour. Those measures include noise, air borne pollutants and the potential of something going wrong in the plant. Therefore, it does not matter what the minister and I think; it is a scientifically designed contour that has been there for at least the past 10 years. The only way it can be varied, minister, is if industry can demonstrate a way by which it has lowered its levels of noise and/or pollutants to the betterment of everybody - and that can vary. However, the minister is missing the key point; that is, we know that industry can do that. What the minister and I need to do in regard to the Kwinana industrial strip -

Mr Cowan: What you need to do is keep in mind that this is the last night of the parliamentary session.

Mr MARLBOROUGH: No. The minister announced this at the end of September. I did not want to react to it immediately. I was aware in September of the two previous attempts to put a speedway in there and their rejection. I mentioned that history privately to the Minister for Planning. I have been given this opportunity and I am saying that the minister's Cabinet

must act urgently. The industry is under threat. One of the ways to move that contour line is for industry to reduce noise and improve air quality. However, that is only one of the issues. The minister and I need to look at ways to protect that buffer zone and create a situation where industry in this State may be able to grow; not because industries will be less concerned with their standard of management of environmental responsibilities, but because the minister and I need more of the same type of industries to go into that industrial area. I am asking the minister not to put Kwinana industry at risk for this speedway. I am suggesting to the minister that is what he has triggered. I do not know whether he believes it. I am saying that the least he will have to do is go back to the department. The minister will know by the end of this week what the EPA thinks of this proposal. It will be no different from the previous two occasions. He will have real difficulty with this proposal. It has been wrongly thought out. Nobody on this side is opposed to a speedway. I am simply saying that the proposed location is not the right one.

Mr Cowan: Where is the right location?

Mr MARLBOROUGH: History in Australia shows that it must go into an industrial area. It cannot be situated side by side with urban development. The new speedways in Australia have been located in industrial areas. However, the sort of industrial areas they have gone to are light industrial areas like Canning Vale. They have not been located on the doorstep of an area like the Kwinana major industrial strip, where it is extremely important for the Government of the day to keep faith with the community and, most importantly, to keep faith with industry so that they both have a future there.

The significance of needing to bear in mind both of those things, more so than this speedway, is that Governments have received reports about Kwinana industry being successfully located next to urban development. As a result of these reports, Governments have been required to make decisions about people being able to live cheek by jowl with industry. I will give another example. Kwinana beach, which was a residential area, was within the risk contour of the cyanide plant being built for CSBP. Because those houses came within the one-in-a-million contour, the houses that were left had to be moved. It was seen by the Environmental Protection Authority, and certainly by the Labor Party when it was in government, that this risk contour would not diminish in the near future. We made other decisions. It decided that from 1989 Governments would refuse to allow any future urban growth in Hope Valley and Wattleup because of this risk contour - the same risk contour that I am drawing to the attention of the minister. Because of the scientific evidence, we have had to do that.

I will tell the House what I did as a local member. In 1989 I sat on a committee and was told that the EPA said that there would be no more growth in Wattleup. As the local member, I opposed that. The then Kwinana council even agreed that if the Government would allow us to create something called the Hope Valley townsite, and allow us to create more half-acre blocks within that townsite, the Kwinana council would put a caveat on every new block purchase that said to the purchasers, "We are buying within a recognised industrial buffer zone." When Labor was in government, that went to Cabinet, which rejected it; that is, Cabinet supported the EPA, which had said there should be no more growth in Hope Valley and no more growth in Wattleup.

This speedway fits within that same sort of logic. On any given night that the speedway is on, the Government will potentially be putting 10 000 people within the one-in-a-million risk contour. It is not even outside it; it is right smack bang within it. I do not have to move it; it is not my contour. It is a scientific contour agreed to by the Government. Every time the Government allows new industry to fit into Kwinana, it must say to that new industry that if it creates airborne pollutants that require that contour to be moved, the Government must reject that industry. The Government must say to industry that if it creates a noise level that will move and affect that contour, it cannot exist within Kwinana. Either the new industry comes up with new engineering proposals that will diminish the noise and air pollutants so that it can fit within the industrial envelope, or the industry does not go there. Industry is now aware that it cannot live with this development within that contour for those reasons. As I said earlier, it is the whole issue of risk management. If one goes back to the old reports -

Mr Cowan: The member still has not given me his alternative site.

Mr MARLBOROUGH: Let me finish and I will come back to the alternative site. I will repeat something I said earlier. All I am seeking to do is to raise it in the minister's mind, because he is one of the key ministers, and I do not think he has thought about it.

I do not know how this matter came to Cabinet in this way. I have looked at the history in the reports, and I have read *The West Australian* and have some idea, but I do not know how it came to Cabinet. The minister needs to rethink this matter, because on two previous occasions it has been rejected on this very issue of risk management and the potential for a major hazard to occur. Three or four months ago when that explosion occurred at the Longford gas plant in Victoria, every house within a two-and-a-half to four kilometre radius of that explosion had to be evacuated. The minister wants to put 10 000 people in the Kwinana area on a Friday night; and if something happens, he will have the responsibility of getting them out of there. The advice that he will get from the EPA - not from the member for Peel - will be, "Minister, do not put them there in the first place. Do not give yourself the headache. Do not put people's lives at risk." That is the bottom line. Unless the minister can move this contour and convince industry to dramatically reduce its emissions so that the Claremont Speedway and the drag races can be put within this contour, people's lives will be put at risk.

The minister asked me about alternative sites. That indicates to me that the minister does not have a real grasp of the background of the decision to move this industry, because if he had, he would know, as I know from reading *The West Australian* and from reading answers that have been given by the Minister for Sport and Recreation in the upper House, that the Government has had a committee considering this matter for well over 12 months, and that committee has looked at other sites. I remind the minister of an article in *The West Australian* of 13 June 1998, entitled "Forrestfield speedway plan", that states -

> State Cabinet is expected to consider a speedway track at the Forrestfield marshalling yards when it meets on Monday.
>
> Government sources said yesterday that the Westrail site was preferred over two other options to be put to Cabinet in a . . . submission for the future site of speedway races.
>
> East Metropolitan Liberal MLC Derrick Tomlinson -

He is a member of the Government -

> said that putting the speedway at Forrestfield would halt the extension of Dundas Road from Tonkin Highway to the Great Eastern Highway bypass, which was designed to give trucks access to a Co-operative Bulk Handling grain terminal.

The minister does not know the history of the relocation of this speedway. That is probably why he has made the silly decision to put it within this contour. He did not know what he was talking about when he made the decision. He just thought it was a good idea to move it from Claremont. I do not know why the minister did not put it at Forrestfield. Perhaps it was because Hon Derrick Tomlinson had told him when he was about to make that decision that it was a silly decision. I am using the Parliament to point out once again that the minister is about to make a second silly decision about where to locate this speedway. The ramifications of that silly decision will be far reaching.

I leave the minister with this final thought: If the minister thinks that this speedway can fit within and meet all of the standards that he wants to meet, I ask him to do a thorough public environmental review on the location of this speedway, because I am sure that all of the concerns that I have raised will be discovered through that process. If the minister thinks that he can put this speedway within this contour without its having a detrimental effect on the State and industry, I ask him to think again. I suggest to the minister that the hidden cost of this speedway will be millions of dollars of extra cost to existing industry being spent on environmental concerns that will be impacted upon by the speedway being put in place. A number of large industries in Kwinana have expressed that view this week. Having spoken to Mike Baker, I know that is the view of industry. Industry is seeing a speedway as a cost to it because if the speedway impacts on the contour line, industry must spend hundreds of thousands, and in some cases millions of dollars, on putting in plant and equipment that would not be necessary if industry were going there.

For Kwinana it is a loss situation. I cannot see any gain for Kwinana industry. I cannot see the State benefiting from it. It is a question of the State acting as an entrepreneur, building the speedway and then leasing it out to a company, the major proponents of which, as I understand it, are sitting on an advisory committee. They are Mr Migro and Mr Mikowiec. I will save that until we come back in March. The key element in this is that it is a loss, loss and loss situation to the State. The Government has had a committee looking at other sites. It must immediately look at other sites. We in Kwinana are not opposed to a speedway. We are more than happy to see a speedway if it can be fitted elsewhere in Kwinana. We would be more than happy to accommodate it. However, the Government must not allow it to impact on the future of heavy industry in Kwinana, because it simply will not work.

MRS ROBERTS (Midland) [10.12 pm]: I take the last opportunity this year to make a few comments on behalf of my constituents. I put on record that the No 1 complaint that I have received from constituents in recent months is the Government's mistaken priority in allocating $88m to a riverside plan for a belltower and related matters. It is a mistaken priority because the Government is planning this at a time when so many other urgent community needs are not being met. Those needs are especially acute in the areas of education and health. I particularly draw to the attention of the House the difficulties at Bellevue Primary School. A library, learning and resource centre has been promised to the school for some years. The Education Department and the Minister for Education have recognised the need for some years. Since I have become the member for Midland, I have raised the matter a number of times with the Minister for Education. Although he has been very sympathetic, we are yet to see that resource centre at Bellevue Primary School.

It was disturbing this year that Bellevue was told that it could not directly apply this year and that matters had to be put on hold while it went through a local area education planning committee process. Members of the parents and citizens association very diligently went through that task and worked through the processes that they were told by the Education Department were the only way of getting their resource centre at the school. Unfortunately, they still have no commitment. In the meantime the Helena Valley Primary School, which did not participate in that process and is situated quite near to Bellevue Primary School, has been given confirmation that the Government has made a commitment to build a library

resource centre at the school. I do not begrudge the Helena Valley Primary School that resource centre and neither do the parents or staff at Bellevue Primary School. What we question again is the Government's priorities. Bellevue Primary School has very special needs. Its facilities are totally inadequate. It has a small demountable room which must be used for many different purposes. It is supposed to double up as a library, a resource centre and a music room. It is in continual use. It is not acceptable in this day and age as a resource centre or library for a primary school. I call on the Minister for Education to look again at this situation. He has acknowledged the need to me on numerous previous occasions and tonight he has said that he will again look at providing that facility at Bellevue. I do not think these people need to be put through any more hoops. I also point out that Bellevue Primary School has an excellent headmaster, staff and parents and citizens group, all of whom have worked diligently for four years to achieve the things needed in that school. Unfortunately for some parents in the P & C association, their children will have left the primary school before the much-needed facilities are in place. That is a great shame.

West Midland Primary School is also in desperate need of funding and upgrading. While on the subject of the wrong priorities of the Government in allocating many millions of dollars to the bell tower while local primary schools are without funds, I raise concerns about the Midvale Primary School and Koongamia Primary School. They have huge numbers of students with special needs which are currently not being met. It is all very well for people to talk in this place about children at risk, and in recent days many members have spoken about children at risk of falling victim to drugs, not achieving basic literacy and educational standards, and becoming juvenile delinquents and committing crime. Unfortunately, a greater proportion of those at-risk students are at Koongamia and Midvale Primary Schools than at many other primary schools. They need extra funding for programs to ensure they do not slip through the gaps in the education system. The Government must target this area. So many people who talk about crime prevention say that kids must not be allowed to fall through these gaps, and that they must get an education to improve their self-esteem so that they can find jobs and participate fully in society and not become alienated from it.

I will not go into all the special health needs, but one of the issues I have raised continually since May this year is the need for a dialysis unit at the Swan District Hospital. Provision of that unit is long overdue. When I received a response from the previous Minister for Health in May this year, he acknowledged that people receiving renal dialysis treatment needed a machine to be installed at Swan District Hospital and said that a business plan was being developed. Unfortunately, when this matter was raised with him again recently, it appeared that nothing had happened, and the latest response is that a business plan will be released, a tender process will be commenced in December and a dialysis unit will be in place in the latter half of 1999. That is not acceptable. At least a temporary satellite dialysis machine should be placed in that hospital. The Government again is failing to acknowledge that some people are in genuine pain and suffering many times a week, every week of the year, with the additional burden of travelling to Shenton Park or Royal Perth Hospital to obtain the treatment they need. The Swan Caring Centre provides an excellent bus service for elderly people and those who do not have their own transport, but it is not an acceptable situation. The centre does its best within limited means, and its staff are very caring towards the people they take to and from the hospital. However, they must pick up many people and those patients spend a long time in the bus. They go through the debilitating dialysis treatment, after which they feel tired, sick and weakened. They then have a long trip home on the bus. Some people must do that three times a week. Numerous concerns have been raised with me, by not only my own constituents but also those in neighbouring areas. One person from as far away as Avon contacted me. One lady lives in Northam and travels to East Perth by train, and must then find her way to Shenton Park for dialysis treatment.

One of the responses the minister has given is that more remote centres have been given priority, and he has noted places like Albany and Armadale. The fact remains that people in towns as far away as Northam must use the facility at Royal Perth Hospital, because there is no facility at Swan District Hospital. I am pleased there is at last a firm commitment by the Government on this, but I am not pleased at the time frame. This highlights the mistaken priorities of the coalition Government, when it can spend $88m on a belltower and not meet the basic educational needs of our children or the basic health needs of the elderly and others in our community.

MR AINSWORTH (Roe) [10.20 pm]: I thank members for their involvement in a project that started three years ago with the donation of members' old ties. A project was started by the Grass Patch Patchers, who wanted to use ties for a fundraising raffle for the Royal Flying Doctor Service of Australia. Two quilts and two cushions came from the generous donation of ties; they were completed earlier this year. They form the three prizes in a raffle to be drawn later this month. In the past couple of weeks - as you no doubt have been more than aware, Mr Speaker - I have sold raffle tickets within the Parliament. The contributions of members and staff to the raffle have totalled just over $1 000. That is a large contribution to a raffle that this small group of ladies has put together to raise funds for a worthy cause. By the time the other tickets that have been sold in the community are collected, a sum in the order of $6 000 will have been raised for this worthwhile cause. It could not have happened without, firstly, the initial contribution of members' ties; and, secondly, the big contribution that members and staff have made by purchasing tickets in the past couple of weeks to the tune of $1 000. I thank not only the members and staff for their contributions, but also the Grass Patch quilters on their initiative in suggesting the project in the first place. It will be a worthwhile donation to the Flying Doctor Service. I thank all members.

Members: Hear, hear!

Question put and passed.

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

APPROPRIATION (CONSOLIDATED FUND) BILL (No 4)

Second Reading

Resumed from 25 June.

DR GALLOP (Victoria Park - Leader of the Opposition) [10.23 pm]: The Opposition supports the Bill, which seeks to appropriate out of the consolidated fund the sum of $19.3m for capital payments made during the 1996-97 financial year. This Bill, along with Appropriation (Consolidated Fund) Bill (No 3), seeks retrospective approval for expenditure from the Treasurer's Advance Account. It is extraordinary that this Bill was only second read in the Parliament in June and is only now being debated. As with the Appropriation (Consolidated Fund) Bill (No 3), the Parliament is being asked to approve expenditure that relates to payments, not in the past financial year, but in the year before that. We are being asked to approve expenditure two years after it took place. There is no logical reason that this legislation could not have been introduced into the Parliament before June this year. This again demonstrates the Government's gross mismanagement of its legislative program. As I have said on a number of occasions in this Parliament, funding from the Treasurer 's Advance Account should be used only for extraordinary and unforeseen circumstances. When possible, funding of government expenditure should be allocated through the normal budget Bills to allow for the proper scrutiny of forthcoming expenditure. However, when the Treasurer's Advance Account is drawn upon it is imperative for the Government to provide justification to the Parliament and to the people for doing that, but yet again the Treasurer has failed to provide that necessary information. That very issue was raised by the Treasurer himself in 1991, when he claimed -

> I find it remarkable that the Treasurer's second reading speech gives no detail about the unforeseen and unavoidable expenditures to which the Treasurer referred.

It seems that even though the Treasurer found it remarkable at the time, he has done nothing in five years to remedy the situation. All second reading speeches should provide a clear and comprehensive account of what the Government is seeking to do and why it is seeking to do it. Merely repeating the obvious, as was done in that case, is not good enough.

I also reflect on comments made by the Premier only last Tuesday. In response to a question on the proposed Perth to Mandurah rail link, the Premier claimed in the House that he and his government colleagues had had many long nights working out how to fund the rail link. He says that he cannot find enough money for essential public infrastructure such as a railway to our southern suburbs. That is the same Premier, however, who does not appear to have a problem with finding $100m and valuable city land on which to build a convention centre - a centre which the private sector has already indicated that it would be willing to build. It is the same Premier who has no difficulty in finding millions of dollars to build a bell tower which the public does not want and which further illustrates his bias towards expenditure on the central business district. It is the same Premier who has no difficulty in funding government propaganda and advertising campaigns, on throwing money away in a politically-motivated public servant witch-hunt, and secretly funding a proposed dance congress after being advised not to do so.

The Government has clearly got its priorities wrong. It continues to cry poor when the community calls out for essential services, but it boasts about Western Australia's wealth when throwing money to build self-indulgent monuments such as bell towers. The Government is out of touch with the needs, hopes and aspirations of the majority of its citizens. The Government has enjoyed massive revenue growth since coming to office. Taxes and charges are at record levels. The indiscriminate tax grab by the Government was no better demonstrated than by the 1998-99 budget. The Government publicly announced a range of increases which included continued increases in public transport fares; massive hikes in motor vehicle registrations; substantial rises in water and sewerage charges; further increases in third-party insurance charges to help to cover losses by the government insurance body; and increases in stamp duty, thereby pushing up the price of insurance.

At the time of the state budget, the Opposition estimated that the Government's 1998-99 state budget, together with the 1997-98 state budget, left the average Western Australian family $372 worse off. For its part, the Government did not even bother to make such an estimate before it decided to impose new burdens on the people. However, it is becoming increasingly apparent that the Opposition was very generous to the Government's original analysis.

A stocktake of government fees and charge increases which was recently undertaken by the Opposition shows that the publicly announced increases which I have just discussed were simply the tip of the iceberg. The stocktake reveals that the cost of nearly all government services increased during 1998-99. Examples of increases include electrical workers licences, TEE fees, children's swimming class fees, fishing licences, exploration licences, school camp accommodation charges, drivers licence test fees, birth and death certificate fees, strata title application fees, hospital fees, cemetery fees, and board-

and-lodging costs for disabled persons. All up, increased rates of taxes, fees and charges brought the Government an additional $211.6m. Remember that this extra revenue represents increases only in rates of taxes and charges and does not reflect increased revenue due to increased levels of activity. This $211.6m represents $116 for every Western Australian, or $148 for every Western Australian of working age.

So you can see, Mr Speaker, this Government is not revenue poor. It is, however, bereft of sensible policies which assist the lives of ordinary Western Australians. So much for the social dividend which was supposed to come with the improved efficiencies in the delivery of government services.

Before I conclude my comments tonight, I call on the Deputy Premier to make available to this Parliament the clause notes to this Bill. The Opposition received the clause notes to Appropriation (Consolidated Fund) Bill (No 3) after requesting them from the Premier. Therefore, I assume that clause notes for this Bill would also have been prepared. These clause notes should be made available to this Parliament as a matter of course. The Treasurer's annual statements contain a little information on the Government's use of the Treasurer's advance account. One item that was mentioned in the statements relates to the expenditure of $1.5m in 1996-97 for the construction of an artificial surfing reef. Page 26 of the 1996-97 Treasurer's annual statements claims that the increased spending of $1.5m was directed to the construction of an artificial surfing reef. However, given that this reef is only now being constructed, I would like to know what the $1.5m was spent on in 1996-97. May be the Deputy Premier or the minister representing the Minister for Sport and Recreation could shed some light on this. The Treasurer's annual statements also state that additional funds were needed for the establishment of the Department of Contract and Management Services. I find it ironic that in 1991, when similarly additional funds were required to establish a new department, the member for Nedlands claimed he could not understand how there could be any unforeseen or unavoidable expenditures in the creation of a new department. Again, it seems that the Premier's views on these issues have completely changed since coming into government.

The Opposition supports this Bill; however, it is concerned that the Government has failed to provide an adequate level of information on this legislation to the Parliament, and believes the Government has demonstrated gross mismanagement of its legislative program and a complete disregard of the legislative process by not bringing this legislation to Parliament earlier.

Question put and passed.

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

MINISTER FOR HEALTH

Armadale-Kelmscott Health Service Redevelopment Program - Personal Explanation

MR DAY (Darling Range - Minister for Health) [10.33 pm]: Last week I tabled two volumes of the request for proposal documents for the Armadale-Kelmscott Health Service redevelopment program. Unbeknown to me there were three volumes. I take this opportunity to table the third volume now that it has been supplied to me.

[See paper No 529.]

POLICE OFFICERS IN PRISON, SUPPORT

Petition

MRS ROBERTS (Midland) [10.34 pm] - by leave: I have a petition which reads as follows -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned support the release of three highly respected former police officers Paul Tonich, David Toll and Bradley Martin who are in prison after conviction stemming from interrogation of a suspected criminal.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

This petition bears 482 signatures. I certify that it conforms to the standing orders of the Legislative Assembly. I also draw to the attention of the House a similarly worded petition which does not conform to standing orders and which bears a further 1 378 signatures. I also received on facsimile or photocopy paper an additional 137 signatures on this matter. I will forward all of these petitions to the Minister for Police.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 121.]

SCHOOL EDUCATION BILL

Returned

Bill returned from the Council with amendments.

MR BARNETT (Cottesloe - Leader of the House) [10.36 pm]: I know members present are keen to deal with the 29 pages of amendments on this Bill this evening; however, they do need careful consideration. Therefore, I move -

That the message be made an order of the day for the next sitting of the House.

Question put and passed.

ADJOURNMENT OF THE HOUSE

Complimentary Remarks

MR BARNETT (Cottesloe - Leader of the House) [10.37 pm]: I move -

That the House at its rising adjourn until a date and time to be fixed by the Speaker.

I will make some brief comments, as is traditional at the conclusion of sittings at what is not so much the end of the parliamentary year, but the calendar year. In a number of respects this has been quite an unusual year for the Parliament. From my experience, for the first time we had a midyear prorogation of Parliament, on 7 August. That change is beneficial and I hope it is persisted with into the long-term future. We also had on 11 August what I would describe as a low-key opening ceremony. I and many other members of Parliament have thought it appropriate that from year to year we should have low-key opening ceremonies, but following an election we should do it bigger and better. That is an appropriate way in which we should proceed.

Mr Kobelke: I don't mind, if we win.

