



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Tuesday, 15 June 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

CITY OF ALBANY

Petition

Hon Norm Kelly presented a petition, by delivery to the Clerk, from 15 persons praying that an appropriate committee of the Parliament examine issues of community concern with regard to the City of Albany.

[See paper No 1118.]

STANDING COMMITTEE ON LEGISLATION

Statutes (Repeals and Minor Amendments) Bill

Hon B.K. Donaldson presented the forty-seventh report of the Standing Committee on Legislation in relation to the Statutes (Repeals and Minor Amendments) Bill 1998, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1119.]

CENSURE OF MINISTER FOR LABOUR RELATIONS

Notice of Motion

HON LJILJANNA RAVLICH (East Metropolitan) [3.36 pm]: I give notice that at the next sitting of the House I will move the following motion -

That the Minister for Labour Relations be censured for refusing to accept the recommendation of "A review of the Western Australian Labour Relations Portfolio", conducted by Mr Tony Ayers at the request of the Minister for Public Sector Management, that the building and construction industry task force be abolished.

That this House calls on the minister to review her decision, given that the building and construction industry task force is not cost effective and is no more than a political vehicle used to discriminate against the State's building and construction unions.

Point of Order

Hon N.F. MOORE: Is that motion in order, Mr President, in view of the fact that the Minister for Labour Relations is not a member of this House?

The PRESIDENT: Members in this House can move motions in respect of various individuals, but the House is not in a position to carry out any threats or whatever other penalties might be proposed. I will read the motion very closely later on, to see whether it is in order. If it is not in order, I will advise the member in due course. It is usual, when referring to ministers in another place, to take the action against the minister representing that minister in this place.

GOODS AND SERVICES TAX

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 15 June.

Dear Mr President

At today's sitting, it is my intention to move an Urgency Motion under SO 72 that the House at its rising do adjourn until 10.00 am on the 25th December 1999 for the purpose of discussing the damaging impact of the GST on Western Australia.

Yours sincerely

John Halden MLC
Member for South Metropolitan Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON JOHN HALDEN (South Metropolitan) [3.39 pm]: I move -

That the House at its rising adjourn until 10.00 am on 25 December.

The Federal Government is now faced with a compromise position, in terms of its proposed tax reform. A close scrutiny shows that the compromise, which was worked out with the Australian Democrats, will foist upon us a system which is likely to cause far more problems than originally envisaged. The goods and services tax was argued for as a necessary implement of tax reform. It was said that it would be simpler. It was to be clearer to understand. It was to bring about a reformation

in this nation's taxation system. However, the molly-coddling and cooing and gooing that has occurred between the Australian Democrats and the Government means that we have reached a crossroads in a matter that we should debate with sincerity. We will have a tax regime that has become doubly regressive. Compliance costs will hamstring many small businesses and those costs are rising rapidly. The latest figures suggest that each small business in this nation will have to pay \$5 000 in compliance costs brought about by amendments agreed to between the Government and the Australian Democrats.

I note the Minister for Tourism is not in the House; however, this compromise and the original legislation clearly will have a significant impact upon our tourism industry. It is unfortunate that the Minister for Tourism has not performed in the same way as have some of his colleagues in the other place by showing their disgust for what this package will mean for an industry that he supposedly represents in this Parliament.

However, Mr President, there is another matter that we must look at which has been largely ignored to date; that is, the issue of the constitutional validity of the proposal before us. I note the Minister for Transport is also outside on obvious parliamentary activity. However, I want to suggest to members of the National Party and those who represent rural communities in this place that one of the crucial factors in the arrangement with the Democrats is the rebate or the concessional arrangements to apply to diesel fuel. I suggest to each and every member who represents those rural areas that it is absolutely paramount in their thinking. The impact, if this rebate were not to apply to their constituencies, would be enormous. If it were not to apply, rural and remote Western Australia would rise as one and have members' heads; it is absolutely critical that the rebate should remain, as members have said in this debate.

Hon Simon O'Brien: Are your federal colleagues now going to go back and support the original government proposal on which the Liberals were elected?

Several members interjected.

The PRESIDENT: Order! If one member interjects everyone wants to interject. We have limited time. A number of members indicated they wanted to speak; therefore, let us just get on with the debate.

Hon JOHN HALDEN: I suggest to members opposite that they have been sold a pup because the moment this legislation comes into law it will be challenged in the High Court. Have members ever read sections 99 and 51(ii) of the Australian Constitution? I refer to a book called *The Annotated Constitution of the Australian Commonwealth* written in 1901 by Quick and Garran, both of whom attended the constitutional conventions. I will quote what they say about section 99 so that members understand clearly where this tax deal is leading them and that it is on their heads. It reads -

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

Have members thought about the diesel rebate or concession, call it what they like? The State of Tasmania will get the rebate and other capital cities in other States will not. The Federal Government is setting up a preference arrangement. One will be able to buy diesel by geographical location, for instance in Sydney, which will be 8¢ per litre more expensive than in Port Hedland; it will be 8¢ dearer in Wollongong than in outback South Australia or Hobart. Members opposite should think about what they are doing. The situation is clear. I will continue on what these founding fathers thought about this matter. On page 877 they say -

... taxation laws must not "discriminate between States or parts of States."

It goes on -

The object of this prohibition is to prevent federal favouritism and partiality in commercial and other kindred regulations. As any law which gives a preference in contravention of this section will be unconstitutional, and therefore void, it becomes highly important to examine the meaning of the word.

A preference is a discrimination considered in relation to the person or State in whose favour such discrimination is. ... The prohibition here is absolute and without qualification. In the case of preferences by the States there is merely a power given to the Parliament to forbid such preferences as are undue and unreasonable, or unjust to any State; in the case of the Commonwealth, every preference whatever is forbidden by the Constitution itself, irrespective of injustice or unreasonableness.

A preference involves a departure from the standard of equality;

It goes on -

Where the circumstances are dissimilar, a preference may arise either because the dissimilarity of treatment is excessive, or because the similarity of treatment is excessive.

In the short time available for this debate I could continue to read various other parts of this book. However, there is a simple message here and all of those members opposite who represent regional communities in this State know when they look logically at this matter and read sections 99 and 51(ii) that what is set up here is a preference; it is a preference of country people over city people; it is a preference of one State over parts of other States. Section 99 does not refer only to States, in case members can find some comfort in it; it refers to "parts thereof". At the end of the day, if there is a problem it will mean that their constituents will lose this rebate or concession; and who will they have to blame? They will have the Democrats and the Government to blame for the worst of all possible outcomes - a deal which is a compromise.

Hon N.F. Moore: Hear, hear! You are probably right.

Hon JOHN HALDEN: As the Minister for Tourism says, I am probably right. This is a compromise designed to protect the National Party's interest in guaranteeing lower diesel prices in the bush and to protect the Democrats' interests in safeguarding some of its funny little environmental policies. However, at the end of the day the result of that compromise is likely to be the demise of the rebate or concession. Members should not say to me, as somebody did today, that the way out of this is that the off-road rebate now applies. What is the difference? I will tell members what the difference is, and it is very clear: This policy, likely to be law, is geographically based. The off-road rebate was not geographically based. If one contemplated it, one could use off-road vehicles on a property in the metropolitan area and still receive the rebate - for example, on market gardens in Wanneroo - but one will not be able to receive it now in the metropolitan area with a vehicle under the required weight, no matter what is the purpose. Most farm vehicles in the metropolitan area would fall within the "required weight" category. What we have before us is a geographical preference given to people in rural areas on a promise to the National Party which cannot seemingly be delivered in an effort to sell a tax package that the Government had to sell in a deal with the Democrats in Canberra. Those members who represent country electorates - probably 90 per cent of the geographical land mass of this State - who regularly tell us about what they contribute to the gross state product of this State should be clear that they are not being sold a pup in what they are not doing and what they have had done to themselves.

I thought of the matter myself but I was beaten to the punch yesterday by *The Age* newspaper; however, it is not the role of the shadow spokesperson for finance in his rantings to suggest this. George Williams, a senior lecturer in constitutional law at the Australian National University, has misgivings about this matter. The article reads -

Leading constitutional experts told *The Age* that the Government would have difficulty legislating to apply the different tax treatment of diesel fuel on any geographic basis, but particularly as agreed to in the compromise.

Members opposite who come into this place and tell us about the importance of remote and regional Western Australia, of diesel rebates of one form or another and of a GST should think very hard. Those sections of our Constitution are very clear. This matter has been previously litigated in many ways. Page 814 of Lane's Commentary on the Australian Constitution 1998 reads -

Discrimination or preference in s 51(ii) laws is forbidden . . . s 51(ii) concerns the law-making power, s 99 "the commonwealth" and "law or regulation" i.e. legislature and executive; s 51(ii) forbids discrimination "between States or parts of States" e.g. between two parts in the same State, s 99 a "preference to one State or any part thereof over another State or any part thereof". . .

It then provides examples of case law and refers to a decision by Barger in 1906 on the excise tariff matter in which the Commonwealth tried to impose excise duty with an exemption for taxpayers who observed prescribed labour conditions in, inter alia, industrial awards under the Commonwealth Conciliation and Arbitration Act. It reads -

The award conditions would differ from State to State and the conditions would vary according to local circumstances. Thus the discrimination was based on a compliance with certain labour conditions leading to tax exemption although, it was true, the discrimination might arise only because of extraneous local circumstances.

It was found to be unconstitutional. The similarity is that certain states and certain ports which, as I recall, were Brisbane, Melbourne, Sydney and Adelaide, were able to gain the tax benefit of this. In Fremantle and one other port the same tax benefits did not apply.

Hon Dexter Davies interjected.

Hon JOHN HALDEN: It is exactly the same as that to which we are referring. In Hobart fuel is cheaper; in Perth it is dearer. It is the same parallel and it was struck down as being unconstitutional. It is the constituents of Hon Dexter Davies who will lose most out of that. His constituents need him to apply some intellectual rigour rather than be guided by his federal colleagues in this matter. We must all consider the possibilities of a compromise that is likely to do great disservice -

Hon Dexter Davies interjected.

Hon JOHN HALDEN: I will deal with that privately. In an article in *The West Australian* recently the Minister for Tourism said that he could not comment on my suggestions that the GST would have a negative impact on the tourism industry. A Melbourne academic who was involved in predicting matters for the tourism industry throughout Australia said that the impact was likely to be an additional cost factor of 6.9 per cent and that Bali as a tourist destination was becoming more attractive.

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.56 pm]: I was fascinated by the constitutional matters raised by Hon John Halden. Time will tell what will be the effect of them. I commend him on his research or that done on his behalf. I remind the House of June 1985 when the Labor Government released a draft White Paper recommending a broad-based consumption tax; that is, a retail sales tax. Paul Keating was the Treasurer and I was president of both the Western Australian Chamber of Commerce and Industry and the Australian Chamber of Commerce and Industry. We had worked for many years to bring in a flat rate of retail sales tax. It was to be set at 12.5 per cent; to apply to all goods and services except for exports, education, and inputs used by business and government; to have no exemptions for food; to fully replace the wholesale sales tax; and to allow reductions in marginal income tax rates. The income tax base was also to be widened through measures such as taxes on capital gains and fringe benefits.

It made much sense to the Chamber of Commerce to introduce a flat tax. It is a great tragedy that it was not implemented.

Paul Keating travelled around to all branches of the Australian Labor Party seeking their full support, which he achieved. However, as a result of pressure from the big business houses and the unions at the national taxation summit in July 1985 it failed to proceed. The major changes began in May 1985 and have continued since then.

The broad-based consumption tax would have applied at a single service stage when goods and services were sold to the consumer, rather than at the stage of production, as is the case with a GST or a VAT. The consumer tax in America is a retail sales tax which is indicated on a peel-off sticker and often paid at the counter. People in one State in America could buy from another State through mail order and avoid the retail sales tax. Following the summit the Federal Government extended the wholesale sales tax and made the most of proposed changes to income tax, fringe benefits tax, etc.

I am surprised that Hon John Halden has raised these problems regarding the Constitution. As a member of the Labor Party in 1985 he would have supported a GST. This is an opportunity for the country to take the appropriate steps for the benefit of everybody. In the light of previous action taken by the ALP I cannot see how Hon John Halden can make such a passionate speech against a GST. He should be convincing his party to vote for a flat GST rather than a GST that includes the changes proposed by the Australian Democrats.

Hon John Halden interjected.

Hon MAX EVANS: No, it was well thought out and would have benefited everybody in the community. I say to Hon John Halden and his party that they still have time to change their minds. If they did, they would be doing a great service to Western Australia and to Australia; it is never too late.

Hon John Halden reflected on the harm that he believes the GST will cause to Western Australia. Australia will benefit from additional income tax to the tune of about \$12b. That means that \$1.2b will provide extra consumer spending within Western Australia. Many goods will be cheaper because a GST will replace the high rates of wholesale sale tax of 12 per cent, 22.5 per cent and 35 per cent. The tax rates on incomes from \$20 700 to \$38 000, which is 34 per cent, and from \$38 001 to \$50 000, which is 43 per cent, will be reduced to 30 per cent. That is a big benefit.

Hon John Halden: Who will benefit most; those earning over \$80 000 a year?

Hon MAX EVANS: We are not up to that; Hon John Halden can afford it. Incomes of \$50 001 upwards are taxed at the rate of 47 per cent, but with the proposed changes incomes from \$50 001 to \$60 000 will be taxed at 42 per cent. Incomes of \$60 000 to \$75 000 will pay 47 per cent plus the Medicare levy. One of the biggest tragedies that will result from the proposed changes by the Democrats will be the impact on personal income tax rates. Personal income tax rates in this country are too high by anyone's standard. The rate of 47 per cent once applied to an income of \$35 000 but now it will apply to \$50 000. However, the threshold could be much higher. As the New South Wales Premier, Bob Carr, told the Western Australian Premier, \$50 000 is an ordinary rate of pay for a good tradesman in New South Wales and he now pays 47 cents in the dollar plus 1.25 per cent Medicare levy.

Previous attempts have been made to standardise taxes that have been introduced over the years. Stamp duty was originally a registration tax. It has now become a method of revenue raising for Governments of all classes. It can be done away with. Many years ago reference was made to abolishing stamp duty on listed shares; that was proposed in the United Kingdom and in New South Wales which had a Labor Government at the time. Once the UK changed its mind New South Wales did not jump on the bandwagon. That will be abolished from 1 July 2001.

Financial institutions duty, which is projected to raise \$142m in 2001-02, will be abolished from 1 July 2001. I remember that when financial institutions duty was introduced in about 1985, people jumped up and down about it, but we have become used to receiving that amount of income and will need something to replace it. It is proposed that the GST will replace those abnormal taxes, which will make life easier. The abolition of the tax on business conveyances will benefit a lot of people. We receive a lot of letters from people complaining about being charged FID and the bank account debits tax on their bank statements. We reply by saying that the Government needs to provide schools, hospitals and roads, etc, and unfortunately it needs to impose some taxes. No-one wants to pay taxes, but people need to pay taxes to get the facilities they require. It is proposed that the GST will replace wholesale sales taxes. That will be a great boon, because the GST will be paid at a flat rate. The retention of the diesel excise on country power generators is a real problem, and I cannot disagree with what Hon John Halden said about that matter. We have been fighting that now for quite some time, and that is a matter we need to look at.

What has been misrepresented in the Opposition's statement of 3 June is that we have received a guarantee from the Federal Government that we will be no worse off. We have prepared forward budgets for the next five years on how we expect certain revenues to increase, and we will have a certain surplus in that time -

Hon Ljiljanna Ravlich: Why not make it public?

Hon MAX EVANS: The Federal Government has guaranteed that we will be no worse off on those figures. That guarantee will be in effect for more than three years, so if there is only a small amount of GST to be distributed by the States, that will be topped up by the Federal Government. The Federal Government will have a surplus of \$5.4b this year, and with the improvement in the economy of this country, that is certain to increase. The Federal Government had to get rid of a \$10m deficit that it inherited from the previous Government, and it is now saving money on the interest on the repayment of that debt, which has put it in a stronger position. The GST will have long-term benefits for Western Australia, and state revenue will benefit also, because it will be a growth tax. Both the present and past Federal Governments have never put enough money into the pool for the financial assistance grants to the States. Our FAGs for the past six years have hardly moved at all. The Grants Commission has \$1.5b, plus or minus \$40m -

Hon John Halden: You will be no better off. Your argument is a nonsense.

Hon MAX EVANS: After those first few years, we will be a lot better off. Queensland will be better off initially, because it has no fuel tax and no FID, etc. We believe there will be a long-term benefit. We must get something better than what we have, where Federal Governments have been putting a limited amount of money into the cake to be split up by the Grants Commission. We need a cake that can grow, and that cannot be corrupted by either the Federal Government or the Treasury that is advising it. I am surprised at Hon John Halden's great speech about all the anomalies, because he supports a party that in 1985 wished to bring in a similar retail sales tax at a flat rate of 12.5 per cent. The GST will be at the rate of 10 per cent. That will be a better deal, and the whole country will be better off. It will assist exports, not just in mining but also in manufacturing. Manufacturing has gone through the roof, which has been marvellous for the country, but we need to go even further, because manufacturing is what employs people in this country, and the goods are sold overseas. There is a limited amount of growth in manufacturing if it provides just for the domestic market. The GST will be a great thing. We will be very pleased to see it up and running. It will be of great benefit to Western Australians.

HON HELEN HODGSON (North Metropolitan) [4.07 pm]: I thank Hon John Halden for raising this issue. He has obviously forgotten that I used to lecture in taxation law, which included some of the constitutional aspects of taxation. I wish I had received some prior notice of his specific concerns so that I could have referred him to some of the articles in my filing cabinet which deal with sections 51(ii) and 99 of the Constitution. There are a lot of mechanisms to ensure that different parts of the country are treated differently. An interjection during Hon John Halden's contribution reminded him of the existence of the zone rebate. If the ALP is running its argument based on this matter, then the ALP is buying a furphy that has been used by tax avoiders since I worked in the Tax Office in the early 1980s. Every objection that I dealt with when I worked in the Tax Office said that the Tax Act was unconstitutional because it allowed the zone rebate, which is contrary to sections 51(ii) and 99 of the Constitution. I am sorry, but there has been no court ruling that such a rebate is unconstitutional. Section 51(ii) applies specifically to taxing laws. There are many ways in which incentives can be given under industry programs and remote rural incentive schemes that do not involve the writing of taxing laws. I suggest that the ALP wait to see the final form of the legislation before it says the GST is unconstitutional. However, that is typical of the ALP's response to this tax debate. The ALP would rather stick with a broken tax scheme than try to pick up some of the changes that have been debated since the Asprey report in the mid-1970s, prior to the 1985 White Paper, which made similar recommendations.

Hon HELEN HODGSON: In 1991 when I did an analysis of the Fightback package, I disagreed with the imposition of a GST. Any one of my former students, some of whom work for members in various electorate offices, and some of whom have been candidates for various political parties, would say that I objected to the imposition of a GST as it was suggested in the early 1990s. I object to the original GST that was taken to the election last year. However, the Australian Democrats recognise the need for tax reform and the need to move forward. Our party membership has moved forward and has identified some areas that need to be addressed. For example, we need to have a tax on services. That is the growing sector of the economy. Fewer taxes are being collected through the wholesale sales tax regime, because that area of the economy is not growing in the way that the services sector is growing. We need to become more internationally competitive. It is interesting to see who is holding back the debate on tax reform when we talk about internationally competitive regimes. The ALP is sticking with an old regime that is broken and needs to be fixed.

We need to recognise that a single rate GST is regressive in nature. That is the reason the Australian Democrats did not support the Federal Government's GST. We told the Government that its GST would not resolve the issues in the way they should be resolved, because it was a regressive and unequal tax, and we requested that those matters be addressed. We believe that what has resulted from those negotiations has been a step forward on the road to tax reform. One of our key concerns is the regressive nature of the tax system. We have dealt with that by ensuring that the very generous tax cuts that were proposed to be given to higher income earners are scaled back. I recognise the minister's comment that he believes they are necessary, and we differ on that point. We have scaled them back to make the tax system more progressive than it was under the Government's original package.

One of the key principles in our tax policy is to make the Tax Act clearer. At the same time, we need to weigh that up against equity. The question is simplicity versus equity. A flat, one-rate tax that can be collected by simply asking for it will be simple, but it will be extremely unfair. We need to find a balance between the two. In the process, we have opted for a two-tiered system which involves exempting certain foods, because that is the best way to address our concerns about the regressive nature of a GST. The modelling that has been done since then shows that the GST will assist low income earners to a greater extent than it will assist high income earners.

Our policy addressed the specific issue of federal-state tax arrangements. We said that the Commonwealth shall dedicate to the States the whole or a fixed proportion of one or more of its existing revenue streams. That will be achieved. The GST will be dedicated to the States. A protection mechanism has been built in to provide that during the transition period the State will be no worse off.

The estimates committee was advised that, in the 10-year projection Treasury was working on, we will be far better off under the system negotiated between the Government and the Democrats than we are under the existing system. However, the State ALP wants to stick with the existing system. That means we go to the Premiers Conference cap in hand with an ambit claim, beat the table and then come back complaining that we do not have enough money. We must know how much we will have if we are to budget effectively. The dedication of a growth revenue stream to the State is a huge step forward on that path. I have no doubt that we are assisting the State revenue situation by accepting that there will be a GST and that it is dedicated to the States. The Democrats' policy is that we must tax services as well as goods. That is the current growth sector of the economy.

Many issues must be addressed in collecting taxes on goods; for example, the question of Internet sales, but that will not be thoroughly addressed in this legislation. How do we collect sales tax when we are moving into a global economy in which goods can be purchased from other countries and therefore be sales tax exempt? The classic example is compact discs, which can also be purchased through Amazon.com. A CD can be purchased over the Internet without the purchaser paying any of the taxes that would be applicable if it were purchased in this country.

The Democrats have many concerns about the current wholesale sales tax system. We must ensure that services are taxed to rectify that. There is no question that high income earners are greater consumers of services than low income earners. This move will also address the regressive nature of a wholesale sales tax.

The Australian Democrats took many other issues to the election relating to tax reform in the corporate sector. Those matters are still before the Ralph review and will be addressed. The fact that we have agreed to a GST on fairer terms does not mean that we have abandoned the push for income tax reform in business structures and so on.

The Democrats have also ensured that compensation is picked up through the welfare and income tax sectors so that lower income earners will be better off. That is also part of the policy the party took to the election.

This is a typical political ploy on the part of the ALP. It went to the election denying the need for reform. It did not make any attempt to improve the legislation and it voted against a food-free GST and other issues dealt with in the earlier stages of the Senate debate. It is attacking the outcome of successful negotiations that will improve the situation for the residents of this State and the State Government.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.15 pm]: One of the extraordinary features of this GST debate has been the ganging up of the Liberals and the Australian Democrats against the people of Western Australia and Australia. With those combined forces we have an attack on the ordinary working men and women of this country and this State. It is sad to see the "Chippocrats" returning to the party from which they emerged and providing support for a taxation policy that will cause damage to the ordinary men and women of this country.

This debate has had some great features. During the early stage we heard a little off-the-record comment by the Leader of the House distancing himself and his party from the compromise GST deal struck between the Australian Democrats and the Government. The official line from the Minister for Finance is that the Government owns the compromise package despite all its flaws. The Opposition knows that the Government and the Democrats own this compromise package, with all of its failures and the damage it will do to the social fabric of ordinary Australia.

The Minister for Tourism should be the first to join with the Labor Party in condemning this GST package.

Several members interjected.

The PRESIDENT: Order! The Leader of the Opposition is having difficulty being heard because of the interjections, and I am having difficulty following the debate.

Hon TOM STEPHENS: He more than any member in this Chamber and in this Government, he who has responsibility for the tourism industry and fostering that fundamentally important feature of the economic wellbeing of this State, should have been on his feet condemning the arrangements that have been put in place as a result of this unholy deal.

Hon N.F. Moore: Why do you say that?

Hon TOM STEPHENS: The minister knows that tourism operators are being told by taxation consultants that as they start to sell their packages 12 months in advance they must charge the GST for services that will be delivered after 1 July 2000. That is a great tragedy for the industry. Already it is starting to cause damage as people try to involve themselves in forward sales.

Hon N.F. Moore: Provide some evidence.

Hon TOM STEPHENS: Brian King, the acting head of Hospitality, Tourism and Marketing at Victoria University, has stated that a GST will make Australia less competitive relative to overseas destinations -

Hon N.F. Moore: He is not in the industry; he is a lecturer.

Hon TOM STEPHENS: An article entitled "No holiday for tourism" by Mr King in yesterday's *Australian Financial Review* states -

Several members interjected.

Hon TOM STEPHENS: I will quote Senator Stott Despoja.

Several members interjected.

The PRESIDENT: The member should quote it to me because someone is trying to record what he is saying and I am having difficulty hearing.

Hon TOM STEPHENS: Senator Stott Despoja is reported as stating that thousands of jobs in far north Queensland could be at stake. During a recent visit to Cairns she described the negative effects on inbound tourism that will result from this measure. She was joined in that contribution by Queensland Senator Andrew Bartlett, who is reported as stating in Parliament on 22 April that protecting jobs by zero rating inbound tourism is one of the issues which the Democrats believe is absolutely crucial and which needs to be addressed before they will pass the Government's tax package. Senator Murray

demanding that inbound tourism be zero rated because a GST would make it harder to convince overseas tourists to visit Australia in preference to other countries. Mr King's article continues -

Even when the Democrats watered down their opposition to a GST on all food including restaurant meals at the end of April, they still held the line in relation to tourism.

On 17 May comment was made about the GST remaining on tourism: Senator Lees said, "We will not be backing down on our position."

Hon N.F. Moore: It sounds like the L-A-W tax cuts!

Hon TOM STEPHENS: Unfortunately, Senator Lees and her colleagues have joined forces in this solid attack on the working men and women of Western Australia and the tourism industry in regional WA.

Hon N.F. Moore: Do you know how? Do you?

Hon TOM STEPHENS: The minister should know more than anyone the damage to be caused to the tourism industry.

Hon N.F. Moore interjected.

The PRESIDENT: Order! The minister will have a chance in a moment, if he wishes to respond.

Hon N.F. Moore: I thought the Leader of the Opposition might answer a question for me.

Hon TOM STEPHENS: A goods and services tax will make Australia less competitive relative to overseas destinations. International airfares will be GST exempt; therefore, this package will enhance the price advantage of destinations such as Bali for the domestic market.

Hon N.F. Moore: Who said this?

Hon TOM STEPHENS: I am saying this! Demand modelling undertaken in Canada indicated that \$1b was lost over three years as a result of additional outbound tourism expenditure prompted by Canada's 7.5 per cent GST.

If the minister will not listen to me and the experts, surely he will listen to the taxi drivers, who are known for the profundity of their observation in political analysis! When taxi drivers are murmuring against the Government and initiatives of the day, we know that a mood is evident in the community. The Minister for Tourism and others - I cite Hon Barry House and the President in a previous role - were members of a standing committee of this House which picked up the wisdom of a taxi driver in a country which had recently applied a GST. What did that driver tell us? He lectured us all the way from the airport on the half-hour trip to the city. He said, "You wait until the people of Canada get their chance to get their hands on the Government which introduced the GST! We will squeeze them by the throat." What happened?

Hon N.D. Griffiths: Three seats left.

Hon TOM STEPHENS: That party has one seat left.

Hon E.R.J. Dermer: It has two left.

Hon TOM STEPHENS: Whatever; it went from Government to three seats, maximum. That party was finished at the end of its pioneering of that GST policy on the people of Canada.

Hon Derrick Tomlinson: Will your Government abolish the GST if installed?

Hon TOM STEPHENS: Once an egg is scrambled in this way, it is extremely difficult to unscramble.

Hon N.D. Griffiths: We will do our best!

Hon TOM STEPHENS: We will do our best to protect the interests of the people. It will depend whether the people of Australia have wiped out the Government's allies in this offensive - the Australian Democrats. If so, and if the Labor Party is put in control of the government benches and the Parliament and the Democrats and the coalition are given the short shrift they deserve, we will then see whether we have the opportunity to unscramble the well and truly scrambled egg.

I give a challenge to the new unholy alliance between the Australian Democrats and Liberals, who are in bed together yet again: Members of this House have the last few days as a collective to take home to their political masters in Canberra that this proposal is not good enough as it will not protect the interests of the people of Western Australia, certainly not regional Western Australia. What about solutions to the diesel fuel issue for the bush? What about the mess to be created for regional power generators and buses and trucks in the bush? Can the diesel exemption be utilised for vehicles which essentially operate in the city? This proposal will cause an enormous mess for the people of Western Australia. Members opposite have been prepared to chase the cooks, the books and the chooks, but not the crooks - that is their problem.

HON GIZ WATSON (North Metropolitan) [4.25 pm]: I refer to the damaging impact of the GST on this State.

Hon N.F. Moore: I think the call is on our side.

The PRESIDENT: Order! A question has been raised. I thought it was obvious to members that two speakers in favour and two speakers against the motion have been given an opportunity. The score is equal, so to speak. I had to choose another member, and I chose Hon Giz Watson.

Point of Order

Hon DERRICK TOMLINSON: What was the position of Hon Tom Stephens in that tally?

The PRESIDENT: I do not want to enter debate. A fair amount of interjection occurred. I put the Leader of the Opposition down as in favour of the motion.

Debate Resumed

Hon GIZ WATSON: I speak on the impact of the GST on Western Australia.

Hon N.F. Moore: You are not about to hop into bed with the Labor Party, are you?

The PRESIDENT: Order! I want to hear Hon Giz Watson. Time is running out and Hon Giz Watson is entitled to be heard in silence.

Hon GIZ WATSON: I will highlight some of the negative impacts the GST will have on Western Australia and the rest of Australia. It is an unfair tax. It is appalling that the Australian Democrats have again done a deal with the Federal Government, as occurred on industrial relations.

Several members interjected.

The PRESIDENT: Order!

Hon GIZ WATSON: Various compromises in the package in the area of environmental protection are a nonsense.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers and the Leader of the House will give Hon Giz Watson a fair go.

Hon GIZ WATSON: Thank you, Mr President. The so-called environmental improvements made to the GST package by the Democrats' deal are an absolute nonsense. The pollution initiatives, along with the diesel and petrol rebates, will have an enormous impact on greenhouse gas emissions in Australia. The so-called pollution incentives are 14 times less than the amount of rebate to be provided to the polluting side of the equation; namely, through the diesel and petrol rebates. The Democrats signed a deal which will allow an extra \$3b in tax cuts to increase fossil fuel consumption. The total revenue compromise is only 15 per cent less than that originally in the federal coalition Government's package. The so-called benefits in trade-offs for environmental incentives are, by and large, already in train.

I point members to the fact that the Democrats' deal has been roundly condemned by conservation groups across Australia. A letter was signed by the Australian Conservation Foundation; Conservation Council of South East Region and Canberra; Conservation Council of South Australia; Conservation Council of Western Australia; Environment Victoria; Environment Centre of the Northern Territory; Friends of the Earth Australia; Greenpeace; Humane Society International; National Parks Association of Victoria; Nature Conservation Council of New South Wales; Queensland Conservation Council; Tasmanian Conservation Trust, The Wilderness Society; and World Wide Fund for Nature Australia. All these bodies roundly condemned the compromise which the Democrats signed in a joint statement which read -

Australia's leading conservation organisations meeting in Summit Mittagong today, unanimously condemned the 'in principle' tax agreement as highly damaging to the environment and an international embarrassment.

Any claims by the Democrats to have any environmental credentials are now totally in tatters. Also the Democrats, in agreeing to the compromise with the Government, will apply a tax on books for the first time, and they have done nothing to stop tax avoidance by the wealthy. Although this package is less regressive than the original package, it will still apply a regressive tax. A breadwinner on approximately \$20 000 a year will receive tax cuts worth about \$540 a year; however, a person on \$60 000 a year will receive a tax cut of \$3 222 a year. It remains a regressive tax.

Another sector that will be damaged by this deal is the non-profit community groups which do not qualify as charities. Most activities undertaken by those organisations will now be taxed, including such things as membership fees, publications, fundraising, sponsorship and course fees. In the area of education, books, stationery and research-related expenses will now be taxed, and private schools will benefit more than public schools.

Motion lapsed, pursuant to standing orders.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION*Fish Resources Management Amendment Regulations 1999*

Hon N.D. Griffiths presented the fortieth report of the Joint Standing Committee on Delegated Legislation on the Fish Resources Management Amendment Regulations 1999, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1120.]

JURIES AMENDMENT BILL*Returned*

Bill returned from the Assembly with amendments.

TREASURER'S ADVANCE AUTHORIZATION BILL 1999*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.32 pm]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorization Bill authorises the Treasurer to make certain payments and advances for authorised purposes chargeable to the consolidated fund or the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1999.

The monetary limit specified within clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to \$300m for the financing of payments and advances in the 1999-2000 financial year. The purposes for which payments and advances may be made from the Treasurer's Advance are set out within clause 5 of the Bill and remain unchanged from those authorised in previous years. Where payments are made in respect of a new item or for supplementation of an existing item of expenditure in the consolidated fund, those payments will be charged against the fund and submitted for parliamentary appropriation in the next financial year.

