



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 17 November 1999

Legislative Council

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

NUCLEAR WASTE DUMP

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 3 238 persons opposing the proposal to locate a high level nuclear waste dump in Western Australia.

[See paper No 404.]

URANIUM MINING INDUSTRY

Petition

Hon Giz Watson presented a petition, by delivery to the Clerk, from 3 150 persons opposing the proposal to establish a uranium mining industry in Western Australia.

[See paper No 405.]

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS

Motion

Resumed from 11 November on the following motion moved by Hon Tom Stephens (Leader of the Opposition) -

That this House -

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

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.03 pm]: Members might be forgiven for thinking that this motion was moved a long time ago, because it was; it was moved in August. Notice was given on the opening day of the Parliament, when the Government was put on notice by the Labor Opposition by this motion about the concerns that it has with the failure of this Government to deal with its priorities. It has failed to deal with its funding commitments which have headed in the direction of ephemeral projects and not core responsibilities of State Governments characterised by the community's concerns about expenditure on belltowers and convention centres at the expense of core areas of State Government responsibility such as health, education, achieving community safety and improving public transport. For all those reasons, the Labor Opposition believes it is time for the Government to return to delivering government services at affordable rates, and to give appropriate high level priority to hospitals, schools, police and public transport. I moved the motion for those reasons. I was pleased to hear at least part of the debate by all parties on this side of the Chamber. The concerns elicited from the community by the Labor Opposition have been echoed and amplified not only by the Labor Opposition but also by the representatives of the other two parties, the Greens (WA) and the Australian Democrats. Since moving this motion, an individual voice in this Parliament, expressing himself as an Independent, continues to share many of the concerns of the Labor Opposition and other members on this side of the Chamber about these issues. Regrettably, during the long debate on this issue, not much was said in defence of the Government's failures.

Hon Greg Smith interjected.

Hon TOM STEPHENS: I missed the interjection. I do not know whether I needed it. I do not believe I did.

I was listening by and large to what was said, but regrettably, not much was said. Some points were raised to which I will respond. It is time for the Government to recognise that the people of Western Australia have a legitimate claim for the Government to focus its attention on issues such as education so that a more educated Western Australian community will be able to take part in more employment opportunities provided by the economic strength of this resource-rich State. In addition to the State being resource-rich, it should be rich also in the quality of its educated workforce and community. Only with an educated community in this State can the prospect of full employment remain on track. Too easily whole pockets of the community find themselves in long-term unemployment situations caused, in part, by the failure of the education system of this State to respond to their needs. Whether it is the long-term unemployed in regional areas of Western Australia, youths who spend much of their time unemployed, Aboriginal communities or sections of the ethnic and migrant communities that are unemployed, the long-term unemployment statistic is unacceptable. There is a real need for the Government to refocus and to double its efforts to enhance people's prospects of moving through the education system into jobs. That is the birthright of the people of this State, by virtue of their living in this lucky State.

The community of Western Australia is entitled to the level of community security that was a hallmark of the recent past. Regrettably, too regularly, community security and safety is being breached by a failure of the systems of government to respond to the crises that are emerging. Clearly among the crises are those that come from the explosion in addiction to,

the use of, and the abuse of, drugs. That phenomenon is growing in society in a way that deserves the full frontal assault of the Government by being preoccupied with that issue and resolving it, not only for the sake of protecting the lives of those people affected by addiction. That is a legitimate goal - to get people out of the sorry state in which too many Western Australians find themselves. Their families, extended communities and the wider community have regrettably, and too regularly, been the victims of crime committed by people caught up in drug addiction. Serious enough as that is, we have problems in regional Western Australia where the abuse of alcohol, in particular, causes enormous challenges for the individuals caught up in it but is also played out in the wider community where so many others become victims of crimes associated with alcohol abuse. That leads to a loss of community safety, in the form of crimes of violence perpetrated against people as well as against property, which becomes a source of enormous disquiet to so many of our communities. The current Government has failed to respond to that reality, which is constant across so many sections of regional Western Australia. The community of Western Australia has a legitimate expectation of a healthier society; healthier not only by virtue of being free of addiction to drugs and alcohol but also by being nurtured by a health and hospital system that is proactive and in a deliberate way recognises the problems that ill health brings to the individuals and families that make up Western Australia. When one has a health system that is effectively strapped for cash because it is no longer seen by the Government as a critical, core area of its own activity, inevitably one finds that the community of Western Australia starts to fall behind in its own healthiness. That becomes both a tragedy for all of us, individuals and families, when we lose the healthiness that is a birthright, and an economic penalty that weighs on all of us. To have a Government fail to tackle the health and hospital system in such a way as to get those facilities working in the interest of protecting the health of the Western Australia community is an unacceptable reality when we are faced with the legitimate claims and expectations of the Western Australian community.

The community has a legitimate demand for its social dividend that would see not only an economic return for all the community but also an environmental dividend that would continue to deliver for all the people in the State a prosperous community that is socially healthy and environmentally friendly, protected and enhanced; a greener community in which the people of Western Australia can live and work in harmony with the environment in which they are lucky enough to live.

Hon Greg Smith: We have done more for the environment in six years than your Government did in 10 years.

Hon TOM STEPHENS: The Government has been churning up the trees of the forests of the south west at a greater rate than ever. Even today we hear reports, yet to be denied, that the Minister for Transport is still presiding over a railway system that is delivering the timber of the forests of the south west as sleepers for the railway lines of the south. It is a Government that continues to preside over the destruction of the forests of Western Australia. It is not a Government that can raise its head proudly.

Several members interjected.

Hon TOM STEPHENS: Let us put the record straight. This Government has nothing to be proud of in the field of environmental preoccupations. There is still so much to be done to protect the environment of Western Australia. Instead we see a Government that has allowed the salinity issue to drift and grow worse. It has not tackled the issue in any way that can do it credit. It has left the forest issue in a situation where the community is totally unhappy with the way it is being addressed by the Government and has produced what looks like being the major opposition party after the next election, the Liberals for Forests. They will replace the coalition when we move into government after the coalition is decimated.

Hon Ray Halligan: Political opportunism!

Hon TOM STEPHENS: As you sow, so will you reap - quae seminaviris metes. We will see the impact on the Government, as the community of Western Australia has legitimate concerns about the environment. To see that the Government has failed the challenge is unacceptable.

The Government has not delivered the dividend sought by the community of Western Australia in those three areas. The Government has become a victim of its own misplaced priorities and it is still failing to accept that reality by virtue of the type of replies we have had to legitimate concerns raised by the people of Western Australia and given voice by those of us on this side of the Chamber. In reference to health issues we have seen Royal Perth Hospital announce that it will cut \$5.5m out of its own budget - a cruel irony given that this is the amount needed to build the Court belltower, which represents this Government's preoccupation with the Barrack Square development. It is tragic to see a hospital having to extract from its own core areas funds of that magnitude that are clearly available within government but available only for that type of beside-the-point allocation. It is not an area of state government responsibility for the Government to be building monuments to itself. The belltower has become a potent symbol, if ever there was one, of a -

Hon W.N. Stretch: That is your view. It is not that widely held by the rest of the community.

Hon TOM STEPHENS: It is widely recognised throughout the Western Australian community as being a monument to the misplaced priorities of this Government. Although all Western Australians are affected by this mismanagement, regrettably, those in regional and rural areas are most affected by it. The most important people in those communities who are affected are the young people - the future of our country - who need the right support, facilities and opportunities if they are to remain and thrive in those areas.

Hon Greg Smith: Go talk to the geologists and the drillers who are out of work.

The PRESIDENT: Order! I cannot hear what Hon Greg Smith is saying. The Leader of the Opposition may be able to hear -

Hon Bob Thomas: He is ignoring it.

The PRESIDENT: That is not the problem; it is that the Hansard reporter also may not hear him clearly. That is one reason we have a ruling about members not interjecting. Let us allow the Leader of the Opposition to get on with what he has to say.

Hon TOM STEPHENS: The Human Rights and Equal Opportunity Commission has released the results of its survey of rural education for all of Australia, with emphasis on the impact of the existing structures in Western Australia. There are legitimate complaints by the communities that are not being allocated resources to enable the young people in those areas to be educated.

Recently I was in Derby attending a rally that was demonstrating against the Government's misplaced priorities concerning the tidal power project. As the Cabinet came to town, the community rallied. I heard the widespread concerns of that community about the failure of the Government to tackle some of the important questions. Regrettably, I was not invited by the Government to its community luncheon, for some reason or other.

Hon N.F. Moore: It has been the tradition ever since there have been community lunches, which were started by the previous Labor Government, that upper House members not be invited.

Hon TOM STEPHENS: That is not the case. I remember Hon Norman Moore being there.

Hon N.F. Moore: Not that I can remember.

Hon TOM STEPHENS: I certainly remember the presence of upper House members from the Mining and Pastoral Region at community luncheons in my electorate when we were in government.

Hon N.F. Moore: I think I might have gatecrashed!

Hon TOM STEPHENS: I am sure that is not the case.

Hon N.F. Moore: That is the advice I have, and I have asked for that procedure to be changed because I do not think it is right.

Hon B.M. Scott: Maybe he met the criteria.

Hon TOM STEPHENS: Right. Nonetheless, I stood with those community members to demonstrate against this Government. The fact that I was not invited to the taxpayer-funded nosh-up which was held to try to deflect the attention of the community of Western Australia -

Hon Simon O'Brien: That is what all the complaints are about!

Hon TOM STEPHENS: No. I would have preferred to have the invitation, so that in that community I could politely decline. Whether I do so in other communities remains to be seen.

Hon N.F. Moore: When did you go to Derby for a cabinet meeting?

Hon TOM STEPHENS: I think it was in about 1990, from memory.

Hon N.F. Moore: You have never been there.

Hon TOM STEPHENS: That is not true. I remember walking up the steps to the community luncheon in 1989 with Premier Dowding.

Hon N.F. Moore: In Derby?

Hon TOM STEPHENS: I remember it very well.

The PRESIDENT: Order! I know community lunches are important; however, we are dealing with the right of reply on the motion that has taken some days to be debated in the House. Let us get back to that.

Hon TOM STEPHENS: I agree. I would like to conclude my remarks by about four o'clock. It is my intention to make this point -

Hon N.F. Moore: Talk about filibustering.

Hon TOM STEPHENS: I will finish my remarks at about four. I will not filibuster at all.

Hon N.F. Moore: You have been introducing the motion for about three weeks!

The PRESIDENT: Order! I call the Leader of the House to order.

Hon TOM STEPHENS: When community luncheons associated with regional cabinet meetings are illustrative of government priorities, it is important that Cabinet be much more responsive to the expectations of the communities, including regional communities, in areas which too regularly are left languishing in the absence of the resources they need. It is tragic to think that the community of Derby did not get the tidal power project. That is a legitimate expectation, given that funds are available from the Federal Government for such a project, should they be sought.

Just as importantly, that community has a legitimate claim to where the School of the Air is placed in the Kimberley region. That facility services a whole spread of the community across that geographic region - typically people associated with the pastoral industry. They have a legitimate right to see in place a School of the Air that can service their needs. Instead, the

staff and students are left with a building that has long outlived its usefulness in servicing of the needs of that school. It is tragic to think that the most the Government has said about the needs of the School of the Air, at least in this place, is that it remains at the top of the priority list for the funds that should be spent in the district office of the Education Department in the Kimberley. The Government has yet to make a commitment to ensure that that School of the Air gets the resources it needs. I attended the famous "Cue parliament" last week and heard the legitimate concerns.

Hon Simon O'Brien: You are introducing a lot of new material.

Hon TOM STEPHENS: This is not new. Members opposite said that the Government -

Hon Greg Smith interjected.

Hon TOM STEPHENS: It is important for members to realise that when we -

The PRESIDENT: Order! There is too much noise in the Chamber.

Hon TOM STEPHENS: When those opposite try to defend the Government's record in regional and rural education, it is important that they recognise that these matters have not been attended to adequately. They are wrong when they have argued that they have. That is illustrated by two examples: The Kimberley School of the Air and, in turn, the legitimate expectations that are put capably by the likes of distinguished pastoralist, Mr Bill Mitchell, a councillor from the Shire of Murchison. I think he is a very active member of the Liberal Party, trying to unseat some members opposite, I hope. At least he has recognised the needs of his community in the pastoral industry for access to a functioning school of the air. Technology is now available that can deliver to students audible classroom simulation through the telecommunication systems, technology which is yet to be deployed through the schools of air to accommodate the legitimate expectations of the children of those in the pastoral industry to have education on site.

Hon Greg Smith interjected.

The PRESIDENT: Order! Hon Greg Smith has already spoken on this matter.

Hon TOM STEPHENS: It is important that members opposite, particularly those who represent those areas -

Hon N.F. Moore: I know the previous minister spent vast sums of money on rural education, as you know.

Hon TOM STEPHENS: Regrettably the minister has not delivered to that community, particularly to the people in the pastoral industry, services that would ensure -

Hon N.F. Moore: He is not still the Minister for Education. He did that.

Hon TOM STEPHENS: Regrettably, people are still putting forward legitimate grievances and complaints of the likes of those raised by Bill Mitchell - no doubt he will be after preselection, if I get the scuttlebutt right - in ensuring that his community -

Hon Greg Smith: It takes more than one vote to get preselected.

Hon TOM STEPHENS: I am sure he would come onto this side of the House to argue very capably the case of the industry in which he is involved, once those opposite have been driven out of the communities, such as the one represented by Hon Greg Smith, communities which those opposite have ignored for too long, treating them like camp dogs that can be taken for granted, rather than doing anything to respond to their needs. The people in those communities are as entitled as anyone else in the State to access to education. Is it any wonder that they have a strong sense of grievance, as expressed in that "Cue parliament", about the failure of governments at state and federal levels to deliver an education system by means of modern telecommunications to improve their lot?

It has been confirmed that young people in many country areas are still being disadvantaged because of the failure of government in rural education. More than 3 000 people responded to the survey of the Human Rights and Equal Opportunity Commission, which was sent out to 5 000 people in rural and isolated areas. About 400 teachers, parents and students in Western Australia took part in that survey. The commissioner said that the results reveal widespread concern about the delivery of education in the bush.

The principal of Geraldton Grammar School raised the issue of school funding in his submission and pointed out that although rural schools have the same income as their city counterparts, given the higher prices of goods and services in regional areas, which are about to increase again because of the goods and services tax, country schools can buy less with their dollar, and they will be able to buy even less as a result of the impact of the GST which will soon hit them. The Human Rights and Equal Opportunity Commission said that other people who responded to the survey had similar views. Regrettably, this Government continues to stand guilty of basing its policies on an urban model. Under the current Premier, almost 100 per cent of the Government's focus has been preoccupied with the central business district model of government, and then trying to transfer that to a rural situation. This makes it difficult for people in rural areas because other matters are significantly impacting upon them.

The plight of country youth and the lack of services for them most aptly sums up what this motion is all about.

Hon Greg Smith: Go and look at the police and citizens youth clubs.

Hon TOM STEPHENS: The problems that exist in our society have been dealt with in detail. Great work has been done for the PCYCs in places like Port Hedland by my colleague the member for Pilbara. Regrettably, however, too regularly

that has not been with adequate support from this Government. The only time this Government wants to turn up to give support is when it can seize a photo opportunity when it is delivering its small cheques for the efforts of those community groups and the PCYCs. For instance, Hon Greg Smith may trundle in to try to grab a photo opportunity in the local press when delivering the token support which is regrettably the reality that surrounds this Government's response to the legitimate needs of youth. The plight of country youth is indeed a legitimate grievance of the people of Western Australia. Government members have tried to highlight -

Point of Order

Hon DERRICK TOMLINSON: My point of order relates to Standing Order No 83, which states -

Except when introducing a Bill or by leave of the President, no Member shall read his speech.

I understand that the member is reading his speech, and I ask you, Mr President, to rule on that.

The PRESIDENT: Because I am not aware of whether the member is or is not reading his speech, all I can do at the moment is to ask the member whether he is reading his speech. If he is, clearly he is in breach of Standing Order No 83. Therefore, I ask the member whether he is reading his speech.

Hon TOM STEPHENS: I am not, and the member knows that I am not. I ask you, Mr President, to rule that he is -

The PRESIDENT: I do not have to rule. I did not think Hon Tom Stephens was reading his speech, but I was obliged to ask because the matter was raised. The reason I did not think he was reading was that he seems to have been fending off interjections for the past 25 minutes. If we can return to the reply, I would be obliged.

Debate Resumed

Hon TOM STEPHENS: On the major issues, such as health, education and law and order - the issues that have been referred to in this motion - it is clear that the Government has no comeback on the points that opposition members have made in this debate. Apparent increases in budgets mean nothing, particularly when they are disguised within figures. The Government tries to jumble up the numbers to confuse the public about the reality that is being experienced; that is, on a real per capita basis the Government has gone backwards, and that has been the experience across this State in all of those areas. Even the Government's supposed strong economic management no longer exists as a defence in the face of the complaints of the community, which sees a government with a budget beyond its control - a budget that too regularly now is being adversely affected by the Government's failure to tackle some of these core issues. We have seen the devastating impact on the budget of the pursuit of ideologically driven policies, which deliver increased costs and budget overruns and which are not effectively responding to the needs of the Western Australian community.

The expensive use of the privatisation strategies, the contracting out strategies and, regrettably, the extensive use of consultants and other fads in which this Government has been engaged have produced for this State a sorry, tragic tale in the budget conditions that apply to the Government of Western Australia. It is no longer possible for this Government to hold up its head as being a credible economic manager. Indeed, the Government is faced with the reality that it now sees it as essential that the State's major assets be disposed of to maintain a budgetary position; otherwise the State will effectively sink under this Government's mismanagement.

I refer to the concerns expressed by the Executive Director of the Institute of Public Affairs, Michael Nahan, that without the publicly unpopular sales of AlintaGas and Westrail freight, our AAA rating is under threat. It is only by selling those assets that the Government will have the opportunity to maintain that credit rating. I say to the Government that its cover has been blown. Its capacity to be a credible economic manager is in tatters. Mike Nahan is probably the best and most articulate presenter of the case in prosecution of the Government. He has confirmed for the people of Western Australia what a sorry economic manager the Government has been.

The PRESIDENT: I sat through all of the debate on this motion. I do not remember Mike Nahan's name being raised. The Leader of the Opposition's job in his right of reply is to comment on the issues that have been raised, not to introduce new material, and certainly not to rerun his speech introducing the motion. Therefore, if he can return to the specifics that were raised by members, we will have a proper right of reply.

Hon TOM STEPHENS: Thank you, Mr President. The specific comments that I am making are in response to the claim that was regrettably made too often by members opposite that they had the economic credentials and the runs on the board to justify their rejection of this motion because somehow or other they had their funding commitments and priorities right. I am illustrating that not only is the Government's argument in this Chamber not accepted by members opposite, but also it is not accepted by the economic commentators, many of whom have spoken on this question. Among those commentators is the Executive Director of the Institute of Public Affairs, Mike Nahan, who makes the same point that I made in my introductory remarks, which refutes the points that members opposite have made in this debate that somehow or other they have the balance and priorities right. That is patently untrue. It is clearly not the case, and the claims of people like Mr Nahan are further justification of why members opposite should desist from making the claim and join the Labor Opposition in supporting this motion. At the next election the Government will be judged on how it has managed this State. The answer from the people of Western Australia will be that it has done that poorly. I have no doubt that the votes of the members of the Western Australian community will clearly show that they also support this motion.

Since the start of this debate, its process has revealed some additional information about the questions that were raised in my first comments on this motion. Those figures are delivered to the Chamber by the likes of the Leader of the House, in which he confirms the details about the operation of the belltower which, in turn, are then defended by the Minister for the

Arts, who is held in enormous disdain by this community; yet he is again championing another unpopular project - in this case, the belltower. Every member opposite who spoke defended that expenditure, flying in the face of the public revulsion at what that project says about this Government. Anyone who is in close contact with the Western Australian community, as is the Labor Opposition, can tell members opposite that this project is the biggest nail in their coffins. Despite what they have said during this debate, it has been appropriately added to the motion I moved and the arguments I put originally. By virtue of my response to their arguments in which they have tried to defend that expenditure, they are wrong; the people of Western Australia know they are wrong; the Labor Opposition knows they are wrong; and I hope in a little while this House will also join with the community of Western Australia in stating that they are wrong and that they should get themselves back on track, not just for their own sake but for the sake of the community of Western Australia. We see, instead, a Government that is self-satisfied with its track record to this point, and which continues to boast about its belltower project, for which the people will now have to pay a \$5 entrance fee, and the \$7.2m Barrack Square redevelopment budget might blow out even further depending on the cost of dredging. There is a good prospect that the Barrack Square redevelopment budget will blow out even further depending on the full cost -

Hon N.F. Moore: What has blown out already? What do you mean "even further"?

Hon TOM STEPHENS: Over and above that which was originally identified as the cost of that project.

Hon N.F. Moore: Tell me what the blow-out is so far.

Hon TOM STEPHENS: Constantly the figures associated with the Barrack Square redevelopment continue to grow.

Hon N.F. Moore: The Barrack Square redevelopment is separate from the belltower. Do not combine them.

Hon TOM STEPHENS: Effectively they are all projects which indicate that this Government has its priorities wrong and that it has combined expenditure of \$7.2m for the Barrack Square redevelopment, which may grow by virtue of the costs associated with dredging. We see additional costs now being necessary.

Hon N.F. Moore: Don't you like Barrack Square either?

Hon TOM STEPHENS: I am just saying that it is evidence of the Government's misplaced priorities, as we see the Government's failure to utilise the resources available to it to meet the needs of the constituents who have elected us to represent this State. Plans to raid the community sporting and recreation facilities fund to build a swimming pool next to the Premier's belltower were revealed during this debate.

Hon N.F. Moore: That is not true at all!

Hon TOM STEPHENS: Plans were revealed in which the Government indicated there would be expenditure potentially coming from the community sporting and recreation facilities fund to build a swimming pool next to this pet project. The tabling of a report in Parliament shows that the proposed convention centre will attract only two conventions a year which could not be held at Burswood. That shows that the Government is proposing to waste more than the \$110m allocated. We also now know that a review is taking place as to whether the convention centre, referred to in this motion, should go ahead. However, that review should, and appropriately must, take on board the realities -

Hon N.F. Moore: Who is doing a review?

Hon TOM STEPHENS: Is the Leader of the House telling me that there is no review?

Hon N.F. Moore: You have just made a statement that a review is going on.

