

# Legislative Council

Wednesday, 18 August 2004

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

## **HEALTH SERVICES, VASSE ELECTORATE**

### *Petition*

Hon Barry House presented the following petition bearing the signatures of 631 persons -

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We the undersigned residents of Western Australia respectfully draw attention to the outdated health facilities and over stretched health resources in the Busselton, Dunsborough area and request the support of the Legislative Council for a new hospital to be located in the Vasse electorate to better service the needs of our growing community.

And your petitioners as in duty bound, will ever pray.

[See paper No 2461.]

## **RETAIL SHOPS AND FAIR TRADING LEGISLATION AMENDMENT BILL 2003**

### *Second Reading*

Resumed from 17 August.

**HON SIMON O'BRIEN** (South Metropolitan) [10.06 am]: In the brief time available to me before the House rose last night I indicated the Opposition's determination to oppose certain provisions in the Bill. I gave an overview of the key matters dealt with in the Bill and the Opposition's attitude to each of those, reserving my remarks about the most contentious matter - that is, the extension of late night trading hours from Monday through to Friday - until debate resumed this morning.

It is worth noting that the issue of small business as an area of portfolio responsibility has been crystallised by this debate, so that the community at large, and in particular the small business sector, knows that there is a clear dividing line between the attitudes of the Australian Labor Party Government and the Liberal-National coalition on the importance of small business to the community and the economy of Western Australia. There will be a stark choice in policy relating to this portfolio area for the next election. In informing itself the public can rely on the actions of current government members before the last election, contrasting their words then with their subsequent actions. Everyone will see that clearly this Government does not have at the top of the list of its priorities the future welfare of small business in this State. However, the Liberal Party in particular is prepared to champion this sector, because it understands how important it is to the future of communities throughout Western Australia.

The Labor Party's actions in this matter deserve some reflection at this time. As we so often have to do in this place during what we hope will be a single term of government by the Australian Labor Party, we refer again to the pre-election rhetoric and contrast that with what the Labor Party delivers. We have already debated in this House, and will do so again, the notorious "we will fix health" claims, and the doubly, or should I say triply, notorious "there will be no new or increased taxes or charges" claims. We now come to another key election promise that has been shattered after the election of the Gallop Labor Government. We simply need to refer in the first instance to the ALP election 2001 policies. I refer to page 16 of a document titled "small business - the way ahead". What a rocky road it is turning out to be. The ALP's election policy "small business - the way ahead" contains a section on retail trading hours, which reads -

Labor believes that the public interest is served by having a retail trading hours regime which provides the best possible diversity and market competition. Experiences in the Perth central business district following the establishment of Perth and Fremantle tourist zones reveal approximately 50% of small businesses reported no improvement following the imposition of longer trading hours.

Further deregulation of trading would lead to greater market dominance and therefore less choice for consumers.

- **For these reasons, Labor will:**

This is the very first dot point -

- **retain existing retail trading hours in the Perth metropolitan area . . .**

The Liberal Party identifies very strongly with those sentiments, those assertions of fact and those prospects for the future. We believe, as the Labor Party purported to believe before the election, that the public interest is indeed served

by having a retail trading hours regime that provides the best possible diversity and market competition. We acknowledge the experience that the Labor Party referred to prior to the 2001 election and we share the view that -

Further deregulation of trading would lead to greater market dominance and therefore less choice for consumers.

What has happened since then? The Labor Party in government has done a complete backflip. It has cast aside its policy "small business - the way ahead" with the result that small business does not see a way ahead and feels abandoned and conned by the pre-election policies of the now Gallop Labor Government. Members will have seen the many advertisements taken out by people associated with the WA Independent Grocers Association and others. I have voluminous material available to me. Let me quote just one article. In May last year, an advertisement in big bold capital letters appeared in a major daily newspaper on behalf of the WA Independent Grocers Association that shouted -

Let Down.

Lied to.

Cheated.

Then it asked ironically -

Anything else you want to add Dr. Gallop?

