Legislative Council

Thursday, 18 November 2004

THE PRESIDENT (Hon John Cowdell) took the Chair at 10.00 am, and read prayers.

RESUMPTION OF PRIVATE LAND

Petition

HON DERRICK TOMLINSON (East Metropolitan) [10.02 am]: I present the following petition -

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia respectfully request that support be given to rectifying the discrimination and financial loss that exists where privately owned land has become subject to full or partial resumption or limitation of free and uninterrupted use when the land is required for a public purpose.
>
> Your petitioners therefore respectfully request that the Legislative Council will consider and adopt Legislation that provides a fairer and more equitable means for determining market value on an unaffected basis and compensation.
>
> And your petitions as in duty bound, will ever pray.

The petition bears 742 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See paper No 2928.]

ROCK LOBSTER EXCLUSION ZONE

Petition

HON BARRY HOUSE (South West) [10.03 am]: I present the following petition -

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia respectfully object to the planned exclusion zones around surf breaks, as proposed by the Fisheries Department, as inadequate.
>
> Your petitioners therefore request the Legislative Council to set a professional rock lobster exclusion zone one (1) nautical mile west of Cape Mentelle (Kilcarnup), extending from Cape Naturaliste to Cape Leeuwin.
>
> And your petitioners as in duty bound, will ever pray.

The petition bears 139 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See paper No 2929.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND GENERAL PURPOSES

Twenty-second Report - Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004

On behalf of the chairman of the committee, Hon Adele Farina, Hon Simon O'Brien presented the twenty-second report of the Standing Committee on Uniform Legislation and General Purposes in relation to the Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004 and tabled documents provided by Dr Tim Griffin, the Executive Director of the Geological Survey of Western Australia, as referred to at paragraph 6.3 of the committee's report, and on his motion it was resolved -

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

[See papers Nos 2930 and 2931.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND GENERAL PURPOSES

Twenty-third Report - The Work of the Committee During the Second Session of the Thirty-sixth Parliament - August 13 2002 to November 16 2004

On behalf of the chairman of the committee, Hon Adele Farina, Hon Simon O'Brien presented the twenty-third report of the Standing Committee on Uniform Legislation and General Purposes, in relation to the work of the committee during the second session of the thirty-sixth Parliament, and on his motion it was resolved -

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

[See paper No 2932.]

FURNITURE AND FINE WOOD INDUSTRY, TIMBER SUPPLIES

Statement by Minister for Agriculture, Forestry and Fisheries

HON KIM CHANCE (Agricultural - Minister for Agriculture, Forestry and Fisheries) [10.05 am]: Last Friday Hon Barry House raised a number of issues relating to timber supplies in the fine wood industry. He deduced that there had been a sleight of hand bordering on deception. I wish to provide relevant information to the House that indicates that claim to be incorrect. Tomorrow I intend to respond to Hon Christine Sharp's statements on similar issues, although some of the issues raised in this statement touch on the matters raised by Hon Christine Sharp.

Hon Barry House's statement focused on my use in answer to question without notice 959 of the word "tonnes" as the unit of measurement for timber being made available to the furniture and fine wood industry under the current tender process. He questioned the use of the measurement of tonnes and suggested that it is a straight-out deception because that terminology has not been used for 20-odd years at least. That statement surprised me because the tonne has progressively been the principal unit of measurement used in contracts of sale of native timber sawlogs since 1987.

The measurement of cubic metres is used for sustainable yield calculation and monitoring. However, the tonne has become increasingly used as the means by which forest products are measured and by which customers are charged for those products. That has occurred over the period that the honourable member suggests that the measurement has not been used. Members of the industry who have brought forest products from the State over that period will be able to confirm that fact for the honourable member. The two measures are reconciled quite frequently when necessary by use of conversion factors that are well accepted across the industry. However, for a number of reasons, those conversion factors are not static. The conversion rate varies according to the product; for example, the conversion rate for pine is different from the conversion rate for jarrah because of the varying density of the two products. They are also variable according to a product's origin because jarrah from one area will have a different density from jarrah in another area. It also varies because of dryness of the timber and the number of days that have passed since the timber was first felled. However, there is a general acceptance of an average conversion factor for jarrah, which is around 1.3 tonnes a cubic metre, across all areas. There are very good reasons that forest products have increasingly been measured by weight to the extent that it is now used in all contracts of sale of native forest products.

Weight measurement is far more accurate than individual log volume measurement, and some products can be very difficult to measure in any other way with any degree of accuracy. Those products include she-oak logs and bole residue logs, which are often particularly irregular in shape, and stumps and truckloads of small-diameter products.

Cost: A 40-tonne load of jarrah sawlogs would cost about $200 to measure by individual log measurement at $5 a cubic metre, whereas it typically costs about $10 to weigh a truck or $20 in total for both gross and tare measurements. These costs are borne by the customer.

Safety: Measuring logs individually at bush landings is difficult and hazardous as mid-diameter under-bark measurements require logs to be propped up at one end and involve timber workers with a diameter tape to be in dangerous proximity to logs that are prone to roll. These considerations led the Department of Conservation and Land Management in about 1987 to encourage quantity determination by use of certified weighbridges rather than individual log measurement. From that time, weight measurement steadily increased in usage and today is entirely accepted by the native forest industry, and the lack of conveniently located certified weighbridges between harvesting operations and some customers depots is the only remaining challenge. Despite this acceptance within the industry, and the fact that his question related to the sale of sawlogs, the honourable member then suggested that I used tonnes in the answer in an attempt to hide the actual volume of sawn timber available, and he made a significant point about the impact of recovery rates on the difference. Recovery rates are a different matter again. In fact, recovery rates is an issue related to the conversion of round and variable quality logs into sound sawn timber. It exists whether the logs are sold by the cubic metre or by the tonne. If we were to charge only for the quantity of sawn timber they were able to recover, as it appears the honourable member suggests, we would remove the most effective incentive for sawmillers to increase recovery rates from logs in the round.

The facts also contradict the honourable member's assertions on the availability of timber to the furniture industry. The volume of jarrah available for harvesting in first and second-grade logs has decreased from 490 000 cubic metres to 131 000 cubic metres. I refer to the current and previous forest management plans. Despite that, the Government's policies to support the value-adding sector has ensured the supply of timber for the furniture industry has been maintained, and its security over that resource has been ensured.

Focusing on feature-grade timber, for which a tender process is currently under way, a similar feature emerges. I provided relevant information to the House in my response to Hon Chrissy Sharp's question without notice 141 on 30 March 2004. The availability of jarrah and she-oak high-grade feature sawlogs will be reduced by approximately 60 and 65 per cent respectively from the levels purchased by industry in recent years, which are significantly lower reductions than the overall reduction in harvesting. However, the total supply of jarrah, she-oak, blackbutt and marri high-grade and low-grade feature sawlogs under the tender and auction processes will be almost 50 per cent greater than the supply levels of recent years. These facts show that there is no basis for the claim by the honourable member that the furniture industry is in some way "being dudded", as he put it, or that the Government has been deceptive in this

matter. Contrary to those assertions, the terminology I used in my response to his earlier question is in common use in the industry.

This Government has overseen a major restructure of the timber industry in Western Australia with, I am happy to say, the broad support of the community. The Government has worked very closely with the furniture industry and, happily, with the broad, committed and continuing support of the furniture industry. This is not only to ensure its continued viability but also to provide a level of resource security it previously did not enjoy.

Debate adjourned, on motion by Hon Bruce Donaldson.

SITTINGS OF THE HOUSE

Extension - Motion

HON KIM CHANCE (Agricultural - Leader of the House) [10.13 am]: To precede moving this motion without notice, I indicate that the motion deals with a sessional order arrangement to allow us to sit next week. It is a large and complicated motion and many members have not had an opportunity yet to see it. By arrangement with the Leader of the Opposition and the Opposition Whip, it is my understanding that the Opposition Whip will move to adjourn consideration of the motion to a later stage of this day's sitting. The motion could be dealt with tomorrow if seen fit. This process, even though I will move the motion, provides some notice to members who want to go through its detail.

Hon Derrick Tomlinson: Will you debate it so we can get into your convoluted intentions?

Hon KIM CHANCE: Yes.

Hon Norman Moore: It will be made clear that the Opposition was not involved in determining what is in this motion.

Hon KIM CHANCE: Indeed. I am happy to confirm the Leader of the Opposition's comment. That is another reason for providing the opportunity for members to go through the matter in their own time. I move without notice -

1. Interpretation

(1) In this order -

"Sessional orders" is the sessional orders adopted on December 12 2003;

"sitting day" is any or all of the following -

Tuesday, November 23 2004
Wednesday, November 24 2004
Thursday, November 25 2004
Friday, November 26 2004

(2) Sessional orders apply to each sitting day in the form in which they are modified by this order.

2. Routine of business

(1) Sessional order 5, excluding subclause (5), applies on each sitting day.

(2) Sessional order 10 applies to Tuesday, November 23.

3. Adjournment on Friday

(1) Sessional order 10(1) is suspended in its application to Friday, November 26.

(2) At 4.00 pm on Friday, November 26, business under consideration is to be interrupted and any debate is adjourned and any question required to be resolved is to be put and determined forthwith.

(3) When matters have been concluded as required under subclause (2), members' statement are to be taken and the House stands adjourned when no member seeks the call.

(4) The President may allow a member to exceed the time permitted under Sessional order 10(2).

Given the foresaid, it is better to proceed now to the adjournment and any matters of detail are best discussed in that context.

Debate adjourned until a later stage of the sitting, on motion by Hon Bruce Donaldson.

AMENDMENTS TO THE CITY OF BELMONT (STANDING ORDERS) LOCAL LAW 1998 - DISALLOWANCE

Discharge of Order

HON RAY HALLIGAN (North Metropolitan) [10.17 am]: I move without notice -

That order of the day No 439, clause 3.5, Public Question Time under the amendments to the City of Belmont (Standing Orders) Local Law 1998 - Disallowance, be discharged from the notice paper.

I advise that the concerns of the Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

SHIRE OF CAPEL - LOCAL LAW RELATING TO THE KEEPING AND WELFARE OF CATS - DISALLOWANCE

Discharge of Order

HON RAY HALLIGAN (North Metropolitan) [10.17 am]: I move without notice -

That order of the day No 440, Shire of Capel - Local Law Relating to the Keeping and Welfare of Cats - Disallowance, be discharged from the notice paper.

This motion has been moved for the same reason as the previous motion as the concerns of the Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

GERALDTON GREENOUGH REGIONAL COUNCIL - LOCAL LAW RELATING TO STANDING ORDERS - DISALLOWANCE

Discharge of Order

HON RAY HALLIGAN (North Metropolitan) [10.17 am]: I move without notice -

That order the day No 441, Geraldton Greenough Regional Council - Local Law Relating to Standing Orders - Disallowance, be discharged from the notice paper.

The concerns of Joint Standing Committee on Delegated Legislation have been satisfied.

Question put and passed.

BILLS

Report

1. Criminal Procedure Bill 2004.

2. Mines Safety and Inspection Amendment Bill 2004.

Reports of committees adopted.

CRIMINAL PROCEDURE AND APPEALS (CONSEQUENTIAL PROVISIONS) BILL 2004

Committee

Resumed from 16 November. The Chairman of Committees (Hon George Cash) in the Chair; Hon Nick Griffiths (Minister for Housing and Works) in charge of the Bill.

Progress was reported after clause 1 had been agreed to.

Clauses 2 to 29 put and passed.

Clause 30: Section 16A inserted -

Hon PETER FOSS: I raised some questions during the debate on the short title of the Bill and I have now received an answer from the minister, but I would like the minister to explain to members some of the matters contained in that answer, because it is not necessarily quite clear that that is the case.

Hon NICK GRIFFITHS: I thank the honourable member for raising this and other issues. I have provided the honourable member with the advice that has been provided to me, and I have also provided a copy to Hon Giz Watson for her consideration. However, I state, for the record, that this clause provides for the functions of the Director of Public Prosecutions to include conducting prosecutions for offences in the laws of another jurisdiction, if the Director of Public Prosecutions, with the consent of the Attorney General, holds it proper to do so. It is intended to deal with the prosecution of commonwealth matters. It is not a consequential amendment, but it is very much connected to prosecutions generally. It is not considered to be a controversial provision, as it first requires the consent of the Attorney General, and an appointment to be made. It is considered to be a useful provision that will facilitate the prosecution of commonwealth offences by the State. Although it is not covered by the short title of the Bill, as such, I suggest it would be covered by the long title, which refers to the Bill amending various Acts in relation to procedural and other matters.

Hon PETER FOSS: I accept that the words at the end of the long title - "and to amend various Acts in relation to procedural and other matters" - give a slightly broader context than would otherwise be the case, but I do not think that

a long title, with the words "and other matters" can justify putting almost anything into the Bill. There must be some sort of connection with the main nature of the Bill, otherwise the rule that does not allow attached matters to be dealt with would be ruled out. Perhaps I should have raised this issue on the previous clause, but the short title is perhaps a little misleading, in that it should have read the Criminal Procedure and Appeals (Consequential and Other Provisions) Bill 2004. It is a bit misleading to indicate to people that there is nothing in the Bill other than consequences, because they might then not examine it as closely as they otherwise might, because they did not happen to read the long title right down to the second last and last line, where "other matters" is found.

Hon Nick Griffiths: It reads "procedural and other matters". What is being put forward in clause 30 is procedural.

Hon PETER FOSS: I agree; all I am saying is that I think the short title - I am not talking about the long title now - does not quite match the long title, because the long title states that the Bill is a bit more than consequential.

Hon Nick Griffiths: If I may not be too unruly when I interject, are you suggesting that the difficulty could be fixed up if we were, in due course, to recommit the Bill for the purpose of adjusting the short title?

Hon PETER FOSS: I think so, because especially now that we are at the end of the session and Bills are pounding through, we tend to look at these things and wonder if they are in fact consequential, and then find it in the long title. I would be quite happy with the solution suggested by the minister.

I just mention to the minister that, in all the matters the Legislative Council is considering, I am quite happy, even if the Bills are amended, for the Government to adopt the report and move for the third reading on the same day. Ministers should not feel constrained from seeking leave to do so. I, for one, would consent to the Bills going straight through. In the cases of the two Bills the House considered before going into the Committee of the Whole, I would have been quite happy for them to proceed forthwith to the third readings. That applies to all these matters.

Hon Nick Griffiths: Thank you for that.

Clause put and passed.

Clauses 31 to 37 put and passed.

Clause 38: Section 106RA inserted -

Hon PETER FOSS: This is not a consequential matter. It would be helpful if the minister could indicate exactly what it is.

Hon NICK GRIFFITHS: I regret that I did not have this on the list for the written responses I have provided. It is a consequential provision. It takes up existing provisions under the Evidence Act about the prerecording of the evidence of a special witness, and picks up the provisions of the Justices Act that dealt with the taking of pre-trial depositions. The meaty areas are in proposed subsection (4). Proposed paragraph (a) specifically relates to the Evidence Act, and proposed paragraph (b) relates to the Justices Act.

Hon PETER FOSS: My understanding is that because we are now finally getting rid of the Justices Act, some leftover bits of the Justices Act have not been shifted yet. They are now being shifted by this legislation into the Evidence Act.

Hon Nick Griffiths: Yes.

Clause put and passed.

Clauses 39 and 40 put and passed.

Clause 41: Small amendments -

Hon NICK GRIFFITHS: I move -

Page 23, in the Table - To insert after the row relating to "s.8(2)" -

s.25A(2)	Delete "section 635 of *The Criminal Code*" and insert instead - " section 88 of the *Criminal Procedure Act 2004* ".

This is needed to correct an oversight. Section 25A of the Evidence Act will be inserted by the Courts Legislation Amendment and Repeal Bill 2003, which I believe we passed relatively recently.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 42 to 48 put and passed.

Clause 49: Section 41 replaced -

Hon PETER FOSS: I am happy with the explanation of this amendment with which I have been provided. The explanation is that the clause simply shifts what is presently section 640 of the Criminal Code into the Juries Act, with modernisation of the language. As the procedural provisions are being deleted from the code, those that do not fit in the

Criminal Procedure Bill need to be placed elsewhere. As this clause deals with juries, the logical place for it is in the Juries Act. I support that. I believe it is a good idea. We had a jumble of things in various Acts, and they are now being shifted into their own Acts. I am not sure what parts reflect the modernisation of language. I am always a bit worried about modernisation of language in the Criminal Code, because the non-namesake of the minister did a very good job, and every time we have modernised his language, we appear to have made a complete hash of it. However, I cannot see anything that is evidently wrong in this provision. I certainly support it. I believe it shows the merit of this legislation.

Hon NICK GRIFFITHS: I should, for the record and without engaging in argument, point out why there needs to be some modernisation of the language. Section 640 of the Criminal Code reads -

> While the jury are kept together, and until they have given their verdict, they are to be kept, during any adjournment of the court, and while they are considering their verdict, in some private place under the charge of an officer of the court, and are to be provided with necessary fire and lights and with such reasonable refreshment, if any, as the court may allow.

I certainly would like juries to be enlightened and to have appropriate warmth in the circumstances, and they should have reasonable refreshment. It is lovely language.

Hon PETER FOSS: It is. This section was put in the code in the days when there had to be a unanimous verdict. When some judges could not get a unanimous verdict from the jury, they would lock up the jury without any food in the hope that the jury would quickly reach some sort of verdict.

Hon Simon O'Brien: The white smoke would show pretty quickly.

Hon PETER FOSS: This was to ensure that judges did not do that. I hope the proposed section will not now allow judges, in order to obtain a speedy verdict, to turn off the power and leave the jury in the dark and the cold. Although I understand that the words "fire and lights" might seem a bit strange, it seems appropriate that the jury room is kept at the appropriate temperature and that jury members are able to see where they are. Some of the older jury rooms are in fact without windows. It is only in the modern ones that the jury members have the ability to look outside. Of course, when darkness comes, if they do not have light, they will be in the dark. If we are to have this provision in the legislation at all, I do not know why we would leave out reference to some of the obvious tricks that judges engaged in to try to get people to reach a verdict.

Clause put and passed.

Clauses 50 to 57 put and passed.

Clause 58: Section 79 replaced -

Hon PETER FOSS: Again, I asked a question about whether this proposed section contained any new matter. I have received an answer that it all deals with reoffending. I take it there is nothing new in this, except for some small provisions about the giving of documents. Will the minister confirm that nothing new is in the proposed section, except matters of a minor procedural nature?

Hon NICK GRIFFITHS: That is the case.

Clause put and passed.

Clause 59: Section 84E replaced -

Hon PETER FOSS: Again, I understand that there is a small procedural change in this proposed section. It is really just a re-enactment. I understand that the only new provision is in clause 60, so perhaps if we moved straight to clause 60, it would be helpful.

Hon Nick Griffiths: That is so.

Clause put and passed.

Clause 60: Section 114A inserted -

Hon PETER FOSS: I wonder whether the minister would give an explanation of this clause, because it would be useful for the committee.

Hon NICK GRIFFITHS: This is a substantive change. The clause inserts a new section, which allows a victim to appeal against a refusal of a superior court to make a reparation order. It is very much a pro-victim measure. Presently, an appeal against such a refusal can be made only by the prosecution. A refusal by a summary court to make such an order can already be appealed by a person who is aggrieved. This is another one of those matters that may need to be adjusted when we deal with the short title and recommittal, if the committee decides to go down that path.

Hon PETER FOSS: I definitely support this amendment, which I believe is an excellent one. One of the problems that I have found most frequently with complaints by victims is that the prosecution did not tell them that the matter was coming on, so they were not even aware of what had happened. Secondly, the prosecution does not even make an

application for a reparation order. Of course, nowadays, if a person makes an application for a reparation order, that person is in fact entitled to it. The law has changed, in that previously a person could get a reparation order only if the accused had the capacity to pay. Now, three types of reparation order can be made. A reparation order can be made when the accused has the ability to pay, or the court believes he has; a reparation order can be made when the court does not have such an opinion; and a reparation order can be made when the court believes that the accused still has ill-gotten gains and has refused to make good. I do not think that clause 60, as it currently stands, will help when a victim does not know when a case was heard and no application was made. Although I am very supportive of this provision, I wonder whether it goes far enough. Where does the legislation give the victim the right to apply for a reparation order well after the event, when he eventually finds out about it? I mentioned to the minister the example of a bus driver who cannot find out when a case was heard, in what court, on what date, the name of the defendant or the charge on which the defendant was convicted. That makes it pretty difficult for the victim to ever apply for reparation. There may be a provision in the Sentencing Act that allows him to make an application at a later time. Generally speaking, victims are not represented in court. The Crown is represented in court but not the victim. If the victim does not find out about the hearing and does not know much about it, he might not be able to make an application. I do not know whether victims should have to appeal. I do not know whether there is time for late applications to be made and how long afterwards they can be made. There needs to be a process. If that bit were filled in, I would be happy with this clause.

Hon NICK GRIFFITHS: I cannot give an absolute answer to that point. Section 111 in part 16 of the Sentencing Act, which deals with reparation orders, states -

(1) A reparation order may be made by a court on its own initiative or on the application of a victim or a prosecutor.

(2) An application for a reparation order must be made in accordance with the regulations.

(3) An application for a reparation order must be made during the sentencing proceedings or within the time after that prescribed by the regulations.

The law permits a later time, provided that regulations have been made. I do not know whether such regulations exist, but that is a matter that I will draw to the attention of the Attorney General.

Hon PETER FOSS: There is still the problem of a victim not knowing when a case was heard. The example I gave was of a victim who, six months afterwards, still does not know anything about the proceedings. When the minister brings this matter to the attention of the Attorney General, he might also mention this problem and that the regulations might have to refer to a time that relates to the victim becoming aware of the proceedings and the sentence that has been imposed.

Hon NICK GRIFFITHS: I am advised that the administrative procedures of the Director of Public Prosecutions require such notification to be given. I am also advised that the internal protocols of the police require that. Of course, that does not make the point because it is not a matter of right; it is a matter of administrative practice, which may be honoured in the breach to some extent. I do not know. These are important matters. I do not know what the regulatory framework is. If one has not been put in place since the Sentencing Act was passed, which occurred a long time ago in our parliamentary careers, it is a matter that should be taken up. It will be brought to the attention of the Attorney General.

Hon PETER FOSS: I agree entirely with what the minister has said. However, when the minister brings the matter to the attention of the Attorney General, I ask that he particularly draw attention to the fact that the system sometimes does not work. That is not an entirely infrequent occurrence. When it does not work, it can result in considerable injustice to the victim. The example I gave was of a victim who to this day does not know the name of the person who was convicted of assaulting him as a public officer. Only through my endeavours has he found out that the case was heard in the Court of Petty Sessions. He has not been able to get any proof of the conviction because he does not know the name of the person who was charged or the date of the hearing, and he cannot get anybody to reply to him. If time is running and then runs out completely for a victim to make an application, where does he go? If the minister also mentioned that issue to the Attorney General, it would be very good.

Hon Nick Griffiths: I will do so.

Clause put and passed.

Clause 61: Section 129 replaced -

Hon PETER FOSS: Mr Chairman, I do not know whether the simplest method would be for the minister to briefly explain what a clause does when you call on that clause. Alternatively, I must stand and ask the minister to do that or read the clauses myself. It would probably be better for that to come from the minister than from me.

The CHAIRMAN: I have only two more clauses to call on for debate; that is, clauses 68 and 71.

Hon PETER FOSS: I have also mentioned a lot of little issues with the schedule. I ask the minister for an explanation of this clause and subsequent clauses.

Hon NICK GRIFFITHS: This clause repeals section 129 and relaces it with a new section 129. The changes are not major. They streamline the current provision. The changes include the reference to "complaint" being changed to a reference to "written notice". If the offender were subject to a conditional release order, the list of people who would be able to sign such a notice alleging reoffending would be limited to police officers and authorised officers, who are referred to in the Criminal Procedure Bill. The notice may be signed in the presence of a justice of the peace or a prescribed court officer, but a JP will no longer be able to issue a warrant under this section; only a magistrate will be able to.

Hon Peter Foss: That is a substantial change.

Hon NICK GRIFFITHS: It is a change. I suppose one could argue that it is a substantive change. I do not consider it to be a substantive change.

Hon Peter Foss: I think it's a good one.

Hon NICK GRIFFITHS: It is a positive change. If an offender is arrested under a warrant issued under the new provision, the offender must be given a copy of the notice as soon as practicable after being arrested. I think that is a worthwhile measure.

Clause put and passed.

Clauses 62 to 67 put and passed.

Clause 68: Section 154 amended -

Hon NICK GRIFFITHS: Hon Peter Foss raised a query about this clause during the second reading debate. I think I answered that query in my second reading response. However, I am happy to go over it.

Hon Peter Foss: Sort of. I am not even sure why we need it.

Hon NICK GRIFFITHS: I note that view. If the member wants further explanation, I am happy to listen to him.

Hon PETER FOSS: I always thought that as section 154 was in the Supreme Court Act it did not need section 155, and with section 155 it hardly needed section 155A. Obviously people like me who wear only braces do not appreciate the draft coming from the parliamentary draftsmen's office, where they like to wear a belt and braces. This seems to me to be such a provision.

Clause put and passed.

Clauses 69 and 70 put and passed.

Clause 71: Section 178 inserted -

Hon NICK GRIFFITHS: Again, an issue was raised by Hon Peter Foss during the second reading debate and I endeavoured to answer the query at that time. If he wishes further comment, I invite him to invite me to provide that further comment.