Hon TOM STEPHENS: Is a review being carried out on whether a convention centre should proceed in this State?

Hon N.F. Moore: That is absolute news to me, and I am the minister responsible; you would think I would know.

Hon TOM STEPHENS: Is the Leader of the House saying that there is or is not a review?

Hon N.F. Moore: No review is being undertaken into whether there should be a convention centre. That is absolute nonsense.

Hon TOM STEPHENS: In the face of the information that is now becoming widely available to anyone who is remotely interested in this topic about the superfluity of convention centres that are currently being created throughout Australia - convention centres that will be tripping over one another to compete for the conventions that could be held within this geographic region - the Government runs the risk of not only hanging a very significant millstone around the necks of the taxpayers of Western Australia, but beyond that, a super-extraordinary millstone. We already have a facility at Burswood which can adequately cater for everything except the two conventions a year to which I referred. It is time the Government recognised its core responsibilities. Until it can deliver on the legitimate expectations of the people of Western Australia, there is no room for government -

Hon N.F. Moore: Will you tell me about this review?

Hon TOM STEPHENS: I am horrified -

Hon N.F. Moore: Who is reviewing whether we need a convention centre?

Hon TOM STEPHENS: I understood that a review was being undertaken by government.

Hon N.F. Moore: Tell me who is doing that?

Hon TOM STEPHENS: I am horrified to think that one is not being carried out, because if it is not, it should be.

Hon N.F. Moore: You have made an allegation.

Hon TOM STEPHENS: I understood that it was taking place.

Hon N.F. Moore: Can you tell me who is doing it?

Hon TOM STEPHENS: I will tell the Leader of the House this -

Hon N.F. Moore: Don't read your notes; just tell me.

Hon TOM STEPHENS: I understood that a review was being conducted. The Leader of the House has just told me it is not. I will take it on face value that a review is not being conducted.

Hon N.F. Moore: Good, because I have told you that there is not.

Hon TOM STEPHENS: There damn well should be a review bearing in mind the realities with which we are faced.

Hon N.F. Moore: Two proper studies have indicated that we need a convention centre. I might add that your previous government was going to do the same thing, and you know it as well as I do.

Hon TOM STEPHENS: If a review was conducted right now into whether we should have a convention centre paid for by the taxpayers of Western Australia, in the face of the realities that have emerged around this country in reference to convention centres, it would surely tell even the Leader of the House that he would be wrongly advised to proceed with expenditure of taxpayers' funds on a convention centre of this shape and size in this State at this time. The Government should return to its core areas of responsibility.

Since this debate was launched in this place, the Minister for Health has revealed that on 17 days in the past month hospital patients were forced to sleep outside normal wards, with overcrowding affecting 178 patients. That is an improvement on the figures that were once reality. However, the situation in which hospital patients throughout this State are faced with unacceptable delays is still not an acceptable reality. Those current statistics are on the downhill slide but, nonetheless, should be improved by a real allocation of government funds which would make significant inroads on that issue. The tragedy is that, instead, the Government allocates its resources to projects like the belltower and the convention centre. With regard to the health needs of my electorate, emergency oxygen equipment was not available to one patient recently. I have detailed my concerns about the failure of this Government to adequately equip small nursing posts in regional communities, where defibrillators do not work -

Hon B.K. Donaldson: There is no excuse. There is a lack of administration in the places concerned.

Hon TOM STEPHENS: There is absolutely no excuse, but regrettably the excuse that they are giving for the failure of that emergency equipment is the failure of the system to deliver to them the cash resources that are required to ensure that those facilities work and are replaced on a regular basis. Those resources are now proposed to be spent on a belltower and a convention centre. Emergency patients have been admitted to hospitals and forced to sleep in corridors and television rooms for two weeks in a row, and for up to 16 weeks. Extraordinary realities have been on display during this debate, and those realities refute the defence that has been given by members opposite in their response to this House. The plastic surgery ward has been closed due to a shortage of nurses. That closure has, no doubt, been exacerbated by the freeze on staffing positions that has been put in place by the chief executive of the Metropolitan Health Service Board, who we were told in recent answers to this Parliament earns \$293 800 per annum, as set by the MHSB, plus payment for telephone calls -

Hon Max Evans: He is running a \$1b budget. What would be a fair payment to someone who is running a \$1b budget, just off the top of your head? Should he be paid the same as you, or less?

Hon TOM STEPHENS: If funds of that sort are available to pay the CEO, at least the defibrillators in the country nursing posts should work and the emergency oxygen equipment in the hospitals should work, and people should not need to sleep in corridors and television rooms waiting for surgery opportunities that regrettably seem not to be provided in adequate time. The announcement of a plan to reduce waiting lists was attacked, as we all know, by both the Opposition and the Australian Medical Association as amounting to little more than window-dressing and being effectively only a reshuffling of some of those waiting lists between different hospitals without increasing the resources available to the health system.

Hon Norm Kelly: It is a pity we could not donate the money that this debate has cost to help reduce the waiting list!

Hon TOM STEPHENS: It would be fantastic if the Government learnt something from this motion and it led to some change of emphasis and direction, because then whatever might be the cost of this debate, it would at least have been worth it and the voice of the people of Western Australia would have been heard. We are doing our job.

Hon Barry House: It costs \$10m to run the Parliament each year. You should donate that!

Hon Max Evans: Close it down!

Hon TOM STEPHENS: It would be a great tragedy if that was the argument that was being canvassed, because at least the concerns of the people of Western Australia are being expressed in this place in this motion. They have legitimate grievances which we are trying to get through to the Government. We are doing our best to try to make the Government understand that it has got it wrong.

Hon Barry House interjected.

Hon TOM STEPHENS: I hope Hon Barry House will vote with the Labor Party when the division is called, because having raised the concerns of the community of Western Australia and having heard the inadequate reply delivered by government ministers in this House and, regrettably, by some of the member's colleagues, it is time not just to yell out in the party room to complain about government ministers but also to take the opportunity in the House here and now to complain about the misplaced priorities of the Government of this State.

Hon Barry House: I was going to put in an hour, but I did not have time.

Hon TOM STEPHENS: In the party room the member would probably need more than an hour to convince government ministers of their misplaced priorities. The member has not spoken in this debate, but he has the opportunity now to cast his vote -

Hon Barry House interjected

Hon TOM STEPHENS: Preselection has not come around yet! The voters of Western Australia and of the south west have a legitimate expectation that members will put their legitimate grievances to the Parliament. Nothing would give them a bigger jolt than if Hon Barry House crossed the floor and said to the Government, "I have heard the people of the south west complain about the misplaced priorities of this Government, and for all those reasons I will join with other members of this House across the three parties to express that point to the Government of Western Australia". We have heard those grievances. It is now time for members opposite to take the courageous step of voting with us and saying -

Hon Bob Thomas: Hon Barry House supports the belltower! He is the biggest supporter of it!

Hon TOM STEPHENS: I regret to hear that, because there are so many things that his beautiful electorate needs, and in some cases has been getting and in other cases has not been getting, and that would be delivered by a Government that had a greater focus on the priorities and concerns of the Western Australian community.

The people of Western Australia are speaking regularly on these issues. They are speaking to us as members of Parliament. They are speaking through their letters to the editor. They are speaking in the answers that they give to the opinion pollsters about the issues that are put to them. They are saying to us that they have a legitimate demand that the Government get its priorities right and that it be focused on the bottom line of the three-part equation of economics, environment and social dividend. The people of Western Australia have the legitimate right to expect a bolstered health system and a healthier community, but instead they are faced with the failure of that system. They have the legitimate right to expect a bolstered education system. They have the legitimate right to expect community safety. They have the legitimate right to expect a public transport system that meets their transport needs. They have the legitimate right to expect the Government to focus on the core areas of responsibility that have been entrusted to this Government, rather than engage in flippant expenditure on projects that are wanted only by members of this Government. It is not too late for the Government to pull back from those strategies and to convince the people of Western Australia that it has listened to them. I had hoped that in the process of this debate, the Government would show some semblance of understanding. Regrettably, that has not been the case. One after the other, government members have defended the indefensible, like the belltower project, which all members who have spoken have defended, and like the convention centre. It is all a monument to their failure to understand the legitimate demands of this community. I commend the motion to the House. I urge all members to vote in support of it to send the message to this Government that it is no longer on track.

Question put and a division taken with the following result -

Ayes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon N.D. Griffiths
Hon John Halden
Hon Ljiljanna Ravlich

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

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

Noes (16)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Helen Hodgson
Hon Norm Kelly

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

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

Pairs

Hon Tom Helm
Hon Mark Nevill

Hon Murray Montgomery
Hon Barry House

Question thus negatived.

TITLES (VALIDATION) AND NATIVE TITLE (EFFECT OF PAST ACTS) AMENDMENT BILL 1999

Report

Report of Committee adopted.

PRISONS AMENDMENT BILL 1998*Committee*

Resumed from 16 November. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Minister for Justice) in charge of the Bill.

Clause 7: Part IIIA inserted -

Progress was reported after the clause had been partly considered.

Hon PETER FOSS: I have some more information on the total offender management system which I do not have here at the moment but I will have later today. When I get it, I will inform the Chamber more accurately of the situation with TOMS. Hon John Halden very kindly provided me with a number of questions he intended to ask. I have some answers to those. I am not sure they are in a form which can be read directly into the record but at least I can give him the answers more quickly. I do not have anything to table but I can give Hon John Halden a copy. We might move more speedily if I do that but I will have to amplify it.

Hon JOHN HALDEN: For the sake of the record, it might be quicker if the minister read the answers in.

Hon PETER FOSS: Hon John Halden can then ask any questions. The member asked: The Attorney General's office in Victoria drew special attention to several key areas of qualitative performance such as results of prisoner rehabilitation programs and quality of staff training. What is the situation in Western Australia?

The minimum performance standards linked to the annual performance linked fee include the provision of program hours as a percentage of required hours from individual management plans. The standard is 100 per cent of the programs that we require for that. Recidivism rates, expressed as a percentage of Acacia Prison prisoners for 12 months or more reoffending within two years of discharge, are a standard of 30 per cent.

The member asked: What happens if the CEO has to amend the minimum standards? Will it involve an automatic request for more money? What measures are in place to ensure that any increase in cost is reasonable?

Proposed section 15D(2) sets out the requirements for the minister to lay before each House of Parliament the minimum standards as amended from time to time. Provisions have been made in the contract for variation. Importantly, the contractor must comply with any direction of the chief executive officer to vary a service. Such a direction could result in an increase or decrease. The contract provides for price negotiations up or down to be undertaken in good faith. If the price is not agreed, the dispute resolution procedures of the contract will be applied. Ultimately that can result in arbitration. Therefore, a fairly lengthy mediation and conciliation process occurs prior to that taking place. The CEO is an accountable officer and has the obligation to table an annual report.

The member asked: The Victorian A-G's Office commented on the inadequate monitoring of operational areas of key significance by the Correctional Services Commissioner. What is intended for Western Australia?

Provision has been made for onsite monitors to observe and report on all aspects of service delivery. These monitors, together with other authorised persons, who include the Inspector of Custodial Services, will have unrestricted access to all prisoners, contract workers, records and every part of the prison.

The member asked: How will the Parliament know that these standards are adequate? Can the House debate or amend them? Can they be the subjects of discussion within an estimates committee? Can the Auditor General examine them?

Proposed section 15G requires that the contract be tabled in Parliament. Of course there can be discussion and examination of all these matters in the manner indicated. The other point is that the Inspector of Custodial Services has a role as well. He or she can comments on what are adequate standards.

A member in the other place pointed out that new words were inserted in proposed section 15E(2) to enable any authorised person to have access to a prison at which prison services are provided under a contract or any part of such a prison, and asked why is it necessary to have the last phrase. This clarification was added on advice from parliamentary counsel. Admission into the prison via the front gate does not necessarily provide access to every part of the prison, such as the punishment cells. The revision removes any ambiguity.

A member asked whether it is intended to operate three types of prison - public, private and mixed. No, every prison will have an appointed superintendent with responsibility to the CEO for the good government, good order and security of that prison. That superintendent may be a public servant or a contractor person. There will be only two types of prison.

It was pointed out that the Victorian Auditor General's Office commented on the lack of disclosure to Parliament about the prison system by way of annual reports. A member asked what will be the situation in Western Australia. The annual report prepared by the CEO is presented to Parliament via the minister in accordance with section 62 and 66 of the Financial Administration and Audit Act 1985. The annual report contains the written opinion of the Auditor General addressed directly to Parliament based upon an examination of the operating statements, statements of financial position, statement of cash flows, program schedules and summary of consolidated fund appropriations and revenue estimates. The member should refer to proposed section 15G(2). The report is to contain such information as is required to enable an informed assessment to be made of the operations of each contractor and the extent to which there has been compliance. The position of Inspector of Custodial Services is being established as a separate entity and will, in addition to periodic reports, submit an annual report to Parliament.

The additional requirement to table contracts was noted, and questions asked about the type of security that will be available. A member asked whether the contract can be the subject of parliamentary questions, and the scrutiny of the estimates committees and the Auditor General. Yes, the Parliament, the estimates committees and the Auditor General can scrutinise the contracts.

A member asked what are the arrangements for tabling of amended contracts. I refer members to proposed section 15G(4).

A member also asked which comes first, the authorisation or the permit, and whether there will be some contract workers with permits but without an authorisation. A contract worker requires a permit to undertake "high-level security work" - a defined prison service. I refer the member to proposed section 15O. The CEO may authorise a contract worker to perform the functions of a superintendent, a prison officer or another officer. Members should refer to proposed section 15I. All contract workers need permits, and each permit authorises particular functions.

It was pointed out that "contract worker" extends to a contractor, an employee or agent of a contractor, or a subcontractor or an employee or agent of a subcontractor. A member wanted to know why the CEO would wish to have that measure of discretion. The CEO needs this discretion to ensure that only fit and proper persons are authorised to do high-level security work. This is an important issue. We were very conscious of the concerns of people who said that the Government was delegating its responsibility to look after prisons; it was handing it over to contractors and would cease to have any responsibility. The Government has tried to ensure that it has the ability to go right down through the contractual structure and say that this or that person is or is not suitable to carry out the work. That is important. If we hold the CEO responsible, he must have the capacity to go through the organisation and say that a person is no longer suitable.

A question was asked about the difference between division 3 and division 4. Division 3 relates to authorisation of functions and division 4 to the vetting and control of contract workers through permits.

A question was also asked about what "disciplinary proceedings" means in proposed section 15Q(1)(b). That is not defined. It allows the CEO to require a contract worker who applies for a permit or the relevant contractor to provide such relevant information to enable the CEO to be satisfied that the applicant meets specific criteria. Such a provision may be invoked if there is some doubt about the applicant's honesty or integrity. I refer the member to proposed section 15S, relating to refusal to issue a permit.

A member asked whether the contract worker would get to see all information submitted by a "relevant contractor". Not necessarily.

In relation to fingerprints and palm prints, a member asked how the CEO will exercise his discretion and where in regulation or otherwise is the requirement of the Commissioner of Police in proposed section 15Q(2) given effect. It is given effect because the legislation says it does. The administrative arrangements can be done in any way, including through a memorandum of understanding. The discretion is the discretion and, because it is, we have not defined how it will be used. I have no doubt that over a period of time a body of practice or law will grow up around that.

In respect of a refusal to issue a permit, a member pointed out that under proposed section 15S(2) rules of natural justice do not apply and asked why not. It means that we need to have this power if we are to move rapidly to prevent a person from carrying out this work. If we were not able to do that, we might have a protracted process. If we thought someone was associating with Brendan Abbott, we would not want to go through a lengthy process to establish that such a person was not to work in the prison. He took the Queensland Government to task legally for having confined him in a maximum security facility. As soon as he got out of maximum security, he escaped. The Queensland authorities were concerned about moving him because they thought he posed a major risk to security, and as soon as he was moved he escaped. That would be difficult to prevent because most prisons are built not to withstand an armed attack from outside but to stop unarmed prisoners escaping.

A member asked whether the CEO will give reasons for refusal to issue a permit. He may, but the CEO's authority in this section is absolute.

A member asked whether intervention by the CEO requires the approval of the minister. No, it does not.

A member wanted to know whether the State is open to liability if the private contractor claims that a termination is unlawful. The dispute resolution clause of the contract will first be applied. The essential issue is that if we breach the contract, we are liable; if the contractor breaches the contract, it is liable. However, if we are justified in terminating it, we are justified. If not, obviously, if as a result of that the contractor misses out on profit that it would otherwise be entitled to, it can complain.

Hon JOHN HALDEN: I thank the minister for that information. I refer to the issue of the rules of natural justice not applying. If those rules are covered by international obligations, is that not likely to cause some problems in the future in that they can be judicially challenged? The minister said that perhaps a body of law would be developed around it.

Hon Peter Foss: That related to the use of discretion.

Hon JOHN HALDEN: If international obligations that require a natural justice process do not apply because they have been overridden by this legislation, they may be liable to challenge. That may make both this legislation and the State vulnerable.

Hon PETER FOSS: I am not aware of any international obligations that require a person under a contract to offer natural justice. We are ensuring it cannot be implied by expressly excluding it. We are simply refusing to grant a permit at law. There is no right of natural justice to be appointed a justice of the peace. If a person is refused, he is refused and that is it.

Clause put and passed.

Clauses 8 to 17 put and passed.

Clause 18: Part XA inserted -

Hon JOHN HALDEN: Does this establish an office of one person or an agency? Is this sufficient to establish a statutory agency comprising the inspector and staff to assist? I note that in the other place the parliamentary secretary responsible said that this will be a senior position and a statutory agency. Is that the case?

Hon PETER FOSS: Yes. The office is created by this statute. The agency will be created under the method by which agencies are created at the moment. Departments and subagencies will be created under an Act that is already in place, which I have forgotten the name of at the moment. It is the one that is used to establish any agency. As I said, the office is created by the Act, and the agency is created by whichever legislation is used at the moment to do that.

Hon JOHN HALDEN: Where are the provisions that clearly mark out the independence of this office? Can the minister point to the word "independent" anywhere in this part? The Auditor General commented on the lack of independence of the Victorian agency, which has the same tasks as the ones proposed under this legislation. By virtue of that lack of independence granted statutorily, the task of monitoring the prison system was hampered and tampered with. I ask the minister to comment on that observation.

Hon PETER FOSS: I do not think the word "independent" is found in the Supreme Court legislation relating to justices. We have a regime that makes them independent. First of all, this is an independent office. Secondly, the office will have a separate appropriation. As to the conditions of appointment, the inspector has a standing appropriation for his salary and allowances, which is covered in proposed section 109C(2). As to his removal, the inspector is not subject to the Public Sector Management Act where a chief executive officer can be removed at the behest of the Premier and dismissed with a maximum of one year's compensation. He can be removed by the Government only for misbehaviour or incompetence, physical or mental incapacity, or as a result of his becoming a bankrupt. That is covered in proposed section 109E. Other financial provisions are guaranteed.

Hon Helen Hodgson: It is covered in proposed section 109L.

Hon PETER FOSS: I just want to make sure I am not missing anything in the meantime. Under proposed section 109I(1), the inspector has a statutory obligation to inspect. Under proposed subsection (3), he is given a right at any time to inspect a prison and to review a prison. Under proposed subsection (4), the inspector has the right to report to the minister or to give the minister a report. Under proposed section 109J, the inspector is required to ensure the performance of the functions of the office. He has power to do all things necessary or convenient in connection with that performance. He need not give anybody notice before he performs a function. Under proposed section 109K, he has access to everything as a right of law. Under proposed section 109L, he is not subject to direction, except as provided in this proposed section. The minister may direct this person to inspect a prison, but cannot direct him not to inspect one; in other words, the minister can ask the inspector to do things, but cannot stop him from doing what he wants to do. The minister may, after consultation with the inspector, issue to the inspector directions as to performance, but a direction cannot be issued in a particular case. The inspector then has the discretion under proposed subsection (4) not to comply with a direction if he thinks there are exceptional circumstances for not complying, in which case he must give his reasons, which shall be tabled in Parliament. Under proposed section 109N, the inspector shall report directly to Parliament. As to documents he receives, the inspector has protection similar to that provided to the Information Commissioner and the Ombudsman. There are offences for interfering with the inspector or any person who wants to bring information to an inspector. I think these provisions are pretty comprehensive.

Hon JOHN HALDEN: I go to proposed section 109B relating to the appointment of the inspector. Why is it considered necessary to specify that the person must be appropriately qualified, when neither the Ombudsman nor his deputy have that specification prefacing their appointment?

Hon PETER FOSS: I hope the person is appropriately qualified. I do not think it is a particularly sinister provision. In this case, appropriate qualifications are not as obvious as they are for, say, the Auditor General. Nearly all of the Ombudsmen have been lawyers, but they do not need to be. We must ensure the person is appropriately qualified. Obviously we must appoint somebody with some ability to inspect prisons and to pick up any concerns and problems that may occur.

Hon JOHN HALDEN: With regard to proposed section 109I(1), where did the figure of three years come from and what was the estimate of the resources considered necessary to undertake such a regime of inspection?

Hon PETER FOSS: The United Kingdom system has a five-year rotational period. We specified a shorter period. Obviously the United Kingdom system could achieve that by putting on more people to do the inspections more frequently. It is a matter of how frequently it is sensible to have that sort of rotation. The period should be frequent enough so that people do not fall into slackness in between regular inspections, but not too frequent that there is no chance to make substantial alterations in the intervening years. In a three-year period, if significant comments have been made, we should expect that they would have been addressed in that time because that is a reasonable period within which to do so. If we inspected a facility every six months, the people involved would very quickly give up, on the basis that they would never get a chance to address the issues that arose.

An analogy would be the quality assurance inspections of hospitals. They start with a three-year certificate. Once hospitals have received two three-year certificates, they get a five-year certificate. The people who certify hospitals are part of an independent group, although I cannot remember its name at the moment. They go through a similar process of inspecting

everything in a hospital. At the end, they say that a hospital meets the quality it should. Hospitals start with two three-year inspections, and then move to five-year inspections. Those inspectors think that is a reasonable inspection cycle.

Hon JOHN HALDEN: With regard to the same proposed section, in Victoria the Auditor General found that due to the need to direct scarce resources to the monitoring of private prisons, the agency with that task had undertaken very limited monitoring in public prisons. I note that this legislation obviously is tied into the Court Security and Custodial Services Bill, whatever its current status. I ask the minister to assure the Chamber that adequate resources will be available to do the monitoring as envisaged by him and this legislation.