Mr BARNETT: I mind who wins, but we should have that sort of ceremony for the opening of the parliamentary session at that time, not every year. I will give members a little information about the sittings this year. Since the formal opening in August the House has sat for 33 days. It has sat for a total of 62 days during the 1998 calendar year. That reflects a familiar pattern over recent years of somewhat increased sitting times. In terms of the debate that has taken place in this House over this year, the first half of the year was dominated by debate on the abortion issue. During the first half of the year, 70 hours of debate - nearly one-quarter of the sitting hours - were allocated to that issue. I have been a member of this Parliament for eight years, and I doubt that any member of the House - including my colleague the Deputy Premier, the father of the House - would have experienced such an extraordinary debate, and I do not think any of us will experience such an extraordinary debate again. I do not want to reopen the issue. It was a debate in which party and factional lines disappeared. People had strong views, passionate views, and they expressed them. It was a vindication of what is good about parliamentary systems and parliamentary democracy. That debate, in many respects, generated within parties a lot of acrimony. People have strong moral and religious positions. Whether members are pro-choice or pro-life, they expressed their strong personal convictions, or expressed a view they thought the electorate would hold regardless of their personal views. I commend members on both sides for what was a difficult and contentious issue. During debate a number of members showed extraordinary courage and morality in a wider sense, whatever their view, through their willingness to speak out as true representatives of their constituents.

I turn now to legislation. The now somewhat decimated School Education Bill occupied 45 hours of debate; the budget Bills, about 21 hours; and the native title Bills, 40 hours. These measures were the major issues considered in both debate length and substance. Other changes were made with the trial of new sitting times, as promoted by the Select Committee on Procedure. Two variations were trialled. I think most members prefer us to sit more daylight hours and fewer late night sittings, and I hope next year we can have a change and a modernisation of the sittings times.

The other unique event was the great flood of a few weeks ago. Hon Phil Pendal's office was flooded. There were some unsung heroes during that flood. The member for Vasse, Bernie Masters, was a hero who took off his socks and waded ankle deep into the flood to rescue computer equipment. Such heroes can be lost in Parliament! I am sure that as the years go by, the flood will gain biblical proportions and the efforts of the member for Vasse will rival those of Flipper. Maybe it was a form of divine intervention that even Hughie up there thought it was time to do something about this building.

In a legislative sense, 36 government Bills were passed in the first half of the year, and 18 government Bills passed in the second half of the year. As members would be aware, the productivity, in that sense, of this House differs from that of the other place; that is, 36 government Bills remain unpassed in the upper House, 29 of which have already been through this House. Member may be interested to note - they can draw their own conclusions - that since the resumption of Parliament in August, this House has sat for 100 more hours than has the upper House. Governments and Leaders of the House are inclined to measure their performance and productivity by the number of Bills which pass through the House. I hope for a future day in which Leaders of the House gain some credit for fewer government Bills passing through the House, rather than more.

Mr Ripper: We are happy to oblige!

Mr BARNETT: I am sure, but I had a slightly different theme in mind!

The Opposition has been extremely active in asking questions. There have been 1 845 Assembly questions on notice, 1 377 of which have been answered, which represents 75 per cent to this point. I will take some action so that ministers will provide answers to those outstanding questions during the summer months.

Some suggestion was made that the House may resume for a day before Christmas. I will not rule that out, but it is unlikely. We are likely to return only if the upper House were to deal with, and amend, the native title legislation. In fairness, I warn members that there is a possibility, albeit remote, that we may return on 16 or 17 December.

I pass on my appreciation and that of all members to a number of people, particularly those associated with Parliament. First, I acknowledge your role, Mr Speaker, and that of Mr President, in some of the changes made over the year to Parliament. We have seen a substantial upgrading of catering, although I do not know that I particularly needed that to happen! I acknowledge also the launching of the Internet site and the new facilities established on the ground floor. You, Mr Speaker, have worked with the President most effectively with limited budgets to gain significant improvements in the operation of this Parliament. I congratulate you and the senior officers of this Parliament.

I acknowledge also the Premier, who is absent in China tonight, and the Deputy Premier for the roles that they play in this Parliament. I thank also the Deputy Speaker, the Chairman of Committees and all Acting Speakers for the many hours of work in keeping the business of this Parliament progressing. The Government Whip is not here - typical of most Whips on the last night! The member for Bunbury has done a fantastic job on the government side as a Whip. I acknowledge also the Whip for the Opposition and pass on my appreciation to Margaret who assists the member for Bunbury. I thank all coalition members for the year. I am inclined to get short-tempered from time to time; however, every year is more difficult than the previous year and I thank all members for their participation. To the member for Midland, I thank you. I think we have learned to get on reasonably well as the year has gone on.

Several members interjected.

Mr BARNETT: It is a bit of a worry! It is fair to say that when the member for Midland became the Opposition's manager for business, we had no communication at all for the first month. However, we have learned to tolerate each other and almost get on well. I thank the members of the Opposition and the Independent members.

To the Clerks, Peter McHugh, Doug Carpenter and John Mandy who have been here for at least all the time that I have been in this Parliament, we are well served by the most dedicated, hardworking and professional Clerks. To Chamber staff, Tamara who is 30 today - what an unpleasant way of spending one's thirtieth birthday - Nicki, Keith, Nigel, Tony, Victor, Peter and Ron, members are appreciative of the work they do.

On a sadder note, I know all members will join me in extending our condolences to Ernie McNally whose wife, as members know, recently passed away very suddenly and very sadly. Frank Williams, the Premier's driver, also passed away. Frank was one of the great characters of the government garage in this Parliament. I know all of us miss Frank's particularly obscure but entertaining sense of humour.

I thank Neil Burrell and the Hansard staff. The Hansard staff, even as I talk, show a remarkable sense of composure and dedication and somehow manage to keep a straight face and treat the proceedings of this Parliament more seriously than do any of us.

I thank the Parliamentary Library staff; and Cathy and Marilyn, the switchboard operators who essentially run this place despite what the Speaker and the President might think. I thank David and Sheila; I know all members appreciate the work they do in school tours, which is a great service to all members of Parliament and their local constituency. I thank Enno Schijf, Andrew Gardos, all the dining room and bar staff; Ken Craig and all the security officers; and other Parliament House staff. I also thank Nick Hagley, Peter, Rebecca and Russell Stranger who provide great assistance to me, the Premier and the Deputy Premier. I would also like to acknowledge the media. We enjoy a love-hate relationship with the media. However, we are all in the same business at the end of the day.

Finally, Mr Speaker, I thank you. You, and those around you, have done a great job both in terms of members of Parliament and the staff. I wish all of you, your families and loved ones a very happy and safe Christmas. I am sure we will come back for a different, probably more challenging and no doubt more difficult next year.

MR COWAN (Merredin - Deputy Premier) [10.48 pm]: This must be the first time in four years that I have been found in the Parliament when the Parliament rose at the end of the year. However, that has been a matter of circumstances only, not something deliberate. The Deputy Leader of the Liberal Party and the Leader of the House for government business has made it clear just how much of a team effort the functioning of this Parliament happens to be. Some conclusions can be drawn from the time that I have frequented this place. The first is that the Government has a responsibility to implement change; the Parliament equally believes that it has a responsibility to preserve the status quo. I think we can say that that

is an accurate assessment of what has happened in the debates in this Parliament. They have been quite prolonged. As the Leader of the House has indicated, we have been sitting for longer periods. I think it is fair to say that although the Government has sought - and succeeded on most occasions - to implement the changes that it believes to be necessary, the Parliament has sought to scrutinise and maintain some preservation of the status quo. That certainly is the role of the Opposition and of all members of Parliament who believe that debate should take place and that legislation or motions should be subject to close scrutiny.

However, that conclusion that I have reached ends there, because over the past 12 months we have witnessed some major changes to the way in which this Parliament functions. We have seen a spirit of adventure in some of the sitting hours and in the services that have been provided by this House. Mr Speaker, I am quite sure that you and your colleague, the President of another place, are leading in that field. Some of those changes are not liked by members. Nevertheless, most of them are changes that we would in the main agree are for the better. I compliment you, Mr Speaker, on seeking to implement some of those changes, which certainly are being made having regard for the welfare and the wellbeing of not only the members of Parliament. One must bear in mind that the nature of the membership of this place has changed. We have witnessed younger members entering this Parliament. These members have different responsibilities from those which I had when I entered this place. They are much more likely to have younger families, and in that sense, Mr Speaker, you have accommodated them.

Together with the Leader of the House, I thank all of the staff, from the Clerks at the Table to the attendants, the Hansard reporters, and all of the officers of this Parliament, whether it be the catering corp or the security corp - for that matter, everybody who plays a role in making sure that this Parliament functions, and functions properly.

I also convey to all members of the House my best wishes for a safe festive season and for a prosperous 1999. This has been a historic year, not just because of the debates that have taken place in this Parliament, but also because of some of the changes that have been effected to the way in which the Parliament is managed and the way in which it operates. On behalf of not only the National Party, but also all members of the Government, I wish you, Mr Speaker, and all of the people who work within this place, a very merry Christmas and a prosperous 1999.

DR GALLOP (Victoria Park - Leader of the Opposition) [10.53 pm]: I join with the Leader of the House and also the Leader of the National Party and Deputy Premier in wishing everyone a happy Christmas and New Year. In saying that, I would like to observe that the State Parliament of Western Australia, as an institution, is in good shape. I believe that we underestimate the significance of our own Parliament, and we also underestimate the significance of the procedures that we have established in this Parliament to allow all points of view to be expressed. It is a good Parliament. The Opposition has its chance to put its point of view. We have time allocated in the Parliament for our private members' business; we have our matters of public importance; and we have our committee system. If we compare our Parliament with many other Parliaments, we shape up extremely well. This is an occasion on which we can all celebrate the importance of our parliamentary institution and what it means for the conduct of democracy in the State of Western Australia. As a result of the work that has been done by members from both sides of this Chamber, the rules that relate to the procedures of the Parliament are being constantly reformed, and there is a sense in which we are a community, despite the differences that exist from one side to the other.

I take this opportunity to thank all of the staff of the Parliament, because in the end the Parliament is like any other institution: It must function, and in order to function, some people must perform tasks to make it possible for members to come in here on a daily basis and to debate the issues that we have before us. I thank all staff of the Parliament for the role that they play in making that possible. They do that in a way that is of great credit to them, and certainly those of us who are involved as members of Parliament thank them enormously and wish them and their families all the best for Christmas and the New Year.

I also thank the members of Parliament for the role that they play. On my own side, I thank the Whip, the member for Girraween, for the role that he has played. It has been a difficult year; many issues have been before us, but he has performed his task admirably, and I thank him for that. The leader of opposition business in the Assembly, the member for Midland, has played a constructive role in making sure that from the Opposition's point of view, the business is managed well, and I certainly appreciated the comments of the Leader of the House about the role that she has played this year.

I thank all of my members for the contribution that they have made. We have had an enormous amount of debate this year. We have had to deal with complex issues. I thank my members for the role that they have played in making sure that our point of view was put before this Parliament, with clarity, with passion, and with knowledge. We on this side of the House hope that we have been able to do that.

I also thank members on the other side for the contribution that they have made. This is a democracy. There must be differences and one point of view and another point of view. We have willing disagreements. However, at the end of the day, we know what we are in the business for, and that is to make sure that our democratic system is in shape, and I thank all members for the contribution that they have made to that process.

This year has been interesting. I join with the leader of government business in pointing to the abortion debate. That debate was a case study of a Legislature in action, with both Houses of the Parliament debating an issue and expressing points of view. The procedures of this Parliament allowed all of those points of view to be expressed. New alliances were formed. We had a new approach to politics. There was a lesson in the way our parliamentary system works and the institutions and the procedures that we have.

Finally, Mr Speaker, I thank you as the Speaker of this Parliament for the role that you have played. I believe - and I say this on behalf of all of the members of the Opposition - that you have been an outstanding Speaker. We certainly appreciate the fact that you have given us every opportunity to put our points of view. We occasionally deviate, and you pull us into line, and that is appreciated, because occasionally people's self-interest can get the better of them. We all have our passions. My sons watch me in the Parliament when it is on television and say, "Dad, you are not the mad dog tonight, are you, because if you are, we will pull you into gear!" Mr Speaker, whenever I am the mad dog, you pull me into line, and I appreciate that. You have made a significant contribution. We appreciate that, and I think our Parliament is the better for having a Speaker of your calibre, quality and objectivity in the position.

I also take this opportunity to wish all members of the Parliament, and all staff, on both the government side and the opposition side, all the best for Christmas and the New Year. It has been a very long year from a parliamentary point of view. We all need to take a break. We all need to take stock. We may have a short re-entry into the parliamentary equation before the end of the year, as the Leader of the House said, but if we do not, I wish all the members all the best for Christmas and the New Year and I hope we come back refreshed and ready to take up the great battle between the Government and the Opposition in the spirit with which Parliament was designed.

THE SPEAKER (Mr Strickland): Before I put the motion, this is the one opportunity a year I get to say a few words. I will not speak for long but I do want to go through some of the events that have occurred this year to put them on the record. I believe that we have continued to make modest progress towards improvements in Parliament House. The Leader of the House mentioned some of those improvements. If members reflect back to the beginning of 1998, they will remember that these are some of the things that have occurred, and of course they have been made possible with close liaison with the President, senior members of Parliament, the Clerks and the Manager of Parliamentary Services, who together form the Management Executive Committee. We meet regularly. There are no longer two kingdoms in this Parliament but a united effort to try to solve the problems.

Very near the beginning of the year we made a modest refurbishment of the members' and visitors' bar areas. We have refurbished and rearranged the Parliamentary Library. I believe its staff have catalogued some 15 000 books and have substantially improved the newspaper clippings service. We have substantially completed the notebook computer program for members. Most members have the notebooks. Ministers are next in line if they can find the time. We have converted the former House Controller's flat into an office facility for the Parliamentary Services Department. It has a special conference room with facilities that will blow members away! That is available to all members. If members have not taken the opportunity to see it, they should have a look because they will be very pleasantly surprised at the standard of facilities that we have been able to achieve there. We completed some upgrading of toilets. There has been further progress on and almost the completion of the staging for airconditioning for members' offices. I think about five offices are yet to be airconditioned. We have had a cohesive development of the new administration organisation. We have completed the appointments of managers in Parliamentary Services, so we have a full team working. We have relocated and upgraded offices for information technology staff and for the financial planning staff. They are all over in Dumas House, in which they occupy about half a floor. We have people up the road in Parliament Place, people across the road in the library annexe, people down the hill in the committee office system and people in other places because they simply cannot fit into our present buildings. Mention has already been made of the improvements in the courtyard in the form of the painting, the tables with a bit of shade, and the lighting. My observations are that because of the congestion in the offices we have people sitting at those tables and conducting meetings, so they are very well used. I think members are getting great benefit from them.

Other improvements are in prospect. During the break we will arrange the repainting of the President's corridor, the dining room corridor and the Speaker's corridor. Many members will have seen the colour scheme envisaged there. Also in prospect are three things which we require. They are subject to approval of finance by the Premier and the Treasury. The President and I believe that we are likely to receive a favourable decision on this. We also want to refurbish the vacated offices on the ground floor where the old stationery department used to be. We want to create a new select committee room, despite there being some angst among some members on this matter. We will create 12 offices for members in the old billiard room, the committee room and the television room. They are in prospect but they are subject to finance.

What will all this do for the Parliament? The current situation is that 24 members have their own offices. Eighteen offices are shared by two members. Five offices each accommodate three members and four offices each accommodate four members. If the refurbishment goes ahead, 41 members can have their own office, and 50 members will share with one other member; in other words, 25 offices will accommodate two members each. That is the best we can do in this Parliament. There are simply not enough rooms to do any more. When one considers all the things I have mentioned and the offices that

people are working in across the road and down the street, we are at least 25 offices short in this Parliament. People will still be working in funny little corners tucked into places around the Parliament. I must say, once again, that it is time something was done. I am hopeful, as is the President, that over the Christmas break the Premier will reflect on all these difficulties throughout the Parliament and will come back refreshed and able to favourably consider the big decision that most of the media, all of the Opposition, to my knowledge, and government members, almost without exception, have now come to understand should be made.

I also give some thanks. First, my thanks to my Deputy Speaker and the team of Acting Speakers or Deputy Chairmen. They have done a tremendous job. We run a roster and they now have had two years' experience. I particularly mention the Deputy Speaker and the members for Joondalup and Thornlie, who this week did not have leave to attend electorate matters. In fact, they soldiered on with double the burden and did it well. We are very appreciative of what they do.

I am very appreciative of the work done and advice given by the Clerk, Peter McHugh, and the work at the table by Doug Carpenter and John Mandy. We are blessed; we have a very good team of competent people who make sure that hardly any blunders are made in the processes in this place. They are also a vital cog in the Standing Orders and Procedure Committee which is nearly two-thirds of the way through the re-write. It is being done slowly and carefully so that as we go through, opposition and government viewpoints are considered and it is not a number-crunching exercise. We hope that early next year we will be able to present an updated and simpler version reflecting the practice of the House.

I thank the Assembly staff generally. I will not name everyone because a Christmas lunch will be held on 15 December and I will thank the staff specifically on behalf of the House and members. We shall also have a Christmas function on 18 December, about which information will be circulated, when we can thank the staff of the Parliamentary Services Department. There are many who support our Parliament from Hansard, the Library, Information Technology, Finance, Catering, Gardeners, Human Resources and Security. We thank those people for the service they provide.

I thank the Parliamentary Services Committee because the President and I think that committee serves a valuable role in giving us feedback, and it has materially assisted us in developing these improvements.

Members may be interested to know that over the years the number of questions without notice has varied a little. We had an average of between 10 and 11 from 1989 to 1996, when the numbers started to improve a little. Last year an average of 15 questions were asked during question time, and now the average is 16.5. That eclipses a peak in 1984-85, when the average was between 15 and 16 - I am not sure what they were doing way back then. As far as I am aware we are achieving the top levels of a Parliament.

I thank the members who have spoken. I thank all members because, after all, although I might have to pull members into line occasionally, they are all responsible people who generally behave extremely well.

Mr Marlborough: Thank you.

The SPEAKER: The member for Peel has had an outstanding year. Once again, we have not even got close to throwing members out, and that demonstrates that we are in charge of our own behaviour - are we not? Although we might want to make the odd point fairly strongly from time to time, if members lose it perhaps they should reflect on their career in this place.

I wish all members a merry Christmas. The traditional supper will be served when we rise in a few moments, and those members who have the opportunity can join with me in a bite to eat.

Question put and passed.

ADJOURNMENT OF THE HOUSE

MR BARNETT (Cottesloe - Leader of the House) [11.11 pm]: It is with a sense of relief, if not exhilaration, that I move -

That the House do now adjourn.

Question put and passed.

House adjourned at 11.12 pm

APPENDIX A

APPENDIX B

QUESTIONS ON NOTICE

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

WORLD SWIMMING CHAMPIONSHIPS

237. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Tourism:

With reference to the 8th World Swimming Championships held in Perth in January 1998 -

(a) did the hosting of this event result in financial losses to any State Government agency or department, including EventsCorp and the Challenge Stadium;

(b) if yes, what is the full extent of these losses; and

(c) if no, what profits were realised by all the agencies or departments involved in the Championships, including EventsCorp and Challenge Stadium?

Mr BRADSHAW replied:

(a)-(c) Financial matters relating to the event have not been finalised. I will provide the Member with the details when all issues have been resolved.

GOVERNMENT DEPARTMENTS AND AGENCIES

Criminal Record Screening of Employees

691. Mr KOBELKE to the Minister for Family and Children's Services; Seniors; Women's Interests:

(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 PARKER replied:

(1) Family and Children's Services: Family and Children's does have a policy on the criminal record screening of employees or prospective employees.

Office of Seniors Interests: The Office of Seniors Interests does not have a policy on the criminal record screening of employees or prospective employees.

Women's Policy Development Office: The Women's Policy Development Office does not conduct criminal record checks on its staff.

WA Drug Abuse Strategy Office: WA Drug Abuse Strategy Office utilises the Family and Children's Services policy on criminal record screening.

(2) Family and Children's Services: All employees.
Office of Seniors Interests: Not applicable.
Women's Policy Development Office: Not applicable.
WA Drug Abuse Strategy Office: All employees.

(3) Family and Children's Services: Nil.
Office of Seniors Interests: Not applicable.
Women's Policy Development Office: Not applicable.
WA Drug Abuse Strategy Office: Nil.

(4) Family and Children's Services: Not applicable.
Office of Seniors Interests: Not applicable.
Women's Policy Development Office: Not applicable.
WA Drug Abuse Strategy Office: Not applicable.

(5) Family and Children's Services: [See paper No 526.]
Office of Seniors Interests: Not applicable.
Women's Policy Development Office: Not applicable.
WA Drug Abuse Strategy Office: WA Drug Abuse Strategy Office utilises the Family and Children's Services policy on criminal record screening.

TIMBER IMPORTS

757. Dr CONSTABLE to the Minister for the Environment:

In respect of timber imported to Western Australia in each of the last five years -

(a) what quantities were imported;
(b) what types were imported;
(c) what was the purpose or the use of the timber;
(d) from what countries did the timber originate; and
(e) what was the economic value of the timber?

Mrs EDWARDES replied:

(a)-(e) CALM does not collect data regarding the imports of timber based products. The data is collected by the Australian Bureau of Statistics, and published periodically by the Australian Bureau of Agricultural and Resource Economics (ABARE) in 'Australian Forest Products Statistics'. CALM can provide a loan copy of this publication if required.

KARRI AND JARRAH SUSTAINABLE YIELD

855. Dr EDWARDS to the Minister for the Environment:

Further to question on notice No 231 of 1998 -

(a) in estimating the annual total bole volume increment for jarrah, which the Department of Conservation and Land Management (CALM) claims is 1,360,000 cubic metres, what discount in both percentage and cubic metres, has CALM allowed for reduced growth rates due to -

  (i) dieback caused by *Phytophthora cinnamomi*, which kills jarrah trees or retards their growth;

  (ii) waterlogging, which kills jarrah trees;

  (iii) salinity, which kills jarrah trees or retards their growth;

  (iv) frost, which kills or deforms jarrah seedlings; and

  (v) decreased rainfall, which between 1910 and 1989 declined by 160 to 320 millimetres over the forest region;

(b) in estimating the annual sustainable yield for first grade karri sawlogs which CALM claims is 214,000 cubic metres, what discount in both percentage and cubic metres, has CALM allowed for reduced growth rates and/or defective wood due to -

  (i) the fungus *Armillaria luteobubalina* which kills young karri trees or retards their growth and which CALM scientists say is of major concern in karri regrowth;

  (ii) the defect known as brown wood, which according to CALM scientists has been found in three quarters of regrowth karri sawlogs;

  (iii) frost, which kills or deforms karri seedlings; and

  (iv) decreased rainfall, which between 1910 and 1989 declined by up to 320 millimetres in the karri region?