Members will be aware that a number of activities, such as rental of government offices, are initially financed by way of a Treasurer's Advance which is subsequently recouped from the department or statutory authority on whose behalf the service was performed or rental paid. Advances provided for other purposes are repayable by the recipient. In addition, the Bill seeks supplementation of \$160m against the monetary limit authorised for the 1998-99 financial year. Part of the additional funding is required to meet the increasing level of services provided by agencies. In particular, \$70m will be provided to assist public hospitals plus an additional \$35m of hospital funding grants from the Commonwealth has been applied to reducing waiting lists in public hospitals. The sum of \$50m will be allocated to the Education Department to fund this Government's commitment to reduce class sizes and other initiatives in schools and \$15.5m for the local area planning initiatives associated with schools in the western suburbs and the south-east corridor of the metropolitan area. I commend the Bill to the House.

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

BILLS - RETURNED

Messages from the Assembly received and read notifying that it had agreed to the following Bills without amendment -

1. Weapons Bill.
2. Acts Amendment (Mining and Petroleum) Bill.

PETROLEUM SAFETY BILL*Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

CRIMINAL CODE AMENDMENT BILL 1999*Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 400 amended -

Hon N.D. GRIFFITHS: As I foreshadowed in the second reading debate, the Australian Labor Party opposes clause 3, which is an extension of the three strikes regime, which we say has gone far enough. The Attorney General has failed to bring forward any reasonable argument to support the proposition that the three strikes regime has been undermined in any way. We see no good reason to vote for clause 3.

Hon HELEN HODGSON: The Australian Democrats also oppose clause 3. The reasons were made abundantly clear in the second reading debate. We believe that to close a technical loophole is making the provisions considerably harsher than they should be in practice. When no conviction is recorded the judge is presumably recording no conviction for good reason, yet it becomes one of the strikes for the three strikes provisions. That is inappropriate and we oppose this clause.

Hon PETER FOSS: I am considerably concerned by the stance of the Opposition and the Democrats. The fact that a court may not impose any sentence, may not record any conviction, may not make any order, is an excellent state of affairs. That is something we should encourage rather than discourage. I would hope that a child offender appearing before the Children's Court for the first time on a home burglary charge might be subject to that sort of leniency. However, the three strikes law is intended to say that a person should have one chance; indeed should have two chances, that is fine; however, on the third occasion, that is not fine. The Parliament is saying that if a person has not learnt by the first and second occasions, and then appears before the court for the third occasion, that person needs to be dealt with.

There is no such thing as a minor home burglary. A home burglary is a home burglary. There may be more aggravated home burglaries and less aggravated home burglaries, but a home burglary is an extremely serious offence. That is why this Parliament chose home burglary for this form of treatment. Home burglary is not just burglary - any form of burglary is offensive - it has an added personal element to it. Although it may not involve a person being personally assaulted, the people whose homes have been burgled feel that they have been personally assaulted. They feel that their place of security, the one place they should be able to not worry about crime, is their home. A person may come before a court for a third time - not just a third offence, but a third time. They have offended, they have been before the court and they have been given a chance, and then they have offended again, they have been before the court and have been given another chance. They have disregarded those two chances, and for a third time they come before the court. The fact that the court has been lenient on them in the past, and the fact that the court has bent over backwards and has not recorded an offence, not imposed any form of order and not recorded a conviction is all the more reason that something should happen on the third occasion. It has been suggested that this is harsh. However, what is more likely to happen is that people may think seriously before giving that lenient treatment because of the effect it has; it allows a person a fourth, a fifth or even a sixth chance. Parliament has indicated clearly that this is all about chances; this is all about saying to people that they have chance after chance, but the time comes when eventually we must say enough is enough. I do not believe any distinction should be drawn purely because the court was so lenient as to not record an offence, make an order or record a conviction.

The logic behind the Opposition's distinction does not exist. It is nonsense. There is a wet element in the Labor Party which seems to have gained the ascendance in this case, and that is a shame. Logic should have dictated a much more consistent attitude. However, logic goes out the door at times and we end up with this sort of nonsense. I am disappointed at the attitude that has been taken. I am disappointed at the nonsense that has been suggested by the Deputy Leader of the Opposition. Being a good lawyer, as he is, he minds his brief; but it is nonsense to talk about a minor home burglary. There is no such thing as a minor home burglary; there is home burglary. There is worse home burglary, but there is no such thing as minor home burglary. The Government will persist with this clause and we will divide on it. I express concern at the Opposition's attitude.

Clause put and a division taken with the following result -

Ayes (14)

Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (15)

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

Hon John Halden
Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly

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

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

Pairs

Hon W.N. Stretch
Hon Dexter Davies

Hon Bob Thomas
Hon Ljiljanna Ravlich

Clause thus negated.

Clauses 4 to 9 put and passed.

Title put and passed.

Bill reported, with an amendment.

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1999

Second Reading

Resumed from 4 May.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.49 pm]: I rise not as the lead speaker for the Opposition because the lead speaker will contribute to this debate as soon as I have resumed my seat and will present formally the Labor position on this legislation. Members will know that there has been some reorganisation of the Notice Paper today that has us gathering our files from various parts of this building to ensure that we are ready to debate this Bill. I will not make any reference to it other than that one of my colleagues is getting his file and will be back in the Chamber in a moment. This issue has been the subject of efforts to obtain commentary in response to questions which have been put to the Attorney General about the way the minister, the Government and the Attorney General, with his responsibility for the administration of not only the courts, but also the prisons, proposes to handle issues like court security. Members of the House will have the opportunity to hear from Hon John Halden, who will present the Labor Party case on this legislation. Members will be aware of the efforts to which he has gone to secure from the Attorney General answers to questions that relate to this legislation. It is for that reason that I resume my seat.

Debate adjourned until a later stage, on motion by Hon Peter Foss (Attorney General).

[Continued on page 8822.]

COURT SECURITY AND CUSTODIAL SERVICES BILL**COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL**

On motion by Hon Peter Foss (Attorney General), resolved -

That leave be granted for the Bills to be debated cognately.

AUSTRALIA ACTS (REQUEST) BILL 1999

Suspension of Standing Order No 230(c) and (d)

HON PETER FOSS (East Metropolitan - Attorney General) [4.53 pm]: I move -

That standing order 230(c) and (d) be suspended in its application to the Australia Acts (Request) Bill 1999.

There is a degree of urgency about this Bill. The nature of the Bill is a request for the Commonwealth to pass amending legislation to the Australia Acts in the event that the referendum to be held federally resolves that Australia should become a republic. There are two possibilities for the amendment of the Australia Acts, one of which appears to be clear and constitutionally correct, which is a request by the State Governments to have legislation passed. The other, which is not so clear, is for an amendment to the Australia Acts to take place following the referendum. There are other reasons that the States would prefer the former action to take place. Rather than how it should take place being left open and entirely in the hands of the Commonwealth, with the possibility that the constitutional arrangements of the States might be interfered with, we would prefer that the nature of the request to be passed on to the Commonwealth be quite clear, so that the Commonwealth can then legislate and amend the Australia Acts in a perfectly valid way.

If we do not pass this legislation reasonably soon, it is much more likely that the Federal Government will proceed using the second alternative, which is to amend the Australia Acts unilaterally of its own accord. It is therefore in the interests of the States that we pass this legislation as soon as possible, so that the constitutional and alternative manner of amending the Australia Acts is in place and we can say to the Commonwealth that all of the States have passed the legislation enabling the Commonwealth to amend the Australia Acts should the referendum elect for a republic. If we do not have it in place, the Commonwealth would be more minded to use the alternative method of amending the Australia Acts, which we believe has constitutional concerns.

It is urgent that the States do act on this legislation and that we pass the legislation before prorogation. Obviously the timetable set by standing order 230(c) and (d) would preclude that.

HON HELEN HODGSON (North Metropolitan) [4.55 pm]: I have already corresponded with the Leader of the House on this issue as I was aware it might be coming up. The Australian Democrats will agree to the suspension of the standing order but believe it is very much a matter of our dealing with such suspensions on a case-by-case basis. We were fortunate to have access to a draft of the legislation a couple of weeks ago and to look at it during the recess. We have satisfied ourselves that there is no need for the Bill to go off to a committee. However, the standing order is there for a reason. Particularly at this time of the year when there is a lot of business on the Notice Paper, it makes it difficult for us with short notice to deal with matters such as uniform legislation, but in this instance we are happy to agree to the suspension.

Question put and passed with an absolute majority.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.58 pm]: I move -

That the Bill be now read a second time.

In November this year, Australians will vote on whether Australia is to become a republic. If the referendum is passed, Australia will become a republic at the national level. The States must then consider whether to sever their links with the Crown. There is an argument that section 7 of the Australia Acts of the Commonwealth and the United Kingdom needs to be amended to ensure that States can exercise their own constitutional processes to sever their links with the Crown. Section 7 deals with the relationship between Her Majesty and state Governors. It states that, "Her Majesty's representative in each State shall be the Governor".

The States are bound by the Australia Acts and cannot legislate in a way that is contrary or repugnant to the Australia Acts. If a State were to amend its Constitution to provide that the Governor was not Her Majesty's representative, this might be considered to be repugnant to section 7 of the Australia Acts. Accordingly, for the sake of certainty, section 7 of the Australia Acts needs to be amended if Australia becomes a republic to ensure that the States will be able to sever their links with the Crown should they choose to do so.

Section 15(1) of the Australia Acts sets out a procedure for the amendment of the Australia Acts. This can be done by commonwealth legislation passed at the request of all the State Parliaments. Another possible way of amending the Australia Acts is by inserting in the Commonwealth's referendum Bill a power for the Commonwealth Parliament to make such an amendment. This is recognised by section 15(3) of the Australia Acts, but no actual power is given in the Australia Acts to make an amendment in this way. Accordingly, there is legal doubt as to whether this course is effective.

The Commonwealth has inserted in the transitional provisions in its referendum Bill, the Constitution Alteration (Establishment of Republic) Bill, such a power for the Commonwealth Parliament to amend section 7 of the Australia Acts. The States have been critical of the initial draft of this provision and would prefer that the amendment be made by the more

legally secure and appropriate route set out in section 15(1) of the Australia Acts. Accordingly, the Solicitors General, parliamentary counsel and law officers of the States have negotiated a uniform request legislation which is proposed to be enacted by each State. This Bill has already been introduced into the Victorian and the New South Wales Parliaments and it is expected to be introduced into other State Parliaments shortly. I believe that legislation has now passed through some of those Parliaments.

The Bill requests the Commonwealth Parliament to enact a Bill in a form set out in the schedule to amend section 7 of the Australia Acts. This state request Bill will not come into force unless the commonwealth's referendum Bill, the Constitutional Alteration (Establishment of Republic) Bill, is passed by the referendum and receives a royal assent. Accordingly, this state request Bill will have no effect if the commonwealth referendum on the republic fails. If the commonwealth referendum on the republic is passed, however, and all the States pass this uniform request legislation, the Commonwealth Parliament may amend section 7 of the Australia Acts by adding two subsections. These subsections provide that a State Parliament may make a law providing that section 7 does not apply to the State and that if it makes such a law, then section 7 ceases to apply to the State.

This amendment therefore places the power in the State Parliament to decide at a future date whether it wants to terminate the operation of section 7 in relation to the State. The Bill does not affect the constitutional procedures necessary for a State to sever its ties with the Crown. It does not remove any requirement in a state constitution to hold a referendum. If all States pass this uniform request legislation prior to the Commonwealth's referendum Bill being passed by the Commonwealth Parliament in August this year, the Commonwealth will be in a position to remove the provision in its referendum Bill dealing with the amendment of section 7 of the Australia Acts, as the Commonwealth will be able to act upon the section 15(1) request. I commend the Bill to the House.

[Questions without notice taken.]

HON N.D. GRIFFITHS (East Metropolitan) [5.36 pm]: The Australian Labor Party supports the Australia Acts (Request) Bill. I note that shortly before question time the Attorney General delivered his second reading speech. That speech adequately covers the reasons for the Bill. I note in particular the relevance of the timing; namely, it is important that we get on with this Bill so that the Commonwealth can address the matter in its legislation prior to presenting the referendum on the republic to the people later this year. At the end of the day, the Bill is a step on what may be a long journey and, in itself, it is not much. It is a piece of enabling legislation but, notwithstanding that, we are pleased to support it.

HON HELEN HODGSON (North Metropolitan) [5.37 pm]: This Australia Acts (Request) Bill is basically a formality relating to fairly complex constitutional arrangements between the British Government, the Federal Government and the State Governments. The issue of the republic referendum has been around for some time, and we have all become used to that. However, questions are raised regularly about what will happen to the States, the position of their Governors and the impact on the States of any restructure that may affect the powers and role of the Governor General. No matter what people's views are on the republican issue - I am proud to say I believe we should move towards a republic - the question of how to deal with this at a state level and the implications for the role of the Governors must be addressed.

This Bill requests the Federal Government to enact legislation that will essentially ensure that the States are able to deal with the transition and changeover. Given that it is the desirable outcome, it well deserves support. It is certainly a clearer way of doing it than the alternative to which the Attorney General referred in the second reading speech. It makes our intention clear and deals with some of the constitutional issues raised about the interrelationship of the Federal and State Governments, the Crown and the representatives of the Crown in each jurisdiction. The Australian Democrats support the Bill and wish the referendum luck. Personally, I hope that the general population of Australia will feel the need to support this.

Question put and passed.

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

COURT SECURITY AND CUSTODIAL SERVICES BILL

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 4 May.

HON JOHN HALDEN (South Metropolitan) [5.41 pm]: It is appropriate to put on the record my own personal philosophical position in this matter and, I am sure, that of the Australian Labor Party. It is best summed up by the fact that the Australian Labor Party believes that if the State has the power to deprive someone of their liberty, it has a responsibility to oversee that deprivation and to be totally responsible for it. We do not see nor do we accept this as a non-core function. We do not accept that this function can be sold off to the private sector to make profit out of what to a degree can be called people's misery. For these reasons we will be opposing the Bills.

I say to the minister and put on the record now that the option available to me is to recommend that we defeat these Bills at the end of the second reading stage, assuming that is the will of the House and, principally, the minor parties, the Greens (WA) and the Australian Democrats. However, I encourage my colleagues on this side of the House to take the view that we will accept the Bills, but only on the proviso that the proposal relates to a third tier of the public sector work force and not the private system. I have not tested this issue outside the Labor Caucus; however, if that is to be the will of the House, the reality is that a considerable amount of work already completed on this matter can be retrieved. If the Government does

not accept this opportunity to place this service in the most appropriate hands - that is, the public sector - I believe the Bills will meet the inevitable consequence and be defeated at this stage.

I have also advised other people in the Ministry of Justice that should these Bills be passed - and I want this to be clearly understood - in spite of my grave reservations about them, I will not in any way attempt to alter the policy of these Bills after the second reading stage. The clauses will be the Government's, I will accept the will of the House that they are the Government's Bills and so be it. If the Government does not get it right, it does not get it right. However, I do not intend to filibuster or frustrate the will of the House in this matter whichever way it goes. To be blunt, either the Government has the numbers or I have the numbers. The Government will either want to accept a compromise or it will not and we will test each other's mettle on that basis.

I will now get down to what these Bills propose to do. We are informed that the purpose of the Bills is to provide a unified statutory framework for the substantial reorganisation of the operation and provision of services related to the support and functioning of the courts and related custodial processes. It is clear from the second reading speech that the four services which are the focus of attention in these Bills are court security, court custodial management, police custody or lockup management and prisoner movement. Just on those issues the Government has provided, over a protracted period of time, different analyses of what might be the benefits of these functions to be privatised. There have been figures of 200, 100 and 47 police officers and so many custodial officers being freed up. Then there was another figure of 670 000 police hours which came out of the air. All of these figures gave me the impression, as we went through the process when the minister talked first about the whole project, then phase one and then 370 000 hours being saved, that the Government was starting to grasp at straws as to what the benefits were.

I refer to the latter straw that the Government was grasping at - the 370 000 police hours. The Government said that 52 000 hours - or 14 per cent of the 370 000 hours - of police time currently spent in lockups moving people in and out of courts came about in response to incidents. Are we expected to assume that the response to incidents, particularly serious incidents, will no longer be required to be conducted by police and will be undertaken by a private contractor?

I know, and I hope other members do, as a result of having briefings from the MOJ, that the police will still be involved in many instances in the security of many serious and multiple serious offenders and the like. The saving of 52 000 hours, or 14 per cent, is an illusion. It is like the illusion of the number of FTEs that will be freed up; it depends on the scale of what one is looking at. Is it FTEs or whole police officers? Is it part FTEs? Is it all smoke and mirrors stuff? Another smoke and mirrors suggestion is that 83 000 hours of police time is spent in lockups moving people in and out of courts for the purpose of investigating offences. Will this cease or will the contractors be performing the investigations? I do not think they will be. I am sure that when police are at the lockup they will want to see the person and conduct an investigation.

Hon Peter Foss: They take them out of lockups.

Hon JOHN HALDEN: To where?

Hon Peter Foss: I assume the authority under section 28, I think it is, which then requires those people to be delivered to the police. They are then in the custody of the police, although still under my warrant.

Hon JOHN HALDEN: That is right.

Hon Peter Foss: There is work to be done by police in taking people backwards and forwards for police investigation. They are two different things.

Hon JOHN HALDEN: Yes, but the police will still be moving them from the lockup, for example, back to Beaufort Street.

Hon Peter Foss: Not necessarily. They currently spend a considerable amount of time in my office going through the necessary process to obtain the warrants; that will not be necessary.

Hon JOHN HALDEN: I understand that, but they still move them from the lockup to CIB headquarters - on occasions.

Hon Peter Foss: Yes, the police do that now; they conduct all those transfers.

Hon JOHN HALDEN: Exactly. It is likely that they will continue to conduct at least some of the transfers. After I have been briefed the minister is saying this is unlikely to be the case; that serious offenders - murderers, rapists, and the like - will travel from the lockup to CIB headquarters with a private contractor.

Hon Peter Foss: They will be taken from the lockup, for instance, to Casuarina by private contractors.

Hon JOHN HALDEN: I understand that, but what we are talking about is investigating offences.

Hon Peter Foss: They will be delivered to the custody of the police. The question is whether I give the warrant. I decide whether they go or do not go.

Hon JOHN HALDEN: I understand that, minister.

Hon Peter Foss: And I need to know what are the arrangements for both security and comfort while they are with the police. However, once they have been taken to the police, the police then have the responsibility for their custody. Therefore, it is an ordinary transfer followed by custody. The custody is the part that the police have.

Hon JOHN HALDEN: I think that is what I was trying to say. When alleged serious offenders are moved from point A to point B to be investigated, surely they will not be put in the hands of the private contractor?

Hon Peter Foss: I do not see any reason why not if the same serious offenders are being taken from the lockup to Casuarina.

Hon JOHN HALDEN: Presumably they will be in a different mode of transport.

Hon Peter Foss: Why?

Hon JOHN HALDEN: Presumably a prisoner will not be transported in one of the buses from point A to point B.

Hon Peter Foss: We will have different size buses. Although I do not like to admit it, occasionally we move single prisoners in a thumping great big prison bus. That is not appropriate. We often move one prisoner from the East Perth lockup to the District Court.

Hon JOHN HALDEN: I hope the minister is right. Clearly the number of police hours the minister said will be saved versus the number of FTEs originally alleged to be saved will not eventuate. Also, at one point the impression was given that lockup management throughout the State would be the responsibility of the private sector. Clearly in the documentation I have seen only lockup management and the transportation of prisoners, which is profitable to the private sector, will be run by it. That which is not profitable will remain with the Ministry of Justice.

Hon Peter Foss: It is not a matter of profitability; it is a matter of what is cost effective.

Hon JOHN HALDEN: Will we privatise only that on which the private sector can make a profit? The minister should not sit there shaking his head. I have the document that says that will not be profitable for the private sector; therefore it will not do it.

Hon Peter Foss: If it did do it, it would cost us more. You should think about it. The comparison of whole policemen with FTEs is important. If a policeman spends one hour a month transporting people it would be silly to substitute a contractor for that person because for the rest of the time he would have nothing to do; whereas the policeman would have. The question is: At which point is it sensible for the State to take "whole" policemen off the job and substitute "whole" security people? It is the same with prosecutions. We will not take the role of prosecutions from country policemen because it would be ineffective to do that. Both are government roles which we will not be substituting.

Hon JOHN HALDEN: It does not change my argument.

Hon Peter Foss: Yes it does.

Hon JOHN HALDEN: The perception the Government put forward was that court custodial functions, lockup management and transportation would be contracted to the private sector lock, stock and barrel because it could do it better and cheaper. A reorganisation of resources would occur and police and prison officers would do their core functions. I agree with some of that. However, at the end of the day that which is being delivered here is not what was originally suggested.

Hon Peter Foss: I'm afraid that is not correct. With reference to your proposition that it be put with the public sector, are you suggesting that that third public sector take it over from one-tenth of a policeman in Marble Bar?

Hon JOHN HALDEN: No, because in essence that was what the Government initially promised. It was never anything else but nonsensical.

Hon Peter Foss interjected.

The PRESIDENT: Order! Members should develop the argument during Committee. I am interested in hearing second reading comments from Hon John Halden regarding both Bills.

Hon JOHN HALDEN: I will be pleased to make them, Mr President. I am happy to entertain a degree of interjection from the Attorney General, but I would like to make a speech.

Hon Peter Foss: Why? You always get it wrong.

Hon JOHN HALDEN: The one great thing about this place is that I am probably always wrong, but it provides a tolerance by which I can stand here and show my ignorance. I am pleased to have the House entertain that concept again today.

As I was saying - I want to be clear about this - there were perceptions about this matter, what it would mean, how the private sector could do it better and how many police and prison officers would be released to undertake their core duties. As it transpires, that situation is diluted once we examine the facts. In fairness to the Government there is benefit in returning police and prison officers to their core functions. I accept that; that is why I provided the minister with another option.

I refer to the comments I heard yesterday by Mr DeLord at the Sixty-Third Annual Police Conference. His comments disturbed me. In a public forum he was critical and prepared to state publicly what he thought about Corrections Corporation of America, the parent body of the company to which we will be giving the contract. He referred to it as corrupt and the briber of politicians. He said that CCA ran institutions in which assault, rape, drug trafficking and escapes were all common practice. That is the organisation that we will allow to run this part of our services, let alone a prison - but that is a matter for other legislation. We must question whether this is a suitable company to run this operation, bearing in mind my philosophical position, and I am sure that of the Australian Labor Party, which was reflected in my opening comments on this Bill.

Mr DeLord went on to say that in the running of a prison there are only two significant ways to save money. One is through salaries and the other is through food. However, I think a third is technological advance.

Hon Peter Foss: Design.

Hon JOHN HALDEN: Yes. This Bill does not have those features. The savings will be made in salaries. In some respects I accept that is part of what the minister is saying. These people will be paid less because of the narrow scope of their jobs, they require fewer skills and they require less on-the-job training.

Hon Peter Foss: Some will be paid more because as supervisory people they will be of a higher standard than the police currently in those jobs.

Hon JOHN HALDEN: I am glad Hon Peter Foss raised that issue; I will get to it in a moment. In terms of the savings which I am sure Corrections Corporation of Australia is hoping to make, there is no reason that the public sector cannot adopt the same attitude.

Hon Peter Foss: They don't.

Hon JOHN HALDEN: The minister responsible says that they do not. If he structured the department appropriately they would. One of the great problems with his administration is that it lacks the political will to do things; people sit on their hands and find cheap excuses. One of the problems with this proposal is exemplified in his report. He wants to contract out potential problems.

Hon Peter Foss interjected.

Hon JOHN HALDEN: He said that this is about the ability of a government to contract out any potentiality for problems. If the minister wanted a cheaper, better, more efficient and more flexible service there is no reason known to mankind that it could not be done in the public sector as well as in the private sector other than his attitude. The minister exemplified it when he said, "We can't". Of course we can. That is an example of what has been a significant and systemic problem in a number of areas in the Ministry of Justice for a long period.

The minister said a moment ago and I did not want to respond, which is probably silly of me in the light of the extent of interjections the Minister for Justice has made in this case -

Hon Peter Foss: Don't provoke me.

Hon JOHN HALDEN: I said I would respond to it, but I cannot think what the minister said.

Hon Peter Foss: You said that some people will be paid more.

Hon JOHN HALDEN: Yes. No doubt, as Mr DeLord said yesterday, CCA will pick a senior police or prison officer to manage and to front the organisation. That person will be articulate, smooth, suave and sophisticated and will deflect any criticism. Seemingly this is the CCA style internationally. It fronts up a Mr Spin Doctor with the looks, word usage and everything else that is required. However, underneath is a simmering, seething mess of nonsense.

Sitting suspended from 6.00 to 7.30 pm

Hon JOHN HALDEN: Before the dinner suspension I was reflecting on some of the comments made by Mr DeLord at yesterday's police conference. He was not commenting positively about the activities of Corrections Corporation of America. I said that some of those remarks will be left for a subsequent debate about the Prisons Amendment Bill.

However, we should go no further in this debate without considering the activities of Corrections Corporation of Australia specifically in respect of prisoner transport and so on in Victoria. I will acquaint the House with some of Victoria's unique experiences with CCA. I will quote from the Legislative Assembly debate in that State of Thursday, 8 September 1994. Mr Haermeyer, the opposition spokesperson on prisons, related the following tale after CCA entered into a contract similar to the contract proposed in this State -

On Monday of this week in the County Court a Corrections Corporation of Australia officer left a prisoner standing unaccompanied in the witness box. The CCA officer proceeded to his supervisor and said, 'I am now leaving. My 8 hours are up'.

Then, on Tuesday, a CCA officer allowed himself to be handcuffed to the railing in an elevator while the prisoner drove the elevator up and down until the police intervened.

These security functions are being handed over to the epitome of success in this nation: The private sector. It can do everything better. However, at the end of an eight-hour shift, the CCA officer wandered off. I thought that was a public service syndrome, but apparently not. The prisoner was left in the dock and I imagine that the magistrate or judge was not amused. Be that as it may, we must understand that the private sector can do everything better than the public sector.

The incident as related by the shadow minister in Victoria was most interesting. The prisoner involved managed to get the handcuffs from the CCA officer and then to drive the lift up and down. I understand that that occurred over a number of hours before the police became aware of the problem and intervened to resolve it. Of course, at the end of the day the police intervened. It could not be any other way because, as Mr DeLord said yesterday, when a situation gets serious, when the potential for a real community problem arises, who do we call? There is only one agency we can call: The police. We cannot contract out the role of the police, although I am sure some members would like to. It is clear from the literature, my discussions with the Ministry of Justice and experts in the area that whenever a serious problem arises, we are left with no choice but that the police or the State will resolve it.

Hon Max Evans: May resolve it.

Hon JOHN HALDEN: They have a legal obligation to resolve it. There might be problems with our existing system, and the minister has pointed them out tonight. However, if there are problems, the chance of resolving them via the public or the private system is purely a discretionary matter; it does not rely on any philosophical belief one way or the other.

When I put this scenario to people who are sympathetic to private sector involvement in this area, they said that if we require the public sector to perform this task, even under contract, there will be an inevitable result. I asked what is that result and the answer was: We will have to make it work and work properly. That is an amazing conclusion. If we were to contract this task to the public sector, the public sector view is that it would have to make it work. We are left to wonder what is the public sector's role now if it is not to make it work.

Hon Simon O'Brien: That illustrates the point that there are problems with the current arrangements.

Hon JOHN HALDEN: The minister exemplified them. The minister had it right: He must make the hard decision to make the public sector do its job. If he chooses not to do that, I have an answer for him, which I am sure Hon Simon O'Brien can predict. I said, in the spirit of rare bipartisanship, that the minister should contract out as he said he would earlier; that is, give it to the public sector and if it fails, give it to the private sector. At least make it contestable, rather than the sham which was not contestable, despite what the minister said, which was another fib. The answer was that we would have to make it work. God, that would be a tragedy! We would have to make the public sector work and do what it is supposed to do. Despite the fact the Minister of the Crown is responsible for the operation, we pay people \$200 000 a year to make the body do what it should do anyway. However, we will have to ensure it meets its obligations. What an indictment of the incompetence of our system.

Further comments relating to CCA taken from the Thursday, 8 September 1994 Victorian *Hansard* read -

Far more seriously, we noticed that for one month after CCA was first awarded the contract it did not have firearms accreditation, so the correctional services division had to be subcontracted to provide armed security at the courts, at St Augustine's and on prison transport. Eventually CCA received firearms accreditation, but we now find that last Tuesday all but 2 of its 54 employees failed the firearms permit accreditation test conducted by the Victoria Police. So we again have the farcical situation of correctional services officers, the public servants, having to be subcontracted to provide a service that private sector contractors who were contracted to provide it are unable to provide.

Do not forget, members, that the minister will have us accept that these people can do the job competently. By way of further illustration, my colleague said on Tuesday, 17 September 1994, as found on page 259 of the Victorian Legislative Assembly *Hansard*, the following regarding firearms accreditation -

I raise for the attention of the Minister for Corrections a matter concerning comments made by his spokesman and reported in the *Age* last Saturday relating to Corrections Corporation of Australia, which for the second time in two months has lost its accreditation for firearms.

Having received it for two people out of 50-odd employees, it lost accreditation again. These are the sorts of people who will be given this contract. Corrections Corporation of Australia has some other facilities which it runs for the Victorian Government which it hopes to run for the Western Australian Government. On Wednesday, 2 April 1997, on page 301 of the Victorian Assembly *Hansard*, my colleague stated -

The point I raise relates to the Metropolitan Women's Correctional Centre at Deer Park, Victoria's first private women's prison. That prison has been in chaos since it opened. We have had allegations of the prison being awash with drugs, and run by two very heavy criminals -

He then proceeds to name them.

We have had allegations of staff leaving the prison in droves because of inadequate training and security that should be afforded to staff within the prison.

Page 302 reads -

Since CAA took over the medical transport service has not been taking prisoners back to Pentridge after they have been admitted to St Augustine's ward. . . . once they have been admitted to the ward CCA no longer considers itself responsible to transport them back, even though that was the responsibility of the Pentridge unit that formerly transported the prisoners. CCA is also refusing to take prisoners to other clinics around Melbourne, which was also a service provided by the officers and staff of the public correctional enterprise, CORE. CCA is clearly skimming the cream off the top of the system.

We also know CCA is not taking high-security prisoners. Its security standards are such and it is deemed to be so incompetent that it cannot be trusted to transport high-security prisoners. We understand that on 5 February Governor Lacey at the Coburg complex had to order officers of CORE to accompany CCA in its escort of prisoners to St Vincent's Hospital because it had provided inadequate staff to ensure the secure transportation of the prisoners.

We also know that on one occasion a number of prisoners were left in a van -

This is a very interesting point.

- that is, the van was being used as a holding cell - on a day when it was 40 degrees plus, because CCA was closing the holding room inside St Augustine's ward to cut its own costs.

This is a model we could expect in this State. Not surprisingly, the prisoner collapsed bleeding from the mouth because of the incompetent action of the pathetically greedy company which saw the way to save money was to keep the prisoner in the van, not held in the hospital ward where somebody had to provide supervision. This is the company to which the Government will abdicate responsibility for the deprivation of liberty. Members should bear in mind that web sites are found all over the Internet concerning alleged illegality of CCA. Mr DeLord, with an open arrangement with all the laws of defamation, was happy to speak about CCA's ills in the United States, about which he was competent to speak; nevertheless he was prone to be sued by CCA. This company in Australia acts with no care or humanity in its dealings with prisoners. It allows a prisoner to be held in a vehicle in 40 degrees-plus heat because it is cheaper than holding the prisoner in the hospital under supervision.

As DeLord would say, there is a lot of money in this for political parties. CCA has a spectacular record in the United States of America for political donations, for corrupting political systems, for bribery and for God knows what. However, we are expected to have confidence that this Australian subsidiary, of which two members of the five-member board are appointed by Corrections Corporation of America, will change its spots and become a model citizen. It might become a model donator, but I am yet to be convinced about it being a model citizen.

One can make those comments, but ultimately one must ask about the alternatives here. As the Government has nominated the preferred tenderer, one can have CCA, with its record, or the public sector, which is a far more accountable organisation. One must have the political will to make the public sector accountable and perform its tasks. To make it work, one must get over an ideological barrier of enormous proportions; otherwise, one can have CCA. The Government has clearly come down on one side in that choice.

We are told that this arrangement will be cheaper and more flexible, and that we will all be winners. However, we do not know how the Government will subsidise this. I have explained that a subsidy element is clearly in this already; that is, any public disturbances or any high-profile at-risk prisoners will be the responsibility of the police. If it is not profitable, it will go to the police or to the correctional services. However, Victoria took the concept of subsidisation a little further. That State decided that it was all very unprofitable for CCA; it was not meeting its profitability targets. Victoria provided government vehicles to CCA just to assist it with transportation. It also provided government fuel for CCA just to assist it in ensuring that its profits were maximised. Of course, this was all on the basis of contestability; the contestability was that there was none, but the private sector, if I am to be believed, could do it better than the public sector.