Hon PETER FOSS: In addition to what the Victorian system has, we have permanent on-site contractual monitors. One must look at these two functions. One reason that I have a strong interest in the inspector is that I see the inspector as a mechanism for management to improve the quality of the prisons that we have. For instance, we have done the Bunbury inspection, and I see that as a useful way in which I can put pressure on the system to change, because in government, if one is purely getting information up through the system, one does not necessarily know that one will get the information needed. If one relies upon people within the prison system who are further down the line and who are not in the hierarchy, if they bump around the level, that is not good management. If it is somebody from outside, one never knows what the quality of that information is. The inspector gives access to information that in a formal sense enables one to check what is happening and to make improvements, because generally what senior management wants is improved quality. However, the system does not always provide that information. The inspector will give it from outside.

In addition to that, we will have on-site monitors for the private prisons, and they will be there all the time. The inspector will have access to all those monitors' reports. Therefore, quite apart from any inspection he might do himself, he will have access to our reports on what we see is happening in the private prisons. I can give the assurance that we intend to fund this so that the inspection is adequately carried out and the inspector's functions are appropriately carried out. That is important, not only to ensure that our contracts are carried out, but also to ensure that the public system functions. If one returns to the reason for doing this, the introduction of private prisons will probably be the single most useful thing we have to demonstrate to the current system that it should be making changes. Therefore, we want to provide funds so that not only the private prisons are looked at but also to make sure there is an adequate inspection of public prisons.

Hon GIZ WATSON: I do not know whether we are going through this in a sequential fashion, but proposed section 109I(5) states -

The Inspector shall ensure that the performance of a function of the Inspector under this Act or any other law is not likely to delay, interfere with or duplicate -

- (a) a pending inquiry under section 9;
- (b) a pending investigation, or the taking of further action (as defined in section 17 of the *Anti-Corruption Commission Act 1988*), by the Anti-Corruption Commission under that Act; or
- (c) a pending investigation by the Parliamentary Commissioner for Administrative Investigations under the *Parliamentary Commissioner Act 1971*.

Under that proposed section, is it possible that if there were a perceived need for an investigation, an investigation could be called for under the Parliamentary Commissioner Act, which would basically put any action by the inspector on hold? If that is not the case, why is that not so? What concerns me is that if a matter needed investigation, any of paragraphs (a), (b) or (c) could come into operation, and that would basically put the role of the inspector on hold and would effectively pre-empt the inspector doing anything.

Hon PETER FOSS: No. I think what we are trying to do here is to make sure that we have an appropriate accommodation between the various bodies. Some people see the inspector as being the complaints body. The inspector has an obligation to look at complaints as an indication of the system. The Ombudsman has an obligation to look at complaints on an individual basis. Therefore, if a prisoner goes to the Ombudsman, that prisoner is going to the Ombudsman with a complaint about himself that he wants to be addressed. If a person goes to the inspector with a complaint, the inspector's interest is what that complaint signifies to him about the system. It may be an isolated matter. For instance, somebody may say that his glasses got broken and had not been replaced, which is not an uncommon complaint - I am not saying that it would go to the Ombudsman, but it is not an uncommon complaint. We do not want the inspector of prisons chasing around to make sure that person gets his glasses fixed. The Ombudsman may very well want to do that, because the individual is entitled to have his glasses fixed. However, as an extreme example, if there are 1 000 complaints that people's property is constantly being lost and not replaced, the inspector would be very interested in that because it indicates a systemic problem or an attitude, or whatever it is, that has an impact on the prison. Similarly, if the complaint is that a particular prison officer smuggled in drugs and sold them to prisoners, that is obviously a matter that should be handled by the Anti-Corruption Commission, under the powers that it has.

We do not want to have two or three people investigating the same complaint for the same purpose. Each of those watchdogs has a job, and it should be carrying out that job. Each of them is independent. There should be an accommodation between those bodies. Proposed section 109O specifically deals with that matter. It says -

- (1) The Inspector may consult the Anti-Corruption Commission, the Director of Public Prosecutions or the Parliamentary Commissioner for Administrative Investigations concerning the performance of a function of the Inspector under this Act or any other law.
- (2) Information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, the

performance of a function of the Inspector under this Act or any other law may be disclosed for the purposes of a consultation under subsection (1).

The Bill then goes on to deal with disclosure of certain information and so on. The Bill is trying to say that we will not set the rules concerning how those bodies accommodate between themselves.

Hon John Halden: Do you mean between the inspectorate and the Ombudsman's office?

Hon PETER FOSS: And the ACC. Their functions are clearly different. We will not set up how they will accommodate between themselves. They are all independent offices. They have the capacity to work out that accommodation. I hope we can trust them to do so. We have the Parliamentary Commissioner for Administrative Investigations, the Anti-Corruption Commission, which we carefully put at arm's length to everybody, and the inspector, who has the right to talk to these people and carry out his role. I suppose one could envisage the situation in which they could start quarrelling with each other. Anything is possible.

Hon John Halden: It has actually happened in one jurisdiction in which the Ombudsman and the inspector had their roles blurred and crossed over each other.

Hon PETER FOSS: We have tried not to do that here. We have said that the inspector's job is a systemic job. That is what the inspector is about. There is already an Ombudsman. We do not want another Ombudsman; we want an inspector of prisons. An inspector of prisons will do a three-yearly cycle of reports about prisons. Individual complaints are far more important as an indication of systemic matters, of processes, of attitudes and of general things happening in the prison. It will not be a matter of interest to an inspector, for instance, if a particular prison officer does something wrong and then leaves the prison system. Of what interest is that to the inspector of prisons? It is a passing happening which does not tell us anything about the prison; it tells us something about a prison officer.

Similarly, the Anti-Corruption Commission is interested only in particular offences. It does not matter to the Anti-Corruption Commission whether 50 people are corrupt. If it gets evidence on one person, it can prosecute that one person. Obviously, if it can get evidence on 50 people, it will prosecute all 50. However, to the commission, each one of those people is a particular matter with which it must deal. If there were a large number of corrupt officers, that would be a matter of concern to the inspector. It would not just be a matter of concern that those officers are corrupt; it would be a matter of concern that there must be something wrong with the system if there are that many corrupt officers. Therefore, their perspectives on these matters are different. We have actively required them to consult, and proposed section 109I(5) states -

The Inspector shall ensure that the performance of a function of the Inspector under this Act or any other law is not likely to delay, interfere with or duplicate -

- (a) a pending inquiry under section 9;
 - (b) a pending investigation, or the taking of further action (as defined in section 17 of the *Anti-Corruption Commission Act 1988*), by the Anti-Corruption Commission under that Act; or
 - (c) a pending investigation by the Parliamentary Commissioner for Administrative Investigations
- ...

The proposed section also states -

The Inspector shall not deal with a complaint or grievance concerning an individual other than to advise the complainant that the Inspector's functions do not relate to the matter or, if appropriate, to refer the matter to the Parliamentary Commissioner for Administrative Investigations.

We know what are the roles. We have said to the inspector, "Stick to your role, which is inspecting prisons." The role of each seems to be quite clear; I do not have a problem understanding it. I would hope that people of the calibre of those whom we are appointing to each of those jobs will similarly have no problem understanding it.

Hon JOHN HALDEN: I do not want to test the minister's tolerance or patience in terms of the clarity of this, but can he perhaps clarify an example. He referred to the issue of the inspector or the inspectorate looking at systemic problems. We know that the Ombudsman can also look at systemic problems; in fact, the Ombudsman at this moment is probably looking at systemic problems within the prison system, or at least we hope so; maybe there are no problems, but I do not think so. It seems to me that there is a potential for blurring of the lines. Perhaps I am wrong, but this issue of blurring their roles has been raised with me on a number of occasions. It was also raised by the Ombudsman in some correspondence I have seen. There was a fear on his part that there would be or could be some blurring of the roles. Can the minister comment on that? Can he also advise whether the Ombudsman is happy with the legislation and clearly sees it as tight enough for him to operate under his legislation without impacting or crossing over on this legislation?

Hon PETER FOSS: My understanding is that he is happy with it. The Ombudsman's primary role is to deal with complaints. In the course of those complaints, he can make recommendations to avoid the repetition of those complaints. If he sees systemic problems, he can make recommendations, but his primary role is to deal with complaints. I think he is dealing with some matters generally relating to prisons and it is proving a bit much for him. I do not believe his office is geared for a major systemic review of the prisons. He might have found that he received so many complaints that he was forced to look at them on a systemic basis, and he is certainly useful to us. I have discussions with the Ombudsman from time to time when he sees something which is systemic and which he thinks we could avoid if we dealt with the overall problems so as to avoid the individual problems. However, his primary role is to deal with individual complaints. Incidentally, he might come up

with some matters which relate to systemic problems. The primary role of the inspector is to deal with systemic matters, but that may arise through individual complaints. It is what one sees as one's primary role. There are many people who will have a primary role and then a secondary role which comes up as one way of solving a problem.

What I would hope will happen is that in the course of dealing with individual complaints, the Ombudsman will come up with something systemic, and I would hope that he will hand it to the inspector to deal with as a matter under the system. I suspect that the Ombudsman would prefer to do that if he felt that was one way of dealing with it. Certainly, so far as the inspector is concerned, the Act says that if a complaint is received, it can be filed away in terms of noting it for systemic purposes, but as far as the complaint is concerned, it must be handed to the Ombudsman. One of the beauties of this system is that we separate those two complaints. It is unsatisfactory that the Ombudsman has had to deal with things under a systemic basis when he should be dealing with the aberrations.

One of the things the inspector will do is address one of the problems of the Ombudsman, which is dealing with some of the systemic matters. Hopefully, if we deal with the systemic matters, the only things that will come up will be the individual aberrations. If the inspector is doing his job, hopefully, the amount of matters going to the Ombudsman will drop enormously if we get the system right. As an example, one of the issues we have received from the Ombudsman is that we need a better grievance procedure within the prison system, so the only things that bump over to us are the individual grievances that have not been dealt with by the grievance procedure in the prison. Quite clearly he has indicated that to us and that is why we are building an in-house grievance procedure now. Plainly it is best practice to have it and we should be doing it. If we put that in place, it is the Ombudsman's belief that a large number of the complaints he receives will disappear. We will deal with the bulk of individual complaints; he will deal with the ones we cannot solve. Similarly, if we make other systemic changes - I have had some suggestions from him on how we can get rid of complaints - hopefully the complaints he receives will be reduced.

A classic example is that the Ombudsman believes that one of the big problems is the failure of the system to address parole in time; the process gets delayed and people get very toey about that. There is a built-in standard period in which matters are dealt with. At the moment we are doing a review of samples of people to see when their parole is being dealt with and the earliest it could have been dealt with. We must then change that system. If we change that system, a large number of the Ombudsman's complaints will go. There is a clear role for each of the people concerned. If they are all functioning appropriately, I do not think there will be a difficulty. If we have someone who is dealing with systemic complaints, hopefully the Ombudsman can forget about those and just deal with the exceptions. If it works, each person's role becomes simpler.

Hon BOB THOMAS: I was distracted while the minister was talking about the system. I cannot remember whether he said he was looking at a grievance procedure or whether he said that it was included in this Bill.

Hon Peter Foss: We are.

Hon BOB THOMAS: Is the minister addressing that issue now within this Bill?

Hon Peter Foss: No.

Hon BOB THOMAS: I suggest that the minister look at the British system, in which the first point for that complaint is somebody in the prison. Then, if the complainant is not satisfied with the outcome, he or she can go to the head office and after that has been exhausted, that person can then go to the Ombudsman. The next issue relates to the independence of the inspector and the staff employed by the inspector. Britain has an independent inspector, Sir David Ramsbotham, and he employs a number of people to carry out his functions. He has employed people who come from within the prison system. Naturally they come along with their prejudices. I have spoken to a number of people who are employed in that system and I have found that they have a deep hatred of the prison officers union. The reason is that the people who are employed in the inspectorate are former governors or acting governors. One of the most powerful unions in Britain is the prison officers union. It has stood the system up so many times on matters that may not have been principled. The people who are working within the inspectorate have those prejudices and it colours some of their judgments, particularly in relation to private prisons. What mechanisms are in the Bill - if they are there, can the minister show them to me - to ensure there will be independence within the inspectorate?

Hon PETER FOSS: I deal with Hon Bob Thomas' first statement on grievances. That is exactly what the Government is doing. It is clear that an external grievance procedure should be the last resort and not the first. A good grievance system should significantly reduce the number of complaints to the Ombudsman. That is why the Government is working on a grievance procedure similar to the one suggested by Hon Bob Thomas. It is up to the Inspector of Custodial Services to decide who works in the inspectorate, but those people can be seconded, taken on contract or engaged in employment. The people who did the last inspection in Bunbury included Jan Shuard, who was a superintendent; Bill Callan, a policy officer; Mike Vickory, from head office and May Barry, a senior officer. Simon Bodas was the person who led the inspection. He is a policy officer from Her Majesty's Inspectorate of Prisons and has considerable experience in prisons inspections. Bob Fitzgerald was the project manager and he is also a policy officer. Only two people were from the prisons. I cannot see any particular bias or bent that can be picked out of the inspection report. The sort of people the inspector chooses to run the office will be up to the inspector. I hope there will be the appropriate mix of people. It helps to have a poacher as a gamekeeper because they know what the tricks are. Therefore, there is something to be said for having some prison experience in the inspectorate, but I do not think all should have prison experience.

Hon HELEN HODGSON: During discussions about this issue, we suggested that regulations could be put in place to oversee who could be employed to inspect a particular prison. For example, if an officer from Canning Vale Prison moved

into the inspectorate, it would be inappropriate for that person to be involved in inspections of that prison. We discussed some methods of using regulations to govern the appropriateness of those sorts of secondments.

Hon PETER FOSS: That is correct. We will have regulations to avoid a conflict of interest.

Hon GIZ WATSON: I want to complete my earlier point about proposed subsection 109I(5). The minister spoke about the need to keep the Ombudsman's functions separate from the so-called independent inspectorate; however, proposed subsection (5) says that other inquiries, such as under section 9 of the Prisons Act, an Anti-Corruption Commission or a Parliamentary Commissioner for Administrative Investigations inquiry take priority over an inquiry by the inspector. I do not see where the contrary occurs in this Bill. That implies that the Inspector of Custodial Service's function is secondary to those other inquiries. I do not see where the Bill says that an inquiry by the Parliamentary Commissioner for Administrative Investigations would not delay, interfere with or duplicate an inquiry by the inspector.

Hon PETER FOSS: We should insert the alternative statement into the proposed subsection. I do not think we would like the Bill to read "the Inspector shall ensure that the performance of a function delays, interferes with or duplicates". The current statement is correct: We do not want to delay, interfere with or duplicate any other inquiry. The idea of delaying, interfering with or duplicating other inquiries is undesirable. The inspector does not interfere because the other bodies deal with particular issues. The inspector can deal with the system without investigating individual cases, whereas the responsibility of the Ombudsman and the Anti-Corruption Commission is to deal with individual cases. It is clear that the role of the inspector is to inspect the prison, not chase up individual complaints. It is the role of the Anti-Corruption Commission and the Ombudsman to chase up individual complaints. The inspector can still do everything he needs to inspect the prison and report on the system without investigating a particular complaint. He can note that a complaint exists but he does not want to delay, interfere with or duplicate it. It is the job of the Ombudsman and the Anti-Corruption Commission to deal with individual complaints; it is not the inspector's job. It is not a matter of which body has priority but of each keeping within their own bailiwick and doing the job they should be doing. There is no harm in the inspector investigating an individual complaint if he finds out something about the system as a result. However, if somebody is already investigating the complaint, the inspector should not investigate because the job is being done by somebody whose job it is. It is not the inspector's job.

Hon GIZ WATSON: My other question is about the inquiry into prisons by the Ombudsman. This is one of the things that makes me question the genuineness of some of these matters. I understand the Ombudsman's report is outstanding by about 13 months. Can the Attorney General comment on that?

Hon PETER FOSS: I cannot comment on that because the Ombudsman is an independent person. I can say that I believe that once an internal grievance procedure and inspector are in place, most of the avalanche of complaints the Ombudsman deals with will not come to him anymore. The Ombudsman will be able to get on with doing his job. The good thing about having an Inspector of Custodial Services is that the Ombudsman will not have to worry about systemic matters and will be able to concentrate on his job, which is to deal with individual complaints. We will all need to draw our conclusions from outside the system because the Ombudsman is independent. However, if any conclusion can be drawn, it is that the system will be better off when the Ombudsman can get on with his job because somebody else can look after the systemic problems.

Hon GIZ WATSON: Can the minister clarify how such a differentiation will be made? If a request is made to the Ombudsman, at what point will it be transferred to the inspector because it is seen as a systemic issue? I am trying to picture how those judgments are made.

Hon PETER FOSS: The complaints would never be transferred. If a complaint is received, it is dealt with by that person. However, if that person thinks it indicates a systemic problem, the Parliamentary Commissioner for Administrative Investigations would tell the inspector he thinks he has received a systemic complaint. He must still investigate the individual complaint. If there is an inspector who deals with systemic matters and a grievance procedure that deals with most of the complaints before they go to the Ombudsman, the Ombudsman will not receive the complaints. Hopefully, if the systemic problems are dealt with and a grievance procedure exists, a large of number complaints will be eliminated. However, if the Ombudsman receives a complaint, he must deal with it. The proposed subsection says that the inspector must not interfere with or duplicate the investigation because it is the Ombudsman's job to deal with individual complaints. In the course of dealing with a large number of individual complaints, the Ombudsman may conclude that there is a systemic problem. At that stage the Ombudsman should speak to the Inspector of Custodial Services and tell him he thinks there is a systemic problem. The inspector will look at the systemic problem. However, each has his own function: One is to look at the system and the other is to deal with the individual complaints. The Ombudsman cannot disregard an individual complaint.

Clause put and passed.

[Questions without notice taken.]

Clauses 19 and 20 put and passed.

Schedule 1 put and passed.

Title -

Hon PETER FOSS: I do not have the information I was going to provide to members on the total offender management system - TOMS. When I have that information I will give it to members.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON PETER FOSS (East Metropolitan - Minister for Justice) [5.36 pm]: I move -

That the Bill be now read a third time.

HON JOHN HALDEN (South Metropolitan) [5.37 pm]: I do not wish to take up the time of the House for any protracted period of time. I have made the views of the Australian Labor Party clear in this debate. We will not be supporting the third reading and I have outlined the reasons for that. One reason is clearly our ideological position, from which we do not back away. Secondly, we do not believe there has been any proved justification for this step, either by the Government or by the public of Western Australia. The legislation is of reasonable quality. However, I am sure that companies like Corrections Corporation of Australia have had reasonable legislation drafted in the United States of America and other parts of the world by even more competent people than we have to draft legislation and have still acted in a way that has not been in the best interests of custodial or correctional practice. There is nothing wrong with the intent and purpose of the legislation. At the end of the day the question is whether this particular corporate citizen will behave as it has done in other parts of the world and other parts of Australia or whether it will be constrained by this legislation. Time will tell, Mr President, but I note that we have been outlawing murder for a long time and have not been able to succeed in stopping it. I hope we will be a little more successful with this contract and this legislation.

HON GIZ WATSON (North Metropolitan) [5.39 pm]: I reiterate vehement Opposition to this Bill by the Greens WA. We consider this to be an enormously retrograde step for the State. The consequences of it will be borne out over time. I cannot express strongly enough the degree of distress and opposition conveyed to me about this legislation. I am exceedingly disappointed that this privatisation of prisons - prisons for profit - has been pursued by this Government, although it is not surprising considering its ideological position. However, I am exceedingly disappointed that the Australian Democrats have shown their support for the Bill. We will all live to regret the passing of this legislation.

Question put and a division taken with the following result -

Ayes (16)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Helen Hodgson
Hon Norm Kelly

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

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

Noes (13)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon N.D. Griffiths

Hon John Halden
Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Bob Thomas

Hon Ken Travers
Hon Giz Watson
Hon E.R.J. Dermer (*Teller*)

Pairs

Hon Murray Montgomery
Hon Barry House

Hon Mark Nevill
Hon Tom Helm

Question thus passed.

Bill read a third time and passed.

ACTS AMENDMENT (POLICE IMMUNITY) BILL 1999*Second Reading*

Resumed from 13 October.

HON N.D. GRIFFITHS (East Metropolitan) [5.44 pm]: The Australian Labor Party supports this Bill because it agrees with its aims. It seeks to provide protection to members of the Police Force against civil action for anything those members do without corruption or malice in the performance of their functions as members of the Police Force. The Bill does not preclude an innocent third party from seeking compensation for any injury or loss arising from an action by a member of the Police Force who is negligent, but neither malicious nor corrupt. Other people, such as public servants, have a similar immunity in that they are protected by vicarious liability legislation when their actions are in good faith. This legislation seeks to provide similar protection to members of the Police Force.

I am very pleased to see that the legislation has been brought on at last. I note that it would not be before us if it were not for the efforts of the member for Midland and the member for South Perth, who introduced a Bill dealing with this subject in September 1998. The Government has delayed far too long on this issue, as it has delayed on so many other issues. I do not propose to delay further the passage of this much delayed legislation.

HON NORM KELLY (East Metropolitan) [5.46 pm]: The Australian Democrats also support the Bill and also believe it is long overdue. I acknowledge the work of the member for South Perth in pushing this issue by introducing his own Bill.

I also applaud the Government for progressing the legislation, particularly the Police minister, who I believe has worked hard to have the legislation dealt with at this time.

There are many pieces of police legislation for which we are waiting. I understand we will see some more of them next week. I encourage the Government and government members to do as much as possible to ensure the Police Act, which was established in 1892, is brought into the twentieth century before we reach the twenty-first century.

The issue of vicarious liability is important. Police officers suffer from the fact that they are not seen as servants in the traditional master-servant relationship. This has led to a number of anomalies with not only vicarious liability but also workers compensation, occupational health and safety and the like. The Western Australian Police Union has consistently pushed for these changes.

A discussion paper was prepared for the Western Australian Police Union of Workers by Rita Choy, who sums up the issues when she says -

Hon Peter Foss: She used to work for me.

Hon N.D. Griffiths: She made a wise decision when she left.

Hon NORM KELLY: We will not go into the details of why she no longer works for the Attorney General. Rita Choy's paper reads -

. . . police officers are not in a true sense 'employees' or part of a 'master-servant' relationship. Rather, they are held by the courts to be independent officers holding an 'office' under the Crown.