Hon PETER FOSS: It is useful to explain in this place what the clause does. I know from practice what it is like to read the debate in the committee stages and to find absolutely nothing. Of course, usually it is because I foolishly used to look at the debates in the Assembly, thinking that I would find something in the committee stage debates. Only recently have I realised that if I want to find anything, obviously I need to start in the Legislative Council. There seems to be a considerable amount of abbreviation of what used to be in three sections in the Justices Act. Obviously they must go somewhere. Interestingly enough, I suppose they must go in the Supreme Court Act. The main amount of abbreviation has come about through the use of proposed subsections and paragraphs. There does not seem to be a major change in the clause. It must have been hard to find where to put this provision. I am not sure that it really should go in the Supreme Court Act, but it should not really go in the civil procedure Act either. I am not certain where it should be put, but we will probably need a prerogative writs Act at some stage in which to put all the stuff to do with them. That might not be long coming, because I did a reference on prerogative writs for the Law Reform Commission and that will come up at some stage, if it has not already done so. The provision might move again if that happens, but I certainly support that it go somewhere.

Hon NICK GRIFFITHS: I suppose it is a judgment call about where the home should be. The current judgment call is that it should be in the Supreme Court Act. However, I note that there may be a better home in due course.

Clause put and passed.

Clauses 72 to 86 put and passed.

Schedule 1: Amendments to various Acts -

Hon PETER FOSS: I am curious about a large number of items that deal with limitation periods. The explanatory memorandum is not all that interesting. It just states, "Sets out the amendments to various Acts as provided by section 83." The explanatory memorandum is wrong; it is actually clause 78. It must have changed because the explanatory memorandum refers to "section 83". Obviously we have lost a few clauses along the way; it is actually clause 78 that

provides that each Act is amended as set out in that schedule. All that is in the explanatory memorandum is a shorter list telling us that there are many Acts to be amended. I was curious to see what appeared to be fairly substantive changes. For instance, I note that in item 2, which refers to the Agricultural Products Act, the phrase ", and where products are sold in contravention of this Act the purchaser himself may proceed against the seller for an offence under this Act" will be deleted. Why will that right be taken away, in view of the fact that the right to bring private prosecutions, when the Act allows it, has been preserved in the Criminal Procedure Bill? I presume that that prosecution right was put in there for a good reason. What is the policy reason for deleting that right, apart from that it is anachronistic? Presumably, it was originally put in to give people who had been sold dud agricultural products the ability to chase up the matter on the basis that nobody else but farmers would be terribly interested in chasing up the issue of dud agricultural products. Although we might want to get rid of the right for individual prosecutions in the case of a general proposition, it seems that it is a fairly substantial change to get rid of this specific private right in this Act. I also think it should have been highlighted a bit more. I do not think it is appropriate for the explanatory memorandum to just state that the schedule sets out the amendments to various Acts as provided by clause 78 and list the Agricultural Products Act. That is quite a substantial change. Can we have an explanation of that?

Hon NICK GRIFFITHS: On the specific point, the policy is to abolish private prosecutions unless there is a good reason not to. The relevant agency was consulted and the view was that there was no good reason not to.

Hon PETER FOSS: What will item 7 do?

Hon Nick Griffiths: I will wait for a copy of the Act to be given to me.

The CHAIRMAN: Is there any other item that Hon Peter Foss wants to refer to while we wait for the minister to be provided with that Act?

Hon PETER FOSS: Does item 12 bring in a new averment, or does it merely reword an old averment?

Hon NICK GRIFFITHS: No, it is the rewording of an old averment.

Hon PETER FOSS: Similarly, does item 14 abolish an appeal or does it reword the abolition of an appeal?

Hon NICK GRIFFITHS: I will need to check by reference to the Act.

Hon PETER FOSS: Item 34 relates to the Transfer of Land Act. Is that merely the rewording of a no limitation period, or is it a new no limitation period?

The CHAIRMAN: Does the minister want to deal with item 34 or will he deal with item 7?

Hon NICK GRIFFITHS: I will deal with item 7 in a moment. The point I make on item 7 is the same as that for item 2. It is a deletion of private prosecutions, and there was no good reason to keep it there.

Hon PETER FOSS: I will comment on that. I think that explanatory memorandums are very good indeed, but I would like them to be a little more informative. I can pick up that in item 2 private prosecutions under a particular Act will be abolished, but it is pretty hard to pick up in item 7 that private prosecutions under another Act will be abolished. I think that is a significant thing to do because it goes further than amending the principal Act. It actually abolishes a private prosecution in a circumstance that was preserved by the principal Act. It is a further step in spreading that policy. If we are going to do that it would be very helpful if it were drawn to the attention of members, especially when the short title refers to consequential provisions. We will be going further and changing things, and that needs to be highlighted. Most of these amendments are tiny; they merely adjust the wording to meet the requirements of the new Act.

Hon NICK GRIFFITHS: I will deal with point 14. Currently, the procedure under section 83D of the Industrial Relations Act 1979 refers to the Justices Act, but section 83D(2) specifically excludes the appellate provisions of the Justices Act. This is continuing the same procedure but wording it under the appropriate piece of legislation by stating that the appellate provisions do not apply, as they do not apply right now.

The CHAIRMAN: Item 34 was next.

Hon PETER FOSS: We still have items 12 and 34 to come.

Hon NICK GRIFFITHS: I think I have dealt with item 12. The question was whether it was a new averment or an averment that had been reworded. It is an averment that has been reworded and there has been no change as a matter of law. Again, item 34 deals with the fact that we are getting rid of the Justices Act. Item 34 makes reference to there being no time limit, and subsection (b) repeals section 51 of the Justices Act and does not apply to any offence under subsection (1) in respect of the registration of any dealing in crown land. That section of the Justices Act deals with time limits. Again, it is a matter of bringing the provision up-to-date for each particular Act.

Schedule put and passed.

Schedule 2: Amendments to change terminology -

Hon PETER FOSS: Schedule 2 is enacted by clause 80, which is part of part 17; and, of course, part headings are part of the enacted Act, as opposed to clause headings. Part headings are actually part of the Act. Under clause 80, which is part of part 17, which is entitled "Amendments to change terminology", the Bill states -

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

Schedule 2 is headed "Amendments to change terminology". I have raised a number of clauses to do with this schedule and I would be interested to know what has changed in each of those. I have a note that seems to indicate that the changes are not being made in terms of time, but that each is made for the purpose of taking out the word "complaint" and substituting new terminology about prosecution. If that is the case, I am happy, but the motivating cause was to change the word. Sometimes it was not easy just to change the word; the sentence had to be rephrased. That being the case, I am happy with each of the items I have mentioned in schedule 2. I ask the minister to confirm on the record that none of these items reflects a change in the limitation period; they are merely a change in terminology as described by the schedule.

Hon NICK GRIFFITHS: I confirm that these are changes in terminology, as the honourable member has said, and not changes to the limitation periods. I move -

Page 98, in clause 78 relating to the *Magistrates Court Act 2003* - To insert after the row relating to "s. 17(1)" -

s. 33(5)	Delete "complaint" in the first place it occurs and insert instead — " charge ".
s. 33(5)(a)	In subparagraph (i), delete "complaint" and insert instead — " prosecution notice containing the charge ". In subparagraph (ii), delete "defendant's" and insert instead — " accused's ".

Amendment put and passed.

Schedule, as amended, put and passed.

Title -

Hon PETER FOSS: The only question has been about the short title. We will have to report and come back to it later.

Title put and passed.

Bill reported, with amendments.

Recommittal

On motion by Hon Nick Griffiths (Minister for Housing and Works), resolved -

That the Bill be recommitted for the further consideration of clause 1.

Committee

The Chairman of Committees (Hon George Cash) in the Chair; Hon Nick Griffiths (Minister for Housing and Works) in charge of the Bill.

Clause 1: Short title -

Hon NICK GRIFFITHS: I refer the committee to earlier discussions. I move -

Page 2, line 4 - After the word "*Consequential*" insert the words "*and Other*"

As such, clause 1 will read -

This Act may be cited as the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004*.

I think that deals with the issues.

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with a further amendment.

Leave granted to proceed forthwith through remaining stages.

Report

Report of committee adopted.

Third Reading

Bill read a third time, on motion by Hon Nick Griffiths (Minister for Housing and Works), and returned to the Assembly with amendments.

CRIMINAL CODE AMENDMENT (RACIAL VILIFICATION) BILL 2004

Second Reading

Resumed from 17 November.

HON FRANK HOUGH (Agricultural) [11.12 am]: I do not support this Bill. I strongly oppose it. There are laws within our system that cover what this Bill is about. This is like Jess's law - it could be retitled as the Pandora's box Bill. If we go down this track, we will regret it. I am reasonably able and qualified to speak on this Bill because I do not believe there is any other member of this Chamber who has been charged with racial vilification. I was charged last year along with Hanson and Oldfield. I also believe that Ross Lightfoot was charged. The charge laid against me was totally and utterly absurd. It was a misinterpretation by someone very unqualified. I had to go through the process and that person had the gall to ask me for an apology! The very rude short answer was not an apology. The harassment continued and I continued to give short, sharp, abusive-type answers. It was something that was totally concocted to waste my time and the time of the board.

I will quote something to the House -

> Laws on racial vilification is the glove on the hand of multiculturalism that is being rammed down the collective throats of average Australians. Will it now be used to put us away if we dare to speak our minds on issues that affect us daily?

That is well written. The author is Frank Hough!

The PRESIDENT: It is always good to quote distinguished sources in the Chamber!

Hon FRANK HOUGH: I was reading some of my old rhetoric -

Several members interjected.

The PRESIDENT: Order, members! It may be a reflection on the member if he does not quote Hon John Fischer and Hon Paddy Embry as well!

Hon FRANK HOUGH: The author also stated -

> And we all know that once the racist tag is applied, it's very difficult to shake. For the rest of our lives we will either have to defend our views or be apologists.

The racist tag was applied to the old One Nation party by the Prime Minister, and possibly the Premier. Over the past few years I have become an apologist. It is rather amusing when looking at my family and background. I do not know why I apologise; I should say nothing. A person apologises to appease people. When a person is labelled with a tag, it is very difficult to shake off. I continue -

> There's this inordinate fear that we'll be tagged as 'politically incorrect', 'old fashioned', or even 'racist' for not generating an aura of constant loving-kindness to all.

Some time ago I stated -

> It's commonly accepted that in a dictatorial or fascist regime, people are too intimidated to say what's on their minds. What most Australians don't realise is that, *right here and now*, many Australians are too scared to disagree with the socially imposed norms or to air their views.

We have survived for 250 years in this country without any great problems. In the early days many people migrated here from Holland and the United Kingdom - from all parts of the world. Those people made this country what it is, which is a fabulous country. It is the best place in the world and the most racially tolerant. All of a sudden, 250 years later, the only factor I can see that has caused change is that, in latter years, people from Muslim countries have come here and they do not understand our throwaway tags and comments. They are offended by some of the things we say. I also stated that, to my mind, a certain publication by the federal Government -

> . . . revealed that racial discrimination was mostly a problem of perception. There appeared to be a tendency for Muslims to put down otherwise minor misunderstandings or general rudeness to racial vilification.

When I was growing up people used to say different things to different people. It is how people say things. This Bill will allow people to frustrate other people by taking them to court. This will be a lawyers' paradise. The Criminal Code adequately covers racial vilification. Over one year ago I stated that people who damage property and spray graffiti on shops and places of worship should be charged as terrorists under the Criminal Code rather than be charged as racists. Now that legislation has been passed, that area is covered. We are trying to change the whole fabric of the Australian way of life. The Aussie is under threat. Mr McGinty said that it was okay to refer to Poms and dings. When someone introduces his next door neighbour and refers to him as "this Pommy bastard", he does not say it in a derogatory manner; he says it with a smile on his face. That is the way we have been brought up. I can remember when I played and coached football. Slurs against Italians and Aboriginals were made in the heat of the moment. If we looked up and saw an Aboriginal or a blackfella, probably the bad part of the tag we used was when we qualified

whether he had a father, but it was not meant in a derogatory manner. We are now bringing in legislation under which people cannot say what they want to say. Will it now be an offence to call Indians curry munchers? My at-one-time future son-in-law was called a curry muncher. There was nothing derogatory or racist about it. He used to laugh about it. I will not tell members what he used to call me. We refer to Jock the Scot. Do we drop references to Kiwis and sheep jokes? There is nothing more terrifying than being a sheep caught in a fence in a farm in New Zealand! Do we not say that?

I went to a Cher concert at a casino in Las Vegas. The fellow who was on before Cher was, in the eyes of the Americans, a comedian, but he was pathetic; he was so weak that he was insipid. I was with a bloke called Bruce Drummond, who is a fairly well-known Western Australian car dealer. The comedian told Polish or Polack jokes all night, which are funny and accepted in America. The Americans make jokes about the Irish, as I guess a lot of countries do. I am concerned that people will take offence. If there is a tool, it could be used. We have got by for 250 years, and now we are giving people this tool.

My blackboy tree died because it had maggoty things in it. I telephoned a Curtin Radio program. I cannot remember the name of the person I spoke to, but I said to him that my blackboy had died. He said that I meant my grass tree. I said, "No, I've got a blackboy." He said that it was a grass tree. I said, "Look here, pal, I have a blackboy. It has been a blackboy ever since I planted it. They have been referred to as blackboys in this country for 250 years." He said that the proper name for it was a grass tree. I suggested that he go to the country and ask people to find a grass tree. I said that they could stand among 300 blackboys and not be able to identify a grass tree. The lady who was on the program agreed with me. She applauded me and said that it was very difficult. I believe that people are trying to change the name of Blackboy Drive in Thornlie because they say it is offensive.

Hon Paddy Embry: There are two quite different types. One in common language is referred to as the blackboy and the other is referred to as the grass tree. In fact, there are both. They are not botanical names, and they are closely related to each other, but they are quite different.

Hon FRANK HOUGH: I thank Hon Paddy Embry. I had a blackboy, and it died.

On one occasion when I was in America, Bruce Drummond and I went to the bay area of where we were staying, following which we went back to our hotel late at night. We did what we should not have done, and took a short cut through a park that was renowned for muggers. All of a sudden three Negroes appeared. I think they all played for the national side, because all of them would have been about seven feet tall. One had a radio on his shoulder. As they walked along they said, "Hey, little whitefellas." They were intimidating, but I certainly did not race into the police station the next morning and file racism charges against them. It is how they perceived me and how I perceived them.

One of the things I find concerning is that Mr McGinty accepts the reference to Poms. There is nothing demeaning about referring to Poms or Kiwis. The hardest reference to get over is that of curry munchers, but the expression has been around for ages, and I do not think it is a derogatory term. The one we are having difficulty coming to grips with is the reference to towel heads. I guess that the expression "towel heads" refers to people who wear the hijab or ghutra. The federal Government conducted a survey. It put out a 200-page glossy brochure. The Muslim people who were surveyed said that we look at them in a funny way. Of course we do, because they are different. Someone with wearing a hijab looks different from someone with black footy shorts and thongs. Muslims obviously look at me differently when I am at Ledge Point wearing a pair of thongs and a torn singlet. I look a little bit different.

Hon Paddy Embry: It would be a bit frightening!

Hon FRANK HOUGH: It is not, but when you look at someone in a hijab it is a bit frightening. When we visit the airport, there they are. They are different, and of course we look at them, but it is not in a demeaning manner. I must say that I wonder why they wear them, because I am a curious person. I ask myself why they wear all that gear when it is damned hot. The airport has airconditioning but they must be uncomfortable when they leave the airport. They must also find it very hard looking through a little peephole. However, if that is what they want to wear, that is what they wear.

Children say different things. If a person is black, we cannot say to children that they should not refer to that colour. What do we say to our grandsons? Do we say that the man is not black, but silver with a dash of this and that? Do we get the formula from the paint store that makes black? Do we say that he is A plus 2 plus partial 3 minus 6? He is black, white or whatever. I have been overseas many times. When my wife and I were in Japan my wife was called a barbarian. She is a pretty blonde who would not hurt a fly, but in Japan she was called a barbarian. The minister has seen my wife. Does she look like Attila the Hun? No, she does not. In fact, she looks more like Marilyn Monroe. The Japanese perceived her as a barbarian, but I did not get on to the authorities in Japan and say that my wife had been racially vilified. I looked at the person who said it and simply thought it was his opinion.

I find it a little frightening to be painted into a corner. Many years ago I used to speak harshly and be aggressive. Kevin James, a car dealer, used to say to me that I should do something that he had learnt and that he would pass on to me. He said that in later life it would help me. He said that when somebody says something and I am not very happy about it, I should bite my tongue very hard until my eyes water a bit, think about what the person has said and then

answer, rather than do what I have a tendency to do, which is to grab my holster, pull my gun out and blow my foot off. I have changed. My kids say to me that I must be getting old and doddery and deaf, because now when they ask me a question I take some time to answer it. That is true; I do take some time, because I think about it. However, 10 or 15 years ago I would have been standing in line at the racial vilification court, if we had one, every Friday for some of the things I used to say.

We have a certain way of life in Australia. There is nothing demeaning about the way in which Australians are brought up and how they perceive things. We do not need to have a Bill like this rammed down our throats. I hope no-one in this Chamber will be foolish enough to let this Bill go through. I do not think anyone will agree with it. I think it will be crushed 34 to zero - or probably 33 to zero, Mr President -

The PRESIDENT: Order! If the member wants to move a constitutional amendment, then that will be in order!

Hon FRANK HOUGH: Thank you, Mr President. I would hope that you would give us a secret nod in agreement!

If people wanted to have me charged for racial vilification, I would ask them whether there was a law in their country, whether that be India, China or whatever, that would enable me to do the same thing if I were there and someone were to racially vilify me. I find it difficult to understand why we are putting through a law that other countries do not have.

The same author whom I quoted some time ago said also-

> . . . It's a sad day when Australia would imprison its own people for speaking freely about aspects of their own society that involve race, merely because it runs against the State-sanctioned view of multiculturalism and political correctness.
>
> Residents of Western Australia are already adequately protected against racial vilification by the Criminal Code which makes it illegal to incite racial hatred or to discriminate with respect to race.
>
> Any tougher legislation would simply serve to scare ordinary Australians into silence on issues they otherwise would have a right to feel and speak passionately about.

I vehemently oppose this Bill. An article in *The West Australian* of 9 November indicates that even the Attorney General is now having second thoughts about the Bill. I do not believe we need to change the current laws. We already have a Criminal Code. I do not know whether it comes under threats or assaults, but if we were to speak to someone in a threatening manner, we could be charged with verbal assault. The point is: in whose opinion is it verbal assault? When the case went to court some nine or 12 months later, we might say, "I spoke in a gruff voice and said he was a Pommy bastard, and I pushed my face into his." That could be interpreted under the code as verbal assault. However, if we were to say, "I smiled at him and said he was a Pommy bastard", the person might still take us to court, and then we would have to prove a year later that we were smiling at him, otherwise we could be in serious trouble.

If this Bill were put in place in any other country, perhaps it would work. However, Australians are too open-minded and free. It cannot work for Australian people. It would restrict our way of life and our way of speaking and communicating. It would be dangerous. There is no question about that. Whenever there are complaints about racism, they are made by the same group of despots, who write and ring into the radio stations and complain bitterly. The reason they complain is that they are not willing to look at the full context of what was said. When I was charged with racial discrimination over a year ago, the first thing I did was tell them to go and take a hike. However, that did not seem to work, and they decided to push the case a bit further and become more aggressive, so I did too. I wrote an article headed "A recipe for failure - just add Islam". It went worldwide. It was picked up by an English magazine called *Right Now!* When it got down to the nitty-gritty, I offered to debate it with the mullah who was pushing the point. However, he was not prepared to debate it. The reason he was not prepared to debate it is that he knew that I had not said anything that was racist. I had read the *Koran* and had made my assessments based on what I had read. I said that I would debate it paragraph by paragraph. However, they did not have the guts to debate me because they knew that what I had said was true. What I had said could be taken in two ways. They took it the wrong way. It was meant to be an open and accurate assessment of how I felt and what I thought. Subsequently, they decided to get off their trolley and withdraw.

I will quote from another document. Again, the author of this document is yours truly -

> It took at least four decades and two generations for Italians, Slavs, Greeks, Germans and other Europeans to be accepted as mainstream Australians, but our very wise Federal Government thinks it can force acceptance overnight through dodgy publications and fuzzy feelings.

It states also -

> Human nature does not change. Minorities will continue to cluster together and citizens of the host culture will continue to be uneasy about that.

When I grew up, the major group of immigrants was the Italians, followed by the Greeks. There were also a lot of English people. We had the dings and the Poms. I cannot remember what we used to call the Greeks. When we grew up, there was no malice towards those people. As I said in an earlier statement in this Chamber, some of those people

are my best friends. In fact, I used to fight with one of them, who came from Brunswick, and I named my daughter Gina after his wife because I used to love the name. Those people are now a part of our culture and our history, the same as everyone else. In 20 to 30 years, when we debate this legislation again, we will look back and see how petty, pitiful and restrictive this legislation was to the openness that good, decent Australians had. We will be hiding, we will be painted in the corners and we will not be game to open our traps. Next, we will be having legislation for the disabled! Why do we not have an Act for the disabled? If those poor buggers want to get somewhere, they have the worst time trying. What about an Act for the disabled? What about an Act for thin people, short people, fat people, ugly people or handsome people? Someone might walk up to a person and say he is ugly. We will have to have an ugly Act, and then the person will have to go to court and say, "Your Worship, am I ugly or not?" Who makes the decision whether a person is ugly? "He called me ugly. I am not ugly. I think I am good looking." What about a tall Act? Can members imagine Luc Longley being offended because someone called him "shorty"? Luc Longley will have to stand in court and say, "I am offended. That guy called me "shorty." The judge, looking skywards towards Luc's head, which is just about knocking on the fan in the courtroom, will say, "I will have to look at this. Mr Longley, we will ask the jury if you are short or not." This is bizarre. It is going beyond belief. Some of these bureaucrats must sit in their offices and wonder, "Who can I upset today? Can I upset the farmers? No, the race issue is a good one to work on. That is a trendy topic today. Let's get into the race business. It's going to be trendy and it will make a lot of debate. When we have dealt with the race issue what shall we do? The disabled people are having a really rotten run -

Hon John Fischer: This was brought up by a Premier with an extreme Marxist background.

Hon FRANK HOUGH: Who also said that the One Nation party was a mob of radicals. As I said earlier, if we stick a racist tag on someone -

> . . . we all know that once the racist tag is applied, it's very difficult to shake. For the rest of our lives we will either have to defend our views or be apologists."

When I went to a particular function, I was referred to on several instances as the Ku Klux Klan leader or a racist pig. Was I being racially taunted? Can I have retribution for that? On the night I made my maiden speech, I entered Parliament House at the front where I was grabbed by about two dozen despots who belted the living daylights out of me; they kicked me in the shins and the ankles and belted me behind the ears. It was all caught on the Channel 7 tape; members can see all the despots on that tape. I will not say where they came from, although a person can tell by their dress, with their scruffy jeans and unshaven looks. The smelly little swines were punching me, calling me a racist pig and so on and so forth as I walked up the steps of Parliament House on the night of my maiden speech. I was told by the police that I should have gone in through the back door. Why should I have gone in through the back door for God's sake? What am I? The janitor?! I went through the front door because I thought I had enough votes to get through the front door; or do we have a system whereby if a person gets so many primary votes, he goes through the front door, and if he gets fewer than that, he goes through the back door? That would probably have meant that Hon Robin Chapple and Hon Dee Margetts had to go through the back door. I entered through the front door because I thought that I was entitled to. However, I was not entitled to be treated like an absolute despot and kicked and punched. Pauline "dancing" Hanson was with me at the time, and someone grabbed her hair and pulled it. It is pathetic that these despots would lay their hands on a woman. I do not mind being punched by a bloke or someone, provided they stand there afterwards and allow a person to have a swing back at them. However, anyone who pushes, shoves, grabs or punches women is pathetic. He is less than a man. I would love to have been able to get hold of that Channel 7 tape and look at those little worms doing that. However, we get on with things. People should not look backwards; they should look forwards. It did not harm me at all. I do not wet the bed any more and I do not have bad dreams. I am really quite happy. However, I probably will start wetting the bed and having bad dreams if this Bill is passed. I do not believe that anyone in this Chamber will support it. I do not believe anyone should support this Bill, because it is not good for our society to have this type of rubbish jammed down its throats and to be painted into a corner. I do not know whether members can tell by the tone of my speech that I will not be supporting the Bill.

Hon Nick Griffiths: Come on!

Hon FRANK HOUGH: I will definitely not be supporting the Bill. It is a massive step backwards. We are perfectly covered under the Criminal Code for acts of terrorism and racial vilification. I am surprised that there is not a gallery full of lawyers here today licking their lips and thinking, "Hurry up fellas. Get this legislation through as quick as you can because we will be at it next week." This legislation, if passed, which I doubt it will be or should be, will provide those lawyers with a ready-made bunch of clients. I bet the lawyers will then start to do their mail-outs to remind all these minority groups that if anyone has a go at them, they should not forget who to come to: "We are perfectos with the racial vilification laws. We will help you for a minor fee of $380 an hour, and the case will be in court for only three or four days and you can get an apology or cost someone a lot of money."

I did not mean to speak for as long as that - I thought I had only 10 minutes - so I must apologise to the Leader of the House. However, I will wrap things up now. Finally, there is no way known that will I support this Bill. It is offensive, and the Government should be coming up with legislation on the debating times in the Chamber and piles of other stuff that should be handled rather than this legislation. I do not know who brought this legislation forward or

why, but, for God's sake, I hope that all members in this Chamber have a good, long, hard think about where they come from, because if this Bill is passed, they will not be game to open their flapper. Members will have to be very concise, and even if they dislike someone they will have to smile at them because otherwise they could be slapped with a racist slur when they mention that they are unhappy about what that person has said. I thank members for listening.

HON PADDY EMBRY (South West) [11.49 am]: I have a number of grave concerns about probable repercussions should this Bill be passed and become law. I ask members to be patient and listen, rather than take the mind-set of some members of the voting public who consider this Bill worthwhile. I ask members to listen with an open mind.