Of course, nothing is different with this. I will refer specifically to the development of it in Western Australia. Yet another little distortion of the facts has occurred. The Government is trying to lead us down the path that it set up the police-justice core functions unit in developing this concept. That was done in late 1996. At one level it was set up to undertake an intensive review of the support services, and the precise purpose was left open-ended. We were told that the overall review purpose was to alleviate the Police Service and the Ministry of Justice from non-court duties relevant to the delivery of the four services of court security, court custody management, police custody and management, and prisoner movement. The Government continues to tell us that this body had some objectivity about it. It was to look at deficiencies that existed at the time. In the event that such findings of overlap, duplication and complexity were found, it was to consider the best viable alternatives. We are left with the proposition that there might have been some desire to consider how public or private systems could deliver this better or worse. However, that never happened. The core projects unit, as it is now called, considered only one real option: The privatisation of this service for the private sector to run it. Did the minister call for contracts from the Public Service to run this? The minister is very quiet, and I am pleased about that, but the answer is no. There was no contestability at all.

Hon Peter Foss: Stop asking me questions; it is not fair.

Hon JOHN HALDEN: I understand the difficulty with these ones. I understand the minister wants to be quiet.

The PRESIDENT: The difficulty is with me because I do not want the interjections!

Hon JOHN HALDEN: Nor do I! It is pleasing that I can make this speech with some degree of quiet. Were tenders called for the public sector to provide this service? No. We also hear from the Government that this was an independent committee; the word "independent" is repeated time and time again. Very interestingly, the chairman of the committee, Mr Peter Jones, a former coalition minister, was never, ever independent. In fact, freedom of information documents I have about comments very early on suggest - coincidentally, I am sure - that the same private enterprise organisation which secured the court security, transport, etc contract should get the contract for a prison because the price could be reduced or might be able to be reduced. I do not think he was independent; I think he had a script, probably dictated to him by this Government. Mr Jones on the public record was very clear about how the Government should do this: Go down the path of selecting one contractor, replicate that contractor and try to buy him off in terms of one price against the other. That is, funnily, exactly what happened. I cannot imagine how it happened! Mr Jones must have been telepathic!. He was so talented and so remarkable in his skills that he was able to achieve this outcome! I do not believe one word of that; if I did, I would be more naive than most of the members opposite think I am. The Government set up a process and gave Jones a job to privatise this and it knows damned well that it did. There was never any question, in spite of the Government's high-sounding words, that there would be contestability between the public and private sectors. As people in the public sector have advised me, once this goes to one sector or the other, it must remain there because of so much vested interest in it and it must work in spite of whatever. This can be made to work in the public sector, or it can be made to work in the private sector, but this Government has chosen a path that it will be only the private sector. The Government had a bunny to chair

the committee who did its bidding for it and set out how to do it, and the Government accepted it. He laid it out very clearly and the Government followed it to the letter of the law, did it not? It did.

Hon Peter Foss: You try to tell Mr Jones what to do, because I cannot.

Hon JOHN HALDEN: The Minister for Justice has that problem with many people - I do not know whether it is their problem or the minister's - and we are all left imagining why that is. It is important that we look at the minister's comments after he had travelled to North America and the United Kingdom. He said about prisoner transport contracts -

In the UK: [pg 13]. 'In the first few days of the first contract there has been a number of escapes. This had left a permanent impression in the minds of the public despite . . . a far better security record (since then) . . . Obviously the earlier experiences colour public opinion.'

He goes on about private prisons -

In the US: [pg 13/14]. 'It was asserted that research is inconclusive on privatisation but what is clear is that the private sector will do things differently and that is an objective in itself. Also privatisation allows the Government to contract-away . . .'

I want members to understand this; this is the minister responsible -

many problems . . . '

'It was also asserted that, as yet, no conclusive audits or evaluations have been carried in the US to ascertain whether private prisons operate more cheaply than those in the public sector.'

Earlier the minister took some exception to my comments about the Government contracting away some of its problems, but his own report suggests that is exactly what it was about.

Hon Peter Foss: You do not have to contract out human resource scheduling and all of those things. It is very sensible.

Hon JOHN HALDEN: What does that have to do with the price of eggs in this debate? I am not sure what that meant, but I am sure the minister will take the opportunity to explain it to me. I have a question which relates to his report. On page 14 of that report he said that the United States experience has been that all contracts have stop-loss provisions. Is there a stop-loss provision in regard to prison matters? It is interesting that one of the key objects in this issue was to substantially replace the current service delivery arrangements with an integrated, flexible and innovative service provided by the private sector. I have heard the minister eloquently explain parts of that in this place, but let us analyse it. How is it integrated? It actually will be a third force. There will still be an overlap and an arrangement between police, prison officers and whatever is this third force, whether it be public or private. People will know their roles; they will be more clearly defined, and I concede that. It does not matter whether it is public or private, hopefully they will know their roles more clearly. I am not sure what "flexible" means, but I picture flexible in terms of wages, achievable in both the public and the private sector. The minister said that an innovative service would be provided by the private sector. On a number of occasions the minister dwells on the cultural change that can be provided by competition and the private sector. Everything I have heard about what happens in terms of cultural change provided by a private enterprise security prison organisation in Australia, the United States of America or the United Kingdom suggests to me that the culture of prisons, incarceration and power over those who are vulnerable in these situations is exactly the same, except that there is greater accountability in some jurisdictions in the public sector. In fairness to the minister, he has made some efforts to ensure that there is accountability by the private sector.

Hon Peter Foss: By the public sector, too, because it can cover it up. That is one of the complaints about the public sector.

Hon JOHN HALDEN: Yes, it can cover it up. Has the minister read about Corrections Corporation of America's record of covering things up in the United States of America? It is abominable. It refuses to respond to the Parliament and judicial inquiries.

Hon Peter Foss: What about its record in Australia?

Hon JOHN HALDEN: It is not great.

Hon Peter Foss: It is better than the public system.

Hon JOHN HALDEN: I encourage the minister to detail that when he responds, because it will be interesting.

Hon Peter Foss: You have not shown in any form that CCA does not have a better record than most public prisons in Australia in terms of its programs and how it looks after people.

Hon JOHN HALDEN: The minister is unbelievable! CCA does not have the worst prisoners in Australia. At worst it gets medium security prisoners. The worst prisoners are still held by the government system. It is the same in the United States of America. The minister is talking nonsense. He is not comparing apples with apples.

Hon Peter Foss: Are you saying that you believe people change their characters as they move from maximum security to medium security to minimum security?

Hon JOHN HALDEN: No. People cannot be defined in the arbitrary process that our prison system tries to do. They are either maximum, medium or minimum security prisoners, and in a vast majority of cases it is determined the moment they walk through the door. We know that the Government, in prisons and in this system, will be responsible for the worst

offenders and it will be responsible when the system breaks down. I will give an example which was given to me by Mr DeLord. If there is a serious riot in a prison - he used the example specifically about CCA - will CCA call its resources to control the riot? The answer is no, it will call in the police. When a prisoner becomes too sick to be retained within the infirmary of a prison, will CCA pay for that prisoner's private medical expenses? No, it will send the prisoner to a public hospital to have those costs paid for out of the public purse.

Hon Peter Foss: That is what the public system does, too.

Hon JOHN HALDEN: Exactly, that is what it is supposed to do.

Hon Peter Foss: Do you want us to pay extra to CCA so we can have a different system?

Hon JOHN HALDEN: No. The minister is not comparing apples with apples. If the minister is telling me that the private system is better, he should let the private sector run it in totality. It should not be subsidised out of the public purse!

Hon Peter Foss: Why would you want it to do something different from what the public system does? That is comparing apples with apples.

Hon JOHN HALDEN: Let us use the example of the riot. Who will the minister call in to quell it? Chubb Protective Services Division? No, the minister will call in the police and he knows that. If he wants to make fine distinctions about this, this is the nonsense that CCA and many of its compatriots throughout the world have gone through.

The PRESIDENT: Order, members! If Hon John Halden addresses me, other members will be able to speak before we cease tonight.

Hon Peter Foss: That is the wrong Bill.

Hon JOHN HALDEN: I was encouraged to follow a line about a company which is likely to have the stewardship and which will be the successful tenderer in relation to two Bills. The minister was happy to lead me down that road, and I was happy to oblige him because the international record of this company is abominable. Web sites are set up to tell people about the appalling history of this company. Then the minister says that I am talking about the wrong Bill. Yes, I am. If he encourages me down that path about this Bill, I will happily tell him the history and he will not like it. However, he should not complain about it after being involved mutually with me in this exchange.

Hon Peter Foss: I led you down the wrong path? I am terribly sorry!

Hon JOHN HALDEN: No. I was happy to go down that path. However, the minister should not now complain and end the marriage of convenience because he does not like it. It is not a situation that the minister should like. He should take far more cognisance of what is said in regard to these matters.

Hon Peter Foss: Just get it right!

Hon JOHN HALDEN: I am sorry that I have a different perspective from that of the minister. I am sorry I am always wrong. I know my fallibility.

The PRESIDENT: The Minister for Justice should not interrupt. I want debate to continue on the current two Bills.

Hon JOHN HALDEN: So do I, and I am happy to return to the current Bills. On Thursday, 13 May - this is another example of the smokescreen and mirrors in this matter - I asked the Minister for Justice -

- (1) Has the minister sought the views of the Chief Justice regarding the outsourcing of security functions currently performed by the police?
- (2) If not, why not?
- (3) Has the Chief Justice independently, or as a result of the minister's initiative to seek his views, provided the minister with such views? . . .

The minister said -

I thank the member for some notice of this question.

- (1)-(4) There has been detailed correspondence and discussion between the Chief Justice of the Supreme Court and the project group, and also with the Ministry of Justice. These discussions are continuing and have been fruitful.

These are the mirrors and smokescreens with which we must deal in relation to these matters. The direct answer to my question, which came about through freedom of information in this document, was that the Chief Justice had originally expressed some very clear dissatisfaction about this arrangement. I concede, because I do not know from the documents, that he may well have become more satisfied, but it is interesting that the Chief Justice's concerns were such that he demanded police backup. He wanted police officers still to be around and to be effectively the public subsidy of a private contractor because he wanted to be assured of security. If the minister wants me to support this legislation, he must not give me answers like that. It was a very smart answer. It was unfortunate that I had the answer in the documentation in my right hand. If he is to play those games, I will have no confidence in anything he says. I do not care who writes his answers. I do not ask too many questions in this place for which I do not have the answers. If the minister wants to play games, as he did then, he will diminish my respect for the issue.

Hon Peter Foss: Your side has made it quite clear that you will deal with this on ideological grounds and that it is a waste of time talking to you.

Hon JOHN HALDEN: Back on 13 May the minister dealt with me, as he deals with everyone, as some inferior fool who would believe to the letter whatever the minister said. His difficulty was that I had the information.

Hon Peter Foss: The position is the same with prisons. You made it quite clear. Hon Ljiljanna Ravlich has made it quite clear that she is against it.

Hon JOHN HALDEN: Hon Ljiljanna Ravlich is not responsible for this matter; I am. After we decided to oppose this in totality, I was the person who went back to the Caucus to give the minister an option. I thought it was important. The minister must not tell me how Hon Ljiljanna Ravlich may or may not view this matter, because I am the person initially responsible, and the Caucus is ultimately responsible. She is but one member in the Caucus, as I am.

Hon Peter Foss: She represents the ideology of your party.

Hon JOHN HALDEN: I do not care who represents what. There is so much that comes from the minister in smart-arse answers that he should not accuse anybody.

The PRESIDENT: Order! Smart answers.

Hon JOHN HALDEN: I am sorry Mr President. I must have got it wrong.

Hon Peter Foss: It was not a matter of accusation but of fact.

Hon JOHN HALDEN: Of course it was a fact. What the minister said was true but he did not answer my question. I could have given myself a smart answer, but I asked the question to get the total, truthful answer or something close to it, bearing in mind that I have the answer.

Hon Peter Foss: You did get an answer.

Hon JOHN HALDEN: Yes, through freedom of information and not from the minister. We were told that the system would save 200 FTEs, and then 100.

Hon Peter Foss: It will save 200.

Hon JOHN HALDEN: It will at the end of the day.

Hon Peter Foss: It will save 200 FTEs.

Hon JOHN HALDEN: It will not. The minister still believes his own rhetoric.

Hon Peter Foss: It will.

Hon JOHN HALDEN: No, it will not.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! We were doing very well before Hon Ljiljanna Ravlich interjected. I want Hon John Halden to speak to the Chair and not be part of this petty bickering that seems to be going on.

Hon JOHN HALDEN: The minister still has not come to grips with the concept.

Hon Peter Foss interjected.

The PRESIDENT: Order! I ask the minister not to interject.

Hon JOHN HALDEN: It may save 200 FTEs at the end of the project but that does not get away from the fact that police officers will still have to be in court buildings and transport prisoners where it is unprofitable for the private sector and be there if there are dangers from potential or real high security prisoners. They will still be called on to quell any civil disturbances, which are quite regular, particularly in the Magistrate's Court, as I understand it. That will be a cost to the Western Australian taxpayer. All of this, the minister would have us believe, will free up these FTEs, but it will not because whenever something out of the ordinary occurs, the public sector, in the form of police officers and prison officers, will be required to respond.

The benefits as stated by the Government are again illusory. I am sure that in dollar terms it is cheaper. However, when we get to what it all means, we find that we are not comparing apples with apples but that we are comparing a private, subsidised service with the Public Service. The minister says that there are problems within the existing service. Quite clearly there are. In this area of human contact there will always be difficulties. Nobody wants to be held in a lockup, transported in a prison vehicle, put in a prison or be in court. All of those are high tension areas. The Government says that we have overly-trained police officers to do this task. What will we provide as an alternative? We will provide this private sector work force with six weeks training, a lead-in period of familiarisation and two weeks training per year after that. I ask members whether they would prefer an overskilled or an underskilled work force? When disturbances happen in the cells of the District Court or the Local Court, what will the public want? Will it want undertrained, six-week trained people or more significantly trained people? The answer is obvious.

The question goes further than that. At the end of the day how we save money, according to Mr DeLord, is of course to do

with salaries and how much money we attribute to training, how much we pay people and what the on-costs are. At the end of the day it does provide some benefits. Under any system we will probably need to look at paying people less because the skill level is not as great as for a police officer or a prison officer. However, there is no reason that it has to be in the private sector - none at all. Is it because the private sector will be any less corrupt than the public sector? Let me tell members that the United States experience suggests that is an absolute nonsense. Corrections Corporation of America has shot itself to the top of the list for corruption in every piece of literature I have read. Is it that the private sector can be any more flexible than the public sector? They will be working in what is basically the prison culture and they will all be working in a bureaucracy of sorts; be it public, private or a combination of both, it will be bureaucratic. There will be the signing of forms and questions about who has custody of people and where to transfer them to. There will be 143 forms as there are now, there might be a few more or less but it will not matter because if one wants to change this system and make it more efficient, it does not matter if it is private or public. It is a philosophical view - the Government wants private; I want public.

I return to where I started; that is, if the State has the power to deprive people of their liberty, the State has the responsibility in every respect for that deprivation. As Mr DeLord said yesterday, one cannot privatise out slavery and human misery on the basis of the profit margin and one should not do that. This might be a debate on a Bill for the privatisation of prisons which has already hit this place, but that is the dividing line. I make no exceptions to it; I do not claim it any differently. In my view one cannot possibly suggest that this is not a critical, primary responsibility of the State. If somebody in that process makes a mistake or does something wrong, as a public servant, a police officer or a prison officer, he is far more likely to be accountable than a private sector security guard. In the United States of America the Corrections Corporation of America was ordered by the Federal Government to provide certain information about Youngstown Prison. It refused to provide that information on the basis that it had received legal advice that doing so might be detrimental to the corporation. I do not know the resolution of that issue, but at the point I read about it, CCA had clearly not provided the information. Its loyalty is not to the citizens of Western Australia as a police officer's, a prison officer's or a third force public sector employee's would be, but primarily to CCA and its shareholders. What is the primary function of a private sector company? It is the maximisation of profit. It is simple. I ask members what they want. Do they want somebody whose responsibility is to the Crown - and as a republican it is hard to ask that - somebody whose loyalty is to the public service, who is directly accountable for a range of issues to his chief executive officer or whoever is in charge of that department, and through that person to the minister and ultimately to this place; or somebody whose loyalty is to the private sector organisation and its board of directors whose primary aim is ultimately the maximisation of profit?

The minister has established some safeguards about who can investigate what. However, the safeguards in Ohio did not allow the American Government - a much more powerful Government than ours - and the American Attorney General access to information. CCA turned up its nose. Basically it said something like "Get" and the next word started with s. That is the position it chose and so be it. Members have been encouraged to believe that we will be able to control the biggest multinational company in prison accommodation and management in the world. We, with our \$6b budget, will be able to compel these people to adhere to the letter of the law when the United States Government cannot do that. This is fantasy land stuff; it is absolute nonsense. It will be easier to get a prison or police officer to comply with the law with whatever backing that individual may have directly or indirectly than it will be Corrections Corporation of Australia. CCA has a record of turning up its nose at governments.

It is amazing that we have reached this point. There is no contestability whatsoever of public/private arrangements in this Bill. Clearly the Bill has been designed to contract out this arrangement to the private sector. In doing that the Government sees the reduction of expenditure as its primary focus and has disguised that in a range of words about flexibility, innovation and contestability - none of which is defined at the end of the day and none of which can actually be tested against anything. If the private sector is so good, I ask the minister in his response to show us the comparisons the Government has made. He should lay them on the table. We will not vote at that point, but let us look at that information. Let us see the analysis the Government has done to show that private is better than public in a real sense. Let us see the whole process opened up. Let us see the contract now. Let us see the openness of this arrangement. Let our lawyers look at this contract as they would love to do. If the Government wants this so badly, I challenge it to lay it out there. Table it!

Hon Peter Foss: Vote for it.

Hon JOHN HALDEN: No, we are not doing that. What a joke! The Attorney General says members can look at the information they need before them to make a reasonable decision about the legislation but we must vote yes first.

Hon Peter Foss: I just want to see if you have any intentions in this.

Hon JOHN HALDEN: I have told the Attorney General my intentions. I cannot be any more genuine with him.

Hon Peter Foss: You oppose it ideologically and I know you oppose it ideologically.

Hon JOHN HALDEN: Exactly, and I have given the Attorney General the option of getting some of what he wants. That is very reasonable.

Hon Peter Foss: As long as I do not get what you are ideologically opposed to.

Hon JOHN HALDEN: I know what the Attorney General ideologically supports. We should not get into a stupid argument about there being something wrong with my ideologically opposing something and the Attorney General saying he is not ideologically involved in this at all.

Hon Peter Foss interjected.

Hon JOHN HALDEN: Of course the Attorney General is ideologically involved. That is yet another piece of deception the Attorney General would like to perpetrate in this place. We all have our ideologies.

Hon Peter Foss interjected.

The PRESIDENT: Order! I do not want this cross-Chamber chatter; it does nothing for the debate.

Hon JOHN HALDEN: We all have our ideologies. I hope we do not come into this Chamber without a belief system. Probably the odd person has and has either done not terribly well or has done particularly well out of that; but most of us come here because we believe in certain things. I do not back away from what I believe in this matter. Members opposite will never convince me without evidence - I have given them an option in this matter - that I am necessarily wrong. I may be, but I will be proved wrong only on the basis of fact, not on that of some advertising spin doctor arrangement. If at the end of the day I am wrong, I have provided an option for this Government, or for us if we are in government. I am happy to make public servants accountable, responsible and contestable.

Hon Peter Foss: And sackable.

Hon JOHN HALDEN: Yes. I make no bones about that. I put that on the public record.

Hon Peter Foss: Sackable under the same terms as we can sack them under this Bill. If the director general says that he does not want a person, no matter whether it is fair, that person is out.

Hon JOHN HALDEN: No. The same industrial laws must apply to everybody.

Hon Peter Foss: We can sack people from this job under this Bill; we can say to the contractor that that person is out.

Hon JOHN HALDEN: Does the minister think that will not be contestable?

Hon Peter Foss: Under the Bill, that's it. You say you would offer the same accountability.

Hon JOHN HALDEN: That is not accountability. When the minister says that someone can point the finger at someone else and say that he is out, there is no accountability in that. That is absolute crude power. I will go through any process of accountability and openness, but I will not have crude power.

Hon Peter Foss: You are just not offering it for the new arrangement that you are proposing.

Hon JOHN HALDEN: No, I am not. I am offering openness, accountability and equity under the law to everybody. I am not offering the ability for anybody to use crude power. If I lose, I will vote for the Bill, because the Government will have to manage it. With provisions like these in it, it can go for its life. I will not stand here and argue about those sorts of provisions. I disagree with them. If the Government gets this Bill through, it can have it on its head. I want my total opposition known. If I cannot convince members of my point of view during the second reading stage, it is on the minister's head.

Hon Peter Foss: It looks like you are blessing me at the moment!

Hon JOHN HALDEN: I probably am. I understand the minister needs all the help he can get, and if I can help in that, I am happy to do so.

Hon Peter Foss: Thank you very much.

Hon JOHN HALDEN: There has been an interchange between a number of us, including me and the minister. This has been narrowed down to a philosophical difference about how workers are treated, or how people who are deprived of their liberty are treated. Who is responsible for that? Clearly I stand on one side of that argument. Despite whatever this House decides whenever this debate reaches a conclusion, I will wear it. I will not ameliorate the worst effects of this Bill. I will be over there with the minister disagreeing with him, because this is so important that the House has one chance, and one chance only, to correct it, and so does the minister. I have given him an option, and I will give an option to the rest of the House.

Hon Peter Foss: If your option does not turn out to be what it is, we are likely to have a third force with a different set of rules.

Hon JOHN HALDEN: Indeed, it does. That is why there is an option. If the Government ever chooses to go down that path, I will want to see exactly what it is proposing.

Hon Peter Foss: That is not quite what you said. You were offering the public sector identical arrangements with a different set of rules.

Hon JOHN HALDEN: We have already been down this road. It is a public sector work force which is open and accountable and has the entitlements that every citizen in this State has. I cannot believe the minister would suggest to me that, without reason, he can say, quite proudly, that this person -

Hon Peter Foss: It is the same section out of the Police Act.

Hon JOHN HALDEN: I know what it says. The minister has said that a person who is not thought to be acceptable is out. That happened on the docks in the 1930s in this country. One person might have been allowed to continue working, but another was not because the people who decided these things did not like the colour of his eyes or his hair. This is what the Government is proposing. As far as I am concerned, the Government will not get it.

In those respects this legislation stinks. In other areas it is worthwhile and should be preserved, encouraged and fostered; however, we cannot agree with its basic tenets. I can do no more than call on members of this side of the House to support me in that. Whether they will is up to them. I can only offer the minister an opportunity to rescue part of the Bill. With those comments, I shall not repeat myself, but merely say that the Opposition will not support -

Hon Peter Foss: You are not the Opposition.

Hon JOHN HALDEN: I am sorry, I meant the Australian Labor Party. I know that. I am so silly!

Hon Peter Foss: You didn't have to correct yourself.

Hon JOHN HALDEN: As I was saying, the official Opposition does not support this Bill, for the reasons I have set out. I look forward to the comments of my colleagues from the Greens (WA) and the Australian Democrats and others on this side, and also to the response of the minister. The minister should not think I am bluffing.

HON LJILJANNA RAVLICH (East Metropolitan) [8.36 pm]: I, too, do not support these Bills.

Hon Peter Foss: What a surprise!

Hon LJILJANNA RAVLICH: Once again, I was not going to speak on these Bills -

Hon Derrick Tomlinson: Then don't. Follow your inclination.

Hon LJILJANNA RAVLICH: - but I just could not resist the temptation. This is a difficulty for the Government. I can only wish that the Government is convinced it is doing the right thing. I do not believe it is convinced it is going down the right path. The one thing that has struck me about this legislation is the extent to which it has been shrouded in secrecy, and I will come to that in due course. I am glad to see that the Minister for Justice is pulling a face over there. By his doing so, I can only assume that when I put some questions to him, he will be very open and honest and give me a commitment that he will not continue to shroud this legislation in secrecy; rather, he will show a preparedness to table some documents, provide some information and ensure we know exactly what is going on so that we can be more confident of the decision we make.

One of the first questions that springs to mind with this legislation is this: What is the driver of it? I must admit that some time back when the idea of these Bills was mooted, the driver seemed to be the fact that it would be a very good idea to release the 200 police officers from the court system and put them back on the streets -

Hon Peter Foss: What about the 50 prison officers?

Hon LJILJANNA RAVLICH: Yes. Unfortunately, the perception created by that announcement - that is, that 200 police would immediately be released from the court service and put onto the streets of Western Australia - has shifted in time. We will not now get the immediate release onto the streets of all of them in the short term, which is what the community rightly expected would happen. Now, these 200 officers may be released for everyday duties over a period. That may well be over a period of one year, five years or 10 years. However, it is fair to say that the Western Australian public has been sold a pup in this regard, and certainly the promise of the early release of those 200 police officers will not eventuate in real terms.

This promise also raises another interesting question, because the Minister for Justice has claimed that these police officers will be used for maintaining the peace, for crime prevention and control, traffic control and emergency services; they will undertake all these functions. Yet this same minister had the nerve to tell me during a debate a couple of weeks ago that the crime statistics were improving. I do not know why the Government would want to release 200 additional police onto Western Australian streets if it were convinced that crime rates were coming down. It just seems to be an inappropriate time to introduce this strategy. The minister needs to get a handle on the situation and perhaps not shift his argument in accordance with the last task he has to achieve, whatever that may be.

I am concerned about the extent of the power to be given to the chief executive officer under this legislation. I understand that the CEO will have the power to enter into alternative service arrangements for service provision, including contracted agreements with private sector operators. I am cautious of that. On the face of it, it may not sound a significant provision; however, it really would depend on the extent to which the CEO had that power. I am interested to hear from the minister how the building work which has commenced on the new prison was authorised and whether that is linked to any of the power that the CEO might acquire under this legislation.

Hon Peter Foss: That is the other Bill; that is the Prisons Amendment Bill.

Hon LJILJANNA RAVLICH: Okay, that might be the Prisons Amendment Bill, but we have not passed that Bill.

Hon Peter Foss: One does not need a prisons Bill to build prisons.

Hon John Halden: But you need it to manage them.

Hon LJILJANNA RAVLICH: I just hope that is the case and that the information being conveyed to me by the minister is correct.

As I said, I am concerned about this whole exercise and the details regarding these two Bills being shrouded in secrecy. The reason I made that comment earlier is that in June 1998 I submitted a freedom of information application to the Ministry of Justice regarding this project. It was a straightforward FOI request. The ministry did the right thing and handed over a part of that request to the Police Department because, as members who are aware of the core functions project know, it is

a combined project between the Police Department and the Ministry of Justice. I have had a great deal of difficulty in obtaining information from the ministry on this project. It has taken me a year to get even remotely close to obtaining information from the ministry. The ministry handed over a part of the FOI request to the Police Department. Government agencies were toing and froing about who was responsible for the core functions project. Eventually the ministry claimed that the information would be forthcoming from the Police Department, but it never was. In the interim, the agencies decided that the Police Department probably was not responsible and they would bat it back to the Ministry of Justice, and therefore that was the responsible agency.

The matter went along like that for months and months. The Minister for Justice laughs. I am sure that he knows nothing about this; therefore, I do not know why he is laughing. Nevertheless, this went on for a considerable length of time. It got to the stage that I thought it was a pointless exercise. I could not help but think that maybe there was a reason why the task of obtaining information was being made so difficult for me, because I did not seem to be getting very far. However, over the past few weeks there has been some progress on the matter. It is funny that here we are debating this legislation and all of a sudden we start to make some progress on the matter. I am advised that I will receive a decision from the Chief Executive Officer of the Ministry of Justice by 29 June on 35 documents which fall within the scope of my FOI inquiry. That is currently being negotiated through the office of the Information Commissioner and is being handled by a very able officer, Mr Tim Kennedy, who is the legal officer at the office of the Information Commissioner.

What concerns me is that so little information is available on this project, on the contractual arrangements which are proposed and on the development of this initiative, yet we know that many important documents are available. If the Minister for Justice is a man of his word and a man of honour, he will do the right thing and give me an undertaking that he will table certain documents. What would be so outrageous about that? Here we have major legislation of great significance to the State. To put it simply, I challenge the minister to put his money where his mouth is and to table key documents, which he has the power to do, so that the Western Australian public will be better informed about the history and the development of the core functions project.

Hon Peter Foss: The big problem you have is that we do not have a contract until such time as the legislation is passed.

Hon LJILJANNA RAVLICH: I have plenty of information here on the core functions project. The minister and I are members of Parliament, and I am requesting him to table some documents.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: Okay. I am happy to leave with the minister a schedule of documents that I want him to table specifically on the core functions project. There is a memo in May 1998 to the Attorney General and the Minister for Police from the director general and the commissioner regarding the reporting arrangements; there is a memo to the minister from the director general regarding the remuneration and pricing model. That is all I have to go on. I am just like everybody else; I do not know a helluva lot about this project. However, I would love to know what the remuneration and pricing model is all about. I would like to see the memo from the director general to the minister about the contract. I understand that the minister may not want to give me a contract, because I have been here for two years and I have never seen a contract. I am amazed that contracts to the value of \$4b have been awarded for works and services, yet we can never be given a copy of a contract.

Hon Peter Foss: You cannot have a contract until there is one, and that will not happen until the legislation is passed.

Hon LJILJANNA RAVLICH: The minister could certainly table the memo in folios 25 to 27, dated December 1998, from the minister to the director general regarding the contract, and folio 39, dated October 1998, which is a memo from corporate services to the minister regarding lockups within scope.

Hon Peter Foss: Were these within your FOI application?

Hon LJILJANNA RAVLICH: Yes, they were. It is quite amazing that although the FOI application was specific, we were receiving information which was irrelevant and fell outside the scope of the FOI request. I do not know whether it was intentional on the part of the officer, but the request was very specific. It certainly did not take Tim Kennedy from the Information Commissioner's office very long to sort out the requirements and to work out which documents fell within the scope of the FOI application and which fell outside it. I have been dealing with an officer within the Ministry of Justice since June 1998, and that gentleman could not work out which documents were within the scope and which were not. I have been given a huge runaround. I do not know why I have been given such a huge runaround.

Hon Peter Foss: Are these documents likely to be discovered in the FOI application?

Hon LJILJANNA RAVLICH: Yes, they are.

Hon Peter Foss: You can get them then.

Hon LJILJANNA RAVLICH: I have waited for a year now, and I want the minister to table them. He is a man of honour, he has nothing to hide and there are no secrets. I want him to do the right thing and table the documents I have identified. He has the portfolio numbers, the date of the correspondence and all the information. I am happy to table the schedule and I want a commitment from the minister that he will table the documents that have been identified in this place, as a matter of priority.

Hon Peter Foss: You will not get a commitment from me without my seeing the schedule. Table it and I will take a look.

Hon LJILJANNA RAVLICH: I will certainly table it. It has been like pulling hens' teeth.

Hon Peter Foss: It is the first time you have asked me for the information.

Hon LJILJANNA RAVLICH: It has taken a year to get a schedule.

Hon Peter Foss: How many times have you asked me?

Hon LJILJANNA RAVLICH: I have been after this information for a whole year. The other day I received a letter from the minister in regard to this specific legislation. I just about fell off my chair when I read the letter. It states -

Over more than 12 months, much information about the Government's intention to return some 250 fully trained Police and Ministry of Justice officers to their core duties by contracting an experienced private operator for certain custodial, security and transport functions has been provided to Members of Parliament.

The two Bills which comprise the enabling legislation are now before the Legislative Council.

It goes on to say -

Recognising the vast amount of 'raw' information material with which Members must cope nowadays, I felt it could help you in evaluating the legislation if the key elements of the Court Security and Custodial Services program were set out in a concise briefing note.

I nearly fell over when I read that. What vast amount of raw information could the minister possibly be speaking about? I have spent a whole year trying to get my hands on it, and he is now telling me I do not want it and he will give me a briefing note. He has rocks in his head; he is out with the fairies.

Hon Peter Foss: You have been running about looking for the data and here is the information.

Hon LJILJANNA RAVLICH: I want the real information; not the information in this briefing note. I will tell members what information the minister wants me to have. He wants to sell his package; there are no two ways about it, and he gives it a glowing wrap. His briefing note states -

When fully implemented the program will allow the equivalent of 201 sworn police officers to return to front-line policing . . .

He does not say when, but says it will not be immediately. It could be over a five or 10 year period. The budget papers said "up to"; in Liberal Party-speak that may mean 51. We have had plenty of promises from the minister and from his side of the House which have definitely not been kept. The briefing note continues -

The program will create approximately 250 new jobs as contract employees take up the custodial, security and transport tasks.

However, it says nothing about the quality of the service and whether the quality can be guaranteed. It continues -

The quality of court custody and security, lockup custody and prisoner transport will increase as a result of being carried out by dedicated, purpose-trained staff with ready access to techniques and technology already tested elsewhere in Australia and overseas.

The minister does not know what the situation will be until these people are operational. How does he know they will be dedicated and purpose-trained?

Hon Peter Foss: They are dedicated to the job.

Hon LJILJANNA RAVLICH: At the end of the day they will not be employed by the department; it will contract out the service and the contractor will get subcontractors to do the work.

Hon Peter Foss: They are dedicated to the job.

Hon LJILJANNA RAVLICH: The bottom line is that the minister does not know.