What happened between the pre-election promise and the reality of this Bill? In 2002 it appears that the Australian Labor Party at its state conference reasserted the commitment given in early 2001 that it opposed the deregulation of retail trading hours of the sort that are now proposed in this Bill. I understand that that undertaking was given by Dr Gallop at the 2002 ALP state conference. Members opposite have no doubt been to ALP state conferences from time to time. Were they at the 2002 ALP state conference; and, if so, did they note Dr Gallop saying that? What did he say at the 2003 state conference? Perhaps there was no 2003 state conference. What about the 2004 ALP state conference? Did he say anything there? Hang on, I do not think there was an ALP state conference in 2004. This party of government does not have state conferences. Its senior forums do not even meet because they cannot be trusted to conduct the affairs of the party; therefore, we do not know anything about its policy in this regard subsequent to the 2002 ALP state conference, at which Dr Gallop reaffirmed the Labor Party's commitment it had given at the election to small business. We knew nothing until we saw this Bill come before the Parliament, having been introduced in another place some time ago. In the meantime, the good troops of the ALP also developed the position that they too did not like the idea of deregulating retail trading hours for all the very good reasons that the Liberal Party and the Western Australian independent grocers have advanced throughout this debate and for the very good reasons advanced by the ALP in its election platform - all were apparently singing one tune. There have been some songsters in the ALP as well. An article on page 15 of the *Midland-Kalamunda Reporter* on 10 June last year referred to Swan Hills MLA Jaye Radisich and stated -

She said small retailers in parts of the City of Swan, such as Ellenbrook, Bullsbrook and the Swan Valley, could suffer if retail trading hours were deregulated.

In the article she spoke about the many conversations she had had with community members and said that most people supported the status quo with retail trading hours. The article further stated -

Ms Radisich said if trading hours were deregulated, it would benefit only large national chains operating out of major town centres.

Those matters were repeated in other editions of local publications. On 22 May 2003, *The Central Midlands and Coastal Advocate* published a letter from the president of the Moora sub-branch of the Australian Labor Party. The ALP knows where Moora is.

Hon Peter Foss: That is where those bricks are, isn't it?

Hon SIMON O'BRIEN: There are bricks there of the crumbling type and the promise of a new hospital for that area. If the Labor sub-branch at Moora wants to talk with the WA Independent Grocers Association about assurances of getting a hospital at Moora, the grocers might have some words of warning to give to it because they received words of comfort in writing from Dr Gallop prior to the last election, and what have they got to show for it? The exact reverse. However, Mr West, the president of the Moora sub-branch of the ALP -

Hon Bruce Donaldson: A good bloke too.

Hon SIMON O'BRIEN: Yes, and Hon Bruce Donaldson would know. In that article Mr West advised that -

. . . prior to closing of public submissions to the State Government's review of trading hours, the secretary of the Moora Sub Branch approached a number of prominent local retailers to advise them of a submission from the local ALP Sub Branch.

Our submission supports the keeping of retail trading hours as they are now, both for the interests of businesses and workers, as well as to prevent the retailing giants, from ravaging our existing local traders.

And well he might say that and write to the paper as the president of the local sub-branch because it is ALP policy - the policy that it took to the people and was reaffirmed by the Premier at a subsequent ALP state conference. Therefore, that group is on pretty safe ground, as the member for Cockburn thought he was in matters reported in the *Cockburn City Herald* on 7 June last year -

Cockburn Labor MLA Francis Logan has criticised his government's move to deregulate trading hours.

With more than 3000 letters and petitions hitting his desk he's set to press premier Geoff Gallop to come up with a compromise for small business who say the move will send them to the wall.

I am sure the 3 000 letter writers and petitioners took great comfort from the member for Cockburn promptly voting with the Government against their direct interests.

There are many other examples of that happening. I will mention one or two more because there are a couple of beauties here that really need to be read into the record so that people know where the Labor Party and its members stand on this matter, which is in contrast to the Liberal stance. In the *Bunbury Mail* on 21 May last year, an article by Doug Green stated -

BUNBURY MLA Tony Dean wants the City of Bunbury to draw a line in the sand on retail trading.

Mr Dean said the Bunbury council had been indecisive about retail trading and urged councillors to settle on a policy.