Many changes to legislation originate from new and outside pressures, new types of crime and loopholes in the law discovered by so-called "smart" lawyers who dream up the most unlikely circumstances that could, if true, create an element of doubt in the minds of people. The actions and words of Jack van Tongeren and his followers have brought about the introduction of this Bill to a great extent and we are now going through a knee-jerk reaction to them. I believe the Bill will lead to a legal nightmare for some people and result in a huge expense that most people cannot afford; and even those who can afford such expense would prefer to see the money spent in different ways.

I want to make it perfectly clear at this stage, so that there is not the slightest misunderstanding, that I am not a racist. When the Roman Catholic diocese of Bunbury initiated a justice and peace committee, the bishop appointed me as an inaugural member. Believe me, that organisation does its homework well. My name was put forward by a number of people and the bishop subsequently asked me whether I would serve on that committee. I served for two years on the committee, which would not have happened if there had been the slightest suggestion that I was a racist. I do not want anyone to have the slightest doubt about where I stand on racism. However, it is interesting to note that I was accused by the Attorney General and the member for Bunbury, Tony Dean, in the Bunbury press of being a racist. They were both shown to be incorrect. It is interesting to note the connotation that One Nation has in the minds of some people. It has been against the law for some time in Australia to be a racist. Pauline Hanson was accused of being a racist. A High Court judge, Sir Ronald Wilson, since retired, was appointed to investigate allegations of racial discrimination made against Pauline Hanson. If my memory serves me correctly, the investigation took about 18 months and he stated that he could find nothing racist in what that woman had written or said. However, it is interesting to note what a paper I have with me, which was prepared by the equal opportunity people, says. Our Premier wrote the foreword to the paper. Nobody would write a foreword to a book or publication without reading it. The page following the foreword refers to a type of racist and states -

> This form of racism is described as cultural racism, and has been strongly adopted by political parties such as One Nation, as well as some other organisations . . .

I repeat: the originator of One Nation was accused of racism, was thoroughly investigated by a High Court judge and was found to be totally innocent.

Hon John Fischer: Was that statement in the report or was it issued by the little, previously extreme Marxist, Premier?

Hon PADDY EMBRY: The Premier wrote the foreword to this publication and this statement follows the foreword.

I was involved in writing some of the policies for One Nation and I am very much offended when people approach me with an image of One Nation in their mind and say, "Oh, you are a racist." It is not so. It makes me wonder sometimes about the freedom of the Press and freedom of speech. I believe that freedom of speech is very important; it is an essential cornerstone of our democracy. Without freedom of speech, we would have a totalitarian state. It is probably the prime thing that brought about the end of communism. Communism was around for about 70 years in the Soviet Union; that is all. The totalitarian state of communism allowed absolutely no freedom of speech, and that was the prime reason for its disintegration and rejection by the people. I believe that we are very much running the danger of taking a step in that wrong direction.

I return to Jack van Tongeren and his organisation. I make it 100 per cent clear that I have never been a supporter of Jack van Tongeren nor his organisation or activities - absolutely not! However, as I said at the start of my speech, I believe that we are going through a knee-jerk reaction to Jack van Tongeren's activities. Let us be fair and look at things in a balanced way. Let us look at a little of Mr van Tongeren's past life. Let us look at what has brought about the feelings he has that have led to the terrible actions that he takes. Jack van Tongeren was called up for national service in the Vietnam War. We all know the very strange system that was adopted for national service call-up; it was to do with birth dates and a lotto. What a strange selection process that was for people being called up for military service.

Let us consider the main reason given to Australians for the introduction of the very unpopular national service so that Australia could join the United States in that war. I will call it a war, although I believe it was an undeclared war. It was officially called a conflict, but we all know it was a war. The Government's prime reason for becoming involved in that war was that it would prevent communism from spreading from northern Asia and in a southerly direction towards Australia. I repeat: it was to prevent the movement of north Asian communism towards Australia. Mr Jack van Tongeren had bad luck; he was born on the wrong day. The date of his birth was drawn from the barrel and, through no

choice of his own, he was duly enlisted in national service. In the old days that "enlistment" would have been called press-ganged. We all know that, in addition to training for fitness, the use of weapons and obedience, part of a military person's training involves indoctrination, which most of us would call brainwashing. Brainwashing has existed for hundreds of years, and we know its effects. At that time, a friend of mine from Boyup Brook was absolutely terrified of being called up for national service because he could not face the prospect of going to Vietnam. Not very long into his training he was granted leave and he came home. It was interesting to see how the brainwashing had affected him: he then requested to be sent to Vietnam; he was no longer terrified of going to Vietnam. He was proud that he would be given the opportunity to defend our country from communism. The effects of the Vietnam War on a great many of our servicemen are well known. The issue became politicised and our servicemen were not made to feel proud when they returned home. They were even rejected by the Returned and Services League of Australia. Initially, they were led to believe that they had the privilege of defending their country.

No doubt, most members in the Chamber who are somewhat younger than I do not remember the Second World War and have not experienced the effects it had on those who served in it, particularly in Europe. I can assure members that I do remember it. During the school holidays my mother took me on weekly visits to military hospitals. I well remember the visible signs of injury that the soldiers in hospital had, such as a missing arm or leg or horrific burns. However, what are not visible are the effects of war on a serviceman's mind. It is well documented now that most war veterans' minds are affected to some degree. I ask members: should we not give Jack van Tongeren the benefit of the doubt given he was defending our country in our interests and in the interests of every other Australian? Should we not be sympathetic to the fact that the extraordinary events he faced in Vietnam have almost certainly had an impact on his behaviour? He should not be used as a scapegoat, and nor should his behaviour be held up as a bad example. We all know his anti-racist activities were wrong. There is no doubt about that No-one would dispute that. People are horrified by them. I am horrified by them.

I have seen how members of my family were affected by the activities of war. My mother lost three brothers in the two world wars. I will not repeat that story because it was part of my inaugural speech. However, because I was born towards the end of the Second World War I was not as affected by it as were some of my older siblings. It is not for me to judge their behaviour. As a school child in the United Kingdom, one of my siblings was watching some school children playing soccer when a couple of German fighters flew low over the field. In those circumstances, identification of people from the air was very easy. The pilots performed what I will call a U-turn, came down low and machine-gunned the children playing soccer. My brother witnessed that as a 13-year-old, and it had an effect on him. He told me about it. It did not have the same effect on me; I did not witness it. Under no circumstances will my brother ever let a German in his house. I do not feel as strongly as that because I did not have the same experience as he had. I have German friends. A lady of German origin works part-time in my office as an electorate officer. I do not have the same sort of "irrational" feelings that slightly older and more experienced people have towards those people. I did not suffer their experience. I was not born when my father was shot down, captured and later escaped. I will not go into the details but the Germans were entitled to shoot him on his recapture. I did not experience that; I read about it. My father took me to the place in northern France where he went when he escaped, and we stayed with various people who had helped him. My older siblings were aware of his experience at that time; they saw my mother's reactions. They felt the terrible effects of war. We have a duty to people like Jack van Tongeren not to make examples of them in the way we seem to be doing but to be more understanding of their problems. I admit that he does not help himself because he refuses to take the courses that could help him with his problem. People cannot be allowed to run around the streets indulging in the activities that it appears he has been involved in.

I will tell members of an event that occurred shortly after the war and about which I was told later. My father was asked to defend a young ex-Special Air Services commando. However, I cannot remember the circumstances that led to that request. He had left school during the Second World War and had gone straight into the armed services, where he was trained to kill. The Government and the system of the day trained him to kill. Under certain circumstances his automatic reaction was - bang! - to kill as effectively, quietly and quickly as possible. A little while after the war - I cannot remember quite how long, but within a couple of years of the conclusion of the war - the former Special Air Services commando was attacked by someone in a pub. He did not initiate the attack. He was attacked by this person. When the fellow punched him, his automatic reaction was - bang, bang! He was accused of murder and, for some strange reason my father was asked to defend him. He was an army man, not an airforce man. The prosecuting counsel was one of the best known Queen's Counsel in Britain. In the man's defence, my father explained that he was a trained killer. He explained that the man was not a builder or carpenter and that he had not gone to university to study to be a doctor. He had been trained to kill, under certain circumstances, in the interests of his country - and that is what he did. My father won the case on the man's behalf. The country and the Government of the day realised that such people needed help to readjust to real life. If the matter were a chemical problem, we would call it detoxification.

My brother-in-law, as a member of the regular Army, did two tours of Vietnam. When he was young, one of my three sons went up behind him and gently dug him in the ribs. My brother-in-law turned around - fortunately my son was short - and said, "Never, ever sneak up on me - never." Twenty years after he had left the Army his training to kill was still evident in his immediate reaction when someone came up behind him. He was trained to kill for the service of his country. He burst into tears when he realised how close he had come to killing one of his nephews. People do not

understand what war does to those who go to war. It is very difficult to say, "This is your duty today, but tomorrow we'll put you in prison for it." I say to members: let us have some balance in this debate because, at the moment, we do not have any balance.

It is interesting that Fidel Castro, his offsider Che Guevara, and their helpers - there may have been 20-odd helpers, but I will not fuss about the exact number - and an old printing press brought about the Cuban revolution. The saying goes that the pen is mightier than the sword. They were chased all over the place by the authorities. They continually had to pull apart their printing press when they fled to the jungle and then put it together again to print their literature. Members may think that that is an extreme case. However, if we remove the right of freedom of speech in this country, people will become desperate. Most people probably erroneously believe that Hansonism has been bad for our country. One of the great legacies that Pauline Hanson leaves behind is an increased opportunity for people to speak their minds and to not be as politically correct as they once were. It is very important that we do not lose our freedom of speech. As Hon Frank Hough stated, the proposed legislation will open a Pandora's box. I suggest that the views and attitudes of all 34 members of this Chamber vary - I am not referring necessarily to individuals, but to little groups, because I understand that this legislation applies to groups of people, not individuals. The things that would offend us may vary. My wife is third generation southern Irish. Members know what the Irish are like. As a joke I sometimes refer to the southern Irish - I do not say it when too many of them are around - as the southern bog Irish. That is an example of what can happen. My wife laughs when I say that, but initially one of her sisters did not, even though she knew that I was joking. She laughs now. I am trying to explain myself in a pleasant and reasonable way. If we were all in a room, some of us might be offended by certain statements spoken that others would find either funny or endearing. When I was taken to meet my prospective in-laws, I was warned, "You'll know you're accepted when you're referred to as a Pommy bastard; you'll know then that you're accepted by the family." Some members of my wife's family took a little time to refer to me in that way; others referred to me in that way a lot quicker. I was not offended by that term, because what was meant by it had been explained to me. I could have been offended. The ultimate insult for people of different nationalities varies. For example, the ultimate insult for a French person is to be called a pig. Calling a group of French men pigs would be the ultimate insult. It is probably the ultimate insult for an Australian to be called a Pom. The ultimate insult for an Englishman is to be called a bastard. However, that is a term of endearment in Australia, depending on the tone of voice in which it is said. I hope I have not driven out members of the public gallery.

Hon Nick Griffiths interjected.

Hon PADDY EMBRY: This is a very serious subject, but there is always room for a bit of humour in serious subjects.

I can see what will happen; things will be taken out of context. The tone of voice used when something is said can alter its meaning. The tone of voice I use when I say "You're a Pommy bastard" may imply a certain meaning. The words may be the same, but they can have the opposite meaning depending on the tone of voice. I use "Pommy bastards" as an example because that term will fit in with the legislation. My children sometimes use that expression with me. My response is, "Well, that's true, but you're half breeds and I'm a thoroughbred." I am sure that the Minister for Racing and Gaming would understand that. My sons do not use that expression with a nasty tone of voice. They might think it sometimes, but they do not use a nasty tone of voice. If this legislation is passed, it will be an absolute windfall for the lawyers. It will be almost impossible to prove a person's innocence or guilt. What will the legislation achieve? Honestly, what will it achieve if it is passed?

Hon Frank Hough: Frustration.

Hon PADDY EMBRY: Its prime achievements will be to frustrate people and reduce their right to freedom of speech. There is probably a chasm between Jack van Tongeren bombing Asian restaurants and the type of language referred to in this Bill. I appeal to members to try to completely change their outlook. They should forget about the coming election and judge this legislation on its merits. The Government should not think that this legislation will help it to get the ethnic vote. I understand how the party system works and why people in this place are driven to think in that way. However, this is bad legislation. Members opposite should ask themselves whether on balance this legislation will benefit Western Australians. It is possible that it might benefit a tiny group of people in some circumstances. However, on balance it will be a disaster. It will reduce people's right to freedom of speech, which would be a disaster.

Friends of mine who have known me for a long time asked me how I could possibly have been a member of One Nation. That is how brainwashed they had become by the media. One half of them knew that I was not a racist and yet they wondered why I had been a member of that party. That is the danger of the freedom of the Press. People still refer to me as a racist because of my past involvement with One Nation. Members are thick-skinned. Although it is wrong for people to refer to me as a racist, it is not something for which I should take people to court. This legislation is unbalanced. Members should consider the effect this Bill will have if it is passed and question whether the advantages outweigh the disadvantages. I suggest that no legislation is either 100 per cent good or 100 per cent bad. We must assess the balance of the legislation and whether it has more benefits than disadvantages. I believe we need to consider the long-term effect of this legislation. In the long term, I do not think there is the slightest doubt that if this legislation is passed, it will eventually be remembered as one of the worst pieces of legislation ever to come before the Western Australian Parliament. I appeal to members to, if necessary, go to their parties - whatever is involved - and get back to

basics and judge this matter as we are supposed to judge it. Part of our oath is to work for the benefit of all Western Australians. This Bill without doubt will work against the long-term interests of the majority of Western Australians.

A note has been passed to me that reads that we have no Bill of Rights, and the removal of freedom of speech is a further detriment. I ask members to consider that matter. This has been referred to as the Premier's Bill. Labor members, please go back to the Premier and explain to him the error of his ways. I thank the House for listening.

Debate adjourned, on motion by Hon Kim Chance (Leader of the House).

HIGHER EDUCATION BILL 2003

Second Reading

Resumed from 17 November.

HON DERRICK TOMLINSON (East Metropolitan) [12.27 pm]: I have been chastised for speaking too long and for overstating my position on this Bill; therefore, I have given an undertaking to be brief. The point I made in my previous contribution - I was perhaps making it at great length because I was rehearsing the history of some 60 years of tertiary education in Australia - is that if one analyses the history of tertiary education, one sees a centripetal tendency of the centralisation of coordination and control to be shifted to the federal Government. The functional autonomy, and I would even dare to say the academic freedoms, of universities are diminished by the need to conform to centralised accreditation and regulation. Some might argue that the six longstanding universities are not affected by that centralisation, which affects only the newer universities that are trying to establish themselves. I would deny that view from close experience. Regrettably, I cannot give the House the reference for my academic studies because I never completed and published them. However, members might refer to the "Liberal Party's Politics and Education Policy", author, Derrick Tomlinson, published by the Australian Council for Educational Research in 1975. I rehearsed the history up to that point. Before the Dawkins reforms, the tendency was toward increasing centralisation, coordination and control, which diminished the functional autonomy of the institutions. The Dawkins reforms changed all that. They did away with the multi-tiered system of colleges of advanced education, institutes of technology and universities by creating one category of universities. The institutes of technology became universities of technology. For example, the Western Australian Institute of Technology became the Curtin University of Technology - not new technology, just technology.

Hon Simon O'Brien: It was a good job that was changed.

Hon DERRICK TOMLINSON: Yes, it was a good job. The colleges of advanced education were amalgamated into a single university, as is the case of Edith Cowan University. Hon Graham Giffard is laughing. Did I say something funny?

Hon Graham Giffard: You did a minute ago; I did not realise it when you said it.

Hon Simon O'Brien: Our Graham is a bit slow with his acronyms!

Hon DERRICK TOMLINSON: The Dawkins reforms reversed the tendency. Centralised control still existed because the Commonwealth controlled the purse strings after 1973. The functional autonomy of universities has been eroded. However, the downside of the Dawkins reforms was that they extended the spectrum of universities from those of higher standing - such as the Universities of Melbourne and Queensland, Monash University, the Australian National University and the University of Western Australia - to those of lesser standing. Those of least standing were those formed from the amalgamation of colleges of advanced education, particularly in regional areas. They are trying very hard but, in my estimation, they will probably not reach the international standing of universities.

That is where we were. Now this Bill has been brought before the House. Ostensibly, all it does is provide that those universities that presently have the title will stay universities and will be self-accrediting institutions. Institutions established in the future will have to meet certain requirements before they can call themselves universities and confer degrees. However, that should be related to almost 60 years of history, since the Murray report of 1948, and the centripetal tendency towards increasing centralisation and control and the erosion of functional autonomy and academic freedom. This should also be projected forward, with the knowledge that the federal minister has already stated his preference for a two-tiered system, under which some universities will be teaching and research institutions and others will be for teaching only. The teaching and research universities will be those - probably numbering up to 19, but at present amounting to only 11 - that have international standing, and can compete with universities anywhere on the standing of their scholarship. The other institutions will become teaching-only institutions. I do not know - it defies imagination - how an institution can be called a university if it does not have a research component. Teaching and research - particularly research - are fundamental to the nature of a university. Take away the research, and all that is left is the transfer of knowledge generated elsewhere to the teaching in that institution. It is not a university. It is better characterised as a college. That is stage 1. That is the first warning. I extend that by saying that if we have that situation, universities that believe that under this Bill they are protected from the requirements of accreditation are deluded, because to categorise this and that level of university as a teaching and research university or a research university, there must somehow be a process of evaluation and accreditation, and it will affect all universities, even the top 11. That is the first stage of the reintroduction of centralised control to deny functional autonomy.

The second thing I suggest is that the process is already in place, because Mr Gregor Ramsay has been appointed by the Government to develop the scheme, and has already told universities that some of them will be disappointed, some of the courses of some universities will disappear, some of them will have their schools reduced, and others will enjoy the benefit of rationalisation in the university sector. That is not a promise; that is a reality under way. Hence, my warning that this is totally unnecessary legislation, because the university system itself is a self-regulating system. The system for international scholarship of universities and the international fraternity of universities is self-regulating. Regulation is not needed. Where do the best scholars go? They choose the best universities. Where do the least able go? They go to the lesser regarded universities. It is a fact of life. That is self-regulation. There is another reason that I warn about this legislation. This Bill came from the vice-chancellors. Just as the 1991 Bill in this State and in this Parliament came from the vice-chancellors, so this legislation has come from the vice-chancellors to protect themselves against the incursion of lesser beings. Instead, they will reintroduce and expose themselves to further centralised control and denial of functional autonomy.

I sound those warnings. It is unnecessary legislation. I believe it opens up an unfortunate future. However, I recognise that this is uniform legislation. Every other State has accepted it. Therefore, it is a fait accompli. When someone is about to be raped, the best thing for her to do is to close her eyes and think of England. It is a fait accompli. There is no escape from the trend that is in train. Secondly, I recognise that, although the recommendation originated from the vice-chancellors, it was a decision of the intergovernmental Ministerial Council on Education, Employment, Training and Youth Affairs. I recognise that the signatory to the agreement for Western Australia was the then Minister for Education, Hon Colin Barnett. I also recognise that my party room has made the decision to support this legislation. Therefore, the Opposition will vote for the legislation. I have very strong reservations. Were I allowed more time, I would elaborate on and hope to make members understand my concerns. History is repeating itself. Only fools do not learn from history. However, the Opposition will vote for the legislation.

HON CHRISTINE SHARP (South West) [12.40 pm]: There is a certain irony in the Bill before us today. The Bill purports to protect the standard of university education in this State, yet my reading of the long-term effect of this Bill is that it will feed into the reverse process; that is, the Bill will open our State to a plethora of new universities, many of which will originate from overseas and, despite the accreditation provisions, be of a far lower standard than the standard currently provided through our traditional system of public universities. Effectively - this is the irony of the Bill - this Bill is not about protecting university standards but about destroying university standards. As I have looked further and further into the effect of this Bill in recent times, I have become more and more appalled by it, because I do not think that sufficient thought has been given to the response to the problems with which the Bill purports to deal. I understand that one of the apparent reasons for the adoption of national protocols for accrediting university standards was that a shonky institution, called Greenwich University, was operating on Norfolk Island. That was the catalyst for the plethora of uniform legislation across Australia to implement national protocols, which were agreed to at a single meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs. These protocols were not the subject of a formal intergovernmental agreement but were simply ticked off at a single meeting by our education minister and other education ministers. As Hon Derrick Tomlinson pointed out, this occurred under the previous Government when Hon Colin Barnett was minister. This was all set in train at a single meeting. The excuse for it was that a shonky institution was operating on Norfolk Island. If we implement these national protocols, we will feed into the momentum that is putting enormous pressure on our public universities and the standard of their research and level of teaching.

Let us go back one point. The quality of university education cannot be maintained in a resource vacuum. That is the first point that we need to understand. The trend over the past eight years has been towards a tremendous reduction in commonwealth funding of our public universities. It has been estimated that there has been a massive 33 per cent reduction in commonwealth grants to our public universities since 1996; that is, since this whole strategy was developed by the Howard federal Government. In fact, members of the federal Opposition, in speaking in the federal Parliament about the commonwealth equivalent of this Bill and using more realistic indices of wages and salary increases than were being used by the federal Government, estimated that in the past eight years roughly $1 billion a year has been taken away from our public universities and institutes of higher education. That is a scary figure. That is the resources context of this Bill. How can the quality of university education be maintained in the face of resource reductions of this magnitude? We can pass as many Bills as we like about accreditation and standards for degrees, but in fact what we are doing is ignoring the context of the resources and the shifting of those resources to private tertiary providers. The very provisions that this Bill seeks to enact will support that system of downgrading and open our public universities to enormous competitive pressure from lesser institutions.

Hon Derrick Tomlinson: They won't be able to compete.

Hon CHRISTINE SHARP: They will not be able to compete. Essentially, the cultural context that we have traditionally considered is part of a university education - the cultural context of life on campus - is to provide a true education in its full sense and produce young people who have absorbed a sense of values and wisdom and who have a high level of knowledge. This Bill will help to throw that out the window.

Hon Derrick Tomlinson interjected.

Hon CHRISTINE SHARP: Since 1996 we have seen a huge increase in student contributions. It is estimated to be about an 85 per cent increase in student contributions since 1996. That does not include the recent announcement that will see a further 25 per cent increase in higher education contribution scheme fees for public university students next year. Students on the HECS will now have to work longer hours in their part-time jobs to try to supplement some kind of income to keep going at their university because of the level of HECS that is confronting them.

What is the result of this overall trend? The result is, first, a casualisation of academic work in that there is not the same security of appointment for many academics. Academics also face more administrative work and less time for teaching. They face larger class sizes. In 1990 the ratio was 12 students to one staff. It is now up to 18 students to one staff. Industry-funded research is destroying the independence of research in our universities because, as Hon Derrick Tomlinson has pointed out, our vice-chancellors are effectively desperate for sources of funding to maintain the functions that we as a society expect of a full university education.

The federal Government's vision of higher education is private providers which offer streamlined courses, limited pastoral care, limited cultural education and virtually no research and which squeeze out the competing public universities that will offer the full suite of attributes. In other words, they are private degree factories. This Bill will establish and accredit that system in Western Australia.

I will now refer to something Hon Derrick Tomlinson raised during his remarks about the fundamental difference between a tertiary institution that offers only teaching and a tertiary institution that also offers research. He suggested that the institution that is limited to teaching does not deserve the term "university". I concur totally with the honourable member's remarks. However, this Bill will make it much easier for those institutions to apply to use that precious term "university". Ironically, although we want to make it more difficult, over time it will become easier.

A summary of the effect of this Bill can be found in the eleventh report of the Standing Committee on Uniform Legislation and General Purposes. The key elements of the protocols that will be implemented by this Bill are described at pages 5 and 6. Those national protocols are about the standards for the adoption of the title of "university", which will allow for the application of the term "university" to all sorts of other tertiary providers. This legislation is also about the establishment of new universities and the approval process for overseas universities wishing to establish in Western Australia. A very important part of this legislation is about opening Western Australia to overseas universities that want to establish campuses in this State. Of course, most members would have heard on the news last night that the final details of the Australia-United States Free Trade Agreement have been agreed upon. That agreement will be formally ratified on 1 January. These matters must be taken into account, together with other agendas, in determining whether this Bill will open our system to greater competition from overseas universities that wish to establish campuses in Western Australia. According to this Bill they can do that without requiring an Act of Parliament. Our public universities and the University of Notre Dame are all established under individual Acts of Parliament. That will no longer be necessary once this Bill is passed. This Bill will permit overseas institutions to operate in Western Australia without a specific Act of Parliament. It will also provide for the Commonwealth Government to accredit universities to operate in Western Australia, also without any oversight by this Parliament. This Bill authorises non-university higher education and endorses award standards for full fee paying overseas students. This is another of the real agendas of this Bill; this is about the $400 million per annum income that was described in the parliamentary secretary's second reading speech that is earned by providing tertiary education to full fee paying overseas students. Fine; okay. Do we have to do that in a way that undermines our traditional standards of public university education for Western Australian students?

Hon Derrick Tomlinson: Regrettably, it is the only way some universities can finance programs.

Hon CHRISTINE SHARP: Yes. There is an enormous amount to regret in this Bill. Effectively, we will open our great public universities to greater competition from new institutions, non-university institutions, overseas institutions and full fee-paying students. This is the irony in this Bill: that which it purports to regulate and standardise it is effectively encouraging, endorsing, permitting and spreading. I am referring to the downgrading of public universities and the implementation of a second-tier system. As Hon Derrick Tomlinson said, it means that the overall impact will be felt in every university in the land. The great universities will not be able to compete.