Hon Peter Foss: You misunderstand the meaning of the word "dedicated".

Hon LJILJANNA RAVLICH: At page 2 the minister wraps it up by saying, "There will be no job losses in the public sector". If people believe that, they must believe in fairies. This Government says that about everything. It said it about the workers in MetroBus, Westrail and Western Power. The bottom line is that if the Government has something to do with it, there will be job losses. I am asking questions and telling the minister that I do not want this propaganda and gloss. He cannot expect good legislative decisions to be made on the basis of this sort of nonsense.

Hon Peter Foss: It happens to be true.

Hon LJILJANNA RAVLICH: The minister cannot expect the support of members on this side of the House based on this sort of nonsense. We want real facts and figures with regard to this legislation. There are many arguments indicating why these services should not be contracted out. I have not heard anything compelling from the other side of the House, apart from the fact that it is a matter of economics. My very able colleague, Hon John Halden, has gone to great lengths to explain the difficulty with the contracted company, Corrections Corporation of Australia. Its parent company has an appalling reputation, not only in America but throughout many other countries. For the life of me I cannot understand why this company has been contracted to carry out the core functions project. I have not heard the minister explain why a company with an absolutely lousy reputation just about everywhere it has operated in the world has been contracted to perform this

very important function in Western Australia. I am keen to know who else bid for the contract, what the tender prices were and what other factors were taken into consideration prior to the awarding of this contract. Many questions need to be asked, particularly the extent to which the risk might be transferred from the public sector to the private sector; and, under the contractual arrangements which have been signed with Corrections Corporation of Australia, the extent to which the State bears that risk when something goes wrong. We must also ask about the extent to which awarding the contract to that particular firm was open and fair, and whether proper procedures were followed in the mechanisms that were implemented to check the qualifications, credentials and financial background of Corrections Corporation of Australia.

The other day I was reading an article from *The Bulletin*, which I am happy to table, entitled "BARS of gold" which was absolutely scathing about Corrections Corporation of America. For the life of me I cannot understand why, given that the record of this lot is so appalling, we have them as operators of the core functions project in Western Australia. I will pick up a few points from that article.

Hon Peter Foss: That is Corrections Corporation of America, not Corrections Corporation of Australia.

Hon LJILJANNA RAVLICH: That is exactly right. CC of America and CC of Australia are also linked to the parent company, Wackenhut Corrections.

Hon Peter Foss: That is not right.

Hon LJILJANNA RAVLICH: Is the minister telling me that they are not all related?

Hon Peter Foss: Wackenhut is another apart from Corrections Corporation of Australia.

Hon LJILJANNA RAVLICH: Are Corrections Corporation of Australia and Corrections Corporation of America related?

Hon Peter Foss: Yes. You have to understand that you should look at the record in Australia of Corrections Corporation of Australia and also at the way American prisons are run generally. Prisons in America are run slightly differently from the way they operate here.

Hon LJILJANNA RAVLICH: They might run slightly differently but the fact is that Corrections Corporation of Australia and Corrections Corporation of America are related in some way.

Hon Peter Foss: Of course they are.

Hon LJILJANNA RAVLICH: Obviously they are. The minister may make a valid point that the prison system is run differently in America than the prison system is run in Australia. However, in all of the literature that I have seen I have not read a good report about Corrections Corporation of Australia.

Hon Peter Foss: Australia?

Hon LJILJANNA RAVLICH: Yes.

Hon Peter Foss: I am surprised by that.

Hon LJILJANNA RAVLICH: However, I will quote from this article because it is telling from the point of view that these may be the types of problems that we can anticipate in Western Australia.

Hon Peter Foss: Their deaths in custody record, for instance, is envied by all public systems.

Hon LJILJANNA RAVLICH: The article reads -

An inquiry by Ohio's Correctional Institution inspection committee found guards had left their posts, were not watching designated areas, did not respond to alarms and were inexperienced. When committee members tried to tour Youngstown prison they were barred, for which CC America later apologised. State Senator Robert Hagan, who represents Youngstown, told the press: "The old warden lies, the new warden lies. CCA's public relations flack lies. The company president lies. They lied about the type of inmates kept there, the competency of their corrections officers, staffing levels, security, and the number of stabbings and assaults."

It goes on -

An accumulation of murders, violence, brutality and riots have eroded the private prison industry's initial support in the US and, especially, the reputations of its two leading firms, CCA and Wackenhut. The two run two-thirds of US private prisons. Yet they head an industry that has failed to maintain its main claim of a cheaper service than the public sector, has a dismal record of safety and security, and adds to the country's "incarceration culture" by its lobbying and financing of law-and-order conservative politicians, by its practice of extending jail terms, and its eagerness to accept prisoners from the overcrowded public sector.

A private prison system is not the way to go. Unfortunately, this is the start of it. There are not many convincing arguments apart from the economics of it.

Hon Peter Foss: Why don't you look at their record in their prisons in Australia?

Hon LJILJANNA RAVLICH: I am happy to look at their record in Australia. I have already read some information on that. I am not convinced that this is the way to go because I do not believe that it is driven by the right motive. Economics cannot necessarily drive the prison system. It is fraught with danger, particularly because this Government has been secretive and not provided information.

Hon Peter Foss: We have provided a great deal of information on prisons and you have not even read it.

Hon LJILJANNA RAVLICH: I am talking about the core functions project, on which very little information has been provided. The minister knows that. In fact, it is appalling that so little information has been provided on all of these privatisations that have occurred. What is the length of this core functions project?

Hon Peter Foss: Go back to the prisons and look at the enormous amount of information I provided on that.

Hon LJILJANNA RAVLICH: Can the minister tell me the length and value of the core functions project?

Hon Peter Foss: Do you mean for how long it has gone?

Hon LJILJANNA RAVLICH: Yes. When the minister signs this contract, for how long will it be?

Hon Peter Foss: I do not know whether we will sign it at all unless this Bill is passed.

Hon LJILJANNA RAVLICH: What was the proposal before we got this far?

Hon Peter Foss: I cannot remember. I have not been running it.

Hon LJILJANNA RAVLICH: The minister cannot remember for how long he will enter into the contract? I heard the Minister for Transport say today that he does not know how much revenue he expects to generate from the privatisation of Westrail freight.

Hon Peter Foss: That is not what he said.

Hon LJILJANNA RAVLICH: Yes, that is what he said, and the Minister for Justice is now telling me he does not know -

Hon Peter Foss: That is not what the Minister for Transport said. I was here and I heard it.

Hon LJILJANNA RAVLICH: Hang on.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order, members! Too many members are participating in this speech at the moment.

Hon LJILJANNA RAVLICH: Mr Deputy President, I would have thought I put a very simple question to the minister. He is the minister responsible for the core functions project.

Hon Peter Foss: No, I am not; you are wrong.

Hon LJILJANNA RAVLICH: Hang on. He is handling the legislation, not the Minister for Police. Is he handling the legislation in his capacity as Attorney General or what?

Hon Peter Foss: As the Minister for Justice representing the Minister for Police.

Hon LJILJANNA RAVLICH: In either capacity, whether he is acting or not acting, surely he has an idea of the value of the proposed contract with Corrections Corporation of Australia in the event that he is successful tonight?

Hon Peter Foss: I do not know that figure.

Hon LJILJANNA RAVLICH: It is a reasonable question: What is the value of the contract and over what term will it run?

Hon Peter Foss: I do not know.

Hon LJILJANNA RAVLICH: The minister either knows or he does not know. It is a simple question.

Hon Peter Foss: I cannot give you an exact figure.

Hon LJILJANNA RAVLICH: Can the minister give me a ballpark figure?

Hon Peter Foss: I cannot give an exact figure.

Hon LJILJANNA RAVLICH: The minister cannot give me an exact figure and he does not know the length of the contract.

Hon Peter Foss: It is not that I do not know, just that I cannot remember because we have changed it totally.

Hon LJILJANNA RAVLICH: But the minister knows everything! The minister shatters my dreams.

The DEPUTY PRESIDENT: Order!

Hon Peter Foss: I cannot remember because we changed it.

Hon LJILJANNA RAVLICH: But the minister knows everything! He shatters my dreams!

Hon Peter Foss: It is now going to a two-stage contract.

Hon LJILJANNA RAVLICH: We should have it in both stages. The minister can give me half the value of each stage.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: I want to know what is the value.

Hon Peter Foss: You will be told off by the Deputy President in a moment.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order!

Hon LJILJANNA RAVLICH: That is a very reasonable question to put to the Attorney General. I do not care whether he is representing the Minister for Police or is in his capacity as Attorney General or the Minister for Justice. It is a joke that he has introduced legislation about the privatisation of court services and a company has already been selected to do the job but he does not know what is the value of the contract or whether it is in one or two parts. He is not prepared to tell us the value or the length of the contract. For how long will he be tying up Western Australian taxpayers' funds for this proposal?

Hon N.D. Griffiths: He has been caught out.

Hon LJILJANNA RAVLICH: What a joke. He expects us to have confidence in this legislation and to support it; yet he does not know the fundamentals of the contract. What a joke. I used to think one had to be remotely smart to be a member of Parliament, but I do not think so anymore.

Hon Peter Foss: You have proved that.

Hon LJILJANNA RAVLICH: The minister has the problem; it is not me. Those are fundamental questions. We would like to know who bears the risk, the value of the contract, why the contract was awarded and for how long the contract will run.

Hon Peter Foss: There is no contract at the moment.

Hon LJILJANNA RAVLICH: The minister has earmarked a company.

Hon Peter Foss: We cannot sign a contract until this legislation is passed.

Hon LJILJANNA RAVLICH: That may well be the case, but surely the minister must have thought optimistically that this legislation would pass within a couple of weeks?

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: In the light of that, the minister has done no preparatory work.

Hon Peter Foss: I have done a tremendous amount.

Hon LJILJANNA RAVLICH: The minister says he has, but he does not know what he has done.

Hon Peter Foss: Recently we have had to go back and suggest a two-stage process.

Hon LJILJANNA RAVLICH: Was money mentioned?

Hon Peter Foss: It is in the budget.

Hon LJILJANNA RAVLICH: It is clear that I am wasting my time. This minister does not even have a handle on the fundamentals of the issue, yet he expects members on this side of the House to support this legislation.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: The minister must be optimistic; he would not have gone to all this effort if he thought there was no chance of getting the legislation through. At the end of the day what is the point of introducing legislation if he does not know what he is getting into? I find it very disappointing because this minister is not prepared to play ball; he is either withholding information or he does not know the information. The latter is probably the case. He goes on and on about being accountable and wanting to provide information.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: The minister gave me a four-page document that does not mean anything to anyone. It is his propaganda and his agency has made me jump through hoops to get real information so that I can work out what is going on. I will table this document and ask the minister to provide me with all the information that has been highlighted and ticked. I hope that he will honour his commitment to do that.

Hon Peter Foss: I have not given you any commitment. I asked you to table it and said that I would look at it.

The DEPUTY PRESIDENT: Order! Is the member seeking leave to table the schedule?

Hon LJILJANNA RAVLICH: I will not waste my time. I do not think the minister is prepared to provide any information.

Hon Peter Foss: It is the first time that you have asked.

Hon LJILJANNA RAVLICH: It is clear that the minister does not know the answer to the other information I have sought. Given that, will he please make an effort to provide it, because I would like to know what is the proposed value of the contract and what will be the term of the contract. To be honest, I would love to know how he did his cost-benefit analysis.

Hon Peter Foss: Do you want to know the other benefits?

Hon LJILJANNA RAVLICH: I want to know the cost benefit.

Hon Peter Foss: Do you not want to know of any other benefits? You could not care about anything else but cost.

Hon LJILJANNA RAVLICH: I am interested in cost-benefit and risk. If the minister gives me information about those variables I will be very happy.

HON GIZ WATSON (North Metropolitan) [9.18 pm]: Mr Deputy President -

Point of Order

Hon SIMON O'BRIEN: Will Hon Ljiljanna Ravlich identify the document that she said she would table, but did not table?

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! We have gone past that point. It should have been mentioned when she was on her feet. It is now too late.

Hon SIMON O'BRIEN: Can I ask the member to table the document?

The DEPUTY PRESIDENT: It is now too late. There is no point of order.

Hon SIMON O'BRIEN: I do not seek to demur from your ruling, Mr Deputy President. If in future I wish a member to table a document referred to in a speech, when should I ask? I was under the impression I should not interrupt when the member was on her feet.

The DEPUTY PRESIDENT: It is in order to raise the question at the time to demand that it be identified and subsequently to request it be tabled.

Hon PETER FOSS: I understand Hon Ljiljanna Ravlich identified the document, although she was not called on to identify it. It is therefore appropriate at the end of the speech to ask for it to be tabled.

The DEPUTY PRESIDENT: If the document has been identified as the Minister for Justice suggests, the request has been acceded to.

Hon PETER FOSS: The point is, one is entitled to rise during debate and ask a member to identify a document so that at the end of the debate he or she can be asked to table it. The member identified the document as being the schedule of documents she wanted to get under the Freedom of Information Act. That is sufficient identification of the document. It is now open to a member to say that he would like it tabled, and I think that is what Hon Simon O'Brien is saying.

Hon N.D. GRIFFITHS: You think you are being paid by the word. It is a valiant attempt.

The DEPUTY PRESIDENT: Order! Is Hon Ljiljanna Ravlich willing to table the document?

Hon LJILJANNA RAVLICH: I referred to the document as a schedule. A schedule is a generic term; it can apply to a variety of documents and I have no intention of tabling my schedule.

Hon PETER FOSS: Hon Ljiljanna Ravlich has identified the document as a schedule. She should now table it.

The DEPUTY PRESIDENT: Order! I do not believe that the document has been adequately identified to require tabling now. There is no point of order.

Debate Resumed

Hon GIZ WATSON: On behalf of the Greens (WA), I oppose the Court Security and Custodial Services Bill and the Court Security and Custodial Services (Consequential Provisions) Bill. We believe that court security and custodial services are core functions of the courts and of government. As has been spoken about at some length by Hon John Halden, custody, imprisonment and associated services is an important area, in which government must play the key role. We believe that the impetus behind these Bills is ideological, and about cost-cutting measures. We are concerned that cost cutting often leads to taking short cuts, cutting corners and decreasing the level of services. It is also possible, as has been discussed this evening, that it will result in lower wages and poorer conditions for the people who will be employed under private contract, and we will not support that.

We accept that changes may need to be made in the provision of custodial services, and we acknowledge that there is merit in freeing up trained police from those duties. However, we do not believe that the remedy that is being offered by these two Bills is appropriate, for the fundamental reason that this should be a core function of both the courts and the Government. We note that the Chief Justice has made the similar comment that he considers it the core function of both the courts and the Government to be in charge of court security and custodial services. We also do not accept the argument that has been put by the Minister for Justice that the public sector cannot be required to conform to changes within the provision of court and custodial services. The arguments presented by Hon John Halden with regard to the contract being offered to the public sector may be a reasonable compromise. I do not accept the argument that a public sector organisation cannot be required to perform its functions adequately. That may indicate that the approach to managing this area is not all that it should be and that greater attention should be paid to cooperation and problem solving rather than taking an overbearing or adversarial approach and criticising the current provision of court services. The provision of court and custodial services is a critical area. It is essential that the public has confidence not only that the people who are in custody are adequately controlled and cannot escape, but also that they are treated in a just and fair way. Therefore, as has been pointed out by the previous speakers, it is very difficult, without seeing the detail of the contract, to make any assessment of these proposed Bills.

I have similar concerns about the preferred tenderer which has been identified to take on this contract, Corrections

Corporation of Australia. I have not read anything that would inspire any confidence in this company. I have seen from my direct interaction with people from this organisation that they are very competent in putting the right sales pitch on their company, but the results are nothing like the spin that they put on things. It is also of concern that because Corrections Corporation of Australia is the preferred tenderer for both the provision of custodial services and the proposed private prison, it will have a large amount of control over what we believe is a core area of public management that should not be in the hands of a private company, certainly not a private company with the track record of CCA. These Bills are not only about an ideology of privatisation but also about the Government's wanting to distance itself from a problem area about which it has been subject to valid criticism of its performance. That includes the management of both custodial services and prisons. One of the spin-offs of having a contractor in charge of these operations is that it is easy for the Government and the Ministry of Justice to deflect the blame to the service provider and not accept their responsibility for this area.

The fundamental problem with the request that we accept these two Bills in the absence of a contract is that it is very much a case of, "Trust us and you can see the contract afterwards." I am not willing to allow that chain of events to occur. We have not been given adequate information on which to make a decision. Fundamentally, the Greens will vote against these Bills, for the reason that we believe these services are a core function of government and of the court system.

HON SIMON O'BRIEN (South Metropolitan) [9.27 pm]: I want to contribute to this debate as a government backbencher. I am getting fed up with having to sit in this House and listen to some of the ill-informed diatribe that we get from certain members opposite about certain Bills that are put before this House. The time of this House is being wasted by people who flap their gums for 40 to 45 minutes at a time and say absolutely nothing over and over again. For the benefit of some of the previous speakers, I will tell them a bit about the real world with regard to some of the matters that we are discussing today. We are discussing the Court Security and Custodial Services Bill and the Court Security and Custodial Services (Consequential Provisions) Bill. The ambit of this debate is to consider the provisions that are contained within those Bills and how they will impact on the society of Western Australia. In order to do that, the Minister for Justice has provided to members, as was referred to by a member recently, a letter of which I have a copy. The reference number of that letter is 55332, and it is dated 2 June 1999. It is intended to assist members who are confronted with voluminous legislation dealing with many matters. The letter states -

. . . I felt it could help you in evaluating the legislation if the key elements of the Court Security and Custodial Services program were set out in a concise briefing note.

This summary is attached.

As indeed it is. I found it extremely useful, just as I find other briefing notes extremely useful for the reasons set out in the covering letter. Any member should find such material useful because it can help them to assimilate the issues that are being debated in this place. For this document to be derided as a cover-up or an inadequate explanation of some insidious government agenda is misrepresenting what it sets out to do and, indeed, what it does. That is the level of debate we must endure, sometimes for hour after hour. That is the drivel we get from some members opposite.

I remind members opposite that this is not simply a matter of a sponsoring minister's introducing legislation so that those who like the sound of their own voice can let rip. All these Bills have been through the joint party room, of which I and all my colleagues are members. We have considered these Bills at length by forming backbench committees, discussing them in the party room and so on.

I will take a few minutes to refer to the Bills before the House, in particular the Court Security and Custodial Services Bill. That is what we are meant to be debating, not the rubbish that members have presented about the Government's having secret agendas. They have made wild accusations about whether ministers and others on this side are men of honour or men who are covering up and refusing to provide documents. We are meant to be considering this Bill.

I specifically refer to the contribution of the previous speaker. In 40 minutes I could find only two points of substance about the Bill before the House.

Hon N.F. Moore: That is a big improvement on most occasions.

Hon SIMON O'BRIEN: It is something of a personal record.

Hon N.D. Griffiths: Don't get personal.

Hon SIMON O'BRIEN: This Bill provides for a system of measures to be established to allow a range of matters to be put in place in court security and custodial services generally. Powers do not exist to do things that currently should be done. At the moment, in many situations the Police Force is the only agent of the Crown that has the specific powers to deal with certain aspects relating to people in custody.

Hon Peter Foss: Even their powers are inadequate in some cases.

Hon SIMON O'BRIEN: That is essentially what this Bill seeks to do. I also draw the attention of members to part 3 of the Bill, which deals with contracts for court security and custodial services. It refers to what a contract must make provision for, minimum standards for provision of services, contract workers in court premises being subject to judicial direction and so on. In other words, it deals with all the administrative machinery necessary for the transition as envisaged by this Government. That is the only reference to contracts that should be mentioned in this debate.

If the member were not otherwise engaged on urgent parliamentary business, I might ask about other contracts that the Government enters into.

Hon Derrick Tomlinson: I am glad she is not here, because she might answer.

Hon SIMON O'BRIEN: I might receive some answer, but it would not be coherent. I will not have a go at that member in her absence.

We are in the process of considering the budget papers. In the course of that debate, we have seen large dollar amounts provided for many thousands of lines of expenditure. Much of that money will be expended under contracts that are yet to be let. We do not need Bills coming before this House providing that every contract must be scrutinised, because the machinery of government would come to a halt. It would certainly come to a halt given the attitudes recently displayed towards government activity generally.

As it should, this Bill seeks to establish a legislative framework that directs the Executive and the Administration as to what matters are to be taken into account in establishing and letting contracts. That is what we should be debating, not philosophical bents, whether anyone has anything to hide, or whether a potential tenderer is capable of delivering services to a standard that might be required. This legislation deals with the machinery involved in setting up a regime for the provision of the services to which we are referring.

The second matter - after I have dealt with this I will have exhausted the points I wanted to address that have been raised by the Opposition - relates to the accountability process. Members opposite droned: "Where is the accountability? We never see any accountability from this Government." This is so much gum flapping and rhetoric. If the member had bothered to read the two-page document and the covering letter provided by the minister to assist members, she would have seen the whole question of accountability addressed in dot point form. This document does not pretend to set out anything in detail, but it does point out that the Bills contain provisions relating to accountability.

In any sensible debate, which I hope we can have from here on in, members know that they should refer to the Bills and the second reading speech to find the detail of what is proposed. That, if anything, is what must be massaged into shape, considered, adopted or rejected as this House sees fit.

There are three levels of accountability, primarily through publicly-known performance standards and compliance requirements specified in the contracts. That detail is not in this Bill, for the reasons I have just outlined. Those elements will be specified in the contract because that is a requirement of this Bill. What can members of this place tell me about publicly-known performance contracts and compliance requirements in the current court custody arrangements? There is precious little information. This legislation is an improvement on the current situation.

The second method of accountability is through monitoring of compliance, and the reporting of that monitoring to the Director General of the Ministry of Justice by a regulator with unfettered access to all information required. Again, I ask members: Does a regulator with unfettered access to the premises to be involved with this Bill monitor compliance under the present system, with its non-existent current performance standards? Of course not.

Hon Peter Foss: The lead speaker for the Opposition gave us an interesting complaint about the current status and the way in which court security and custody operated. He said it was not acceptable. He told us that the public system is not right.

Hon SIMON O'BRIEN: I thank the minister for his explanation. It shows that this important issue has other dimensions which are not being recognised by those members opposite who are very quick to dismiss this Bill out of hand. They do no service to the issue and the community by treating this important issue in such a cavalier fashion.

Regarding the current staffing arrangement, in many cases we have police officers who are involved with court security. The proposal, when fully implemented, will allow 200 sworn police officers to return to policing. I do not care whether the number is 198 ultimately, or 190, as it is not worth quibbling over the number. The fact remains that a significant number of police are trained and paid to perform a range of policing responsibilities but are currently twiddling their thumbs most of the day, rotting away and doing a job they should never have done in the first place.

Hon Peter Foss: They do not even want to do it.

Hon SIMON O'BRIEN: Indeed. It is not seen as a high-prestige job in the Western Australia Police Service to be on court security duty. We need a dedicated force which will take pride in achieving standards of professional excellence in a specific area, and in developing the specific skills required to discharge that responsibility. Let us not become caught up on how many police officers will return to front-line policing. Suffice to say, it will be a lot. The number given here is 201, and other numbers in that neighbourhood are bandied around. Whichever number is ultimately right, it sounds very good to me. The benefit to the public is that extra police officers will be made available to perform tasks expected of them by the public; that is, real policing in the community, and not standing around in court environments hour after hour while nothing much is happening.

A number of members have made some pertinent points in this debate. I do not in any way seek to impose myself on the role of the minister in promoting and recommending the Bill to the House. However, as a coalition member, I am more than happy to associate myself with this Bill.

Hon B.K. Donaldson: Hear, hear!

Hon Ray Halligan: Hear, hear!

Hon SIMON O'BRIEN: I thank my colleagues for their support.

Hon N.D. Griffiths: Not all of your colleagues seem to be convinced.

Hon Bruce Donaldson: I am.

Hon Peter Foss: At least they are here.

Hon Derrick Tomlinson: We are behind it to a woman.

Hon SIMON O'BRIEN: The purpose of this Bill is to give a better result for Western Australia and its people than the current situation. The issues for the House to consider are outlined in the second reading speech and the Bill, not in the cockeyed nonsense we unfortunately have had to sit through in this debate, as on other occasions. With those few words, I commend the Bill to the House. I remind members that this is an initiative which was conceived with the best interests of our community at heart. It will be rejected out of hand at members' electoral peril.

HON HELEN HODGSON (North Metropolitan) [9.46 pm]: I have listened to this debate with great interest as it encapsulates much of the personal debate in which I have engaged. One of the problems I found in determining where to go on this issue was that every time I felt I had resolved a point in my mind, someone would produce more information and documentation, which I had to sift through to determine whether it would affect the position to be adopted.

The title of the Court Security and Custodial Services Bill encapsulates a significant part of what is taking place in the Chamber this evening. Essentially, two functions are involved in the Bill - court security services and custodial services. Those two functions are totally different perspectives and issues.

Philosophically and personally, I started with the point already expressed by some members on this side of the Chamber. Essentially, these are functions of government. I find it personally repugnant for companies to make a profit out of the system of justice and punishment in this State. I say punishment as that can happen if a profit motive becomes part of the system. We are in the middle of debate on another matter which encapsulates my view that punishment is not the core function of imprisonment and the justice system. It should be about rehabilitation and ensuring that cases involving community security are dealt with, and not be punishment for the sake of punishment.

I found it difficult to deal with this debate objectively. I have found that personal consideration and matters of conscience to be an important part of my deliberations. Bearing that in mind, I remind Hon Simon O'Brien, in the light of his recent comments, that we enter the Chamber with our specific perspectives. Part of the reason we choose to stand for Parliament and be elected to this place is to express that view. Although the points of view differ from one person to another, they are all valid and it is important that they be expressed in this place. I would not willingly have us abdicate our responsibility to examine legislation to backbench committees, whether they be government or opposition committees. I will always re-examine proposals to see whether they will do what I am told they will do.

Although I am grateful for the two-page summary provided on the legislation, I have read the Bill. By doing so, one can find out whether the detail matches the rhetoric on the Bill's intention. I thank the Minister for Justice for the opportunity to have a number of briefings on various aspects, which started from an initial briefing late last year. It has proceeded through that process and culminated in the delivery to my office in May of cartons of files containing the request for proposal. People talk about the lack of access to information; I do not know whether everybody got the files containing the RFP, but we did. I have read the Bill, but I do not pretend to have read everything in that RFP proposal because it has been impossible in the time available to me. I have some concerns with the way in which the RFP process is being handled. It concerns me when potential tenderers are intimately involved in establishing the ground rules for the tender, and are asked what they can and cannot do, and what service they can and cannot provide. In that context, there are things about the RFP proposal that could have been handled far better. I share the concerns of other members on this side about the availability of the contract. I hope that when the contract is signed and is available, it will be tabled.

Hon Peter Foss: It will.

Hon HELEN HODGSON: I am glad to hear the minister assure us of that because an issue is floating around in many areas that come before us concerning claims of commercial confidentiality. I can understand that there is a need to respect the confidentiality of a tender when the tendering process is still under way, but when these commercial-confidentiality clauses are used to prevent access by members of the public to the details of the contract, that is misusing the commercial-confidentiality clause. I would like to encourage ministers of all portfolios to stop hiding behind the commercial-confidentiality clause and to table contracts when relevant so we can see that everything is aboveboard.

The proposals before us in these two Bills are to do with releasing serving police officers from certain functions that they are currently carrying out. I have not heard anybody say that that is not a desirable outcome; however, I have heard people say that they have reservations about who will be given that function, and whether it should remain in the public sector or be privatised. I hold that same point of view.

The issues of costings and so on arose in the estimates hearing in this Chamber about two weeks ago. I placed a question on notice, which I presume is in the process of being dealt with and forwarded back to me, because I have not yet seen the response to it, but it picks up on this question of the overall contract cost. Approximately \$7m was provided for in the budget. I asked for details of a breakdown of how that is to be applied; how much is relevant to replacing the people power, the police, who will no longer be there.

Hon Peter Foss: Until such time as rates are negotiated and so forth, that is our estimation of how much we need, but we cannot tell you until we have a contract.

Hon HELEN HODGSON: Are we still waiting on the contract for that sort of breakdown?

Hon Peter Foss: The contract is waiting on the legislation, so that is a bit of a problem too.

Hon HELEN HODGSON: We are in a catch-22 situation, so I will not go any further down that track.

Basically, two functions are involved: The court security function and the custodial services function. On occasions today, members have strayed dangerously and need to be reminded of what Bill we are debating. A number of us seem to be viewing this in the same way. Custody services are linked overall to the function of justice and the imprisonment system. Similarities exist between the proposals that are currently around about the prison system and the proposal that is before us to do with the custodial services system. The issues there are different from the issues raised in the court security function.

A few comments have been made about the court security function. I note that the Chief Justice of Western Australia is quoted in the model development paper of May 1997 which has been tabled in the other place. He raises some issues about the need to have police in the visible court security function. For that reason, I also have reservations about the effectiveness of removing all of the police from the court security function. Some of the issues that are being addressed in this Bill relate to the powers that a police officer has in the court and whether those powers for search, seizure and the questioning of people are adequate. I am concerned that we are giving these powers, which will be in excess of the powers that a police officer holds, to a privately contracted security officer. To me, that does not make much sense. It is better to have police officers with the appropriate powers than to give them to a private security guard who may or may not be appropriately trained in the area.

I refer to some of the debates that have taken place on the radio this week about the former police officer from Texas who was speaking at the police union conference yesterday. He raised the issue of the extent of powers held by a security guard compared with those held by a police officer. In the court system, we will go a step further by giving to the security guards powers that police officers do not have. I want some assurances that a police presence will still be in our courts. I note that the Chief Justice has referred specifically to some issues to do with the police protection service, and the desirability of the Court Security and Custodial Services Act to deal with some of the issues of the court security function. My understanding is that the legislation is intended to consider a number of areas, particularly the custody of prisoners in lockups and in courts, and to do with the transport of prisoners. In all of those areas I see many similarities between the prison system and the custody services being provided.

I tend to agree with Hon John Halden that there appears to be no real reason why the things proposed to be done by a private contractor cannot be done by the public sector. We can remove the function from the police; we do not necessarily have to privatise it out. We must look closely at the reasons for the privatisation and whether we must take that extra step. I noted the comments of Hon Ljiljana Ravlich of cost-benefit analysis. To me, the cost-benefit analysis that should be undertaken is not purely to determine the dollars involved; the changes to the custodial services in this State must be considered and whether there will be changes that work to the benefit of our custodial system through the privatisation process. There are a lot of problems in our justice system, particularly in our prison sector. I am aware of a lot of discussion about the causes of those problems. We need only look at the recent Smith report to know what are some of those issues.

Debate adjourned, pursuant to standing orders.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [10.03 pm]: I move -

That the Bill be now read a second time.

This Bill has two purposes. First, the Bill seeks to amend the Stamp Act 1921 and the Road Traffic Act 1974 to implement administrative changes which complement the change to stamp duty rates contained in the Revenue Laws Amendment (Taxation) Bill 1999 applicable to motor vehicle licence transfers. In addition, the Bill contains measures to ensure nominal stamp duty treatment for certain transfers of property arising as a result of the Commonwealth's Managed Investments Act 1998.

An accompanying explanatory memorandum has been prepared for the benefit of members which explains the amendments in greater detail.

The proposed changes to the motor vehicle licensing provisions of the Stamp Act and Road Traffic Act contained in this Bill will support new arrangements for the payment of transfer fees and the stamp duty associated with the issue or transfer of a vehicle licence. The new arrangements will also allow the Department of Transport to reject transfer applications which do not comply with the compulsory vehicle engine immobiliser scheme which is to come into effect from 1 July 1999.

The current legislative provisions were considered too restrictive and hampered effective administrative design. In particular, the Stamp Act does not currently allow the purchaser to separate the making of an application to issue or transfer a licence from the obligation to pay the appropriate stamp duty at the time of application. Without the proposed amendments, this would preclude the change to an invoice system which is needed to make the immobiliser administration more practical, and also limits the methods by which a person can pay the charges associated with a licence transfer.

The proposed changes will allow the Department of Transport to produce an invoice for the licence transfer fee and

associated stamp duty using the notification details provided by the vehicle seller or purchaser as required by the Stamp Act. As part of these arrangements, the Department of Transport will also need to be satisfied that the vehicle engine immobiliser requirements have been met. In cases in which this has not occurred, the Department of Transport will notify the purchaser that a licence cannot be issued or transferred until those requirements are satisfied.

The new invoicing arrangements will also support a broader range of more convenient payment arrangements for purchasers. In addition to payment at licensing centres, the invoice will be capable of being paid by telephone, mail, in person at an Australia Post agency, and in the near future, via the Internet.

The remaining amendments in the Bill seek to provide a stamp duty concession for managed funds that are compelled to undertake certain transactions to comply with the requirements of the Commonwealth's Managed Investments Act. Members may be aware that the commonwealth Act became operative on 1 July 1998 and changed the way in which the managed funds industry is regulated under the Corporations Law. As part of these regulatory changes, funds are now required to consolidate their operating structures so that a single entity is responsible for the management and administration of a managed investment scheme. Previously, one entity was responsible for the administration and investment decisions of a scheme, while another was responsible for the scheme assets and ensuring that the scheme's investments conformed to the trust deed. This mandatory consolidation process will inevitably involve numerous transactions, including the transfer of fund property. Under current legislation, these transactions would, in some instances, be subject to stamp duty at ad valorem rates, notwithstanding that the fund must effect the transactions to comply with the commonwealth legislation.