. . . they are not supported in any of the legal actions taken against them.

Such a test for having to obey lawful instructions from a supervisor would ordinarily constitute a master-servant relationship. It is a fundamental problem when police officers have to defend themselves against such charges. The Australian Democrats has a few concerns about the Bill. The wording in the Bill in a number of places refers to "officers performing or purporting to perform" the functions of a member of the Police Force. I would like the Attorney General to explain the words "purporting to perform". The Democrats recognise that at times police officers may believe that they are working or taking action within their powers, but under the law they may be acting outside their powers. If those actions are made with the proper intention, or in the belief that they are working within their powers, this legislation should protect them. I understand that, but I would like to hear the minister's response.

Hon Peter Foss: I think you have just given it.

Hon NORM KELLY: It is an area that we could take further. Police officers often act not only on their own initiative but under instruction or direction from more senior officers. It may be that officers are acting beyond their power, but under instructions from a more senior officer. The Bill does not provide this immunity if officers are working with malice or in a corrupt way. That is an obvious exemption that one would expect. I am happy to listen to the minister's response in this debate or go into committee on this Bill to further explain this, because the Democrats are concerned about the protections given to officers working beyond their powers.

The Australian Democrats are also interested in a proposed new section which refers to corrupt or malicious acts by police. In a situation in which police officers have been granted immunity by the process which is outlined in the Bill and in a subsequent court hearing are found to have acted maliciously or corruptly, given that initial immunity, will the Police Service or the Crown extend that immunity to cover costs of the appeal process that the officers may wish to initiate after that initial verdict?

The Australian Democrats support the Bill. It is long overdue. We applaud the Government for facilitating its speedy passage in this spring session of 1999. We support the Bill.

HON GIZ WATSON (North Metropolitan) [5.53 pm]: The Greens (WA) also supports the Bill. We agree it is a necessary move to protect members of the Police Service against civil action. I appreciate the problem that exists at the moment in which police can be threatened with or deterred by threats of civil action. It is a potential problem for members of the Police Service to be in a situation in which legal action can be taken directly against them.

We recognise, as is mentioned in the explanatory notes to this Bill, that it has been a longstanding concern of members of the Police Service and their unions. Therefore, the Greens are happy to pass this Bill relatively quickly through this place.

I have a question about the expectation on members of the Police Service in their duty of care, which is over and above that of other public servants in some respects. I note that the Bill will not make them liable for acts of omission if they fail to do something and that they will be covered by this legislation and not open to civil action. I am curious how the proposal in this Bill compares with the duty of care in the nursing profession, and whether there is a similar sort of protection for that omission of carrying out a duty. I am trying to find a comparison to see whether it is fair and reasonable that members of the Police Service are relieved of that aspect of duty of care. Apart from the questions we have on those points, the Greens (WA) support the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [5.56 pm]: "Purporting to perform" will extend that area. It is always possible that officers while performing a function are unwittingly in some ways not entitled to do that. We are trying to draw this as widely as possible, so that as long as officers believe that they are carrying out a duty of police officers but, for some technical reason they are not doing so, they are still covered.

Hon Norm Kelly: What about the case in which the officer knowingly is operating beyond his or her powers, but is doing that with someone's best interest at heart? The officer might not be doing it in a malicious way; it may be an urgent situation or whatever.

Hon PETER FOSS: I do not think that we can interpret that. I suppose if they were pretending to be on duty or interfering as officious bystanders while they are wearing their police uniform and people think they are carrying out the duties of police officers, perhaps they might be protected. However, we should leave that to the courts to decide. It is not a matter for Parliament to decide when a person is or is not purporting to be a police officer.

Hon Giz Watson asked whether nurses had the same protection. They do not. The reason that the situation with police officers is peculiar is that there has been no action whatever against police officers in certain areas, because they are carrying out the duty of office. Normally a tort cannot arise from carrying out the duty of an office. For a long time people had no right whatever to sue policemen for acting in the performance of their office. Their position is slightly different from that of a nurse. Although nurses obviously are employed by the Government and are personally liable jointly with their employer, they have no basic immunity, because they are not officers carrying out a particular governmental requirement. That is the difference between nurses and police officers. Police officers have been liable when they go beyond their duties. Generally speaking, they could not be sued, for instance, when they arrest somebody. They are not normally liable before that. This picks up a lot of areas and relieves them of responsibility in a wider area than currently. That liability is then passed onto the Crown. In the situation in which there was found to be malice in the first instance, if there was a belief that the court had got it absolutely wrong, it may be that they would be supported in an appeal against that malice. Generally speaking, if we thought the court was correct and the police officer thought it was not, the police officer would have to get the support of his union if he wanted to appeal against that decision. The costs of police officers are dealt with under a tabled paper in this House which deals with the indemnity of the Crown if a person is in the service of the Crown in circumstances where he or she is involved in litigation. I commend the Bill to the House.

Question put and passed.

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

Sitting suspended from 6.00 to 7.30 pm

DISABILITY SERVICES AMENDMENT BILL 1999

Second Reading

Resumed from 28 October.

HON KEN TRAVERS (North Metropolitan) [7.30 pm]: This Bill results from the review carried out some time ago by the Government into the 1993 principal legislation, the report of which was tabled in the other place in August 1998. Members will recall that at the time of the review, heated debate ensued in the community about some issues involved. The most contentious of those issues was the possibility of the amalgamation of the Disability Services Commission and Family and Children's Services. The Government is to be commended for not going down that path.

A number of changes are proposed in this legislation. I resist the temptation to have a broader debate about the disability services sector, and a number of issues specifically raised in the legislation require comment. One of the more contentious issues proposed by the review was to remove the requirement for at least two members of the Disability Services Commission Board to be persons with a disability, and for at least one person to be a relative of a person with a disability. The Government has retained that requirement although a change to relax it was proposed. That is a commonsense decision for which the Government should be commended. It would be a retrograde step to remove the requirement for board members to be experienced with disabilities, and to have members involved only in a professional capacity. The board will retain people involved in the sector in their day-to-day life.

A great concern about this legislation at this stage - although the Labor Party will support its second reading - is that although a lot of heated debate ensued in the community about a year ago, this debate has generally dropped off. I was surprised in talking to disability services groups to discover that they were not aware that legislation is currently before the House. Although the legislation mirrors in the main the recommendation of the report, I am concerned that this important sector is not fully aware that legislation affecting disability services is passing through Parliament.

The Government is keen to pass the legislation because of what is referred to as the "Barry MacKinnon amendment"; that is, the provision that will allow Barry MacKinnon to be reappointed as the Chairperson of the Disability Services Commission. The proposal is to remove the restriction that the Chairperson of the Disability Services Commission be able to serve for no more than six years. This amendment has caused me great anguish in determining a position. On one hand - this may surprise members opposite - I believe that Barry MacKinnon is doing a good job, and people in the sector concur with that view. The commission is a relatively new public service organisation, and I can see benefit in retaining an experienced chairperson in Barry MacKinnon for some time. Not everyone in the sector may agree with that comment. However, I have attempted to put that point out of my mind in making a decision on this amendment as I thought that the personalities involved could influence my position on the proposed change. An important principle is involved with this legislation; namely, whether one wants a person serving for ever and a day as a chairperson of an organisation. After some time in that situation, one part of the sector feels disadvantaged to the advantage of another area. The advantaged sector will be blamed and arguments will be mounted that somehow this resulted from bias from the chairperson. I certainly do not suggest that that is the case in the disability field. It is not the case to the best of my knowledge, although some people may wish to argue that point. It is important that a regular turnover occurs in these positions. I can understand a keenness to retain the current chairperson. I have discussed this point, and I wait to hear back from a couple of people to see whether

the Labor Party can move amendments to maintain that principle. At the same time we wish to allow the new commission to get up and running by having stability at its head. It is an option I will consider during the committee stage.

Hon Max Evans: Why do you still believe a limitation should apply? You say you're waiting for other people to give guidance on what you will do. What's the reason for that? In the real world, many people spend the first couple of years in a position coming to grips with that job. You then want to put someone else in the position. Some other organisations look at this as stability.

Hon KEN TRAVERS: I thought I had explained that point, but I will do so again. A constant turnover in senior positions is necessary. The majority of organisations in the disability services sector with which I have had contact have their own rules which require term limits on a president and other office bearers. I accept that someone who comes into a government board takes time to get going. One of the points put to me during the briefing was that someone can be appointed to the board, sit on that board for three years, be promoted to the chair but is limited to only another three years as the chair. There needs to be some flexibility in that regard. Equally, nine years as the head of a body such as the Disability Services Commission is probably long enough for anybody. There is possibly an ability to address that situation in this legislation.

The second area that I want to talk about is contracting out in the disability services sector, an area which this piece of legislation attempts to address by putting in place in a more formal form the procedures and practices of the Disability Services Commission currently delegated in writing by the minister. It is not my intention to suggest that we should oppose that. However, I believe the purchaser-provider-funder model has some drawbacks. I have been involved only recently in this area and I am yet to be convinced that the proposition before us is the best method for providing services. I accept that some of the changes will allow the Disability Services Commission to have more flexibility to continue with someone who is providing a good service and not be forced constantly to seek the minister's approval for a tender process. However, the secrecy and competitiveness of some of the current processes does not lead to cooperation but, rather, to competition in the sector. Although that may be good for normal business practices, I do not believe it is the best process for the provision of government funded human services.

Obviously, the Government is seeking to give the minister greater control of the board by giving him the ability to direct general government policies; I do not oppose that. However, if we go down the path of setting up independent organisations, such as the Disability Services Commission, to assist us in the way we run and manage a particular area of government, we should be careful about maintaining that ability. By giving the responsibility to a board to manage and control the commission, the Government will lose some power to direct and control that organisation. If the Government tries to hand over to a board some of the tough decisions to be made, it should not seek to maintain absolute control over that authority. This Government all too readily seeks to put agencies under the control of boards at arm's length from it but when it suits the Government they are brought back under its direct control. Often when there is a problem, the Government will send board members to talk to the media and will say, "It is run by a board. It is independent of the Government. You need to speak to the agency as the minister does not have any say over it." When there is a good-news decision we see this Government's ministers outside the Parliament with bells and whistles and their media marketing arm - the Government Media Office - and private consultants promoting all the positive initiatives they have made.

Hon Max Evans: Do you think the Labor Party never did that?

Hon KEN TRAVERS: Not to the degree that the Government is doing it. I am sure we all remember the comments by the then Leader of the Opposition attacking the Government Media Office, which has now grown in size. I notice of late there has been a growth in the use by this Government of outside media and public relations consultancies to set up and run promotions. One does not need to be too bright to work out that it is because the Government is down in the polls. However, I do not want to get into a political speech.

The second part of setting into the legislation the ability for the minister to direct the Disability Services Commission on general government policies is the requirement for the commission to consult with the minister about major new initiatives. This Bill is about putting into the legislation what I believe has been creeping in regularly with this Government; that is, the Government puts all the bad decisions at arm's length and denies responsibility for them but when there is a good decision it wants to be out there grabbing all the credit, even if it has been through the good work of the board and others.

The next part of the legislation I want to comment on is the tightening up of mandatory reporting, which is a positive initiative.

The next area deals with the disability services plan. I note that the Disability Services Commission has produced good documents that outline the disability services plans of different government agencies. Is it the Government's intention to continue to produce those documents after this legislation is amended by the Parliament? I am concerned about agencies not reporting their disability services plans other than in their annual reports, which may lead to less scrutiny. I am hopeful that general goodwill will continue on all sides of politics to ensure that it is not the case and those plans will continue to come forward. For instance, I am concerned that a public authority will be able to amend its disability services plan at any time and are not required to notify the Disability Services Commission of its new plan. If that is a positive amendment, that is good, but it will be a negative amendment if we have to discover that by searching through its annual report.

I note in the review of the Disability Services Act 1993 that I referred to earlier considerable concern remains about the need for a proactive, centralised role by government to monitor government agencies to ensure they are doing the right thing when developing and implementing disability services plans. As I said, there are positive amendments in the legislation to bring local governments under the same structure as other government agencies and departments.

The next area I want to comment on probably causes greater concern to me; that is, the proposed amendment to the current

procedure for complaints about service providers to people with disabilities. I understand the motivation for making a change in this regard should be of concern to all of us as about nine complaints in the last four years have been made to the Equal Opportunity Commission about services that have been provided to those complainants. This Bill seeks to transfer the responsibility for handling those complaints from the Equal Opportunity Commission to the Office of Health Review, which will possibly change its name to the Office of Health and Disabilities Review. From what I have seen and from reading the reports, everyone acknowledges that a problem exists and there is certainly some attempt at suggesting what may be the causes of it. However, I have not seen anything that clearly suggests that this change will be for the better. It is no good our making changes if they will not lead to a better system just because we accept there is a problem. I notice that only nine complaints have been lodged in the past four years and only two at the time of the report in 1998.

It is worth examining the commentary on the pros and cons of the two systems in the 1998 report. The Equal Opportunity Commission's view was that the provisions and strategies used to inform people about the role of the commission had not been very effective and should be reviewed. If we allow this change to proceed I hope we will see an improvement in the way people are informed and are made properly aware of their options and the availability of these procedures. The commission disagreed with that view; nonetheless, we should thoroughly examine it.

The report notes that the Equal Opportunity Commission is used to handling claims against one agency, whereas disability claims are frequently complex and may cover several agencies and/or people. I am not sure whether the Office of Health Review will necessarily change that. The Equal Opportunity Commission is seen as a place for addressing human rights issues, but all of a sudden some human rights issues that relate to disability services may have to go before the Office of Health Review.

I suspect from reading some of the information that much of it is about the view that the Equal Opportunity Commission was not prepared to deal with complaints on a user-pays basis. I look forward to hearing the minister indicate whether the intention is to put pressure on the Office of Health Review to address complaints on a user-pays basis - this change is about saving money.

Hon Max Evans: Are you saying the change is being made to save money?

Hon KEN TRAVERS: The second part of the consultants' report to the ministerial review steering committee contains commentary about the fact that the Disability Services Commission was also concerned about the efficient and effective use of the resources provided to the Equal Opportunity Commission, which was not prepared to accept payment from the Disability Services Commission on a user-pays basis.

Hon Max Evans: Did the commission want to do it for nothing?

Hon KEN TRAVERS: No. It was receiving \$94 000 a year as a flat grant to provide that service in total. The Disability Services Commission wanted to pay it on a user-pays basis. I presume that means a separate payment would be made for each complaint. Why else was the payment mechanism to the Equal Opportunity Commission raised in the context of this review if it were not a factor that influenced the decision? Will the Office of Health Review be paid on a user-pays basis or will it be given a flat government allocation each year to provide those services?

There is no doubt that the issue of complaints about provision of disability services must be addressed and that the present system is failing. We need to consider what can be done to improve its present operation. I am yet to be convinced that transferring its jurisdiction will resolve some of the more underlying causes of complaints. Since I have taken over the disability services portfolio for the Opposition I have been outdoing the Equal Opportunity Commission in the number of complaints I have received about the provision of government services, and I suspect most of my colleagues are in a similar situation. Perhaps we are seen as doing such a good job that the complaints are not being made to the Equal Opportunity Commission. I am sure that is not the case. I think there are some major underlying problems. Some of those issues are addressed and outlined in the report to which I referred earlier. As I say, I have not seen a decent analysis of how the system will change.

I refer again to the principle that it is dangerous for us to be returning to having the provision of services to people with disabilities under health. Although a percentage of their service needs are health related, the majority of them are basically related to having their fundamental human rights respected and the same access to employment, recreation and education as anyone else, and to be able to lead as full a lifestyle as they choose with as few restrictions as possible. We should be endeavouring to ensure that that occurs as much as possible. For perhaps longer than the past 10 years, I am sure all of us and the community have made great strides in moving away from treating disability services as a health issue rather than a broader issue. We have seen the movement of people out of institutions into group homes.

Hon Max Evans: And different ministers.

Hon KEN TRAVERS: As I said, it has been fairly much a bipartisan approach across all the major political parties in this State to move in that direction. It is a good and appropriate thing.

Again I am considerably nervous about this legislation. It may be a step backwards if complaints are dealt with in a health environment rather than a human rights environment. We need to ensure that the new agency is adequately resourced and the staff are experienced in dealing with complaints. It is about getting the right quantum, so that agencies have enough resources to deal with complaints and people are aware that a mechanism exists to make complaints.

I have some questions about some minor issues that I will deal with during the committee stage. I want to ensure that there are no inconsistencies or differences between sections of the Health Services (Conciliation and Review) Act and the

Disability Services Act that relate to complaints, and that the new legislation will provide a broad enough opportunity for people to make allegations about the provision of the broad areas of service that they require.

At this stage I have some major reservations that the Government is trying to change the vehicle for making a complaint without addressing the underlying reasons that no complaints have been made about the provision of disability services. I am well aware that the community has numerous complaints about the services. Some are justified and some are not. I will give the State Government a plug here: Some complaints have been brought about by the Federal Government's deliberate policy of not providing funding and, in many cases, of cost shifting. Recently, the post-school options program was completely gutted by the Federal Government. That was a superb program that was well run and achieved great things for Western Australians with disabilities who left school. That is an example of cost shifting. People who would normally expect to have been picked up under the post-school options program, and whose carer funding through the Disability Services Commission provided for that program, are no longer able to access that program and must remain at home. That puts immense stress back on to their families, who are now seeking extra funding for day time care from the Disability Services Commission. That was a bad policy decision. It not only gutted what was an effective and good program but also shifted the cost from the Federal Government onto the Western Australian Government. Those people will have a justifiable complaint to take up with the complaint body that will be set up. The pressures from lack of funding in this area are immense and the State Government could do more. The actions of the Federal Government have placed outrageous pressures on the system.

A number of other areas in the Bill need tightening up. These include the confidentiality provisions, which in the main are good; and the requirement to report non-trivial injuries, and deaths, which is another good initiative. The Australian Labor Party supports the Bill. It is my intention to pursue some of the issues I have raised in this debate in more detail in committee. Some areas have not been adequately addressed and explained to the House and to the sector. It is unfortunate that this legislation is being debated in the House when key groups in the sector are not aware of it. I was surprised when a key group in the sector that I would normally expect to follow this legislation was unaware that it was in the Parliament until I contacted it. In an area in which so many dedicated people take a strong interest, I am concerned that we are dealing with legislation that is not well known in either the industry sector or the broader community. I acknowledge the extensive consultation period. However, that concluded almost 12 months ago and the general view in the sector is that the Government had forgotten about it; that is, until people like me spoke to them about it. When the issue was first raised it received a lot of public interest. The Australian Labor Party supports the second reading of the Bill.

HON KIM CHANCE (Agricultural) [8.09 pm]: Disability services is not an issue that I have given enough attention to. Frankly, in seven years in this place I do not recall speaking on a matter concerning disability services. After a meeting with people in my electorate on Monday of this week and hearing what they had to say about the level of service availability and support in regional areas to disabled people and for people who care for them, and after reading again the minister's second reading speech - full as it is of optimism and advancement in this area - I think that we are living in a different world from the minister. Either that, or the minister has never been out to regional Western Australia and sought the views of carers in inland and remote Western Australia about the way disability services have been catered for over the past few years. The picture I get when I speak to these people is far from optimistic and is far from reflective of advancement; it is about contraction of services over an extended time. This is not a short-term blip; it is a failure of the system to adequately provide assistance. This is not meant to be a criticism. I am surprised at the apparent dichotomy of views. Perhaps there has been optimism and advancement in the Perth-Fremantle metropolitan area. Perhaps it is an entirely different situation in regional Western Australia. It is rather like two blind people approaching an elephant; one finds the tail and the other the trunk. The blind person who finds the tail of the elephant, decides an elephant is a snake-like object; the person who finds the trunk thinks it is like a big hose. They both are getting accurate views of what they perceive an elephant to be, but it is not the whole picture. I wonder if we are getting a very confused picture. It certainly seems to be entirely different.

However, I am pleased that my colleagues in the Australian Labor Party have chosen to support this Bill. I am happy to go along with that support. The Bill has a number of very good initiatives and it deserves our support. I am pleased my old friend, Barry MacKinnon, as a result of this Bill, can continue as Chairman of the Disability Services Commission. I share the view of my colleague, Hon Ken Travers, that Barry MacKinnon has done an excellent job in this role. I ask members to consider the second paragraph of the minister's second reading speech in which he said -

The establishment of the commission marked a new era of coordinated effort to advance the equality of opportunity, community participation and quality of life of people with disabilities throughout Western Australia.

We should not forget country people in that scenario. The minister then referred to an unprecedented level of growth funding applied to disability services through the Government's "Count Us In" strategy for the period 1995-96 to 1999-2000. Where has it gone with respect to country people? Why is there a contraction of services in the face of an increase in funding somewhere? Where has the increase been applied since it is so difficult to find any evidence of it outside the metropolitan area?

I understand this Bill arises from the 1998 review of the Act, which was commissioned in 1997. This Bill reflects the review process undertaken. The review considered responses from 161 individuals and 74 agencies, and considered a petition from south west communities signed by 300 people. The number of responses from individuals is not many, given that we understand the scope of disability to be considerable throughout the whole community. I wonder how many people from Kalgoorlie, Meekatharra, Derby or Fitzroy Crossing responded.

Hon Max Evans: Perhaps they are all very pleased with the service they are getting.

Hon KIM CHANCE: I wonder how many were asked about their perception of the service they are receiving. Even in a centre like Geraldton, where my meeting was held on Monday - which is reasonably well provided with services -

Hon Derrick Tomlinson: In a place like Mukinbudin, where a brain damaged child lived, you could talk to the parents about the difficulty of getting services, and then talk to the service providers and understand the difficulty of providing services.

Hon KIM CHANCE: As Hon Derrick Tomlinson knows, I live quite close to Mukinbudin and I am well aware of the problems that people in inland areas away from large regional centres encounter when attempting to deal with situations such as that. The lack of availability of respite care exacerbates that problem, which is a particular problem for every carer. When the opportunities are limited by isolation and distance, that problem becomes even more severe. Indeed, respite care was one of the key issues raised with me, even in Geraldton. That surprised and disappointed me.

The changes I see in this amending Bill lean heavily towards changes which seem to be bean-counter driven. Reference is made in the second reading speech to strengthening the application of competition policy to the outsourcing and purchasing of client services. Hon Ken Travers referred to this as the purchaser-provider model, but it is more accurately described as the funder-owner, purchaser-provider model. Perhaps the trend towards this form of management is the reason for the dichotomy of perception of quality of service between city and country. The more one applies FOPP, user-pays principles, the more country people inevitably will be disadvantaged.