I note that the Minister for Education and Training replied to the standing committee's request for greater information about the Bill and the national protocols in the following terms, which is recorded at page 11 of the report -

> *. . . there are no apparent disadvantages to the State in promoting consistent criteria and standards across Australia in relation to higher education quality assurance.*

I read that sentence several times because I was absolutely staggered that the Minister for Education and Training apparently does not understand what is being enacted and the overall long-term implications of what we are doing. He has apparently no recognition of the risks that are posed to our universities by this Bill. However, I am cognisant of the pressures that the Minister for Education and Training feels: the pressures of the trends of commonwealth funding, the pressures of the applications for overseas students and the fact that there are many non-regulated tertiary operators offering diploma courses on the Internet and so on that do not have any accreditation. I understand the context. However, I am deeply disappointed not about the problem that this Bill identifies, because I can see the problem as

well. Instead of this Bill being a solution, it will take us further down the path of downgrading our universities. Ironically, through the accreditation factors to be implemented, this Bill will legitimise doing that. We should take a stand in this Parliament on this Bill. In November 2004 we are far more cognisant of the trend than perhaps was the previous Minister for Education in 2000 when, at a single national meeting of ministers, he signed the national protocol. There is far more context to the trend in funding and the trend announced only last week of changing industrial arrangements in universities to require workplace agreements and to prevent any positive discrimination in favour of the National Tertiary Education Union.

Debate interrupted, pursuant to sessional orders.

[Continued on page 8317.]

Sitting suspended from 1.00 to 2.00 pm

YOUNG OFFENDERS AMENDMENT BILL 2003

Second Reading

Resumed from 1 April.

HON NICK GRIFFITHS (East Metropolitan - Minister for Housing and Works) [2.02 pm]: I have been looking forward to speaking to this Bill, although I have not been looking forward to delivering second reading responses and I trust I will not be delivering second reading responses in the next Parliament.

Hon Norman Moore: Are you not coming back?

Hon NICK GRIFFITHS: I may not be. It is entirely a matter for the voters.

The first thing the House should note about this Bill is that it is not about good public policy; it is about bad politics. This Government is doing the job when it comes to issues to do with burglary and juvenile crime. I know it is upsetting to the Opposition, but the incidence of burglaries is on the way down. That makes this Bill very unnecessary. Before going into the reasons for saying that, perhaps I should remind the House of what the Bill is about.

The Bill last came before the House on 1 April of this year, as I recall. The Bill seeks to deal with two sections of the Young Offenders Act to deal with the effects of two Supreme Court decisions. In particular, it seeks to amend sections 55 and 189 of the Young Offenders Act in order to make it a strike, even though the court does not record a conviction and no penalty is imposed. In other words, even though no conviction is recorded and no penalty is imposed, the Bill seeks to make that circumstance a strike. The second Supreme Court decision is to the effect that the three strikes provisions do not apply if a period of two years has passed since the previous strike. The Bill seeks to remove that spent conviction, if I may use that terminology.

Under this Government, the incidence of child burglary has decreased dramatically and the treatment of it by the Children's Court has tightened up significantly. The Children's Court statistics - these are the statistics for last year, being a complete year - indicate that the average detention sentences for charges of home burglary or aggravated burglary were eight months compared with 4.5 months for non-aggravated burglary; and that young people sentenced under the three strikes legislation received an average sentence of 12.3 months, while other young offenders sentenced for burglary offences received an average of 6.3 months detention. That indicates that this area of criminal behaviour is now being taken very seriously by the Children's Court.

The first area of policy that the Bill seeks to address is the circumstance in which no conviction is recorded and no penalty is imposed. In the second reading speech, Hon Peter Foss referred by way of illustration to the circumstance in which an offender did not have family support and might be better off in custody given a three strikes scenario; that is, there had been two strikes, and the no penalty, no conviction was notionally either a first, second or third strike. The Young Offenders Act relies heavily on the notion of a responsible adult. It encourages - in fact, in many instances it mandates - the involvement of a responsible adult or family member in the life of a young offender. Therefore, I suggest that it goes against the tenor of the Young Offenders Act to apply the three strikes provisions to circumstances in which a court decides there is no conviction and no penalty should be imposed. It is a little more difficult to get a responsible adult or family member involved when a person is placed in custody. The House may be aware that the Government is exploring and intends to introduce further measures to encourage responsible parenting. In fact, the Government is considering introducing legislation - based on United Kingdom experience, I am advised - that will have the positive impact of encouraging parents in our society to play a greater role in the lives of those children who unfortunately go off the rails.

The second area of policy with which the Bill deals is the disallowance of the expiry of a conviction after two years. In other contexts, Hon Peter Foss has argued to the House that children under the age of 18 years are different. We all vary, and children also vary. However, the lives, perceptions, outlooks and experiences of children are different from those of adults, and that is patent. Two years may not seem all that long in the life of an adult, but it is a very long time in the life of a child. In the context of how we treat children in our sentencing regime under the Young Offenders Act, if an offender has incurred two strikes, then goes through two years and commits a third strike, it seems that if we are really interested in getting people back on the rails that that is more than a bit rich.

Currently, the sentencing regime is being arrived at by a considerable period of gestation. There are other exceptions to the two that Hon Peter Foss seeks to close in this Bill, but the two exceptions that are sought to be closed - I will not speak about the third because it is not before us -

Hon Peter Foss: It is relevant.

Hon NICK GRIFFITHS: Yes, it is relevant, but it is not before us. The two exceptions that the honourable member seeks to close have been given a fair amount of deliberation by those involved in the system, and, in particular, by Hon Peter Foss, I suggest. However, I will return to his deliberations shortly.

I am not intending to speak at great length on this matter, but some points need to be made. I note that this is a Bill of some two pages. Apart from those matters that deal directly with the two areas of policy raised by the Bill, this Bill is unnecessary. Perhaps one of the most emotive parts of juvenile justice is the three strikes legislation. The Government supports the three strikes legislation as it now is. However, the Government is very much at the forefront in dealing with young offenders. The House would be conscious of the amendments to the Young Offenders Act that we recently passed, which put in place many constructive measures that will benefit the community in constraining the activities of young offenders. It is not necessary for me to refer to the legislation on which the House deliberated recently. I have forgotten precisely when that was, as we have handled quite a few Bills recently, but I think it was about two to three weeks ago. In addition to those new legislative initiatives, the Government, following the experience of other jurisdictions in the United States and Europe, has decided to implement an intensive supervision program for serious and repeat offenders, of which I am advised there are about 200 in this State. The Government is putting its resources into dealing with those 200 offenders who carry out something like 80 per cent of juvenile crime. The Government is putting in that effort in an endeavour to turn around those young offenders. Team placements have already been established. I suggest that as a result of that initiative, there will be a continued downward trend in the incidence of juvenile crime and the particular area of juvenile crime that we are concerned about when it comes to three strikes legislation; that is, burglary. Again, without referring to the amendments to the Act that the House passed fairly recently, if my memory serves me correctly Hon Peter Foss supported the proposed electronic monitoring -

Hon Peter Foss: I initiated it.

Hon NICK GRIFFITHS: I am glad that Hon Peter Foss initiated it. I understand, although I do not know whether it is true, that the honourable member who succeeded Hon Peter Foss as shadow Attorney General has voiced opposition to the proposal. I regret that.

Hon Peter Foss: I had a study made of it while I was Attorney General.

Hon NICK GRIFFITHS: Yes. Hon Peter Foss will note that I am not attacking his move in any way; I am endeavouring to deal with the Bill that he has introduced. In doing so, I am pointing out that many positive measures have been carried out and are being implemented by this Government, including those that I have mentioned and enhanced community supervision arrangements. I ask, therefore, why we are going down this path. It is unnecessary in light of what the honourable member himself said four years ago when he was Attorney General. He made a very statesmanlike statement of which I should remind the House. I am referring to one of my favourite *Hansard*s of 15 March 2000.

Hon Simon O'Brien: The ides of March!

Hon NICK GRIFFITHS: Beware! I refer to page 4976 of *Hansard*. I get the impression that we have been debating this issue for close on 4 976 years! I will quote the observations of Hon Peter Foss in that *Hansard* reference. The honourable member will recall that this was a ministerial statement in response to the Senate Legal and Constitutional References Committee, which released a report the day before. Among other things, the honourable member had this to say -

> In its report, the Senate Committee distinguishes between the legislation in Western Australia and that in the Northern Territory.

The honourable member then made some comments about the Northern Territory system and referred to the committee's opinion. The committee had a view of the Western Australian law, with which I do not agree and with which the honourable member made clear in his statement that he did not agree. However, from the Senate committee's point of view, our law, which I think is good law, is considered to be the lesser of two evils. I do not think I need go into a description of the Northern Territory law; ours was nothing of the kind.

Hon Peter Foss: It's a bit like the serious and repeat offenders legislation passed during the time of the Lawrence Government.

Hon NICK GRIFFITHS: I was not in the Parliament then, and although I could comment on that, it is not relevant. The honourable member had these very wise words to say -

> This opinion by the committee relates to the fact that in Western Australia, the judiciary have discretion to place juveniles sentenced under this legislation on conditional release orders. This discretion emanates from

> provisions contained in the Young Offenders Act 1994 which provides that a conditional release order can be substituted for a detention order.

That is not part of this legislation but, as the member pointed out, that is relevant.

Hon Peter Foss: They are relevant comments.

Hon NICK GRIFFITHS: Yes, they are. I will not quote the honourable member's comments at length and I am not quoting him out of context. However, I think the House should be aware of some matters. He states -

> The three strikes provisions play a minor, but necessary, role in the juvenile justice system in Western Australia.

I agree and the Government agrees with that. It continues -

> The three strikes legislation applies to only a small number of repeat offenders, and more importantly, it only applies to home burglary convictions within a two-year period.

I do not usually quote the honourable member, but I tend to do so when we are dealing with this subject. Page 4977 reads -

> Since the introduction of the three strikes legislation there have been a number of rulings which have qualified the operation of the three strikes provisions in respect of juveniles. In making these rulings, the judiciary can clearly be seen to be exercising its discretion in a responsible and appropriate manner.

Hon Peter Foss: I agree with that.

Hon NICK GRIFFITHS: I hope so because they are the honourable member's words.

Hon Peter Foss: I don't resile from them.

Hon NICK GRIFFITHS: In commenting further, the two areas that are dealt with in this legislation are set out specifically, as are other areas. The honourable member made the interesting point that this area of judicial discretion when dealing with juveniles undermined what he correctly referred to as the -

> . . . specious argument that the Western Australian legislation is in breach of United Nations conventions.

He then made a number of other observations and went on to say -

> There have been arguments about the effectiveness of the three strikes legislation.

I will be fair to the honourable member. He then said -

> I do not agree that the legislation needs to be defended on that basis.

That is a fair point. However, it is interesting to note the effectiveness of the three strikes legislation. As the honourable member clearly indicated, the issue was - I think this is his point today -

> The question is whether the penalty is appropriate in the circumstances.

He then went on to deal with the effectiveness at that time of the three strikes legislation, and said -

> However, if we look at the statistics, in 1997 there were 57 juveniles sentenced under the three strikes provisions.

He made other observations and then said -

> The fact that only seven out of the 57 three strikes juveniles have been resentenced under the same provisions suggests that in respect of serious offenders the law has been effective.

I suggest that the law continues to be effective; therefore, it does not need to be tightened in the circumstances in which the honourable member suggests.

Hon Peter Foss: The numbers dropped off significantly because the loophole had been opened up.

Hon NICK GRIFFITHS: I note Hon Peter Foss's words about the effectiveness of the legislation and the changes he sought to put in place around that time. I do not think it is necessary to go through recent statistics. The evidence is not to the effect that the three strikes laws are doing anything other than continuing to be effective.

Hon Peter Foss: Can you provide any recidivism statistics? I would like to know them, irrespective of the outcome.

Hon NICK GRIFFITHS: I do not have that information readily to hand, but I will endeavour to provide it to the honourable member, as he said, irrespective of the outcome of this debate.

I will conclude in a moment. I do not know whether any other member proposes to speak. This matter has been the subject of a report of the Standing Committee on Legislation. A number of submissions were received by the committee. A majority of committee members have set out the issues raised in general opposition to the Bill on page 10 of their report. They are listed so that interested members can digest them. I note also that Hon Peter Foss and Hon

William Stretch handed down a minority report in which the arguments that have been put forward in support of the Bill, and what was contained in Hon Peter Foss's second reading speech, have been reiterated in general terms. For the reasons that I have outlined, the Government does not support the Bill.

HON PETER FOSS (East Metropolitan) [2.27 pm]: I am very pleased that we have at long last got this legislation to a vote in this Chamber. I was disappointed when the Bill was sent a second time to the Standing Committee on Legislation. However, it was useful to air some of the matters.

I will refer to some of the matters raised by the Minister for Housing and Works. He mentioned that the Government is looking into legislation that will involve parents. I have difficulty with that, because one of the things that has become quite clear with the three strikes legislation is that often the children who are sentenced under it have no effective parenting. I do not think that any legislation will make a difference to that. It would be lovely to think that we could legislate for responsible parenting, but we cannot. As the cases reveal, imposing detention as opposed to imposing conditional release orders with strict supervision is a last resort. It happens only when it is found that a child is incapable of being supervised. That is important, because it has to be decided whether that is an alternative. Unfortunately, what has happened all too often is that the courts were giving children conditional release orders that were not subject to supervision, and the children ran riot. There are two alternatives with the three strikes legislation; we have to look at either detaining the child or providing for his or her supervision. A child will be detained only when there is no supervision. One of the useful aspects of this legislation is that it will force the courts to take into account what will happen to a child if he or she is released. Will they be supervised? Often offenders are released several times before that happens. Very few children who offend have not had an awful lot of strikes against them or have not been released one way or another before a supervision order is finally imposed on them. An examination of past cases shows that offending children do not have two strikes against their names, rather, they have 22, 24 or sometimes 25 strikes against them.

Another issue I have is that Governments says it is looking into the matter. Each time these loopholes have been exposed and reported in the newspapers, followed by public uproar, the Attorney General has said he will look into it. Frankly, it is time he stopped looking into it and did something about it. He has been good at introducing a lot of legislation for other areas, which areas I consider are purely populist; yet, he is not prepared to introduce legislation that has been shown to be effective to fix the loopholes. These loopholes have been evident since 1997. I introduced legislation into this House to correct it, as the Minister for Housing and Works knows because he was the then upper House spokesperson on these matters. He was not the shadow Attorney General, which is sad because the legislation might otherwise have passed if he had been the shadow Attorney General. I believe he has more of an ability to appreciate the worth of the legislation than does the Attorney General. A problem I have with the Attorney General promising to introduce legislation tomorrow is that we might never see it.

The minister said also that two years is a long time and that if a juvenile does not get into trouble for two years, he is doing very well. It does not work that way; it is only one year at most when talking about a juvenile not getting into trouble. A person can be convicted of an offence in one year, have a strike imposed in the following year and then get a third strike within two years. If the courts do not count those strikes in the meantime and they keep releasing offenders without penalising them, those offences do not count as strikes. That is the problem. If between the first strike and second strikes that actually count, a child records five more strikes that do not count, that child does not come under the three strikes rule. That is the problem I have. There are many other outs but the most important is the ability to impose a supervision order. If a child had run riot in that two-year period and had continually appeared before the Children's Court but had been let off without any penalty, a strike would not have been recorded against him. That really concerns me. I am concerned if offenders get let off on that basis even once.

As was said in the minority report, there is no such thing as a minor home burglary. We all want to prevent children from being caught up in the justice system. However, the solution to that is to take action much earlier in the child's life. By the time a child gets to court, it is a bit late. We would all like to prevent children from being involved in the justice system. However, we cannot allow the plight of the victim to be ignored. It is nasty to have a car stolen, especially if a young person has saved up for it for a long time. It is nasty to have a radio or CD player stolen also. However, that does not compare with a home burglary. I am sure that every member in this Chamber has either spoken to or been a victim of home burglary. I am sure that members have spoken to elderly constituents in particular who have been victims of home burglaries. Victims of home burglaries - particularly elderly people - feel not only that their personal space has been totally invaded, but also incredibly fearful. They become virtual prisoners in their own houses. Members who doorknock know what it is like to hear lock after lock being opened. When the door eventually opens, the security screen remains in place and a very fearful elderly person appears from behind the screen.

Hon Derrick Tomlinson: Very often, they won't open the door until you identify yourself.

Hon PETER FOSS: That is right. It may be that their perception of crime against elderly people is greater than the reality; nevertheless, they know about cases: practically everybody knows the case of a child caught for home burglary who gets off. One can hardly wonder why people have that perception. One sees reports in the newspaper of cases in which loopholes have been exploited. Maybe such cases occur only once every year or so; however, it is enough to create a perception among elderly people that it is a very real problem. Frankly, I see it as a problem.

The minister's example was not a good one. It assumed that no offending had occurred in the two-year period. People can do many things over a period of two years but not invoke these provisions. It is not that there are no strikes for two years - that is, no strikes in between others - because other diversions are available. Members should bear in mind the other types of diversions available, such as cautions or juvenile justice teams. It is not as though the children have not had a chance. The theory of three strikes is to ask the question: has the child learned from the experience? That is why it operates on the basis of penalty, strike, then another offence, and another strike and then another offence. It has to be in that order. Three offences and convictions in order were all that was required under the Crime (Serious and Repeat Offenders) Sentencing Act. The three strikes measure requires a strike followed by another offence, strike, another offence and strike - then they go. As far as I am concerned, an enormous amount of latitude is given, especially considering that the courts will release people on supervised release until reaching the conclusion that the child is not controllable. If the child is not controllable and will be detained, real victims have suffered.

I like the fact that the Government acknowledges that the three strikes measure is an important factor in the reduction of burglary by children. I agree that it is a very important factor. It has had the impact we wanted it to achieve. The number of people jailed has been grossly exaggerated. Statistics clearly indicate that the majority of young people jailed or detained are the result of a decision on a discretionary basis by a judge. The three strikes provisions pick up only a small number of offenders. However, it is an essential principle because it tells people, including victims, strongly and clearly that adequate punishments will apply.

Paragraph 3 of the Standing Committee on Legislation minority report reads -

> On the other hand, Banksia Hill Detention Centre provides excellent surroundings and a good education. It sets boundaries for children who have been deprived of structure in their lives. They get a real chance at rehabilitation.

If members talk to Professor Fiona Stanley, they will gain an idea of factors that impact on the likelihood that children will re-offend. The structure of the program at Banksia Hill is very important. For instance, they have a structured day: they have to get up, they have three meals a day and they attend school. The school provides a better education than that at Geelong Grammar School, and has an average class size of eight students - such class sizes are very significant. The children have structured sports and manual arts. The teaching is structured to meet their needs and the surroundings are very pleasant. I have told the story before about the Aboriginal lady who sat next to me when I opened Banksia Hill who said, "You'll have no trouble filling this place. It's very nice." It has a very pleasant campus atmosphere, and it has overcome many of the problems experienced at the other detention centres.

The minister said that the Government is on the front foot with young offenders with recent amendments to the Young Offenders Act. I was pleased to see those amendments because I had promoted monitoring for not only juvenile but also adult offenders. It is a very effective way of dealing with people. All we need to do is to get the technology up to date. I do not know whether it has reached that stage. The time I first carried out an investigation I found that it was somewhat patchy. I understand that the Government now says it is putting resources into programs, and I am fascinated to hear that, because it was one of the Government's election promises. I kept asking when it would be carried out, and was told that it had not been done. I now understand that something has been started, just before the election. I know the Government is doing some tidying up of its election promises so that it can say that it has fulfilled them all, but I would rather wait and see on that one, because I very much doubt whether, at this stage, it is any more than window-dressing.

The final matter was the reading of the statement I made. It was an excellent statement, and I still agree with everything it said then. It says that although a number of things distinguish us, I do not think we should have all of those distinguishing things. The most important provision, which I have carefully left in, is that when supervision is a real alternative, it should be imposed and a conditional release order granted. I happen to think that that gives some discretion, but not unlimited discretion to keep ignoring the problem and letting the child go out and reoffend. If it is believed that a child can go back into the community, be properly supervised and have a real opportunity of not doing harm, by all means it should be tried. However, if it is quite clear that that is not possible, there comes a time at which the negatives for the public outweigh the benefits for the child, and public interest plainly favours detention. When there is no guarantee that the child will be supervised, the child is not being done any favours. When it is recognised that one of the main causes of child delinquency is the failure of proper supervision by an adult, what favour are we doing by allowing the child to be released when that supervision cannot be guaranteed, and we know the child will probably become involved in drugs and home burglary? Who is being done a favour by that action? For many people, it is just a way of avoiding taking responsibility. We have arrested the child and taken him to court, but we have not detained him. We feel good when we are not detaining children, but we are glossing over the real problem. The underlying problem is that there is a child out there who lacks supervision, has been raised incorrectly and is creating great harm for victims.

Hon Paddy Embry interjected.

Hon PETER FOSS: They probably would if they knew what it was about, but the fact is that we are not dealing with the problem by just letting them go. At least in Banksia Hill Detention Centre there is a program that tries to give that

supervision, education and all the skills the child lacks, which are the elements causing the problem in the first place. More importantly, the public is not suffering from home burglaries. This is a very specific piece of legislation. Home burglary is a very important aspect of it. We have not focused on the stealing of wristwatches or the offences in the serious and repeat offenders legislation. That was a ragbag of offences; it was a mess. However, this legislation is very pointedly saying that home burglary is a very different sort of offence, and courts must make the decision about whether a child is able to be supervised. If not, and the child continues to offend, he must be detained.

All the remarks made by the minister are very interesting, and I am very pleased to hear him support the three strikes principle. I have been very disappointed that the Government has done nothing to address these loopholes. It is consistent with its view expressed in 1997, but not very consistent with what it told the public at the last election. I notice that the Government still has not introduced the amendment it promised - I do not think it will do so in the remaining time of this Parliament - to extend the offence of home burglary to include burglary on a car at a home. Nothing has been done by the Attorney General on that. The promise that the Government made to look into alternatives for young people does not give me great cause for satisfaction. It will be found that since the loopholes have opened, the number of children being detained under the Act has dropped because the opportunities for the courts to allow this to occur have increased, and they are not now being forced into the difficult position of Parliament having to tell them to do so.

I said that judges were exercising their discretion appropriately. They are entitled to exercise their discretion appropriately. I have never blamed judges for the loopholes. That is the way our court system works. Occasionally it is very annoying for legislators to have judges finding loopholes. However, members would never hear me criticise a judge for it. In fact, I have tried to defend certain judges, but for some reason my remarks never appear in the newspaper. The Press does not seem to find it very good news that a politician defends judges and blames the Attorney General. There has been criticism of judges by the Attorney General. I believe that some of that criticism would have been more properly directed to the Attorney General's failure to deal with the loopholes. The reality of the matter is that Parliament's role is to make the laws. If the judges find a flaw in the laws, Parliament's role is to fix it. I believe that the will of the people is plainly in favour of fixing it. For some reason that I do not understand, especially given the extraordinary legislation that this Government has brought in - legislation that I thought the Labor Party would have found anathema - it will not deal with something that I believe has the plain support of the people. Plainly, a well-defined group of victims in our community have been crying out for assistance. I believe it is very sad indeed that the Government is rejecting that cry for assistance.

Question put and a division taken with the following result -

Ayes (13)

Hon Alan Cadby	Hon Peter Foss	Hon Norman Moore	Hon Bruce Donaldson *(Teller)*
Hon George Cash	Hon Ray Halligan	Hon Simon O'Brien	
Hon Paddy Embry	Hon Frank Hough	Hon Bill Stretch	
Hon John Fischer	Hon Barry House	Hon Derrick Tomlinson	

Noes (14)

Hon Kim Chance	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Kate Doust	Hon Nick Griffiths	Hon Jim Scott	Hon Ed Dermer *(Teller)*
Hon Sue Ellery	Hon Kevin Leahy	Hon Christine Sharp	
Hon Jon Ford	Hon Dee Margetts	Hon Ken Travers	

Pairs

Hon Murray Criddle	Hon Robin Chapple
Hon Barbara Scott	Hon Louise Pratt
Hon Robyn McSweeney	Hon Adele Farina

Question thus negatived.

Bill defeated.

GALLOP LABOR GOVERNMENT'S PERFORMANCE

Motion

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [2.49 pm]: I move without notice -

> That this House expresses its grave concern at the incompetence of the Gallop Labor Government and, in particular, its pathetic attempts to direct attention away from its shortcomings.

That is a very simple explanation of the state of affairs in which we find ourselves in the State of Western Australia. Eight years ago, after the Court Government's first term in office as we headed towards an election, the then

Government was significantly ahead in the polls, the then Leader of the Opposition was replaced by Dr Gallop at the last minute, and the Labor Party was in total disarray. The end result was that the coalition Government was returned overwhelmingly in 1996 with an increased majority. We then had another four years of the Court Government. The situation today is completely different, as is clearly demonstrated by the most recent Westpoll, which shows the Labor Party coming second. Most other polls have the situation about lineball. That is a vastly different scenario from that of eight years ago. There was talk for some time, certainly in recent history, about having an early state election this time around. Everybody was getting prepared for a December election. I suspect that the Government was one of the groups that was getting prepared for an early election until it worked out, in whatever way, that it would probably lose.

Hon Nick Griffiths: We were waiting for you to get rid of the member for Cottesloe.

Hon NORMAN MOORE: The Liberal Party is not getting rid of anybody. We have a very clear team going into the election. We have not had to change our leader, as the Labor Party did in 1996. If we are to believe the polls - I do not always believe the polls, but I would rather they were on our side than on the Government's side - a fair assessment of most of them is that the Opposition and the Government are level-pegging.

Hon Nick Griffiths: It is all a matter of seats.

Hon NORMAN MOORE: It is; we know that. The scenario eight years ago was that the Labor Party was hardly on the radar screen. The Labor Party might not have existed at that time. It also came third behind One Nation in a number of seats in 2001. The point I am trying to make is that the Government has recognised that it has a problem. It will not hold an early election. We will wait until February for the election. The Government hopes that all the spin and disinformation that it is now putting into the community will somehow encourage people to vote for the return of the Gallop Government.