To prevent such an outcome, it is proposed that concessional duty will apply when schemes are transacting to comply with the transitional requirements of the Managed Investments Act, and there is no resulting change in the beneficial interests of scheme property. In such cases, the Bill proposes to amend the Stamp Act to provide for the imposition of nominal duty of \$20 upon -

the transfer or conveyance of scheme property;

the resettlement of a trust; and

contracts, such as property leases, executed to secure the rights and obligations of the newly appointed responsible entity to replace those contracts that may become invalid upon the retirement of the existing trustee.

These stamp duty concessions will be available only for those transactions that are undertaken during the transitional period permitted by the Corporations Law. This period currently extends to 30 June 2000. Such concessional treatment is consistent with that being accorded to managed funds in other jurisdictions. For example, all other States and Territories have undertaken to ensure that funds are not penalised for transactions that arise from the enforced consolidation process. Moreover, the Commonwealth has undertaken to ensure that schemes will not incur capital gains tax on the asset transfers that result from compliance with the Managed Investments Act.

The Bill proposes that the amendments are to have retrospective effect from 6 April 1999, which is the date the Government announced its intention to put this concession in place. I commend the Bill to the House and for the information of members I table the associated explanatory memorandum.

[See paper No 1125.]

Debate adjourned, on motion by Hon Bob Thomas.

REVENUE LAWS AMENDMENT (TAXATION) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [10.06 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to implement the taxation revenue measures announced in the 1999-2000 budget by amending the Land Tax Act 1976 and the Stamp Act 1921. Complementary amendments are contained in the counterpart to this Bill, the Revenue Laws Amendment (Assessment) Bill 1999. As is now usual practice with revenue laws legislation, both Bills are accompanied by an explanatory memorandum to provide members with more detailed information on the proposed amendments.

I turn first to the proposed amendment to the Land Tax Act 1976 to implement the measure announced in the 1999-2000 budget to provide land tax relief. This will be achieved by introducing a new tax scale for the 1999-2000 year of assessment. The new tax scale will reduce the impact on taxpayers of "bracket creep", in which increases in land values push land taxpayers into higher tax brackets. The proposed changes involve increasing most of the land value thresholds of the existing scale at which higher tax rates begin to apply.

The greatest relief has been targeted to taxpayers who own land in the middle land value ranges, as they are most affected by the progressive nature of the land tax scale. The beneficiaries should include self-funded retirees. As a result, a taxpayer owning land with an aggregate unimproved value of between \$100 000 and \$500 000 would be issued with an assessment under the proposed scale that is between 5 per cent and 16 per cent lower than that which would apply under the current scale.

The proposed tax scale is expected to raise \$194m in 1999-2000. After adjustments for LandCorp becoming liable to pay land tax for the first time in 1999-2000, this represents about a 7 per cent increase in land tax receipts. This is about the same as the overall increase in taxable land values. If the current land tax scale were left unchanged, it is estimated that land tax revenue in 1999-2000 would be \$201m, \$7m higher than under the proposed new scale.

Notwithstanding the significant overall increase in land values, 46 per cent of taxpayers will not face an increase in their 1999-2000 land tax bills under the new tax scale, compared with their previous year's assessment. Of the remaining 54 per cent of taxpayers who face an increased tax bill under the proposed scale, the increase for nearly three-quarters of them will be less than \$20. This is the sixth time since coming to office that the Government has amended the land tax scale to provide land tax relief.

The Bill also proposes amendments to the Stamp Act 1921, to replace the current flat 3 per cent stamp duty rate on the issue and transfer of motor vehicle licences to new owners, with a sliding rate scale. This amendment will raise an estimated additional \$25m per year and at the same time will redistribute the burden of the tax towards higher-valued vehicles.

The proposed rate scale has three tiers. For licences issued or transferred for vehicles valued at up to \$15 000, the stamp duty will be reduced to 2.5 per cent of the market value of the vehicle. For vehicles valued between \$15 000 and \$40 000, the stamp duty rate will increase proportionately from 2.5 per cent to 5 per cent, as the value of the vehicle increases. For vehicles valued at more than \$40 000, the duty will be 5 per cent of the vehicle value.

Under the new rate scale, buyers of vehicles valued at less than \$20 000 will pay less stamp duty on the issue or transfer of the licence than they would under the current scale. It is estimated that about three-quarters of all vehicle buyers fall into this category, including low income families buying a small new vehicle or a used vehicle. Only more expensive vehicles will be subject to an increase in stamp duty.

Most other States also apply a sliding stamp duty rate scale. In Western Australia, non-commercial buyers of lower value vehicles will pay less stamp duty than they would in most other States. It is proposed that the new stamp duty scale will apply from 1 July 1999.

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

[See paper No 1126.]

Debate adjourned, on motion by Hon Bob Thomas.

ACTS AMENDMENT AND REPEAL (FINANCIAL SECTOR REFORM) BILL 1999

Receipt and First Reading

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

PLANNING LEGISLATION AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.13 pm]: I move -

That the House do now adjourn.

Homeswest, Raphael Case - Adjournment Debate

HON CHERYL DAVENPORT (South Metropolitan) [10.14 pm]: I want to place before the House some matters relating to the story on the front page of last Saturday's *The West Australian* and the overturning by Homeswest General Manager Greg Joyce of his department's decision in the case of Ms Marie Raphael and her daughter, who is also Ms Marie Raphael. As was said in the article, the mother is 94 years of age. Her daughter is about to turn 60 years of age and getting very close to retirement.

I became involved in the case last Thursday afternoon as a result of a phone call from the secretary of the amalgamated workers union, whose mother-in-law lives in the same block of flats as the Raphaels. The Raphaels signed the lease in 1977, some 22 years ago. At the time when the lease was granted they were required to sign affidavits that, should circumstances change, neither would kick the other out, basically. That occurred a long time ago. They were Indian migrants who came to Australia in 1971. Having spoken to Ms Raphael junior, I was acquainted with what had occurred; that is, she had had an inspection of the unit the day before. Having filled out some forms some weeks ago, she had indicated that she had bought some accommodation for herself in the event of her mother's death. That is not an unreasonable thing to do when one's mother is 94 years of age and in the past 14 months has had a hip replacement and is now confined to a wheelchair. It had been suggested that the mother should go into nursing care. The problem with that notion is that the mother when in hospital will not eat. In fact, it was found much more humane to return her to her home with a range of care processes in place.

The accommodation manager from Homeswest visited that day. He indicated to the daughter that she would in due course receive a letter from Homeswest saying that they must vacate within seven days because they owned property. That property

had been owned for some time. When the original rental contract was signed, Homeswest had no such policy for property ownership. She did the right thing and told them what occurred, that when she had bought the property she had no knowledge it was against Homeswest policy.

Because I thought it seemed pretty inhumane to be evicting a 94-year-old who was very familiar with the place she had lived in for so long, I decided that it was probably better for me to go directly to the minister to try to negotiate overturning the decision. That I duly did. I rang Minister Hames' office, as was reported in today's *The West Australian*. I first asked to speak with the minister, who was not available. I then asked to speak to the minister's adviser. I thought that I had been put through to the relevant person. I learnt late yesterday evening from a journalist from *The West Australian* that the person to whom I had spoken in the minister's office was in fact a Homeswest officer. I simply make this point: I wonder when one is talking to a person in a minister's office whether it is the minister's office.

Hon Derrick Tomlinson: What is wrong with the Homeswest officer being in the minister's office?

Hon CHERYL DAVENPORT: I have no problem with that. I am told that I was put through to the department, not to the minister's adviser. I did not know that until I was told it by a journalist last evening.

Hon N.F. Moore: Lots of advisers are from departments. We do not fill up such positions with political appointees.

Hon CHERYL DAVENPORT: This is a very serious problem. I am not trying to be frivolous. I am not a shadow spokesperson who runs to ministers unless I feel that a question needs to be asked. In this case it did. The person I spoke to in the minister's office said that she would take up the issue and get back to me. She came back to me. I assumed that having spoken to somebody, she had talked to senior people in the minister's office or the minister himself. I was told that all that Homeswest, the minister or whoever would do was to ask the women to sell the property they had, and tell them that they had six weeks in which to do that and that they had to sell it at a realistic purchase price. We all know what that means in the current market; they would probably have to sacrifice it. The alternative was that the time for eviction would be extended from seven days to a month. I was staggered at this. I heard this on Friday and wondered what else I could do, having been to the minister's office.

I woke up on Saturday morning and read the paper. I found that the manager of Homeswest had overturned the decision. I am very grateful for that. That occurred due to the contact by Mr Sharp-Collett with *The West Australian*; it was not due to my going to the minister's office, where I received an adverse answer, nor to a Homeswest bureaucrat looking favourably on the case.

I am encouraged by the fact that in response to a question asked of the minister in the other place today he said he would make sure that when members phoned his office with an issue that was not a usual Homeswest issue and the bureaucracy was unable to deal with it, members could raise it with either him or Mr Greg Joyce. We have at least clarified that when members phone the minister's office they do not necessarily speak to his advisers or policy officers.

Hon Derrick Tomlinson: Did you confirm that or are you relying entirely on a journalist's hearsay?

Hon CHERYL DAVENPORT: No; I rang the minister's office.

Hon Derrick Tomlinson: You were put through to a person. A journalist told you that you were put through to Homeswest.

Hon CHERYL DAVENPORT: The minister confirmed that this morning. His account of the situation was that I had phoned his office and that I was put through because no policy officer was available. I did not know that no policy officer was available in his place. I therefore assumed that was to whom I was speaking in the minister's office. Why would one not assume that after phoning the minister's office?

Hon Derrick Tomlinson: I do not even bother ringing the minister's office.

Hon CHERYL DAVENPORT: Members opposite should not make light of this. That old woman was not eating and she may well have died. The decision that was made through the minister's office may have contributed to that. I take that very seriously in my role as shadow spokesperson for seniors. I am pleased that the matter has been cleared up and that members will be contacting the minister or Homeswest manager, Greg Joyce.

Water Corporation, Negligence, Wellington Dam - Adjournment Debate

HON KIM CHANCE (Agricultural) [10.22 pm]: I regret delaying the House, but I received a letter today that caused me such concern that I must bring it to the attention of the House, although it is an issue that I and other members will raise later at greater length. The issue relates to what seems to be a potential agricultural and environmental disaster which is building up in the south west and which will have ongoing consequences. It is not a disaster that we can say has accumulated over a number of years and which there is nothing much we can do about. This is entirely preventable. It has come about through the gross negligence of the Water Corporation.

The issue revolves around the levels of salinity in Wellington Dam. The dam is on the Collie River, which is partly saline. Salinity has always been a problem. The dam was chiefly constructed as an irrigation dam, but once supplied the great southern towns' water supply.

The PRESIDENT: Order! We are all listening in to the meeting at the back of the Chamber; that is how loud the noise is.

Hon KIM CHANCE: As a result of concern about the level of salinity for human consumption, the Harris River Dam was built which is the only fresh supply of water flowing into the Wellington Dam catchment area. It now provides fresh water into the great southern supply. Unfortunately, it keeps the one supply of fresh water that was available to the Wellington

Dam out of it. There is one means of managing the salinity in the Wellington Dam. During the winter after the first flush of hyper-saline water, which is of course a higher specific gravity than fresh water, collects at the base of the dam wall and at the bottom of the dam, it can be tapped off over time through a valving mechanism which flushes out the heavy, more saline water. That works only if the valve works. Last year the valve failed and last year a commitment was given to fit a temporary valve. It was not fitted. We lost one year of that flushing capacity.

It is now 15 June, well into winter, and still no action has been taken to replace that valve. This has led to the Water Corporation's breaching its agreement with the South West Irrigation Cooperative. That agreement is that the Water Corporation will supply water below 1 000 milligrams per litre of total dissolved salts. It has breached that agreement by a factor of 25 per cent. Water was supplied in, I think, January this year at 1 250 milligrams per litre of TDS.

Since the privatisation of the irrigation scheme in 1996, which I supported, the Water Corporation appears to have disregarded its responsibilities to attend to maintenance and quality to the extent that the Wellington Dam, which is the largest dam in Western Australia south of the Ord River, is or could become unsuitable for either irrigation or many industrial uses. It is already unsuitable for household uses. I will spell out some of the ramifications of supplying water with a level at or near 1 000 milligrams per litre of TDS or indeed anything above 400 milligrams. Research shows that when levels rise as high as 500 milligrams, productivity of clover decreases by 50 per cent. At 1 000 milligrams per litre of TDS, clovers disappear almost completely. That is a reasonable picture of the effect of supplying water at 1 200 milligrams when it is preventable.

The environmental effect of splashing around that amount of salinity at almost three times the salinity that might be otherwise tolerable and available if we had an adequate flushing mechanism is calling down a disaster on our heads in the south west irrigation area. I am sure every member is aware that this is the area on which we rely for all of our dairy produce and a great part of our vegetable and viticultural needs. It is an incredibly important area. We are putting all of that area at risk, not temporarily in the case of the clover dying out for one year, but possibly permanently. The flushing mechanism is akin to a dialysis machine: If it is kept running the system can be managed. As soon as we switch off that purification mechanism we create a build-up of salts that will take not one year to fix, but possibly as many as four years.

The Water Corporation has still done nothing to effect its promise of installing a temporary valve, which at the very best could be old technology. New technology can do it much more efficiently, but we cannot even get the old technology working. The Water Corporation has been in breach of its agreement with the private cooperative. Even more seriously, it is in breach of its duty as a manager of one of our major water resources in Western Australia.

As I said, my colleagues Hon Bob Thomas, as a member for South West Region, and Hon Ken Travers, as the opposition member with responsibility for Water Resources, will, along with me, from an agricultural point of view, take this issue a great deal further in future. I thought it was fair to advise the House as soon as I became aware that we have a major issue on our hands, which may cause problems for many years to come.

Traffic Accident, Williamstown Road, Kalgoorlie - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.30 pm]: The House will recall that at question time I asked the Minister for Mines whether he was aware of an accident that took place last night on Williamstown Road, Kalgoorlie, when a four-wheel drive vehicle nearly demolished two houses at Nos 7 and 9 Williamstown Road. I also asked him whether it was the case that the lady who was driving that vehicle had just finished a 12-hour shift, and that the vehicle she was driving was used to transport explosives. The minister said he did not know but would investigate the matter. I also asked him when he would reply to a letter that he had received from the owner of one of the houses that had nearly been destroyed. That letter is dated September 1998. I find it incredible that the Minister for Mines, who is my colleague as a member for Mining and Pastoral Region, was not advised by the department about this near catastrophe on what is virtually a minesite.

To emphasise the point I was trying to make during question time, I will refer to some of the letters that the minister has acknowledged having received but has done nothing about. These letters are from Mr Brian Hounslow of 7 Williamstown Road, one of the houses that was involved in this accident. The lady who was driving that four-wheel drive vehicle said she had fallen asleep, and her vehicle had gone off the road and into these two houses, and had demolished the living room of one house, and had ended up in the living room and bedroom of the other house at No 7 Williamstown Road, which is owned by Brian and Barbara Hounslow. The first letter that Mr Hounslow wrote to the minister states -

Dear Sir,

I am writing to inform you of what I consider to be breaches of the Mining Act 1978 in relation to mining operations by Kalgoorlie Consolidated Gold Mines at their Mt Charlotte operations in Kalgoorlie.

I live in Williamstown Rd Kalgoorlie, and the Cassidy Shaft operation is right opposite my home.

I consider it to be less than 100mts from my property, and I understand that under the Mining Act 1978 Section 20(5), it is a requirement of the mining company to obtain my written permission to carry out mining operations so close to my home.

My family and I have lived in this house for 22 years, long before the Cassidy Shaft was constructed during 1981-1986. My permission has never been sought, either verbal or written in all of that time.

He explains that some of the mining operations - I have seen this - are taking place 50 metres from his home. He states also -

Complaints made to the Dept of Environmental Protection about the excessive noise have done no good either,

because they say they are waiting on the outcome of a proposal by KCGM to develop two open pits in this area, and KCGM have applied to the EPA for an exemption from the standard noise levels, so that's getting us nowhere either.

He states also -

They blast 6 times a day, and all of these increased vibrations are causing my house to fall apart. The house is subsiding in places, and the floor boards no longer meet the skirting boards in sections.

I have visited the house on a number of occasions, and I have seen where the supporting joists of the house have jumped out of place. He has an outhouse made of solid concrete that is about nine inches thick - the sort of thing the Poms would have built in the war to hide from the Germans - and that has a big crack in it from the constant explosions that are taking place in that mine. He explains in his letter that -

During rain, water rushes off KCGM's lease into a very shallow drainage channel, and in the past this water escapes onto Williamstown Rd and pools right outside my home, and if the rain is heavy enough the water escaping from the lease onto Williamstown Rd causes damage to my property through vehicles driving through the pools of water on the road, which in turn washes over the footpath and over my fence and landing directly onto the front lawn and roof of my house.

He states also -

I am requesting that one of your officers come and investigate this problem as soon as he can because it's got to the point where we are being driven mad by this mining operation.

That letter was written on 17 December 1998.

Hon Greg Smith: Do they own the house?

Hon TOM HELM: They have owned it for 22 years. He has sent the minister a series of photographs to try to explain the problems pictorially. On 21 December, he received a reply from Leigh Radis, a correspondence officer of the minister, which states that the minister will respond to his correspondence as soon as possible. On 29 January 1999, he again wrote to the minister and asked him to respond to the concerns set out in his letter dated 17 December. He wrote another letter to the minister dated 1 March, which states -

I have written to you several times now, the last time being 29 January 1999, about what I consider to be breaches of the Mining Act 1978 by Kalgoorlie Consolidated Gold Mines (KCMG), and I have asked you to arrange for someone to come and investigate my claims.

He then received a letter from Marius Hanekom from the Kalgoorlie inspectorate of the Department of Minerals and Energy, who states -

I have tried to contact you on a number of occasions but unfortunately it appears that your residence is unoccupied during the day.

He then received a letter signed by the minister, the last paragraph of which is rather interesting. It states -

With regard to your allegation that activities are being conducted in breach of Section 20(5) of the Mining Act 1978, Departmental records indicate that the land containing your house is Crown land not subject to any freehold or leasehold title. Would you therefore please advise the Director General, Department of Minerals and Energy (at 100 Plain Street, East Perth 6004) of the details of the authority by which you occupy this land in order that this issue can be further considered.

That is to find out whether he should live there, or whether there has been a breach of the Act. That is the way Mr Hanekom has answered the letter. On 16 March, Mr Hounslow wrote back to the Minister to state -

This is my home and I have lived here with my family for the past 23 years. I purchased the home in 1976, on the open market.

This house had been here for many years prior to my purchasing the property. I know that when I renovated this house many years ago, there were newspapers under the lino that had the date of 1935 on them, so it had been there for at least that long, and probably long before that.

He also quotes some legal examples and states that since he has lived in the house, he has been paying council rates, insurance rates and taxes; therefore, he is entitled to the same provisions as anyone else with regard to the mining law of this State.

Hon Greg Smith: There is a native title claim over that block.

Hon TOM HELM: What a clown! Have we ever heard from such a clown at this time of night! Hon Greg Smith must be very silly. If I were Hon Greg Smith, I would keep quiet!

Mr Hounslow states also in other documentation that while there may be a native title claim over his house, nonetheless while he lives in that house, he is entitled to peace and comfort and to not be disturbed by mining activities under the Mining Act 1978. He states in a letter dated 9 April 1999, after he has received no response from the minister, that -

It seems to me and my family that any matters concerning KCMG either don't get addressed, or are left for so long the people start thinking that the Department of Minerals and Energy is supporting KCMG breaching the Mining Act 1978.

He then states that he first wrote about these breaches of the Mining Act 1978 on 17 December 1998, and received no response. He writes to the minister again on 18 May 1999. This is correspondence from a miner to the minister. In addition to writing, he has telephoned the department and has received advice from wherever he can. He is only a miner. He does not understand these Acts of Parliament. If you went to his house, Mr President, you would see the conditions under which he has to live. This latest incident tells it all. His house is 100 metres from this mining lease, and it is only 50 metres from some of the mining activity that is taking place. It is the wrong place to be. It is not far from the road. He states in his letter dated 18 May that he has asked the minister several times now to respond to his letters.

Hon E.R.J. Dermer: Very tenacious!

Hon TOM HELM: He has to be, because it is his home, and he is trying to get some protection under the Mining Act, as he is supposed to get. The last letter signed by the minister was received by Mr Hounslow on 31 May. It states -

I acknowledge receipt of your letters of 16 March, 9 April and 18 May 1999 regarding mining operations near your property and regret that I have not yet been able to provide a reply which addresses the concerns you raise.

I am currently awaiting legal advice on the issues and hope to be in a position to contact you again on the matter within the next month.

With four houses at risk, as the Minister for Mines and a member representing these people, the minister should have done something by now. This whole problem has existed since the Cassidy shaft was sunk in 1986 and nothing has happened.

HON N.F. MOORE (Mining and Pastoral - Minister for Mines) [10.40 pm]: Again we have a speech from the de facto, pseudo - or whatever terminology members might like to think of - shadow Minister for Mines -

Hon Kim Chance: He is a member for the Mining and Pastoral Region.

Hon N.F. MOORE: - who continues to come in here and take a particular point of view in respect of mining in Kalgoorlie. He has not worked out yet that the basic activity in Kalgoorlie, the one which provides the essential economy of the district, is mining. A lot of mining is taking place. Some time ago a Mayor of Kalgoorlie said that if gold were found under the Kalgoorlie town hall, that building would be knocked down. The town is there because of the mining. Williamstown is a small suburb of Kalgoorlie which has some freehold blocks and some squatters. A number of houses are built on leases, some on crown land and some on freehold title. There is a significant legal difficulty in respect of what the Mining Act means about mining next to property which is on different forms of tenure. It is a very difficult issue.

I am sorry it has taken the Crown Law Department so long to give me advice; however, the fact of the matter is that I am obliged to get that advice. A significant company is the backbone of the Kalgoorlie economy, which is mining, and provides significant employment. It is fundamental to the economy of Kalgoorlie. If the member wants me to tell KCGM to close its mining operations because of a person who lives on what may be a squatter's shack, he should say so. I have an obligation, as members will know, to make sure that whatever action is taken in this issue, it is done according to the law.

Hon Tom Helm: He has no rights, then.

Hon N.F. MOORE: In due course I will bring in some amendments to the Mining Act to deal with the various circumstances which arise in respect of mining adjacent to different sorts of tenure. There are significant anomalies in what can and cannot be done on private land, as opposed to crown land. I will do what I can to ensure that the matter is sorted out. This issue in Williamstown has gone on for many years. It is not new to me. If the member were to talk to his colleagues and the shadow Minister for Mines, he might get some understanding of the history of the matter and of the circumstances surrounding the issues at Williamstown.

Hon Tom Helm: Someone can nearly kill people. Is that okay?

Hon N.F. MOORE: I have no intention of killing anybody. In the question he asked in question time today, the member suggested that if somebody drove his car through the house in question, it would have something to do with the Minister for Mines. Next I will be blamed for dogs having fleas. The member is saying that because someone driving a car down a public road has gone to sleep and run into a house, it has something to do with the Minister for Mines. That is absolutely ludicrous. Then the member says words to the effect that this vehicle has been known to carry around explosives. In the question he asked earlier in question time today, the member gave the impression - I suspect he has told the media - that this vehicle probably had explosives in it, and it could have blown the house to smithereens, and it is the fault of the Minister for Mines.

Hon Tom Helm: You are very wrong.

Hon N.F. MOORE: I am prepared to accept the blame for things I do. It is stupid in the extreme for the member to come in here and say that because a lady goes to sleep while driving on a public road at night and runs into somebody's house, and because some time in the past the vehicle may have been used to carry explosives, the Minister for Mines has created a very dangerous situation. I am a little tired of the allegations this member makes, simply because he wants to become the second person on the Australian Labor Party ticket for the Mining and Pastoral Region. That is what this is all about. All members know that, and they are getting tired of it - I certainly am. As I said in my answer to the question earlier today, I am happy to find out the details of this crash. The information I was given was that it involved a car, not a four-wheel drive. It has

nothing to do with explosives, that anybody knows about. The police certainly do not know about explosives. I do not know where the member gets his information from. For goodness' sake, he should be a little fair in this. He should acknowledge that the Minister for Mines does not have a direct responsibility for the driving habits of females in Kalgoorlie. It is as simple as that. I do not have that responsibility. I must say that I am concerned for the people whose house was run into, just as I would be concerned about anybody's home that a car ran into. I cannot be expected to take the blame for it simply because I happen to be the Minister for Mines and these people are in dispute with that minister over where a house is located. As I have said, both here and in the letter to those people, I am still awaiting advice in a very complicated, difficult issue.

Hon Tom Helm: You read the letter about mining. It says 100 metres.

Hon N.F. MOORE: No, no, no. I suggest that -

The PRESIDENT: Order! Hon Tom Helm has brought up a serious matter that deserves the attention of the minister. In all fairness, the minister is trying to give a reasoned answer. If we can let the minister finish, perhaps this matter can be the subject of another debate on another day.

Hon N.F. MOORE: I surely hope not, because I have just about had enough of this nonsense. The bottom line is this: I am seeking legal advice because there is doubt about the tenure of the land on which this house is located. I had to find out what it was. According to what the member has told us tonight, this person has lived there for 25 years. He may well have, but it may well be crown land. I understand different rules govern how far mining can take place near a home on crown land and near a home on private land. That problem is being sorted out by the Crown Law Department, and I will await its advice. I can do nothing other than that, and I will give an answer as soon as I can.

Question put and passed.

House adjourned at 10.46 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOMESWEST GOVERNING BOARD

212. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

In relation to appointments to the governing board of Homeswest -

- (1) What are the criteria for appointments?
- (2) Who is responsible for appointments?
- (3) What are the full names and ages of the current members?
- (4) When was each member appointed?
- (5) What are the educational or professional qualifications of each member?
- (6) When does the term of each member expire?
- (7) To what fees or other payments are board members entitled for performing their roles on the board?

Hon MAX EVANS replied:

- (1)-(2) In accordance with Section 8 of the Housing Act 1980 the Board consists of seven members. One shall be the General Manager of the State Housing Commission and the other six are appointed by the Governor.

(3)	(4)	(5)	(6)
Lloyd Guthrey 27 November 1934	January 1994	FCPA, FAIIB, FAICD Banking, finance and broad management expertise	31 December 1999
Anne Hector 30 October 1944	January 1994	Small business and community interests	31 December 1999
Peter Marks 14 February 1942	January 1995	Legal, LLB including experience with home finance and consumer credit	31 December 1999
Steven Prosser 1 February 1950	October 1994	Property, general business and country interests	31 December 1999
Ron Attwood 7 June 1944	December 1997	Chairman of the Aboriginal Housing Board	31 December 1999
Greg Joyce 28 January 1947	December 1992	BA, BJURIS, LLB, General Manager of the State Housing Commission	6 April 2003
Robert Brown 3 November 1952	January 1999	Company Director Homeownership and finance	31 December 1999

- (7)
- | | |
|-----------------|--------------------------------|
| Chairman | \$48,300.00 per annum plus car |
| Deputy Chairman | \$26,500.00 per annum |
| Commissioner | \$19,320.00 per annum |
| General Manager | Nil |

MULTICULTURAL WEEK, EDUCATION DEPARTMENT PARTICIPATION

957. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

What level of participation will the Education Department take in celebrating Multicultural week in 1999?

Hon N.F. MOORE replied:

I am advised that the proposed inaugural Multicultural Week 1999 is being organised by the National Liaison Committee for International Students in Australia (NLC). The NLC is a non-profit making organisation made up of full-time students who are studying in Australia under student visas. International student organisations at Curtin University, Edith Cowan University, Murdoch University and the University of Western Australia are affiliated to the NLC and will be holding events on campus. The Education Department of Western Australia continues to encourage schools to become involved in both school and community multicultural activities and events throughout the year. Events promoting the benefits of cultural diversity of Western Australia's people are highlighted during the annual Proclamation Day activities which in 1999 will be held from October 15 to 24. The Education Department of Western Australia will participate in many of the multicultural activities and projects being highlighted.

SCHOOLS, PARTICIPATION IN CULTURAL EVENTS

958. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

What guidelines are available to schools in determining the level of participation acceptable in significant cultural events in 1999?

Hon N.F. MOORE replied:

Schools are encouraged to become involved in cultural events throughout the year, however, they are free to determine their own level of participation in significant cultural events. A diary of events, distributed to schools and district offices by the Education Department at the beginning of 1999, lists a number of significant multicultural events. This enables schools to plan and participate in multicultural projects at the school and district level and also to be part of community projects. The official Departmental newspapers "School Matters" and the Ed Mail distribution system, with distribution to schools and district offices, are also used to publicise events.

SUICIDES, FIREARMS

972. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

How many suicides involving firearms have there been in Western Australia in each financial year since July 1, 1980?

Hon MAX EVANS replied:

Figures provided by the Australian Bureau of Statistics.

Financial Year	Suicides Involving Firearms
1980/81	18
1981/82	42
1982/83	31
1983/84	31
1984/85	24
1985/86	36
1986/87	35
1987/88	35
1988/89	28
1989/90	37
1990/91	30
1991/92	31
1992/93	34
1993/94	39
1994/95	32
1995/96	25
1996/97	26
TOTAL	534

Figures for cause of death for the 1997/1998 financial year are not available. These figures will be available later in the year from Australian Bureau of Statistics.

GUNN SUTHERLAND, CONSULTANCY

1016. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Commerce and Trade:

In relation to the Minister for Commerce and Trade's consultancy with Gunn Sutherland -

- (1) What services were provided by Gunn Sutherland?
- (2) What was the total value of this consultancy?
- (3) When was it awarded and when does it cease?
- (4) Were tenders called for this consultancy?
- (5) If yes, how many firms or individuals tendered?
- (6) If not, why not?
- (7) How much has been paid to Gunn Sutherland since the commencement of this consultancy?

Hon N.F. MOORE replied:

- (1) The consultancy with the Minister for Commerce and Trade was for work on the East Perth Power Station project. Gunn Sutherland has provided other services for the Jervoise Bay Project. Information on these services has been provided in response to questions 2305, 2794 of 1999 and 792, 798 and question without notice 486 of 1998.
- (2) \$85 000.
- (3) Effective from 4 September 1997 and ceased on 21 January 1998.

- (4) No.
- (5) Not applicable.
- (6) In accordance with a cabinet decision dated 25 July 1997 regarding the engagement of ministerial consultants, there is no requirement to seek tenders for contracts when the value of the contract exceeds \$80 000.
- (7) \$9 825.

FORESTS AND FORESTRY, LOG CLASSIFICATION

1033. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:
- (1) Who is held responsible for the classification and grading of logs during logging operations in native forests?
 - (2) Who performs the actual classification and grading?
 - (3) Does the Department of Conservation and Land Management ("CALM") always either perform or personally check the classification and grading of each log?
 - (4) What formal training do those responsible for log classification and grading receive?
 - (5) Is there any independent auditing, monitoring or policing of log classification and grading?
 - (6) On what basis and at what stage may a third party request that logs allocated for chipping or charcoal production be allocated to them for sawn timber or fine woodcraft production purposes?
 - (7) How would the price to be paid for such logs by a third party be determined?

Hon MAX EVANS replied:

- (1) Officers of the Department of Conservation and Land Management (CALM) are responsible for the grading of log timber.
- (2)-(3) Logs of different grade are prepared and segregated on bush landings by log harvesting contractors working under contract to CALM and supervised by CALM.
- (4) CALM provides formal training to log graders employed by the harvesting contractors to ensure log grading is carried out correctly and competently by qualified log graders. The nationally recognised course is accredited by the Training Accreditation Council. The course provides contractor personnel and CALM staff with the necessary knowledge and skills to prepare and segregate log products according to relevant specifications and contracts.
- (5) Yes by CALM's Management Audit Branch. CALM officers routinely monitor and check the standard and accuracy of log grading whilst supervising harvesting operations. Log buyers may request an inspection by a CALM officer of any log purchased by the buyer which the buyer considers may be below specification.
- (6) All log products produced from State forest are graded on bush landings. Some log products, such as marri sawlogs and jarrah feature grade sawlogs, are selected by contract buyers at bush landings to meet the requirements of the buyer. These log products are referred to as "buyers choice" sawlog products and any log identified by the contract buyer has precedence over any residue log such as a charcoal log or chiplog. The buyer arranges with CALM for "buyers choice" sawlogs to be segregated separately and either loaded on the buyers truck at the bush landing or be delivered to the buyers yard. Contract buyers also have the opportunity to inspect and purchase "buyers choice" sawlogs from residue logs at the Simcoa or WACAP plant sites. The over-riding principle of log grading is to maximise the production of the highest value log grades having regard to the species, quality and size being produced.
- (7) The price paid by contract buyers for "buyers choice" logs are those standard prices contained in their sale contracts consisting of the gross royalty for the log product type, plus the cost of harvesting and delivery.