That is Mr Pot calling Mr Kettle black! The article later stated -

Mr Dean said he opposed deregulated trading hours in Bunbury, which he believed would adversely affect community and family life.

Hear, hear! These Labor members love to get publicity! Let us hear what the member for Joondalup had to say. An article in the *Joondalup Wanneroo Community* on 22 May 2003 stated -

MOST people in the Joondalup electorate are happy with existing retail trading hours, if a survey by MLA Tony O'Gorman is anything to go by.

Mr O'Gorman said 80 per cent of more than 300 respondents to his mail survey said they were against deregulated trading hours.

That must have been of comfort to Mr O'Gorman because he had the policy platform on which he was elected, the reaffirmation by the Premier, the views of the unions and his own views, and then he commissioned his own survey of his electorate and trumpeted in the paper that 80 per cent of the respondents said that they were against deregulated trading hours. Was that a good response? I will return to the article and a quote from Mr O'Gorman -

He said the response was overwhelming, compared to previous surveys he had conducted.

So he must do a bit of surveying. The quote continues -

"It is clear to me from the responses received that the people of Joondalup, at least, are against the deregulation of retail trading hours," he said.

"I think that people in this electorate understand that they can already shop at times convenient to them through the many local (neighbourhood) shopping centres in the area.

"If they want to shop at a major department store or specialist stores, the city is just a short train ride away."

I think the ALP has put out an accidental members' handbook to help ALP members who find themselves elected, perhaps unexpectedly, to the Assembly find out what to do, and that it says, "Here is how you can hang onto your seat. You have to try to pretend that you are doing what your community wants, rather than that you are actually an ALP apparatchik who has happened to float into the seat by accident. One of the things you can do to show that you care about what the local people think, rather than that you take your orders from the ALP caucus, is by conducting a survey, because that shows that you are listening to the people". I have given some evidence - there is plenty more of it - about how ALP members commission surveys to find out what people want, and about how, when they get the overwhelming message from their community, they go out and trumpet about how clever they have been because they have done a survey, but they then go into the Assembly and vote against the wishes of their community. There should be an article somewhere in the ALP accidental members' handbook about how the most important message that they should get across is sincerity, because once people are able to fake that convincingly they are probably halfway there.

I will be interested to hear what some of the ALP members who were at the 2003 and 2004 state conferences heard the Premier say about this issue so that I can contrast that with the remarks that he made in 2002.

Hon Bruce Donaldson: They cancelled the 2004 conference.

Hon SIMON O'BRIEN: Yes. That is a point I have already made.

Hon Barry House: The annual conference sometimes occurs every four years.

Hon SIMON O'BRIEN: As I said in my opening remarks, there is a clear divide between the Liberal Party and the Labor Party on the issue of who will champion small business and who will stab it in the back. There is a stark and clear choice that people concerned about the future of the small business sector will need to make at the next election.

Hon Kim Chance: Why did you not consider small business when your Government signed off on the NCC agreement in the first place?

Hon SIMON O'BRIEN: The Leader of the House wants to talk about the National Competition Council. Let us obfuscate on this issue. I will repeat what I am saying so that members opposite will be very clear about it. We will champion small business. The deputy leader of the coalition, Dan Sullivan, is our spokesman on this issue. Three and a half years ago he looked at our party's relationship with small business, as one does in the light of a crushing election defeat, and one of the things that he determined was that the Liberal Party needed to reassert its belief in the small business sector. That is what we are seeking to do with our policy on this matter, in a very public way so that there will be no misunderstanding. The member for Swan Hills - the Leader of the House's colleague - had something to say about national competition payments until she was silenced, but sometimes there is a need to say no, we do not want national competition payments because they will not undo the damage that would be done to our community. That damage was feared by all of the people surveyed in the surveys that were commissioned by the Government's backbenchers, the results of which were trumpeted by them until they were told to shut up and toe the party line. The proof of that is contained in *Hansard* when we look at the fate of this Bill when it was dealt with in another place.

Hon Kim Chance: It is too late now. The damage has been done.

Hon SIMON O'BRIEN: So, are we doing this for nothing?