The motion has been moved in these terms to demonstrate the stupidity of and pathetic attempts by the Government to try to change the subject, to try to get new issues on the agenda and to try to create the impression that the Government cares about things and is seeking to do something to solve the problems of Western Australia. I will give a couple of examples to explain how pathetic has been the Government's performance. I do not use the word "pathetic" very often in formal motions. In fact, this is probably the first time I have used it. However, that is the word that popped into my mind when I was thinking about recent announcements on bringing water to Perth from the Kimberley, school uniforms and a referendum. Let us look at a couple of those issues.

I start with the Kimberley water supply issue. People have been talking about a pipeline from the Kimberley to Perth for as long as I can remember, even, I hate to say it, before Ernie Bridge suggested it. My father-in-law wrote to Colin Jamieson, who was the Minister for Works, in about 1974 asking why he did not pipe the water down from the Kimberley.

Hon Nick Griffiths: What did he say?

Hon NORMAN MOORE: He said that it would cost too much, or something to that effect. The idea has been around for a long time and people like it. It is a very simple solution to a water supply problem. We are told that we have a water supply problem at the moment. In my view, it is not half as bad as we are told it is. I think the Government has been hoist with its own petard by frightening everybody to the extent that they think that if they use a drop of water, they are criminals. There is plenty of water around; it is a matter of using it properly. This Government has not done much about that other than to say that it will build a desalination plant, because that is politically better in its mind than piping water from Yarragadee in the south west. It did not want to take on the south west, but it is happy to take a risk with a desalination plant and all the other issues that go with it.

Returning to the pipeline, everybody thinks that is a simple solution to our problem. There are vast amounts of water in the Kimberley, so all we need to do is pump it to Perth. The fact of the matter is that Lake Argyle cannot be used because Lake Argyle is spoken for. We are told by the Water and Rivers Commission that 60 per cent of the water in Lake Argyle must be kept there to keep alive the new environment that has been created by the building of the dam. How ludicrous is that! One of the problems with Ord stage 2 is that there might not be enough water, particularly if the land is used for sugar cane. There is not enough water in Lake Argyle for Perth or anywhere else. The other suggestion is to look at the Fitzroy River. Whether it is dammed or whether the water is funnelled off is an arguable way of doing things. This issue has been around, and Dr Gallop has always said that we cannot afford it; it is too expensive. Most people have come to the same conclusion. The cost of getting water from the Fitzroy River to Perth by way of a pipeline is extraordinarily expensive. It is far more expensive than most of the other options available to the Water Corporation; yet last weekend the Government made the announcement that it will provide $5 million or $6 million to a company, Tenix -

Hon Nick Griffiths: No; the Government is not providing the money to the company at all. It is for a feasibility study undertaken by others.

Hon NORMAN MOORE: I stand corrected. The money will be provided to do a feasibility study into a proposal put forward by Tenix about building a canal from the Fitzroy River to Perth. I had heard about this before.

Hon Nick Griffiths: As had Mr Barnett.

Hon NORMAN MOORE: That is exactly right.

Hon Barry House: As had the minister two and a half years ago and he did nothing about it.

Hon NORMAN MOORE: Tenix put forward the proposal.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon NORMAN MOORE: The company has kept the Opposition as informed, I presume, as the Government. I was aware of this proposal, but we have not said anything about it because we are looking at whether it is just another pie in the sky idea from somebody or whether it has any merit. The Government is probably in the same boat. Does the idea have any merit? The Government does not know, but it will grab $5 million of taxpayers' money to find out. Why do it now? Why did the Government not do it when the proposition was put to it in the first place?

Hon Nick Griffiths: It a different proposition.

Hon NORMAN MOORE: Okay; so why did it not do it when the second proposition turned up?

Hon Kim Chance: That is what we did.

Hon NORMAN MOORE: I would have thought that if the Government had sat down and thought about this, the Premier would have asked the minister for water resources what he thought about it. I would have thought that if the Premier were going to announce a $5 million feasibility study into a massive project to bring water from the north of the State to the metropolitan area, he would discuss it with the minister for water resources, or the Minister for Government Enterprises as he is called. The reason he is called the Minister for Government Enterprises is that the Government does not want anybody to know that he has anything to do with water, but he happens to be in charge of the Water Corporation. I also would have thought that a Premier who was about to spend this money on a massive project would have talked to the Water Corporation, which is the body set up by the Government to look after our water requirements. I would have thought that before making a decision to investigate this proposition, the Government would have talked to the people in government who are involved in water. However, no. In fact, the other day I asked the minister - I acknowledge that this is the uncorrected version of *Hansard* and he can tell me whether he has been misquoted, but I am sure that my recollection is the same as is reported here - when he first became aware of the proposal. He said that it was late last week. My next question states -

> (2) When did the minister become aware that the Government was to provide funds to assess the Tenix Group proposal?

The minister replied -

> I anticipated it on Friday.

Hon Simon O'Brien: He got an early copy of Saturday's paper!

Hon NORMAN MOORE: I then asked what discussions took place between the minister and the Premier over this proposal. The minister replied that members of his staff conferred with members of the Premier's staff. He then said -

> The honourable member may recall that I was somewhat busy last week with my duties to the House.

I do recall. The minister is always busy in the House. He is the only one from his side of the House who is. I then asked why the Water Corporation was not consulted. There was no answer to that question, but we already knew that because it was in the newspaper.

Anybody who understands this set of circumstances knows full well that somebody in the Government's spin department said, in response to a survey done by people about issues in Western Australia, that he thought water was a problem and that getting it from the Kimberley would be a good thing. Somebody in the Premier's department said it would be a good idea to drag out this Tenix proposition and provide some money to proceed. The Government announced that with about five minutes of thought, because it is very clear to all who take an interest in this matter that the Government forgot to tell the minister who is in charge of water resources. The minister had to anticipate what his Premier was going to do. The Government did not bother to ask the Water Corporation either. The Water Corporation had to say it did not know anything about this proposal, and its job is to provide water for Western Australians, yet it has all these things in train for the future. The Water Corporation has received its desalination plant money from the Government, and it is going ahead with the south west Yarragadee proposal, although that has again been put off for a while in case there is any more political trouble over the issue. It also has other proposals for underground water and all sorts of things, but not one of them involves water from the Kimberley. A letter from Dr Gill of the Water Corporation appeared in the newspaper just the other day stating that we should not be so stupid, we cannot get water from the Kimberley for the sort of price that we can get water from everywhere else. Yet Dr Dolittle-Good News Geoff comes out and says he will give Tenix from over east $5 million to assess this proposal about getting water for $1.2 billion or

something, but he did not tell the minister what he was going to do. Obviously he made a populist decision on the spur of the moment. At the end of the day we will get the same answers every time anybody investigates this matter.

The next matter is school uniforms. Minister Carpenter announced this week that school uniforms will be compulsory in government schools.

Hon Paddy Embry: I wonder how.

Hon NORMAN MOORE: I will provide a bit of history on this issue. In 1995, the then Minister for Education introduced a Bill into this House that provided for school councils to create a school dress code and to give principals the power to enforce that code. He was a very good past Minister for Education. That Bill was passed.

Hon Ljiljanna Ravlich interjected.

THE DEPUTY PRESIDENT (Hon Jon Ford): Order!

Hon NORMAN MOORE: Moaner is back again, Mr Deputy President. Poor old moaner!

Hon Ljiljanna Ravlich: You're the one who is moaning.

The DEPUTY PRESIDENT: Order, members!

Hon NORMAN MOORE: I am. I have reason to moan, because the honourable member is in government.

That legislation was passed by both Houses, not with much enthusiastic support from the Labor Party as I recall, but the Government went as far as possible at the time to make it compulsory. At the end of the day, if some kid says, "I am not going to wear a school uniform and you can't make me," short of going to that child's house every morning, putting the clothes on him and dragging him off to school in his school uniform, we cannot make him. Are we then going to say to students who do not wear a school uniform that they will be expelled from a government school? Is that what Mr Carpenter has in mind? The reason I did not make the wearing of school uniforms absolutely compulsory and say children will be expelled if they do not wear a school uniform is because, in my view, it is not an expellable offence. What a student wears to school should not determine whether he or she is expelled. Having a school uniform or dress code is a good idea. It makes children have a commitment, in a sense, to the school. A significant improvement in the dress codes in most schools in Western Australia was a result of that legislation. School councils made sensible decisions about what dress code should apply to schools. The children lapped it up because the uniforms were not grey trousers, reefer jackets, ties and hats; they were blue trousers and blue tracksuit tops or windcheaters with the school crest. The children found those uniforms quite acceptable and they looked pretty good.

Hon Derrick Tomlinson: And relatively inexpensive.

Hon NORMAN MOORE: Exactly right. It worked and it is still working. What do we get this week? Mr Carpenter is probably the worst Minister for Education and Training I have ever known. That comes from someone who had a great regard for him when he first took on the job. I thought he was going to be very good but I have come to the conclusion that he is very, very bad.

Hon Simon O'Brien: He has unified all parts of the education sector!

Hon NORMAN MOORE: That is exactly right; he has brought them all together. They all think he is an absolute dill! The decision, which he knows as well as I cannot be implemented, is just another example of the Government trotting out a so-called populist policy before the election to try to take people's minds off everything else. He knows that he cannot deliver. I asked a question yesterday - I put it on notice - and I was told that the minister was not around; he had gone somewhere else. As such, I cannot get an answer to the question. I asked him what legislative or administrative change was necessary to bring in compulsory school uniforms. I would like to know. Will it be the case that no child is allowed to attend school unless he wears school uniform? Will that be put in legislation? What will happen if a child does not wear school uniform? Will he be expelled from school? I cannot get an answer because the minister has disappeared. He drops a nice policy initiative - as he calls it - and argues the case on morning radio before disappearing to some conference somewhere or other and he cannot be contacted to answer a simple question. With a bit of luck, I might get an answer today. It is important that we know what he means when he says that certain things will be done in the context of a pre-election environment. On top of all that, Hon Peter Foss asked a question of the Premier yesterday. He asked why the Premier, when he was the Minister for Education, told school principals that they could not expel children for not wearing school uniforms. He changed the then slack rules to make them even slacker!

Hon Paddy Embry: How soon before an election did he make that statement?

Hon NORMAN MOORE: I do not know. I am expecting something else about education to come up very shortly. I will tell members about that in a moment.

The answer given to the question was that the views of the community had changed. That tells us something. I should ask the Premier a question: did the Minister for Education and Training discuss this with the Premier and does he have his concurrence? As the Premier was caught out in what he did as Minister for Education, did the Premier just make up an answer to suit the circumstances? Obviously, he will not say publicly that he does not agree with the Minister for

Education and Training. I bet a bottle of red wine that he did not even talk to the Premier about it. It reminds me a bit of a scenario during the time of the Dowding Government. The then Government made a commitment prior to the election to pay $50 for every child to go towards school fees. The money was to be made available to all parents to help get children back to school, or words to that effect. The Dowding Government was re-elected and the $50 for each child was duly paid for one year. As soon as the election was out of the way and the Government was in its second year of office, the payments were stopped. Parents were paid only once. Perhaps we will have compulsory school uniforms for one year until the election is out of the road and then that matter will also disappear off the agenda. The canal from the Kimberley might also disappear off the face of the earth once an election is out of the road.

We then have the referendum. We will talk about that tomorrow, so I will not go into any detail other than to say the announcement of having a referendum with the election was designed to take everybody's attention off everything else. That announcement was made together with the announcement of giving $1 billion relief in taxes. It was not giving money back but reducing taxes in the future. The Government will be giving back a little of what it has taken away in vast quantities. The Government trots out these things just before an election in the hope that it will take people's minds off all its other shortcomings and somehow give it some prospect of winning the election. I do not know why the Government chose retail trading hours. I can think of a thousand other issues that are far more important to Western Australia than retail trading hours, if an issue is to be made part of a referendum.

Hon Derrick Tomlinson: One vote, one value, for example.

Hon NORMAN MOORE: It is interesting that Hon Derrick Tomlinson should raise that. We begged the Government to have a referendum on that.

Hon Derrick Tomlinson: What was the answer?

Hon NORMAN MOORE: The answer was no, we do not need a referendum because Governments are there to make decisions.

Hon Derrick Tomlinson: Why did the Government say that? I will tell you why; it is because it said that the public would give it the wrong answer.

Hon Nick Griffiths: Do you support one vote, one value?

Hon Derrick Tomlinson: I support having a referendum on the issue.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members!

Hon NORMAN MOORE: Issues like that, which affect everybody, are the sorts of issues that everybody might like to have a say on. Another issue that affects everybody and that could be the subject of a referendum is daylight saving, because everybody must put up with the start and finish of official daylight hours. They affect everybody. Why not do that? There is a lot of public clamour for another referendum on that issue, but the Government picked retail trading hours in the city to be the subject of a referendum. It is all about trying to get people's attention away from a Government that is having clear economic problems.

Hon Kim Chance: Economic problems? You must be joking!

Hon NORMAN MOORE: Clear electoral problems. Did I say economic problems?

Hon Ljiljanna Ravlich: Your Government had five budget deficits in eight budgets, and it had privatisation.

Hon NORMAN MOORE: Moaner, please! I have just said that I chose the wrong word. The Government is clearly in political trouble.

Hon Ljiljanna Ravlich: Peabrain!

Hon NORMAN MOORE: Must the member use that sort of language in here? If the member wants to go and sit with old Ripper in the other place and talk like a Legislative Assembly member, she should be a member there.

The DEPUTY PRESIDENT: Order! I will not let the proceedings of this House turn into a bleak fight. We must maintain the decorum of the House. That is what is expected.

Hon NORMAN MOORE: Thank you, Mr Deputy President. I suggest that the minister might like to get herself a job in the other place, because she is obviously suited to the climate there.

The point I am making is that anybody can run a significant financial balance sheet if they keep raising taxes all the time. If people want to balance budgets or make a surplus, they need only keep more money coming in. There are two ways of doing it: they can cut their expenditure or they can increase their revenue - or both. This Government has just increased revenue all the way through the roof. When the effects of the Chinese economy, the extra royalties, the price of oil and a federal Government with proper policies on industrial relations are all put together, the conditions for a good economy are present. I cannot think of one thing that this Government has done to contribute to the Western Australian economy since it has been in office, other than rip money out of the pockets of the citizens and then spend it on all sorts of silly programs it has invented around the place. Let us look at one of them.

Hon Nick Griffiths: Roads?

Hon NORMAN MOORE: The Government has cut road funding, so the minister should not raise that issue. There is the regional investment fund of the so-called $75 million to save the country from the perils it is facing. If we look at where the money has gone, my calculations show that about 20 per cent has probably gone to the regions by way of the money that people can apply for. The Government came out and said, "We have this regional investment fund. If you have a problem or you want to do something really good, just make an application and we will send you some money." My calculations show that only $13.384 million, or about 19 per cent, has been provided out of the $75 million that the Government claimed would be made available through the regional investment fund program.

Hon Ljiljanna Ravlich: You have made it up. You make everything up.

Hon NORMAN MOORE: I will show the minister the figures. This is from an answer that was provided by the previous minister.

The amount of money that was spent under the indigenous infrastructure program was $2.5 million. An important element of this $75 million fund is the so-called strategic commitments. One of those commitments was that $5 million would be spent on a Shark Bay interpretive centre. That is one of the promises that the Government made when it came into office. However, the Government then joined that promise with the promise that there would be a $75 million regional investment fund and said that the $5 million would come out of the regional investment fund, when the funds were supposed to be separate.

Hon Ljiljanna Ravlich: Tell us about your Pilbara fraud.

Hon NORMAN MOORE: The minister is dopey. The minister is, without question, the dopiest person I have ever met. The minister is thick.

The DEPUTY PRESIDENT: Order, members!

Hon Ljiljanna Ravlich: We only announced $20 million.

Hon NORMAN MOORE: The Government had $20 million, but it was to have had $40 million. Does the minister not remember?

Hon Ljiljanna Ravlich: We only had $20 million.

Hon NORMAN MOORE: I know, because the Government got caught out; the companies would not give it the money. Another part of the $22 million worth of strategic commitments was $4.5 million for the Port Hedland enhancement scheme. That money has not been spent either. When we add that to the $5 million for Shark Bay, a significant amount of the money for the so-called strategic commitments has not been spent. There is also $16.5 million in the fund for the forest restructure. I do not know how much of that money has been spent.

Hon Barry House: Most of it has been dished out, but that is only to plug the holes in the infrastructure - holes that were created through the Government's own policy.

Hon NORMAN MOORE: The Government said that it would stop the logging of old-growth forests and would look after the people in the south west. However, it did not tell the people that the money for the timber industry would come out of the $75 million for the regional investment fund, just as it did not tell the people that the $5 million for the Shark Bay interpretive centre would come out of that same $75 million. The Government said they were separate items. People believed they were separate items. That is the reason I say that the Government has misled people on this issue.

Hon Kim Chance: I do not recall telling anyone that.

Hon NORMAN MOORE: The minister probably did not. It was probably done by the people who run the minister's policy outfit. The bottom line is simply that the $75 million is a myth. The amount of money that has been provided under that fund in the past four years is only $13.5 million, or only about 19 per cent of the total money. I am told that the Government is now spending money on promoting the regional investment fund through a television program to tell everyone about the next $80 million in that fund.

Hon Kim Chance: Some 3 500 regional jobs have come out of this program.

Hon Barry House: But how many did you destroy through your forest policy?

Hon Kim Chance: In net terms, about 25 or 30.

Hon Barry House: Cut it out!

Hon NORMAN MOORE: I hear that comment by the minister. The minister made the same comment the other day. At that time I did not get the chance to interject and ask him to kindly give me a summary of where those jobs are located and whether they are new jobs, ongoing jobs or casual jobs. I think that someone in the Department of the Premier and Cabinet - probably the same person who came up with the idea of bringing water to Perth from the Kimberley - has just given the minister a figure. The minister should just keep trotting it out, because if we say

something often enough, people will believe it. The minister is suggesting that only 25 or 30 jobs have been lost in the forest industry. If he keeps saying it, eventually someone will believe it.

Hon Kim Chance: I can certainly supply you with the figures. We have them available on a regular basis.

Hon Barry House: I will take you on a short tour around the south west. I will be able to point out a lot more than 25, I assure you.

Hon Kim Chance: There would not be that many in the south west. It is about half that number.

The DEPUTY PRESIDENT: Order, members!

Hon NORMAN MOORE: The final comment I want to make about the regional investment fund is that an impression was created in the mind of the Western Australian community that people could apply for $75 million to assist their region. Incidentally, something like $2.5 million of that was spent on Perth-based organisations. That impression was a false impression, and one that should not have been created.

I am sure that other members want to speak on this matter. I could go on for hours and hours talking about the incompetence of the Gallop Government and its spin to create the impression that it is doing something useful. The fact is that people are seeing through it. People have seen the articles in *The West Australian*, and the other day Robert Taylor wrote about the stunt for the day. Even the media is now asking what will be tomorrow's stunt. Perhaps we should have a competition in which we have a prize for whoever can come up with tomorrow's "stunt for the day", and we could have that on an ongoing basis between now and the election.

There is no question that this Government is headed for defeat. It is doing everything it can via its spin doctors to create the impression that it has done something useful over the past four years, when most people know that that is not correct.

HON KIM CHANCE (Agricultural - Leader of the House) [3.21 pm]: I will observe what I think ought to be a convention in this place on private members' business; that is, when a government frontbencher speaks, he should be precise and concise. If I take more than a quarter of an hour, I trust members opposite will remind me that I have overdone what ought to be the convention in this place.

Hon Derrick Tomlinson: You have already.

Hon KIM CHANCE: Now, now; give me a moment! I just have to find the right speech -

Hon Derrick Tomlinson: You have the response for tomorrow's good news!

Hon KIM CHANCE: What I had was yesterday's good news! It has been fun listening to the Opposition working its way through its frustrations. However, it would be a shame for all of us if we were to lose sight of what is happening. At the moment, big and exciting things are happening. Certainly, with some of those issues there is an element of revisitation of things past. School uniforms, by necessity, will always be an issue at which we have previously looked. However, let me cross back to the Tenix Pty Ltd issue. I am aware that some time ago the Tenix group came forward with quite an expensive proposal to utilise water from the Kimberley. At the time, the Government was not all that interested in it. Tenix came back to the Government with another proposal that the Government had a good look at. I first became aware of the Tenix proposal some two months ago.

Hon Norman Moore: Why did the company not involve the minister responsible for water resources?

Hon KIM CHANCE: Let me explain what happened from my point of view. The Tenix group spoke to me about the proposal about two months ago, knowing that I was not the minister responsible for water strategy - the Premier is the responsible minister. Nonetheless, the company wanted to brief me. I thought the proposal was quite strong and had made a radical difference to the cost of the project compared with its earlier proposal. I regard Tenix as a serious company, and it is. This proposal is not something that has been put up by somebody who does not understand an engineering proposition; this company has working for it very competent engineers, and because of that, I passed the proposition on to the Premier, who is the minister in the Gallop Government responsible for water strategy. He is not the Minister for Government Enterprises. The Minister for Government Enterprises has within his range of portfolios the Water Corporation. However, this was a matter for the minister who had responsibility for water strategy, which is the Premier. The Minister for Government Enterprises made that quite clear in his answer to yesterday's question. However, having become aware of the Tenix proposal, I passed it on to the Premier. The Premier, after consulting with the minister who is in charge of the Water Corporation -

Hon Norman Moore: He did not consult with him.

Hon KIM CHANCE: He did.

Hon Norman Moore: With respect -

Hon KIM CHANCE: With respect, the Leader of the Opposition would not know. After having done that, a decision was made. That is an entirely logical thing to do. The important thing about this is the timing. I do not know of any other minister who was aware of the proposal before I was, which, as I said, was about two months ago. However, that

is when it first came to government. That is the period over which the Government has had a chance to look at the proposition. It looked at the proposition; it made its decision. The timing of the election is irrelevant. To state that Tenix decided that it would take the proposition to government now because the election will be in February, presumably, implies some strange logic on behalf of Tenix. If that was the issue driving Tenix, it never mentioned it to me. I cannot imagine why Tenix would be interested in the timing of the election.

Let us also go to shopping hours. There is a theory coming from the other side that to raise the issue of shopping hours prior to the election is a stunt of some form. I remind members, whose memories must be devastatingly short, that the Government introduced legislation on the question of shopping hours.

Hon Simon O'Brien: When you said you wouldn't.

Hon KIM CHANCE: The Government never said it would not introduce legislation. It gave a term-of-government commitment on shopping hours. It was very clearly a term-of-government commitment.

Hon Simon O'Brien: It was not clear; it was doublespeak.

Hon KIM CHANCE: As Hon Simon O'Brien knows, the legislation we introduced did not affect this term of government. Notwithstanding that, we brought the legislation into this place months and months ago. Notwithstanding the fact that the Government brought that legislation into this place, members opposite have forgotten that they chose to throw it out. That was entirely their choice on the matter. However, given that the Government tried to introduce legislation through the normal manner, which was rejected and frustrated by the actions of this House, it then determined that one possible choice was to ask the people. Astounding!

Hon Barry House: Why didn't you do it with electoral reform then?

Hon KIM CHANCE: Because we chose not to. That will be a matter for another day.

As I said, although some big and important events are happening - I am delighted and grateful that the Leader of the Opposition has seen fit to give them the prominence that he has - it would be a great shame if we were blinded by them and forgot other events that have occurred in the past three and three-quarter years. Indeed, the Opposition totally lacks the capacity to get anything off the ground on the issue of shopping hours, whether it be in government or in opposition - it would say that no Opposition should ever claim to be brilliant - as those guys opposite never raise their voices loudly in this area. They cannot even agree between Houses on their position. Everybody accepts that this Labor Government has got the economy moving.

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order!

Hon KIM CHANCE: Thank you, Mr Deputy President.

After having suffered a Government that gave us five - count them - deficit budgets out of eight, the last four having taken the State into deficit by a cumulative $400 million, we now have a Government that has given us four successive balanced budgets.

Hon Norman Moore: Do you know how?

Hon KIM CHANCE: Of course! We have taxes. That is how Governments raise their revenue.

Several members interjected.

The DEPUTY PRESIDENT: Order! It must be just about impossible for the Hansard reporter to work out who has the call. I will tell members who has the call. The Leader of the House has the call and nobody else.

Hon KIM CHANCE: Thank you, Mr Deputy President.

I know that it is hard for some members to get their heads around this matter, but Governments actually raise their revenue from a taxation process. They do not raise revenue from business.

Hon Norman Moore: What about royalties?

Hon KIM CHANCE: Royalties are one way of raising revenue. It is interesting that when the Gallop Government brought down its fourth successive balanced budget, it was treated in the local media as some kind of terrible thing to have done to the taxpayers of Western Australia. When Costello brought down the federal Government's surplus budget of about $8 billion, the local media attributed it to good management rather than to overtaxing. How can those two positions be rationalised? All I can say is that perhaps the editorial line in *The West Australian* is written by people with the same kind of economic management skills as the present Opposition.

Let us move on from that. We have made an enormous commitment to the core areas in the budget - health, education and community safety - that we were elected to fix. The benefits of those commitments are being clearly demonstrated. As the Minister for Housing and Works said about half an hour ago, crime rates are falling, particularly burglary rates. Real benefits are now accruing to the health system and, after being in decline - particularly the retainment rate of high

school students for the eight years under the coalition Government - the education system is now clawing its way back again. Honourable members should look at the apprenticeship rates being achieved in Western Australia. Enormous increases have occurred in the rate of new and completed apprenticeships. That is about creating tomorrow's work force.

Hon Simon O'Brien: I will give you a dorothy dixer because you and nobody else has the call. What is the take-up figure for apprenticeships?