GOVERNMENT CONTRACTS, SCHOOL SURVEILLANCE

1133. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

Further to the answer given to question on notice 670 in relation to the Education Department's contract with the firm FAL Security worth approximately \$1.6m for school surveillance, can the Minister for Education advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?

(7) Will the Minister table the evaluation?

Hon N.F. MOORE replied:

- (1) No. The Department of Contract and Management Services (CAMS) Risk Management Policy applies only for contracting undertaken by CAMS. The Education Department, under State Supply Commission delegation and utilising the Commission's policies, called the contract for school security.
- (2)-(3) Not applicable, refer to (1) above.
- (4) The Education Department in its assessment took in to consideration financial viability, quality management, adequate insurance, meeting industrial relations legislation and bank guarantee requirements. In addition, Risk Monitoring is performed on a day to day basis to ensure delivery of service.
- (5) The following outcomes have been identified in relation to Question (4):
- Financial Viability
The financial information provided by all tenderers indicated that all organisations were capable of providing the security service.
- Quality Management
There were eight companies that submitted tenders of which only four tenderers had the required Quality Management system in place.
- Adequate Insurance
Evidence provided by all tenderers indicated that all organisations were adequately insured in accordance with tender requirements.
- Industrial Relations
Investigations were carried out through the Industrial Magistrates Court to establish any outstanding claims for breaches of the award.
- The investigation revealed no outstanding claims or breaches of the award that would preclude any tenderer.
- Bank Guarantee
All tenderers complied.
- (6) The contract is continually evaluated and monitored. All issues of concern are addressed on a day to day basis with the contractor. Based upon their performance, the annual contract renewal is determined.
- (7) No. Due to some information being commercial in confidence, the Education Department may be exposed to litigation if it is released.

GOVERNMENT CONTACTS, FIRST STEPS PROGRAM

1140. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

Further to the answer given to question on notice 1784 asked in the Legislative Assembly in relation to the Education Department's contract with the firm Longman Cheshire worth approximately \$19m plus additional costs for further development and modification for development of the First Steps program, can the Minister for Education advise -

- (1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?
- (2) What was the risk rating of this project?
- (3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?
- (4) Was any risk monitoring carried out?
- (5) If so will the Minister table the outcomes?
- (6) Was the performance of this contract evaluated?
- (7) Will the Minister table the evaluation?

Hon N.F. MOORE replied:

- (1) No. The Department of Contract and Management Services (CAMS) Risk Management Policy was released in September 1998 and applies only for contracts undertaken by CAMS.
- The Education Department, under State Supply Commission delegation and utilising the Commission's policies, called the contract for Publication and Marketing of First Steps Literacy Resource Curricula Material in 1994. This contract ceased in 1996. A subsequent tender for the publication of the materials has been won by Reed International Australia. This tender was also called by the Education Department under State Supply Commission delegation.
- (2)-(3) Not applicable, refer to (1) above.

- (4) The Education Department in its assessment took into consideration market penetration, experience in providing a publication and distribution service, financial viability, marketing strategy, competitive royalty rates in Australia and overseas, product design and suggested enhancements and ancillary benefits. In addition, risk monitoring was performed on a day to day basis to ensure delivery of service.
- (5) No. Due to some information being commercial in confidence, the Education Department may be exposed to litigation if it is released.
- (6) Yes.
- (7) No. Due to some information being commercial in confidence, the Education Department may be exposed to litigation if it is released.

TOURISM COMMISSION, CORPORATE BOXES

1179. Hon KEN TRAVERS to the Minister for Tourism:

In regard to the Minister's answer to question 448 of November 10, 1998 -

- (1) Can the Minister state the cost of the Western Australian Tourism Commission's corporate boxes or areas at the following events -
 - (a) Hopman Cup 1997;
 - (b) Heineken Golf Classic 1997;
 - (c) Rally Australia 1997;
 - (d) World Track Cycling Championships 1997;
 - (e) World Triathlon Championships 1997;
 - (f) Whitbread Round the World Race 1997;
 - (g) World Cup, Darts, 1997;
 - (h) Hopman Cup 1998;
 - (i) Heineken Golf Classic 1998;
 - (j) Festival of Perth 1998;
 - (k) The Margaret River Masters Surfing Championships 1998;
 - (l) The Rugby Union Test Match - Australia versus South Africa 1998; and
 - (m) Rally Australia 1998?
- (2) Can the Minister state the cost of WATC corporate boxes at the following events -
 - (a) Heineken Golf Classic 1999;
 - (b) Hopman Cup 1999; and
 - (c) any other events at which WATC provided corporate boxes or areas?

Hon N.F. MOORE replied:

- (1)
 - (a) \$5,050.00
 - (b) \$4,800.00
 - (c) \$35,316.00
 - (d) \$1,962.00
 - (e) \$11,625.00
 - (f) \$3,749.00
 - (g) \$1,145.90
 - (h) \$6,035.00
 - (i) \$4,800.00
 - (j) \$4,540.00
 - (k) \$965.80
 - (l) \$3,600.00
 - (m) \$29,829.00
- (2)
 - (a) \$4,800.00
 - (b) \$5,467.00
 - (c) On the assumption that the question pertains to those events held year to date, there have been no other events at which WATC provided corporate boxes or areas.

BLUEGUM PLANTATIONS, HARVESTING

1182. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) What volume of bluegum plantations owned or managed by CALM does CALM expect to harvest over the next five years?
- (2) Has any of this resource been allocated to Western Australian companies?
- (3) If yes, how much and to whom?
- (4) By what process were allocations made?

Hon MAX EVANS replied:

- (1) CALM manages public bluegum plantations established on cleared farmland and on behalf of three consortiums. CALM is predicting to harvest approximately 870,000m³ over the next five years from public plantations. Plans for harvesting the private plantations managed by CALM is a matter for the principals to suggest a harvest volume at the time.
- (2) Yes.
- (3)

Albany Plantation Forest Company P/L	100,000m ³ (approximately)
Bunnings Forest Products P/L	270,000m ³ (approximately)
Southern Plantation Chip Company P/L	260,000m ³ (approximately)
Wesfi Ltd	240,000m ³ (approximately)
- (4) An Expression of Interest was publicly advertised in September 1997. In it all publicly owned bluegum plantation resources were offered in sale. The expressions of interest received were evaluated, following which offers from the four companies which provided the most beneficial financial, industrial and social outcome for the State were accepted.

TOURISM COMMISSION, PRESTIGE CELEBRITIES' CONTRACT

1245. Hon KEN TRAVERS to the Minister for Tourism:

In relation to the contract signed between the WATC and Prestige Celebrities Licensors and Trademark Investment Brokers Company Limited -

- (1) Was a company search carried out on this company?
- (2) If yes, on what date did the WATC receive a response to their search?

Hon N.F. MOORE replied:

- (1) Yes, the company search was carried out by the Crown Solicitor's Office
- (2) 23rd September 1996.

CHIPLOGS, DIAMOND PROCESSING PLANT

1249. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) How many tonnes of chiplogs did the Department of Conservation and Land Management provide to the Diamond processing plant near Manjimup for the year January 1, 1998 to December 31, 1998?
- (2) What is the breakdown of those tonnes for each different species of tree?

Hon MAX EVANS replied:

- (1) 700 916.7 tonnes.
- (2)

Eucalyptus globulus:	162.0 tonnes
Eucalyptus muellerana:	337.8 tonnes
Eucalyptus diversicolor:	231 269.8 tonnes
Corymbia calophylla:	469 147.1 tonnes

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1311. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Have all Government departments and agencies under the Minister for Family and Children's Services' control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon M.J. CRIDDLE replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.

- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, EVALUATION OF LANGUAGE SERVICES POLICY

1312. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Women's Interests:

- (1) Have all Government departments and agencies under the Minister for Women's Interests' control taken steps to evaluate its Language Services Policy?
- (2) How was the evaluation conducted?
- (3) Who conducted the evaluation?
- (4) What changes have been made as a result of the above activities?
- (5) Will the Minister table the respective Language Services Policy?
- (6) If not, why not?

Hon MAX EVANS replied:

I am advised that:

- (1) The then Office of Multicultural Interests conducted an evaluation of the Language Services Policy to determine the effectiveness of its implementation by public sector agencies in the provision of access to interpreting services for their customers.
- (2) The evaluation comprised four methodologies - surveys; case studies; focus group sessions and consultations.
- (3) The evaluation was conducted by the then Office of Multicultural Interests.
- (4)-(5) The report and recommendations are currently being considered by the Minister for Citizenship and Multicultural Interests.
- (6) Not applicable.

FAMILY AND CHILDREN'S SERVICES, CONSULTATION WITH THOSE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

1320. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) What consultative mechanisms does the Department of Family and Children's Services have in place to consult with Cultural and Linguistic Diverse Background groups for its -
 - (a) policy development process; and
 - (b) services and program development process?
- (2) How many of these consultations have taken place at -
 - (a) district level; and
 - (b) local community level, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97; and
 - (iv) 1997/98?
- (3) What were the subjects and purposes of these consultations?
- (4) How many of these consultations are proposed for 1998/99, and where are they to be conducted?

Hon M.J. CRIDDLE replied:

- (1) (a) There are members on the Western Australian Child Protection Council and the Supported Accommodation Assistance Program State Advisory Committee who are also members of Culturally and Linguistically Diverse organisations. On a needs basis the department consults with focus groups, conducts workshops and forums and uses other committee relationships to consult with Culturally and Linguistically Diverse groups.
- (b) During the development and planning of new services Family and Children's Services regularly consults with key stakeholders through WACOSS and other key representative bodies. Local offices access advice from Culturally and Linguistically Diverse community groups through community networks and coordinating groups.
- (2) (a) Each service delivery unit has their own community consultative mechanisms. Consultative processes

occur for a variety of reasons including service planning, needs assessment and advice on community initiatives such as parenting campaigns.

- (b) Since 1994/1995 a number of community consultations have occurred. During 1996 community consultations were undertaken, including representatives from the Culturally and Linguistically Diverse communities, in the preparation of the regional Domestic Violence Action Plans and the state Supported Accommodation Assistance Plan. In 1997 Family and Children's Services undertook broad based community consultations as part of the Planning Process for Non Government services. Organisations representing local Culturally and Linguistically Diverse communities were invited to participate in these consultations.
- (3) Family and Children's Services has a commitment to ensuring all services meet the identified needs of local communities including addressing cultural and linguistic diversity issues. The Domestic Violence Regional Plans identified priorities for possible future funding for domestic violence services. The consultation process for the state Supported Accommodation Assistance plan identified gaps in the provision of services. During the Planning Process for Non Government Services undertaken in 1997/1998, community consultations were undertaken statewide. The planning process included identifying the needs of the Culturally and Linguistically Diverse community.
- (4) In March 1999 a number of Culturally and Linguistically Diverse community groups were invited to attend the consultations with non government organisations for the development of the new No Interest Loans Scheme.

ETHNIC COMMUNITIES COUNCIL, GRANTS

1321. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) What grants were made to the Ethnic Communities Council of Western Australia under the Family Support Program in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (2) Under the Family Support Program, what grants were made to the Northern Suburbs Migrant Resource Centre in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (3) Did any other Cultural and Linguistic Diverse Background groups or organisations receive grants under this program in the above periods?
- (4) What grants were made to the Fremantle Migrant Advisory Association under the Supported Accommodation Assistance Program in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (5) What grants were made to the Western Australian Jewish Welfare Group under the Supported Accommodation Assistance Program in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (6) What grants were made to the North Perth Migrant Resource Centre under the Supported Accommodation Assistance Program in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (7) What grants were made to the Women's Refuge Multicultural Service under the Supported Accommodation Assistance Program in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?
- (8) Which other Cultural and Linguistic Diverse Background groups or organisations received grants under this program over the above period, and for what amounts?

- (9) Which Cultural and Linguistic Diverse Background groups or organisations received grants under the Refugee Minor Program in -
- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97; and
 - (d) 1997/98?

Hon M.J. CRIDDLE replied:

- (1) (a) \$39,185.47
- (b) \$40,878.02
- (c)-(d) Nil
- (2) (a)-(b) Nil
- (c) \$82,018.34
- (d) \$97,197.36
- (3) No
- (4) (a) \$47,562.89
- (b) \$56,566.40
- (c) \$51,932.32
- (d) \$51,048.04
- (5) (a) \$10,368.52
- (b) \$16,845.90
- (c) \$11,584.29
- (d) \$11,174.80
- (6) (a) \$47,452.13
- (b) \$61,908.74
- (c) \$57,931.25
- (d) \$57,152.87
- (7) (a) \$198,537.83
- (b) \$266,244.50
- (c) \$220,292.26
- (d) \$221,784.18
- (8) Perth Asian Community Centre
- (a) \$93,605.02
- (b) \$115,617.88
- (c) \$134,585.46
- (d) \$122,411.66

- (9) None. This is a Commonwealth/State program to provide settlement services to Refugee Minors without parents in Australia. There are no payments to other organisations from this program by Family and Children's Services.

Note: All funding amounts listed above are actual payments made for the year. The amounts can vary from year to year due to the inclusion of additional funds for rental subsidies and approved once off purchases and variations. The amounts can also vary from year to year due to the timing of quarterly payments being delayed by non-submittals of accountability requirements such as financial statements. The variations do not represent a reduction in overall annual funding.

CONSULTANTS' REPORTS, TABLING

1372. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services: I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister for Family and Children's Services table the "Market Research into Aboriginal Parenting Issues and the Provision of Parenting Services" prepared by Bindi Other-Gee & Simpson Norris between October 1997 and June 1998?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(2) The final report is not available yet. I will be happy to provide the Hon Member with a copy of the report when it becomes available.

CONSULTANTS' REPORTS, TABLING

1373. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Women's Interests: I refer to the Report on Consultants for the six months ending June 30, 1998 and ask -

- (1) Will the Minister for Women's Interests table the "Regional Consultation for Domestic Violence Services - Joondalup, Northam, Bunbury, Meekatharra" prepared by the Centre Research for Women between January and June 1998?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) The consultant reports were 'working papers' prepared by the Centre of Research for Women. As such they assisted in the development of service specifications for community information projects in Joondalup, Northam, Bunbury and Meekatharra regions.

GASCOYNE JUNCTION, POWER SUPPLY

1413. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) In reference to the townsite of Gascoyne Junction will the Minister for Energy please table in the House details of what steps are being taken in regard to -
 - (a) restoring power to the townsite; and
 - (b) the anticipated earliest date on which power will be restored to this community?
- (2) Has provision been made to take necessary Western Power personnel or qualified electricians to the now flood water isolated community of Gascoyne Junction by helicopter to help restore power to that community?

Hon N.F. MOORE replied:

- (1)-(2) Power was already restored at the time this question was asked.

EXMOUTH, POWER SUPPLY

1415. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) In reference to the Exmouth community, will the Minister for Energy please table in the house details of what steps are being taken in regard to -
 - (a) restoring power to the townsite; and
 - (b) what is the anticipated earliest date on which power will be restored to this community?
- (2) Will the Minister ensure that Western Power consider at this time the relocation of the power house at Exmouth away from the current townsite location to a location at which the facility can be expanded with increased capacity and without being a source of noise for adjacent householders and businesses?

Hon N.F. MOORE replied:

Power has already been restored to the town of Exmouth. Power was restored to the Exmouth Hospital feeder from Western Power's power station on Friday 26 March 1999. Power was progressively restored to other customers from that time with the final connection being made on Tuesday 11 May 1999. Western Power recognises that the current power station is inappropriately located adjacent to the residential area in Exmouth. The future location of the power station will be determined as part of the Competitive Power Procurement Process being pursued by the Government and Western Power.

INGHAM CHICKEN, WANNEROO

1447. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Minister for the Environment aware of the noxious odours which emanate from time to time from the Ingham Chicken facility in Wanneroo to the detriment of the people living close to the facility?
- (2) Has the Minister investigated the cause of these noxious odours?
- (3) If so, what is the cause of these odours?
- (4) If not, why not?
- (5) Will the Minister give an assurance that there is no health risk associated with these odours?

Hon MAX EVANS replied:

- (1) I am advised that the Department of Environmental Protection (DEP) is aware of the situation where residents in the vicinity of Ingham's Chicken Farm in Wanneroo have in the past complained about offensive odours. I am further advised that the DEP has not received complaints concerning odours for a considerable time.
- (2) As the DEP has not received any complaints recently, there have not been any resultant investigations by the DEP as to the cause of any odours.
- (3) Not applicable.
- (4) See answer to (2) above.
- (5) The matter of health risk should be referred to the Minister for Health.

FRANCOIS PERON NATIONAL PARK, COMMERCIAL DEVELOPMENT

1466. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

- (1) Is the Government going to allow commercial development in the Francois Peron National Park?

- (2) Has CALM given full consideration to local views, as expressed in the Shire of Shark Bay Region Plan, and the effect on the local economy if commercial development in the park is approved?
- (3) If not, why not?
- (4) Has an environmental impact study been carried out?
- (5) If yes, will the Minister for the Environment table that report?

Hon MAX EVANS replied:

- (1) The Shark Bay Terrestrial Reserves Draft Management Plan identifies several opportunities for the private sector in providing recreation services and facilities in Francois Peron National Park. Decisions will be made about potential development of nature based tourism in the park, subject to advice from the community advisory committee assisting with the preparation of the final park management plan. This committee will soon meet to consider comments submitted to the draft management plan.
- (2) Local views have been canvassed and are being considered in the preparation of the final park management plan. The draft management plan is consistent with the Shark Bay Regional Strategy which states that:
 - Francois Peron National Park provides opportunities for further development and activity and improved use and access to tourism and recreation sites; and
 - CALM remains open to and, where appropriate, seeks involvement of private enterprise for innovative use and management proposals in the CALM managed estate. The objective is to enhance the region's economy by providing opportunities that would attract new visitor markets, improve visitor satisfaction levels and extend the length of visitor stay in Shark Bay.
- (3)-(5) Not applicable.

BUNBURY POWER STATION, EXPANSION

1470. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

With regard to the correspondence dated December 16, 1998 from Mr W E Stuber of Western Power Property Section to the Bunbury Port Authority -

- (1) What was the future expansion of the Bunbury Power Station Mr Stuber was referring to in reference to line No 2?
- (2) Did those future expansion plans incorporate the existing workforce?
- (3) What are the plans for the Bunbury Power Station through until 2005?

Hon N.F. MOORE replied:

- (1) This letter was written when the power station was still for sale. The line was to be kept for the needs of the future owner.
- (2) Not applicable.
- (3) Western Power will retire Bunbury Power Station in September 1999 subject to sale negotiations being terminated.

BUNBURY POWER STATION, CLOSURE

1471. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) With regard to the closure of Bunbury Power Station what are the long term plans for the workforce?
- (2) Of those staff who elect not to take redundancy, retraining or relocation options -
 - (a) where will they be placed; and
 - (b) what activities will they be required to undertake?
- (3) For those who elect to take retraining what does this option entail?

Hon N.F. MOORE replied:

- (1) Redeployment, retraining or redundancy.
- (2) Staff who elect not to take redundancy are required to undergo structured training to enhance their skills for redeployment.
 - (a) the structured training will be conducted off site;
 - (b) at the completion of the structured training their duties will depend on their skills and redeployment opportunities.

- (3) Structured training requires the employee and Western Power to develop a career development plan which includes the appropriate skills training and/or work experience.

BUNBURY POWER STATION, OVERSEAS TRIPS BY STAFF

1472. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) Have any staff from the Bunbury Power Station travelled overseas in the past 10 years to examine issues including combined cycle power generation?
- (2) If yes, when did these trips occur, who participated, where did the delegations visit and what reports were prepared?
- (3) What recommendations were made regarding the use of combined cycle power generation at Bunbury Power Station?
- (4) What action has been taken to date on-
- (a) costing; and
- (b) implementing,
- those recommendations?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) (a) March 1990.
- (b) General Manager Generation – Mr R Kirkpatrick
Manager Technical Services – Mr J McLoughlin
Manager Bunbury Power Station – Mr J Sullivan
- (c) Electric Power Research Institute International Symposium on Performance Improvement, Retrofitting and Repowering of Fossil Fuel Power Plants. A number of power plants in Florida, Virginia, Wisconsin and Kansas.
- (d) Conference papers available in Western Power's Library.
- (3) Nil.
- (4) Not applicable.

BUNBURY POWER STATION, UPGRADING

1473. Hon BOB THOMAS to the Leader of the House representing the Minister for Energy:

- (1) What capital works need to be done to upgrade the Bunbury Power Station to combined cycle?
- (2) What plant and equipment and turbine, currently owned by Western Power, can be utilized for such an upgrade?
- (3) What would be the cost of this upgrade?
- (4) What would be the unit cost of power generated from combined cycle at Bunbury Power Station?
- (5) What would be the cost of the upgrade if all new plant, equipment and turbines were used for this purpose?
- (6) What would be the unit cost of power generated from this option?

Hon N.F. MOORE replied:

- (1) Western Power will retire Bunbury Power Station in September 1999 subject to sale negotiations being terminated.
- (2)-(6) Not applicable.

MOORE RIVER, FLOODING

1480. Hon GIZ WATSON to the Minister for Transport representing the Minister for Fisheries:

With regards to the recent flooding of the Moore River -

- (1) Were any levees or dams, particularly in the Bennies Road area of Moore River, breached during the flood?
- (2) Were any aquaculture facilities, either licensed or unlicensed, affected by the flood?
- (3) Can the Minister for Fisheries give an assurance that no fish or other aquatic fauna from aquaculture facilities were introduced into the river as a result of the flood?
- (4) If yes, can the Minister say on what basis he makes this assurance?
- (5) If not, can the Minister say what species were released and how many?
- (6) If no to (3) above, can the Minister say what the impact of these fauna will be?

- (7) What monitoring is the Water and Rivers Commission doing to ensure that exotic species are not being introduced into Moore River either deliberately or accidentally?
- (8) Will the Minister ensure that there are no deliberate or accidental releases of exotic species into the Moore River?
- (9) If no to (7) above, why not?
- (10) Are all aquaculture activities in the Moore River floodplain licensed?
- (11) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) This question should be directed to the Minister for Water Resources.
- (2) Based on enquiries made by Fisheries WA, no licensed aquaculture facilities were affected by the flood. Fisheries WA has no records of other facilities in the area [refer (10) below].
- (3)-(6) I have not been made aware of any reported escapements.
- (7) This question should be referred to the Minister for Water Resources.
- (8)-(9) Under regulation 176 of the Fish Resources Management Regulations 1995, a person must not bring into the State, or a particular area of the State, a live fish of a species not endemic to the State, or that area of the State, other than in accordance with the written approval or written authority of the Executive Director of Fisheries, or with an aquaculture licence.
- (10)-(11) See (2) above. For the Member's information it is a requirement under the *Fish Resources Management Act 1994* (FRMA) that a person who keeps, breeds, hatches or cultures fish must hold an aquaculture licence. There a number of exceptions to this requirement which include:
 - the keeping of fish for non-commercial purposes; and
 - the keeping of fish, except marron, for display, or ornamental hobby purposes.

MARINE PARKS AND RESERVES ORGANISATIONS, MEETINGS

1481. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

- (1) How often does the Marine Parks and Reserves Scientific Advisory Committee meet with the Marine Parks and Reserves Authority?
- (2) What has been the attendance at those joint meetings?
- (3) Will the Minister for the Environment table details of the attendance at those meetings?
- (4) Has there been any delays or difficulty in arranging the joint meeting of these two groups?
- (5) Has business or decisions of the Marine Parks and Reserves Authority been delayed due to the failure of the two groups to meet?

Hon MAX EVANS replied:

- (1) The Marine Parks and Reserves Scientific Advisory Committee and the Marine Parks and Reserves Authority have met together formally twice on 27 November 1997 and on 6 May 1999.
- (2)-(3) In attendance at the meeting on 27 November 1997 were all seven members of the Authority (Dr Barry Wilson, Mr Michael Hardy, Mr David Hayes, Professor Diana Walker, Ms Edwina Davies Ward, Mr Ian Finlay and Mr Angus Horwood), and four of the seven members of the Scientific Advisory Committee (Dr Chris Simpson, Dr Iva Stejskal, Dr Patrick Berry and Dr Louis Evans). In attendance at the meeting on 6 May 1999 were five members of the Authority (Dr Barry Wilson, Mr Michael Hardy, Professor Diana Walker, Ms Edwina Davies Ward and Mr Ian Finlay) and five members of the Scientific Advisory Committee (Dr Chris Simpson, Dr Iva Stejskal, Dr Patrick Berry, Dr James Penn and Dr Louis Evans).
- (4) There is some difficulty in accommodating the schedules of all members of both bodies when a joint meeting is desired. The meeting held on 6 May 1999 was intended to have been held earlier but had to be delayed for this reason.
- (5) Not significantly. In addition to the formal meeting referred to in (1) above, members of the two bodies participated in the Workshop for Prioritising the Establishment of Marine Reserves in Western Australia on 27-28 October 1998. Furthermore, business is also conducted on an out-of-session basis, and the Chairman of the Marine Parks and Reserves Scientific Advisory Committee normally attends meetings of the Marine Parks and Reserves Authority.

SALINITY CONTROL DRAINAGE PROGRAMS

1484. Hon MARK NEVILL to the Minister for Finance representing the Minister for the Environment:

Would the Minister for the Environment identify those salinity control drainage programs that have been in the words of your department as "a disaster"?

Hon MAX EVANS replied:

I would be pleased to answer the Hon Member's question if he would provide me with information to identify the author or circumstances of the quote so I can ascertain the department involved and the matters to which the quote refers.

INDUSTRIAL RELATIONS, GERALDTON

1486. Hon KIM CHANCE to the Attorney General representing the Minister for Labour Relations:

Following the replacement of the DOPLAR industrial inspector in Geraldton with a workplace liaison officer -

- (1) Who will be responsible for the investigation of alleged breaches of awards and agreements in Geraldton?
- (2) Who will provide employers and employees with advice on how to avoid breaches?
- (3) Who will conciliate on industrial matters?
- (4) Who will initiate and support prosecutions in the event of serious breaches?
- (5) What role will the liaison officer have in protecting employees from unfair workplace agreements?

Hon PETER FOSS replied:

- (1)-(5) There has been no decision made to replace the DOPLAR Industrial Inspector in Geraldton with a Workplace Liaison Officer. A trial of the Workplace Liaison Service is under way in the Great Southern and Pilbara/Kimberley regions. A decision on introducing a Workplace Liaison Service in DOPLAR's five regional offices will not be made until a full assessment of the trial has been undertaken.

CAPE RANGE NATIONAL PARK MANAGEMENT PLAN, REVIEW

1496. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With regards to the recommendation in the Exmouth Learmonth (North West Cape) Structural Management Plan (December 1998) that the land north of Cape Range National Park be assessed for inclusion in the national park as part of the review of the Cape Range National Park Management Plan -

- (1) Is the Minister for the Environment aware that the plan stated that this review should be undertaken "as a matter of priority" and that consideration of an extension to current park boundaries should occur as part of this review?
- (2) Will the Minister outline what progress has been made to review the Cape Range National Park Management Plan?
- (3) Should this review be undertaken as "a matter of priority"?
- (4) If not, why not?
- (5) Has the proposed northern extension to the Cape Range National Park been assessed for inclusion in the national park?
- (6) If not, why not?
- (7) If no to (5) above, when will this assessment be carried out?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(4) The plan is on the current program for preparation of management plans and is expected to be commenced this year.
- (5) Not yet.
- (6) As recommended on page 46 of the Exmouth-Learmonth (North West Cape) Structure Plan, assessment of "land north of Cape Range National Park for inclusion in the national park" should be carried out "as part of the review of the Cape Range National Park Management Plan".
- (7) As part of the review of the Cape Range National Park Management Plan.

EDUCATION DEPARTMENT, CONSULTATIONS ON ANTI-RACISM POLICY

1500. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Which non-English speaking background, cultural and linguistic diverse background groups or organisations were consulted by the Education Department of WA in formulating its anti-racism policy?
- (2) What form of consultation with -
 - (a) school; and
 - (b) community groups or organisations,
 has taken place in evaluating the effectiveness of the Education Department's anti-racism policy?

- (3) What was the number and ethnic origin of children enrolled at -
- (a) primary level; and
(b) secondary level, in intensive language centres in -
- (i) 1994;
(ii) 1995;
(iii) 1996;
(iv) 1997;
(v) 1998; and
(vi) from July 1, 1998 to March 30, 1999?
- (4) What was the number and ethnic origin of children enrolled at -
- (a) primary level; and
(b) secondary level, in Support English and or second language programs in -
- (i) 1994;
(ii) 1995;
(iii) 1996;
(iv) 1997;
(v) 1998; and
(vi) from July 1, 1998 to March 30, 1999?
- (5) How many ethnic aides were employed at Intensive Language Centres at -
- (a) Primary level; and
(b) Secondary level in -
- (i) 1994;
(ii) 1995;
(iii) 1996;
(iv) 1997;
(v) 1998; and
(vi) from July 1, 1998 to March 30, 1999?
- (6) How many ethnic aides were employed within the Support English as a Second Language programme, at -
- (a) Primary level; and
(b) Secondary level in -
- (i) 1994;
(ii) 1995;
(iii) 1996;
(iv) 1997;
(v) 1998; and
(vi) from July 1, 1998 to March 30, 1999?
- (7) With regard to the ethnic aides referred to in (5) and (6) above, what was their language speciality and ethnic origin?

The answer was tabled. [See paper No 1122.]

HEALTH, MIGRANT HEALTH REVIEW

1503. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) When did the Health Department conduct a Migrant Health Review to assess the strengths and weaknesses in present health service delivery to migrant communities?
- (2) Which communities were consulted during this Migrant Health Review?
- (3) What recommendations has this review made?
- (4) Who were the members of this health review panel?

Hon MAX EVANS replied:

- (1) A Migrant Health Review is currently being undertaken.
- (2)-(3) Review not yet finalised.
- (4) The review is being undertaken by the Health Department of WA, Multicultural Access Unit with assistance from the University of WA, Department of Public Health.

ABORTIONS, STATISTICS

1512. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) Since May 21, 1998 with respect to abortions carried out at King Edward Memorial Hospital in each calendar month from and including May of 1998 how many -

- (a) involved single pregnancies;
 - (b) involved multiple pregnancies;
 - (c) and what were the gestation ages at the date of the abortions;
 - (d) foetuses were female and how many were male;
 - (e) patients were under 16 years of age;
 - (f) patients were between 16 and 19 years of age;
 - (g) patients were between 20 and 29 years of age;
 - (h) patients were between 30 and 39 years of age;
 - (i) patients were 40 years of age and over?
- (2) What were the numbers of termination by -
- (a) dilatation and curettage;
 - (b) hysterotomy - abdominal;
 - (c) hysterotomy - vaginal;
 - (d) hysterectomy;
 - (e) vacuum aspiration;
 - (f) intra-uterine injection;
 - (g) intravenous infusion;
 - (h) cervical prostaglandin instillation;
 - (i) dilatation and evacuation;
 - (j) other?

Hon MAX EVANS replied:

- (1)-(2) This question seeks information provided to the Health Department of Western Australia pursuant to Health Act 1911 Section 335 (5)(d) notification forms. Apart from post-20-week abortions, these notification forms do not provide information about the location at which the procedures were performed. Further, the Health Department of Western Australia does not keep a record of the source of the notification forms nor is the information readily available from King Edward Memorial Hospital's record keeping systems. Accordingly, the information sought cannot be readily provided. If required, however, I am able to provide the information for the State generally (subject to any constraints imposed by medical confidentiality).

PORT KENNEDY SCIENTIFIC PARK, VERMIN-PROOF FENCE

1519. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) Has the vermin proof fence around the Port Kennedy Scientific Park been completed?
- (2) If yes, when?
- (3) If not, why not?
- (4) When did work commence on this fence?
- (5) How much funding has been provided for this fence and which parties or agencies provided it?
- (6) Have Port Kennedy Resorts Ltd. honoured their fencing obligations to the satisfaction of the Minister for the Environment?
- (7) If not, why not?
- (8) Is the vermin proof fence now providing effective protection for the valuable fauna which are found in the Port Kennedy Scientific Park?
- (9) If not, why not?
- (10) Which Government agency is now managing the Port Kennedy Scientific Park?
- (11) How much funding is this agency planning to spend this year on the management of this park and for what purposes is this money intended to be spent?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.
- (3) The aim is to complete the final 3 kilometres of vermin proof fence (on the northern boundary of the Scientific Park) by the end of 1999.
- (4) The initial 1 kilometre of fencing was commenced in August 1996 and the following 5-kilometre section was commenced in September 1997.
- (5) Approximately \$240,000 has been spent on the establishment of the vermin proof fence to date. The Western Australian Planning Commission has contributed (approx.) \$120,000 with the remaining funds being contributed by the Port Kennedy Management Board.
- (6) Port Kennedy Resorts Pty Ltd have undertaken to fund the final 3 kilometres of fencing to established standards.
- (7) Not applicable.

- (8)-(9) The existing fencing is providing a degree of protection to fauna within the Scientific Park. When the fencing is completed the efficiency of this fence will be fully recognised. Trapping has indicated a decrease in the numbers of domestic cats caught behind the fence.
- (10) CALM.
- (11) \$15,000 on park management works including firebreak maintenance, weed control, reserve signage and fence maintenance.