Mrs EDWARDES replied:

It has been standard practice for many years to account for possible timber losses due to physical and biological agents when calculating sustainable wood flows for Western Australia's public forests. On-going monitoring and research within the forests ensures that the periodic revisions of the sustainable yield can incorporate necessary adjustments. As part of the Regional Forest Agreement process an independent expert, Dr Brian Turner of The Australian National University, examined the basis of the data and methodologies used by CALM to compute the sustainable yields. He concluded that the existing data and systems were adequate and appropriate. His findings were summarised in the Comprehensive Regional Assessment (Volume 1, page 44).

(a) (i)-(iv) The process of estimating the sustainable gross bole volume increment for jarrah involved a number of stages at which the impact of dieback, waterlogging, salinity or frost were indirectly accommodated. The total gross bole volume increment represented an aggregate across the many site, silvicultural and stand history combinations in the harvest scheduling models. Localised areas of low or non-stocked forest did not contribute to the net forest area basis for calculating sustainable yield. Areas which had been mapped as infected with dieback were identified as separate categories and different yield regimes (consistent with the silvicultural guidelines) were projected for such stands. Consequently, while specific "discounts" were not applied to the total forest-wide figure of 1.36 million cubic metres, this final figure incorporated these many adjustments at a stand level.

(v) No specific "discount" was applied for the asserted decline in regional rainfall. The growth and yield projections are derived in part from successive measurements of permanent sample plots in the forest, which would incorporate the effects of any growth decline due to reduced rainfall. In practice, the variation in future growth rates is likely to be influenced to a much greater extent by stand structure and density changes.

(b) (i)-(ii) In calculating the sustainable sawlog yield for karri the potential impact of wood degrade due to fungal agents was catered for in a number of ways. Firstly, the few localised patches of forest where fungal impact has been implicated in isolated tree deaths were excluded from future sawlog supply. In the remaining forest available for timber harvesting the future wood yields were projected using a growth simulator developed from a network of over 230 permanent sample plots. The background mortality rate within these stratified plots will include tree deaths arising from disease, storm events, rainfall variations and stand density changes. Separate "discounts" for each factor were therefore not computed.

(iii) No separate "discount" was necessary for frost factors because severely understocked patches of forest are stratified separately when determining the net area of productive forest available for future harvest.

(iv) See (a)(v) and (b)(i) above.

STUDENTS WITH DISABILITIES

Transport Facilities

931. Mr RIPPER to the Minister for Education:

(1) Does the Minister believe that it is important for students with disabilities to participate in educational programs that enhance their life skills and integration into the community?

(2) Is he committed to providing the transport that is required to enable such students to be involved in their local community and to practice life skills such as banking and shopping?

(3) Does he have plans to provide the Education Support Unit at North Albany Senior High School with a purpose built bus so that they can continue with such vital programs?

(4) If not, will he provide the funding to enable the hire of a suitable bus and wheelchair transport taxis?

(5) If not, why not?

Mr BARNETT replied:

(1) Yes. The opportunity for students with disabilities to participate in life skills programs underpins the individual educational planning for this group of students. Most students with disabilities participate in quality educational programs that are designed to provide opportunities to enhance their life skills and to generalise these skills into the community.

(2) The Minister is committed to providing transport to enable students access to their local community. However, the deployment of funds for such services is essentially a local school-based decision and must be weighed against other educational programs and priorities.

(3)-(4) A proposal to establish a high school education support centre at North Albany Senior High School will be forwarded to my office for approval in 1999. This facility will provide services for secondary-aged students with intellectual disabilities in the Albany District. Should the centre be established, the principal will be provided with a school grant to meet students' identified needs and priorities, including those concerning the transport of students. Funds from the school grant can be used to hire taxis or a bus that is wheel-chair accessible.

(5) Not applicable.

SCHOOL PSYCHOLOGISTS

933. Mr RIPPER to the Minister for Education:

I refer to the changes to the position of school psychologists as discussed by the Minister and the Director-General of EDWA during the Estimates Committee -

(a) how are critical incidents going to be managed adequately at a local level in the future;

(b) how are they going to be managed when a statewide response is required;

(c) how are ongoing psychological and social problems going to be dealt with given the lack of professional expertise in schools;

(d) what provision is there for ensuring a strategic and state wide approach to the provision of school psychology services;

(e) what evidence led the Director-General to state that the various student services were not sharing information and working together prior to the restructure;

(f) if there is none, how can the new structure be justified;

(g) what has the impact of the changes been on country districts;

(h) what has the impact of the changes been on the morale of psychologists working within the education system; and

(i) could the Minister clarify how senior high school will purchase their own school psychologists?

Mr BARNETT replied:

(a) Each school and each district education office has a critical incident plan. Student service teams are located throughout the State. These teams are managed by Student Services Managers or Coordinators. The number of school psychologists in each of these teams exceeds the number of other student service team members. In the event that a particular district requires support beyond that available through its own resources the Managers of Student Services may be contacted for assistance.

(b) In those instances where a state-wide response is required the Executive Director (Schools) may convene the "Critical Incident Response Unit" comprised of senior Education Department staff. This group has responsibility for the deployment of additional support staff from both within and outside the Education Department.

(c) There is not a lack of professional expertise in schools. Apart from the assistance available to schools from the student services team in the district education offices, the majority of our teachers have accessed a four year tertiary program in order to be deemed qualified to teach in government schools. The skills gained include those of recognising psychological and social problems that may appear among students in classrooms.

(d) One of the benefits of the new student services structure is the establishment of a management structure that provides for the application of a strategic and state-wide approach to the provision of school psychology services. State-wide student services leadership conferences are held during which Managers and Coordinators of Student Services discuss policies, programs and approaches to the provision of student services. In addition the strategic and state-wide provision of service is led by the:

Requirement to implement the key strategies of the Plan for Government School Education.
Line management through each District Director to the Executive Director (Schools).
Requirement of the Education Programs Division to implement the system wide Making the Difference Strategy.

(e) The Director General gained her information from her senior officers. The view given was that the position of Senior School Psychologist was responsible for the operations of school psychologists and not the other district office based providers of student services. Consequently, the nature and level of communication between the different sections did not always have a shared focus.

(f) Not applicable.

(g) As is the case for metropolitan districts, the country districts have funds and the management structure to implement whole of system initiatives to address issues such as students at educational risk, retention, participation and behaviour management. One positive consequence has been the improved responsiveness of district based support services to schools.

(h) While there has not been a formal assessment of the morale of psychologists, indications are that they are comfortable in the student services district office structure.

(i) District Managers or Coordinators of Student Services apportion the services of school psychologists to schools on a time basis, the figure being generated by the number of students in the school. Each Full Time Equivalent (FTE) position is accorded a value of 1.0. That is to say 0.6 FTE is equivalent to an employee working for three days per week. In the event that a Senior High School was accorded access to the services of a school psychologist for four days per week (0.8 FTE) it may take the decision to "purchase" the remaining day (0.2 FTE) through its own FTE resources. If, for example, a school had a staff allocation of 50 FTE, it may choose to employ 49.8 FTE in its general operations, thereby having an unused 0.2 FTE which may be used to "purchase" the psychologist's time and retain them at the school on a full time basis. This "purchase" would be arranged through the district education office. Please note that the description given above is premised upon the notion of time based allocation of psychologists to schools. Not all districts follow this approach.

SCHOOL PSYCHOLOGISTS

957. Dr CONSTABLE to the Minister for Education:

When schools purchase from their own budgets school psychology services in addition to the allocated services, from whom do they purchase those services?

Mr BARNETT replied:

District Managers or Coordinators of Student Services apportion the services of school psychologists to schools on a time basis, the figure being generated by the number of students in the school. Each Full Time Equivalent (FTE) position is accorded a value of 1.0. That is to say 0.6 FTE is equivalent to an employee working for three days per week. In the event that a Senior High School was accorded access to the services of a school psychologist for four days per week (0.8 FTE) it may take the decision to "purchase" the remaining day (0.2 FTE) through its own FTE resources. If, for example, a school had a staff allocation of 50 FTE, it may choose to employ 49.8 FTE in its general operations, thereby having an unused 0.2 FTE which may be used to "purchase" the psychologist's time and retain them at the school on a full time basis. This "purchase" would be arranged through the district education office. Please note that the description given above is premised upon the notion of time based allocation of psychologists to schools. Not all districts follow this approach.

ELLE MACPHERSON ADVERTISING CAMPAIGN

965. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 15 September 1998 under the heading of "Elle ads credited with $7m"?

(2) Did the Elle McPherson television commercials draw nearly six thousand people from London to boost the State's income by more than $7m as claimed by the Western Australian Tourism Commission?

(3) If not, what did the Tourism Commission claim?

(4) Was an analysis carried out of the impact of the Elle McPherson advertisements?

(5) Who carried out the analysis?

(6) When was the analysis carried out?

(7) Is a copy of the analysis available?

(8) If not, why not?

Mr BRADSHAW replied:

(1) Yes.

(2) The primary key performance indicator for the measurement of the Brand WA television commercials featuring Elle Macpherson is Consumer Awareness. There is also a secondary performance indicator that measures visitor expenditure generated from incremental tourism business where the campaigns also incorporate a tactical component. In respect to the UK advertisements, the tactical component generated 5886 bookings directly resulting in some $7 million. This is only the direct bookings and would consequently be an underestimate of total impact.

(3) Please refer to the 1997/98 Annual Report of the Western Australian Tourism Commission that was tabled on 28 October, 1998 for the comprehensive results of both these indicators.

(4) An analysis was carried out on the visitor expenditure generated from incremental tourism business, the methodology of which has been audited by the Office of the Auditor General.

(5) Information was provided by the WATC’s strategic partners with respect to the input required to calculate the visitor expenditure generated from incremental tourism business.

(6) The campaign was completed in November 1997 and the report was provided in December 1997.

(7) Yes.

(8) Not applicable.

TOURISTS FROM THE UNITED KINGDOM AND THE USA

966. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) What was the number of tourists that came to Western Australia, in the 1997-98 financial year, from -

(a) the United Kingdom; and
(b) United States?

(2) Did the number of tourists from both countries increase compared to the 1996-97 financial year?

(3) What was the rate of increase from -

(a) the United Kingdom; and
(b) United States?

Mr BRADSHAW replied:

(1) According to the recently released preliminary figures from the International Visitor Survey, which is the official estimates used by the Western Australian Tourism Commission, in 97/98 there were 105,800 visitors from the UK and 30,200 (excluding US navy visitors) from the US.

(2)-(3) The UK visitor numbers were up by 14.8% over 96/97 whilst the US numbers were down by 1.9%.

ELLE MACPHERSON ADVERTISING CAMPAIGN

967. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) In what countries were the Elle Macpherson ads shown in the 1997-98 financial year?

(2) In what months were the advertisements shown in each country?

(3) What was the cost of showing the advertisements?

(4) Was there an increase in the number of visitors from those countries where the commercials were shown?

(5) What was the increase?

(6) Was there an increase in the number of tourists from any other countries?

(7) If so, what countries?

(8) What was the level of increase?

Mr BRADSHAW replied:

(1) The Brand WA television commercials featuring Ms Elle Macpherson were shown in Australia, United Kingdom, Singapore and Indonesia in the 1997/98 financial year.

(2) The television commercials were shown in the following months:

Singapore	July - September 1997
Indonesia	July - September 1997
United Kingdom	September 1997
Australia	October 1997

(3) The placement costs of showing the television commercials in 1997/98 featuring Ms Macpherson were as follows:

Singapore	$440,176
Indonesia	$438,382
United Kingdom	$847,014
Australia	$294,723

(4)-(5) In both the national and international markets the primary objective of the Brand WA television commercials featuring Elle Macpherson is to raise consumer of awareness of Western Australia as a holiday destination. As such, the WATC does not utilise visitor numbers to measure the effectiveness of these campaigns, but rather consumer awareness. In the national market, consumer awareness is measured as a function of perceived knowledge of WA, propensity to consider WA as a holiday destination, and advertising impact. In the international market

"Perceived Knowledge" and "Propensity to Consider" are utilised as measures. Please refer to the 1997/98 Annual Report of the Western Australian Tourism Commission that was tabled on 28 October, 1998 for the results of both these indicators. Increasing consumer awareness is a critical part of increasing visitor numbers, but not the only necessary component. Factors such as trade awareness and airline capacity are just two of the many components required to increase visitor numbers. In respect to the countries where the Brand commercials were shown, the visitor numbers for the destination are as follows:

	1996/97	1997/98
Singapore	75,000	79,000
Indonesia	55,000	40,000
United Kingdom	92,000	106,000
Australia	340,000	344,000

(6)-(8) The WATC does not measure consumer awareness in markets other than those in which it advertises. In respect to the overall visitor numbers for all other countries where there was an increase in visitor numbers and no WATC marketing activity was undertaken, the following countries showed an increase:

	1996/97	1997/98
China	3,200	4,300
New Zealand	37,200	44,500
Taiwan	1,900	2,400

NB: While not core markets for WATC marketing, the WATC did participate in trade shows in China and Taiwan during 1997/98.

The member may be interested to know that US Navy visits during this period also grew while other USA visitor arrivals remained static. These figures are as follows:

	1996/97	1997/98
USA	30,570	30,000
USA Navy	30,000	38,000

Data Source:
All destination figures quoted are International Visitor Survey (IVS) results (financial years)
US Navy estimates as provided by the US Consulate.

ROTTNEST ISLAND HOLIDAY COSTS

1003. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minster aware of an article that appeared in *The West Australian* on 10 September 1998 which reported that the Rottnest Island Authority held the view that a family holiday on Rottnest is, on average, $200 cheaper than a holiday in the South-West?

(2) Has the Rottnest Island Authority produced any figures to substantiate that claim?

(3) Are a copy of the figures publicly available?

(4) If not, why not?

Mr BRADSHAW replied:

(1)-(2) Yes.

(3) No.

(4) They are part of the Rottnest Island Authority's internal research carried out to make the necessary comparisons.

EXMOUTH RESORT AND CANAL DEVELOPMENT

1013. Mr BROWN to the Minister for Planning:

(1) Were any of the departments and agencies under the Minister's control involved in the decision to call expressions of interest for the Exmouth resort and canal development in November 1996?

(2) If so, in what way was the department or agency involved?

(3) What was the first date the department or agency became involved?

(4) Were any of the departments and agencies under the Minister's control consulted about the expressions of interest being called for the Exmouth resort and canal development?

(5) What was the nature of the consultation?

(6) What was the first date the department or agency was involved in any consultations on such expressions of interest being called?

Mr KIERATH replied:

(1) Yes.

(2) As a member of the Exmouth Boat Harbour and Associated Land Development Steering Committee.

(3) May 1995.

(4) Yes.

(5) Please refer to question (2).

(6) Options for undertaking the development of land adjoining the Exmouth Boat Harbour were included in the Terms of Reference for the Steering Committee referred to in questions (2), the first meeting of which was in May 1995. The Steering Committee sought approval to call for Expressions of Interest in March 1996.

GOVERNMENT DEPARTMENTS AND AGENCIES

Use of Private Investigation Agency

1057. Mr RIEBELING to the Minister for Police; Emergency Services:

(1) Have any of the Government Departments or Agencies under the Minister's jurisdiction used the services of a private investigation agency since 1 January 1996?

(2) If yes, why was the investigation agency used?

(3) What was the name of the investigation agency?

(4) How much was the investigation agency paid?

Mr PRINCE replied:

Police

(1) No.

(2)-(3) Not applicable.

Emergency Services

(1) Yes.

(2) Alleged breaches of the Public Sector Management Act.

(3) Paul Garnett & Associates.

(4) $6220.98.

COMMITTEES AND BOARDS, MEMBERSHIP

1064. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

For each board, committee, or the like, in each portfolio under the Deputy Premier's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr COWAN replied:

The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1066. Mr BROWN to the Minister for Resources Development; Energy; Education:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr BARNETT replied:

The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1067. Mr BROWN to the Minister for Primary Industry; Fisheries:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr HOUSE replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1068. Mr BROWN to the Minister for the Environment; Labour Relations:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mrs EDWARDES replied:

(a)-(d) The document was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1077. Mr BROWN to the Minister representing the Minister for Mines:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr BARNETT replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1078. Mr BROWN to the Minister for Police; Emergency Services:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr PRINCE replied:

The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1081. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr BRADSHAW replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

COMMITTEES AND BOARDS, MEMBERSHIP

1083. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

For each board, committee, or the like, in each portfolio under the Minister's control -

(a) what is the name of the board or committee;
(b) what are the names of, and positions held by, members of each board or committee;
(c) what was the commencement date and expiry date of each member's position; and
(d) what is the remuneration, or fee, paid for each position?

Mr MARSHALL replied:

(a)-(d) The Boards and Committees database was tabled in the Legislative Assembly on 24 November 1998. [See paper No 461.]

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS WITH EMPLOYER ORGANISATIONS

1115. Mr KOBELKE to the Minister for Primary Industry; Fisheries:

(1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1997 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies controlled by an employer or industry organisation?

(2) If yes, what are the details of each case including -

(a) the department or agency involved;
(b) the recipient of the contract, grant or secondment;
(c) a description of the purpose for the contract, grant or secondment; and
(d) the value or cost of the contract, grant or secondment?

Mr HOUSE replied:

For Departments/Agencies under my portfolio control:

(1)-(2) Not applicable.

FOREST AND PLANTATION VALUATIONS

1136. Dr EDWARDS to the Minister for the Environment:

In the 1997-1998 Department of Conservation and Land Management ("CALM") annual report, a dollar value has been put on Western Australia's native forests and plantations. For each native forest valuation and plantation valuation -

(a) why has the valuation been undertaken, and for what purpose will it be used;

(b) at whose instigation was the valuation undertaken;

(c) what methodology was used to arrive at the valuation;

(d) did any part of Government other than CALM have input into the valuation, and, if so, which;

(e) over what time period does the valuation operate;

(f) what was the exact type or category of resource that was valued e.g. was each resource broken down into log grades or some other form of sub-category;

(g) what was the area of each resource that was valued;

(h) what was the volume of each resource that was valued, in total, and within any sub categories;

(i) what is the value per cubic metre of each resource;

(j) has the valuation been independently reviewed, and has it been confirmed by the Office of the Auditor General;

(k) if the Office of the Auditor General has reviewed the valuation, will the Minister table the review; and

(l) was a value placed on the timber industry's access to the public native forests?

Mrs EDWARDES replied:

(a) Australian Accounting Standard AAS 29, Financial Reporting by Government Departments, required government departments to value all assets by 30 June 1998. The purpose of the valuation was for CALM's audited annual financial statements.

(b) The Accountable Officer and the Principal Accounting Officer of CALM.

(c) The valuation is in accordance with the Australian Accounting Exposure Draft 83 and is consistent with the subsequently released Australian Accounting Standard AAS 35 Self-Generating and Regenerating Assets.

(d) The Valuer General's Office, Treasury Department and the Office of the Auditor General.

(e) The valuation will be reviewed at 30 June each year.

(f) Native forests and associated infrastructure were valued by taking the average annual net cashflow from the sustainable yield for the past 3 years up to and including 1997-98 and projecting this forward on a discounted net cashflow basis. Apart from the sharefarm rights noted below, the valuation for plantations and associated infrastructure was based on individual stands and took account of forecasts of harvesting schedules, volumes, stumpages and future growing costs. The Department's rights in Pinus pinaster sharefarming contracts have been initially valued on an historic cost basis due to their young age, and rights in the bluegum and pine sharefarming contracts in the Albany region have been valued on a market value basis as tenders were called in 1997-98 for their sale.

(g)-(i) The valuation method applied to native forests and associated infrastructure related to overall net cashflow of the sustainable yield rather than to areas and volumes. The valuation method applied to Pinus pinaster sharefarming contracts and the bluegum and pine sharefarming contracts in the Albany region related to specific areas, but not volumes. The areas are Pinus pinaster sharefarms 2,215 ha, Albany region bluegum sharefarms 1,669 ha and Albany region pine sharefarms 5,003 ha. For other plantations, volumes, areas and value per cubic metre are not constant for the valuation in the audited financial statements because both areas and volumes change with time as trees grow and plantation areas are felled. The estimated commercial values reported in the audited financial statements were based on the future volumes estimated to be available for harvest on a one-rotation basis from existing plantations.

(j)-(k) The Auditor General conducted an audit to enable him to issue an opinion on the financial statements. A clear opinion was issued and is opposite page 78 of CALM's 1997-98 Annual Report.

(l) Australian Accounting Standard AAS 29 requires that only assets of the reporting entity can be included in financial statements.

COTTON GROWING TRIALS, WEST KIMBERLEY - COST

1151. Dr EDWARDS to the Minister for Primary Industry:

With respect to question on notice No. 78 of 1998 asking what expenditure has been incurred to date by Agriculture Western Australia advising, monitoring and assessing cotton growing trials in the West Kimberley -

(a) what is the breakdown of monies spent in 1996-97; and
(b) what is the projected breakdown of expenditure for the current financial area?

Mr HOUSE replied:

WEST KIMBERLEY COTTON PROJECT

	1996/97 $	1997/98 $	1998/99* $
Salaries Technical Officer Entomologist	15,000	42,400 4,200	39,455 3,570
Operating Travel Expenses Consumable goods, transport Vehicle lease and on road costs	3,000	 5,000 5,000	 5,000 5,000
TOTAL	18,000	61,600	58,025

**Projected Expenditure*

PILCHARD VIRUS

1154. Dr EDWARDS to the Minister for the Environment:

(1) Is the Minister aware of the current pilchard die-off in the Port Lincoln area?

(2) Will the Minister confirm that this die-off is due to a virus associated with imported pilchards used as fish feed?

(3) If not, why not and what is the likely cause?

(4) Are imported pilchards used as fish feed in Western Australia?

(5) If not, are there any plans to use imported pilchards for the aquaculture industry in Western Australia in the foreseeable future?

(6) What action is being taken to ensure that any future imported pilchards do not contain a similar virus to that now afflicting South Australian stocks of pilchards?

(7) What information is known about the potential for the pilchard virus to transfer to other marine species?

Mr HOUSE replied:

(1) I am aware of the current pilchard mortalities occurring in South Australian waters.

(2)-(3) There is currently no evidence to identify the source of the virus responsible for the pilchard mortalities.

(4) I do not know of any such use of pilchards in WA .

(5) I am not aware of any plans to use imported pilchards for the aquaculture industry in Western Australia in the foreseeable future.

(6) The source of the virus has not yet been identified. However, as a precautionary measure there are three actions which are being taken.

The Australian Quarantine Inspection Service is undertaking a risk assessment on imports of frozen fish. That will assess the risk posed by such imports and whether a ban can be justified internationally without being seen as a barrier to trade.

The Federal Department of Agriculture Forests and Fisheries has requested that our trading partners notify them of any pilchard mortalities and their cause.

Finally, the development of effective tests for the virus will allow testing of pilchard consignments prior to import.

(7) The available scientific evidence indicates that the virus is specific to pilchards.