Hon KIM CHANCE: I refer the member to a question I answered during question time at an earlier date.

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order!

Hon KIM CHANCE: We have also simplified the land and payroll tax system. We have reduced the rate of payroll tax to the extent that now 9 000 businesses benefit from a reduction in payroll tax. Legislation is before Parliament that provides for more than $1 billion in tax cuts. Members opposite can be as critical as they like of the tax increases that this Government introduced. The fact is, without those tax increases, the State would have suffered substantial deficit budgets, which this State was not in a position to tolerate. When the Government took office, maintenance of the State's AAA credit rating was hanging on the wire.

Hon Norman Moore: That's absolute rubbish.

Hon KIM CHANCE: The same Under Treasurer served both Governments and I can tell the honourable member what he told us. The AAA credit rating was hanging on the wire. We had to produce balanced budgets and we had to do something about the health and education systems, which were in full-scale decline. That funding had to be increased. It was increased, sadly -

Several members interjected.

The DEPUTY PRESIDENT: Order! The Leader of the House has the call. If members persist with their interjections, we will have another debate about Standing Order No 116 "Offences reported by President".

Hon KIM CHANCE: I always found Standing Order No 303 to be one of the more useful standing orders!

The Government regrets that it had to increase taxes. However, it does not regret that it delivered on the core undertakings on which it undertook to deliver.

Hon Norman Moore: You knew the state of the situation when you were elected.

Hon KIM CHANCE: The Government delivered four consecutive balanced budgets and achieved a surplus. We strengthened the State's AAA credit rating and paid off $480 million worth of debt without selling a state asset. The only way members opposite ever achieved anything was by flogging off the State's assets - "Oh, we're in trouble; we'll sell off the back paddock! Oh, we're in more trouble; we'll sell off the side paddock - somebody will buy it! It doesn't matter what price we get for it - just flog it off!" The Gallop Government has not sold any state assets. Rather, it has delivered four successive balanced budgets, met its commitments and cut state taxes. If members opposite do not think that that is a significant achievement, before they are critical of this Government's management I ask them to look very carefully at the recent past of State Governments in this State.

HON FRANK HOUGH (Agricultural) [3.36 pm]: Hon Norman Moore's motion reads -

> That this House expresses its grave concern at the incompetence of the Gallop Labor Government and, in particular, its pathetic attempts to direct attention away from its shortcomings.

I think "pathetic" is a good word. I listened to the Leader of the House's response to Hon Norman Moore's speech about the Government's commitments. He overlooked the fact that the Government stated in the initial stages of its term that it would not increase taxes. However, it has done a good job of increasing taxes. The Government does not have to be really smart to rob money from people and then give them a half or quarter of it back. The Government has selectively robbed from different areas and has then given the money to those areas in which it will achieve more votes, even though that should not be the case.

Hon Norman Moore referred to the Government's idea of a water pipeline that will extend from the Kimberley. That idea has been floating around for a couple of years. I have spoken about it regularly over the past 18 months and during that time I have not heard one peep from the minister in response.

Hon Norman Moore also stated that stamp duty on motor vehicles is four times higher in Western Australia than it is in other States. Western Australia used to be the State of excitement; now it is the State of overtaxing.

I was curious when the minister talked about the apprenticeship scheme. Given that new apprentices have started on the scheme over the past four years, has the number of those involved reached double figures?

Hon Kim Chance: I have already provided that information.

Hon FRANK HOUGH: I hope it has.

In coming up with its skulduggery of offers, the Government has proved that it is lacking a great deal of confidence. It did not have the courage to call an election in December, which is what we would have liked. All that probably means now is a bigger win for the Opposition than it would have otherwise achieved in December. I believe that the Labor Party is in disarray. It is not making rational decisions and it is managing our economy from crisis to crisis. It talks about good management. However, when an area has high sales and high taxes, that is not good management; it is purely the economy. It has nothing to do with good management. If we budget on a three per cent increase and there is a six per cent increase - and a lot more is charged in taxes - that is not good management. The Government has just been fortunate that we have had a booming economy.

Hon Ken Travers: Who made the economy boom?

Hon FRANK HOUGH: I do not know. John Howard said that he did, but let us not go into that.

The point is that it is dishonest for a Government to start coming up with tax relief measures and a range of airy-fairy programs when they will not go anywhere. The Government's measures and programs are purely promises. I asked a question about stamp duty and was told that the Government would look at it in the May budget. It could look at everything. However, the Government has not made a commitment. This is an area in which the Government has overtaxed. The Government has done a reasonably good job but it has not done such a wonderful job that it will be re-elected.

It is an absolute farce for the Government to take accolades for the booming economy and to claim it is a good manager. The Government is not a good manager; it is a poor manager. The Government has ridden on the crest of a good economic wave. Whether that was created by the federal Government or not, who knows? The general world economy has boomed. The Labor Party has been very fortunate to be in government during this booming economy.

I totally agree with Hon Norman Moore's comments about the pathetic - I use the word "pathetic" again because I like it - attempts by the Government to direct attention away from its shortcomings. The Government is selling the sizzle and has got rid of the steak. It must go back to the steak and show the people what it is made of. The Government does not have a great deal to show.

The Government has set up a process to address the power supply for the summer. I hope that we struggle through it. That problem has been around for four years. It was probably an issue before the Labor Party inherited government. However, the Government has taken three or four years to wake up to the problem and it is only doing something about it in the lead-up to the next election. For the sake of the people of Western Australia, I hope that we do not experience power failures or have severe water restrictions imposed on us this summer. I do not know how the Government will address those matters. Offering sleazy giveaways and bonuses prior to an election is a very weak, pathetic attempt at running a business.

HON SIMON O'BRIEN (South Metropolitan) [3.41 pm]: I do not want to be negative in any way when addressing the Government on this issue. I will refer to some of the little things that matter to people. Yesterday I was at the Swan Village of Care, which many members will be associated with in one way or another. It has 1 100 residents and was formerly called Swan Cottage Homes.

Hon Derrick Tomlinson: I hope it has a place for me.

Hon SIMON O'BRIEN: It does have a place for Hon Derrick Tomlinson, and it is a very nice place. It is currently going through a process of redevelopment, and I was there for the opening of stage 1. I met a number of the residents and some of my good friends on the staff and the board whom I have got to know over the years. A minister was uncorked for the occasion and visited the premises. She was asked to declare the place open, as ministers do on those occasions. Congratulations were paid to the architects and everybody else involved. Of course, being a Labor minister, she could not help herself and had to subtly tell everyone about the good things the Gallop Government was doing, particularly the local member who is none other than the Premier, the member for Victoria Park. The minister graciously read a message from the local member who sent his greetings. It was not quite the same as getting a telegram from the Queen, but the greetings of Dr Gallop, the Premier, were conveyed to all those present. Even I smiled benignly when we received this blessing. We were reassured about how disappointed Dr Gallop was that he could not be there on this important occasion but that he wanted everyone to know he was thinking of us.

There we are, ladies and gentlemen, the minister read the special message to everybody from their Premier, Dr Geoff Gallop, who, incidentally, has just released a new concession card for seniors. It tells seniors that they too can share in rebates for various services that are available to other seniors, even if they are living in a retirement village or lifestyle park caravan home. I caught the conversation between my good friend the chief executive officer of the local authority and His Worship the Mayor of Victoria Park and his wife on this important occasion. They said, "That's interesting. As we're not passing on our charges to the people and we have a special arrangement, perhaps we should review how we charge things because the State Government will pay anyway." Bill Marshall, the chief executive officer of the Swan Village of Care, said, "Let's not worry about that; we don't need to confuse the issue with any of that!" I am sure

the minister in conveying the message of the local member and Premier was very sincere and did not use it as a chance to make an inappropriate advertisement.

Hon Bruce Donaldson: Was it rolled out on a parchment scroll?

Hon SIMON O'BRIEN: No. It was a little DL-sized pamphlet number, such as the one I hold. The thing that gave me a warm glow was the certain awareness that Swan Village of Care's 1 100 residents had that the home is not in the Premier's electorate of Vic Park.

Hon Ken Travers: It's not in the electorate after the redistribution, but it is now, isn't it?

Hon SIMON O'BRIEN: Given the new boundary changes, no it is not.

Hon Nick Griffiths: You're misleading the House!

Hon Ken Travers: What a joke.

The DEPUTY PRESIDENT: Order!

Hon SIMON O'BRIEN: Another warm glow has gushed all over me as members opposite try to summon up some umbrage from the embarrassment of it all. People were cringing as everyone knew the situation because of some local issues in the area concerning Nyandi Prison next door. They said, "Isn't it a pity that the boundaries have changed to take us out of Victoria Park, as we can't vote against this Gallop character, as we would like to do?"

There are important things afoot that more directly address the motion that the Leader of the Opposition has wisely brought to the attention of the House. I take members back to April this year when I raised in the public domain, including in this House, concerns about some flow-on effects of this Government's not only incompetent but also improper use of processes to achieve certain political goals. I refer in particular to its transport policy south of the river and its flawed decision in principle to delete the Fremantle eastern bypass. It then said, "Don't worry; we'll wing it." It came up with six-point plan to address the inevitable consequences of that very serious and poorly framed decision. It was a decision that had nothing to do with the development of a planning process and everything to do with base political instincts of the sort seen at afternoon garden parties for the opening of new retirement villages. It is just the same - root and branch - but in a different context. We have become aware over the past few years of the dire consequences of flawed decisions and the Government's persistence with those decisions in the face of all evidence that they are wrong. Back in April, I alerted the House and others to the question of what will happen at the Leach Highway-Stock Road intersection. This is but one of the consequences of the decision about the Fremantle eastern bypass. I will not revisit that matter; it was done in April.

Several members interjected.

Hon Nick Griffiths: You've done it to death. You've spoken on it 20 times.

Hon SIMON O'BRIEN: I will say something new.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon SIMON O'BRIEN: Let me remind members what happened when the Opposition tabled the documents, including diagrams and superimposed aerial photographs - the works - regarding what was proposed for Leach Highway-Stock Road as a nasty consequence of deleting the Fremantle eastern bypass. That was, of course, rejected at the time by the Minister for Planning and Infrastructure, who, among other things, was reported in *The West Australian* on 16 April this year as saying about the very advanced plans that the Opposition tabled in this House -

> . . . the concept had no formal status within Government and there would be no need for an upgrade of that scale for at least 20 years.
>
> "This simply has no status whatsoever. It is simply one engineer's concept," she said.

That is interesting, because two days ago a planning control order was placed on precisely the same area, starting at Leach Highway, west of Stock Rd, and affecting properties from the Stock Road intersection with Leach Highway to just a few blocks short of South Street. It apparently had no status in government seven months ago, but it has suddenly developed a status very quickly, whereby a minister can sign off on a planning control order that will be in effect for at least five years and will radically affect all the people who own land, reside or run a commercial or industrial business in the area serviced by Stock Road. It will have a radical impact, and I do not know how it could be measured. There are probably several yardsticks, but one of them might be how many millions of dollars have just been wiped off the values of those properties and businesses by a stroke of the minister's pen. That is what has happened - millions of dollars have been wiped off the value of those businesses and homes, just like that and for nothing. Anyone who wants to sell a property that has been made subject to a planning control order in the past 48 hours, and who had every intention of putting out the "for sale" sign tomorrow, may just as well forget it, because no-one will want to buy it if this Government persists with the project. The minister said earlier this year that it had no status whatsoever and would not even be looked at for 20 years, but it has now been signed off as a planning control order under the relevant legislation,

without any right of appeal, and apparently without any redress. That is the way this Government does business; that is how it is prepared to operate. It is so up-front when attention is drawn to what it is doing that it denies even doing it, but all the time it is carrying on doing it. All of a sudden - bang! - there you have it. People are notified of this order in a few ways. Planning control order advices go to the owners of affected properties, virtually all of which, at this stage, are commercial and industrial, even though the residential properties on the other side of the road will also be affected. A lot of the advices have not filtered through yet from the postboxes to the directors and owners of those properties, but they are starting to filter through, and a rumbling will be heard as more and more of them hit the tables of people who will be adversely affected. I have heard from the Press - I had a little talk to the Press about this - that it has approached the minister's office and cannot get hold of the minister. However, the Press got on to her media people, and we all know that it is the media people who run this Government. This Government gets the media and the spin right before it worries about the policy. Therefore, the Press decided that it would go straight to the top and go to the media advisers. The media advisers said that they did not know anything about it. Of course they do not. It is something that needs to be hushed up, not shouted from the rooftops.

A notification has gone to residents. People need to be reassured because, heavens above, those naughty Liberals might start some sort of campaign to represent the people of Willagee, who are not being represented by this Government and by their member. Where is he? He is missing in action. Therefore, a circular has gone to residents. I have a copy of one with me, and I will read it, because it is very brief. It is on the letterhead of the Minister for Planning and Infrastructure. That is how it appears. I cannot even believe it is genuine. However, it says -

> Dear Resident
>
> Managing traffic movements through Perth is important to us all.
>
> Because of the need to manage growth in freight on and off Stock Road, we must improve the intersection on Leach Highway and Stock Road.
>
> You will appreciate that we need better turning capacity for cars and trucks moving from Stock Rd to Leach Hwy.
>
> To make this possible we need to protect land -

Does it not sound nice -

> for future planning options so we are placing a planning control area over the land that may be needed in the future.
>
> The Government has no intention of developing a three level interchange at this intersection now or in the future.

No, I bet it does not - just like that concept that is now provided for in the planning control order had no status; it was just one person's concept. I return to the note -

> We will be consulting with all residents, businesses and landowners on the plans for this intersection and will include Local Government in this important discussion.

We all know that the minister gets on like a house on fire with the City of Melville. That would be a treat.

Hon Ken Travers: Are you talking to the mayor yet?

Hon SIMON O'BRIEN: Even the mayor has converted to our point of view.

Hon Ken Travers: Is that right?

Hon SIMON O'BRIEN: Yes, that is right.

Hon Ken Travers: Will she give preferences to Graham in Alfred Cove then?

Hon SIMON O'BRIEN: I hope so.

Hon Ken Travers: That's the deal!

Hon SIMON O'BRIEN: I am trying to read a missive from the minister. People should show respect, because she is almost finished, thank heavens. It continues -

> It is very important we get planning for our growing economy and the needs of local community right, and we need everyone working together to achieve this.
>
> I look forward to working with you on this important issue.
>
> HON ALANNAH MacTIERNAN
> MINISTER FOR PLANNING AND INFRASTRUCTURE
>
> November 2004

I understand that that document was delivered, rolled up with all the other junk mail, such as the Woolies catalogue and everything else, in a big pile and shoved into people's letterboxes. Therefore, if people had a "No junk mail" sign on their letterbox, they would not have heard from the minister. Is it not interesting that the document states -

> We will be consulting with all residents, businesses and landowners . . . and will include Local Government in this important discussion.
>
> It is very important we get planning . . . right, and we need everyone working together . . .

Where was the minister, with those sentiments, when 85 per cent of a record number of submissions objecting to the Government's action were sent to the Western Australian Planning Commission? Where was getting important decisions right then? Where was consulting then? Was the final line, now stated so glibly, applicable when the minister said, "I look forward to working with you on this important issue"? Rubbish! The Government has deliberately misled people on this issue. Now it is trying to fox people again with grubby little missives that go out with the junk mail, while it is delivering the letters that have real sting to landowners, saying, "Your land is now not yours." For five years a planning blight will be inflicted on that land while the Government makes up its mind about what to do and gets on with it. That is the way in which this Government is treating people down my way. It will be at a cost of millions of dollars.

Hon Ken Travers: Will the Liberal Party get rid of planning control areas? Will you abolish them from the Act? Is that what you are saying? Are you saying that you don't support them?

Hon SIMON O'BRIEN: I hope to hear from the parliamentary secretary a little later because I have some questions to ask, of which I have given some notice. If this Government knows what it is doing, as it reckons it does, I will get some answers to those questions - I had better - if I get the call in due course this afternoon. That is a good example of a Government that does not want to talk about the things that people need to talk about. The interjector does not want to talk about this, just as in the debate on the Fremantle eastern bypass he did not want to talk about the concerns we raised but wanted to talk about paradigm shifts in thinking and all the rest of it. Now he wants to divert attention and talk about something that is not the subject of debate.

Hon Ken Travers: You are complaining about a planning control area and I am asking whether you support the use of planning control authority areas or whether you would get rid of them.

Hon SIMON O'BRIEN: I inquired about this planning control area earlier this year in this House. We were given short shrift by the minister in public and by the interjector in this place. We were told that it had no status and would not happen for 20 years, even if the Government were to go down that path. Yet we now have, signed and sealed, one of the most far-reaching urban planning orders that we have ever seen. This is not a planning control area over a sliver of land somewhere out in the sticks on which the Government might want to change the camber of the road. In that instance the Government would put in place a planning control area to stop someone from putting a 30-storey building on that bit of paddock. That would not make much difference to the landowner, because he could still grow wheat on that land. The landowner would be compensated if in due course the land were taken for that purpose. However, where is the compensation - the millions of dollars - for the people who have been collectively penalised just this week at the stroke of a dishonest pen? That pen has sought to mislead in the past. The use of a planning control order in this situation, when the Government does not even know or is not prepared to tell us its plans - it is only concepts; it has no status in government -

Hon Ken Travers: You would know that the planning control authority is in place if you understood how the planning laws worked.

Hon Norman Moore: I think you should drive down to the southern suburbs some time and have a look.

Hon SIMON O'BRIEN: The point has been made. Yet another part of this scandal is unfolding. As I have said again and again during this term of government when we have spoken about cannabis laws or some of the other ways in which this Government has sought to change society's standards to suit some of the lobby groups that have its ear, the Government has not played a straight bat. If the Government has the opportunity to play it straight or to go the dog's hind leg route, it will pick the dog's hind leg route every time just for fun. In this case, it is not just a matter of what the Government wants to do for the heck of it. This is something that has now massively affected the lives of the people who live in my region, for no reason other than the bloody-mindedness of this Government to appease some of its supporters in Jim McGinty's electorate. The member for Willagee is silent and everyone else falls in line. The fact is that my people have now been penalised, at a cost amounting to a colossal sum of money, through the disruption to business and future business prospects. It will affect not only the people on the road who have to control the area on the land, but also all the people in the hinterland who need access to Stock Road, either to get about the area or to get to and from work or school, and the businesses that manufacture goods, which quite often are large loads that have to be shipped out. Where will they go? Will they go down some sort of rat-run that heads them down to Carrington Street or some of the other roads that we were trying to get traffic off in the first place? Again, it has not been thought through. The Government does not hesitate to make decisions that adversely affect people's lives just because it suits it and its temperament to do so. I heartily support the sentiments of the motion moved by the Leader of the Opposition, and I

congratulate him for raising it. I fear, of course, that it will fall on deaf ears in this Government, but hopefully the Government will soon be replaced by one that knows how to listen.

HON BARRY HOUSE (South West) [4.05 pm]: I am sure that if the Labor Party had its way, we would not be sitting in Parliament on 18 November; we would be well into an election campaign by now for an election due on 4 or 11 December.

Hon Ken Travers: Due! How can you say that it's due? The last election was in February. The next election will probably be in February. How can you call it due on 4 December?

Hon BARRY HOUSE: I did not say that it was due. The member should clean out his ears and shove the wax in his mouth. I am sure that the Labor Party would love to have gone to an election in December this year.

Hon Kim Chance: Why?

Hon BARRY HOUSE: If the stars had lined up, the Labor Party would have been quite keen to get away from the prospect of going through a hot January and February, when power blackouts might cause it some very severe embarrassment in the lead-up to when the election is due in the middle of February. However, a couple of things got in the way. Mark Latham let them down badly in the federal election. He did not show up. The Labor Party vote in Western Australia was appalling. The federal election was followed very quickly by some local polls that indicated that its stocks were not all that high. Its primary vote had dropped to about 36 per cent. There has been a flurry of panicked activity since then. The Labor Party has been around for four years so it must try to convince people that it has some runs on the board, because nothing has happened in this State at its direction for four years. It has all happened despite its direction. We have seen the examples of free tickets to the Royal Show and the furphies in the past couple of weeks of tax cuts, the referendum and compulsory school uniforms.

I want to briefly focus on three issues that have been raised in the debate today, because other members might want to make a few comments as well. The Leader of the House put great store in this Government's economic management and tried to denigrate the Court Government's economic management. A few of us have been in this place long enough to have memories of the early 1990s. When the Court Government came to power in 1993, the Lawrence Government was running up debt at $1 billion a year on its Bankcard, WA Inc had cost Western Australia at least $2 billion and the Labor Government had lost the AAA credit rating. Let us imagine that it was running in the Stawell Gift -

Hon Kim Chance: You went backwards.

Hon BARRY HOUSE: The Court Government can be likened to a backmarker running in the Stawell Gift from about 40 metres behind scratch. It had to make up all that ground in economic stakes before it even started. We are very proud of the fact that the AAA credit rating was restored. Schools, roads, hospitals, police stations and a host of other infrastructure throughout the State were created as a result of a terrific period in government. I will move away from that nonsense.

The Leader of the Opposition referred to the regional investment fund and mentioned that $16.5 million from that fund was credited to the south west region for timber restructuring. Yes, that money has been put into the south west community, but it was committed following a dramatic policy change by the Labor Government. Having ripped the heart out of many south west communities and industries, the Government bundled all that money, put it into the community through this investment fund and claimed that it was creating extra infrastructure in the south west. I think the Leader of the House genuinely believes that only 20 jobs have been lost in the south west.

Hon Kim Chance: I said that is the current state of unemployment resulting from the decision - 20 jobs. I can show you the figures.

Hon BARRY HOUSE: That is an amazing statistic. Eight full-time jobs alone were lost from my uncle's timber mill, which was closed down as a result of this Government's policy. The number of timber mills in the south west was reduced from 49 to eight.

Hon Kim Chance: There were about 800 jobs lost, but I am talking about the number of current job losses; that is, the number of unemployed of those 800.

Hon BARRY HOUSE: Many people have been re-employed as a result of their own initiative and there has been a mass movement of people away from places such as Manjimup towards Perth and other coastal towns.

Hon Kim Chance: We have taken account of that as well.

Hon BARRY HOUSE: Other factors have also crept in to this. The Leader of the House should look at the availability of public housing in Manjimup and the massive shift of population mix that has occurred in that town, which has huge social implications. I am pleased to hear the Leader of the House acknowledge that some 800 job losses were involved in this exercise. Let us not hear any more about 20 job losses being involved.

I also want to refer to the fact that the Water Corporation, which I thought was charged with supplying water in this State for our domestic needs, knew nothing about this proposal that came out of the blue for a channel to bring water from the north. That was confirmed to the standing committee I chair, which conducted an inquiry into water resources.

A letter provided to that committee - I can quote from it because it has been made a public document - indicates the Water Corporation's research and process for looking at the water supply and where it was going to come from. The letter also refers to how the Water Corporation has had to change its emphasis over recent years, which is acknowledged, because of lower rainfall. The document contains numerous mentions of the south west Yarragadee, desalination plants and other catchments, but there is not one word about water from the north.

Hon Ken Travers: Do you remember the evidence we had from United Utilities and others about the need for -

Hon BARRY HOUSE: Is the Water Corporation not charged with supplying water through the integrated water scheme to Perth and its environs? I thought that was its primary function. The Water Corporation is the major arm of government charged with that responsibility.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon BARRY HOUSE: The fact is that this Government is all stunts and no substance. Usually the saying is "all style and no substance", but I am reluctant to say "style" because I do not even want to give that much away. This Government has put up political stunts from time to time and has tried to pass them off as good, solid policy.

Debate interrupted, pursuant to sessional orders.

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

POWER STATIONS, KIMBERLEY

1023. Hon NORMAN MOORE to the minister representing the Minister for Energy:

I refer to the answer provided yesterday concerning the Kimberley power stations.

(1) What are the land access problems for each power station that have contributed to the delays?

(2) For each power station, what permit hold-ups are contributing to the delays?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Energy provides the following response -

(1) Access to suitable power station sites in all towns has been obtained. Delays are being experienced in finalising a suitable site for the gas offloading facility on the outskirts of Broome. Several possible sites were reviewed in consultation with the shire and the existing landfill site was deemed the most suitable. A management order is currently with the Department for Planning and Infrastructure to amend its vesting and use of the site to enable the site to be used for fuel storage purposes. A suitable lease can then be negotiated with the council.

(2) New Environmental Protection Authority regulations introduced in July this year have resulted in a lengthier approvals process, which was not in place when the original bid was submitted and was therefore not factored into the project time line. The approvals process is now progressing satisfactorily along the revised time frame.

ORD STAGE 2, MEMORANDUM OF UNDERSTANDING

1024. Hon NORMAN MOORE to the minister representing the Deputy Premier:

I refer to the memorandum of understanding recently completed and announced concerning the development of Ord stage 2.

(1) Will the minister table the memorandum of understanding; and, if not, why not?

(2) When is it expected that the final contract will be finalised?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Deputy Premier provides the following response -

(1) The memorandum cannot be tabled as it is covered by a confidentiality obligation owed by the State to the Kimberley Land Council under the Ord global negotiations framework agreement.

(2) The State and parties to the memorandum are working towards finalising an agreement in the first half of next year.

WESTERN POWER, MANDATORY RENEWABLE ENERGY LIABILITY

1025. Hon MURRAY CRIDDLE to the minister representing the Minister for Energy:

With a view to calculating Western Power's liability under the mandatory renewable energy target liability, will the minister please provide the following information -

(1) The installed capacity of Western Power's grid, excluding stand-by or emergency plant and privately owned grid, connected to domestic users for the 2001, 2002, 2003 and 2004 calendar years.

(2) The amount of liable electricity purchases for Western Power in the calendar years 2001, 2002, 2003 and 2004 in megawatt hours.

(3) The renewable power percentage calculated for Western Power for the calendar years 2001, 2002, 2003 and 2004.