I am concerned in particular about the apparent withdrawal of support services for carers. Perhaps this is not the place to say what I want to say about carers, and I will leave it for another time. However, I do not think members opposite or those on my side of this place will doubt me when I say that if we, as a community, had to pick up the cost for what carers are doing on a voluntary basis, it might be over dramatic to say that we would bankrupt the economy, but we would certainly have extremely serious budget problems. On a national level we would face a bill of billions upon billions of dollars. Economising on carers is not an option; we cannot afford to do that. Every time a person who may in future be a carer, hears about the experience of current carers, with the lack of respite and the frustration they encounter in trying to provide the care they genuinely want to provide, that potential carer will be put off from making the decision and will look for other options.

Hon Derrick Tomlinson: What sort of carer are you referring to?

Hon KIM CHANCE: Perhaps a carer for a disabled aged person.

Hon Derrick Tomlinson: Do you mean someone who voluntarily gives time to that person?

Hon KIM CHANCE: A carer is a broad description. I meant to cover the whole field.

Hon Derrick Tomlinson: Many are parents.

Hon KIM CHANCE: Many are carers with no choice, but some have a choice. One I met in Geraldton on Monday has taken in an abandoned child who is very severely disabled. These are people who can opt in or out. Even so, adult offspring on occasions have a choice as their parents age, particularly if those parents have a disability, about whether they will continue to care for their parents or look to other options.

Hon Derrick Tomlinson: The group housing policy is directed towards giving them that choice.

Hon KIM CHANCE: Yes, but I am saying that every time the Government economises on carers, it discourages people from making that somewhat heroic decision to become a carer. From a purely commercial point of view - this is a plea to the bean counters - if they cannot find the compassion to do this, they should at least wonder about the economics of what they are doing.

I wonder whether moving the conciliation and mediation functions from the Equal Opportunity Commission to the Office of Health Review is a change for the better. I understand how well equipped the Office of Health Review is in terms of its experience and resources to deal with those complex issues which arise in the health area. However, I am always a little uncomfortable about equating disability with health. A disabled person is not necessarily a sick person. Most of the disabled people I know are quite fit, strong and healthy people in their own way - they are simply unable to carry out some of the functions the rest of us are able to. The problems they face are problems of equity and access, not health problems and I do not think we should equate their issues with health problems. However, there may be good reasons for making that change from the Equal Opportunity Commission to the Office of Health Review which would overcome my objection which is not really an objection; I simply note that I wonder how clever that option is.

The minister's second reading speech closed with the comment that -

We can all be justifiably proud of what has been achieved in a relatively short time for people with disabilities and their families in Western Australia.

That may be so in the Perth-Fremantle metropolitan area. It may even be so in the south west. However, I cannot agree with the minister's statement for that part of Western Australia in which I live and I believe I can say that for the more remote areas of the State as well. A woman I spoke to in Geraldton on Monday is a carer for a severely disabled young Aboriginal woman. She cannot get a wheelchair for the child even though the child outgrew her previous wheelchair. She must rely on a wheelchair which she has borrowed through the generosity of the Geraldton hospital. The carer went into debt to buy a four wheel drive station wagon so the child could have transport. However, she cannot use the four wheel drive station wagon because she is not able to get a chair lift and because the vehicle does not have the appropriate mounting points. This carer has the choice of keeping the child at home or pushing her into town in the borrowed wheelchair. This is a dedicated person, someone who is taking care of this young child-woman - I am not sure of her age; she is 15 or 16 years of age.

Hon Derrick Tomlinson: Person.

Hon KIM CHANCE: This person is severely disabled. If this person were to be cared for by the State, the cost would be very significant indeed because this person is able to do very little in real terms to care for herself. I wonder how many times one year's care for a person of that nature would pay for a chair lift or the mounting points in this vehicle so this person can be transported to and from appointments which she needs to attend or to simply go out and enjoy the company of people her own age. Without making a meal of it, I will certainly be coming back to this place with more details about the situation in the mid west. It is probably not appropriate for me to do so in this debate. I might choose an adjournment debate to do so.

I do not share the minister's enthusiasm and optimism for the direction in which we have gone. I hope he is right and I am not challenging him on any aspect of what he said. I sincerely hope he is right and that in real terms we have delivered better outcomes for disabled people. However, I question whether those benefits have been shared as equitably as perhaps they should have been.

HON NORM KELLY (East Metropolitan) [8.24 pm]: The Australian Democrats will be supporting the Disability Services Amendment Bill. As previous speakers have said, it follows the review tabled in Parliament last year. Good consultation was undertaken in conducting that review. However, as Hon Ken Travers said, it may appear that sectors in this area have not been very aware of this legislation being before the Parliament. I would appreciate hearing from the minister about what level of consultation was undertaken once the Bill had been drafted and whether those relevant organisations had been contacted to see whether they were happy or whether they still had issues as a result of the review and the drafted legislation.

The area of disability services is one which is relevant to a large number of people in our community. About one in five people, or 20 per cent of our community, has a disability which is a far wider spread than members may be aware of in the general community. As such, disabled people are a vulnerable section of the community. At times their voice is not as loud as perhaps it should be. That is one of the reasons it is important that as legislators we listen to their voices, heed their voices and support these people. There is a big dependence on voluntary work within the sector which is unfortunate. It seems to be inherently accepted that there will be a reliance on carers and volunteers to supplement what is seen as insufficient government resources for this sector.

Hon M.J. Criddle: It is very necessary to have volunteers.

Hon NORM KELLY: It is very important and it is beneficial for the people who volunteer for that work. This is looking beyond people who are family or friends of people with disabilities. It is good for the general community to do that volunteer work and have a greater awareness of the issues related to people with disabilities.

I recently attended the annual general meeting of the Activ Foundation. I was interested to hear the people at that meeting speak about the various issues confronting that organisation. I looked through the foundation's annual report which showed it keeps a tally of volunteer hours and that in the last financial year the work of this organisation with more than 600 full time equivalents, paid employees, was supplemented with volunteer work. Something like 30 000 volunteer hours were contributed during the last financial year. In the previous year, over 40 000 voluntary hours were contributed. A significant amount of work is being done. It appears that it is in decline and I am not sure whether that is a temporary aberration. However, it also partially signifies the difficulties people have in contributing through voluntary work given the demands placed on people, including the demand for more members of the family to go out to paid work to bring sufficient income into a family. As various funding initiatives or changes are made, there seems to be an extra reliance on voluntary hours.

Hon Max Evans: I would have thought Activ would have more than 30 000.

Hon NORM KELLY: That figure is the voluntary hours the foundation kept track of. I am not sure whether it encapsulates all aspects -

Hon Max Evans: The sheer size of the organisation.

Hon NORM KELLY: Yes, or whether that is accepted in another way.

I acknowledge that the State Government has a good record when it comes to disability services. The Disability Services Commission is seen as a leader in this country for being able to provide these services. The Government has a good name in supporting this area. The very idea of having a Minister for Disability Services is to be commended and hopefully maintained. Unfortunately, it is stuck with the problem of a mixture of state and federal funding. It would appear that the Federal Government is not able to match the State Government in its record on funding. Most of the issues and problems that I get to hear about seem to be related more to Senator Newman's work or lack thereof in being able to adequately address those issues. I was recently at a meeting on post-school options. The loud and clear message was that those people did not have a gripe with the State Government. The post-school options is an initiative in which Western Australia is a leader, yet it seems that the Federal Government is trying to drag Western Australia back to the pack of the other States rather than accepting this State's initiatives and trying to bring the other States up to match the level of achievement of this State. It is unfortunate that it is one of those areas where there seems to be a lack of adequate commitment from the Federal Government.

On the issue of whether we should dispense with the six-year limitation for board members or, as the amendment in the Bill would have it, only specifically for the chair of the board, it is important that we look at that beyond the current chair, who has a good name in the sector for doing a very good job. We must look at the reasons behind the six-year limitation being placed on the board of the commission in the first place. I was looking through the debate on the Disability Services Bill 1993 to see if any special issues or comments were made about this limitation and I could not find any real reference to it.

We need to investigate the issue further in the committee stage. At the same time I do not doubt that Barry MacKinnon would be able to continue to do a good job for the Disability Services Commission. One matter raised by the then minister, Hon Kevin Minson, was that he was trying to avoid emphasis being placed on a certain section of the disability sector, so that certain disabilities were not favoured above others. That is why there had to be a good mix of representation and not an overly strong emphasis in one area. That may be seen as one of the reasons for having a limitation of six years. The Australian Democrats do not necessarily believe that warrants having that limitation of six years, but I will be interested to hear from the minister the methods of review of the chair's position, so that when the time comes for an appointment or reappointment to this position, we can see how well-consulted the disability services sector is when these decisions are made.

Another aspect of the relationship is to move complaints by the sector from the Equal Opportunity Commission to the Office of Health Review. This recognises the specific expertise of that office for handling the general thrust of complaints that are generated in this sector. We support that change. Hon Kim Chance referred to the specific problems and concerns of people living in country areas. This was brought to my attention by a person I had previously met on Westrail matters, Peter Wahlsten. I forget which town he is from.

Hon Kim Chance: Primarily Walgoolan.

Hon NORM KELLY: He was from that area anyway. It is difficult in those country towns to provide the necessary services. It is not necessarily a matter of neglect on the part of the Government or the commission but the physical difficulties of supplying adequate services to some of those country towns. One of the specific concerns that Peter had was that when it came to after-school care, the danger was that children were not being placed in quality care with active interaction but more in a minder situation. Those children were possibly going backwards because of the lack of proper interaction that they required. I spoke to a few people about this. A common thread seemed to be the tendency to centre those services on having supervision of children rather than positive interaction so that the children could further develop. That area probably needs more work. However, it is difficult to find a section of the disability services area that is completely happy with current resources. It is difficult to provide an answer, but the Government should continue to work on it.

Other amendments are, of course, of relevance in this Bill, but we believe that the Government has been successful in the general thrust of what the Bill sets out to achieve in updating this legislation. The Australian Democrats support the Bill.

HON B.M. SCOTT (South Metropolitan) [8.37 pm]: I support the Bill and the changes. I want to address a couple of areas in this amended Bill, as a government member and as someone who has been involved for some years in this area, to a degree on the fringe and closely in some areas. The amendments are the result of a review in 1998 which was well conducted and involved a lot of participation generally. In the case of any review, as Hon Kim Chance has said, there is concern that some people do not know about the legislation. That will always be the case. People with whom I have been involved are very aware that legislation is before the House. Some are on boards for the disabled. The Bill reflects part of the very good work that this Government has done in this area. It reflects the issues that are reported. We must move with the times and reflect changes in the legislation.

The first issue raised by Hon Ken Travers was, as I understand it, the move from having people with disabilities as members of the board to those who are related to or are involved with people with disabilities, which is a very good change.

Hon Ken Travers: That has been deleted. The minister has withdrawn those changes.

Hon B.M. SCOTT: Is that right? I was not sure whether they had been deleted.

Hon Norm Kelly: The second reading speech was wrong.

Hon B.M. SCOTT: Yes. It reflects the change away from some of the more scattered ways in which we dealt with our disabled.

The issue of the longer term for the chairman is a compliment to Barry MacKinnon who, as people in this Chamber would know, has a child with the disability of deafness, so he fits all the requirements. In addition, he has shown great leadership and commitment to the area. This State would be unwise to lose the services of that sort of person too early. However, as Hon Ken Travers has cautioned, it is not always wise to lock oneself into a long time frame. The Bill covers that by giving the minister the discretion to extend the term.

The other issue that has caused most debate within the sector and the community is the complaints procedure. The complaints procedure is being moved from the Equal Opportunity Commission to the Office of Health Review. Concern has been expressed to me that the issues facing the disabled must be dealt with precisely. The impression gained during the consultation process was that the Equal Opportunity Commission was perhaps not working in all cases in the interests of the disabled. Since the International Year of the Disabled, there has been a dramatic shift in the community's recognition of disabilities in all areas. We cannot confine complaints to one small area. While in the beginning we recognised the need to acknowledge disabilities in many areas, that recognition was discriminatory. Disabled people were discriminated against in access to buildings, transport and so on. That recognition has broadened enormously and it is wise to change the name of the overseeing organisation from the Office of Health Review to the Office of Health and Disabilities Review. That is an important change.

The comments made by Hon Kim Chance about regional Western Australia are not dealt with specifically in the Bill. The changes put in place by the Disability Services Commission have allowed us to move away from institutional care or respite to placing the care of the disabled in the hands of the parents or carers, who then contract in services. I have a very close friend with a 15-year-old grossly disabled son - he is like a two year old. She lost her husband last year and if she cannot arrange weekend respite in an institution, she can now get someone in and she is compensated. We are moving away from

the institutional model and the mind-set of respite being only in an institution to an outward looking model of considering the carers and determining how they can best be assisted.

Hon Kim Chance: I was asking whether that solution, if applied in the regional areas, has been as effective as it might have been and whether it has been followed through.

Hon B.M. SCOTT: It allows flexibility in the country regions, more so when those concerned are further away from institution-based weekend or overnight respite care. The demand is not there for the institutions that we have in Perth that offer weekend or holiday respite. In East Fremantle we were able to establish a holiday program for 15 or 20 disabled children. There may not be 15 or 20 disabled children in Merredin, Kellerberrin or Mukinbudin requiring access to respite care. Having lived in the region, I hope the member is aware of the post-school option at Kellerberrin and the nursery that has been established at the Iris Litis school.

The review reflects changes in the community. Some of those changes can be attributed to the good work of the Disability Services Commission. I certainly favour the discretion of the minister to extend the term of the chairman. In the past, the Equal Opportunity Commission was not seen to be appropriate and was considered too narrow, but we are moving to a very sensible model. As long as the two distinct areas of health and disability are protected and promoted and the Office of Health and Disabilities Review does not deal only with the health issues, this will be a good move. I hope that the minister takes on board the concerns that have been expressed. The name of the office is being changed to reflect the broadening perspective of equal opportunities for disabled people as well as health and other issues. That is very important.

Hon Norm Kelly said that the Government has a very good reputation in this area. This Bill is a reflection of the move towards modern thinking and acceptance of the disabled in the community. It is a large step towards integration and reduced institutionalisation. It is an important move and one that must be resourced. It is reflective of a Government which cares about the disabled and which is putting that commitment into legislation to protect what we feel is important.

HON GIZ WATSON (North Metropolitan) [8.47 pm]: The Greens (WA) will support this Bill. As other members have said, we should all take a keen interest in disability services. It is an issue that affects many people in the State - those with disabilities and their carers and families.

I have received a number of calls from concerned constituents about reductions in services and inability to access services. The point was made earlier that much of that relates to a failure in federal funding rather than in the provision of state services. However, I agree with Hon Kim Chance that the whole pitch of the second reading speech perhaps should be tempered with a reality check given the number of people who have approached me with concerns about access or disability services, particularly in respect of carers who are not able to access respite or assistance.

I will refer to two areas of the Bill about which I have some concerns. I support the comments of Hon Kim Chance that competitive tendering often means that the regions miss out. This is reflected in the south west as well as the agricultural area. The second reading speech states -

The commission will be required to seek ministerial approval of the means for procuring services from organisations that are subject to formal contractual arrangements. Where it is determined that the most appropriate means is by competitive tender, the tender process adopted by the commission is to comply with government supply policies.

How is it determined what is the most appropriate means?

Hon Max Evans: I did not quite get that.

Hon GIZ WATSON: The relevant sentence in the second reading speech states that where it is determined that the most appropriate means is by competitive tender, the tender process adopted by the commission is to comply with the Government's supply policies. It seems there is some degree of discretion. I wonder how the words "most appropriate" are defined and how this provision will operate in practice.

Hon Max Evans: Call it commonsense.

Hon GIZ WATSON: I am aware that competition policy imposes certain conditions and obligations. I understand that it becomes a problem in providing services in these areas. As has been said earlier this evening, competition is not always the best thing in the provision of human and health services. It can militate against that; for example, providing services into the regions would be anticompetitive. We are equalising that service by subsidising regional services.

Hon Max Evans: The next sentence states that this will not apply to funding arrangements with families or informal carers for the care and support of people with disabilities in their homes or local community. Most other things will go to competitive tendering.

Hon GIZ WATSON: It will provide only professional -

Hon Max Evans: There are special things that should be in that bracket. We will not go to competitive tendering for carers or families.

Hon GIZ WATSON: I have concerns with competitive tendering, even with provision of services other than by the carers or families. Another point I wish to raise relates to the replacement of the Equal Opportunity Commission as the body responsible for conciliation and mediation of complaints, with the Office of Health Review. Does the Office of Health Review have the same powers as the Equal Opportunity Commission? If complaints or calls for mediation or conciliation

are made to the Office of Health Review, does that preclude the Equal Opportunity Commission being involved in those cases, or will that option still be open?

Hon Max Evans: If there is discrimination against a person who is disabled, that person can still go to the commission. Most issues have been to do with health problems. The Equal Opportunity Commission could advise on those issues as well. There have been only nine complaints in the past four years, and two in the past year. There has not been a raft of complaints.

Hon Ken Travers: It is not just health issues. There are broader issues.

Hon Max Evans: It is better to have a health and disability services review than a review by the Equal Opportunity Commission.

The DEPUTY PRESIDENT: Order! We have not quite got to the committee stage yet.

Hon Max Evans: I thought I might bypass it.

The DEPUTY PRESIDENT: Order! The minister may live in hope.

Hon GIZ WATSON: I will explore that issue further in committee. For me, this is an issue of major concern in this Bill, and I seek some clarification of it. If complaints are put to the Office of Health Review, how independent is that office from health service providers? I do not have a deep understanding of the make-up or the powers of the Office of Health Review. Some clarification on that would be useful. The next point on the changeover from the Equal Opportunity Commission to the Office of Health Review relates, as Hon Ken Travers just mentioned, to the fact that not all issues are health related. Health is one aspect, but there are other aspects. Whether they will be handled adequately by that office -

Hon Max Evans: Why should they not be? You have said that the department is very well serviced now and that it looks after people very well now.

Hon GIZ WATSON: I imagine it might be limited if it is not specified. Perhaps we should deal with the details of that issue more appropriately in committee. With those comments, the Greens (WA) support the Bill, but will be seeking some further input in committee.

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.55 pm]: The 1997-98 report of the Disability Services Commission refers to a commonwealth grant of \$28.29m, which is more than the previous grant of \$21.4m. The state government grants in those years were \$130m and \$118m. The funding will be a lot higher in the next year. The Disability Services Commission has contained its salary and wages costs, which have risen from \$60.8m to only \$61.4m, an increase of only a couple of per cent. The grants to government agencies have gone from \$57m to \$69m over 12 months, which is an increase of about 20 per cent. There is also individual funding and other grants, much of which funding comes back to special carers. That amount has gone from \$5.3m to \$6.2.

Hon Ken Travers: We are still behind Victoria in terms of funding disability services.

Hon MAX EVANS: I did not think that was the case, but the member might have some figures on that. I have heard that we provide for this sector very well. It depends on how the figures are put together. I would be only too keen to hear any figures in this area the member has. I thank the parties for their support of the legislation.

As Hon Giz Watson said, some issues might be better handled in committee, rather than my going through all of the notes I have made. Hon Ken Travers said that 12 months ago there was a heated debate relating to the disability service area. I did not understand what the problem was then. He talked about bringing together the Disability Services Commission and Family and Children's Services. I think Bob Fisher was promoting the same idea, but that was not the intention at the time. Two ministers have been retained in those areas. Barry MacKinnon has come up for a bit of discussion. All members will acknowledge that he has done excellent work in the Disability Services Commission. He probably would not be involved in it except for the fact that a member of his family has a disability. He does a good job in anything he takes on. He is an informed public accountant and understands finance and figures. He and the member for Greenough prepared a five-year plan for the money that was required and the disability service areas in which it was needed. We provided a large increase in the amount of money to that organisation.

Hon Ken Travers interjected.

Hon MAX EVANS: What was that?

The PRESIDENT: Order! I call the minister to order.

Hon MAX EVANS: I did not want to miss some of those words of wisdom.

Hon Tom Stephens: I agree with most of the things that have been said about Barry MacKinnon; however, he has had some involvement in the development at Gantheaume Point recently that I am not too excited about.

Hon MAX EVANS: The relevant minister would review the situation after three years. Some members asked a valid question about how we ascertain who is to be appointed as the chairman of this organisation. I suppose there could be a couple of hundred committees and agencies within the disability services sector. The judgment about the appointment of the chairman must be made by the minister, probably with the assistance of the chief executive officer and people who are involved in providing services to this community. If the chairman was not doing the job he is expected to do, complaints would come from the committee members or the clients for whom this agency is providing a service. This has not happened since Barry MacKinnon was appointed.

Some members raised the appointment being for six years. Appointments to the boards of public companies are for a lot longer than that. Given the magnitude of the disability services area and the sheer range of services provided, the chairman must have the confidence of those involved in those activities. There is also the problem that many of the smaller agencies are changing members of staff regularly. The people they are dealing with must get to know the new staff. There are a lot of categories of disability. There are probably more problems in this area than there are in the health sector. I do not like to put the two of them together, but there are many different problems in the regional areas and the city. I think it is a wise decision. I do not know why there was a limit of six years in the first place. It will be a rolling-over situation, and the minister will have to make a decision on that.

Some comments were made about contracting out. We will deal with that matter during the committee stage. Dealing with tendering, family services, etc, are not tendered. They are renewed, which is the most commonsense way to do it. The chairman is not employed ad infinitum. It is a three-year term, rolling over. We are not committed to tendering when renewing existing contracts. These services are a combination of services to provide a home and the support needed by people with disabilities. Re-tendering these types of services every three years or so will bring anxiety and disruption to people's lives. These services are not like cleaning services and the like. A process of accreditation of existing services is in place. This will pinpoint any services that are not suitable.

Dealing with the promotion of equal opportunity, leaflets and newsletters from disability services officers have informed people of where they can go with their complaints. As Hon Ken Travers said, there were nine complaints in four years and two complaints in the past year. Hon Kim Chance said he had found many more complaints. Often people are reluctant to make complaints because they think that maybe they are partly to blame or perhaps people might react against them. I hope that is not the case if people have real complaints. I think many people go back to their organisations. Very few people with disabilities are not attached to some organisation or group, and those bodies approach the commission and its staff, who have been doing a very good job.