REGIONAL FOREST AGREEMENT - REPORT

1155. Dr EDWARDS to the Minister for the Environment:

(1) Given that the Regional Forest Agreement (RFA) report titled Assessment of Protective Mechanisms for National Estate Cultural Heritage Values was not released during the public consultation period for the RFA process, will the Minister be releasing the report after the RFA has been signed?

(2) If not, why not?

(3) If yes to (1) above, why release the report after the period of public consultation?

(4) Is the Minister satisfied that cultural heritage and national estate values have been adequately addressed in the RFA public consultation document?

(5) If not, why not?

(6) Given that the draft national estate and cultural heritage report found that "national estate cultural heritage values have not been adequately identified and assessed, and therefore not protected", what action will the Minister be taking to ensure that the RFA does address the issue of protecting national estate cultural heritage values?

(7) Given that the draft report referred to above found inadequate development of strategies to ensure the spatial and temporal protection of cultural heritage values, despite the presence of acknowledged best practice principles for the conservation of cultural heritage values in Australia since 1979, what action will the Minister be taking to address this issue?

(8) Given that the draft report also found that there is a "current lack of understanding of the full range of national estate cultural heritage values within land management agencies", does the Minister have confidence that those agencies were the most appropriate vehicles for the protection of national estate cultural heritage values?

(9) If yes to (8), on what basis?

Mrs EDWARDES replied:

(1) The report is currently available.

(2) Not applicable.

(3) There are numerous background reports compiled for the RFA which are available to the public on request but which were not circulated to the public for comment. The consultant's report titled "Assessment of Protective Mechanisms for National Estate Cultural Values" is one such background report. The views expressed in the report are the views of the consultant and not necessarily those of the Commonwealth and Western Australian governments.

(4) A 108 page report containing 9 maps titled "National Estate Identification and Assessment in the South West Forest Region of Western Australia" was released for public comment and extensive supplementary reports of Indigenous and Non-Indigenous cultural heritage, social and aesthetic values have also been compiled and circulated as part of the RFA process.

(5) Not applicable.

(6)-(7) The protection of national estate values will be considered by the State and Commonwealth governments in the development of the Regional Forest Agreement.

(8) Yes.

(9) Agencies that are responsible for the management of public land or other public assets are the most appropriate agencies to protect values that have been identified as needing protection.

SLEEPERS - PRODUCTION AND EXPORT

1156. Dr EDWARDS to the Minister for the Environment:

For each of the years 1992-93 to the present, what quantity of sleepers made from -

(a) jarrah; and
(b) other species (please specify) were -

(i) produced; and
(ii) exported?

Mrs EDWARDES replied:

(a) (i)

1992-93	13 989 cubic metres
1993-94	14 069 cubic metres
1994-95	13 750 cubic metres
1995-96	8 241 cubic metres
1996-97	13 167 cubic metres
1997-98 (provisional)	16 341 cubic metres

(ii) CALM does not collect data regarding the exports of timber based products. The data is collected by the Australian Bureau of Statistics, and published periodically by the Australian Bureau of Agricultural and Resource Economics (ABARE) in 'Australian Forest Products Statistics'. CALM can provide a loan copy of this publication if required.

(b) (i) Detailed breakup by species not available.

1992-93	7 610 cubic metres
1993-94	6 256 cubic metres
1994-95	4 110 cubic metres
1995-96	1 854 cubic metres
1996-97	4 709 cubic metres
1997-98 (provisional)	6 840 cubic metres

(ii) See answer to (a)(ii) above.

KIMBERLEY SCHOOL OF THE AIR

1170. Mr RIPPER to the Minister for Education

(1) Is the Minister aware of the overcrowded and unsatisfactory conditions in which the staff of the Kimberley School of the Air are working?

(2) Does he realise that workplace health and safety standards are possibly being breached at this location?

(3) What does he plan to do about the situation?

Mr BARNETT replied:

(1) I am aware that working conditions at Kimberley School of the Air are less than ideal. The Kimberley School of the Air will be the last of the Schools of the Air to be upgraded. Over the past three years rebuilding/refurbishing programs have been undertaken at Meekatharra, Kalgoorlie and Carnarvon Schools of the Air. This work is being done on a priority basis.

(2) The Principal at the Kimberley School of the Air monitors the work environment very carefully to ensure it is maintained to satisfactory standards and that health and safety requirements are not being breached. Likewise, he has been working closely with relevant Education Department Officers to see that the School is included in relevant minor and capital works programs.

(3) An additional transportable building was placed on the school site in July this year to assist with the accommodation situation. Planning in relation to the Kimberley School of the Air site is ongoing within the overall context of the District's needs. The Kimberley School of the Air has been formally included as a priority in the Kimberley District Capital Works program. Kimberley School of the Air requirements have been outlined and will be considered along with all District requirements for the next round of capital works in line with total District priorities.

CALM - DEBTS

1176. Dr EDWARDS to the Minister for the Environment:

The Department of Conservation and Land Management's (CALM) recent Annual Reports show revenue due but not collected in the following amounts -

(a) 1994-1995 - $8.908 million;
(b) 1995-1996 - $15.334 million;
(c) 1996-1997 - $17.467 million; and
(d) 1997-1998 - $20.504 million;

(i) will the Minister itemise year by year who owes CALM these amounts; and
(ii) why have these debts been allowed to accumulate?

Mrs EDWARDES replied:

(a)-(d) (i) Itemised computer printouts showing amounts for each customer at 30 June each year can be provided if required but are voluminous since they include over 600 customers who traded with CALM in June in each of the years, including tourism operators, bookshops, timber industry and government departments.

(ii) The amounts for receivables quoted from CALM's Annual Reports are mainly for invoices issued prior to 30 June and due for payment after 30 June. CALM's normal trading terms allow 30 days for payment of invoices.

GOVERNMENT DEPARTMENTS AND AGENCIES - ANNUAL REPORTS, COSTS

1185. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) For each department or agency under the Deputy Premier's control, what was the cost of producing the 1997-98 annual report, including -

(a) artwork;
(b) publication;
(c) distribution; and
(d) writing?

(2) What were the equivalent costs for the 1996-97 annual report?

(3) Was the 1997-98 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(5) Was the 1996-97 annual report produced wholly within the department or agency?

(6) If not -

(a) what services were provided by contractors; and
(b) at what cost?

(7) Who printed the 1997-98 annual report?

(8) Who printed the 1996-97 annual report?

(9) How many copies of the 1997-98 annual report were printed?

(10) How many copies of the 1996-97 annual report were printed?

Mr COWAN replied:

Department of Commerce and Trade

(1) (a) Anticipated to be approximately $4,000
(b) $7,730
(c) Anticipated to be approximately $1,500
(d) $1,950

There are other costs relating to internal staff contributions which it is not possible to identify separately.

(2)

(a)	Artwork	$7,638
(b)	Publication	$10,817
(c)	Distribution	$1,996
(d)	Writing	Nil

(3) No.

(4) (a) Artwork, Publication & Writing.
(b) $13,455

(5) No.

(6) (a) Artwork & Publication.
(b) $18,455

(7) Advance Press Pty Ltd.

(8) Scott Four Colour Print.

(9) 750

(10) 2,000

Small Business Development Corporation

(1) The 1997-98 Annual Report is currently in production. Budgeted costs are as follows:

(a) $2,240
(b) $8,448
(c) $1,200
(d) $650

(2) (a) $4,850
(b) 12,578
(c) $1,040
(d) $425

(3) No.

(4) (a) Artwork, graphic design, printing and minor editing of the report are to be provided by contractors.
(b) $11,338

(5) No.

(6) (a) Artwork, graphic design, printing and minor editing.

(b) $17,853

(7) Mooreprint Design and Print are contracted to print the 1997-98 Annual Report.

(8) Planet Creative Media.

(9) 3,000 copies are to be printed.

(10) 2,000 copies.

Perth International Centre for Application of Solar Energy (CASE)

(1) Anticipated costs are:

(a) $3,786
(b) $3,570
(c) $150
(d) The report was written in-house at a total labour cost of approximately $1,300.

(2) $10,215

(3) No.

(4) (a) Photography, design and printing.
(b) Anticipated cost is approximately $7,356.00

(5) No.

(6) (a) Writing, design and printing.
(b) $10,215

(7) Advance Press Pty Ltd have been contracted to print the 1997/98 Annual Report.

(8) Rod Dryland & Associates.

(9) The Annual Report consists of two sections. 600 copies of the main report and 200 copies of the financial report will be printed in 1997/98.

(10) 800 copies of the main report and 200 copies of the financial report were printed in 1996/97.

Gascoyne Development Commission

(1) (a)-(b) $1,848
(c) $300
(d) Nil. Produced in house.

(2) (a)-(b) $1,405
(c) $300
(d) Nil. Produced in house.

(3) No.

(4) (a) Artwork and printing.
(b) $1,848

(5) No.

(6) (a) Artwork and printing.
(b) $1,405

(7)-(8) Gascoyne Printers.

(9)-(10) 300

Goldfields Esperance Development Commission

(1) (a) $1,820
(b) $3,847
(c) $340
(d) $2,685

(2) (a) $360
(b) $3,210
(c) $340
(d) $2,400

(3) No.

(4) (a) Artwork, negative preparation, film and publication
(b) $5,667

(5) No.

(6) (a) Artwork and publication
(b) $3,570

(7) Advance Press.

(8) Goldfields Printers.

(9)-(10) 400.

Great Southern Development Commission

(1) (a) $655
(b) $1,000
(c) $200
(d) Nil. The writing was done in-house.

(2) (a) $447
(b) $1,000
(c) $200
(d) Nil. The writing was done in-house.

(3) No.

(4) (a) Artwork, printing and binding.
(b) $1,655

(5) No.

(6) (a) Artwork, printing and binding.
(b) $1,447

(7)-(8) Stirling Print, Albany.

(9) 200 copies will be printed.

(10) 250.

Kimberley Development Commission

Estimated Costs

(1) (a) $1,900
(b) $6,867
(c) $328
(d) Nil. The writing was done in-house.

Actual Costs

(2) (a) $2,367
(e) $4,751
(f) $317
(g) Nil. The writing was done in-house.

(3) No.

(4) (a) Photographic content and printing.
(b) Total estimated costs are $8767

(5) No.

(6) (a) Artwork, photographic content and printing.
(b) $7,118

(7) BFS Total Print Management.

(8) Presspower Australia.

(9)-(10) 600.

MidWest Development Commission

(1) The final cost of producing the Annual Report is not known as all accounts have not yet been received. An amount of $6,000 has been allocated in the 1998/99 budget.

(2) $1,810. Costs comprised the following:

Artwork	$ 640
Publication	$1,170
Distribution	Apart from $120 for postage through Australia Post there was no cost as distribution was carried out through MailWest
Writing	Nil. The writing was done in-house.

Costs associated with the writing and distribution of the annual report were not kept separately.

(3) No.

(4) (a) Design, desktop publishing, layout and printing.
(b) The final cost of producing the Annual Report has not been established. However, it is estimated that the total expenditure for the Annual Report will be within the $6,000 budgeted.

(5) No.

(6) (a) Design, artwork and printing of the cover and photocopying.
(b) $1,810.

(7) Quality Print.

(8) Sun City Print.

(9) 200 copies

(10) 150.

Peel Development Commission

(1) The 1997/98 Annual Report is not yet printed so accurate costs are not available.

(a) Total design cost quoted at $4,400
(b) Printing quoted at $3,840
(c) Unknown at present as the 1997/98 Annual Report has not yet been distributed.
(d) Nil

(2) (a) $4,760
(b) $3,758
(c) The majority of the Annual Reports were mailed through Mail West at no cost. Costs for distribution through Australia Post was $28.75.
(d) Nil.

(3) No.

(4) (a) Design and printing.
(b) Quoted figure $8,240.

(5) No.

(6) (a) Design and printing.
(b) Quoted figure $8,518.

(7) Mandurah Graphics is the design agency. The printer has yet to be appointed.

(8) Workhouse Advertising and Integrated Marketing Communications.

(9) It is anticipated 500 copies of the 1997/98 Annual Report will be printed.

(10) 500.

Pilbara Development Commission

(1) The Commission has not yet sought quotes on costs of producing the 1997/98 Annual Report.

(2) (a) $713
(b) $2,978
(c) $500
(d) Nil. The report was written in-house.

(3) The Commission's 1997/98 Annual Report has been written by staff but no decision has been made regarding publication.

(4) Not applicable.

(5) No.

(6) (a) Contractors provided laminated covers, printing, artwork and negative preparation
(b) $3,691

(7) The Commission's 1997/98 Annual Report has not yet been printed.

(8) Design Design Graphic Management.

(9) Not yet determined.

(10) 300.

South West Development Commission

(1) The South West Development Commission has not yet produced its 1997/98 Annual Report. Therefore the Commission is unable to provide the required details.

(2) (a) $6,052
(b) $4,335
(c) $200
(d) Nil. All writing prepared in-house.

(3) The 1997/98 Annual Report will be prepared in the same manner as the 1996/97 report and will be in-house with the exception of artwork/design and printing which will be outsourced.

(4) (a) Printing and design will be outsourced.
(b) Refer to 1 above.

(5) No.

(6) (a) Printing and design.
(b) Total cost of $10,587

(7) Not yet decided.

(8) Dynamic Print, Bunbury.

(9) Approximately 400 will be printed.

(10) 350.

Wheatbelt Development Commission

(1) The Wheatbelt Development Commission has not yet produced its 1997/98 Annual Report.

(2) (a)-(b) $7,490
(c) $250
(d) $795

(3) No.

(4) (a) Printing and desk top publishing will be provided by contractors.
(b) The cost is to be established, though it is expected to be similar to 1996/97.

(5) No.

(6) (a) Printing and desk top publishing, including artwork.
(b) Writing and Preparation - $795
Printing - $7,490
Distribution - $200

(7) Yet to be printed.

(8) Touchstone DDI.

(9) It is estimated that 500 copies will be printed.

(10) 1000.

BIKIE GANGS - BROKERED DEALS WITH POLICE

1221. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister advise if he supports the Commissioner of Police in his recent statement regarding his criticism of the previous Police Administration "brokering a deal" with outlaw motorcycle gangs?

(2) How does the Commissioner define "brokering a deal"?

(3) What specifically was the Commissioner referring to?

(4) Does the Commissioner have any evidence of such "brokered deals"?

(5) If so, what is the evidence?

(6) What strategies are currently in place to guarantee public safety, other than to ask for outside advice and intervention to handle a problem?

(7) Is it anticipated the Commissioner of Police will return from overseas with a strategy to invite outside assistance at additional cost to the public?

Mr PRINCE replied:

(1) Yes.

(2) Acting as a middle man in arriving at an agreement.

(3)-(5) In previous briefings with members of the Western Australia Police Service the Commissioner of Police had been advised some years ago the Police Service “negotiated” a deal involving the Coffin Cheaters and an Outlaw Motorcycle Gang (OMCG) from New Zealand. As stated the Commissioner of Police does not agree with police conducting such activities.

(6) The Gallipoli Task Force and other members of the Western Australia Police Service are using legitimate strategies and tactics against OMCGs and I am prepared for the Leader of the Opposition and the shadow Police Spokesperson to be given a confidential briefing on their strategies.

(7) No.

CHARTER SCHOOLS - ESTABLISHMENT PROPOSALS

1229. Mr RIPPER to the Minister for Education:

(1) Is the Minister or his Department considering proposals to establish so-called "charter schools" in Western Australia?

(2) If yes, what is the nature of the proposals being considered and when does the Minister expect to make a decision on these proposals?

Mr BARNETT replied:

(1) No. Neither I nor the Education Department of Western Australia is currently considering the introduction of so-called "charter schools" in Western Australia. However, the Government is gradually moving toward greater decision-making responsibility being passed to schools and, therefore, some aspects of school management at some schools may in the future contain elements common to "charter schools". However, it is not practical for many schools to assume more decision-making powers for reasons such as isolation or the student population of the communities in which they are located. The School Education Bill provides sufficient flexibility to allow for increased school-based management. The potential review of the Act after five years will enable further consideration of this issue, in light of progress toward greater decision-making at the school level in Western Australia.

(2) Not applicable.

TEACHERS - ASSESSMENT OF MORALE

1230. Mr RIPPER to the Minister for Education:

(1) How does the Education Department assess the state of morale amongst its teaching workforce?

(2) What does the Department's latest assessment (if any) show about teachers' morale?

Mr BARNETT replied:

(1) The morale of the teaching workforce is monitored at the central level by use of human resource support services that contribute to the general well being of teaching staff and other employees. These support services include an Employer Assistance Program provided by Occupational Services, (formally INDRAD) a support scheme provided by the department, and other employee support services including grievance resolution procedures, medical consultation and referral, exit surveys, occupational health and safety and professional development and training. The Department conducted a Human Resource Forum earlier in the year comprising a wide range of members of the teaching workforce, which identified key issues affecting the morale of the teaching workforce. The recommendations of this Forum will be implemented as part of the Human Resource reform agenda of the Department. At the district and local level the morale of the teaching workforce is also monitored through the performance management process which gives all employees an opportunity to discuss employment related issues with their line manager in a mutually supportive way that considers individual as well as system wide needs and responsibilities.

(2) Monitoring of the above human resource support services indicate that the morale of the teaching workforce is positive. Field reports and information from schools and districts indicate that teacher morale is positive. The majority of teachers are satisfied in their employment and are committed to their profession and to delivering quality educational outcomes for all students. The development of a career structure for teachers, which is a joint project of the Department and the State School Teachers' Union of Western Australia, will contribute to enhancing teaching morale by ensuring teaching is a rewarding and satisfying career. In 1998 more than 200 teachers gained level 3 status as exemplary classroom teachers as part of this career structure development. Other programs being developed or implemented by the Education Department which will improve teacher morale include the Country Incentive Program, reduction in class sizes in Year 1-3, professional development and the Centre for Excellence, and the establishment of a Leadership Centre for school leaders and aspiring school leaders.

FERAL GOAT ERADICATION PROGRAM - CONTINUATION

1269. Mr PENDAL to the Minister for Primary Industry:

(1) I refer to the stock of feral goats in Western Australia and the report of the Feral Goat Eradication Program Recommendation Committee and ask, is it correct that the committee recommended that the eradication program continue for a further three years?

(2) Does the State Government support that recommendation?

(3) Does the Minister acknowledge alternative arguments for the commercialisation of such a program so that goats are removed from farming properties in such a way as to allow them and abattoirs to receive a commercial benefit in doing so?

(4) Is the Minister aware that Geraldton Meat Exporters (G.M.E.) has created 90 jobs in Geraldton alone from the feral goat industry?

(5) Does the Minister accept that feral goats, instead of simply being destroyed, have already opened up new export markets for Australian produce in that G.M.E. alone has exported 115,000 feral goats?

(6) Does the Minister accept that G.M.E. are capable of exporting up to three times the current production but that they cannot meet such orders because of lack of goats being provided for commercial kill, as distinct from eradication?

(7) In view of the foregoing, does the Minister accept that the State is in fact wasting a valuable export-earner by overseeing eradication to the detriment of commercial harvesting?

(8) Will the Minister undertake to arrange for his department to meet with the company to discuss how eradication can be decreased, and commercial harvesting increased?

(9) If no to (8) above, why not?

Mr HOUSE replied:

(1) The 1996 Review of the Feral Goat Eradication Progam recommended continuation for a further 3 years (until December 1999).

(2) Yes.

(3) The Government has, since the initiation of the program at the request of the pastoral industry in 1991, sought maximum removal of feral goats to abattoirs and live export, thereby maximising commercial returns to pastoralists.

(4) I am aware that goat processing by GME provides valuable employment opportunities.

(5) The Government has supported the development of export markets by encouraging the removal of feral goats from pastoral leases. The control of residual, non-commercial numbers of feral goats, plus populations in inaccessible areas accounts for less than 10% of all goats removed, so has minimal impact on goat exports.

(6) I have no reason to doubt any claims by GME regarding export market potential for goat products. Over 90% of goats removed from the State's rangelands are directed toward markets for live goats and processed goat products.

(7) At the request of the pastoral industry, the Government initiated the Feral Goat Eradication Program in 1991 to minimise feral goat damage to the rangelands. The objective is to, wherever possible, eradicate all feral goats from the rangelands except for those that are run in securely fenced areas under conditions set by the Pastoral Board. In order to optimise commercial returns to pastoralists, the Government has sought maximum removal of feral goats to abattoirs and live export, and has encouraged the development of alliances between abattoirs and pastoralists to supply markets from domesticated enterprises.

(8) Agriculture Western Australia staff have met personally with company representatives several times since March 1998 and have been closely involved in the company's field days. Agriculture Western Australia senior managers have held discussions with the General Manager of the company as recently as 6 November. Agriculture Western Australia will continue to work with the company to assist development of strategic alliances to ensure long term, timely supply of goats which meet market requirements.

(9) Not applicable.

CRAB FISHING, GEOGRAPHE BAY

1271. Mr MASTERS to the Minister for Fisheries:

The document recently published by Fisheries Western Australia, entitled *Proposal for the Management of Commercial Crab Fishing in Geographe Bay* states that blue manna crabs reach sexual maturity at around 76mm carapace width. Considering that the minimum legal catch size for both commercial and recreational fisheries is 127 mm, will the Minister explain how commercial, or recreational, crab fishing in Geographe Bay could be considered a threat to the long-term viability and sustainability of the crab resource in the bay?

Mr HOUSE replied:

A typographical error incorrectly reported that blue manna crabs reach maturity at 76mm. The correct length is 96mm. The review of the Inshore Crab Fishery determined that there is no immediate threat to the sustainability of crab stocks in Geographe Bay.

REAL ESTATE AND BUSINESS AGENTS ACT - AUDIT POWERS

1272. Ms MacTIERNAN to the Minister for Fair Trading:

(1) With respect to answer to question on notice No 868 of 1998, is the Minister aware that the Real Estate and Business Agents Supervisory Board's power pursuant to section 88 of the Real Estate and Business Agents Act 1978 (the "Act") is supplementary and, in addition, to the audit requirements under section 70(8) of the Act?

(2) Why has the Real Estate and Business Agents Supervisory Board not required an audit pursuant to section 88 of the Act, in light of -

(a) the statutory auditor having audited Ideal Realty's trust accounts since at least April 1991, during which time the statutory auditor failed to discover any deficiency or abnormality in Ideal Realty's trust accounts despite major fraud perpetrated over a number of years by Ideal Realty's directors and involving Ideal Realty; and

(b) the statutory auditor's report that "bank and other records for one of the four bank accounts making up the trust account were destroyed making it impossible to come to a firm conclusion on the overall trust account records" in the termination audit dated 17 November 1997 of Ideal Realty's trust accounts?