(4) The total number of renewable energy certificates that Western Power needed to surrender in order to discharge its renewable energy liability for the calendar years 2001, 2002, 2003 and 2004.

(5) The total number of renewable energy certificates offered for surrender against Western Power's liability in the calendar years 2001, 2002, 2003 and 2004.

(6) Western Power's annual energy acquisition statement for the calendar years 2001, 2002, 2003 and 2004 submitted to the Renewable Energy Regulator each year by 14 February advising the regulator of the total electricity purchased as relevant acquisitions in the year and the renewable energy certificates that were offered for surrender against the corporation' liability.

I am aware that the figures for 2004 may not have been finalised but I request that an indicative figure be provided in each case.

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Energy has provided a response that is mostly in table form. Therefore I seek leave to have the answer incorporated into *Hansard.*

Leave granted.

The following material was incorporated -

I thank the Hon. Member for some notice of this question.

Western Power have provided the following information

Question	2001	2002	2003	2004
1	3172MW	3172MW	3412MW	3412MW
2	8,988,459.2MWh	12,284,093.8MWh	12,765,674MWh	~13,160,000MWh
3	0.24%	0.62%	0.88%	1.25%
4	21,572	78,119	112,338	~156,909
5	19,630	78,900	113,200	~170,000

6. Western Power submits this report on a confidential basis to the Australian Greenhouse Office (AGO). This information is commercially sensitive and it is not appropriate for its release in the public domain while Western Power is a participant in the contestable market.

ROCK LOBSTER INDUSTRY, SOUTH WEST EXCLUSION ZONE

1026. Hon BARRY HOUSE to the Minister for Agriculture, Forestry and Fisheries:

Since I asked the minister a question last Friday relating to professional rock lobster fishing exclusion zones, there have been at least two developments of which I am aware. First, the minister has received a submission from the Margaret River board-riders club and, second, earlier today I tabled a petition with the signatures of 139 residents - I am aware that most of them are south west surfers - objecting to the planned exclusion zones around surf breaks.

(1) Has the minister made the final decision on the exclusion zones yet?

(2) If not, is the minister prepared to meet the south west surfing fraternity this weekend to hear the surfers' views at first hand? I indicate that I will be very pleased to convene a meeting if the minister wishes.

Hon KIM CHANCE replied:

(1) No.

(2) Yes.

I think I need to provide a little more than the simple no answer to the first part of the question. Since Hon Barry House asked the question on this matter, a number of developments have occurred. The principal development has been that the agreement, which I was led to believe had been formed between the surfers and the rock lobster industry, was in fact overwhelmingly, I am told, rejected by three meetings that were held with the cape-to-cape surfing fraternity. That

leaves the situation in a somewhat state of flux, because the alternative that has been put to me is that there should be an exclusion zone along the totality of the cape-to-cape coast of somewhere between one kilometre and three kilometres. That would effectively wipe out the commercial rock lobster industry. Although I am prepared to meet with the concerned surfers, and I am happy to meet them over the weekend, I am not prepared to introduce a ban of that nature, which would cover huge regions that are not used by surfers at all. However, I am pleased to offer them the opportunity to explain to me why they would want such extensive coverage, given that we have fairly carefully identified those areas that the surfers use. The state of play at the moment is the status quo as it existed at the end of last season. At this stage the only exclusion zones relate to those that are gazetted under a section 43 order for public safety reasons. The question of resource sharing, which we sought to resolve between the surfers and the rock lobster fishers, is at this stage unresolved. I hope that we can resolve it, but that resolution will need to include defined areas. The prospect of the Government endorsing an exclusion of the industry in the whole cape-to-cape region is not a conceivable proposition, given that surfers use only a small proportion of that area.

MT MANNING NATURE RESERVE

1027. Hon ROBIN CHAPPLE to the minister representing the Minister for the Environment:

I refer to the minister's announcement of the extension of the Mt Manning Nature Reserve.

(1) Will the minister table a map of the precise boundaries of this reserve?

(2) Will the minister outline the reasons that this reserve extension has been undertaken?

(3) Can the minister provide a list of the current active tenements inside the reserve extension?

(4) Will mining be permitted on these leases?

(5) Can the minister explain how mining operations can be compatible with the A-class status of the reserve?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

(1) The precise boundaries will be determined and mapped as part of the formal process of reservation. Indicative boundaries are provided in the publication "Goldfields Region Regional Management Plan 1994-2004" published by the Department of Conservation and Land Management in 1994.

(2) As part of establishing a comprehensive, adequate and representative conservation reserve system and as a requirement for there to be a net benefit to nature conservation as part of the decision to approve the Portman Iron Ore Limited Koolyanobbing mine expansion proposal.

(3) Current tenement information is held by the Department of Industry and Resources and should be requested from the Minister for State Development. Areas within the indicative boundaries that are covered by existing mining leases are not being included in the extensions to the nature reserve but will be progressively included as they are surrendered on mining being concluded and rehabilitation completed, or as they expire.

(4) Current mining lease areas may be mined subject to mining legislation and the Environmental Protection Act.

(5) Mining is not compatible with A-class nature reserve status.

MR MICHAEL DAUBE

1028. Hon DEE MARGETTS to the parliamentary secretary representing the Minister for Health:

I refer to the recent retirement of Mr Michael Daube as the director general of the Department of Health and his subsequent appointment as professor of health policy at Curtin University of Technology early next year.

(1) Can the minister confirm that despite Mr Daube's limited academic credentials, he will be receiving a salary of $285 000?

(2) Can the minister confirm that the aforementioned salary will be jointly funded by Curtin University and the Department of Health; that is, the Western Australian Government?

(3) How much will each party be contributing to Mr Daube's salary?

(4) Can the minister outline the selection process that was undertaken for the position of professor of health policy at Curtin University?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question. On behalf of the parliamentary secretary representing the Minister for Health I advise the member as follows -

(1) No. Mr Daube will be paid in accordance with the Curtin University policy on professorial positions. Mr Daube is well recognised nationally and internationally for his expertise. He was a senior lecturer in the

Department of Community Medicine at the University of Edinburgh before he came to Western Australia in 1984 and has more recently been a visiting professor at the University of Western Australia.

(2)-(3) No. There is no funding from the Department of Health or the Western Australian Government.

(4) This is a matter for Curtin University. I am advised that the process met all appropriate requirements.

RESOURCING FIRE MANAGEMENT IN THE KIMBERLEY, FUNDING

1029. Hon JOHN FISCHER to the minister representing the Minister for Police and Emergency Services:

(1) Can the minister inform the House whether the State Government would support a motion to match funding from the Kimberley zone of the Western Australian Local Government Association to initiate a project into the resourcing of fire management in the Kimberley?

(2) Can the minister inform the House whether the State Government would support the establishment of a single fire management authority?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Police and Emergency Services provides the following response -

(1) The Government recently received the report from the Office of the Auditor General titled "Responding to Major Bushfires". The Government welcomed the report, which contained a number of findings and recommendations that are currently being worked through. The key findings and recommendations of the report focus on command structures, legislation, training, telecommunications and emergency response planning. The Government's fire agencies will work in partnership with local communities and local governments throughout the State to enhance bushfire management, concurrent with reviewing the findings and implementing the report's recommendations. The Government will always remain receptive to positive initiatives that may enhance this process. Accordingly, if the Western Australian Local Government Association's proposal for the Kimberley zone is put formally to the Government, it will be considered on its merits.

(2) In accordance with observations made within the Auditor General's report, the Government is considering all options for improving wildfire management throughout Western Australia. At this time, findings and recommendations are under consideration, and the Fire and Emergency Services Authority of Western Australia is in consultation with WALGA and local governments on specific aspects of the report.

DRIVER'S LICENCE DISQUALIFICATIONS

1030. Hon ALAN CADBY to the parliamentary secretary representing the Minister for Planning and Infrastructure:

I refer to the 668 people who are currently under life disqualification from holding a driver's licence.

(1) How many of these people have been banned as a result of alcohol or drug-related offences?

(2) How many of these disqualifications are related to alcohol offences involving a blood alcohol level of or exceeding 0.15 per cent?

Hon KEN TRAVERS replied:

I thank the member for some notice of this question. I have been advised -

(1)-(2) Driver's licence disqualifications that are alcohol or drug related are recorded with a code that may also be used for other offences; for example, refusing an alcohol test or cancellation of a probation licence. Currently, 498 drivers are subject to life disqualifications that may be related to alcohol or drug-related offences.

ADVISORY COUNCIL ON THE PREVENTION OF DEATHS OF CHILDREN AND YOUNG PEOPLE

1031. Hon BILL STRETCH to the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth:

I ask the following question on behalf of Hon Barbara Scott.

(1) When did the Government establish the Advisory Council on the Prevention of Deaths of Children and Young People?

(2) Who are the members of that advisory council?

(3) Which department funds the budget for the council?

(4) How often has the council reported to the Government?

(5) Will the minister table any reports; and, if not, why not?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. On behalf of the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth, I present the following answer -

(1) 28 April 2003.

(2) The Chair of the council is Professor Fiona Stanley, Director, Telethon Institute for Child Health Research. The Deputy Chair is Ms Colleen Hayward, Manager, Aboriginal and Torres Strait Islander Services. The community representatives are Ms Dawn Bessarab, Mr Stanley Jeyaraj and Dr Jacqueline Scurlock. The other members are Ms Jane Brazier, Director General, Department for Community Development; Mr Michael Jackson, Executive Director, Department of Health; and Mr Glyn Palmer, Area Chief Executive, Women's and Children's Health Service.

(3) The Department for Community Development.

(4) The minister met with the committee on 11 June 2003 at its first meeting, and again on 13 September 2004. At the September meeting, the minister was given a presentation by the committee of the work being undertaken.

(5) The minister will release the committee reports as they become available.

MULESING

1032. Hon ROBYN McSWEENEY to the Minister for Agriculture, Forestry and Fisheries:

I refer to the practice of mulesing in Western Australia, and the fact that many sheep farmers are extremely concerned about the intention to stop this practice.

(1) Does this Government support the banning of mulesing in WA?

(2) If so, what is the time frame in which this Government intends to phase it out?

(3) Is any research into chemical treatment to combat flystrike occurring in WA?

(4) If so, what would farmers use to replace the practice of mulesing?

Hon KIM CHANCE replied:

I thank Hon Robyn McSweeney for some notice of the question.

(1) No. The Western Australian Government does not support the banning of mulesing in Western Australia.

(2) Not applicable.

(3) No.

(4) Current research funded by Australian Wool Innovation Ltd and occurring in South Australia is developing a protein to be applied to permanently and painlessly de-hair the breech area of sheep. Integrated flystrike management systems are also being researched, including the use of flytraps or luci traps, crutching and the strategic use of insecticide.

Honourable members will be aware that this has been a topical issue lately, as it has been raised by an American organisation, People for the Ethical Treatment of Animals. PETA is a group of standover merchants who have used extortion on clothing retailers in the United States. One small clothing retailer by the name of Abercrombie and Fitch has succumbed to this pressure and has banned the use of Australian wool in its stores. This is wholly unethical behaviour and, from my point of view, the Western Australian Government will have no truck with PETA or anyone purporting to represent its issues. As minister, I have met with every organisation, including animal welfare organisations which, I hasten to add, I respect greatly. I also respect their right to hold the point of view that they hold. There has never been a group that I have refused to meet. If PETA were to ask me for a meeting, I would refuse on the basis that I do not deal with extortionists and neither does the Western Australian Government.

SMOKING IN ENCLOSED PUBLIC PLACES, CODE OF CONDUCT

1033. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Health:

In June 2003 the Government committed to develop a code of practice to protect workers in the hospitality sector as part of the Government's response to the review of the operations and effectiveness of part IXB of the Health Act 1911 and the Health (Smoking in Enclosed Public Places) Regulations 1999. The then Minister for Health, Mr Kucera, announced in Parliament -

> A code of practice is also to be developed under the auspices of the WorkSafe Western Australia Commission. It is envisaged that the code will be operational within 12 months, if not earlier. The code will contain information on the duty of care provisions of the Occupational Safety and Health Act and practical guidance on measures designed to protect the safety and health of employees.

In other documentation the minister referred to the proposal as a code of conduct. The 2003-04 annual report of the Commission for Occupational Safety and Health was tabled in Parliament on 9 November 2004. No mention was made in that report of the code of practice that was part of the Government's response to that review.

(1) Has the WorkSafe Western Australia Commission formally advised the Minister for Health why the code as announced was not developed within the 12-month time frame?

(2) Will the code be developed?

(3) If yes to (2), when?

(4) If no to (2), will the minister please advise the alternative duty of care provisions that will be established for workers in the hospitality sector?

Hon GRAHAM GIFFARD replied:

On behalf of the Parliamentary Secretary to the Minister for Health, I thank the honourable member for some notice of the question and provide the following answer, which is a lot shorter than the question -

(1) The Commission for Occupational Safety and Health advised the Department of Health that it did not intend to proceed with the development of a code in view of the fact that it intended to adopt the national occupational safety and health guidelines on environmental tobacco smoke. These guidelines were adopted in December 2003.

(2) No.

(3) Not applicable.

(4) This question should be referred to the WorkSafe Western Australia Commission, which has carriage of this issue.

LUDLOW TUART FOREST, EXPENDITURE OF OFFSET FUNDS

1034. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

Further to question without notice 947 of 10 November 2004 -

(1) Will the minister please explain the discrepancy between the answer she gave on 10 November, in relation to the $830 000 offset for mining at Ludlow, in which she said -

> Priorities for the use of the offset funds for tuart conservation initiatives are being considered for whole-of-tuart woodland projects as well as tall tuart woodland and Ludlow-based projects . . .

and the minister's statement No 639, procedure 4, in which she said -

> *Management of Provided Funds* (See commitment 6).
>
> The funds provided under commitment 6 will be placed in a Specific Purpose Account in the Conservation and Land Management Fund.
>
> The purpose of the account will be to distribute the funds in a way which optimises the long-term benefit to conservation of Tuart (Eucalyptus gomphocephala) forest in the Ludlow area, through the following strategies:
>
> 1. Acquisition of additional land for long-term conservation of Tuart;
> 2. Rehabilitation of acquired lands (principally regeneration as a first step, leading to the establishment of Tuart trees); and
> 3. Other Tuart conservation measures, such as additional research and development of management plans.
>
> Priorities for expenditure will be determined by the Minister for the Environment on advice of the Department of Conservation and Land Management and the Conservation Commission in consultation with the Ludlow Working Party and other relevant stakeholders.

(2) Will the minister confirm that the offset will be spent on conservation of tuart forest in the Ludlow area exclusively?

(3) Why has the Tuart Response Group received priority over the Ludlow Working Party in relation to how this offset will be spent?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

(1)-(2) There is no discrepancy. The purpose of procedure 4 is to provide for the distribution of funds to optimise the long-term benefits for the conservation of tuart forest in the Ludlow area. The allocation of these offset funds

is not necessarily linked geographically because some potential projects that provide whole-of-tuart woodland and tall-tuart woodland conservation benefits such as research also provide conservation benefits for Ludlow tuart woodlands.

(3) I have sought advice from the Tuart Response Group, the Department of Conservation and Land Management, the Conservation Commission of Western Australia, the Vasse-Wonnerup Land Conservation District Committee and the Ludlow Working Party. In determining the offset funding allocation, no particular organisation has been given priority.

SOUTHERN RAIL PROJECT, DISPUTE

1035. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Planning and Infrastructure:

(1) On what grounds has the dispute arisen between the Government's contractor for the southern rail project, Leighton Contractors, and the Construction, Mining, Forestry and Energy Union, and between the Government's contractor for the MetroRail city project, Leighton Kumagai Joint Venture, and the CMFEU?

(2) How many days have been lost to date as a result of this dispute and how far behind schedule are the respective projects?

(3) Who will be responsible for the additional costs consequent upon the delays?

Hon KEN TRAVERS replied:

I thank the member for some notice of this question. I am advised as follows -

(1) It is understood that the dispute centres on the interpretation of night-shift rates in the enterprise bargaining agreement.

(2)-(3) The contractor's obligation to complete the project by the end of October 2006 has not changed. Clearly, there is scope over the next two years to readjust the work program to make up time.

It should be noted that 27 days were lost in industrial disputes during the construction of the Northbridge tunnel, yet the project was completed two months ahead of time.

ELECTRICAL SAFETY AND POLICY

1036. Hon PADDY EMBRY to the minister representing the Minister for Energy:

I refer to the documentation I provided to Hon Eric Ripper last week in his capacity as Minister for Energy and to Mr Albert Koenig as Director of Energy Safety on a number of electrical safety and policy issues raised by Mr David Cumming, an electrical contractor of Mt Lawley.

(1) What action has the Minister for Energy been able to take to date about the issues contained in the documentation?

(2) What progress, if any, has been made on the matters raised?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. The Minister for Energy has provided the following response -

(1) I have forwarded the matter to the Director of Energy Safety to enable advice to be provided on the issues raised.

(2) The Director of Energy Safety has performed an assessment of the issues raised, all of which are covered by the current statutory framework, and a response is being prepared to Mr Cumming.

EAST PERTH POWER STATION SITE

1037. Hon RAY HALLIGAN to the parliamentary secretary to the Minister for Planning and Infrastructure:

I refer to the proposed development of the old East Perth power station site.

(1) How many of the proposed 635 residential dwellings will be available as public housing?

(2) Will families with children be encouraged to live in these dwellings?

(3) If yes, where would be the nearest schooling available for the children?

Hon KEN TRAVERS replied:

I thank the member for some notice of this question.

(1) No decision has been made yet.

(2) Dwellings will be available to people of all ages and family situations.

(3) Not applicable.

SCHOOL UNIFORMS

1038. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Education and Training:

Does the parliamentary secretary have an answer to a question I asked about school uniforms?

Hon GRAHAM GIFFARD replied:

No.

Hon Norman Moore: That is twice in two days.

Hon GRAHAM GIFFARD: I will endeavour to get an answer.

RACING AND WAGERING WESTERN AUSTRALIA FUNDING

1039. Hon BARRY HOUSE to the Minister for Racing and Gaming:

I refer to the levels of Racing and Wagering Western Australia funding to the Western Australian Turf Club, the Western Australian Trotting Association and the Western Australian Greyhound Racing Authority. What are the aggregate figures and the breakdown for each of those clubs for -

(a) metropolitan basic stake money;

(b) basic stake money for midweek meetings;

(c) feature events stake money;

(d) venue fees;

(e) product fees;

(f) training subsidies; and

(g) starter subsidies?

Hon NICK GRIFFITHS replied:

I thank the member for some notice of this question. I seek leave to have the answer incorporated into *Hansard*.

Leave granted.

The following material was incorporated -

I thank the Hon. Member for some notice of this question.

	RWWA distribution budget for 2004/05.				
		WAGRA	WATA	WATC	AGGREGATE
a)	Metrpolitan basic stakemoney	$13,358,640	$4,610,000	$12,180,000	$18,148,640
b)	Basic stakemoney for mid-week meetings	$2,790,380	$1,115,200	$3,564,000	$7,469,580
c)	Feature events stakemoney	$942,215	$1,359,000	$4,250,400	$6,551,615
d)	Venue Fee	$2,847,500	$1,560,200	$1,252,500	$5,660,200
e)	Product fee	$523,988	$286,538	$1,023,750	$1,834,276
f)	Training subsidy	$189,304	$10,000	$288,475	$487,779
g)	Starter subsidy	$0	$438,962	$1,028,613	$1,467,575
	TOTAL	$8,652,027	$9,379,900	$23,587,738	$41,619,665

Note:

1. Payments to WAGRA include meetings held at Mandurah and Northam

2. Payments to WATA does not include payments to Fremantle Harness Racing Club meetings held at Gloucester Park.

QUESTION WITHOUT NOTICE 968, ANSWER

1040. Hon PETER FOSS to the Leader of the House representing the Premier:

Last Thursday I asked question without notice 968. It was only partly answered and I asked to put the rest of it on notice. I did not put it on notice, but this morning I was notified that the part of the question that was not answered would be answered to the extent possible. Does the minister have that answer?

Hon KIM CHANCE replied:

I have been briefed on the negotiations between the Premier's office and Hon Peter Foss. As I understand it, the question was not received until about 12.35 this afternoon. As a result, although an answer has been prepared, it has yet to be approved by the head of the department and the Premier. However, I feel confident that I will have an answer for Hon Peter Foss tomorrow.

QUESTION ON NOTICE 2518

Answer Advice

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary) [5.02 pm]: Subject to Standing Order No 138, I inform the House that the answer to question on notice 2518 asked of me as the parliamentary secretary representing the Minister for Planning and Infrastructure by Hon Ray Halligan, should be provided by the end of this year's sitting.

SELECT COMMITTEE ON RESERVES (RESERVE 43131) BILL 2003

Report

HON PETER FOSS (East Metropolitan) [5.03 pm]: I present the final report of the Select Committee on Reserves (Reserve 43131) Bill 2003, and I move -

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

The report comprises a report of the committee and a minority report by Hon Jon Ford and Hon Louise Pratt. The report is rather long and printed copies have not yet been prepared. It is hoped that the report will be available in printed form some time tomorrow. It will be published on the Internet within the hour.

Advice was given to the Premier by the Directors General of the Departments for Community Development and Indigenous Affairs that the departments had done all that they could for and that nothing had changed at the Lord Street community since the Gordon Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities. The committee found that that advice was wrong, and that the directors general misled the Premier.

In fact, despite the importance placed on the Swan Valley Nyungah Community by the Government, the Midland office of DCD had not even attended the community in the year leading up to December 2002 and had made no attempt to address its problems. Even after December, and before advising the Premier, the Midland office of the department made only six visits, by different officers, and on no visits did the officers address the serious problems or seek to engage them. Apart from visits by police, there was little other attempt at contact by the departments. Those that did contact the community observed a marked improvement in attitude and access.

The committee was concerned about the breakdown of communications between senior management and service delivery officers. No sense of urgency was communicated by senior management, and senior management had no knowledge of what was happening.

One of the victims of violence at the camp had requested rehousing. That request was granted by the State Housing Commission, but it was then denied on the advice of DCD because it would impede the father's access to his children. That was despite the fact that, at that time, DCD was aware of serious allegations against the father with respect to his family. The committee was concerned also about the failure of the process from the time immediately before the advice was given to the Premier through to the passage of the legislation. Everything militated against the correction of the underlying impressions that led to the advice.

The series of events started with a misunderstanding about a story that it was thought a journalist would write and the telling and retelling of recent happenings that created a sense of urgency that were based on rumours. Those rumours have been traced back to an unreliable source. Most of the alleged incidents that created the urgency either did not happen or were reversed in the telling from a positive to a negative.

The committee accepts the Gordon report finding that the problems of sexual abuse, substance abuse and family violence are endemic in many camps, including that at Lord Street. However, the committee accepts also the view of those service providers and magistrate Gordon that Lord Street was no worse than other camps and that others were worse. The committee accepts also the view that the community served a useful purpose for its residents.

The committee accepts also the finding of the Gordon report that the departments have not been effective in tackling these problems. The committee was unable to find any significant change in departmental behaviour towards the problems at Lord Street either since the Gordon report was released or after the Susan Taylor inquest. On the other hand, there had been changes in the attitude of Mr Bropho and the residents.

The physical situation of Lord Street and its access to such services as transport and medical advice was better at Lord Street than at the other camps. This advantage has been lost, as well as many other things of cultural significance. The committee found that the Parliament failed in its duty to properly scrutinise the legislation. Of most concern is that contrary to the public impression, the problems of the former residents continue. They will be solved only by long-term

diligent efforts. The only thing to have happened is that the public focus has shifted away from that location. Now if a disaster strikes those former residents, it is not news in the same way that similar problems elsewhere are not news.

Question put and passed.

[See paper No 2935.]

SWAN VALLEY NYUNGAH COMMUNITY

Personal Explanation

HON DERRICK TOMLINSON (East Metropolitan) [5.06 pm]: - by leave: During the debate on the Reserves (Reserve 43131) Bill 2003 on which the committee has just reported, I recounted an allegation to the House that on the day that a two and a half-year-old child was sexually assaulted at the Swan Valley Nyungah camp, a young boy had been serially sodomised by the two offenders. That did not happen. I do not know whether the boy had been sodomised. There is some evidence to suggest he was. I do not know where he was sodomised. There is some evidence to suggest it may have happened in Northbridge. What I do know is that it did not happen under the circumstances that I recounted to this House. I apologise to the House for misleading it with a statement, which was an unfounded allegation that I failed to check. I apologise to the Swan Valley Nyungah Community and to Robert Bropho and his family for insulting them by recounting a lie.

HIGHER EDUCATION BILL 2003

Second Reading

Resumed from an earlier stage of the sitting.

HON ALAN CADBY (North Metropolitan) [5.08 pm]: I seek leave for Hon Chrissy Sharp to continue her remarks at a later stage of the sitting.

[Leave granted.]

Hon ALAN CADBY: The time I will spend on this Bill is inversely proportional to my interest in it. However, I am aware that we are short of time. I have had discussions with the parliamentary secretary and I understand that he will answer the queries I have on certain clauses of the Bill. In particular, I have concerns with clauses 10(1)(a), (b) and (f) and clause 20 and the lack of inclusion in the Bill of the protocols 1.16, 1.2 and 3.13. I am particularly interested in clause 20, which reflects paragraph 3.13 of the protocols, because an opportunity may arise for the cartel of universities in Western Australia to stop real competition from people who may have expertise in the tertiary sector. On that note, I will resume my seat.

THE PRESIDENT: Hon Christine Sharp is now taking up the opportunity to resume her comments.

HON CHRISTINE SHARP (South West) [5.11 pm]: I thank you, Mr President, and the House. I now round off my remarks from earlier today.