Dealing with user-pays systems, the move to the Office of Health Review is not a cost-saving exercise. A figure of \$94 000 was mentioned. I cannot pick that up in the accounts of the Equal Opportunity Commission or the Disability Services Commission. I do not know from where Hon Ken Travers got that figure.

Hon Ken Travers: Page 23 of the -

Hon MAX EVANS: I know it is there. I will re-examine the figures to ascertain from where that amount came. There was \$94 000 one year and \$180 000 the next year. In the notes to the accounts, one amount relates to training fees and the other is from commonwealth grants and from the Indian Ocean committee or something like that. However, I am still trying to find that amount in the accounts. I have been told that it has been put through as a charge or a freebie from one to the other, but that is not reflected in the accounts. I will follow that up later. The move to the Office of Health Review was not an exercise to save money. It was believed that this would provide for a better appreciation of the problems of the people who are dealing with health issues or human issues rather than equal opportunity. As I said to Hon Giz Watson, people can still go to the Equal Opportunity Commission if they have discrimination problems. There is nothing to stop them going to the EOC. It was just thought that they might get a better reception from the Office of Health Review and from the Disability Services Commission because of the people who are handling those matters in those agencies. We are trying to provide people with disabilities with a better service and we want to look after them in a better way. The Equal Opportunity Commission deals with the commonwealth Disability Discrimination Act. The Office of Health Review is well equipped to deal with all of these matters.

We have dealt with the business plan. The programs under the five-year business plan have appropriately targeted the country areas on the basis of identified needs and a consideration of the population size. The local area coordination service ensures that all the regions have a coordinator to provide services and resources to families at the local level. Each coordinator has a case load of about 50 families. Maybe when Hon Kim Chance goes back to Geraldton, he might look for the local area coordinator service provider to ascertain from that person what he or she is doing. I suppose that person would have about 50 cases. That person may have been at Hon Kim Chance's meeting; I do not know.

Hon Kim Chance: That is the information I hope to bring back to the House at a more appropriate time.

Hon MAX EVANS: That is good. It will be interesting to hear from Hon Kim Chance whether that is working in Geraldton or other country towns. We would like to receive feedback on that matter, because that is the way it is supposed to work.

Dealing with services to carers, extensive respite care services are funded through both the local area coordinators and the individual and family services programs. Respite care packages are available to families. The DSC launched a caring for carers strategy in 1997, with an extra \$3.5m. Another \$700 000 will be available for carer support in country areas in the next two years. That can be equated in many different ways. The person can either be taken away or someone can be brought in to look after the person, dependent upon the facilities that are required.

The case of the carer in Geraldton was raised. A four-wheel drive vehicle is leased through an organisation called GetAround. It is funded by the State Government in part to provide vehicles at an affordable cost to people with disabilities. Equipment, such as wheelchairs, is available through the DSC community aids and equipment program. In country areas, this program is provided through the country health services and hospitals, but it is funded by the DSC. That is what is available. I ask Hon Kim Chance to look also at the community aids and equipment program for the country areas to ascertain whether they are getting what they require.

Consultation on a review of the Act was undertaken in 1998 over a period of about four months. Written submissions were invited and publicised in *The West Australian* and local newspapers. Public forums for families and clients were conducted

in all metropolitan and regional areas. A review hotline was advertised in the newspapers for four weeks. It was a free-call number. Local area coordinators published the review. There were also DSC newsletters and non-government agency newsletters. Hundreds of people attended the forums; 190 submissions were received. It was an extensive consultation process.

Overall, there has been a good deal of appreciation of the services offered, and I thank Hon Norm Kelly for recognising that in his remarks. A lot of credit should be given to Hon Kevin Minson and his staff for their very hard work. The Government instituted the first five-year plan and put in a lot of extra money to provide the people with a better service, because they had been neglected to a certain extent. Only one thing is certain in these matters: The more money the Government puts in, the more money people want, because people lift their expectations. The population is getting older, so those older people who need care are needing more care. As I think Hon Barbara Scott said, some of the carers are also dying. That is a major problem that the Government must face. When a mother and father have died and their 40 or 50-year-old son or daughter must be looked after, that is an issue that the Government must face. Hon Paul Omodei has been trying to deal with the federal minister, as have all the other States. I think there is a shortfall of about \$300m. An amount of \$30m is required by this State for disability services. After all, it must be realised that these people are Australians, not just Western Australians. The Federal Government has put forward \$22m and \$130m. However, that is a large shortfall in the amount required. It is interesting that most of the comments tonight have related to the shortfall from the Federal Government.

Hon Kim Chance: That is why independent live-in training is so important for disabled people, because their parents die eventually and they become a cost to the State.

Hon MAX EVANS: I have been dealing with Homeswest.

Hon Kim Chance: It does a great job.

Hon MAX EVANS: It has been providing special houses with wheelchair access, etc. There is a huge cost to the Disability Services Commission and Homeswest to equip these houses.

Hon Kim Chance: It is not a cost; it is an investment, because the alternative would cost more.

Hon MAX EVANS: Yes. Hon Norm Kelly referred to the level of consultation. I do not have the answers regarding the report and the legislation. However, I will provide that information tomorrow during the committee stage. We should know how that has been handled. Hon Giz Watson mentioned part of it and we can go into that in a bit more detail if she has more questions to ask rather than our generalising at this stage. I thank Hon Barbara Scott because she made some interesting comments from personal experience about what is going on in the community. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

GAS CORPORATION (BUSINESS DISPOSAL) BILL 1999

Second Reading

Resumed from 14 October.

HON LJILJANNA RAVLICH (East Metropolitan) [9.10 pm]: I am the first opposition speaker, but not the lead speaker, on the Gas Corporation (Business Disposal) Bill. The Australian Labor Party will be opposing this Bill. It does not support the privatisation of key government assets, of which AlintaGas is one. Labor members have many concerns about this Bill. We are very concerned about the extent to which this Government is pursuing its privatisation agenda. We are also concerned to know why the Government is pursuing its privatisation agenda. We have seen a number of privatisations since this Government took office in 1993. Most recently we have seen the private prison proposal at Wooroloo. We currently have before this place the Rail Freight System Bill. We have seen the privatisation of MetroBus and what has happened to MetroBus redeployees. We have seen this Government break promise after promise, and there is more to come. We have seen the privatisation of the Peel and Bunbury hospitals and court security arrangements. It all begs the question: What next? What is motivating this Government? What does this Government have in store for Western Australian taxpayers and for the community generally? I am concerned about the extent of the privatisations and about what is motivating them. I suspect that a great motivator in this case is the fact that this Government has a \$648m budget deficit. This is a budget deficit after the Government has privatised in all of these key areas. The privatisation of these key areas would supposedly generate profits and deliver a social dividend to Western Australians. We have a \$648m budget deficit, and we have a public sector leave liability of \$960m. The state of this Government's finances is an absolute disgrace and can be described in no other way.

We have the con by this Government that if Western Australian taxpayers will cop the sale of this key strategic asset, this Government will build the Jandakot-Rockingham-Mandurah railway line. There would be no need to sell this asset, or any other, to build that railway line were this Government a competent economic manager. The simple fact is that it is not; there is no denying it. What an absolute con job this Government is trying to pull on Western Australian taxpayers. The Government should accept that the public utilities in which privatisation might be justified have well and truly been exhausted. We are supported by the Western Australian public in our opposition to privatisation. The sale of income-generating assets by this Government, together with its giving away of the State's taxing powers to the Commonwealth in exchange for a goods and services tax when it does not even know the pro rata rate it will receive from the Commonwealth because the Commonwealth Grants Commission has not made that determination, will make it very difficult for any successive Government to manage the affairs of this State. The situation will get worse before it gets better.

This Government is trying to transfer a natural monopoly from public ownership into private hands. Where is the economic benefit in that? The Opposition believes that the Government has chosen the wrong privatisation model by selling AlintaGas as a vertically-integrated monopoly. The simple fact is that it will still be a monopoly and, by definition, it will not promote competition. This is the Government's big argument - it wants to promote competition. There is no guarantee that there will be competition. There is no guarantee that there will be a reduced cost of gas to either consumers or the business sector. We believe that the Government has placed privatisation ahead of competition in this case, and that the Government is purely and simply motivated by a quick-fix strategy to attempt to cover up its budget deficit before the next election. It is proposing to generate \$1b from this asset sale, and that \$1b would be very handy for the Government in handling the fiscal difficulties it faces. This greedy, self-serving policy direction has been put ahead of the interests of consumers and Western Australian taxpayers and that cannot be questioned. The fact that the Government has no mandate to do this also cannot be questioned. The Government certainly did not go to the last election with a commitment to privatise AlintaGas. The Government has been less than honest about the privatisations it has conducted so far, and the sale of AlintaGas is no exception. There is no community support for privatisation. Most people see it as the Government selling off their asset, which they have funded through their taxes from generation to generation; it is owned by 1.8 million Western Australians now and will be owned probably by 100 000 Western Australians if the sale proceeds.

Hon Kim Chance: Or two foreigners.

Hon LJILJANNA RAVLICH: Or two foreigners. It is almost a wealth redistribution strategy whereby an asset which is owned by everybody is offered in the knowledge that the rich mates of the Government will be the beneficiaries. The people in the western suburbs will be buying many of these shares very quickly. I can guarantee that many people in my electorate will not be buying shares in AlintaGas, nor would they be aware how to go about buying shares, let alone be able to afford to purchase any. This is another way in which the State's wealth is redistributed. If the Bill is successful and AlintaGas is privatised, quite clearly a group within the community will be benefiting at the expense of the whole community. The policy of redirecting wealth is a shameful one, and this Government should abandon that policy as a priority.

As members would be aware, AlintaGas is one of the 33 government trading enterprises in this State, together with the Water Corporation and a range of others. If members have ever tried to get information about the commercial activities of a government trading enterprise, they would know it is near impossible, because government trading enterprises view themselves as commercial units. They do not see that they are accountable to the public sector as such. They go off and enter into joint venture arrangements and all sorts of business arrangements, and little of that information is brought to the Parliament. When we ask questions about the activities of government trading enterprises such as AlintaGas, half the time the minister does not even know, because those decisions are made by the directors and seem to be the domain of these government trading enterprises, which have the view that what they do should be kept in house.

If we privatise AlintaGas, we will lose not only the checks and balances that we have lost so far but also all the usual checks and balances that apply to publicly-owned monopolies. We will lose the ability to ask parliamentary questions about the activities of AlintaGas, we will lose the right of the Auditor General and the Ombudsman to inquire into the activities of AlintaGas, and we will lose the right of people to change the Government and to have an impact if they do not like the way the utility is behaving. That will not be a positive step in terms of the public interest, and it will certainly not be a direction that is favoured by Western Australians.

If members want to know the extent to which AlintaGas as a government trading enterprise holds the view that it should not be accountable, they only need to look at what AlintaGas produces in the budget papers. I wanted to get some information today about AlintaGas, and when I went to the 1999-2000 budget papers, guess what I found? I found one page, comprising four paragraphs! That told me three things. It told me, firstly, the AlintaGas' planned capital works program for 1999-2000 is \$31.3m. Why the Government would want to sink \$31.3m into an asset that it intends to sell I have no idea. It told me, secondly, that work in the Kalgoorlie area is expected to continue with a \$1.5m allocation for further construction of the network. Once again, why the Government would want to spend an additional \$1.5m on an asset that it intends to sell I have no idea. It told me, thirdly, that its expenditure on computing equipment amounted to \$4.4m. That is the total sum of AlintaGas' activities as reported in the budget papers to this place. That is an absolute disgrace.

The Government claims in the second reading speech that the so-called privatisation of AlintaGas will achieve a number of benefits. These benefits include minimising the Government's exposure to the business risks of competition. The first thing that struck me is that this Government has put all government trading enterprises into some sort of competitive model where public sector agencies are treated like business units. This Government promotes competition among its own public sector agencies, yet all of a sudden when it comes to AlintaGas and this piece of legislation, it wants to minimise the Government's exposure to the business risks of competition! That is a bit hypocritical. I want to know why AlintaGas will be the exception.

The second suggested benefit is that it will maximise the value of the AlintaGas business to the people of this State. I do not know on what basis that claim is made. We have certainly seen no short or long-term projections of costings to demonstrate how Western Australians will be better off with regard to the price that they pay for gas; and I am talking about not only consumers but also businesses. That seems to be a fairly wide-ranging claim, yet once again, as with all of this Government's claims about privatisation, it is backed up by absolutely zip. No figures or long-term projections are provided. We are just supposed to swallow a glib statement about the so-called benefits. That is not good enough.

The third suggested benefit is that it will release state capital for other purposes. How much state capital does the Government want to release, and why does it keep running up against a budget deficit when it is continually releasing capital that it is obviously losing somewhere else? If the Government cannot make a fist of it and put that capital to good use, and

if we cannot get some benefit from the release of that capital, I do not see the point of privatisation. The bottom line is that there is no point in releasing capital, because at the end of the day when the Government has received the capital, it blows it! We need only look at the number of bad contracts that this Government has entered into. The budget figures speak for themselves. One would think that after the Government had sold off MetroBus and had privatised hospitals -

Several members interjected.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): This is not a private debate, and Hon Ray Halligan and Hon Bob Thomas do not have the call from the Chair, so they will kindly desist from having an interchange across the Chamber.

Hon LJILJANNA RAVLICH: Western Australians taxpayers should rightly expect this Government to run a budget at a surplus, not a deficit.

Hon Kim Chance: If they believe the McCarrey report.

Hon LJILJANNA RAVLICH: Absolutely. The Government should run a budget at a surplus rather than say yet again that if we release more capital to it, it will get it right. I cannot cop that.

The last supposed benefit is that it will provide an opportunity for share ownership to all Western Australians. That must be the joke of all time. About 100 000 people will buy AlintaGas shares, but most Western Australians will not. Therefore, to say that it will benefit all Western Australians is an outright falsehood.

I was interested to note in the second reading speech what seemed to be quite a conflict of argument, because in presenting a good front for the activities of AlintaGas, the minister stated -

Today, AlintaGas retails gas to about 400 000 residential, business and industrial customers throughout Western Australia via more than 10 000 kilometres of distribution pipelines. Residential customers account for 98 per cent of all AlintaGas customers, and 95 per cent of AlintaGas tariff, residential and business customers are located in Perth. AlintaGas adds more than 17 000 new retail customers to its business each year. It employs around 400 people and is estimated to record an operating profit of \$42m before tax on gas sales of \$319m in the 1998-99 financial year.

There is no convincing reason why AlintaGas should now remain in government ownership.

What an absolute joke! That is a very compelling reason that it should remain in government ownership. Clearly, this is an income-generating asset, it is providing services to the Western Australian public and to businesses, and it is not in financial trouble, yet the Government states that there is no convincing reason to keep it. The Government wants to flog it off so that it can realise a quick \$1b in its pocket to salvage its budget deficit problems and the other financial mess into which it has managed to get itself, despite its rhetoric about being a good financial manager.

Hon Bob Thomas: Did we have to sell anything to build the northern suburb railway line?

Hon LJILJANNA RAVLICH: No, we did not.

Hon N.F. Moore: You just got the Bankcard out.

Hon LJILJANNA RAVLICH: I would be interesting to see the size of the minister's Bankcard bill.

Hon N.F. Moore: It is very tidy indeed!

Hon LJILJANNA RAVLICH: By the time we look at all the non-performing contracts and everything hidden under the carpet, we will know the true situation. I can think of four computing projects alone which have lost in excess of \$40m. Does the minister want me to name them? Goodness knows how many others there are hidden. The minister should not hide. The Government will deal with its budget deficit by contracting out. The minister cannot rein in public spending, and he has a big problem. One day he will be made accountable.

Hon Bob Thomas interjected.

Hon LJILJANNA RAVLICH: Absolutely. I am particularly concerned about the future of AlintaGas workers. Frankly, if these workers are to be treated in any way like the MetroBus workers, and if the promises made to AlintaGas workers are anything like those made to MetroBus workers, they are in trouble. MetroBus workers were promised career redevelopment programs as never seen before in the State; however, two years down the track, 300 former MetroBus workers are still floating around government agencies in redeployment. In fact, the Premier stated in the Estimates Committee hearings, despite all the commitments made to MetroBus redeployees, "We should not hold people who are surplus to our requirements. We don't think we have an obligation. In fact, we'll sort this out because we'll go to the federal Industrial Relations Commission to wipe out any obligation to workers." It is an absolute disgrace. That is how this Government treats workers. It continually tells workers to trust it as it will look after them. I have never seen a Government treat people in such an abysmal way. Frankly, workers have had enough. They do not trust the Government at all as its word is not worth a cent. Members opposite are hopeless as they have betrayed the trust of workers. Frankly, I would not trust them either.

Hon Kim Chance: Nor do the milk vendors.

Hon LJILJANNA RAVLICH: Indeed. Plenty of people in the community do not trust the Government. Members opposite tell AlintaGas employees, to trust them. However, they have seen the way other government sector employees have been treated as a result of privatisation initiatives. The Government must be joking! Members opposite are in cloud-cuckoo-land if they believe any AlintaGas worker will trust them, or believe that they have any reason to trust them.

AlintaGas workers are a key issue in this debate. I refer now to correspondence from Shane O'Byrne, the Communications, Electrical and Plumbing Union organiser for WA's engineering and electrical division, to Mr Phil Harvey, the Chief Executive of AlintaGas, and Mr Ryne Jackson, the project manager of the AlintaGas Sale Steering Committee. This recent letter of Thursday, 21 October 1999 was in response to correspondence written to the CEPU outlining what was in store for its workers. The first concern expressed by the CEPU was access to redundancy and employment options. The letter states -

Some employees may/will not want to go over to the owner of Alinta Gas Limited due to the pending changes and possible reductions to their current rates of pay and conditions; e.g.'s

Forced departure from government superannuation schemes Westate & Goldstate.

That raises an interesting question. What compensation will be paid for employees who must abandon their membership of such a scheme when forced to move over to the private sector operator? In addition, I understand that part of the deal is for job security to be reduced to a two-year period from the current permanent employment status with AlintaGas. That is as far as the Government is prepared to go. First, workers will lose their right to participate in the state superannuation scheme and, second, the new company will offer employment for only two years. What will happen after the two-year period? No commitment is given by the private company, and one is unlikely to be given. One need not be too smart to realise that once the honeymoon is over, the company will care about only profit maximisation, not workers or their families. One can bet one's bottom dollar that sackings will occur left, right and centre after that two-year period. Many of these employees who are asked to trust the Government will become very vulnerable, and many of them are likely to lose their jobs. There is a possible reduction in long service leave and rostered days off in the future. Generally, reduced wages and employment conditions will result for people who move to the private operator.

AlintaGas has given an undertaking that no-one will lose his or her job. That commitment is naturally viewed with considerable scepticism by workers and unions as a result of AlintaGas' attempt in late 1998 and early 1999 to force some gas distribution operators to redundancies. Any AlintaGas worker must look only at what happened with MetroBus redeployees to know that he or she can take no comfort from the Government's undertaking that no worker will lose his or her job. The union has insisted on the following, which is a fair requirement -

If there are no Redundancies intended to occur, then a Redundancy provision (12 wks + 4 wks per yr. of service, uncapped) must be inserted into a legally binding agreement (e.g. Common Law Deed) or by a consent variation to the 1999 Certified Agreement (C.A.). This provision must also apply to the **"Holding"** company and the new owner of **Alinta Gas Limited** for the possibility of future Redundancies.

I understand from where the union is coming. If ultimately the Government guarantees that no redundancies will occur, and it can assure us that the company will not make workers redundant, it will bear no risk. It has nothing to lose. The fact that the Government will not meet this provision means one thing; that is, that the Government has a hidden agenda. The Government cannot protect or uphold that commitment that no worker will lose his or her job, which makes a joke of the Government's claim. This provision required by the union is critical to AlintaGas employees. The unions and their member are aware that the owner of the Dampier-Bunbury natural gas pipeline, Epic Energy, has the intention to reduce its work force by up to 50 per cent now that its two-year employment commitment has nearly expired. Why then should the arrangement with the new buyer of AlintaGas be any different? The workers have seen the writing on the wall; they have seen how Epic Energy treated its workers after the two-year honeymoon period. The Government is not prepared to give any guarantees, nor is it prepared to insert its redundancy provision into a common law deed. By abrogating its responsibility to do that, it will be open slather for the new part-owner of AlintaGas, after a two-year honeymoon period, to shed considerable numbers of AlintaGas employees. If Epic Energy's example is anything to go by, 50 per cent of those workers who have been given that guarantee can expect to be marching out the door after two years. The letter continues -

The major issue that the State Government, the Alinta Gas Sale Steering Committee . . . and Alinta Gas need to address and resolve is the legal point/issue associated with the proposed forced transfer of all Employees from Alinta Gas, to a **"Holding"** company who will manage the interim period and Sale of Alinta Gas, then transfer to the privately owned company called **Alinta Gas Limited**.

The specific legal point/issue that you will be required to resolve is the legally binding **"Contract of Service/Contract of Employment"** that each employee has with Alinta Gas.

I do not know how the Government intends to get over this obstacle. Clearly, if there is a legally binding contract of service or contract of employment, the Government has an obligation to ensure that the conditions of that contract of service or employment are met legally. It cannot just walk away from the responsibilities of that contract; only a negligent Government would attempt to do so. The letter goes on -

The fact is no Employee can be forced to change or cancel their **"Contract of Employment"** with Alinta Gas and sign a new **"Contract of Employment"** with the **"Holding"** company and the new privately owned company **Alinta Gas Limited**.

The CEPU asked for the legal opinions and views that the State Government, the ASSC and AlintaGas have on this matter and it wants that information as soon as possible.

One of the features of all of these negotiations and the setting up of the steering committee is that the union was not even allowed to have a representative on the steering committee. There has been no will to negotiate fairly or even consult with the union or with the AlintaGas work force. It is an absolute disgrace that the union and Western Power workers have been denied access to information which is critical not only to them but also to their families. The union asked AlintaGas to make

a commitment to insert into a common law deed, or by a consented variation, the fact that no redundancies are intended to occur and that workers will not lose their jobs.