(3) In light of the matters raised in question (2) (a) and (b) above has the Minister directed the Board, pursuant to his power under section 12A of the Act, to conduct an audit pursuant to section 88 of the Act, and, if not -

(a) does the Minister intend to do so; and
(b) if the Minister does not intend to do so, why not?

Mr SHAVE replied:

(1) Yes.

(2) I am advised: An examination of a trust account by an auditor, under either section 70 (8) or section 88 of the Act,

will not reveal the whereabouts of money which should have been paid into that account, but was not. The Real Estate and Business Agents Supervisory Board has not been requested to authorise an audit pursuant to section 88 of the Act, because a forensic audit examination is being conducted by Inspectors of the Board for the purposes of gathering evidence admissible in an Inquiry before the Board. Further, section 88 of the Act is confined to matters relating to the known trust accounts only. The Inspectors have extended their inquiries, as provided for by section 100 of the Act, to require financial institutions to allow them to examine a number of other accounts, in addition to known trust accounts, which may have been used by the agency or Ms Paterson and others to misappropriate money. In addition to the investigation work of the Board's Inspectors, the transactions of the agency and Ms Paterson continue to be the subject of investigation by Officers of the Major Fraud Squad of the WA Police Service.

(3) No.

(a) No.
(b) The matter is currently being investigated by Inspectors of the Board and Officers of the Police Service. Inspectors and Police Officers have more extensive powers to investigate and obtain information than does a statutorily appointed auditor.

REAL ESTATE AND BUSINESS AGENTS FIDELITY FUND - CLAIM BY MR HARRY COHEN

1273. Ms MacTIERNAN to the Minister for Fair Trading:

In respect of the claim of Mr Harry Cohen on the Real Estate and Business Agents Fidelity Fund, which is established pursuant to the Real Estate and Business Agents Act 1978 -

(a) has the Minister been provided with a copy of the letter from Mr Cohen's solicitors to Mr Cohen dated 10 September 1998, a copy of which was delivered to the Hon Kim Hames (the "Letter"); and

(b) does the Minister intend to comply with Mr Cohen's solicitors' request contained in the letter that the Minister exercise his discretion under section 12A of the Real Estate and Business Agents Act 1978 and direct the Real Estate and Business Agents Supervisory Board to allow Mr Cohen's claims; and

(c) if not, why not?

Mr SHAVE replied:

(a) Yes.

(b)-(c) I am advised:

The Board has rejected some of Mr Cohen's claims, in accordance with legal advice from the Independent Bar that the claims do not satisfy the requirements of the legislation. In addition, Mr Cohen has not exhausted his rights under the Act to institute legal proceedings against the Fidelity Fund. In the circumstances, it would be improper for me to direct the Board.

MR GRAHAM GRUBB - COMPLAINTS

1297. Ms MacTIERNAN to the Minister for Fair Trading:

(1) How many complaints have been lodged against the estate agent Graham Grubb since 1993?

(2) How many of these cases have resulted in disciplinary procedures being commenced?

(3) How many of these complaints have resulted in a finding against Mr Grubb?

Mr SHAVE replied:

I am advised:

(1) 44 complaints have been lodged against the real estate agent Graeme Grubb and/or his real estate agency. 29 of these related to tenancy disputes which are civil matters conciliated by the Ministry. 15 related to other matters of real estate agency practice. These included 6 minor matters in which clients were advised of their rights to take civil action, and 7 which related to disputes with landlords about property management issues. 2 other matters were general compliance issues.

(2) No disciplinary action has been taken since 1993. One matter is currently under examination by legal counsel to determine if prosecution action should proceed.

(3) None: findings are only made when disciplinary action is taken.

REGIONAL FOREST AGREEMENT - PUBLICATION OF SUMMARY OF COMMENTS

1322. Dr CONSTABLE to the Minister for the Environment:

(1) Will a summary of all comments made on the Regional Forest Agreement (RFA) discussion paper be collated and made publicly available?

(2) If not, why not?

(3) If yes -

(a) when; and
(b) will it be released before the RFA is signed?

Mrs EDWARDES replied:

(1) Yes.

(2) Not applicable.

(3) (a)-(b) At the time of the signing of the RFA.

REGIONAL FOREST AGREEMENT - DISTRIBUTION OF DRAFT

1323. Dr CONSTABLE to the Minister for the Environment:

(1) Will a draft Regional Forest Agreement be made available for public comment before it is signed?

(2) If not, why not?

Mrs EDWARDES replied:

(1) No

(2) A public consultation paper "Towards a Regional Forest Agreement for the South-West Forest Region of Western Australia" was released for public comment in May 1998. Submissions received in response to the public consultation paper will be considered in the development of the final Regional Forest Agreement (RFA). The three RFA's signed for Tasmania, Victoria's East Gippsland and Central Highlands all followed this same process.

REGIONAL FOREST AGREEMENT - ASSESSMENT OF DRAFT BY EPA

1324. Dr CONSTABLE to the Minister for the Environment:

(1) Will a draft Regional Forest Agreement be assessed by the Environmental Protection Authority before being signed?

(2) If the answer to (1) above is no, why not?

(3) If the answer to (1) above is yes -

(a) will the public have an opportunity to make submissions; and

(b) will the body of the Environmental Protection Authority review reflect an analysis and summary of public commentary on the draft Regional Forest Agreement?

(4) If the answer to (3) above is no, why not?

Mrs EDWARDES replied:

(1) No.

(2) There will not be a “draft RFA” document which could be assessed.

(3)-(4) Not applicable.

SCHOOLS - PSYCHOLOGY SERVICES

1327. Dr CONSTABLE to the Minister for Education:

Following the Director General's comments during the Estimates Hearings on 29 May 1998 that schools will increasingly be purchasing their own school psychology services -

(a) what is the department's proposal for the allocation, provision and purchase of school psychology services;

(b) will the proposal be available for public comment; and

(c) when will the proposal be implemented?

Mr BARNETT replied:

The Director-General's comments reflect the increasing levels of flexibility being made available to schools in the deployment of staff to give better effect to their service delivery requirements. Because schools liaise with their respective district offices to organise access to school psychology services, the allocation and provision, including "purchase", of school psychology services are arranged through those offices. This process has been in place for more than five years and therefore well beyond the proposal stage.

WANNEROO DISTRICT NETBALL AND RECREATION CENTRE, KINGSWAY - FUNDING

1329. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) What was the State Government's contribution to the building of the Wanneroo District Netball and Recreation Centre at Kingsway?

(2) In which year was the grant provided?

(3) Did any other organisations provide a grant or loan for the Centre?

(4) If the answer to (3) above is yes -

(a) who;
(b) how much;
(c) on what terms; and
(d) are loans outstanding?

Mr MARSHALL replied:

(1) Community Sport and Recreation Facilities Fund $1m.

(2)

1996/97	$812,500	(CSRFF)
1997/98	$187,500	(CSRFF)
1996/97	$250,000	(Lotteries)

(3) Yes.

(4) (a)-(d) The City of Wanneroo (now City of Joondalup/Shire of Wanneroo) contributed $1m. The Commonwealth Bank loaned Wanneroo District Netball Association $1m. The Bank's loan was over 35 years and it has a mortgage over the lease of the building. 34 years remain for the loan program. After commencing operations the Association negotiated additional overdraft borrowings from the Commonwealth Bank. The overdraft amount exceeds $500,000. As it was arranged after the State Government's formal involvement with the project concluded (i.e. construction was completed) terms of the overdraft facility are not known.

MINISTERIAL OFFICES - ALCOHOL PURCHASES

1391. Mr CARPENTER to the Minister for Planning; Employment and Training; Heritage:

(1) Will the Minister state how much his ministerial office spent on alcohol purchases in the following financial years-

(a) 1995-96;
(b) 1996-97; and
(c) 1997-98?

(2) What is the expected ministerial office alcohol budget for 1998-99?

Mr KIERATH replied:

(1) (a)-(b) I am unable to provide the figures for 1995/96 and 1996/97 as this information is not held in this office.

(c) The total expenditure for the 1997/98 Entertainment budget was $17,423 - which includes alcohol purchases. However, it is not possible to indicate the exact cost of alcohol purchases without considerable resources being used, which I am not prepared to allocate.

(2) The budget allocation for the 1998/99 Entertainment budget, which includes the cost of alcohol purchases, is $20,000.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1429. Mr CARPENTER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

In relation to the members of Boards and Committees operating within the Deputy Premier's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr COWAN replied:

Department of Commerce and Trade

(a)-(b) The Department of Commerce and Trade has not provided access to or use of a government credit card to any individual from the private sector appointed to a Board or Committee by the Minister for Commerce and Trade or by Cabinet. The Department of Commerce and Trade has provided access to and use of a Government credit card to individuals who work for the Department and who also happen to have been appointed to a Board or Committee by the Minister for Commerce and Trade or by Cabinet. However, these cards are issued because they are necessary for them to carry out their duties effectively and have no relationship to their membership of Boards or Committees.

Small Business Development Corporation

(a) Yes.

(b) Mr George Etrelezis, Managing Director.

Perth International Centre for the Application of Solar Energy

(a) Yes.

(b) Dr Peter Hopwood.

Goldfields-Esperance Development Commission

(a) Excluding the ex-officio members of boards and committees of the Goldfields-Esperance Development Commission, no members have access to government credit cards.

(b) Not applicable.

Gascoyne Development Commission

(a) Excluding the ex-officio members of boards and committees of the Gascoyne Development Commission, no members have access to government credit cards.

(b) Not applicable.

Great Southern Development Commission

(a) Excluding the ex-officio members of boards and committees of the Great Southern Development Commission, no members have access to government credit cards.

(b) Not applicable.

Kimberley Development Commission

(a) Excluding the ex-officio members of boards and committees of the Kimberley Development Commission, no members have access to government credit cards.

(b) Not applicable.

Mid West Development Commission

(a) Excluding the ex-officio members of boards and committees of the Mid West Development Commission, no members have access to government credit cards.

(b) Not applicable.

Peel Development Commission

(a) Excluding the ex-officio members of boards and committees of the Peel Development Commission, no members have access to government credit cards.

(b) Not applicable.

Pilbara Development Commission

(a) Excluding the ex-officio members of boards and committees of the Pilbara Development Commission, no members have access to government credit cards.

(b) Not applicable.

South West Development Commission

(a) Excluding the ex-officio members of boards and committees of the South West Development Commission, no members have access to government credit cards.

(b) Not applicable.

Wheatbelt Development Commission

(a) No.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1430. Mr CARPENTER to the Minister representing the Attorney General:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(a) Yes.

(b) One member of the Law Reform Commission, Professor Ralph Simmonds, has a Cabcharge card issued in his name.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1432. Mr CARPENTER to the Minister for Primary Industry; Fisheries:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr HOUSE replied:

AGRICULTURE WESTERN AUSTRALIA

(a) Yes.

(b) Ross Donald, Chairman Rural Adjustment & Finance Corporation

FISHERIES WESTERN AUSTRALIA

(a) No.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1434. Mr CARPENTER to the Minister for Family and Children's Services; Seniors; Women's Interests:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mrs PARKER replied:

(a) While Government representatives may have access to Government agency credit cards through their employing agency, credit cards are not issued as a consequence of Board membership.

(b) Credit cards are not issued to members in this capacity.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1435. Mr CARPENTER to the Minister for Planning; Employment and Training; Heritage:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr KIERATH replied:

(a) Yes.

(b) Western Australian Planning Commission Chairman; and Public Servants who are members of the Western Australian Planning Commission and committees established by the Commission who have access to corporate cards issued by their respective agencies.

Office of the Minister for Planning (Planning Appeals): Director; and Deputy Director

Subiaco Redevelopment Authority: Chairman.

Central Metropolitan College of TAFE: Managing Director.

South Metropolitan College of TAFE: Managing Director.

Midland College of TAFE: Managing Director.

Central West Regional College of TAFE: Managing Director.

Great Southern Regional College of TAFE: Managing Director.

Hedland College: Managing Director.

Karratha College: Managing Director.

South West Regional College of TAFE: Managing Director.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1436. Mr CARPENTER to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr SHAVE replied:

DOLA

(a) Yes.

(b) Allan Skinner (Chief Executive Officer, DOLA).
Henry Houghton (Director, Land Information Services, DOLA).

MFT, WAEC & LANDCORP

(a) No.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1437. Mr CARPENTER to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Dr HAMES replied:

(a) Yes.

(b) Mr Lloyd Guthrey and Mr Clem Riley hold credit cards that have been issued solely for expenses related to their positions on Boards and Committees.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1438. Mr CARPENTER to the Minister for Local Government; Disability Services:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr OMODEI replied:

Department of Local Government:

(a)-(b) No Committee or Board members except Departmental officers have Government credit cards.

Disability Services Commission:

(a) No.
(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1439. Mr CARPENTER to the Minister for Health:

In relation to the members of Boards and Committees operating within the Minister's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr DAY replied:

Healthway

(a) No.
(b) Not applicable.

Office of Health Review

(a) No.
(b) Not applicable.

Health Department

(a) The Corporate Office of the Health Department does not issue and has not issued Government credit cards to members of Boards and Committees.
(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1440. Mr CARPENTER to the Minister representing the Minister for Finance:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr COURT replied:

The Minister for Finance has provided the following response:

STATE REVENUE DEPARTMENT

(a) No.
(b) Not applicable.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD

(a) Yes.
(b) Peter Williamson
Robert Walker
Kevin Farrell
Peter Farrell (Board Member & CEO)
Fiona Harris
William Heron
Diane Robertson

INSURANCE COMMISSION OF WESTERN AUSTRALIA

(a) Yes.

(b) Board of Commissioners of the Insurance Commission of WA
Mr Michael Wright, Chairman
Mr Vic Evans, Managing Director

VALUER GENERAL'S OFFICE

(a) Not applicable. The Valuer General is not responsible for any Boards or Committees.
(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1441. Mr CARPENTER to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr BOARD replied:
I am advised that:

(a) None of the agencies within the portfolios of Works; Services; Youth; Citizenship and Multicultural Interests has any members of their Boards and Committees with access to Government credit cards.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1442. Mr CARPENTER to the Minister representing the Minister for Racing and Gaming:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

OFFICE OF RACING, GAMING AND LIQUOR

(a) Yes.

(b) Barry Sargeant, Executive Director, Office of Racing, Gaming and Liquor, who is an ex officio member of a number of Boards.

LOTTERIES COMMISSION

(a) The members of the Board of the Lotteries Commission do not have access to Commission credit cards.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1444. Mr CARPENTER to the Minister for Police; Emergency Services:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mr PRINCE replied:

Police

(a)-(b) Only Police Service employees are issued with Government credit cards. The Police Service employees on the nominated boards and committees who have been issued with Government credit cards to enable them to perform their normal employment duties are:

Commissioner R Falconer
Deputy Commissioner B J Brennan
Commander G Lienert

Emergency Services

(a)-(b) Board and Committee members in the Emergency Services Portfolio do not have access to Government credit cards. However, the Chief Executive Officer is a member of the Western Australian Fire Brigades Board and the Bush Fires Board and has access to a Government Credit Card in his capacity as CEO only.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1445. Mr CARPENTER to the Minister representing the Minister for the Arts:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) No.

(b) Not applicable.

COMMITTEES AND BOARDS - GOVERNMENT CREDIT CARDS

1448. Mr CARPENTER to the Parliamentary Secretary to the Minister for Justice:

In relation to the members of Boards and Committees operating within the Attorney General's portfolio responsibility -

(a) do any of the members of these Boards and Committees have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the members who have use of the credit card?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a)-(b) I refer the member to my answer to Question on Notice 1430.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1451. Mr CARPENTER to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

In relation to consultants, or contractors, employed by the Deputy Premier and/or by a Government agency under the Deputy Premier's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr COWAN replied:

Department of Commerce and Trade

(a) Yes the Department of Commerce and Trade provides corporate credit cards to selected staff engaged under contract. There are four forms of contractual engagement being utilised by the department. These are:

Public Sector Management Act (PSMA) contract
Ministerial Contract
Overseas office contract
Departmental contract with private sector provider

All departmental corporate credit card holders, including those contractors engaged through a private sector provider, are subject to the same accountability requirements and conditions of card usage.

(b) Card Holders Employed Under PSMA
Mr J Blignaut
Mr C Cottam
Mr D Edwards
Mr R Grounds
Mr A Hanlon
Mr W Joseph
Ms S Pizzino
Mr C Purcell
Mr G Stevens

Card Holder Employed Under Ministerial Contract - Mr K Strapp

Card Holder Engaged Overseas - Ms E Yong

Card Holder Engaged Through Private Sector Provider
Mr M Betteridge
Ms J Davies
Mr B Louvell
Mr H Nelson
Mr M O'Byrne
Ms D Rice
Ms T Rogers
Mr D Scherr
Mr B Sutherland
Mr P Walker

Small Business Development Corporation

(a) No.

(b) Not applicable.

International Centre for Application of Solar Energy (CASE)

(a) Yes.

(b) Dr Marc Saupin, Consultant/Economist, on long term contract with CASE has use of a CASE corporate credit card. Dr Saupin is undertaking project work for CASE in a number of developing nations for external clients , and assisting CASE in a number of its marketing activities.

Technology Industry Advisory Council (TIAC)

(a) No.
(b) Not applicable.

Gascoyne Development Commission

(a) No.
(b) Not applicable.

Goldfields-Esperance Development Commission

(a) No.
(b) Not applicable

Great Southern Development Commission

(a) No.
(b) Not applicable

Kimberley Development Commission

(a) No.
(b) Not applicable.

Mid West Development Commission

(a) No
(b) Not applicable.

Peel Development Commission

(a) No.
(b) Not applicable.

Pilbara Development Commission

(a) No.
(b) Not applicable.

South West Development Commission

(a) No.
(b) Not applicable.

Wheatbelt Development Commission

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1452. Mr CARPENTER to the Minister representing the Attorney General:

In relation to consultants, or contractors, employed by the Attorney General and/or by a Government agency under the Attorney General's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1453. Mr CARPENTER to the Minister for Resources Development; Energy; Education:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr BARNETT replied:

Department of Resources Development

(a) No.
(b) Not applicable.

Office of Energy

(a) No.
(b) Not applicable.

Western Power

(a) No.

(b) Not applicable.

AlintaGas

(a) No.
(b) Not applicable.

Curriculum Council

(a) No.
(b) Not applicable.

Department of Education Services

(a) No.
(b) Not applicable.

Education Department of Western Australia

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1454. Mr CARPENTER to the Minister for Primary Industry; Fisheries:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr HOUSE replied:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1456. Mr CARPENTER to the Minister for Family and Children's Services; Seniors; Women's Interests:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mrs PARKER replied:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1457. Mr CARPENTER to the Minister for Planning; Employment and Training; Heritage:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr KIERATH replied:

(a) Yes.
(b) Central Metropolitan College of TAFE - Systems Intellect.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1458. Mr CARPENTER to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr SHAVE replied:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1459. Mr CARPENTER to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Dr HAMES replied:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1460. Mr CARPENTER to the Minister for Local Government; Disability Services:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr OMODEI replied:

Department of Local Government

(a) No.
(b) Not applicable.

Disability Services

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1463. Mr CARPENTER to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr BOARD replied:

I am advised that:

(a) None of the agencies within the portfolios of Works; Services; Youth; Citizenship and Multicultural Interests has any consultants, or contractors, with access to Government credit cards.

(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1466. Mr CARPENTER to the Minister for Police; Emergency Services:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mr PRINCE replied:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1467. Mr CARPENTER to the Minister representing the Minister for the Arts:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(a) No.
(b) Not applicable.

CONSULTANTS - GOVERNMENT CREDIT CARDS

1470. Mr CARPENTER to the Parliamentary Secretary to the Minister for Justice:

In relation to consultants, or contractors, employed by the Minister and/or by a Government agency under the Minister's jurisdiction -

(a) do any of these consultants, or contractors, have access to Government credit cards; and

(b) if the answer to (a) above is yes, what are the names of the consultants, or contractors who have use of the credit card?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a)-(b) I refer the member to my answer to Question on Notice 1452.

ROCKINGHAM LAKES REGIONAL PARK - FUNDING AND STAFF

1482. Mr McGOWAN to the Minister for Planning:

(1) When will the Rockingham Lakes Regional Park be gazetted?

(2) What areas will be included in the Regional Park?

(3) How much funding will be contributed toward this Park?

(4) How many staff will be involved in its management and who will they work for?

Mr KIERATH replied:

(1) The Rockingham Lakes Regional Park is one of a network of eight Regional Parks which have been created in the

Metropolitan Region as a result of a resolution by Cabinet on 5 May 1997. The park is comprised of Land Act Reserves and land owned by the Western Australian Planning Commission. The transfer of the Commission land to the Crown and the amalgamation and revesting of existing Reserves will be an ongoing process which will take some time to complete. The Department of Conservation and Land Management (CALM) is currently managing Rockingham Lakes Regional Park using the boundary as indicated in the Port Kennedy and Rockingham Parks Management Framework Report.

(2) Additionally, CALM has commenced the preparation of a Management Plan for this park. This process, which will have broad community consultation, will centre on the boundaries recommended by the Port Kennedy and Rockingham Parks Management Framework Report. This Report was released for comment in August 1997.

(3) The Western Australian Planning Commission has committed $500,000 for the preparation of Management Plans for all the parks with the exception of Canning River which was completed prior to the Cabinet decision. An additional $5 million will be provided by the Western Australian Planning Commission for capital works identified by the planning process for the eight parks. The Management Plan for Rockingham Lakes Regional Park will detail capital works and funding requirements. CALM will be allocated $2.35 million from the Consolidated fund for management of the Regional Parks network. Currently the management works are based on the maintenance operations formerly completed by Ministry for Planning staff and contractors.

(4) The majority of the park will be managed by CALM, however areas with a predominantly developed recreation context will be managed by the City of Rockingham. I am aware that CALM has five core staff members responsible for the planning and management of all Regional Parks. There are also three operational staff employed through CALM's Marine and Coastal District, specifically for on-ground management in Rockingham Lakes and Woodman Point Regional Parks. These staff are supported by the other specialised sections of CALM.

REGIONAL FOREST AGREEMENT, AUDIT

1488. Dr EDWARDS to the Minister for the Environment:

(1) Further to question on notice No. 829 of 1998, who is the consultant undertaking the independent audit?

(2) When will this audit be conducted?

(3) How does the methodology differ from that used in other State's regional forest agreement submissions?

Mrs EDWARDES replied:

(1) Michael Williams and Associates Pty Ltd.

(2) The audit is ongoing.

(3) I am advised that the methodology for analysing the submissions is the same as that used for other States.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - EXPENDITURE

1491. Dr EDWARDS to the Minister for the Environment:

(1) What expenditure was incurred by the Department of Conservation and Land Management in -

(a) 1997-98; and
(b) 1996-97 -

(i) for advertising;
(ii) market research;
(iii) polling;
(iv) direct mail; and
(v) media advertising?