WESTERN POWER, RENEWABLE ENERGY BUYBACK SCHEME

1523. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:

- (1) Does Western Power Corporation operate a renewable energy buyback scheme?
- (2) When was this scheme introduced?
- (3) How many customers currently use this scheme?
- (4) How much energy did Western Power buy from them last year?
- (5) Is the Minister for Energy aware that more than 30 000 customers in Japan sell energy to the grid?
- (6) Is the Minister aware that Pacific Power in NSW and Citi Power in Victoria have several hundred customers each who sell power to the grid?
- (7) Is the Minister aware that most people are unimpressed with Western Power's Buyback Scheme because it offers such poor conditions?
- (8) In view of the Government's professed commitment to renewable energy will the Minister take some action to provide more attractive buyback and wheeling options for the customers of Western Power?
- (9) If not, why not?
- (10) If yes, what action does he intend to take?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) 9 May 1997.
- (3) 4
- (4) During the day, excess energy produced by the photovoltaic arrays is exported to the grid, while during the night energy is imported. Exports and imports should balance over time. The total amount exported is usually less than 500 kWh per annum, since most of the energy produced by the photovoltaic arrays is used on site.
- (5)-(6) Yes.
- (7) Western Power's Residential Renewable Energy Buyback Scheme was criticised by customers and potential customers for offering buyback rates that were too low. Originally, customers importing energy were required to pay SmartPower rates (18.5c/kWh on peak, 6c/kWh off peak), while customers exporting energy to the grid would receive approximately 60 per cent of the SmartPower rates (9.9c/kWh on peak, 3.6c/kWh off peak). Western Power has responded to these criticisms and refined the scheme in January 1999. This includes:

Customers can choose between the A1 Tariff (12.75c/kWh) or the SmartPower rates (18.5c/kWh on peak, 6c/kWh off peak). Customers will receive the same price for exporting power as they do for importing power.
- (8) While these changes to the renewable energy buyback scheme are an improvement these changes are not likely to significantly increase the take up of PV systems by households. Small-scale PV systems cost between \$5000 to \$50 000. Typically, the unit costs of generating electricity from PV systems are around 55c/kWh. Given that current retail electricity prices are only between 6-18.5c/kWh, there is a significant gap between the cost of PV systems and the revenue earned (exporting) or costs incurred (importing). This is the most significant barrier to encouraging customers to install PV systems. This barrier can only be lowered in the short term by offering capital subsidies, low interest loans and providing favourable tax treatment to those customers willing to purchase PV systems. In the longer term, technical innovations should reduce the cost of PV systems.
- (9)-(10) Not applicable.

ENERGY OUTPUT

1534. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

What will be the total energy output that will be able to be attained once Collie Power Station is online, Bunbury Power Station is closed and the proposed reductions to the output of Kwinana and Muja are implemented at -

- (a) Kwinana Power Station;
- (b) Bunbury Power Station; and

(c) the Gas Turbines?

Hon N.F. MOORE replied:

(a) 2236 Gigawatt hours (GWh)

(b) 0 GWh

(c) 618 GWh

ATTORNEY GENERAL, SENIOR EXECUTIVE OFFICERS

1537. Hon TOM STEPHENS to the Attorney General:

(1) How many senior officer positions across the Attorney General's portfolios remain in an acting capacity?

(2) Is this a deliberate strategy aimed at maintaining control over officers, some of whom hold positions that are supposed to be independent of political control and interference?

Hon PETER FOSS replied:

Solicitor General; Office of the Information Commissioner; Equal Opportunity Commission; Law Reform Commission; Ministry for Culture and the Arts:

(1) Nil

(2) Not applicable.

Ministry of Justice:

(1) Seven. Defined as Senior Executive Service positions (SES).

(2) No.

Legal Aid Commission:

(1) One. Mr Robert Lindsay has been exercising the powers of Director since 1 July 1997. The position has recently been advertised.

(2) Not applicable.

Director of Public Prosecutions:

(1) Two. The Director of Public Prosecutions and Assistant Principal Crown Prosecutor.

(2) No.

STATE OF THE ENVIRONMENT REPORT

1544. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Does the Minister for the Environment recall that she released a draft State of the Environment Report for Western Australia nearly two years ago?

(2) Why has this Report not been finalised?

(3) When was the last State of the Environment Report released?

(4) In view of the serious environmental problems facing this State, why has the Minister taken so long to complete this important Report?

(5) When does the Minister intend to release the final State of the Environment Report for Western Australia?

(6) Does this poor response indicate a lack of interest in environmental problems by the Government?

Hon MAX EVANS replied:

(1) Yes.

(2)-(3) The final report was released in June, 1998.

(4)-(6) Not applicable.

WETLANDS, RAMSAR NOMINATIONS

1545. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

(1) Did the Government promise to consider further Ramsar nominations for important Western Australian wetlands in its 1997 Election Promises?

(2) Why have no further nominations been proposed?

(3) Is the Minister for the Environment aware that the Ramsar Participants will be meeting in Costa Rica later this year and that WA may be criticised for its poor record in nominating important wetlands for listing?

- (4) Is the Minister aware that there are at least twenty wetlands on the indicative list for Ramsar listing which have not been nominated so far?
- (5) Is opposition from mining and development interests the reason why these nominations have not been made?
- (6) If no, what is the reason?
- (7) How many wetlands in WA are currently Ramsar-listed?
- (8) How many of these were listed by conservative Coalition Governments?

Hon MAX EVANS replied:

- (1) The Coalition's 1996 Environment Policy included a commitment that consideration will be given to the nomination of additional wetlands such as the Lake Muir complex under the Ramsar Convention.
- (2) An evaluation of existing information on WA wetlands against the criteria for Ramsar listing has been completed and consultations have recently commenced with key stakeholders in respect of eight sites.
- (3) The Minister is aware of the Costa Rica meeting. The Commonwealth Government representatives who will be attending the meeting, and the States/Territories representative on the Australian delegation, have been informed of the progress outlined in the answer to question (2) above, and there is no basis for criticism of Western Australia's record.
- (4) There is no indicative list that has any formal status under the Ramsar Convention. The evaluation referred to in the answer to (2) above identified 38 wetlands and wetland systems, in addition to the nine currently listed, as meeting criteria for listing. It is the Government's intention to consider these subsequent to reaching a decision on the sites currently the subject of stakeholder consultations.
- (5) No.
- (6) Consultations with stakeholders are not yet complete.
- (7) Nine.
- (8) Listing is done by the Ramsar Bureau. It is the Commonwealth Government, as party to the Convention, which formally submits nominations. State Governments forward proposed nominations to the Commonwealth Government. The nine WA wetlands which are listed were put forward in 1990 by the then WA Labor Government.

GOLDEN FLEECE FUEL TERMINAL, MONITORING WELLS

1550. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

In relation to the monitoring wells in place at the former Golden Fleece Fuel Terminal near Port and Leighton Beaches, will the Minister for the Environment provide details of what contaminants have been monitored and table the results of the monitoring for the last two years?

Hon MAX EVANS replied:

Groundwater contaminants that have been monitored at the Golden Fleece Terminal site since April 1997 include total petroleum hydrocarbons, benzene, toluene, ethyl-benzene and xylenes.

[See paper No 1123.]

GOLDEN FLEECE AND AMPOL SITES, RECOMMENDATIONS

1551. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to the report, Port and Leighton Beaches Management Study by Alan Tingay and Associates, of February 1999 and its recommendations in regard to the former Golden Fleece and Ampol sites -

- (1) Will the Minister carry out the recommendation on page 38 that "The remaining uncertainty regarding the extent of groundwater impact can be addressed with the installation of additional monitoring wells and predictive modelling of the long term fate of contaminants", to determine the extent of contaminated groundwater plumes and their impact on the marine environment and public health?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) No, it is a matter for the City of Fremantle as the leaseholder to consider.
- (2) Neither the Department of Environmental Protection nor myself has received a copy of the Port and Leighton Beaches Management Study. I am advised that this report was commissioned by the City of Fremantle to be used to produce a land use policy and management plan for the site. At this stage, I am advised that the management plan will be released for public comment in July this year and it would be appropriate at that time for the City of Fremantle to review the merits of the recommendations.

NATURAL HERITAGE TRUST FUNDS, EXPENDITURE

1552. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 744 of December 8, 1998 -

- (1) When will the areas purchased with Natural Heritage Trust funds be gazetted as conservation reserves and included in the conservation estate?
- (2) Under what arrangements will the areas purchased be held and managed before they are gazetted?
- (3) Has the Federal Government set any deadline for expenditures of Natural Heritage Trust funds received in the 1997/98 and 1998/99 financial years?
- (4) If yes, what are they?
- (5) In relation to the properties still under negotiation, in what region of the State are these properties?
- (6) How were these regions prioritised?
- (7) When is CALM expecting to complete these purchases?

Hon MAX EVANS replied:

- (1) Part Melbourne Location 163 was declared a reserve (Reserve No. 45337) for the Conservation of Flora and Fauna on 2 September 1998. Administrative arrangements for the reservation of part Sussex Location 2650 and part Williams Location 15435 are well advanced. The Government is committed to working towards the conservation of Australia's biodiversity via protection in the conservation reserve system and will continue to work as expeditiously as possible to this end.
- (2) Freehold areas purchased by CALM to be added to the conservation reserve system are held in the name of the Crown until formal reservation takes place. Pastoral leases are held in the name of the Executive Director of CALM pending destocking and reservation. During this interim period the purchased lands are managed by CALM as if they were already part of the conservation estate.
- (3)-(4) Funds approved for conservation land acquisition projects under the National Reserve System Program (NRSP) of the Natural Heritage Trust have expected completion dates. For 1997/98 approved projects this is 30 June 1999 and for 1998/99 approved projects this is 30 September 1999. In cases where these completion dates cannot be met extensions will be considered by the Commonwealth.
- (5) Properties are being continually assessed for purchase for conservation. To date eighteen proposals for purchase for conservation, including the above three properties, have been nominated and approved for funding under the Natural Heritage Trust over the 1997/98 and 1998/99 financial years. These lie in the following bioregions as defined by the Interim Biogeographic Regionalisation of Australia:

Swan Coastal Plain	8
Jarrah Forest	1
Mallee	1
Pilbara	3
Avon Wheatbelt	1
Yalgoo	1
Carnarvon	2
Gascoyne	1

- (6) The Interim Biogeographic Regionalisation of Australia, which has been endorsed by the Australian and New Zealand Environment and Conservation Council, was a study which classified Australia into bioregions of high, medium and low priority, at the national scale, for the acquisition of lands to add to the national reserve system. High priority regions are regions in which the ecosystems are either not represented or only poorly represented in the existing reserve network. In Western Australia these include the Swan Coastal Plain, Avon Wheatbelt, Gascoyne, Murchison, Yalgoo, Carnarvon, Pilbara and parts of the Kimberley. The National Reserve System Program also recognises that priority should be given to endangered ecological communities in regions that are otherwise not of high priority nationally. CALM has also developed a set of scientific criteria for prioritising land suitable for purchase to add to the conservation reserve system. These scientific criteria include habitat condition, habitat quality, threatening processes (eg fire, feral animals, overgrazing etc); presence of threatened ecological communities; and representativeness (ie the area selected for purchase should reflect the biotic diversity of the ecosystems).
- (7) Of the eighteen properties being purchased nine (including the above three) have been settled. Announcements on these purchases are pending arrangements with the Commonwealth Minister for the Environment. One property has been withdrawn as an agreement was unable to be met with the landowner. The remaining eight are at varying stages of negotiation and conveyancing. It is not possible to indicate a settlement date.

KWINANA NICKEL REFINERY AND CBH, NOISE REDUCTION

1553. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 596 of December 4, 1998 -

- (1) Have the Kwinana Nickel Refinery and CBH finished considering options for noise reductions after the Department of Environmental Protection (DEP) recorded excessive noise levels in July 1998?
- (2) If yes, what noise reduction options have been implemented?
- (3) If not, what is the cause of the excessive delay?
- (4) What input has the DEP made to the noise reduction options considered by these two industries?

Hon MAX EVANS replied:

- (1) The Kwinana Nickel Refinery (KNR) has completed a comprehensive investigation into noise emissions from the premises and reported the findings to the Department of Environmental Protection (DEP). Options for noise reduction are currently being evaluated before KNR finalises the noise reduction options. Co-operative Bulk Handling (CBH) and the DEP have undertaken some noise survey work which identified major items for attention. Significant noise emission sources have been modified but CBH is yet to finalise its evaluation of other options for further noise reduction.
- (2) The KNR replaced an air compressor in October 1998 which it considered was contributing significantly to the overall noise emissions from the plant. CBH has installed cowlings around two fans and has re-positioned the reverse pulse discharge lines.
- (3) Both KNR and CBH have given attention to reducing significant noise emissions from their facilities. In some cases, plant shutdown is required to modify noisy equipment. The KNR has formed a Noise Improvement Team to specifically address this issue and is preparing a formal action plan. CBH has already undertaken some plant modifications, however noise reductions achieved are yet to be validated and other opportunities for further noise reductions are under investigation.
- (4) The responsibility for and specific actions to achieve acceptable noise reduction from industrial facilities rests with industry. The DEP will ensure that reductions in noise emissions to appropriate standards are achieved. The DEP is currently liaising with industry to achieve these reductions within a reasonable time frame.

HEALTH RESEARCH GROUP, SMOG IMPACTS

1554. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 628 answered on March 16 and the Minister's reference to the establishment of an expert Health Research Group in participation with the Department of Environmental Protection to study the health impacts from smog -

- (1) Who is on this Health Research Group and which department or organisation are they from?
- (2) By what process were these people chosen and what were the selection criteria?
- (3) What protocols for epidemiological investigations has been developed by the Health Research Group?

Hon MAX EVANS replied:

- (1) The Health Research Group the Member is referring to is the Health Research Working Group of the Air Quality Coordinating Committee (AQCC). The AQCC was established to oversee the development of the Air Quality Management Plan (AQMP) for Perth and to monitor the implementation of actions specified in the Government's Response to the Select Committee on Perth's Air Quality. The Health Research Working Group is one of eight working groups with the task of ensuring wide consultation in the development of and consultation on the AQMP. The Health Research Working Group is comprised of experts in epidemiology, public health and environmental science to provide informed and competent advice on air quality and health effects, and to guide the development of a list of research priorities for investigating the potential impact of air quality on the health of Western Australians. The Health Research Working Group is comprised of the following individuals.

A/Prof J Spickett	School Public Health, Curtin University
Prof T Lyons	Division Science & Engineering, Murdoch University
Dr Quentin Summers	Royal Perth Hospital
Dr Bill Musk	Department of Public Health, UWA
Prof Lou Landau	Dean Medicine & Dentistry, UWA
Dr Nick de Klerk	Department of Public Health, UWA
A/Prof Frank Murray	Environmental Science, Murdoch University
Dr Jim Codde	Epidemiological & Analytical Services, Health WA
Ms Cobie Rudd	GP Divisions of WA
Ms Pierina Otness	Health WA
Prof Phil Thompson	University Department of Medicine, QEII
Dr Francis Quadros	Health WA
Ms Andrea Hinwood	DEP

- (2) Membership of the Health Research Working Group was by invitation of experts identified through their contributions to the Select Committee process, by Health Department nomination, and by recommendations from

organisations such as the AMA and Asthma Foundation. The Working Group identified other organisations, such as the General Practice Divisions of WA, and experts which it felt could provide appropriate input to the group's deliberations.

- (3) The Health Research Working Group has developed a protocol for the investigation of the relationship between air quality and mortality and hospital admissions. This protocol is based on time series analysis.

PRISONS, PRE-RELEASE PROGRAMS

1571. Hon HELEN HODGSON to the Minister for Justice:

- (1) How many pre-release programs have been conducted at the following institutions in the last three months -

- (a) Casuarina Prison;
- (b) Bandyup Prison;
- (c) Canning Vale Prison;
- (d) Karnet Prison Farm; and
- (e) Wooroloo Prison?

- (2) What organisation conducted each of these programs?

- (3) What was the total cost of providing these programs?

Hon PETER FOSS replied:

- (1) From 4th February to 4th May the following number of pre-release programs/workshops have run in these prisons:

(a) Casuarina	none
(b) Bandyup	17
(c) Canning Vale	16
(d) Karnet	11
(e) Wooroloo	16

- (2) These above programs were conducted by the following organisations: Outcare, Prisoner Advisory Support Services, Ministry of Justice Community Corrections Officers, Women's Legal Services, Kindred, Ministry of Justice Driver Education Coordinator, Centrelink, Homeswest, Aboriginal Medical Service and an individual health specialist.

- (3) Total cost: \$18,878.32

PUBLIC TRUSTEE, STAFFING LEVELS

1579. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the Public Trustee Annual Report in which reference is made on page 15 to the need to reassess staffing requirements due to an increasing workload -

- (1) Is there any intention to increase staffing numbers?

- (2) If not, why not?

- (3) If yes, why?

Hon PETER FOSS replied:

- (1) No.

- (2) To assess the staffing requirements within the Public Trust Office a Business Process Reengineering exercise is currently being undertaken which is expected to improve efficiency throughout the organisation.

- (3) Not applicable.

YOUNG OFFENDERS ACT, REPORT OF REVIEW

1581. Hon N.D. GRIFFITHS to the Attorney General:

In relation to the report of an independent review of the 1995 *Young Offenders Act* received by the Attorney General -

- (1) When will an interim copy of the evaluation report received by the Attorney General on February 24, 1998 be tabled?

- (2) Has the implementation group submitted a progress status report?

- (3) Are all 43 recommendations being implemented?

- (4) If not, why not?

- (5) When will the implementation process be finalised?

Hon PETER FOSS replied:

- (1) The independent review of the Young Offenders Act 1994 was tabled in Parliament on 15 December 1998.

- (2) The implementation group's working timetable has been delayed due to staff changes in this group. A progress

status report will now be presented in June 1999 by which time the new staff should be sufficiently familiar with the issues relevant to the Juvenile Justice Teams and the Young Offenders Act 1994.

- (3) No.
- (4) Extensive consultation with key figures in the Ministry of Justice and the Police Service have indicated that not all recommendations are appropriate for implementation.
- (5) Drafting instructions are currently under preparation to enable implementation of 12 of the recommendations relating to legislation. Action on several other recommendations is complete. Others require significant policy development by the working parties, or require new technology for implementation. It is anticipated that the bulk of the recommendations will be implemented by the end of 1999.

SCHOOLS, CHILDREN SUSPENDED OR EXPELLED

1584. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) Does the Education Department make arrangements for the continuing education and supervision of children who have been suspended or excluded from Government schools?
- (2) If yes, how?
- (3) If not, why not?
- (4) Does the department accept responsibility for the impact of suspension and exclusion of children from Government schools on day time crime rates?

Hon N.F. MOORE replied:

- (1) Suspended students, generally no.
Excluded students, yes.
- (2) Excluded students of compulsory school age are usually provided with an alternative placement to continue their education. A student who has attained the age of 14 years may be exempted from further attendance at school if employment or alternative full-time education is assured.
- (3) Parents are responsible for monitoring their child's whereabouts during a period of suspension. Schools may make individual arrangements for the provision of an educational program during the suspension period. The average period of suspension is between two and three days. This is usually regarded as a 'time out' period.
- (4) No. There is no data to prove suspended or excluded students have any significant impact on day time crime rates.

CASUARINA PRISON, PRISONERS HOUSED IN GYMNASIUM

1586. Hon JOHN HALDEN to the Minister for Justice:

- (1) Is the Ministry of Justice proposing to use the gymnasium at Casuarina to house prisoners?
- (2) If yes, when is this likely to occur and how many prisoners are likely to be housed in the gymnasium and for how long?

Hon PETER FOSS replied:

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

CYCLONE VANCE, FUEL AND FOOD VOUCHERS

1588. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services: What is the total value of emergency assistance to the victims of Cyclone Vance being given out through the Minister for Family and Children's Services' department in fuel and food vouchers?

Hon M.J. CRIDDLE replied:

The total value of fuel and food vouchers processed for victims of Cyclone Vance as at 30 April 1999 was \$59,234.

WORKSAFE WA, SCAFFOLDING TRAINING AND ASSESSMENT PROJECT IN MALAYSIA

1593. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for Intermediate Scaffolding Training and Assessment in Malaysia, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;

- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) All travelling costs, accommodation and associated expenses were met by Paramount Sdn Bhd Malaysia.
- (b) (i) See (a) above.
(ii)-(iv) Not applicable.
- (c) 6 to 14 January 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, ILO COLLABORATING CENTRE IN GENEVA

1594. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an International Labour Organisation (ILO) Collaborating Centre in Geneva, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$761.80
- (b) (i) 96/97 - \$348.50.
(ii) 97/98 - \$413.30.
(iii)-(iv) Nil.
- (c) January 1997 to 30 June 1998.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, MOU WITH MINISTRY OF LABOUR AND SOCIAL WELFARE IN THAILAND

1601. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for a Memorandum of Understanding (MOU) with the Ministry of Labour and Social Welfare in Thailand, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a)-(b) Nil (project suspended prior to any expenditure being incurred).
- (c) May 1997 to January 1998.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, ILO STUDY PROJECT

1602. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an International Labour Organisation (ILO) Study Project, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Nil (WorkSafe Western Australia participated in a survey).
- (b) Not applicable.
- (c) June 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, INDONESIAN INDUSTRIAL CERTIFICATION TRAINING PROJECT

1603. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an Indonesian company seeking assistance with industrial certification training, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Nil (WorkSafe Western Australia provided assistance, by way of correspondence and liaison, to an Indonesian company to establish meetings with WA occupational safety and health training providers. Costs absorbed within normal operating expenses).
- (b) Not applicable.
- (c) 2 June 1997 to 30 July 1997.
- (d) Not applicable.

WORKSAFE WA, MS CHALORE NAKLUB

1604. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for a Work Placement Program for Ms Chalore Naklub, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$19.60
- (b) (i) Not applicable.
(ii) 1997-1998 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 2 to 4 July 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, INDUSTRIAL CERTIFICATION TRAINING PROJECT

1605. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an Industrial Certification Training, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Costs were met by the National Institute of Occupational Safety and Health, Malaysia.
- (b) Not applicable.
- (c) 3 to 9 July 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, MEDICAL PRACTITIONERS FROM MALAYSIA

1606. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for Medical Practitioners from Malaysia, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$128.
- (b) (i) Not applicable.
(ii) 1997-1998 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 8 July 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, MALAYSIAN CRANE OPERATORS TESTING AND TRAINING CENTRE

1607. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the opening of a Crane Operators Testing and Training Centre (COTT) in Malaysia, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$3 011.42 (includes airfare, accommodation and incidentals).
- (b)
 - (i) Not applicable.
 - (ii) 1997-1998 (as in (a) above).
 - (iii)-(iv) Not applicable.
- (c) 6-9 August 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, ILO ACCIDENT REPORTING PROJECT

1608. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an International Labour Organisation (ILO) Accident Reporting Project with the Indonesian Government, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Costs were met by the International Labour Organisation.
- (b)
 - (i) Not applicable.
 - (ii) 1997-98 (as in (a) above)
 - (iii)-(iv) Not applicable.
- (c) 22 to 26 February 1997; and 4 to 14 August 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, DR ISMAIL LASA

1609. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit of Dr Ismail Lasa, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Nil (WorkSafe Western Australia provided a program comprising of information sessions and site visits. Costs absorbed within normal departmental operating expenses).
- (b) (i) Not applicable.
(ii) 1997-98 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 11 August 1997.
- (d) Not applicable.

**WORKSAFE WESTERN AUSTRALIA, OCCUPATIONAL SAFETY AND HEALTH CERTIFICATION
INTERNATIONAL SCHEME**

1610. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an Occupational Safety and Health Certification International scheme with LPKK Alkon in Indonesia, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
(i) 1996/97;
(ii) 1997/98;
(iii) 1998/99; and
(iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) Nil (this project was the outcome of the meetings referred to in the answer to question 1603).
- (b) (i) Not applicable.
(ii) 1997-98 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 28 to 30 August 1997.
- (d) Industrial Foundation for Accident Prevention, nil remuneration.

WORKSAFE WESTERN AUSTRALIA, MISSION TO CHINA

1611. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for a Mission to China, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
(i) 1996/97;
(ii) 1997/98;
(iii) 1998/99; and
(iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$6 715.53 (includes airfare, accommodation, incidentals, visa application and translation).
- (b) (i) Not applicable.
(ii) 1997-98 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 20 to 26 September 1997.

- (d) RCS International delegated one of its local representatives in China to accompany the mission. Nil remuneration.

WORKSAFE WESTERN AUSTRALIA, HAZARDOUS SUBSTANCE COURSE IN MALAYSIA

1612. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for a Hazardous Substance Course in Malaysia, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
- (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) All travelling costs, accommodation and associated expenses were met by the Department of Occupational Safety and Health, Malaysia.
- (b) (i) Not applicable
(ii) 1997-98 (as in (a) above)
(iii)-(iv) Not applicable.
- (c) 5 to 10 October 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, MS KEKE LEROTHOLI

1613. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit by Ms Keke Lerotholi, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
- (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$13.
- (b) (i) Not applicable.
(ii) 1997-98 (as in (a) above).
(iii)-(iv) Not applicable.
- (c) 8 to 10 October 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, MR FADZIL OSMAN

1614. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit by Mr Fadzil Osman, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -

- (i) 1996/97;
- (ii) 1997/98;
- (iii) 1998/99; and
- (iv) 1999/2000;

- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$124.40.
- (b)
 - (i) Not applicable.
 - (ii) 1997-98 (as in (a) above).
 - (iii)-(iv) Not applicable.
- (c) 10 to 16 October 1997.
- (d) Not applicable.

WORKSAFE WESTERN AUSTRALIA, CHINESE COAL MINING SAFETY DELEGATION

1615. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit by the Chinese Coal Mining Safety Delegation, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$182.30
- (b)
 - (i) Not applicable
 - (ii) 1997-98 (as in (a) above)
 - (iii)-(iv) Not applicable.
- (c) 28 to 30 November 1997.
- (d) Edith Cowan University, nil remuneration.

WORKSAFE WESTERN AUSTRALIA, INDONESIAN OCCUPATIONAL HYGIENISTS' VISIT

1616. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit by Indonesian Occupational Hygienists, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

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

- (ii) Nil.
- (iii)-(iv) Not applicable.

- (c) December 1997
- (d) Curtin University, nil remuneration.

WORKSAFE WESTERN AUSTRALIA, DR ABED ONN

1617. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for the visit by Dr Abed Onn, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$918.30
- (b)
 - (i) Not applicable.
 - (ii) 1997-98 (as in (a) above).
 - (iii)-(iv) Not applicable.
- (c) 11 to 17 December, 1997.
- (d) Curtin University, nil remuneration.

WORKSAFE WESTERN AUSTRALIA, CERTIFICATION INTERNATIONAL PROJECT

1618. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for WorkSafe Western Australia's Certification International, can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$2 800
- (b)
 - (i) Not applicable.
 - (ii) \$2 800
 - (iii)-(iv) Not applicable.
- (c) 1997 to January 1999.
- (d) National Business System Pty Ltd (printing company), remuneration as printing cost in item (b) (ii).

WORKSAFE WESTERN AUSTRALIA, OCCUPATIONAL SAFETY AND HEALTH NETWORK PROJECT

1619. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

With regard to the WorkSafe Western Australia 1997 international project for an Occupational Safety and Health Network (OSHNET), can the Minister for Labour Relations state -

- (a) the total cost of the project;
- (b) the cost of the project in -
 - (i) 1996/97;
 - (ii) 1997/98;
 - (iii) 1998/99; and
 - (iv) 1999/2000;
- (c) the commencement and cease dates of the project; and
- (d) the names of any private contractors which assisted WorkSafe with the project, and the remuneration received by them?

Hon PETER FOSS replied:

- (a) \$645.40 OSHNet meeting expenses for 1997 calendar year.
- (b)
 - (i) 1996-97 - \$543.00 for meeting expenses.
 - (ii) 1997-98 - \$482.35 for meeting expenses.
 - (iii) 1998-99 - \$344.90 for meeting expenses.
 - (iv) Not applicable.
- (c) Ongoing.
- (d) Not applicable.

ABROLHOS, AIRSTRIPS UPGRADING

1626. Hon GIZ WATSON to the Minister for Transport representing the Minister for Fisheries:

With respect to the upgrading of the airstrips at the Abrolhos carried out between July and October 1997 -

- (1) How much did this upgrade cost?
- (2) Where did the funds to carry out the upgrade come from?
- (3) Who authorised this expenditure?
- (4) Who carried out the work?
- (5) Was the contract for the work put out to tender?
- (6) If yes, when?
- (7) If yes to (5) above, will the Minister for Fisheries table evidence of that tendering process?

Hon M.J. CRIDDLE replied:

- (1) \$365,000, comprising a contract price of \$358,000 plus approved variations of \$7000.
- (2) From Fisheries Western Australia, Capital Works fund.
- (3) Executive Director, Fisheries Western Australia.
- (4)-(5) After receiving advice from the Department of Contract Management Services and the Crown Solicitors Office, the work was carried out under a standard contract by the Geraldton Fishermen's Cooperative, under the supervision of BSD Consultants (who provided engineering expertise).
- (6)-(7) Not applicable.

ABROLHOS, CAPITAL WORKS ALLOCATION

1627. Hon GIZ WATSON to the Minister for Transport representing the Minister for Fisheries:

With respect to \$500 000 allocated from the 1998 State Budget to the Fisheries Department for capital works on the Abrolhos -

- (1) Will the Minister for Fisheries provide a breakdown of how that money has been spent?
- (2) Was any of this money spent on upgrading the airstrips on the islands?
- (3) If yes, who carried out this work?
- (4) Was the contract for this work put out to tender?
- (5) If yes, when?
- (6) If yes to (5) above, will the Minister for Fisheries table evidence of the tendering process?

Hon M.J. CRIDDLE replied:

- (1) Of the \$496,000 allocated in the 1998/99 State Budget for capital works at the Abrolhos Islands, it is proposed to

spend \$330,000 in 1998/99 on redeveloping the jetty and constructing public toilets for tourists using the East Wallabi airstrip, completing the upgrade of the airstrips, developing permanent moorings near popular dive sites and erecting interpretative signs to protect sites of high cultural and environmental value.

- (2)-(5) No expenditure has been recorded against these items to date. An open tender for the upgrade of the airstrips will be called for in the near future.
- (6) Once the tendering process for the airstrips upgrade is complete, if the Hon Member requests, I would be happy to table evidence of the tender process.

POLICE OFFICERS, MELVILLE, BELMONT AND BAYSWATER

1630. Hon J.A. SCOTT to the Attorney General representing the Minister for Police:

Will the Minister for Police provide details of the number of police available for duty within the local government municipalities of -

- (a) Melville for each month from May 1998 to December 1998 inclusive;
 (b) Belmont for each month from June 1997 to December 1997 inclusive; and
 (c) Bayswater for each month from October 1996 to May 1997 inclusive?

Hon PETER FOSS replied:

- (a) Municipality of Melville
 Murdoch Police Station Approved Average Staffing Level of 29 with no change from May 1998 to December 1998 inclusive; and
 Palmyra Police Station Approved Average Staffing Level of 13 with no change from May 1998 to December 1998 inclusive.
- (b) Municipality of Belmont
 Belmont Police Station Approved Average Staffing Level of 21 from June 1997 to September 1997, then 20 from October 1997 to December 1997; and
 Belmont Detectives Approved Average Staffing Level of 5 with no change from June 1997 to December 1997 inclusive.
- (c) Municipality of Bayswater
 Bayswater Police Station Approved Average Staffing Level of 8 with no change from October 1996 to May 1997 inclusive;
 Morley Police Station Approved Average Staffing Level of 25 with no change from October 1996 to May 1997 inclusive;
 Inglewood Police Station Approved Average Staffing Level of 9 with no change from October 1996 to May 1997 inclusive;
 Morley Detectives Approved Average Staffing Level of 8 with no change from October 1996 to May 1997 inclusive.

Further Information

Counts of police officers (FTE) are based on Approved Average Staffing Levels (AASL). It should be noted that officers within the Metropolitan Region are deployed within and between districts as priorities dictate.

CRIME, VICTIMISATION OF OLDER PEOPLE

1638. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of crime -

- (1) What evidence is there that older persons have a higher victimisation rate than younger people?
 (2) What evidence is there for an increasing rate of victimisation of older persons?

Hon PETER FOSS replied:

For the purpose of this response the term "older persons" is defined as being a person aged 60 years and over.

- (1) Based on analysis of the number of offences reported to police, there is no evidence of a general higher victimisation rate for older persons. [See paper No 1124.]

For all reported offences (where the age of the victim is known) older persons are victims of a lower number of offences, per one thousand people, than the 15-24, 25-44 and 45-59 year age groups.

Of note: "bag snatching" (categorised within the offence of unarmed robbery) is an offence whereby older persons, with a rate equal to the 45-59 year age group, are the most victimised. Between July 1998 and April 1999, the reported offence rate for both age groups, was 0.3 offences per one thousand people. However, 24% of "bag snatches" were against older persons, 27.5% against 45-59 year olds and 31.7% against 25-44 year olds.