The other concerns which the CEPU has is the retention of existing terms and conditions of employment. The letter continues -

Whilst "**Alinta Gas reaffirms its verbal commitment that there is no intention to alter the existing terms and conditions of employment within the term of the employment instruments . . .**" there are a couple of matters that still remain outstanding, they are;

- * The 1999 Certified Agreement and Award cannot be varied or changed without the consent of the respondent parties, therefore the standard is legally set for the term of the Agreements.
- * The Federal Court of Australia . . . and the Australian Industrial Relations Commission . . . essentially determine that the current rates, conditions and provisions are to continue to apply for the employees when a Government owned Department/Agency is partially or totally privatised, sold or contracted out.

It will be interesting to see what guarantees have been provided by the Government in a real and meaningful way to ensure that the existing terms and conditions of employment within the employment instruments will not be altered. It is one thing for this Government to give a verbal commitment; it is another thing for it actually to give it in a contract or another legally binding instrument. I have said on numerous occasions in this place that the workers do not trust this Government; therefore, giving a verbal commitment is, in my view and in the view of AlintaGas employees, purely and simply a waste of time.

The letter contains a long list of concerns and I am amazed that so little attention has been given to the resolution of these issues. It is probably symptomatic of the way in which the Government has failed to communicate effectively with the key players. This Government has a bad habit of doing its own thing, saying basically, "Hang the consequences" and showing little or no regard to the people who are directly affected by its policies. Obviously, many workers have concerns about the future viability of the company once AlintaGas is sold and they would like to see an employment guarantee if the new owner were to go into receivership or liquidation. Once again, this Government has not come to the party; it has given none of those guarantees. Basically, following a two-year period most of these workers will be on their own.

No proper incentive or screen scheme or transfer payments have been made available to bring workers across to the new company. I can see the minister shaking his head, but there are concerns about the amount being paid. Apparently a two-week welcome bonus is being offered. I would hope it is better than a two-week welcome bonus because that would certainly not be good enough. If this Bill were to become an Act under the minister's proposal - I sincerely hope that will never be the case - there is no doubt that the victims, apart from the Western Australian taxpayers, will be AlintaGas workers. That is written all over the place and has been totally disregarded by the Government.

The employees have many concerns about this legislation. This is not good law. It is motivated by all the wrong reasons. The Government's position is not backed up by concrete financial or planning information. We are never given the detail of this sort of legislation; we are just told that it will be good for us because the Government is making a decision about what is in our best interests. Invariably, time and again, the Government gets it wrong. I ask, as a matter of priority, that attention be given to the plight of AlintaGas workers and that the Government show goodwill in its dealings with the workers and their representatives. I hope this Bill never sees the light of day as an Act, but for a start it would be a positive step if the union were to be invited to join, and participate in a meaningful way, in the steering committee.

The Australian Labor Party opposes the privatisation of key strategic state assets and core services. This Government does not have a mandate to pursue its privatisation agenda; it has shown that it cannot be trusted with this agenda. In my view, and in the view of most Western Australian taxpayers, privatisation has gone too far. It is clearly a view shared by the Victorian taxpayers and probably a major reason for the Labor Party victory in that State. Labor opposes the privatisation of these core services. Too many privatisations have been carried out by this Government with no direct benefit to the Western Australian taxpayers; in fact, it could be argued that the more that is sold off, the worse becomes the State's public debt. There seems to be a negative correlation between the two. The Leader of the House should not shake his head; he knows it is true. How much must be sold off before the Government's finances are in the black?

Hon N.F. Moore interjected.

The PRESIDENT: Order! If Hon Ljiljanna Ravlich addresses her comments to me, I will not shake my head. She should not worry about anyone else.

Hon LJILJANNA RAVLICH: Thank you, Mr President. The Australian Labor Party says no to privatisation and the Western Australian community says no to it. Why we would want to sell off an asset that generates income for the State I do not know, apart from seeking a quick fix to the Government's financial woes. Perhaps the best thing it can do is throw out the Bill and start exercising some fiscal responsibility and better financial management. That would be a very positive step forward.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.51 pm]: Only 10 minutes remain of this debate before the House rises this evening. Presumably we will hear more from the Government tomorrow in its attempts to pursue its privatisation agenda before this Parliament. The question the Government is asking with this Bill is: Does the Parliament support the privatisation of AlintaGas? The preparation that has gone into this legislation should have taught the Government that answers have already been given to these questions, if only it had the ears to listen.

The community is already loudly and clearly saying no to further privatisation. It is a message that has been driven home

to Governments around the country, if not yet this Government. Indeed, it is a message that has been delivered effectively to Governments of western democracies around the world. They have had enough; the fad is over. The communities have not seen any benefits. Privatisations have destroyed the assets of the public of all of those countries and States in which this fad has been unleashed.

When asked the simple question of whether the Labor Party supports this privatisation, we have one simple answer: No, it does not - absolutely not. Nor do the people of Western Australia. In 1996, before this Government was last elected, it was asked by the Labor Opposition whether it had any plans that would lead to the sale of AlintaGas. The unequivocal answer from the Leader of the Government in this place was simply, no. That was the answer with which this Government went to the polls in the lead up to the last election.

When the people of Western Australia had to decide whether they would re-elect this Government, they were not privy to the fact that in its back pocket was yet another policy commitment that it was not prepared to make public. Soon after it was returned to the Treasury benches it intended to put forward a strategy aimed at further privatisation.

A compelling argument for defeating this Bill, apart from all the other reasons, is that the Government has no mandate for it. If it wants that mandate it should go back to the people of Western Australia and ask whether they support its privatisation agenda. The Bill should be postponed until the next election, when the coalition can say honestly to the people that it comprises parties committed to the privatisation of AlintaGas, Westrail and perhaps the Water Corporation or whatever else the coalition wants to add. When faced with the full knowledge of its agenda, the people of Western Australia will tell the Government what they want to do with it. The people have seen no return for this agenda. It is for those reasons they have had enough of the Government. They have had enough of strategies unleashed by ideologies that lead the community nowhere. The Government has unleashed an ideology on Western Australia convinced that privatisation is good for them. It is good for the Government's mates and the top end of town. However, it can cause members opposite to become the lackeys of the capitalists and to ignore the needs of the wider community.

The 6009 Club rules the roost in this State as far as the coalition Government is concerned. That might be good enough for the Liberal-National coalition Government, but it is not good enough for the ordinary men and women of Western Australia. When they have their chance at the polls they will let the coalition know their view. However, the task is to ensure that it does not do any more damage to the people of Western Australia, their assets or the employees whom the Government is effectively trying to deprive of their hard-earned right to work for AlintaGas.

Those workers have every right to be concerned about what is being unleashed. Their union has been studying the debate in this Parliament since this strategy was unleashed. Before I finish my remarks I will draw on the comments produced for us on this side of the House detailing chapter and verse the concerns of that work force that have not even been tackled by the minister charged with the responsibility of handling AlintaGas, and now handling the Government's regrettable strategy to privatise it.

The Labor Opposition is putting a simple proposition to the Parliament. This is enough; no more. It is time to draw the line in the sand on privatisation, and the sale of AlintaGas is as good a point as any to draw it. We have the same view about the privatisation of Western Power, Westrail Freight and the Water Corporation. It is the same response we gave earlier today, although regrettably not joined by all opposition parties, to the Prisons Amendment Bill, which was earlier before the House.

I hope that we will now consolidate a majority on this side of the House, for no other reason than to do otherwise would not be in the best interests of the people of Western Australia. It might be in some short-term electoral interests of the Liberal-National coalition. It might last until the next election, but I do not believe it will. The people have rapidly woken up to this Government and seen the devastating impact its policies have had on the community. Government backbenchers have the chance to pull the Government back. We have enough of mad ministers doing bad things to the people of Western Australia. The backbenchers have the opportunity to pull some of these people back. They know damn well they are being led down bad paths and they are doing neither the State nor the community any good. In the end it will result in enormous damage to the coalition parties in office. That might be to the political advantage of members on this side of the House, but in terms of community it does no good.

Debate adjourned, pursuant to standing orders.

LIQUOR LICENSING AMENDMENT BILL 1998

Restoration to Notice Paper in Legislative Assembly

Message from the Assembly received and read acquainting the Council that it had agreed to the Council's request to resume consideration of the Liquor Licensing Amendment Bill 1998 at the stage reached in the previous session.

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL 1999

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.01 pm]: On behalf of the Minister for Finance, I move -

That the Bill be now read a second time.

The principal purpose of this Bill is to amend the Financial Administration and Audit Act to allow for the implementation of accrual appropriations and a capital user charge. The Bill also contains an amendment to facilitate e-commerce.

A range of financial management initiatives has been implemented in recent years to improve resource allocation, performance management, accountability and transparency in the Western Australian public sector. Government departments have been reporting their annual financial statements on an accrual basis since 1994. Output-based management, implemented in July 1996, is one of the major reforms impacting on the public sector. Output-based management has provided benefits to Parliament, government, the community and agencies by improved specification of government-desired outcomes; outputs - that is, goods and services - to be provided by agencies; full accrual cost of the agreed outputs; and performance of agencies in the delivery of agreed outputs.

The implementation of output-based management was closely followed by the presentation of budgets on a full accrual basis, commencing from the 1998-99 budget. The final step in the implementation of accrual budgeting requires appropriations to cover the accrual cost of services, much like a business covers its costs by charging prices. Appropriations would also be made when capital injections are required.

The present appropriation framework is focused exclusively on cash. This appropriation regime has provided a satisfactory means to control and manage cash payments. However, it is inadequate as a basis of properly managing superannuation, leave entitlements and asset replacements. As such, it is preventing the Government from reaping the full benefits of the output-based management and accrual accounting reforms.

Accrual appropriations represent the final support in a structure that encompasses output-based management and accrual accounting. This will enable agencies to align all their financial management processes - planning, resourcing, monitoring and reporting - on a consistent basis. Keeping agencies on a cash "drip feed" is acting to prevent agencies from integrating accrual accounting, service delivery and results focus into their business planning. Accrual appropriations will offer the following benefits -

They will allow parliamentary control over non-cash commitments and costs - for example, leave liabilities, superannuation, depreciation - by bringing them within the ambit of parliamentary appropriations, which is a significant accountability improvement.

Financial managers will be given the right incentives. Chief executive officers will be forced to manage balance sheets - for example, liabilities and asset replacement from depreciation-generated reserves - and to earn the full cost of resources consumed in the production of outputs.

The full cost of outputs can be compared with other state public sector providers, providers in other jurisdictions and the private sector.

Accrual appropriations will allow for the proper assessment of the performance of CEOs. An accrual appropriation regime will mean that operating results reflect performance and not the shortcomings of the appropriation regime. Agencies that continue to show operating losses in their annual reports to Parliament will not be able to blame inadequate funding.

Information requirements for internal budgeting, monitoring and reporting to Treasury will all be accrual based.

Clause 4 of the Bill makes possible the proposed introduction of accrual appropriations for the 2000-01 budget by providing a mechanism to allow the transfer of amounts required to meet commitments incurred in the delivery of the services of a year to suspense accounts created under section 27(1). This will enable these commitments to be met in future years, as and when those commitments fall due for payment. Funds would not otherwise be available as appropriations lapse at year's end.

It is proposed to draft a Treasurer's Instruction to provide a framework to govern the rights of agencies to draw against accumulated unspent appropriation balances and establish a requirement to negotiate the timing of cash draw downs. The amount of draw downs against previous years' accumulated unspent appropriation balances, contained in accounts created under section 27(1), will be disclosed in the budget papers.

Clause 7 of the Bill enables the introduction of a capital user charge. A capital user charge is a charge on capital employed by public sector agencies, levied by central government on agencies. The Government of Western Australia, and therefore the taxpayer, has an investment in excess of \$20b in the net assets of general government sector agencies. Capital invested in and employed by government agencies has an opportunity cost in that these funds could be spent on other government priorities. The cost of this investment is also a significant element of the full cost of goods and services provided by agencies which is not presently reflected. A capital charging arrangement allows both enhancement of the management of capital and measurement of the full cost of outputs. The absence of a capital charge may have the effect of skewing capital structure decisions because, without a charge, equity does not have an explicit cost like debt does.

The capital user charge provides an incentive for agencies to reduce capital employed by disposing of surplus assets or seeking more cost-effective replacements. These actions lower the charge while allowing agencies to retain the initial level of funding. Such action also contributes to a reduction in the State's net debt. A capital user charge therefore brings the cost of capital employed into focus. It is a complementary reform to accrual appropriations that will significantly enhance asset investment and balance sheet management practices in government. Accordingly, it is proposed to implement the capital user charge simultaneously with accrual appropriations. Agencies will be fully funded in the first instance for the capital user charge. This will provide them with the incentive to rationalise assets and reduce the charge, freeing up valuable funds for output, or service, delivery.

These proposed reforms are about improved financial management, as well as good government. They are essential to deliver on the Government's commitment to building a high-performing and responsive public sector, which operates in a more businesslike way. The adoption of the reforms will, over time, contribute to improved financial outcomes by improving financial management.

Finally, clauses 5 and 6 of this Bill provide for government e-commerce by allowing direct debiting arrangements and removing a barrier existing in the Act, which has been interpreted as requiring physical certification of payments on paper. The amendment contained in clause 6 provides for electronic certification to be accommodated in the Treasurer's Instructions. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

House adjourned at 10.07 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

143. Hon LJILJANNA RAVLICH to the Minister for Mines:

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

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

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

- (1)-(3) Each agency is singularly responsible for its own Year 2000 remediation program. Agencies are not required to report at this level of detail.
- (4) The Premier has instructed all agencies to treat this as a priority and this aspect of agency activity is included in each Chief Executive Officer's performance agreement.
- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

144. Hon LJILJANNA RAVLICH to the Minister for Tourism:

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

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

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

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- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

145. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

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

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

Hon N.F. MOORE replied:

Western Australian Government agencies have been required to report quarterly until August 1999, but are now required to report monthly to the Department of Commerce and Trade as to their Year 2000 readiness. These reports are web based and provide direct advice from the agencies and report the responses to specific questions. No modelling or derivation or weightings are applied to the results. Thus the Government is not altering in any fashion the responses of the agencies. Accountability for this issue lies between the Minister and the CEO through legal requirements and performance contracts.

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- (5)-(6) See (1)-(3) above.
- (7) In accordance with the Premier's direction, all agencies are developing Year 2000 remediation plans and reporting accordingly.
- (8) As of 30 June 1999 the across government budget for Year 2000 remediation totalled \$173.5 million.

The Minister for Commerce and Trade would be pleased to arrange a briefing from officers of the Department of Commerce and Trade who can explain the Government's approach to this issue in more detail.

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF THE ACT

187. Hon LJILJANNA RAVLICH to the Minister for Mines:

- (1) Which departments or agencies in the Minister for Mine's portfolio have been granted partial exemptions in -

- (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon N.F. MOORE replied:

- (1)-(2) The accreditation assessment process commenced in 1997 and due to the Review of the State Supply Commission Act, the process was put on hold in August 1998. In accordance with the Commission's ongoing compliance program, 48 agencies (as denoted in the attached table) were reviewed in 1999. This compliance review examined changes in procurement capability and improvements in systems, procedures and skills. The results showed a marked improvement in procurement practices and purchasing culture within agencies. [See paper No 169.]

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF THE ACT

188. Hon LJILJANNA RAVLICH to the Minister for Tourism:

- (1) Which departments or agencies in the Minister for Tourism's portfolio have been granted partial exemptions in -
- (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?
- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon N.F. MOORE replied:

- (1)-(2) The accreditation assessment process commenced in 1997 and due to the Review of the State Supply Commission Act, the process was put on hold in August 1998. In accordance with the Commission's ongoing compliance program, 48 agencies (as denoted in the attached table) were reviewed in 1999. This compliance review examined changes in procurement capability and improvements in systems, procedures and skills. The results showed a marked improvement in procurement practices and purchasing culture within agencies. [See paper No 169.]

GOVERNMENT DEPARTMENTS AND AGENCIES, EXEMPTIONS FROM PURCHASING PROVISIONS OF THE ACT

189. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

- (1) Which departments or agencies in the Minister for Sport and Recreation's portfolio have been granted partial exemptions in -
- (a) Class 1 - Autonomous purchasing up to \$50 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (b) Class 2 - Autonomous purchasing up to \$250 000 per total contract value. Higher value purchasing to be arranged by a third party designated by the State Supply Commission;
 - (c) Class 3 - Autonomous purchasing up to \$1m per total contract (or to a value as agreed by the Commission). Higher value purchasing to be arranged by a third party designated by the State Supply Commission; and
 - (d) Class 4 - Autonomous purchasing with no upper limit?

- (2) For each department and agency in the Minister's portfolio which have been granted partial exemptions from the operation of section 19(1) of the *State Supply Commission Act 1991*, which departments or agencies have reviewed their supply activities and assessed its risk in accordance with the commission's accreditation process each 12 months or at intervals determined by the commission?

Hon N.F. MOORE replied:

- (1)-(2) The accreditation assessment process commenced in 1997 and due to the Review of the State Supply Commission Act, the process was put on hold in August 1998. In accordance with the Commission's ongoing compliance program, 48 agencies (as denoted in the attached table) were reviewed in 1999. This compliance review examined changes in procurement capability and improvements in systems, procedures and skills. The results showed a marked improvement in procurement practices and purchasing culture within agencies. [See paper No 169.]

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

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

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

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

Hon MAX EVANS replied:

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management – Please refer to the answer given in response to question on notice 52.
- | | | |
|-----|---------|---------|
| | 1997/98 | 1998/99 |
| (b) | 1 | 7 |
| (c) | 70 | 93 |
- (2) 163 internally, 8 externally
- (3) Victor Smith and Associates, Erica Scott, Peter Casey Executive Recruitment
- | | | |
|-----|---------|----------|
| (4) | 1997/98 | 1998/99 |
| | Nil | \$25,584 |

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

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

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

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

Hon MAX EVANS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19/8/99.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

319. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

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

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

Hon M.J. CRIDDLE replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19/8/99.

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

517. Hon TOM STEPHENS to the Minister for Sport and Recreation:

Can the Minister for Sport and Recreation provide the following details of land sales in -

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

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

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

Hon N.F. MOORE replied:

- (a)-(b) Nil.
- (i)-(vii) Not applicable.

PORT KENNEDY MANAGEMENT BOARD, IMPARTIALITY

645. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

Further to questions without notice of September 21, 1999.

Is the Minister for Planning concerned about the impartiality of the Port Kennedy Management Board in view of the fact that two representatives of Port Kennedy Resorts Ltd sit on the board and the developers not declaring their interest in regard to the land grant issue and their failing to absent themselves from discussion on this matter?

Hon PETER FOSS replied:

The membership of the Port Kennedy Board is prescribed by the *Port Kennedy Development Agreement Act 1992*. The Chairman of the Port Kennedy Management Board is responsible for ensuring that members declare an interest when discussing matters before the Board. The Chairman has raised no concerns with me in this regard.

JERVOISE BAY, SEAWALL IN NORTHERN HARBOUR

779. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

- (1) What is the current zoning of the 2.6 hectare area of sea lying directly offshore adjacent to lots 165 and 167 (the area seaward from the current title boundary) to be reclaimed for the building of a sea wall in The Northern Harbour of Jervoise Bay?
- (2) Does this area require rezoning?

- (3) If so, why has the decision been made not to undergo a MRS amendment prior to commencement of construction, as was the case in the Southern Harbour of Jervoise Bay and Port Catherine?

Hon PETER FOSS replied:

- (1) Land to the immediate west of Lots 165 and 167 comprises Lots 166 and 168 respectively. All of these lots are zoned "Industrial" in the Metropolitan Region Scheme (MRS). The area to the west of Lots 166 and 168, to be reclaimed, comprises the ocean and is reserved for "Waterways" in the MRS.
- (2) The Western Australian Planning Commission has not made any decision in respect of the rezoning of the reserved land.
- (3) Not applicable.

GANTHEAUME POINT TOURIST DEVELOPMENT, MEETINGS

787. Hon GIZ WATSON to the Minister for Transport representing the Minister for Local Government:

With reference to question 55 of September 7 1999 to the Minister for Lands regarding Gantheaume Point Tourist Development meetings. Given that the answers to that question detailed five formal briefings with the Shire of Broome -

- (1) Is the Minister for Local Government aware that after these formal meetings with the Shire President that the other members of the council were not informed of these meetings?
- (2) Will the Minister initiate an investigation as to why this information was not passed on to other Broome councillors?
- (3) In light of the answer to question 789 of December 16 1998 to the Minister for Lands which stated that the Government would require broad community consultation will the Minister initiate an investigation as to why the residents of Broome were not advised of the details of those meetings by the Shire President?

Hon M.J. CRIDDLE replied:

- (1) The Minister for Local Government is aware that the Department of Local Government has received a complaint concerning this matter.
- (2) The Department of Local Government made preliminary inquiries with the Shire of Broome concerning the complaint. However, no formal investigations have been initiated because the issue of general communication between the Shire, its councillors and the public was addressed in a recent review of the Shire, which was undertaken by the Department. As a result of the review the Department has recommended that the Shire take action to improve communication both internally and external of council. Implementation of those recommendations will be subject to review by the Department.
- (3) The Department of Local Government made preliminary inquiries with the Shire of Broome in relation to an additional complaint that the residents of Broome were not advised of the details of the meetings by the then Shire President. No formal investigation has been initiated for the reasons given in answer (2) above.

MINING, PROSPECTING LICENCE 26/2469

842. Hon TOM HELM to the Minister for Mines:

I refer to question on notice 417 of September 7 1999 -

- (1) Does the Minister stand by his answer of "yes" for part (1) of the question?
- (2) If not, why not?
- (3) Do all the corner pegs of Prospecting Licence 26/2469 have to be within late Miscellaneous Licence 26/35 and be "identical" to 26/35 or can some of the corner pegs including the datum peg for P26/2469 be "partially within the area" of Miscellaneous Licence 26/35 for it to be granted to the applicant?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) Subject to compliance with the marking out provisions of the Mining Act 1978 the corner pegs of Prospecting Licence 26/2469 can be inside or outside of late Miscellaneous Licence 26/35. The area available to be granted is limited to that area marked out which is within the boundaries of Miscellaneous Licence 26/35.

PYRTON SITE, EXPENDITURE

886. Hon GIZ WATSON to the Minister for Finance representing the Minister for Disability Services:

- (1) In respect of the Pyrtton site will the Minister for Disability Services provide me with the -
 - (a) total expenditure incurred in providing 24 hours security since the relocation of residents;

- (b) ongoing monthly expenditure incurred in providing 24 hours security;
 - (c) ongoing monthly maintenance costs at the site; and
 - (d) total expenditure for the site since the relocation of residents?
- (2) Will the Minister also inform me as to which department incurs these costs?