(2) For each item of expenditure -

(a) what was the nature of the service or activity; and
(b) who was the provider?

Mrs EDWARDES replied:

(1) (a) (i) $282 505.17
(ii) $9 000.00
(iii)-(iv) Nil
(v) $282 505.17

(b) (i) $319 455.00
(ii)-(iv) Nil
(v) $319 455.00

(2) (a) Advertising - a range of categories including tenders, job vacancies, announcements for expressions of interest, notices of draft management plans, marketing of seedlings, promotion of sharefarming, and provision of public information on recreation activities.

Market Research - to gauge community awareness of fox baiting on conservation lands.

(b) Marketforce Productions
Neville Jeffress Advertising
Media Decisions
Radio Broadcasts
Patterson Market Research

WITTENOOM - ACCESS TO ASBESTOS TAILINGS

1525. Mr GRAHAM to the Minister for Regional Development:

(1) What action has the Government taken to restrict public access to the asbestos tailings at the old mine sites located near the town of Wittenoom?

(2) What are the costs of each of the actions taken by the Government?

(3) On what date was each Government action taken?

Mr COWAN replied:

(1) The State Government has placed signs to warn the public of the danger of exposure to the asbestos tailings at the old mine sites located near the town of Wittenoom. There is a warning sign near the townsite and another at the turn off to the old mine site. From time to time signs have been stolen and the government has ensured their replacement.

(2) $2,788

(3) July 1997.

BUILDERS REGISTRATION BOARD - TP COMMUNICATIONS CONSULTANCY

1538. Ms MacTIERNAN to the Minister for Fair Trading

(1) In the middle of 1998 the Builders Registration Board conducted an evaluation of services provided by the Builders Registration Board and the Building Disputes Committee and engaged TP Communications, as a media consultant. For what period was TP Communications engaged?

(2) How much was paid to TP Communications?

(3) Will the Minister detail the research undertaken by TP Communications?

(4) Did TP Communications prepare a report in relation to the matters that they were engaged to review?

(5) If yes, who has seen this report and will the Minister table a copy of that report?

(6) If not, why not?

(7) If there was no report what was the outcome of the work performed by TP Communications?

Mr SHAVE replied:

I am advised:

(1),(3) The Builders' Registration Board has engaged TP Communications for the period May 1998 to December 1998. The Builders' Registration Board contracted TP Communications in a dual role:

(i) As a Media Consultant, to assist the Board in the preparation of media statements,

(ii) To advise regarding the flow of information that may be of interest to the Board's various stakeholders.

(2) To date $5,420.

(4)-(5),(7) TP Communications has only completed the first phase of the review of documentation and brochures via input from builders and consumers. The Board proposes that TP Communications will present its findings and report early in the new year. The Board has confirmed it would be pleased to provide any documents or recommendations, when available, that may flow from the project. Following the presentation, the Board will consider the consultant's findings and take appropriate action.

(6) Not applicable.

FRETTING MORTAR WORKING GROUP

1540. Ms MacTIERNAN to the Minister for Fair Trading:

In October 1995 the Fretting Mortar Technical Working Group prepared an interim report that was completed in late 1995 and then submitted a proposed test program in February 1996. Will the Minister explain what progress has been made since February 1996 to resolve the issues under examination by the Fretting Mortar Working Group?

Mr SHAVE replied:

In February 1998 I wrote to all parties associated with the Fretting Mortar Technical Working Group and advised that the Ministry of Fair Trading would not be conducting any further testing or investigation into the incidence of fretting mortar. The decision was made after careful consideration of the factors surrounding the investigation results up to that time and legal advice provided by the Crown Solicitor's Office.

RESEARCH DEVELOPMENT PROJECTS - FUNDING

1541. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware that the November 1998 edition of *Commerce and Trade News* contained an article on the Science and Technology Innovation Team activities?

(2) Is the Minister aware that the article referred to the Western Australian Innovation Support Scheme and the roles staff have in monitoring projects, assessing technical and financial progress and seeing achievements and setbacks in Research and Development?

(3) In relation to funding that has been made available to projects and research development since 1 July 1997, will the Minister advise in respect of each project -

(a) the success of the project;
(b) the technical and financial progress of each project;
(c) the setbacks of each project; and
(d) the net worth of new developments arising from each project?

Mr COWAN replied:

(1)-(2) Yes.

(3) Since 1 July 1997 funding has been made available to 37 projects (17 commenced during 1997/1998) under the Western Australian Innovation Support Scheme for the research and development phase of innovation activities which have commercial potential. Details of these projects are provided in the table below. Each project has agreed technical objectives within financial parameters, both of which are assessed after the initial, intermediate and final phases of research and development activity. The commercial outcome of projects is evaluated approximately twelve and twenty-four months after the conclusion of the research and development phase, though many require several more years to achieve full commercialisation. It is too early to measure the net worth of new developments from the projects listed below because most are still at the research and development phase and those that have completed the research and development are only in the very early stages of the commercialisation phase.

Company	AAEP Pty Ltd
Project	Ultracoat Research and Development
(a)-(c)	Initial R & D phase in progress
(d)	Not available. R & D yet to be finalised
Company	Advanced Mooring Technology Pty Ltd
Project	"Screw Lock" Anchor
(a)-(c)	Project finalised within the agreed technical and financial parameters.
(d)	No information available on net worth as commercialisation is at a very early stage.

Company	Advanced Technical Research Organisation Pty Ltd
Project	High Speed Wagon Number Recognition Using Video Image Processing
(a)-(c)	R & D in final phase. Project progressing within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	Advantage AirAustralia Pty Ltd
Project	Dropper, flushing and collars for evaporative air conditioners.
(a)-(c)	R & D in final phase. Project progressing within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	Aquapac Australasia Pty Ltd
Project	Thermostretch Polypropylene water bottle
(a)-(c)	Project finalised six months late due to illness of the company's Technical Director. Technical objectives achieved within agreed financial parameters.
(d)	Strategic alliance developed with a French manufacturing company.
Company	Audio Video Communications
Project	Digital Signal Processing (DSP) Audio Link -- "Tieline"
(a)-(c)	Initial R & D phase in progress. Project report under assessment.
(d)	Not available. R & D yet to be finalised.
Company	Ausplow Pty Ltd
Project	Development of seedling fertilisers and delivery systems for broadacre crops sown with new minimum tillage, precision seeding equipment.
(a)-c)	Initial R & D phase completed. Progress report under assessment.
(d)	Not available. R & D yet to be finalised.
Company	Australian Spirulina Farms Pty Ltd
Project	Establishment of a Spirulina industry in WA
(a)-c)	Initial R & D phase in progress
(d)	Not available. R & D yet to be finalised.
Company	Bactech (Australia) Pty Ltd
Project	Control of Thiocyanate Toxicity
(a)-(c)	Project completed. Technical objectives achieved within agreed financial parameters.
(d)	Not information available on net worth as commercialisation is at a very early stage.
Company	Beuteaux (Australia) Pty Ltd
Project	Simulation system to test light weight marine seating
(a)-c)	Final R & D stage in progress. Delays in finalising R & D experienced and project extension granted. Technical progress achieved within agreed financial parameters.
(d)	No available. R & D yet to be finalised.
Company	Boscombe Pty Ltd
Project	A slip-on fire fighting unit which can readily convert a standard flat bed truck into an effective fire fighting vehicle.
(a)-c)	Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	Char Processor Pty Ltd
Project	Active Carbon Recovery - pilot trials
(a)-c)	Final R & D in progress. Technical progress achieved within agreed financial parameters.
(d)	Not available. R & D yet to be finalised. Product trials being undertaken with potential customers.
Company	Cinekinetic Pty Ltd
Project	Remote controlled camera interface to enable remote controlled camera movement

(a)-c) Initial R & D phase in progress. R & D scaled down to enable company to focus on core commercial activities. Project extension granted.
(d) Not available. R & D yet to be finalised.

Company Compri Technic Pty Ltd
Project Automatic Grit Coating Machine for Foam Projectiles

(a)-c) Initial R & D phase in progress.
(d) Not available. R & D yet to be finalised.

Company Concord Engineering Pty Ltd
Project Development of Silicon Carbide wear parts.

(a)-(c) Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d) Not available. R & D yet to be finalised.

Company Eco Care Investments Pty Ltd
Project Development of a process for the stabilisation of clay soils.

(a)-(c) Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d) Not available. R & D yet to be finalised.

Company Genetica Biotechnologies Pty Ltd
Project Krusei Diagnostic Test Kit

(a)-(c) Project completed. Technical objectives achieved within agreed financial parameters.
(d) No information available on net worth as commercialisation is at a very early stage.

Company IVG International Ltd
Project Infinite Variable Transmission

(a)-(c) Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d) Not available. R & D yet to be finalised.

Company Jeyco (1992) Pty Ltd
Project Light Weight Aluminium Anchor

(a)-(c) Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d) Not available. R & D yet to be finalised.

Company Jumbo Vision International Pty Ltd
Project Jumbo Vision (Ultra Bright) - Outdoor large screen technology

(a)-(c) Initial R & D stage in progress.
(d) Not available. R & D yet to be finalised.

Company Link Level Australia Pty Ltd
Project Precision Tilt Levelling Attachment.

(a)-(c) Project completed. Technical objectives achieved within agreed financial parameters.
(d) The company has sold developed equipment overseas. Net worth not quantifiable as commercialisation is at a very early stage.

Company Merriwa Nominees Pty Ltd
Project On Drill Grade

(a)-(c) Project completed. Technical objectives achieved within agreed financial parameters.
(d) No information available on net worth as commercialisation is at a very early stage.

Company Mt Romance Australia Pty Ltd
Project Oil extraction from Indigenous Sandalwood

(a)-(c) Initial R & D stage in progress.
(d) Not available. R & D yet to be finalised.

Company Nacam Pty Ltd
Project Continuous tone electrostatic colour process.

(a)-(c) Project completed. Technical objectives achieved within agreed financial parameters.
(d) The project is a phase of a larger R & D project. The next phase involves extensive field trials prior to commercialisation.

Company NGIS (Australia) Pty Ltd
Project Total Exploration Software system

(a)-(c)	Project completed. Technical objectives achieved within agreed financial parameters. Project delays occurred and a twelve month extension was granted.
(d)	No information available on net worth as commercialisation is at a very early stage.
Company	Paragon Medical Ltd
Project	Targeted hyperthermia device for treating cancer.
(a)-(c)	Project completed. Final report under assessment
(d)	The project is a phase of a larger R & D project. The next phase involves prototype testing in the Eastern States prior to finalising a pre-production prototype.
Company	Pine Ridge Surgical
Project	Development of two new surgical retractor systems.
(a)-(c)	Initial R & D phase completed. Progress report under assessment.
(d)	Not available. R & D yet to be finalised.
Company	Q-Mac Electronics Pty Ltd
Project	HF-90H Advanced Compact HF Transceiver - Military / Paramilitary Version
(a)-(c)	Initial R & D stage completed. Progress report under assessment.
(d)	Not available. R & D yet to be finalised.
Company	Solco Industries Pty Ltd
Project	Developing a pumping system which, when coupled with the Solco/sun saver water heater, will provide flow rates equivalent to flow from pressured water heaters.
(a)-(c)	Project completed. Technical objectives achieved within agreed financial parameters.
(d)	The pumping system and the Solco Solar Hotwater System has been commercially launched during mid 1998. Net worth not quantifiable as commercialisation is at a very early stage.
Company	Systems Intellect
Project	Si-Pearl (“See-Pearl)
(a)-(c)	Initial R & D phase in progress.
(d)	Not available. R & D yet to be finalised.
Company	Telco Medical Technologies Pty Ltd
Project	Laser surgery eye tracking system
(a)-(c)	Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	Terracorp Pty Ltd
Project	"Terraseis" integrated seismic recording system.
(a)-(c)	Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	TPV Industries Pty Ltd
Project	Live Fish Transportation
(a)-(c)	Final R & D stage in progress. Technical progress achieved within agreed financial parameters.
(d)	Not available. R & D yet to be finalised.
Company	Wamtech Pty Ltd
Project	New elements, soil leachants and interpretation pattens for MMI mineral exploration.
(a)-(c)	Initial R & D phase in progress.
(d)	Not available. R & D yet to be finalised.
Company	Weed Control Australia Pty Ltd
Project	High Speed Electronic Weed Detection and Control System
(a)-(c)	Initial R & D stage in progress.
(d)	Not available. R & D yet to be finalised.

Company ZBB Technologies Ltd
Project Development of a Multiple Cell Non-flowing Electrolyte Zinc/Bromine Battery

(a)-(c) Project completed. Final report under assessment.

(d) No information available on net worth as R & D phase was recently completed.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - SALE OF PROPERTIES

1544. Dr CONSTABLE to the Minister for the Environment:

(1) With reference to properties recently advertised for sale by the Department of Conservation and Land Management (CALM), being Southampton Homestead at Balingup (55 hectares) -

(a) when was this property purchased by CALM;

(b) for what purpose was this property purchased;

(c) what price was paid for this property;

(d) what was the method of sale;

(e) what income was earned from any enterprise involved with this property during the period of CALM management;

(f) will the proceeds of sale be retained by CALM; and

(g) if the answer to (f) above is no, where will those funds be directed?

(2) With reference to property advertised for sale by CALM, being nine properties in the Blackwood Valley, Nannup, Balingup and Bridgetown, ranging from 11 hectares to 195 hectares -

(a) what is the individual size of each of the nine blocks being offered; and
(b) how do questions (1) (a) to (g) apply to each of these nine properties?

Mrs EDWARDES replied:

(1) (a), (c) &

(2) (a)-(b) See below -

Property Location		Area (ha)	Purchase Date	Purchase Price
1.	Lot 1 Southampton Road Balingup (Southampton Homestead)	55.0662	11.10.66	(See note (1) below)
2.	Location 1272 Agg Road Nannup	39.6592	15.10.74	(See note (1) below)
3. (a)	Lot 11 Boundary Road Nannup	2.1246	31.12.59	Acquired by land exchange
(b)	Part Locations 189, 1255 and Part Lot 1 Boundary Road Nannup (See Note (2) below)	75.3803	10.04.57	(See note (1) below)
4.	Part Location 1255 Boundary Road Nannup	16.2936	15.10.74	(See note (1) below)
5.	Part Lot 3 Agg Road Nannup	44.0342	21.10.55	(See note (1) below)
6.	Part Location 189 and Part Lot 1 Agg Road Nannup	11.6094	15.10.74	(See note (1) below)
7. (a)	Lot 4 Blackwood Park Road Bridgetown	118.5413	17.03.87	$127,000
(b)	Lot 5 Blackwood Park Road Bridgetown (See Note (2) below)	76.2903	17.03.87	
8.	Location 1065 Bridge Road Balingup	54.2279	23.12.68	(See note (1) below)
9.	Location 1052 Bridge Road Balingup	64.7497	23.12.68	(See note (1) below)
10.	Lot 27 Nannup-Balingup Road Balingup	11.1820	21.01.70	(See note (1) below)

Notes: (1) A purchase price cannot be stated specifically for these properties, as in each case the property formed part of a larger parcel of land which was acquired for a single price relating to that parcel.

(2) Property numbers 3(a) and (b) are being sold as one parcel, as are property numbers 7(a) and (b).

(1)-(2) (b) All the properties listed in the tabled paper were acquired for the purpose of pine planting.

(1) (d) and (2) (b) All the properties listed in the tabled paper were acquired by private treaty sale, with the exception of property number 3(a) which was acquired through an exchange of land.

(1) (e) and (2) (b) Income has been earned from pine logging operations on most of the properties listed in the tabled paper. Logging operations are carried out on a plantation compartment basis which does not correlate with individual property boundaries. It is therefore not possible to provide specific income figures for the properties.

(1) (f) and (2) (b) Yes.

(1) (g) and (2) (b) Not applicable.

ARGYLE DIAMOND INQUIRY, COMPLAINTS

1548. Mrs ROBERTS to the Minister for Police:

(1) What is the current position of the police officer who signed the six complaints involving Sergeant Noye in the Argyle Diamond Inquiry?

(2) Was this police officer promoted after he had signed these complaints which led to Sergeant Noye being charged?

(3) With regard to the six charges against Sergeant Noye are any of these charges to proceed with police officers giving evidence?

(4) Are there any departmental inquiries into the officer who signed the complaints relating to Sergeant Noye's charges?

(5) Did the officer who signed the complaints against Sergeant Noye interview him, or obtain a statement or record of interview before charges were preferred against Sergeant Noye?

(6) If no interview took place, what were the circumstances at police level?

(7) Is the Minister satisfied with the conduct of the police officers involved in the investigation of Sergeant Noye?

(8) Are there special circumstances relating to the police officer charged with perjury in the Argyle Diamond Investigation?

(9) Is that officer assigned to selective police duties?

(10) Are the police officers involved in this matter capable of preparing the brief for the Director of Public Prosecutions with sufficient facts to sustain a *prima facie* prosecution or will the police case fold when viewed prior to trial?

Mr PRINCE replied:

(1) The police officer who signed the six complaints is currently the Officer in Charge of the Police Prosecuting Branch, Central Law Courts, Perth.

(2) The Police Officer concerned was promoted to Superintendent in August, 1996 under Advance.

(3) The Director of Public Prosecution (DPP) issued a Nolle Prosequi on all charges against Sergeant Noye on 8 October 1998.

(4) No.

(5) An invitation was extended to Sergeant Noye through his lawyer to partake in an interview but declined. He was then charged by summons.

(6) Could this question be clarified, please.

(7) As the member is aware, the investigation into the Argyle Diamond Inquiry took place well before my appointment. However, there has been no comment or criticism from the Commissioner of Police or from any other authority to suggest that the investigating officers did not conduct themselves with propriety.

(8) Could this question be clarified, please.

(9) Yes. He has been directed to perform non operational duties.

(10) The decision to prefer a charge was made after a legal opinion was sought from the DPP who agreed with investigating officers that a prima facie case had been established.

ARGYLE DIAMOND INQUIRY, MRS CRIMMINS' COMPLAINT

1551. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister advise why Mrs Crimmins' serious complaint in the Argyle Diamond fiasco, despite being investigated, failed to result in a police prosecution?

(2) Prior to her complaint was Mrs Crimmins considered a major witness by the police who were responsible for the preparation of the brief prior to committal proceedings?

(3) What was the police cost involved for Mrs Crimmins while in the witness protection program?

(4) While in the witness protection program was Mrs Crimmins supported financially or given any cash payments?

(5) If so, what was that cost?

(6) While under witness protection was Mrs Crimmins given the unrestricted use of a telephone?

(7) If so, why?

(8) If not, what privileges, if any, did she have?

(9) During the time Mrs Crimmins was under witness protection was she warned regarding her conduct in any circumstances prior to her complaint against police?

(10) If so, what were the details?

Mr PRINCE replied:

(1)-(2) Could the member be more specific as to the "serious complaint" and "complaint" so that I may be able to provide an answer.

(3)-(10) I am not prepared to provide information on a particular Witness Protection Program. However, I would be prepared to have the member briefed on the Witness Protection Program in general.

POLICE, RESPONSIBILITY FOR CRIME

1553. Mrs ROBERTS to the Minister for Police:

(1) Will the Minister advise the rationale behind the Commissioner of Police's outburst at the opening of the Mirrabooka Police Complex when he stated police should not be blamed for the levels of crime on Western Australian streets?

(2) Isn't Commissioner Falconer prepared to accept criticism or responsibility for the rising crime rate?

(3) Will the Minister advise who has responsibility for the reduction in the escalating crime on Western Australian streets?

(4) Does the Minister stand by his statement that the public should take responsibility in relation to crime in Western Australia?

(5) Don't the recent public awards to Crimestoppers and the recent public marches by seniors indicate that the public is already taking law and order issues seriously and responsibly?

(6) Does all of the executive staff of the Police Service have your full support and confidence?

(7) Does the Government or the executive of the Police Service take responsibility for escalating crime in this State?

Mr PRINCE replied:

(1) If the member for Midland had attended the opening of the Mirrabooka District Police Office she would have been aware that the Commissioner of Police did not make an outburst but rather referred to the levels of crime being a social problem, and the Police Service being responsible for the crime clearance rate.

(2) Refer (1).

(3) All members of the community.

(4) Yes.

(5) In part yes.

(6) Yes.

(7) No.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

1558. Mr BROWN to the Minister for Primary Industry; Fisheries:

(1) How many contracts (other than employment contracts and contracts less than $50,000) has each department and agency under the Minister's control entered into in the month of October 1998?

(2) What was the amount of each contract?

(3) What is the name of each person/entity with whom the contract has been entered into?

(4) What is the nature of the work or services required by the contract?

(5) What is the completion date of the contract requirements?

Mr HOUSE replied:

(1) Nil.

(2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

1561. Mr BROWN to the Minister for Planning; Employment and Training; Heritage:

(1) How many contracts (other than employment contracts and contracts less than $50,000) has each department and agency under the Minister's control entered into in the month of October 1998?

(2) What was the amount of each contract?

(3) What is the name of each person/entity with whom the contract has been entered into?

(4) What is the nature of the work or services required by the contract?

(5) What is the completion date of the contract requirements?

Mr KIERATH replied:

I am not prepared to devote the considerable resources which would be required to provide the information sought. However, if the member has a specific question I will endeavour to provide the information.

MONASH SHEDS

1577. Mrs ROBERTS to the Minister for Fair Trading:

(1) Is the Minister aware that a large number of people have lost considerable amounts of money through a business known as "Monash Sheds"?

(2) Has the Minister or his department received any complaints about this business?

(3) If so, how many complaints have been received and on what dates were those complaints received?

(4) Is Monash Sheds owned by a Mr Phillip John Frencham?

(5) If the answer to (4) above is no, who does own the business?

(6) What action, if any, has your department taken against Monash Sheds?

(7) What action, if any, has your department taken against Mr Frencham?

(8) When did these actions, if any, occur?

(9) Has this matter been referred to the Police?

(10) If the answer to (9) above is yes, when and what are the details?

(11) If the answer to (9) above is no, why not?

(12) Has Mr Frencham been declared bankrupt in Australia before?

(13) If the answer to (12) above is yes, what are the details?

(14) Was Mr Frencham bankrupt or an undischarged bankrupt whilst still trading as Monash Sheds?

(15) On what date, if any, did your department become aware of Mr Frencham's financial predicament and what were the details?

(16) Are individuals paying money to a company able to contact the Ministry for Fair Trading to check the credibility of a company or business?

(17) If the answer to (16) above is yes, what service is available?

(18) If the answer to (16) above is no, why not?

(19) Was it or was it not the case that your department was aware of financial problems with Monash Sheds but failed to warn members of the public who phoned your department to check the bonafides of Monash Sheds?

(20) What is the current status of Monash Sheds with your department?