I referred previously to the announcement by the federal Minister for Education, Science and Training only a week ago concerning the increased introduction into universities of workplace agreements and other workplace arrangements including, of course, the financial incentives for the implementation of voluntary student unionism. This is all part of the pattern I have attempted to depict during debate of the enormous upheaval faced by our publicly funded universities. This upheaval is caused not so much by institutional change as by change resulting from the incredible resource vacuum in which universities are required to work. Therefore, it is regrettable that this Bill will provide exactly the institutional framework that will further abet this kind of deterioration in standards at our universities.

To summarise, in response to a particular incident at a disreputable so-called university on Norfolk Island, an agenda was drawn up five years or so ago for the development of national protocols. My view is that the National Protocols for Higher Education Approval Processes have been poorly constructed. Other members have spoken to that effect. The protocols were rapidly accepted by the Ministerial Council on Education, Employment, Training and Youth at a single meeting in 2000. Ironically, the protocols were accepted by vice-chancellors themselves. As the joke goes, one of the most dangerous places to stand is between a vice-chancellor and some money. Vice-chancellors throughout the land are being caught up in the ever-increasing commercial pressures on universities. In this context, if we pass this Bill four years later, we will sow further seeds for the privatisation of our higher education system. This legislation will assist only private higher education facilities and will confirm the trend to the general privatisation of higher education. It will reinforce the resources drain that has involved a 33 per cent drop in commonwealth grants to public universities since 1996, it will underpin the number of full fee paying students and it will throw Western Australian universities open to competition from private providers that will not be required to provide the full suite of cultural and other additional features traditionally respected as elements of a university education. In fact, the Bill will formalise the system as accrediting degree mills. It represents an industrialisation of our universities. As a result, and because of the poor thought that has gone into dealing with these problems, the Greens (WA) will oppose this Bill.

HON GRAHAM GIFFARD (North Metropolitan - Parliamentary Secretary) [5.14 pm]: I thank those members who have spoken on the Bill, and I will try to address each of the issues they have raised. Both Hon Christine Sharp and

Hon Derrick Tomlinson have raised issues and discussed the Bill in the context of their concerns about the future of higher education in Australia; in particular their concerns about the future of Australian universities. The Government does not agree that this Bill will have the effect of pre-empting some of the negative consequences those members see on the horizon for universities in Australia. This Bill, as was made clear in the second reading speech, is intended to implement the National Protocols for Higher Education Approval Processes, which were endorsed in March 2000. Some of the negative prospects in the higher education sector may well eventuate, but if that happens, it will be regardless of the passage of this Bill. This Bill is essentially about accreditation, and the area on which it will impact most is the private non-university higher education sector and, to a much lesser extent, overseas universities wishing to offer degrees in Western Australia. The Bill seeks to regulate the sector of the industry that is not currently regulated. I would characterise the pressures on and the negative prospects for higher education alluded to by the two members who have spoken as those attendant on decisions by the federal Government to change the funding model for Australian universities. They are all part of the same sector, but I do not accept that this Bill, as the previous speaker suggested, would pre-empt those disastrous consequences.

The private education sector in Western Australia is growing, and we know that it is being given every encouragement by the federal Government, so it will continue to grow. Hence, the need for this Bill. The sector has been growing particularly strongly in the area of international students for a number of years, and is now able to grow into the domestic student market because of changes at the federal level. A program called FEE-HELP, or higher education loan program, will allow the private sector to access low-cost loans to allow Australian students to attend these private non-university institutions. In that climate, there is concern about substandard and doubtful providers setting up, and hence the need for this legislation. I am advised that the export of education is worth some $400 million annually, which includes secondary education. I cite that figure just to demonstrate to members that it is a significant industry. Western Australia relies on that industry, and that industry relies on its reputation. It is important that the Government, if it is able to, put in place a legislative regime that will assist that industry to protect its reputation. This legislation seeks to do that.

I point out that the Bill has nothing to do with regulating Western Australia's five established universities. They continue to exist under their own Acts, and they govern their own affairs, as they have always done. Indeed, if at some time in the future a Western Australian Government decided to create another such university, it would do so in the same way that it has created other universities. It would create an Act of Parliament to establish an Australian university.

Members have spoken about their fears that the federal minister wants a two-tiered system. I make the point that if that federal minister wants to establish a two-tiered system, it seems to me that he would be able to impose that on the sector, regardless of the legislation we might pass today on this issue. Indeed, it will be interesting to see just how far that federal minister goes in imposing his views about that on the sector.

Hon Alan Cadby indicated in his speech that he wanted me to address a number of issues. I will address them as briefly as I can. He asked whether an institution that had, say, 85 per cent of its course offerings in a particular discipline could be accredited under the Act. The proposition related to an overseas institution seeking to be accredited as a university. I think the example that Hon Alan Cadby cited was the Massachusetts Institute of Technology. These matters need to be matched up against criteria. Therefore, I cannot give categorical answers. However, an institution of high standing needs to satisfy the minister of a number of matters. The courses offered must be of an acceptable standard - that is, they must be of Australian university standard - and the teaching and learning must be at acceptable levels. The institution must foster a culture of sustained scholarship and be committed to free inquiry and the systematic advancement of knowledge in its course fields. The institution must promote all those things, be financially viable, and meet any other criteria that the minister sets. On my lay reading of those matters in clause 10, it seems to me that if a prestigious institution were serious about being accredited, it should be able to satisfy those criteria, whereas a less prestigious institution may well fail to do so. It really depends on the institution. I cannot give a categorical answer. However, a narrower than normal range of course offerings would not of itself preclude an institution from satisfying the minister under clause 10.

How does that place new universities in the context of increasing specialisation of universities? Do they satisfy the spread of courses criteria? Again, I think the answer is found in clause 10. The minister must be satisfied that the quality of the courses, teaching and cultural environment, in the quite broad way in which that is set out, is sufficient to warrant that recognition. How does the Bill remedy the problem of courses being offered over the Internet, when those courses are based overseas but are purported to be from Western Australia? I approach that question by simply saying that the Bill implements the national protocols. It simply does not, as we have heard in the debate already, resolve all of the potential difficulties that might arise in higher education. The Bill establishes the criteria for the registration of courses in institutions in Western Australia, and that includes offering courses over the Internet, if those courses are based in Western Australia. The example given related to how a company not in Western Australia would be policed. That raises a question that is beyond the ability of the Bill itself to resolve.

Hon Alan Cadby referred to clause 10(1)(b) and specifically mentioned learning. He asked me to explain how that will be assessed as part of the criteria. It is an interesting question. The answer to that is less defined than is the answer on

other elements of the criteria that are outlined. Institutions will have their own methods of demonstrating the learning of their students. Some external indicators might be considered in determining the level of learning of students who have graduated from a particular institution. Essentially, the answer will lie in the expert panel making an interpretation of the learning of those students. The panel will need to make a recommendation to the minister based on the criteria set out in the Bill. Panel members will need to satisfy themselves that the institution has satisfied those and all criteria.

It is true that not all the details of the protocols are included in the Bill. Some are included in the policies of the department for the registration of courses. The honourable member was right in pointing out that some have not been included at all. It is not an exhaustive list; I understand that it is legislation that States have picked up and applied to the extent that they chose.

The honourable member raised three specific points. Under clause 20, the minister must appoint a higher education advisory committee and in so doing is not constrained to appoint experts from only Western Australia. Of course, that is in the case of an overseas university that wishes to be accredited. For new universities subject to a section 10 determination, it is acknowledged that experts would need to be drawn from other States or internationally to ensure the integrity and objectivity of the panel. That is the advice from the department. In the case of a section 10 determination, the department would be seeking to choose people from outside the jurisdiction. I also point out that this is not anticipated to be the most active part of the Bill; the most active part will be the provisions concerning other non-university institutions and the accreditation of courses. That is the area in which the greatest impact will be felt by participants in the industry.

The other point raised was the conditions set for universities at provision 1.20 of the protocols. The Government took the view that if a university satisfied the criteria set out in clause 10, it did not believe that mentoring or supervision would be appropriate. However, there is the ability under clauses 14 and 18 of the Bill for the minister to apply such conditions as he considers appropriate to non-university institutions. That would allow the minister to apply those sorts of conditions to the accreditation of courses. In relation to provision 3.13 of the protocols, I am advised that the department's policy guidelines for the Bill, as opposed to the detail of the Bill, will include an invitation to the applicant to make formal comment on or objections to the expert panel that will be appointed. That will be a matter of departmental policy.

I do not have anything further to add. I thank members for their comments on the Bill, and I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (25)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Bill Stretch
Hon George Cash	Hon Jon Ford	Hon Kevin Leahy	Hon Derrick Tomlinson
Hon Kim Chance	Hon Peter Foss	Hon Robyn McSweeney	Hon Ken Travers
Hon Murray Criddle	Hon Graham Giffard	Hon Norman Moore	Hon Ed Dermer *(Teller)*
Hon Bruce Donaldson	Hon Nick Griffiths	Hon Simon O'Brien	
Hon Paddy Embry	Hon Ray Halligan	Hon Louise Pratt	
Hon Adele Farina	Hon Frank Hough	Hon Ljiljanna Ravlich	

Noes (4)

Hon Dee Margetts	Hon Jim Scott	Hon Christine Sharp	Hon Giz Watson *(Teller)*

Pair

Hon Kate Doust	Hon Robin Chapple

Question thus passed.

Bill read a second time.

COOLJARLOO MINE, CATABY

Statement

HON FRANK HOUGH (Agricultural) [5.33 pm]: Last night I intended to talk about my visit to the Tiwest Joint Venture mine in Cataby but, unfortunately, having only a minute and a half, I was not able to; instead I spoke about the North Fremantle Primary School.

The PRESIDENT: A commendable course of action, Hon Frank Hough!

Hon FRANK HOUGH: Last Friday, the Cooljarloo mine at Cataby had an open day. Titanium and other products are mined at the Cooljarloo mine. It is 14 kilometres north of Cataby and is on a property that is about 18 kilometres long and four kilometres wide. One of the reasons I felt I should share this story with members this evening is that the

welcome I received at the mine was fantastic. I congratulate the executive officer and management at the mine for the way in which my wife and I were treated, as well as the way in which they treated the public on the open day. It was fantastic.

The Cooljarloo mine is an open-cut mine with a floating barge. The mine is 25 metres deep at water level. The barge, weighing 1 400 tonnes and six storeys high, floats on a moving 30-hectare lake. The barge floats on approximately 25 metres of water and pumps the titanium aluminite from the base of the mine to be processed. Soil is removed as this lake moves forward and they backfill behind it. The 30-hectare lake covers something like an 18 kilometre stretch and I think it moves - do not quote me - about 100 metres a month. The land care is a sight to see. The company backfills behind the barge and revegetates the complete area. The company has taken over a farm in the area as well as crown land, and is revegetating them. As the barge moves over the area, which, with the water, is about 65 metres deep, the backfilled area behind it is revegetated in the first year with a crop of barley, wheat or whatever to provide the soil with some nutrients, following which native vegetation is planted. Not too many years go by and the land is back to what it was prior to the mining. I congratulate the company and the people for their hospitality generally. I believe the mine is opened to the public every two years. There were schoolkids there from Cervantes, Jurien Bay, Badgingarra and Dandaragan. The company put on hot dogs; there were displays for the Fire and Emergency Services Authority and ambulance service. These young schoolkids had the opportunity to see the 150-tonne Haulpaks, which are monster trucks. It was great to see. As a member of the Agricultural Region, I have driven past this mine many times in the past four years, and prior to that for two years during campaigning days, but I never took the time to go in and have a good look. I suggest that any member who is in the area should look at the mine to see what the company is doing and how it is revegetating the land. I thought I would share that information about the Cooljarloo mine with members. I seek leave to incorporate in *Hansard* some paragraphs contained on an information sheet about the Cooljarloo mine.

Leave granted.

The following material was incorporated -

General Details

The Cooljarloo Mine is located 170km north of Perth in Western Australia and was established in 1989 to provide titanium mineral feed stock to the Joint Venture. The mine produces 740,000 tonnes of heavy mineral concentrate each year, which are trucked by road to Chandala, near Muchea, for further processing.

- The Tiwest mining lease is 18 kilometres long and four kilometres wide. The central administration block and much of the early mining area is located on a private farm, "Mullering Farm", held by the Joint Venture. The remainder is bushland, owned by the State of Western Australia as uncleared vacant Crown Land.
- Cooljarloo operates two mines: North Mine - a dry mining operation and the South mine - a dredging operation with centralised offices for administration, workshops for maintenance and stores for purchasing and warehousing.
- The South Mine has operated since 1989 and the North Mine since 1997.
- The two mines combined move over 40 million tonnes of material each year to recover heavy mineral concentrates at a ratio of around 50 tonnes of sand for one tonne of concentrate. This makes Cooljarloo the second biggest titanium mine in the world.
- The mining cycle comprises clearing and topsoil stripping, overburden removal, mining, processing and stacking, tailing placement, replacing overburden and spreading topsoil for rehabilitation.
- The mine at Cooljarloo is currently predicted to be able to supply the required Heavy Mineral Concentrates until 2027.

People

Tiwest is an equal opportunity employer and maintains a workplace free from discrimination or bias. Cooljarloo directly employs 133 people and engages the services of 160 full time contractors. Tiwest is the largest employer in the Shire of Dandaragan and draws new people from the district towns of Moora, Jurien, Cervantes, Lancelin, Badgingarra and Dandaragan whenever possible. The remainder, mostly contractors, who maintain homes elsewhere, are housed at a Single Persons Quarters at Cataby. As Cooljarloo runs 24 hours a day, Tiwest operates using a variety of shifts to maintain production as well as normal office hours.

Safety

Tiwest at Cooljarloo is committed to high standards of excellence in safety performance.

. . .

Rehabilitation

Both native and pasture rehabilitation is undertaken at Cooljarloo. Native rehabilitation involves the re-establishment of self-sustaining, stable native ecosystems similar to surrounding undisturbed vegetation communities. Five different vegetation types are re-established involving the seeding of approximately 100 key species from the 600+ species found within surrounding bushland. A variety of additional seed species are also contained in the mulch and the topsoil returned to the rehabilitated area.

Since the commencement of mining activities a total of 700 hectares has been rehabilitated. It is Tiwest's objective to progressively rehabilitate disturbed areas as soon as they are available.

Rehabilitation of the land after mining is directed to pasture if on the farm or back to native bushland for all other areas on vacant Crown Land.

Rehabilitation Process - Native

1. Topsoil is removed and returned in two layers;

   First cut (top 50mm) - which contains seed and organic matter essential to plant establishment.
   Second cut (next 0-250mm) - which provides rooting medium.

2. Rip to remove soil compaction.
3. Seed stabilising crop of oats to reduce wind erosion during first year or two.
4. Spread native seeds.
5. Spread mulch to add organic material, help stabilise soil and contribute some seed.

Pasture

1. Topsoil is removed and returned in one layer of around 200mm.
2. Rip to remove compaction.
3. Seed pasture species (oats and clover)

. . .

MENTAL HEALTH SERVICES IN WESTERN AUSTRALIA

Statement

HON GIZ WATSON (North Metropolitan) [5.39 pm]: I want to comment on the interim report of the Standing Committee on Environment and Public Affairs in relation to a petition about the provision of mental health services in Western Australia. The report was tabled in this place a couple of days ago and at this stage of the parliamentary cycle I may not have another opportunity to discuss this report except during private members' statements. However, I want to make a couple of comments about it because I have been very involved in trying to raise the public's knowledge of the crisis in mental health funding in Western Australia. I have worked very closely with quite a few organisations to have this issue adequately addressed by the Government, in particular. The report by the Standing Committee on Environment and Public Affairs is an excellent document for anyone who wants to know what is happening in mental health in Western Australia. The report comprises 31 submissions that were received by the committee. Although it is an interim report, the committee has acknowledged that it has not been able to fully investigate the matters raised by the submissions. It recommends that more inquiry is needed. The committee produced two recommendations, which are -

> Recommendation 1: The Committee recommends that the Government ensure that there are adequate and appropriate mental health services to meet the needs of the people of Western Australia.
>
> Recommendation 2: The Committee recommends that an inquiry into the matters raised be taken further in the next Parliament by this Committee. If the Legislative Council of the next Parliament revises the committee system with the result that this Committee does not continue in its present form then the Committee strongly urges that its inquiry be continued by any new committee provided with a mandate reflective of this Committee's terms of reference.

Although the committee was unable to make a detailed inquiry into the issue, the report is nevertheless an important reference. I will refer to some of the key comments by the committee. Under the executive summary it is stated -

> 3 A number of issues have been raised in evidence to the inquiry that cover a range of areas being confronted by mental health service providers and those with mental health conditions, their carers and families. These include issues relating to staffing levels and training, shortage of hospital beds, step down facilities, accommodation, programs to help mental health consumers integrate back into society, services and facilities for children and adolescents, services for the elderly, resources for regional areas and services for the Aboriginal community.

The key thing I received from reading the report is that the common theme among submissions was that there was no need for another inquiry or report in this area. It was consistent that more resourcing and money was needed. During the process of our inquiry, the Government committed to funding mental health by approximately $173 million. The committee acknowledges that at page 32 of its report by stating -

> The Committee notes that the recently announced State Government *Mental Health Strategy 2004-2007* is relevant to some of the issues which have been raised in evidence to this inquiry. The Committee notes that the Government has allocated $173.4 million for the implementation of the initiatives identified in the strategy . . . The Committee welcomes these new commitments.

At the same time, questions were raised about exactly what the money was, where it was to be spent and how much of it was new money. The committee report further stated at 5.7 -

> The Committee also suggests that another area of future inquiry would be to consider the provision of an independent audit and review of the effects of the *Mental Health Strategy 2004-2007*. Such audit and review should ensure that all areas of need have been recognised and addressed.

The report also touches on an issue that I raised in this place. Not only is there a shortfall in the provision of funds and resources to address mental health problems in Western Australia, but also recently the Minister for Health made some very rash decisions to cut funding, particularly to non-government organisations. The Standing Committee on Environment and Public Affairs refers to that on pages 15 to 17 of its report. I wanted particularly to make note of the funding cuts to Derbarl Yerrigan Health Service community life skills, which was a community and intensive

disabilities support service for Aboriginal people with mental health issues and disorders, from which $270 000 was withdrawn. This was an ill-considered move. On pages 24 and 25 the report refers to this funding cut. It reads -

> 4.75 It was submitted that there is a lack of appropriate mental health services for Indigenous people affected by mental illness. As noted by WAAMH:
>
> *It is clear that Aboriginal people in Western Australia are grossly under represented as clients of mental health services. The Derbarl Yerrigan Health Service, through the Aboriginal Community Support Service had become a major resource in this area. The cost of funding an expanding service would be minimal compared to the savings made by providing effective and timely interventions, reducing hospital admission days, imprisonment of people with psychiatric disabilities and the possibility of major health problems in later life …*
>
> 4.76 Funding for the Aboriginal Community Support Service and Intensive Disability Support Service run through Derbarl Yerrigan was withdrawn in September 2003. WAAMH noted that Perth is the only Australian capital city without a dedicated community based Aboriginal mental health service.

It is to the shame of this Government that it has brought about closure of this service. It is my understanding that this service was unique. It was having great success in accessing Aboriginal people who were not accessing mainstream mental health services. It had taken quite a long period for the service to develop a relationship with those clients. It was put to me that the withdrawal of funds and the closure of that service would mean that the only place those clients could go, because they would not access mainstream mental health services, was the emergency departments of hospitals. From speaking to nurses at the Australian Nursing Federation annual general meeting last week, I know that is exactly what is happening. Aboriginal people who desperately need a mental health service are showing up more and more often in emergency departments.

I commend the report to the House and to people's attention. It is essential that we all do what we can to ensure that mental health is adequately funded in Western Australia. I commend the Government for making efforts in this direction but suggest that if the Government reads this report, it will find that a lot more yet is needed.

PHOTOGRAPHS OF SOVEREIGN

Statement

HON PETER FOSS (East Metropolitan) [5.49 pm]: I have some good news for you, Mr President.

The PRESIDENT: You have found the report!

Hon PETER FOSS: I have found something, but not the report. Mr President, I know that you and I have both been extremely concerned at the disappearance of the photographs of our sovereign and her consort. They appeared to have vanished without trace, but I was fortunate enough the other day to be in what is now called the Legislative Council Library. I noticed that leaning, face against the wall, were some large frames with a crown on the top of each. That instantly made me think that these might be the missing portraits. I went across to the wall, pulled the frames back and looked at the front. Sure enough, to I am sure the eternal gratitude of all her most loyal subjects, I found an extremely youthful image of Her Majesty the Queen. I also found an image of His Royal Highness Prince Philip, the Duke of Edinburgh. I missed out yesterday on the opportunity to let you know about this, Mr President. I know that you have been anxiously awaiting this news. I know that as a loyal subject of Her Majesty the Queen, you have been anxious to know what terrible thing might have happened to her precious portraits. I am now able to let you know, Mr President, that due to some inadvertence the portraits had been placed in a room next to this Chamber, face against the wall, and had been mislaid.

Hon Kim Chance: They were so close all this time!

Hon PETER FOSS: Yes. We were all anxious. I know that the President in particular was anxious, as he holds his office by commission from Her Majesty the Queen, as issued by Her Majesty's representative in this State, His Excellency the Governor. I am sure Mr President would like to see, as would I, some sign of the legitimacy of this Chamber and of his and our appointment. I am sure he has been as anxious as I at this loss. I am now able to put on the record and let you know, Mr President, that your sleepless nights of concern need continue no longer. I have found the missing portraits. I am very pleased to be able to bring this good news to the House.

The PRESIDENT: Order! In giving the call to Hon Paddy Embry of course we would hope that the forensic skills of Hon Peter Foss would allow him to track down the wooden crown as well.

Hon Peter Foss: I think I know where that is, Mr President.

NORTH WEST EDUCATIONAL TOUR

Statement

HON PADDY EMBRY (South West) [5.53 pm]: I am not at all surprised, Mr President, that you stole my thunder in that regard. Detective Foss has indeed been on the scent.

Last night I spoke a little about my recent educational trip to the north of the State. I would like to add a couple of things to that speech. I have mentioned to you, Mr President, that I was very interested to go on a tour of Parliament House in Darwin. I do not know whether it is because Parliament House in Darwin has occasionally been damaged by either bombings or cyclones, but it possibly has led to a breath of fresh air in the way the Parliament operates. One of the things the Parliament of the Northern Territory is considering is the opportunity for members to give a power point presentation. I believe that would be of great help to members in this place when we are discussing topics such as the Fremantle eastern bypass or the Mandurah bypass, because it would paint a clearer picture for members on matters that are not a part of their electorate. That is something that, in time, this House might like to consider.

One of the things that I found very disturbing was the amount of obvious drunkenness among many of our indigenous people. It did occur to me, and it was confirmed by some of the people who live in those areas, that one of the mistakes we seem to have made is to locate some of the Aboriginal settlements very close to the towns. Thirty-three years ago, to give an example, I worked at Mt Newman for a year. In those days it was a mining town, and the indigenous people were seldom seen in the town. However, now they live right on the edge of the town. It is very disturbing that by 10 o'clock in the morning some of them can be seen heading out of town with their children, with a carton of beer under their arm and not really walking in a straight line. I believe we have done them a great disservice. It is well accepted that the dry communities tend to be the ones at which progress is being made. However, for the ones in which alcohol is available or easily available, it is a disaster.

There is a roadhouse on the edge of the Karijini National Park on the road between Newman and Port Hedland. It is about 100 kilometres or more north of Newman -

Hon Kim Chance: The Auski roadhouse.

Hon PADDY EMBRY: Yes. I asked the proprietress of that roadhouse whether there were any problems that perhaps she might need help with. She mentioned that one evening not long before, a couple of carloads of Aboriginals had called in. They were almost out of petrol. It is a long way to the next service station, and these people did not have any money. She rang the appropriate government agency and was told she could put $50 worth of petrol into each car. In due course, she would be compensated for that by the agency. By the time she got out to the cars, one car had filled up with about $70 worth of petrol, and she was naturally concerned about the outstanding $20 worth of petrol. When she asked them what they were going to do about it, she was seized, a wooden instrument was placed to her throat and she was asked, "What the effing are you going to do about it?" As soon as they had left, she rang the police at Newman who were responsible for that area. Newman is so far from this roadhouse that is was understandable that their reply was, "Sorry, there's nothing we can do about it. We do not have enough staff, and by the time we get there it would be a pointless exercise." It is an important place to have a roadhouse because of the distance to the next town. We need to do more on these sorts of issues. I am sure that it is only a minority of Aboriginals that act in this way, but, nevertheless, it is happening.

I called in at a number of polices stations and asked if they had any ideas why there were so many resignations of officers from country areas taking place. The response was quite interesting because I received conflicting answers. I asked about housing. One station said that the housing was marvellous, and another one said it was not. The station that said its housing was marvellous apparently got first choice of the housing in that area, and when the Police Service does not want any more housing, the houses seem to go to the Department of Education and Training. However, I did not call in at the schools to ask how their housing was going. I thought that was quite funny. One problem was that police officers, after having been in a town for five years, could be subject to a major shift somewhere else in the State. Housing varies so much in its value, and if the Police Service cannot get housing from the Government Employees' Housing Authority, it is a real problem for them.

One of the issues dealt with by some of the stations was the unfortunate downturn of the police air wing. I am sure members remember the accident, if not two, that it had, and it is understandable. However, the part demise, be it hopefully on a temporary basis, leads to some stations having problems with distance. Some of these police districts are absolutely vast. The Newman police district, for example, goes all the way to the South Australian or Northern Territory border - I am not quite sure which. I was very impressed generally with people's attitudes, particularly in the police stations and shire offices. The shire presidents and/or chief executive officers made themselves available and I cannot speak highly enough of those people. The tyranny of distance is a reality in those areas. I know we try hard but we must do more to try to break down that tyranny. Once again I thank members for their time.

House adjourned at 6.00 pm