Hon MAX EVANS replied:

- (1)
 - (a) \$96,948
 - (b) \$14,760 per month
 - (c) \$2,000 per month
 - (d) \$145,500
- (2) Ministry of Justice and Disability Services Commission

QUESTIONS WITHOUT NOTICE

BUSES, DELIVERY

571. Hon TOM STEPHENS to the Minister for Transport:

- (1) How many buses have been delivered to date under the DaimlerChrysler Australia/Pacific Pty Ltd contract?
- (2) How many of these buses have been gas?
- (3) How many buses will be delivered next year?
- (4) How many of the gas buses to be delivered next year will be multipoint electronic fuel injection gas buses?
- (5) How many of the bodies of the buses already delivered have been manufactured in Western Australia?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Fifty-one.
- (2) Negotiations for delivery of the gas buses should be finalised on Thursday, 18 November 1999 when I meet with DaimlerChrysler.
- (3) One hundred and fifty-two will have been delivered by June 2000, and 139 will be delivered during the 2000 calendar year.
- (4) Up to five in number.
- (5) Twenty-one have been built in Western Australia. Because of the popularity and increased demand for the buses as a result of new services, including the circle route, delivery times have been brought forward, with some manufacturing taking place in Melbourne. From April 2001, all production will be Perth based.

MAIN ROADS WA, CSR EMOLEUM ROAD SERVICES MAINTENANCE CONTRACT

572. Hon TOM STEPHENS to the Minister for Transport:

I refer to the Main Roads WA maintenance contract worth \$244m awarded to multinational company CSR Emoleum Road Services for the mid west and wheatbelt and ask -

- (1) Can the minister advise the specific commitments the company has made to regional development and to purchasing goods and services from local companies?
- (2) Will the minister table the clause of the contract that purports to provide for and enforce regional development and regional purchasing commitments?

Hon M.J. CRIDDLE replied:

- (1)-(2) I thank the member for some notice of this question and for providing me with the opportunity to inform the House of the regional development contractual clauses contained in term maintenance contract 3/99. The contract awarded to CSR Emoleum Road Services is a 10-year contract for the provision of road asset management and associated road maintenance services on the State's highway and main roads network in the mid west and wheatbelt north regions. A number of commitments have been made by the contractor in the areas of development of regional expertise, regional presence of staff and purchasing of goods and services within the network area. These commitments are linked to key performance indicators in the contract which will be closely monitored by Main Roads. Should the contractor fail to deliver on the commitments, it will be penalised financially. The specific commitments are as follows -

The contractor must meet a cumulative expenditure target for the purchase of goods and services within the network area with a direct cost of no less than \$90.2m.

The contractor will procure subcontractors for the delivery of minor improvement works using a procedure to obtain locally-based and prequalified construction firms which will include the calling of tenders and a tender selection panel to select the successful tenderer based on value for money criteria. Regional buying policies will be extended to those transactions and Main Roads will be consulted during this process.

The contractor and the Main Roads superintendent must meet jointly with all local governments on the network within 16 weeks of commencement of services to discuss opportunities for engaging local government to undertake works on a subcontract basis during the term of the contract.

The contractor must deliver a graduate recruitment and cadetship scheme by which a locally-based graduate engineer is employed as project engineer, and a cadetship program which involves university sponsorship for a student from the network with guaranteed progression into the project engineer role.

The majority of the contractor's staff and subcontractors must have their permanent accommodation inside the network.

The contractor must establish and maintain arrangements with a number of locally-based plant owners/operators situated across the network who will be available to respond to emergency and urgent situations.

The contractor must establish and maintain main bases at Northam and Geraldton, plus a depot at Merredin.

The contractor must hold annual regional conferences/workshops for local government staff to ensure that innovations are introduced to the wider road maintenance industry.

I repeat that the contract provides for the contractor to be penalised financially for failing to deliver on these commitments. In addition to the above commitments, 20 other areas will be regularly audited by Main Roads' contract administration team, which may result in reductions to the payments to the contractors. Both the Mid West Development Commission and the Wheatbelt Development Commission were involved in the process.

STATE BUDGET, INSURANCE REVENUE

573. Hon N.D. GRIFFITHS to the Minister for Finance:

Yesterday in part answer to my question about current projections of revenue differing from that set out in the budget, the minister said that "insurance policies could be up by \$12m".

- (1) Was the minister referring to stamp duty on insurance policies?
- (2) Has the minister inquired as to why there is that projected increase; and if not, why not?
- (3) Do the reasons include the writing of insurance policies to take into account the goods and services tax and increased workers compensation premiums?
- (4) Has the minister ascertained the breakdown of the projected increase; and, if so, what is it; if not, why not?

Hon MAX EVANS replied:

I ask the member to put that short question on notice.

GNANGARA WATER MOUND

574. Hon GIZ WATSON to the minister representing the Minister for the Environment:

In respect of the Gnamangara Mound water resource -

- (1) Is the Minister for Water Resources complying with the Gnamangara Mound ministerial and licence conditions applying to the pumping of ground water from the Gnamangara Mound?
- (2) If so, will the minister provide evidence of compliance?
- (3) If not, will the minister provide details of non-compliance?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Water and Rivers Commission, as proponent of the Gnamangara Mound ground water resources, has recently notified the Department of Environmental Protection of non-compliance with some environmental conditions.
- (2) Not applicable.
- (3) The minister has been advised by the Department of Environmental Protection that the non-compliance matters relate to the following -

Late submissions of a memorandum of understanding between the Department of Conservation and Land Management and the WRC for management of Gnangara pines.

Late submission of the environmental operations plan.

The WRC 1997-98 annual report was submitted late.

For the 1997-98 reporting period, environmental water provisions were not met in five vegetation monitoring wells and Lake Nowergup and Coogee Springs. For the 1998-99 reporting period, environmental water provisions were not met in three vegetation monitoring wells, and water levels in Lake Nowergup fell below environmental water provision level. This equates to eight breaches of the 27 criteria set for the Gnangara area, by which the WRC reports there was no significant environmental damage.

Failure of artificial supplementation schemes for Lake Nowergup and Coogee Springs.

Interim indicator species list late in preparation but extension of time given.

The WRC has reported to the DEP that documents which have not yet been submitted in final form are presently being finalised. The WRC reported to the DEP that despite precautionary actions such as requiring the Water Corporation to turn off 15 production bores at Gnangara and only operating others during weekends, the low rainfall over the past two years has resulted in water levels falling below set levels. The minister will shortly release the DEP chief executive officer's report on non-compliance for August and September, which addressed the above non-compliance matters, in accordance with established procedures.

AUSTRALIAN RAIL TRACK CORPORATION INTERGOVERNMENTAL AGREEMENT

575. Hon NORM KELLY to the Minister for Transport:

- (1) Does the Government remain committed to remaining in the Australian Rail Track Corporation Intergovernmental Agreement?
- (2) Has the Government expressed any intention to withdraw from the ARTC Intergovernmental Agreement; and, if so, to whom has this intention been expressed?
- (3) Has the ARTC made an offer at any time to manage the Westrail standard gauge network, including the Leonora-Esperance line?
- (4) If yes, has this offer subsequently been withdrawn?

Hon M.J. CRIDDLE replied:

- (1)-(4) As the member would be aware, an intergovernmental agreement was signed two years ago, to which this Government is committed, and I constantly tell my colleagues in the eastern States that we are committed to that agreement. That would lead to the wholesale agreement for the selling of slots on that rail line to all comers. That is one of the assurances that we will have in place if indeed we have the opportunity to lease the track. We have not shown any interest at all in walking away from that agreement. It would be interesting to know the results of some of the negotiations in progress. We have had an offer from the Australian Rail Track Corporation. The essence of the offer was \$150m over 50 years, but I must make the point that the shareholders of the ARTC have not committed to the funding for that arrangement.

Hon Norm Kelly: Does that include the Esperance-Leonora line?

Hon M.J. CRIDDLE: No, it was not in that arrangement. Mr Barry Murphy, the chairman, reiterated to me and made very clear when he came here last Thursday and Friday and I met with him that they are interested only in the east-west track. There was no indication whatsoever of their being interested in the north-south standard-gauge rail line.

With regard to an offer being withdrawn, obviously that offer would not be sanctioned at all. The proposition that was put to the Government is what I might call a Clayton's offer. I was the last person to hear about it. It was around the traps for some time.

Hon Ljiljanna Ravlich: Have you been taking lessons from the Attorney General?

Hon M.J. CRIDDLE: There are four parts to this question and it is a very serious issue. One of the things that we must get on top of is looking well into the future of Western Australian rail lines. Their viability is absolutely crucial. We are running up a huge debt at this time. Members opposite must point out at some stage in the near future how they intend to fund the rail network and how they will come to terms with the fact that the debt is rising.

Several members interjected.

The PRESIDENT: Order! If members want to interject that is fine, but I have already worked out that not every member will be able to be called for a question today. It is up to members.

Hon M.J. CRIDDLE: The crux of the matter is that the Government is putting up this option, and nobody else has come up with any other way of solving this problem. Certainly when it was raised in this House, we still did not get any indication from the Opposition of how it would fund that debt and fund schools, hospitals, law and order and all the other things that

are so crucial to Western Australia. We are putting forward an opportunity to solve that problem with a solution that will give us a very good network in the future at reasonable freight rates, of which everyone should be well and truly aware. We are producing products that we need to get to the ports cheaply. The only way we will do that well into the future is to go ahead with this opportunity to lease the track and sell the rolling stock.

DRUG ABUSE STRATEGY OFFICE PUBLICATIONS

576. Hon RAY HALLIGAN to the minister representing the Minister for Family and Children's Services:

- (1) Can the Government list the range of languages that the WA Drug Abuse Strategy Office will be targeting under its new campaign of drug awareness?
- (2) What is the planned timetable for this campaign and will it extend into both schools and community groups?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Four weeks ago the WA Drug Abuse Strategy Office released three information booklets for parents in the Vietnamese language. These publications represent the culmination of 12 months' work building relationships and linkages with the Vietnamese community. This has assisted Vietnamese community workers to tackle drug abuse problems and to link with generic drug treatment services. The publications will now be widely available through Vietnamese community outlets as well as schools. Further work will include promoting awareness through Vietnamese language radio and newsletters, and maintaining support for Vietnamese welfare workers.

There is a need for this sort of campaign and resource development for the communities which comprise the most recent arrivals to Western Australia, where there is a significant proportion of adults for whom their native language remains dominant. Current advice is that the priority communities in this respect may be from the countries of the former Yugoslavia. Further consultation will identify the needs of other specific communities.

- (2) Consultation has begun with migrant resource organisations with a view to undertaking a similar community development approach with these culturally and linguistically diverse communities and producing suitable resources for their use. This will occur over the next 12 to 18 months and will take the same approach, extending into community groups and schools.

TOURISM - DONNELLY RIVER VALLEY

577. Hon KEN TRAVERS to the minister representing the Minister for the Environment:

I refer to the \$2m allocated as part of the Regional Forest Agreement for a major tourist attraction in the Donnelly River Valley.

- (1) Has this \$2m been allocated?
- (2) If not, when is it expected to be allocated?
- (3) Can the Government advise as to what this tourist attraction is expected to be and exactly where it will be situated?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

Hon Ljiljanna Ravlich: We might as well cancel question time.

The PRESIDENT: Order! I will cancel it for Hon Ljiljanna Ravlich if she does not stop interjecting.

ROYAL PERTH HOSPITAL - INCENTIVE PAYMENTS

578. Hon KIM CHANCE to the minister representing the Minister for Health:

- (1) Have managers at Royal Perth Hospital been paid a bonus or similar incentive payment in recognition of that hospital's financial performance?
- (2) If so, what was the range of payments that were made?
- (3) To how many persons was the payment made?

Hon MAX EVANS replied:

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

WESTRAIL - TIMBER SLEEPERS

579. Hon JOHN HALDEN to the Minister for Transport

- (1) Can the minister confirm the Minister for the Environment's advice to the other place today that there were no

contracts currently in place for jarrah railway sleepers and that none will be put in place until the relevant policy comes back to Cabinet?

- (2) Is the line strengthening project currently underway in Westrail or about to be underway, and does it not extensively use timber sleepers?
- (3) What alternatives are being used in place of jarrah if timber sleepers have been removed from use by Westrail?
- (4) When will the policy be discussed by Cabinet?

Hon M.J. CRIDDLE replied:

- (1)-(4) We have not put in place any new contracts since April. Certainly we have a process in place. I called on the Commissioner of Railways to carry out a revue of the situation. That revue is currently with me and obviously I am in consultation with the Minister for the Environment. That will go to Cabinet for consideration.

Hon John Halden: There are contracts currently using timber in Westrail.

Hon M.J. CRIDDLE: Contracts are currently using it and there are stockpiled timbers. Obviously those contracts will conclude.

Hon Bob Thomas: Are you still receiving jarrah sleepers?

Hon M.J. CRIDDLE: I was saying that the contract that we let in April was the last. We have a program in place where we have 50 per cent steel and 50 per cent timber sleepers.

The grain network contract dates right back to 1996-97. That is in progress now and will be carried on. The issue of the sleepers is under review, as I have said. The Government will make a decision on that in the near future.

BOAT RAMPS, REES PLACE, MANDURAH

580. Hon J.A. COWDELL to the Minister for Transport:

- (1) Can the minister confirm that the four boat launching ramps built at Rees Place in Mandurah by the Department of Transport have been leased to a private company?

If they have -

- (2) What is the name of the company?
- (3) What process was followed to arrive at this leasing arrangement?
- (4) When did the minister give approval for the lease to proceed?
- (5) How long is the lease and what are the fees paid to the Government under this lease?
- (6) What are the proposed charges that will be paid by users of the ramps?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Eastport Marina Pty Ltd.
- (3) Expressions of interest for leasing and developing a marina were publicly advertised in November 1994.
- (4) The lease commenced in May 1996.
- (5) The lease is for a term of 21 plus 21 years at peppercorn rental for the first 15 years, a 50 per cent market rent for the next seven years, and a full market rent thereafter.
- (6) This is a matter for Eastport Marina Pty Ltd.

LOCAL GOVERNMENT SUPERANNUATION

581. Hon TOM STEPHENS to the minister representing the Minister for Local Government:

I refer to the fact that Western Australia's local government can pay employees' superannuation into only one fund.

- (1) Can the Minister for Local Government confirm the advice of Senator Ross Lightfoot, Deputy Chair of the Socio-Economic Consequences of the National Competition Policy Committee, to the Murchison ward conference last Friday that this is contrary to national competition policy?
- (2) Will the Minister for Local Government table any advice he or his department has in relation to this issue, including submissions from local government; and, if not, why not?
- (3) When will the Minister for Local Government be introducing legislation to allow local governments to offer freedom of choice with respect to superannuation funds?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The Department of Local Government reviewed the provision of the Local Government Act 1995 that relates to superannuation for employees in terms of its compliance with national competition policy. It was concluded that "maintaining a single industry scheme to ensure a viable fund to protect the contributions of members is no longer necessary or appropriate". The departmental advice provided to the minister is available and I seek leave to table it.

Leave granted. [See paper No 406.]

The WA Municipal Association and the Institute of Municipal Management have been asked to consider the issue of freedom of choice in local government superannuation, develop a common position and then present that to the Minister for Local Government. The minister believes it is appropriate for employees and employers to agree on a future approach to local government superannuation before making changes to the current situation.

LEIGHTON MARSHALLING YARDS, AGREEMENTS

582. Hon J.A. SCOTT to the Minister for Transport:

- (1) What agreements have been made between the consortium developing the Leighton marshalling yards and -
 (a) Westrail; and
 (b) the State Government?
- (2) What assurances has the consortium been given regarding this site development?
- (3) Will the Government or Westrail be exposed to claims for costs or damages if the proposal does not proceed or is substantially altered?
- (4) Will the minister table all correspondence and agreements relating to the proposed development?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) None. However, Westrail is currently negotiating an agreement with the Leighton Shores consortium. It is expected that the agreement will be finalised by 26 November 1999, after which it will be submitted to Cabinet for approval.
- (2) None.
- (3) Issues related to claims for costs or damages will be dealt with in the agreement, which is subject to cabinet approval.
- (4) I am not prepared to table correspondence relating to this matter. An agreement with the consortium has not been finalised.

ALINTAGAS, NUMBER OF EMPLOYEES

583. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

- (1) How many full-time permanent employees are employed by AlintaGas Corporation?
- (2) How many permanent part-time employees are employed by AlintaGas?
- (3) How many temporary employees or subcontractors were working for AlintaGas in the last pay period?
- (4) Does AlintaGas have a policy governing the length of time that a worker may be engaged as a temporary employee or a subcontractor?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) AlintaGas has 371 permanent employees.
- (2) AlintaGas has six permanent part-time employees.
- (3) AlintaGas has nine temporary employees. AlintaGas has a number of functions that have been contracted out to service provider organisations. AlintaGas has a contract for service and pays for the provision of the service and, therefore, is not privy to the contractors' employee records.
- (4) AlintaGas does not have such a policy.

MINISTRY FOR PLANNING, EAST-WEST ACCESS

584. Hon B.K. DONALDSON to the Attorney General representing the Minister for Planning:

Has the Ministry for Planning developed any long-term plans to improve the east-west access from Yanchep across to Great Northern Highway if the future expansion of Yanchep into a northern satellite city takes place?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Neither the Ministry for Planning nor the Western Australian Planning Commission has any such long-term plan.

DOING MORE WITH AGRICULTURE AND NATURE-BASED TOURISM DELEGATION

585. Hon BOB THOMAS to the Minister for Tourism:

I refer to the recent "Doing more with agriculture and nature-based tourism" study tour of Europe and the United States led by the Minister for Primary Industry.

- (1) Did the minister, his staff or anyone from the WA Tourism Commission provide the delegation with a briefing before it left Western Australia?
- (2) Did the minister or any of his staff have any discussions with the Western Australian Agent General about the delegation's visit before it arrived in London?
- (3) What support did the minister request the Agent General give the delegation?
- (4) Was the minister supportive of the purpose of the delegation's visit?

Hon N.F. MOORE replied:

- (1)-(2) Not to my knowledge.
- (3) None to my knowledge.
- (4) I was not aware of the trip.

BLUE GUM GROWERS, GREAT SOUTHERN REGION

586. Hon CHRISTINE SHARP to the Minister for Transport:

I refer to the independent blue gum growers around the great southern region.

- (1) Has the Department of Transport approached the growers to see whether they are prepared to cooperate to use rail freight into the port of Albany?
- (2) If it has not, has the minister instructed the department to enter into negotiations on this matter?

Hon M.J. CRIDDLE replied:

- (1)-(2) I am not sure. Obviously I will have to talk to officers to establish whether they are asking people to cooperate with the industry with regard to rail.

Hon Christine Sharp: Have you taken any action to initiate that process?

Hon M.J. CRIDDLE: My view on the woodchip industry is well known. The Government wants as much woodchip as possible to be transported by rail. The member and her colleagues would help if they were to pass the legislation that will enable the appointment of a very good operator. The Government wants an A-class operator to handle the rail freight business in Western Australia, which would allow these initiatives to go ahead.

While in Albany at a meeting with the member and some local people who want to maximise rail transport of woodchips I clearly explained that the Government wants that to happen. That initiative can come only from a private operator. As I explained to the member, the State has a huge debt. I cannot come to any understanding of their point of view if the Greens do not want to shift product off road onto rail and to complement their own policy. That is a very grave issue with which they must deal. I will make the point to anyone who wants to listen that the Government wants as much product as possible to be transported by rail, whether it be grain, iron ore or anything else. This is a serious problem in Western Australia. The member knows the problems we have with the road network. She must understand that she will bear the responsibility of not allowing rail to grow in Western Australia. That goes to the crux of this matter. I will be reminding people about that well into the future.

TRANSCENDENTAL MEDITATION FOR PRISONERS

587. Hon TOM STEPHENS to the Minister for Justice:

I refer to media reports of the presence in Australia of two judges from the United States of America and their claims detailing the successful impact of reducing recidivism among prisoners and offenders by teaching transcendental meditation to prisoners and offenders as part of the sentencing options and prison regime in the State of Missouri.

- (1) Is the Minister for Justice taking any steps, or has he taken any steps, to provide for the use of transcendental meditation as a sentencing option or for teaching TM in prisons in Western Australia?
- (2) Has the minister received an invitation to the talk being given this Friday in Perth at the Curtin University of Technology by the Honourable David Mason and Judge Forder when they will be advocating this strategy?
- (3) If the minister has not so far done so, is he proposing to take any steps in this direction?

Hon PETER FOSS replied:

- (1)-(3) I have done nothing specifically to promote transcendental meditation in prisons. However, I understand that when the occasion arises for people to teach subjects such as meditation, it is taught. Therefore, to some extent that option is dependent on the availability of people to teach it. I believe there has been a meditation course in one of the prisons. I certainly would not prevent the teaching of meditation in prisons. There are many other things that have similar effects to meditation. I have always believed that the arts have a very important and similar effect to meditation and I have encouraged things such as drama, music, painting and other forms of art. As a sentencing option, I do not know that we need to amend our legislation specifically. To the extent that it is possible to impose conditions on people, there is no reason why judges could not make the attendance at a transcendental meditation course part of a conditional release order or an intensive supervision order. I do not believe there is anything under the legislation to prevent judges doing so. I do not know whether I have received an invitation to the talk this Friday as I receive a great number of invitations. It may very well be that an invitation has been sent to me, but I do not have any particular plans for transcendental meditation to be introduced into the prison system.

DEPARTMENT OF LAND ADMINISTRATION, LEASE AGREEMENT WITH RADOCK PTY LTD**588. Hon LJILJANNA RAVLICH to the minister representing the Minister for Lands:**

I refer to the lease agreement between the Department of Land Administration and Radock Pty Ltd for the former Building Management Authority workshops in Welshpool.

- (1) Has a formal lease agreement between DOLA and Radock Pty Ltd been signed; and, if so, on what date?
- (2) How many times and on what dates has Radock Pty Ltd defaulted on its rental payments?
- (3) How much rent is currently outstanding?
- (4) Will the minister consider cancelling the lease with Radock Pty Ltd given that Radock is clearly in breach of its commercial lease obligations; and, if not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Radock Pty Ltd signed the DOLA lease documents on approximately 20 October 1999. The lease agreement is currently at the State Revenue Department to be stamped.
 - (2)-(3) None.
 - (4) No, as it is not in breach.
-