Mr SHAVE replied:

I am advised:

(1) Yes. The correct trading name was Monash Marketing Services.

(2) Yes.

(3) Forty seven.
1 on 15 April 1998
1 on 10 August 1998
1 on 21 August 1998
1 on 24 August 1998
1 on 27 August 1998
3 on 30 September 1998
15 on 5 October 1998
19 on 8 October 1998
5 on 16 October 1998

(4) The business name Monash Marketing Services was registered in the name of Phillip John Frencham.

(5) Not applicable.

(6)-(8) The Ministry publicly named the trader on 7 October 1998 and has coordinated the gathering of complaints for referral to the correct investigative authorities.

(9) Yes.

(10) Details of a number of complaints that were considered to fall within the jurisdiction of the Police Service were referred to the Major Fraud Squad on 11 November 1998.

(11) Not applicable

(12) Yes.

(13) Date of Bankruptcy was 13 May 1987 and discharged on 13 May 1992.

(14) No.

(15) On or about the end of September 1998 as a number of complaints were being received information indicated that he may have been in financial difficulty.

(16) Yes, in limited circumstances.

(17) Generally the Ministry can only provide information that is available on the public record. Once a trader is "named" by the Commissioner for Fair Trading the public are advised about potential difficulties they may encounter.

(18) Not applicable.

(19) No. As soon as it became clear that this trader was in difficulty the Commissioner for Fair Trading warned the public about dealing with this trader.

(20) Consumers have been advised to lodge proof of debt claims with Mr R Nossiter of Melsom Robson Chartered Accountants who is acting as Frencham's bankruptcy trustee. Details of complaints have been referred to the Police and Builders' Registration Board where there was some evidence of breaches of legislation which is administered by those agencies.

WILLANDRA PRIMARY SCHOOL, EDUCATION SUPPORT FACILITIES

1582. Mr RIPPER to the Minister for Education:

(1) Why is the Education Department of Western Australia not going to provide a classroom for Education Support students at Willandra Primary School in 1999?

(2) Does the Department have any plans to provide such facilities in the future?

(3) If the answer to (2) above is yes, when?

Mr BARNETT replied:

(1) In order to cater for the needs of education support students the Education Department provides various models of schooling ranging from 'full integration' models to purpose built education support facilities. In 1999, the parents of education support children at Willandra Primary School have chosen a fully integrated model and therefore a separate classroom for these children is not needed.

(2)-(3) No, for the reason given above.

FAIR TRADING, REAL ESTATE COMPLAINTS

1583. Ms MacTIERNAN to the Minister for Fair Trading:

(1) In respect to the answer given to question on notice No. 970 of 1998 how many of the 802 complaints dealt with related to real estate or settlement agents?

(2) How many complaints have been received concerning real estate and settlement agents by the Ministry of Fair Trading between 1 May 1998 and 30 June 1998?

Mr SHAVE replied:

I am advised:

(1) Of the 802 complaints received by the then Housing and Real Estate Policy Directorate of the Ministry of Fair Trading, 9 related to Real Estate or Settlement Agents.

(2) 108 complaints in total were received against Real Estate and Settlement Agents by the Ministry of Fair Trading.

POLICE, SERVICE DELIVERY INITIATIVES

1652. Mrs ROBERTS to the Minister for Police:

(1) What specific initiatives has the Western Australian Police Service (WAPS) undertaken during 1998 to strengthen regional and local service delivery?

(2) What were the budget implications for these initiatives?

(3) What were the staffing implications for these initiatives?

Mr PRINCE replied:

(1) In the ethos of the Delta program the enhancement and improvement to the delivery of a policing service is an ongoing process. During 1998 there has been a raft of initiatives to strengthen the level of local service delivery. These range from the construction of new Police Stations and Police District Office complexes to the ongoing devolution process which encompasses community partnerships. Management of resources has and continues to be devolved to a local level. The Police Service is committed to strengthening participation at the local level by involving the community in the development of local level solutions.

Please refer to paper No 527 (Aboriginal Affairs Directorate) and paper No 528 (Local level Problem Solving Partnerships) and the Western Australia Police Service Annual Report 1998 which has already been tabled for details of these initiatives.

(2)-(3) These initiatives are an integral component of the role undertaken by the Police Service, and as such resource details applied in their implementation are not recorded.

WESTERN AGRICULTURAL INDUSTRIES, MEMORANDUM OF UNDERSTANDING

1676. Dr EDWARDS to the Minister for Primary Industry:

Following articles in the media that Western Agricultural Industries is not proceeding with a proposal to dam the Fitzroy River, what alterations are planned or have been made to the memorandum of understanding?

Mr HOUSE replied:

The Government of Western Australia has had no discussions with the company regarding changes to the Memorandum of Understanding.

ROYAL COMMISSION INTO THE CITY OF WANNEROO, INTERIM REPORT

1694. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Is the Minister aware of the Interim Report of the Royal Commission into the City of Wanneroo?

(2) Has the Government carried out any inquiries into the matters referred to by the Royal Commission, in so far as those matters related to -

(a) personnel; and
(b) procedures (or the lack thereof),

in the Ministry of Justice?

(3) Does the Minister/Government accept the findings of the Royal Commission insofar as those findings relate to the -

(a) Ministry of Justice; and
(b) personnel of the Ministry of Justice?

(4) What action has been or is proposed to be taken on the findings of the Royal Commission, as contained in its Interim Report, insofar as those findings relate to the -

(a) Ministry of Justice; and
(b) Ministry of Justice personnel?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Yes.

(2) Yes, a review of the Interim and Final reports of the Royal Commission into the City of Wanneroo have been conducted.

(3) Yes the findings relating to the Ministry of Justice contained in the reports have been considered and recommendations made.

(4) The recommendations of the review of the Interim and Final Reports of the Royal Commission in to the City of Wanneroo have been accepted and acted upon.

MINISTRY OF JUSTICE, AUTHORISATION UNDER PRISONS ACT

1695. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

Further to question on notice No 519 of 1997, will the Minister advise -

(a) was an inquiry of some type carried out on the question;
(b) who carried out the inquiry; and
(c) what did the inquiry reveal?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(a) Yes.

(b) Mr A Tchorzewski, Internal Investigations Unit Ministry of Justice

(c) The answer provided in Parliamentary Question 2292 of 1996 was appropriate and accurate.

ROYAL COMMISSION INTO THE CITY OF WANNEROO, INTERIM REPORT

1696. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Further to question on notice No 505 of 1997, has the Minister or the Ministry of Justice investigated whether the information provided to the Parliament was-

(a) consistent; or

(b) inconsistent,

with evidence given to the Royal Commission into the Wanneroo City Council in so far as the evidence related to the Ministry of Justice and broadly referred to in the Interim Report of the Royal Commission?

(2) If not, why not?

(3) Is it true that some evidence given to the Royal Commission is inconsistent with information provided to the Parliament?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) No.

(2) The answer to question 505 of 1997 indicated the matter was to be examined in light if the findings contained in the Final Report of the Royal Commission into the Wanneroo City Council. As this matter was not amongst the findings contained in the Final Report the matter has not been investigated.

(3) It would appear that the answer provided to part (1) of question 3763 of 1995 is inconsistent with evidence referred to in pages 96 and 101 of the Interim Report of the Royal Commission into the City of Wanneroo.

MINISTRY OF JUSTICE, SECTION 9 INQUIRIES

1697. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

Further to question on notice No 497 of 1997, will the Minister advise the -

(a) nature of; and

(b) person/s,

who conducted the inquiry which determined that no officers of the Ministry of Justice were informed before the 29 and 30 September 1994 of the instigation of the Section 9 Prisons Act 1981 inquiries into -

(i) Canning Vale Prison; and
(ii) Casuarina Prison?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

The nature of the inquiry conducted and the persons involved cannot be ascertained as the advice provided for the purpose of answering question 497 of 1997 was given by a person who is no longer employed by the Government

MINISTRY OF JUSTICE, SECTION 9 INQUIRIES

1698. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Has the Minister received any information or advice which throw into doubt one or more aspects of the answer the Minister gave to question on notice No. 511 of 1997?

(2) If so, what is the nature of the advice or information?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Not to my knowledge.

(2) Not applicable.

PUBLIC SERVICE, HUMAN RESOURCE STANDARDS REVIEW

1700. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Further to question on notice No 501 of 1997, will the Minister advise if a review of all aspects of public sector human resource standards was undertaken?

(2) What were the terms of reference of the review?

(3) What were the findings of the review?

(4) Have any of the findings been implemented?

(5) If so, which ones?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Yes.

(2) The review was commissioned by the Commissioner for Public Sector Standards under section 21(1)(e) of the *Public Sector Management Act 1994*.

(3) The general findings of the review were as follows:

There were inconsistencies in the application of the Standards across the different sites of the organisation. While the principles outlined in the Standards are adopted to different degrees by some supervisors and managers, there has been no consistent or effective communication of human resource management policies and principles to existing or new employees. In order to foster consistency of approach to basic requirements such as compliance with Human Resource Standards and the Public Sector Code of Ethics, accountabilities and performance monitoring arrangements for managers and supervisors need to be clarified.

(3) Levels of awareness of the breach procedures under the Public Sector Management Act were satisfactory at senior executive level but unsatisfactory amongst employees at lower levels."

(4)-(5) All of the observations expressed in the general findings have been taken into account.

ROYAL COMMISSION INTO THE CITY OF WANNEROO, INTERIM REPORT

1705. Mr BROWN to the Minister representing the Attorney General:

Will the Minister advise what action, if any, has been taken on the findings contained at page 119, paragraph 3.6.1(g) and (h) of the Interim Report of the Royal Commission into the City of Wanneroo?

Mr PRINCE replied:

The Attorney General has provided the following reply:

No action has been taken with respect to Mr Grant as he is no longer an employee of the Government. Mr Lawrence had already been transferred from the position he held at the time to which findings of the Interim Report relate, prior to the Interim Report being released.

FOOD, IMPORTED

1733. Mr BROWN to the Minister for Primary Industry:

(1) Is the Minister aware of concerns raised by the New South Wales Farmers Association about imported foods ruining Australian primary industry?

(2) Is the Minister also aware the Association recently raised concerns about Woolworths on selling imported pork and orange juice?

(3) What action is the Minister/Government taking to promote Western Australian Primary Industry in the West Australian and Australian domestic market?

(4) What action is the Minister/State Government taking to protect Western Australian Primary Industry from cheap imported products?

Mr HOUSE replied:

(1)-(4) In relation to the activities of the NSW Farmer Association, I am aware of their ongoing campaign to encourage

Australians to buy Australian produce and to discourage retailers from stocking imported food products. Recently, I approved the expenditure of $100,000 from the Pig Industry Compensation Fund to promote pork sales within Western Australia. I have also established two Committees in the last 3 years, which have identified a strategic direction for the Western Australian pig meat industry, based on international competitiveness, to combat imports and to expand exports. Regulation and restriction of imports is a matter for the Federal Government. To this end, I recommended to the ARMCANZ meeting in July 1998, that the Federal Government undertake the following:

That quotas be imposed on the total amount of pig meat imports to allow the industry time to adjust;

That quota pig meat should arrive in equal monthly tonnages, with no quotas to be transferred form month to month;

That where tariffs are applied by a country to Australian pig meat being imported, the same tariff should apply to pig meat being imported into Australia from that country; and

That pig meat, including uncooked product, is clearly identified with Country of Origin labelling.

Recently, the Productivity Commission on 25 November 1998 tabled a report entitled "Pig and Pigmeat Industries: Safeguard Actions Against Imports". The Commission believes that safeguard measures can be justified under World Trade Organisation criteria and that an *ad valorem* tariff of 10%, phasing to 5% after one year and zero after two years, be implemented in support of the pig industry. These findings of this report are currently under consideration by the Federal Government.

WHITEMAN PARK, FEES FOR SPORTS CLUBS

1734. Mr BROWN to the Minister for Planning:

(1) Further to question on notice 1222 of 1998, is the rent actually paid by the groups mentioned calculated at 4 per cent per annum on the assessed market value of the land area or buildings occupied?

(2) What is the name of the external independent property valuation consultant that valued the area occupied by each group?

(3) When was the area occupied by each group last valued?

(4) What was the value of the land area or building for each group as determined by the independent property valuation consultant?

(5) Does the amount paid by each group equate to 4 per cent per annum return on the assessed market value of the land or building occupied according to the independent property valuation?

(6) If not, what is the reason for the difference?

Mr KIERATH replied:

(1) Yes, except for the W.A. Motor Museum and Tractor Museum of WA who pay a percentage of turnover.

(2) R.G. Pember Pty. Ltd.

(3) Valuations were last done during the preparation of the leases in 1996.

(4) The land or building valuations for each group are:-

W.A. Shooting Association	$500,000
Horseman's Pony Club	$47,500
Perth Regional Appaloosa Club	$9,500
W.A. Model Aircraft Sport Centre	$23,250
Model Off Road Buggy Club	$2,500
Woodmagic Inc.	$55,000
Whiteman Park Crafts Association Inc.	$110,000
Whiteman Park Pottery Association Inc.	$110,000
Perth Electric Tramway Society Inc.	$2,750
W.A. Light Railway Preservation Association Inc.	$3,500
Bus Museum of Western Australia Inc.	$130,000
Tractor Museum of W.A.Inc.	$330,000
Astronomical Society of Western Australia Inc.	$28,000

W.A. Motor Museum - not valued as a pre-existing lease was in place.

(5) No. The arrangement for each group is as follows:
W.A. Shooting Association - No lease in place
Horseman's Pony Club - 50% of full rental rate
Perth Regional Appaloosa Club - 50% of full rental rate
W.A. Model Aircraft Sport Centre - 50% of full rental rate

Model Off Road Buggy Club - 50% of full rental rate
Woodmagic Inc. - 100% of full rental rate
Whiteman Park Crafts Assoc. Inc. - 100% of full rental rate
Whiteman Park Pottery Assoc. Inc. - 100% of full rental rate
Perth Electric Tramway Society Inc. - 100% of full rental rate
W.A. Light Railway Preservation Association Inc. - 100% of full rental rate
Bus Museum of W.A. - 100% of full rental rate
Tractor Museum of W.A. Inc. - Pay percentage of turnover
Astronomical Society of W.A. Inc. - 100% of full rental rate

W.A. Motor Museum - Pay percentage of turnover

(6) Rentals which vary from the assessment based on market value are a result of an incremental "phased-in" arrangement assessed on the circumstances of each group.

SHIRE OF MUNDARING AND MR J.J. JONES, FORFEITURE OF LEASE

1735. Mr BROWN to the Minister for Lands:

(1) Further to question on notice 3594 of 1998, does the Minister maintain negotiations between the Shire of Mundaring and Mr John Joseph Jones broke down as a result of matters relating to public liability insurance?

(2) Is it true that prior to the negotiations breaking down, the then Minister for Lands, the Hon. George Cash MLC entered into an-

(a) agreement;
(b) arrangement; and
(c) understanding;

with the Shire of Mundaring on the conditions or arrangements the Shire would agree to before the leasehold held by Mr Jones was forfeited by the State?

(3) Is it true the then Minister for Lands required the Shire of Mundaring to agree to the following conditions before the leasehold would be forfeited, namely-

(a) a new lease would be offered for six years with a renewal option after a further six years; and/or
(b) the rental would be $1.00 per year; and/or
(c) all improvements made by the former Lessee would remain; and/or
(d) the public liability was the Shire of Mundaring's complete responsibility?

(4) Does the Minister agree that some or all of these conditions were agreed between the Shire and the then Hon Minister or stipulated by the Minister in terms of the conditions the Shire would need to agree to in order to have the Government forfeit the lease?

(5) If not, was there any agreement, arrangement or understanding reached between the Shire of Mundaring and the then Minister on this issue?

(6) What was that agreement, arrangement or understanding?

(7) What agreement, arrangement or understanding was reached between the former Minister, Hon George Cash MLC and the Shire of Mundaring regarding public liability insurance?

(8) Is it true there was an agreement, undertaking or arrangement between the then Hon Minister and the Shire of Mundaring that the Shire would take complete responsibility for public liability insurance in certain circumstances?

(9) If so, what were those circumstances?

(10) If not, does the Minister claim the former Minister did not enter into any agreement, arrangement or understanding with the Shire of Mundaring on the issue of public liability insurance for the lease area in question?

Mr SHAVE replied:

(1) Yes.

(2)-(5) No.

(6) Not applicable.

(7) None.

(8) No.

(9) Not applicable.

(10) Yes.

ASSOCIATIONS INCORPORATION ACT 1987, REVIEW

1742. Mr RIPPER to the Minister for Fair Trading:

Will the Minister assure the House that when the review of the Associations Incorporation Act 1987 is completed, and the proposals implemented, that the fundamental right of freedom of speech of members, and board members, of associations will be guaranteed, with respect to their right to communicate freely with one another, and that this right will be spelt out in the resulting legislation?

Mr SHAVE replied:

I am advised:

The right of members, including board members, of associations to freely and openly discuss matters relevant to the association is of fundamental importance, and I will ensure this is considered in the review. However, it should be noted that a number of laws, particularly the law of defamation, impacts on the way in which people express themselves. The review of the Associations Incorporation Act is not an appropriate mechanism to change these laws which apply to all members of society. To date this issue has not been raised during this review. I would urge the member to submit any specific concerns to the Ministry of Fair Trading which is conducting the review.

GOVERNMENT DEPARTMENTS AND AGENCIES, EXPENDITURE

1769. Dr GALLOP to the Minister for Planning; Employment and Training; Heritage:

Will the Minister please provide for each year from 1992-93 to 1998-99 for all departments and agencies currently within his/her portfolio -

(a) the total level of expenditure, both recurrent and capital;

(b) the source and level of funding for both recurrent and capital expenditure; and

(c) details of any structural or organisational changes to the agency/department and the impact of these changes on departmental/ agency expenditure?

Mr KIERATH replied:

This information is available in each of the departments or agencies annual reports.

DEPARTMENT OF CONTRACT MANAGEMENT, INTERNAL AUDIT SERVICES

1788. Dr GALLOP to the Minister for Services:

I refer to contract No. RFT37898 awarded on 25 June 1998 for the provision of internal audit services for the Department of Contract and Management Services -

(a) what is the expected payment for the contracted out internal audit services in 1998-99;

(b) were the internal audit services conducted in-house prior to 25 June 1998;

(c) if the answer to (b) above is yes, how many officers were involved in providing the services and what were their classifications; and

(d) if the answer to (b) above is yes, what was the estimated annual cost of providing the services in-house?

Mr BOARD replied:

This information was correct as at 3 December 1998:

(a) Up to $300,000
(b) No.
(c)-(d) Not applicable.

DEPARTMENTS AND AGENCIES, SALE OF ASSETS OVER $200 000

1831. Mr BROWN to the Minister for Planning; Employment and Training; Heritage:

(1) What assets over $200,000 were sold by the departments and agencies under the Minister's control in the following financial years -

(a) 1996-97; and
(b) 1997-98?

(2) What amount of money raised from asset sales has been used to reduce debt?

(3) What was the debt level of each department and agency as at -

(a) 30 June 1997; and
(b) 30 June 1998?

Mr KIERATH replied:

I am aware that the member asked a similar question in March 1997 (LA416), for which a response was provided. However, I am not prepared to devote the considerable resources which would be required to provide any further information. If the member has a specific question about a particular asset, I will endeavour to provide the information.

QUESTIONS WITHOUT NOTICE

MIRIUWUNG-GAJERRONG DECISION - GOVERNMENT'S LEGAL ADVICE

538. Dr GALLOP to the Deputy Premier:

(1) Now that the release to some sections of the community of the legal advice on the Miriuwung-Gajerrong decision has been confirmed, will the Deputy Premier immediately take action to table it in Parliament so that all and not just a privileged few Western Australians can have access to that advice?

(2) If not, why not?

(3) Will any action be taken on the unauthorised release of that legal advice?

Mr COWAN replied:

(1)-(3) I have had somebody follow this through with the Premier, and he has advised me that a letter was received from the Crown Solicitor that was tabled at a meeting between the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies, and the Chamber of Commerce and Industry. I have sighted that letter and it is not in the usual form of advice that is given. I understand that the Leader of the Opposition has a copy of that letter. Therefore, he knows that the letter summarises the judgments that were made by Justice Lee, and it does not venture an opinion as one would expect. It does not represent a legal opinion, as much as it represents a summary of the judgment that was made by Justice Lee. It is not my practice to vary a tradition or a convention that has been held by this Government and by previous governments, but I am sure that if the Leader of the Opposition puts that question to the Premier on his return, he will consider that request.

WATER CONSERVATION - ASSISTANCE FROM PRIMARY SCHOOLS

539. Mr BAKER to the Minister for Water Resources:

Does the minister's department propose to enlist the support and cooperation of primary schools in Western Australia to conserve water this summer? If so, what is the nature of the assistance sought?

Dr HAMES replied:

I thank the member for some notice of this question. The water run-off into our dams this year has been one of the worst on record. We have been running a campaign with the Water Corporation and the Water and Rivers Commission to get people in the metropolitan area and some country centres to reduce their water consumption by 10 per cent through this summer period. The danger is that if people are not able to do that, increased water restrictions will be introduced. If we have a significantly low rainfall next year, the problem will be more severe.

As part of the campaign by the Water Corporation, we have been enlisting the help of primary schools throughout Western Australia by running a Waterwise schools campaign. I had the pleasure of going to two primary schools in Western Australia which are now certified Waterwise schools. The program that is run by the teachers is magnificent, and it is magnificent to see the program implemented by those students in years 1 to 7. All of them have little drawings and designs of things that they can do in their own homes to save water. They have stories and songs about the rainfall, where the rain goes, and what happens to it. One school, Mt Hawthorn Primary School, did such a good job with the song they sang to tell about the rain and its source and what things people can do to save water that we are looking at trying to do that, either in some sort of advertisement on the television, or perhaps through one of their community service programs. Hopefully we will get that

up and running. Members would appreciate what a wonderful thing it is for not only these children to be educated about water and where it comes from and what it does, but about conserving water and the best way to conserve it. Of interest recently was one small child, who is the daughter of my secretary, who said to her mother when she was watering a plant in her garden, "What are you doing that for, mum? It is spring. You do not need to be watering the garden." The kids are aware of the problems with our water, and it is a tremendous campaign.

ANTI-CORRUPTION COMMISSION - MILLER SPECIAL INVESTIGATION

540. Dr GALLOP to the Deputy Premier:

I refer to the Premier's objection to the request by the reinstated police officers to be given the terms of reference of the Miller special investigation.

(1) Did the Premier not say that the Anti-Corruption Commission should not be subject to external review because it was already subject to judicial review?

(2) By denying the reinstated officers access to the terms of reference, is he not denying them the right to the information that would establish whether the inquiry was ultra vires the legislation?