- (2) Based on analysis of the number of offences reported to police, there is no evidence of an increasing rate of victimisation of older persons. [See paper No 1124.]

While rates for individual offences vary from year to year, in recent years there has been little change in overall

offence rates against older persons. In 1997-1998, the offence rate against older persons rose to 65.4 offences per one thousand people, from 64.3 in 1996-1997. Based on figures for July 1998 to April 1999, the rate for 1998-1999 is likely to fall to about 62 offences per one thousand people.

SCHOOLS, KUNUNURRA AND MT MAGNET

1642. Hon TOM HELM to the Leader of the House representing the Minister for Education:

- (1) Has sufficient funding been provided in the 1999/2000 State Budget to ensure -
 - (a) that years 11 and 12 will be available at Kununurra District High School by the commencement of the next school year; and
 - (b) the construction of a permanent school in Mt Magnet to replace the current "demountable" school?
- (2) If not, when will such funding be allocated and when will -
 - (a) years 11 and 12 be available at Kununurra District High School; and
 - (b) a permanent school in Mt Magnet be constructed?

Hon N.F. MOORE replied:

- (1)-(2) Education programs and courses are already available for students in Years 11 and 12 at Kununurra District High School. Due to other competing demands, it was not possible to allocate funds in the Education Department's 1999/2000 capital works program for the provision of additional permanent facilities at Mount Magnet District High School. The needs of Mount Magnet District High School will continue to be considered in relation to those at other schools when the details of future capital works programs are being compiled.

LAND CLEARING, JERRAMUNGUP

1646. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

I refer to the Minister for Primary Industry's decision of December 18, 1998 to support the clearing of 95 hectares of land on a farm in the shire of Jerramungup and ask -

- (1) Was a drilling program conducted in Catchment B of the farm to determine whether land degradation could occur through rising water tables and salinity, in line with the recommendations of Agriculture WA's Appeal Committee?
- (2) If yes, what were the conclusions of the drilling program?
- (3) Will the Minister table a copy of the results of the drilling program?
- (4) If not, why not?
- (5) If no to (1) above, why was not a drilling program conducted?

Hon M.J. CRIDDLE replied:

- (1)-(5) In line with the recommendation of the Jerramungup Land Conservation District Committee, the clearing of 95 hectares in Catchment B was supported subject to:
 - (a) an area of vegetation to the north of the northern creek line be extended to an average of 250 metres from the centre of the creek line, including the existing Sheoak; and
 - (b) south of the creek line the area of partly cleared land must be fenced off from the creek line.

In addition, an equal amount, 95 hectares, is to be reserved through an Agreement to Reserve.

MANYINGEE URANIUM MINE, WASTE DISTURBANCE

1649. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With reference to the proposed Paladin Resources Manyingee Uranium Mine, near Onslow, their current drilling activity and sampling, and the waste and yellow cake left at that site by Total Mining -

- (1) Has any of this material been disturbed by the recent floods associated with Cyclone Vance?
- (2) If yes, what is the source of this information?
- (3) Is the DEP/EPA monitoring the impacts of waste or sampling material at this site?
- (4) Is the DEP/EPA monitoring the impacts of waste or sampling material off site?

Hon N.F. MOORE replied:

- (1) The site is not accessible at present, but it is considered highly improbable that the material would be disturbed.
- (2) Not applicable,
- (3)-(4) No.

ARTS FUNDING

1658. Hon KIM CHANCE to the Minister for the Arts:

- (1) What level of funding was made available through Country Arts WA for the years 1996/97 and 1997/98 and what level of funding has been agreed for 1998/99 for the regional arts councils in -
 - (a) Albany;
 - (b) Esperance;
 - (c) Northam; and
 - (d) Geraldton?
- (2) Is the allocation to the Geraldton body, the Arts and Cultural Development Council less than that made to the other regional councils?
- (3) If so, why is that the case?
- (4) Did the Minister offer the regional arts councils a sum of \$25 000 each, in the form of contracted three year funding, later in 1996?
- (5) If so, why has this offer apparently not been fulfilled?

Hon PETER FOSS replied:

- (1) Country Arts WA funds regional arts council on calendar years. Allocations to the Category 'A' regional arts councils were as follows:

	1996	1997	1998	1999
Albany	\$30 000	\$30 000	\$27 500	\$25 000
Esperance	\$12 000	\$25 000	\$25 000	\$25 000
Northam	\$10 000	\$25 000	\$25 000	\$25 000
Geraldton	\$20 000	\$15 000	\$3 750	\$25 000

- (2) See above table.
- (3) The allocation to Geraldton has been less in previous years. However, funding up to \$25 000 has always been available to Geraldton and would have been allocated to them if all criteria, accountabilities and conditions of funding were met by the regional organisations.
- (4) The 1996 figures above were allocated, paid and administered by ArtsWA. Responsibility for arts councils funding was fully devolved to Country Arts WA from the 1997 calendar year. Triennial funding commenced in 1997 and covers 1997-1999. The conditions set by the Minister were that maximum funding would be \$25 000 per year and this amount would be matched dollar for dollar by Local Government. Other criteria and reporting requirements were established at the time of introduction. At the time when Triennial funding was introduced, Albany Arts Council received \$30 000 (ie. In excess of the ceiling) and it was agreed that funding would be reduced in increments to the new ceiling of \$25 000.
- (5) There have been several matters that have taken time to resolve, such as matching Local Government funding, development of a business plan, improvement in reporting and financial management from the ACDC of Geraldton. These matters have taken time but have been finalised through the assistance of Country Arts WA. As a result, the full amount of funding is available to Geraldton in 1999, with the intention that a new triennial contract will be put in place to cover the next three years. The standard conditions and requirements will continue to form an integral part of this contract. In each operating year, funds up to \$25 000 have been available to the ACDC of Geraldton. These funds are offered with local support and with relevant accountability procedures in place. The ACDC of Geraldton has only recently been able to meet the conditions. In 1998, the ACDC of Geraldton withdrew from the Category 'A' funding program all together.

FAMILY COURT, PERFORMANCE

1661. Hon N.D. GRIFFITHS to the Attorney General:

- (1) What is the average number of weeks that elapses from the time of filing to the time of hearing with respect to standard track children's matters?
- (2) Has this delay increased since June 30, 1997?
- (3) If yes, by how many weeks?
- (4) What is the average number of weeks from the time of filing to the time of hearing with respect to standard track property matters?
- (5) Has this delay increased since June 30, 1997?
- (6) If yes, by how many weeks?
- (7) What is the Family Court of Western Australia's own performance standards with respect to standard track children's matters and standard track property matters?

Hon PETER FOSS replied:

- (1) 56 weeks.
- (2) Yes.
- (3) 8 weeks.
- (4) 56 weeks.
- (5) Yes.
- (6) 8 weeks.
- (7) 36 weeks.

ATTORNEY GENERAL, DEFAMATION ACTION

1662. Hon N.D. GRIFFITHS to the Attorney General:

- (1) In relation to the action of former Law Reform Commissioner, Moira Raynor, brought against you for defamation of her, have you been granted indemnity?
- (2) How much is sought with respect to the payment of private lawyers engaged to act for you?
- (3) Has payment to such private lawyers been made?
- (4) If so, when and in what amount?

Hon PETER FOSS replied:

- (1)-(4) I have not heard. If you wish I will make an enquiry. I have purposely not done so to date.

JUSTICES OF THE PEACE

1663. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Is the Attorney General aware of the claim by Royal Association of Justice's President, Maurice Fawcett, that 42 per cent of Justices on the Association's roster for court and lock up duty are over 70?
- (2) What is your response to Mr Fawcett's assertion that "younger Justices could not fill the gap due to work and family commitments"?
- (3) What measures will be taken to fill the vacant positions under the plan with respect to court and lock up duty?
- (4) Has the impact that such a proposal will have on the administration of justice in regional areas been assessed?
- (5) If yes, what is the predicted impact?
- (6) If not, will this issue be addressed prior to the implementation of the plan?
- (7) How many Justices 75 years of age and over currently preside outside the metropolitan area?

Hon PETER FOSS replied:

- (1) An analysis of the May - July 1999 roster (Perth Business District) prepared by the royal Association of Justices of WA indicated that there are 46 individual justices of the peace rostered of whom 13 (28%) are over 70 years old.
- (2) Active Justices of the Peace in Western Australia under 70 years number 2485, over 70 years and under 75 years 322, and over 75 years 400. A prerequisite to appointment is that justices make themselves available to undertake duties.
- (3) It is believed that there are more than sufficient justices of the peace to fulfil the duties required. In addition a survey will shortly be sent to all Justices of the Peace with a view of encouraging greater participation.
- (4) There will be limited impact on regional areas as, of the 1404 active Justices of the Peace in regional areas, 121 are aged between 70 and 75, and will still be able to undertake an active role (with the exception of bench duties), and 126 Justices of the Peace are over 75 years.
- (5) See (4).
- (6) Not applicable.
- (7) The number is not recorded.

ABORIGINES, NEWMAN

1669. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) What arrangements has the Minister for Aboriginal Affairs or his department made in response to the needs of Aboriginal people living as fringe dwellers on the edges of the Newman townsite?

- (2) What steps will the Minister take to ensure that every support is provided to assist the communities from which these fringe dwellers have come in obtaining the necessary resources and programs that will enable them to provide for the return of these residents to their communities?

Hon M.J. CRIDDLE replied:

- (1) The Chief Executive Officer of the Aboriginal Affairs Department (AAD) met with the Executive of the Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC), members of the Pilbara Aboriginal community, representatives of Government and other agencies on 17 and 18 May 1999.
- (2) The WDPAC and the communities they represent are discussing the outcomes of the meetings and will contact the Chief Executive Officer of AAD in due course. Government has committed housing and staff resources, as well as funding of a Newman Patrol, details of which are yet to be finalised by the WDPAC.

WATER RESOURCES, MIRRABOOKA UNDERGROUND WATER POLLUTION CONTROL AREA

1677. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Water Resources:

- (1) Will the Minister for Water Resources confirm that Water Corporation plan EU20-1-1 entails the proposed installation of a sewer pressure main through priority one sections of the Mirrabooka Underground Water Pollution Control Area?
- (2) How is this proposed installation compatible with the function of the Mirrabooka Underground Water Pollution Control Area, that is the protection of the Gngangara Water Mound?

Hon MAX EVANS replied:

- (1) The proposed sewer pressure main shown on Water Corporation Plan EU20-1-1 does not pass through a priority one Underground Water Pollution Control Area (UWPCA). The main will pass through priority two and three areas in the Mirrabooka UWPCA.
- (2) Protection of groundwater is provided for by the implementation and auditing of an extensive range of commitments given by the Water Corporation as detailed in the project's environmental approval.

QUESTIONS WITHOUT NOTICE

METROBUS, MISSED TRIPS

1289. Hon TOM STEPHENS to the Minister for Transport:

The minister was quoted as having claimed that the former bus operator MetroBus averaged 150 missed trips each week.

- (1) Over what period was that statistic obtained?
- (2) Does this include trips lost through industrial action during that period?
- (3) Will the minister table supporting documentation for that claim?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) In a letter to the Department of Transport dated 23 September 1996, the Chief Executive Officer of MetroBus estimated that MetroBus would fail to operate 7 500 services in the 1996-97 financial year.
- (2) No.
- (3) I seek leave to table the attached extract of a letter dated 23 September 1996 from the Chief Executive Officer of MetroBus to the Director General of the Department of Transport.

Leave granted. [See paper No 1121.]

PRIVATE BUS OPERATORS, FINES

1290. Hon TOM STEPHENS to the Minister for Transport:

- (1) Will the minister confirm that the Department of Transport will not be issuing fines to private bus operators for services not provided during the recent industrial dispute?
- (2) If yes, how does the minister justify that decision?

Hon M.J. CRIDDLE replied:

- (1)-(2) The Department of Transport does not tally up the number of services dropped when drivers go on strike or stop work. It would not be appropriate or reasonable to levy a \$300 fine for each such instance, particularly when the employer has done all it can within its powers to resolve the issue. I think everybody realises that in this case a proposition has been put on the table and negotiations were taking place. Essentially this is within the spirit of the partnering contracts the Department of Transport entered into with those companies. In levying penalties, the

Department of Transport simply removes the variable operating cost component from a company's payment at the end of each month for services not performed; the operator is not paid for work it has not done.

CROWN SOLICITOR'S OFFICE, LEGAL COSTS

1291. Hon N.D. GRIFFITHS to the Attorney General:

What was the cost of legal services provided by the Crown Solicitor's Office for the Director General of the Ministry of Justice and the Attorney General as intervener in *Titelius v Public Service Appeal Board and Others* reported in 1999 WASCA 19?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The cost was \$16 927.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT, DECISION MAKING AUTHORITY

1292. Hon GIZ WATSON to the minister representing the Minister for the Environment:

With respect to the illegal construction of a roadway from Windy Harbour Road to Nelson Location 7965 (Sandy Peak) and the operation of section 41 of the Environmental Protection Act -

- (1) Does the Minister for the Environment consider the Department of Conservation and Land Management to be a "decision making authority" as defined in section 41 of the Environmental Protection Act?
- (2) If yes, did the Environmental Protection Agency notify the decision making authority - that is, CALM - of the environmental assessment it was carrying out in relation to this proposed road clearing?
- (3) If yes, why was consent given to proceed prior to the completion of the environmental assessment process?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Department of Conservation and Land Management is not a decision making authority under the Environmental Protection Act in relation to the proposal to construct a roadway from Windy Harbour Road to Nelson Location 7965 (Sandy Peak). However, CALM has a decision making role in relation to the taking of rare flora.
- (2) The Environmental Protection Agency has fully consulted CALM and been advised by it on the proposal.
- (3) No.

WESTERN POWER, CERTIFIED AGREEMENT

1293. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

- (1) Following the rejection in a ballot held in December 1998-January 1999 by employees of Western Power of a certified agreement proposed by the management of the corporation, has Western Power continued to negotiate with its employees and relevant units to secure a new agreement?
- (2) Following the ballot of the Western Power management proposal, did Western Power receive a written document prepared by the relevant unions outlining alternative provisions which could be included in a new agreement?
- (3) Has Western Power responded to the proposals in that document?
- (4) Has the minister seen that document or been briefed about the proposals put forward by the unions?
- (5) If yes, did the minister give any instruction in writing or in any other form to Western Power to accept or reject all or any of the proposals?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) Yes. Western Power accepted some union proposals and not others. It held discussions and provided a written counter proposal.
- (4) No.
- (5) Not applicable.

ALBANY DISTRICT HOSPITAL

1294. Hon MURIEL PATTERSON to the minister representing the Minister for Health:

How many patients are currently being treated at the Albany District Hospital for renal failure, how many dialysis machines are in service at the Albany District Hospital and how many home dialysis units are in use?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

No patients are being treated currently for renal failure, there are no dialysis machines at the Albany District Hospital and no patients are on machine home dialysis. Two people in the lower great southern will require haemodialysis later this year. Two haemodialysis machines will soon be installed in the Albany primary health care centre. That will extend home-based services to the lower great southern. This will be the first community-based renal dialysis service of this kind in Western Australia.

RADOCK PTY LTD, APPRENTICE TRAINING**1295. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:**

I refer to concerns raised by the Chief Executive Officer of the Western Australian Department of Training, Mr Ian Hill, in a letter dated 10 March 1999 to the Minister for Employment and Training in relation to Radock Pty Ltd.

- (1) Has the minister taken Mr Hill's advice and assessed the long-term viability of Radock Pty Ltd given the potential loss to TAFE colleges of up to 510 apprentices if Radock Pty Ltd is contracted to provide apprentice training?
- (2) Does the minister share Mr Hill's concerns that there may be a dispute about the ownership of Radock Pty Ltd and questions about its legal standing since it lost Master Builders Association support?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. When I refer to the minister in this answer, I am referring to the Minister for Employment and Training.

- (1) The memorandum of 10 March 1999 was for noting only. These are matters administered by the department. The minister is informed that Radock Pty Ltd has not been contracted for apprentice training and has been advised accordingly.
- (2) Again, this is an administrative matter for the department; however, the minister is advised that concerns about the ownership of Radock in questions about its legal standing had been resolved.

WILLIAMSTOWN ROAD, ACCIDENT**1296. Hon TOM HELM to the Minister for Mines:**

The minister will be aware of the accident last night on Williamstown Road in which a four-wheel drive vehicle nearly demolished two houses.

- (1) Can the minister confirm that the driver of the vehicle had just finished a 12-hour shift and was driving a vehicle used to carry explosives?
- (2) When will the minister respond to the correspondence from Mr Hownslow, the owner of one of those houses nearly destroyed?

Hon N.F. MOORE replied:

- (1)-(2) I am aware of the accident. I do not know the details, and I will provide the information to the member in due course.

WESFARMERS DEPOT, BASSENDEAN**1297. Hon J.A. SCOTT to the minister representing the Minister for the Environment:**

I refer the minister to the chemical spill that occurred at the Wesfarmers depot in Bassendean on or around 8 June 1999.

- (1) Was this area properly bunded?
- (2) What was the cause of the accident which resulted in pesticides spilling into the local environment?
- (3) What was the total amount and type of pesticide spilt, and how much entered the local environment?
- (4) What action was taken to contain the pesticide spill, and who paid for this action?
- (5) How much of this pesticide entered the Swan River, and what impact did it have on the ecology of the river?
- (6) What monitoring of the Swan River is taking place to identify any possible future ecological damage?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(6) This matter is under investigation by the Department of Environmental Protection and other agencies, and may be the subject of legal proceedings. Accordingly, the minister is unable to comment at the present time.

WESTERN AUSTRALIA POLICE SERVICE, RECORD ANNOTATION FOR PROSTITUTES

1298. Hon NORM KELLY to the Attorney General representing the Minister for Police:

- (1) Do members of the Western Australia Police Service annotate their records with the designation of "KP" for people who are known prostitutes?
- (2) If so, how many people currently have this designation on their record?
- (3) At what seniority of police officer is the decision made either to place or remove such a designation from a person's record?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

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

HOME AND COMMUNITY CARE, SAFEGUARDS POLICY

1299. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

I refer to the home and community care safeguards policy.

- (1) Why were service providers not provided with a letter signed by the Health Department of Western Australia to inform consumers of this new policy?
- (2) Who made the decision that service providers should advise clients, and not the department, given the working party decision?
- (3) Why was the decision changed?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Subsequent to extensive discussion within the fees working group, it was acknowledged that many consumers identify with the service provider organisation and, generally, are not aware of the home and community care program being an entity; therefore, the recommended approach adopted was for the service agency to distribute the information brochures under its letterhead so that consumers were able to identify with the agency and thus avoid any confusion.
- (2) The working group made the decision that a letter should be sent to all providers, signed by the Director of the Aged and Continuing Care Unit, seeking assistance of providers in distributing the information brochures to clients. This letter described a process for providers to follow when distributing the brochures, and recommend a sample letter for providers to send to consumers with the brochures.
- (3) The decision was not changed.

JOHN CURTIN'S RESIDENCE, PUBLIC ESTATE

1300. Hon J.A. COWDELL to the Leader of the House representing the Premier:

- (1) Is the Premier aware that it is now over six months since the Curtin family offered the State first right of purchase of John Curtin's residence in Cottesloe to secure the residence for the public estate?
- (2) Is the Premier aware that the Curtin family is seeking to sell the residence to secure a place for John Curtin's daughter in a nursing home?
- (3) Is the Premier aware that the Curtin family was advised by the Heritage Council of Western Australia only last week that it had neither the time nor the \$2 000 required to do a heritage assessment of John Curtin's residence?
- (4) Is the Premier aware that the Curtin residence will shortly be offered for sale on the open market as a result of the State's lack of interest?
- (5) Will the Premier confirm that the State has no interest in securing John Curtin's residence for the national estate?
- (6) If not, what action is the Premier taking on this matter?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(6) The Government is currently having discussions with Curtin University to find a solution for the future of John Curtin's residence in Cottesloe that accommodates the interests and wishes of the family and ensures that the significance of the property's heritage value to Western Australia is not lost.

GOLD MINING, RELIEF FOR INDUSTRY

1301. Hon MARK NEVILL to the Minister for Mines:

- (1) Why is the Government failing to provide relief to the gold mining industry, which is suffering from the lowest floor price in decades, while continuing with its gold royalty as well as other new and increased taxes?
- (2) How does the minister intend to arrest this dramatic decline in one of the State's most important industries?
- (3) What benefits to the gold mining industry have flowed from the much publicised "gold round table"?

Hon N.F. MOORE replied:

- (1)-(3) I am aware of the situation in respect of the gold industry. At the outset let me say that the current price of gold is not a result of anything this Government or this minister has done. It is a very unfortunate state of affairs that the price of gold has plunged to such low levels, and we must look at the reasons for that. It is very hard to determine exactly what is causing the problem, other than the massive sell offs by the United Kingdom central bank and the proposed sell offs by other central banks and the International Monetary Fund, as I understand it. When we look at the things that have happened in the past that have led to a rise in the price of gold - for example, potential war and things of that nature - it seems that these days the price of gold goes down when international turmoil is going up. It does not matter to whom we talk; people have varying views about the reason for the price of gold being volatile and for its continuing decline, as has been the case in recent times. The State Government continues to monitor the situation in respect of the industry. As the member will be aware, the gold royalty is at 1.25 per cent at present. It will not increase until the price of gold is over \$A450 an ounce, which is not the case at present. That does not apply until the middle of next year in any event. The amount of royalty being paid on an ounce of gold is roughly about \$3 to \$4 net per ounce. That is not why companies are finding themselves in difficulty. That amount of money is relatively small in the overall scheme of things. We have looked at a range of ways in which the State Government can provide some assistance to mining companies. A couple of weeks ago I tabled a list of relatively small proposals that the Government would implement at 1 July which will provide some relief to the mining industry, but not of the magnitude that some companies require. I share the member's concern for the gold industry; however, I do not accept the blame for the fact that the price is very low.

CHALLENGE BANK, TRADITIONAL BANKING SYSTEM CLOSURE

1302. Hon TOM STEPHENS to the Minister for Finance:

I refer to reports last week that Challenge Bank will close its traditional branch system in many country towns and will transfer its banking facilities to local shops.

- (1) What steps is the Government taking to ensure further country residents are not disadvantaged by the loss of country bank branches?
- (2) Has the Government addressed Challenge Bank on this decision?
- (3) In his capacity as Minister for Finance, what is the minister doing to ensure the banks do not take further steps that will disadvantage country residents?

Hon MAX EVANS replied:

I doubt that this question comes within the Finance portfolio for me to answer.

WESTRAIL, SALE

1303. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the minister agreed to support the allocation of any moneys from the proceeds of the sale of Westrail to upgrade the Perth-Bunbury passenger rail service?
- (2) If so, how much?
- (3) Will this allocation be in addition to the funds the Premier promised to provide from the sale of AlintaGas?
- (4) How much is expected from the sale of Westrail?

Hon M.J. CRIDDLE replied:

- (1)-(4) The Government has made no decisions on the allocation of funds as a result of the sale of Westrail. Obviously, the Government will have to ascertain the amount of money that it will receive. There is some understanding that the Government will repay the freight debt as a priority. However, I do not have an indication of what amount of money the Government will get back from the freight sale.

Hon Ljiljanna Ravlich: What did the cost benefits show? Come on. That is a reasonable question. You must have some idea.

The PRESIDENT: Order! I have Hon Ljiljanna Ravlich down for a second question but she may not get it.

Hon Ljiljanna Ravlich: I will forfeit it.

Hon M.J. CRIDDLE: Members would be aware that the legislation must go through the other House. They would also be aware that the arrangements and safeguards that have been put in place will put some -

Hon Ljiljanna Ravlich: That is just hopeless, minister. You have no idea of the revenue that you expect to generate from this sale.

Hon M.J. CRIDDLE: I have an idea of the revenue it will generate.

Hon Ljiljanna Ravlich: How did you make the decision to privatise it in the first place?

The PRESIDENT: Order! If Hon Ljiljanna Ravlich will just wait, it can be her second question. However, I have some other members before her.

Hon M.J. CRIDDLE: I am sure the member has never been involved in a financial deal of this magnitude.

Hon Ljiljanna Ravlich: I sure as hell would not be doing it the way you have. I would do a cost-benefit analysis to start with so that I would know what I would get back before I made a decision.

Hon M.J. CRIDDLE: It is very enlightening to listen to the member with regard to her financial skills. I would like to know what might be her estimate of the expected revenue as a result of the sale.

Hon John Halden interjected.

The PRESIDENT: Order!

Hon M.J. CRIDDLE: If I can get a word in edgeways between the member who asked the question and Hon Ljiljanna Ravlich, I might be able to finalise the answer.

It is not my intention to give a figure. The Government will go through a process of considering the offers that come forward. As a priority, the Government firstly wants to get the best possible corporate citizen from Western Australia. It has made that position well and truly known. Obviously, that will impact to some extent on the price that is received.

MARKET MILK, PRICE INCREASE

1304. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

- (1) Is the Dairy Industry Authority of Western Australia planning a 2¢ per litre price rise for white milk?
- (2) If so, is it proposed that the additional 2¢ per litre will be passed on in full to the producers of market milk?
- (3) If not, is it proposed that a lesser amount, perhaps 0.8¢ per litre, will be passed on to both market milk and manufacturing milk producers?
- (4) If this is the case, what justification exists for the passing on of a market milk price increase to the non-market sector?
- (5) Has the minister satisfied himself that cross-subsidisation between the two sectors is consistent with the letter and spirit of the Act?
- (6) When was the last increase of the price paid to market milk producers?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(6) The Dairy Industry Authority has announced a price increase to licensed milk processing plants of 2¢ per litre for market milk. The price increase will be passed on to both market milk and manufacturing milk producers at approximately 0.8¢ per litre. The last price increase paid to market milk producers was in July 1997. Payments will be scheduled under the proposed productivity assistance scheme which is consistent with section 22(2)(a) of the Dairy Industry Act. Under this section the authority -

may determine and give effect to policies for ensuring the future production of milk and for effecting economies at dairies.

LOCAL GOVERNMENT, YEAR 2000 BUG

1305. Hon E.R.J. DERMER to the minister representing the Minister for Local Government:

I refer to the report in the March 1999 edition of *Local Government Update* that the national office of local government survey of local government preparedness to deal with the Year 2000 computer problem had received only 46 responses from Western Australia and ask -

- (1) Has the minister examined the outcome of this survey?
- (2) What action has the minister taken to ensure that any Western Australian local government authorities whose survey response indicated inadequate preparation are now making adequate preparations?
- (3) What actions has the minister taken to ensure that the 96 Western Australian local government authorities who failed to respond to this survey are adequately prepared?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The Minister for Local Government has noted the outcome of the Commonwealth Government's survey, which was undertaken in early September 1998.
- (2)-(3) The Department of Local Government conducted its own survey of local governments that are involved in specific activities which could impact directly on the health and safety of people. In particular, local governments operating airports and water and sewerage facilities were targeted to identify their preparedness for the year 2000. The department also raised awareness in the March 1998 edition of *Local Government Update*. In addition, the department has sent all local governments -
 - the Year 2000 business ready publication produced by the Department of Commerce and Trade;
 - the millennium bug action plan produced by the Department of Commerce and Trade; and
 - a departmental circular raising awareness of the millennium bug.

RADOCK PTY LTD, TRAINEESHIPS AND APPRENTICESHIPS

1306. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

I refer to the concerns raised by the Chief Executive Officer of the Western Australian Department of Training, Mr Ian Hill, in a letter dated 10 March 1999 to the Minister for Employment and Training in relation to Radock Pty Ltd and ask -

- (1) Has the minister been contacted by Radock Pty Ltd seeking support in its attempts to gain funding to deliver traineeships and apprenticeships?
- (2) Has the minister taken Mr Hill's advice and assessed the ability of Radock Pty Ltd to provide adequate training and maintain apprentice numbers, given that Radock Pty Ltd does not have the support, approval or involvement of the Master Builders Association of WA?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The memorandum of 10 March 1999 was for noting only. The minister is informed that since then the department has investigated these concerns.

MINISTRY OF JUSTICE, POLICY DIRECTIVES

1307. Hon N.D. GRIFFITHS to the Attorney General:

- (1) What new policy directives have officers of the Ministry of Justice been provided with as a result of the decision in *Titelius v Public Service Appeal Board and Others*?
- (2) When were the policy directives provided?
- (3) If no new policy directives have been provided, why not; and when is it anticipated they will be?

Hon PETER FOSS replied:

- (1)-(3) These questions are obviously matters of which I require notice. They are dealt with in the department. I ask that the question be put on notice.

YARLOOP-COOKERNUP, UNDERGROUND WATER QUALITY

1308. Hon J.A. SCOTT to the minister representing the Minister for Water Resources:

- (1) Has the minister been made aware of complaints received by the Environmental Protection Authority and the Department of Environmental Protection from residents in the Yarloop-Cookernup area about declining underground water quality due to increasing salinity?
- (2) How many people in the Cookernup area are dependent on the local aquifer for their water supply?
- (3) Has the decline in underground water quality been linked to Cable Sands (WA) Pty Limited's extraction of underground water for its Yarloop mine; and if not, what is the cause?
- (4) Has Cable Sands compensated any residents for the decline in underground water quality and were any of these residents compensated on condition they did not disclose this agreement?

The PRESIDENT: Order! I think the fourth part of that question should be directed to the company.

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) No specific detail on the number of users is available as this area is outside a proclaimed groundwater licensing area. Domestic and garden supplies are obtained from the local aquifer, local irrigation system and rainwater. However, the minister understands that Cable Sands has conducted a water survey of 37 landowners.
- (3) No. Possible causes are seasonal rainfall and poor clay soils.
- (4) The minister is not aware of the exact details of compensation made available to residents by Cable Sands. However, he understands that some residents have had bores drilled, been supplied with water tanks or been provided with some irrigation water by Cable Sands. The Water and Rivers Commission has not been party to these agreements.

ALCOHOL, LEGISLATION PROHIBITING SALE FROM SERVICE STATIONS

1309. Hon NORM KELLY to the Minister for Racing and Gaming:

- (1) Does the Government intend to introduce legislation that will prohibit service stations from selling alcohol?
- (2) If so, at what stage is the preparation of the legislation?

Hon MAX EVANS replied:

- (1) The party room has discussed this matter and there is strong support for legislation similar to the Victorian legislation, prohibiting the sale of alcohol from service stations.
- (2) The drafting is nearly finalised.

KIMBERLEY HEALTH SERVICE, ELECTRICITY TARIFF

1310. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Is the minister aware that the Kimberley Health Service is spending up to \$2m a year more to buy power from Western Power than the price it would pay for that power from Ord Hydro?
- (2) Given the health system's desperate budgetary needs, how does the Minister for Energy justify the retention of regulations that require government health service providers to pay, from their cash-strapped budgets, prices that bolster Western Power and deprive regional Western Australians of improved health services?
- (3) Will the Government change the regulations that govern the price charged by Western Power in Kununurra to government service providers and if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The minister is aware that the Kimberley Health Service, like other state government agencies in regional Western Australia, purchases power from Western Power under the N2 tariff. This tariff must reflect the statewide cost of supply in regional systems to Western Power for its purchase, distribution and retail activities in supplying power to those users.
- (2) Western Power is in a loss-making business overall in its 29 regional areas. The Government's regional power policy, announced in June 1998, seeks to reduce those losses through competitive procurement of bulk supply to Western Power, while maintaining the Government's firm commitment to uniform tariffs being available to residential and small business users in those regional areas. The electricity tariff charged to the Kimberley Health Service and other state and federal government agencies is also uniform across Western Power's regional systems.
- (3) Regulations came into effect on 1 January 1999 that provide for government agencies, as well as private consumers, who consume more than 300 000 kilowatt hours per annum, to have the option of purchasing power at a negotiated price from either a private supplier or Western Power. In addition, as the power procurement process is completed on a region by region basis, it is expected that the cost of supply in the respective regions will be reduced. At that time it will be appropriate for the N2 tariff to be revised.

GERALDTON, STUDENTS WITH DISABILITIES

1311. Hon KIM CHANCE to the Leader of the House representing the Minister for Education:

- (1) Is it current policy that students with disabilities living in Geraldton are not permitted to enrol directly in their preferred, suitably resourced school, but are required to be enrolled at the Holland Street School, following which a placement committee makes decisions about which, if any other, school the student may attend?
- (2) If this is correct, is the Geraldton practice consistent with the Education Department's mainstreaming policy, and if so, how is it consistent?
- (3) What direct involvement are the parents of the child permitted in the placement committee's decision?

- (4) Is a parent allowed to veto a decision of the placement committee?
- (5) To whom is the placement committee responsible?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) This is not current policy. Students with intellectual disabilities may, following consultation with the placement committee, enrol in the Holland Street School, the Geraldton Secondary College or one of the local education support units. With agreement from the principal, some students with intellectual disabilities are enrolled in their local school.
 - (2) Not applicable.
 - (3) Parent representatives are invited to attend placement committee meetings and participate actively in the process.
 - (4) No. Sections 20A, 20B, 20C and 20D of the Education Act describe the processes for enrolling students with disabilities. A parent can appeal to the minister if he or she disagrees with the placement review committee decision.
 - (5) The placement committee is responsible to the district director.
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