(3) Is this not another example of his Government's appalling double standards when dealing with public servants who have the temerity to question the Executive?

Mr COWAN replied:

(1)-(3) I suggested to the Leader of the Opposition yesterday that he should read the ACC Act. I regret that he has not done that; otherwise, as he was told yesterday, he would have been able to confirm for himself that the ACC is an independent body and that the Government cannot direct the ACC to release the terms of reference.

Mrs Roberts: Is the ACC a law unto itself?

Mr COWAN: That was the way that the Parliament determined it, and the member was party to that. I suggest that the Leader of the Opposition and the member for Midland write to the Chair of the ACC and ask him whether he will do that because they have every right to do it. The Chair of the ACC will make that decision independent of government. Even people who are involved can write and ask for that matter to be released. There is no reason and no cause for the Government to write to the Chair of the ACC knowing that it is an independent body, when that request has already been made.

INTERNATIONAL DAY OF DISABLED PERSONS

541. Mr MINSON to the Minister for Disability Services:

Today is the International Day of Disabled Persons, a day which marks the achievements and contributions of people with disabilities around the world. What initiatives have been undertaken to help address the needs of people with disabilities in Western Australia?

Mr OMODEI replied:

I thank the member for some notice of this question.

The State Government, through the Disability Services Commission, is continuing to meet the challenges of this very complex and multi-faceted area of service provision. Some of this year's significant achievements include -

the Count Us In community education campaign which challenges the community to consider how it views people with disabilities and to see the person, not the disability - the television advertisements would have been seen by members;

the release of the Disability Services Commission's plans and progress report which details the access improvements carried out by local governments and state government agencies;

the staging of the disability and ageing conference being held in Perth which is examining strategies for the future needs of an increasing number of ageing people with disabilities.

On a personal note, I had the honour of being "adopted" by the Bahen-Edwards family from Cowaramup this year, on behalf of 12-year-old Courtney Bahen who has epilepsy and an intellectual disability. This is part of the politician adoption scheme of the Developmental Disability Council of Western Australia, under which politicians of all colours are adopted by the families of people with disabilities living in their electorates. The scheme is a very effective component of the national Time to Care campaign which is aimed at raising awareness of the needs of people with disabilities in Australia. Time to Care will be an important source of support for me and my counterparts in other States and Territories when we meet with the commonwealth Minister for Family and Community Services early in the New Year to discuss a strategy to address further

the issue of unmet needs throughout Australia. I am very pleased to note that several members of this House have also been "adopted", including the Premier, the Leader of the Opposition, the Minister for Works, and the member for Willagee as the opposition spokesperson for Disability Services. Some federal members have also been "adopted". This is a very important scheme and has a bipartisan focus. These are just some of the things that are happening on this International Day of Disabled Persons, a day when we should consider the plight of people with disabilities.

MILK VENDORS, COMPENSATION

542. Dr GALLOP to the Minister for Primary Industry:

I refer to the former milk vendors, some of whom are in the Parliament today, who were forced out of their businesses when the Dairy Industry Amendment Bill was passed in 1994.

(1) Does the minister acknowledge that the offer of additional assistance which has been made falls short of the recommendation of the Legislative Council Standing Committee on Public Administration that there be full compensation?

(2) Will the minister reconsider his position on this question?

(3) Why will he not meet with the vendors so that they can put their case to him directly?

Mr HOUSE replied:

(1)-(3) This scheme was introduced by the Labor Party before we came into office. After we came into office, one of the first groups I met with comprised representatives of the Milk Vendors Association of Western Australia. They asked me to review the scheme that had been put forward by the previous Labor Government and to slow down the process that had been entered into. I did that, and we appointed Mr Kelly to review the whole scheme and to come back to us with some recommendations. After a further meeting with the Milk Vendors Association we proceeded with legislation. That was agreed to absolutely and completely by the Milk Vendors Association. On the passage of that legislation through the Parliament, we agreed to two things: First, that the compensation be lifted to $7m; and, secondly, that an independent arbitrator be appointed to look at each case. That arrangement was worked out in conjunction with the Opposition on the floor of this Parliament during the committee stage. I am not trying to suggest that those opposite agreed with all of the Bill, because they did not.

Dr Gallop: Nor did all of your members.

Mr HOUSE: That is true. A number of the concessions were agreed to by the Labor Party in Committee. We have had three separate representations from people who wanted their assessments readjusted, and on all of those occasions the independent arbitrator looked at the cases that were put forward. At no stage have I or anybody in a position similar to mine made those judgments. They have been made by an independent arbitrator. In each of those cases the independent arbitrator has made a judgment about what should be paid to those milk vendors. The Legislative Council Public Administration Committee then looked at the question. I understand it has had representations from the milk vendors. It made a number of recommendations. The chairman of that committee wrote to me. I went back to the independent arbitrator and asked him to look at the report and to make a judgment about the detail in it, which he did. In a number of cases, the payments for some people had been adjusted upwards as a consequence of the committee's report. In my view that report has been complied with.

MILK PRICES, INCREASE

543. Dr GALLOP to the Minister for Primary Industry:

Can the minister explain to the House how the Dairy Industry Amendment Bill has benefited consumers in Western Australia when the cost of a litre of milk has increased by 20¢ between April 1995 and July 1998?

The SPEAKER: Order! I will allow the question.

Mr House: It is not a supplementary question.

The SPEAKER: Order! I am allowing the question, but it is marginal.

Mr HOUSE replied:

Many aspects impact on the price of milk, as they do on all primary products. We cannot ascertain whether the milk vendors adjustment scheme had any effect at all on the price of milk. One of the issues that impacts on the price of milk is that we have a regulated system for primary producers which sets a farm-gate price. We have a quota system.

Dr Gallop: We have had those things for years, and you know it.

Mr HOUSE: Does the Leader of the Opposition support them?

Dr Gallop: We have had them for years and years.

Mr HOUSE: Does the Leader of the Opposition support them?

Dr Gallop: Why has the price of milk gone up by 20¢ a litre? You are a sell-out to the consumers and the milk vendors.

[Interruption from the gallery.]

Mr HOUSE: The Leader of the Opposition does not want to answer my question.

The SPEAKER: Order! I am not formally calling the Leader of the Opposition to order, simply because his eyes were not looking in this direction. That will not be an excuse in future. I just indicate to people in the gallery that we like to see the members of the public in Parliament, observing the proceedings. However, there is a condition attached to their visit; that is, that they do not interfere in any way with the proceedings on the floor of the Chamber, and that includes clapping.

Dr Gallop: You don't want to front up. What about having a meeting about the way you destroyed their livelihoods? Have a meeting with them.

The SPEAKER: Order! I formally call to order the Leader of the Opposition for the first time.

Mr Grill: You should have a look at the scheme.

Mr HOUSE: There is nothing wrong with it.

The SPEAKER: Order! I formally call to order the member for Eyre and the Minister for Primary Industry.

SCHOOL EDUCATION BILL

544. Mr MacLEAN to the Minister for Education:

There is a great deal of interest among schools in my electorate in the progress of the School Education Bill. Given the length of time the Bill has been in the Legislative Council and the large number of amendments made to it there, when I attend their functions what exactly can I tell the schools about the implementation of the provisions of this Bill?

Mr BARNETT replied:

I thank the member for this question. I am conscious of the fact that in his electorate a number of new schools want to adopt systems of management which are dependent on the provisions of the proposed education legislation. Members in this House are well aware of the long and detailed consultation process that took place for this legislation. Indeed, both the Leader of the Opposition and the Deputy Leader of the Opposition publicly acknowledged that in this House. That process started in 1994 and involved over 30 public meetings, 14 000 plain English versions of the Bill being distributed, a Green Bill being brought into the Parliament, 100 amendments to that Green Bill being accepted by the Government during the 45-hour debate in this place, and a further 42 amendments being made, of which 28 were proposed by the Western Australian Council of State School Organisations. We accepted that, despite what the president of that organisation might say publicly. Having done all that, the Bill went to the Legislative Council on 30 June. It was referred to the Standing Committee on Public Administration. That committee did not meet for two months. After 34 hours of debate in the Legislative Council, I understand that some time today or tonight the Bill will be returned to this Chamber with 105 amendments.

This Bill has been destroyed, and I will tell members why. It has taken the Clerk of the upper House over a full day and probably an evening's work to put together the schedule of amendments. It will take several more hours before the message can be brought to this Chamber. Parliamentary counsel has advised me that up to a dozen of the amendments are unworkable and will not stand at law.

Mr Ripper: Why didn't you, as Leader of the House, seek to amend them?

Mr BARNETT: I will give some examples of the amendments and the extent to which this significant piece of legislation has been destroyed. The Australian Democrats, supported by the Australian Labor Party, have moved to amend the Bill so that all instruction is to be paid for by the Government. That will mean that all instruction, regardless of cost, must be paid for by the Government.

Mr Ripper: Free school education.

Mr BARNETT: I can tell members now that the Government will not be paying for the abseiling course at Carine Senior High School. Under the amendments that will cease, as will the aeronautics program at Morley and Kent Street Senior High Schools and maritime studies at Rockingham Senior High School; so it goes on. The legislation also provides compulsory boundaries for schools that currently do not exist. There are 5 000 students in Perth alone on cross-boundary enrolments. They will not be affected but their siblings will; it will not be possible to enrol the younger brother or sister in the same school.

Mr Ripper: Of course it will.

Mr BARNETT: That will not happen under the legislation. Secondary schools like John Curtin Senior High School that want to establish a performing arts program relying on out-of-bounds enrolments will not be able to do so. There are new buildings proposed at Cannington Senior High School to house the highest technology-based program in Australia. That will not be able to operate because the school will not be able to take cross-boundary enrolments. Extraordinarily complex amendments on sponsorship have been made that parliamentary counsel is having difficulty understanding. As far as we can understand at this stage, it means that any program that is associated with only one or two schools cannot be put in place. Under the amendments -

Several members interjected.

Dr Gallop: That is 6009 arrogance; born-to-rule hypocrisy.

The SPEAKER: Order, Leader of the Opposition!

Mr BARNETT: The Leader of the Opposition should listen to this. Under the amendments, the sponsorship programs that will not be able to continue include the Kwinana Industries Council compact for excellence, Murdoch University sponsorship of Wembley Primary School and Woodside Petroleum's sponsorship of Balga Senior High School.

Mr Ripper: Of course sponsorship can continue; they just cannot name the activity.

Mr BARNETT: Sponsorship cannot continue. There are other examples. At the behest of the parent body, the Western Australian Council of State School Organisations, a provision has been put in the legislation which requires that any parents and citizens association that becomes incorporated must have its fees paid by the Government. Mr Speaker, I would think that is a money Bill matter and would require your ruling.

I refer to one final point; that is, that the Government's charges for materials and equipment be mandatory. There has been some debate about that. I received correspondence in the last day or so from the federal minister responsible for schools, the honourable Mr David Kemp. I wish to read two paragraphs from that letter. He says -

> The Commonwealth understands that the proposed school charges are compulsory in nature and are intended to cover part of the costs for materials and services used in the educational programme of a government school.

He goes on to say -

> In the light of this understanding and taking into account the compulsory nature of the charges, I offer my assurance that the charges, should they remain in the final version of the *School Education Act*, will be treated as GST-*free*.

Therefore, the Opposition's amendments will make parents' school charges subject to the GST.

Dr Gallop: It is your GST.

Mr BARNETT: It is our GST but the Opposition's amendments will make it apply to school charges. We will be the only school system in Australia with GST applying to education because of the amendments moved by the Labor Party.

Dr Gallop: Get the man a bottle; he needs it desperately.

Withdrawal of Remark

Mr BARNETT: The Leader of the Opposition should withdraw that.

The SPEAKER: Order! I will ask the minister to wind up his answer. I have allowed a deal of latitude in the answer to this question because of the significance of the issue. Just before the minister sat down, he believed that he had been impugned by a comment from the Leader of the Opposition and I ask the Leader of the Opposition to withdraw that comment.

Dr Gallop: I am somewhat baffled but I will certainly withdraw the comment, if that is the wish of the minister. Perhaps he needs a nappy.

The SPEAKER: Order! The Leader of the Opposition knows that these things must be done without qualification.

Dr Gallop: I withdraw the comment, Mr Speaker.

Questions without Notice Resumed

Mr BARNETT: The Bill has not just been amended. It is true that the Government can live with perhaps up to a third, maybe even half, of the 105 amendments. However, many are unworkable and impractical at law.

Mr Ripper: Start negotiating.

Mr BARNETT: At this stage, with 105 amendments, the message from the Council is unlikely to arrive for several hours,

and with the need to have regulations in place, I regret to inform the member for Wanneroo that the Government cannot proceed with this legislation for the start of the 1999 school year. We will attempt to salvage it. However, I say to the Deputy Leader of the Opposition that if he represents education for the Labor Party, it is only the coalition Government and the Labor Party that can save this legislation. If he is true to his word and supports the legislation, I am prepared to negotiate during the summer period. However, as it stands now, that legislation is dead in the water.

Mr Ripper: I look forward to the negotiations.

WEST COAST RESOURCE CENTRE

545. Mr RIPPER to the Minister for Education:

I refer to the unilateral decision by the district office of the Perth Education District to discontinue its support for the West Coast Resource Centre, placing the future of the centre in serious doubt, and ask -

(1) Does the minister support this further reduction in support services to schools following, as it does, on the closure of the Balcatta reading clinic and a reduction in the psychology services actually available in the district?

(2) Will the minister give an undertaking to have this decision reviewed?

(3) Will the minister also give an assurance that the West Coast Resource Centre will continue to operate with its current staff level until schools in the district have been properly consulted?

Mr BARNETT replied:

(1) - (3) Again, the Deputy Leader of the Opposition chose to give no prior notice of this question. I will certainly undertake to look into any issue raised in this Parliament, including the West Coast Resource Centre. To my knowledge, the future of that centre has been under discussion for several years. I do not think I will interfere directly in the way in which the department manages resources. Yesterday, for example, the Deputy Leader of the Opposition raised the issue of language development centres.

Mr Ripper: That is right.

Mr BARNETT: I have just signed a letter in reply to him to make clear that next year, as has already been determined, the number of enrolment places will increase by 40 per cent to over 100 places. However, there is still a waiting list. That illustrates the point that there are huge demands within our education system and the Deputy Leader of the Opposition should be supporting government education instead of continually criticising it.

SKATEBOARD RINKS

546. Mr MARSHALL to the Minister for Youth:

Since the new Mandurah skateboard rink was opened three months ago, it appears that others are being built throughout Western Australia.

(1) Can the minister confirm that these facilities will not be nine-day wonders?

(2) What benefit are they to the community?

Mr BOARD replied:

(1) - (2) I know the member for Dawesville is pleased with the facility already installed in his area and is keen to receive another one. Yesterday I was in a position to give some money to the Armadale City Council to help it with two additional facilities in its area. The Office of Youth Affairs has a grant program to assist local governments in this matter. At present we have been able to assist 14 local authorities with the development of skateboard facilities. We are doing that, in conjunction with the skateboarding association, primarily because young people are asking for it. Our youth advisory councils have singled out this project which provides recreational facilities and opportunities for young people, as a primary focus, to communication after school. For a very small amount of money, we were able to assist local authorities right throughout the State, and literally tens of thousands of young people are gaining the benefit of this healthy outdoor activity.

A government member interjected.

Mr BOARD: About $20 000 in total. The Western Australian Municipal Association has endorsed the program with the skateboarding association. I am very grateful to the Insurance Council of Australia that worked through the issues that confronted it in the expansion of the program. All of those issues have been resolved and we are now able to help WAMA and the local authorities in that development. In many of the programs young people are involved in the design stage of the process and, in some cases, even in the labour and construction stage. They are very keen to see this involvement continue

and develop. I recommend these programs to all members of the House because they are very popular among young people. I point out to the member for Dawesville that they will continue while the sport continues to enjoy popularity. I believe the sport will continue to be popular for a long time, because surfing is one of the greatest participation sports in Western Australia and skateboarding is associated with surfing. I endorse the program. It is a success and I recommend it to all members of the House.

CRIME RATES IN WESTERN AUSTRALIA

547. Mrs ROBERTS to the Deputy Premier:

(1) Why, after six years of coalition government in Western Australia, does this State have the highest rates of burglary and stealing offences in the country, the second highest rates of armed robbery, unarmed robbery, car stealing and sexual assault in the country, and the third highest rate of assault?

(2) Are these statistics proof that the Government's law and order policies have failed?

Mr COWAN replied:

(1)-(2) The short answer is that the Government had so much ground to recover after the previous Government that we started off on a poor footing. It is not my intention to provide only a flippant answer to the member for Midland. The Government takes very seriously the issue of law and crime and the data which has been released by the crime research centre at the University of Western Australia. One can always interpret statistical data any way one likes, and we must acknowledge that any increase in the incidence of crime is something we will do our best to overcome. The Government started that process some time ago. It did that by increasing the number of police officers in the Police Service, by changing -

Mrs Roberts: How do you explain the escalating crime rates?

Mr COWAN: Let me finish. The Government did it by changing the law so people involved in car stealing, home invasions and assault were more easily convicted and sentenced for those offences. However, it is true that the number of reported offences has increased. I say reported offences because members must agree that there is a distinction. I will draw one comparison between the data, if people want to interpret it, and the facts. Many people have talked in this Parliament about the increase in the number of people going to jail. However, the data shows that the number of people received into jails has not increased but the length of sentences has. Considerable pressure is placed on our system as a consequence . That is a fact. In addition, when we talk about the number of offences and equate that to the increase in population, we find that the rate has remained reasonably constant over a long period.

Mrs Roberts: That is not true, because the figures are calculated per 100 000 of population. Our rate for armed robbery has increased.

Mr COWAN: We come now to the one area where there has been a significant increase in crime; namely, armed robbery.

Mrs Roberts interjected.

Mr COWAN: Again the member for Midland is wrong. Armed robbery is the one area where there is an increase.

Mrs Roberts interjected.

The SPEAKER: Order, member for Midland, listen to the answer.

Mr COWAN: Armed robbery is one area where there has been a significant increase in the crime rate in Western Australia. Western Australia does not lead the field in that area. Other States have a higher incidence of armed robbery. Mr Speaker, over our time in government we have increased the number of officers in the Police Service, increased their level of resourcing and increased the penalties for a vast number of offences.

Mr Marlborough: But it is not working.

Mr COWAN: I will tell the member for Peel why that is and why we can improve. Those initiatives have contributed, but what has not occurred is the necessary cooperation and united approach to the issues of law and order, of crime and reducing the levels of offending. We need to achieve a tripartite approach from the Government and all of its agencies, the Police Service and the community. It would be a good idea for the Opposition to get out of the syndrome of saying, "The Government should do this and that" and become involved with the community and its constituents to assist in achieving the tripartite approach which will resolve the issue of crime.

The SPEAKER: Order! We had a situation then where extra questions were asked by interjection. I looked at the clock and noted that we have had an extra five minutes of question time today. However, I will allow a pre-Christmas bonus of two questions.

CRIME REDUCTION TARGETS

548. Mrs ROBERTS to the Deputy Premier:

As a supplementary question: Will the Government reconsider its refusal to set crime reduction targets so that it can be held accountable for its performance and have its policies adjusted accordingly?

Mr COWAN replied:

It is the Government's intention to set a target, which is to reduce crime.

MANDURAH BYPASS, PEDESTRIAN OVERPASS

549. Mr NICHOLLS to the Minister representing the Minister for Transport:

I am concerned about the safety of residents in the Mandurah area who must cross a main highway; namely, the Mandurah bypass.

(1) Could the minister estimate the number of pedestrians who cross the Mandurah bypass in the vicinity of Boundary Road?

(2) Could the minister indicate the cost of installing a pedestrian overpass across the Mandurah bypass at this location?

Mr OMODEI replied:

(1) The Minister for Transport's response was that a pedestrian survey has not been undertaken by Main Roads at this location. I suggest the member take up the matter with the minister directly.

(2) The cost of installing a pedestrian overpass is approximately $500 000.

DARLING RIDGE SHOPPING CENTRE, THREAT TO VIABILITY

550. Mr BROWN to the Minister for Small Business:

I refer to the ongoing calls by small business retailers for changes to our planning laws so that consideration of proposals for new small and medium-size shopping centres must take into account the effect such proposals will have on existing centres and businesses.

(1) Is the minister aware of the proposal to establish a new shopping centre a mere 200 metres away from the Darling Ridge shopping centre, with the real prospect of the new centre threatening the viability of small business retailers and organisations in the existing centre?

(2) Is the minister also aware that two other shopping centres are located within close proximity to the Darling Ridge shopping centre, each with vacant shops?

(3) What action does the minister propose to take to protect the interests of small business retailers who are threatened by the oversupply of retail shopping space?

Mr COWAN replied:

(1)-(3) I am sure the member for Bassendean remembers that many years ago a select committee inquired into the issue of shopping centres and the allocation of retail space on a per capita basis. The committee recommended that while the central business district, Fremantle and the Midland shopping area be exempt from any regulatory level of retail space per capita, limitations should be imposed on the amount of space available in other areas. No action was taken on that matter, and that recommendation was made about 15 years ago.

Mr Brown: The retail centres policy has not been finalised for 18 months now.

Mr COWAN: The point I am trying to make to the member for Bassendean in an oblique way - I will be a bit more blunt if he likes - is that that recommendation was made to the previous Government, but it did not act on it. We are now at the stage where a problem is again arising, with people perceiving a need for retail shopping space, without looking at the size of the market or the growth in the market. It is a problem. It has been brought to my attention by the Small Business Development Corporation. The centres mentioned by the member have not been presented to me as a specific issue. The matter has been presented to me as a more general issue, and I have undertaken to take it up with the Minister for Planning and those other ministers who are responsible for determining the amount of retail space that is available, given that the market can support only a certain level of retail trade, which means that some people will suffer.

Mr Brown: They will go down the gurgler unless something is done.

Mr COWAN: I thank the member for advising me of that area, and I will incorporate that part of Western Australia into the issues that I will raise with the relevant ministers.

Point of Order

Ms MacTIERNAN: Mr Speaker, I seek your guidance on how we may deal with this matter. Last Thursday, the Minister for Health made a statement to Parliament in which he purported to table the request for proposal documentation for the Armadale-Kelmscott Memorial Hospital. It has now come to our attention that, contrary to the statement that was made by the minister, only part of that documentation was tabled, and at least eight crucial appendices were omitted from the tabling of those documents. I wonder how we can deal with this question of a misleading statement by the minister.

The SPEAKER: Order! Ministers can table the papers that they want to table. There may be some difference of opinion as to the definition of what is tabled, and I suggest the member take that up with the minister. The minister has tabled these things, and the member appears to be arguing about the definition of them. The member can perhaps have a discussion with the minister. I do not intend to take any action.