Hon Kim Chance: The damage has been done.

Hon SIMON O'BRIEN: No. I know what the Leader of the House is saying, but the damage to small business is still to be done, in large part through the provisions of this Bill. I repeat: the damage to small business is still to be done, and it is about to be done unless other members in this House can combine to defeat this legislation. That is what we are proposing to do. We have nailed our colours to the mast, quite unambiguously, and the minister has nailed his colours to the mast -

Hon Kim Chance: I acknowledge that, but by defeating this Bill we will not be able to meet the obligations that you as a Government committed us to.

Hon SIMON O'BRIEN: I will come to those consequences in a moment.

Hon Kim Chance: You cannot get out of that.

Hon SIMON O'BRIEN: No, and I am not trying to. I will come back to that in a moment.

Hon Kim Chance: I just wanted to get that clearly on the record.

Hon SIMON O'BRIEN: I turn now to an article in the *Canning Times* of 18 March 2003. That is my local community newspaper. It carries a story about how the local grocers intend to fight seven-day trading. Some of the people who are quoted in that article are my local grocers. I have known them for years. They are people in my community who are employing local people. They are not multinationals. They are local businesspeople who are providing a valuable service to the community and form a valuable part of the fabric of our society. I read that article with great interest. Those people are saying in their campaign that somewhere in the policy-making leadership of our community they are looking for a champion. The Liberal Party will be that champion. That is why we are drawing the line in the sand and that is why we are stating our opposition to this Bill so unambiguously.

I was interested to read in that article the comments of Riverton MLA Tony McRae. The member for Riverton uses the slogan in his ads "Putting Community First". I do not remember the member for Riverton doing that when the Riverton community lost its railway because of the re-routing of the New MetroRail and at the same time lost its dedicated express bus service for commuters - a double whammy. There was no putting community first on that occasion. When we had the Roe Highway debate, again there was no putting community first. It was put the Labor Party first, toe the line and tell local people that this will be good for them. Therefore, when I read that article I thought: will he be putting community first on this issue? The member for Riverton said in that article that he favours liberalisation rather than deregulation -

Although I believe there is a need to relax trading hours in WA, it must not be done at the expense of job losses and the local distributor chain . . .

He is saying that he knows that this Government's policy will result in job losses and will have a detrimental effect on the local distributor chain, but he will go along with it anyway because he favours liberalisation rather than deregulation. How is that for trying to have two bob each way? Perhaps he should become a member of the Democrats, but of course he could not get into the Democrats because he would need at least two per cent of the vote to qualify. His comments are very disappointing but nothing less than we have come to expect from Labor members.

The consequences of that part of the Bill that seeks to extend retail trading hours on Monday to Friday to 9.00 pm, and other possible changes further down the track, have been debated in a number of forums, including this Parliament, at great length. I do not intend to revisit all of those arguments, because that could mean that we will be here until next Pancake Tuesday, as a distinguished former President used to say. I believe I have made the point about where the Opposition stands on this part of the Bill. In the Opposition's view it is a fatal part of the Bill that compels it to oppose the whole Bill. In my opening remarks I indicated that the Liberal Party was prepared to give at least qualified support, but support nonetheless, to other provisions in the Bill. However, because of this key aspect, which taints the entire Bill, we will be compelled to vote against it and - to use a hackneyed phrase - throw out the baby with the bathwater if sufficient other members in the Chamber agree with us.

I do not know whether the Government is prepared to consider splitting the Bill, but the Opposition is implacably opposed to the measures in the Bill that I have just been discussing. That is clear and it will not shift from that position. However, if the Government sees merit in retaining some of the other provisions in the Bill and goes down that path, we would be prepared to receive fresh legislation or a split Bill that would enable us to consider those matters separately so that the Government may take something away from the wreckage.

Mr President, I offer that solution to indicate that the Opposition is not completely negative. My remarks are intended to show that the Opposition views with great dismay the prospect that the Government's policy, in direct contravention of its own pre-election promise, which was subsequently restated in government, will be cast away, regardless of the damage that will do. Backbenchers and frontbenchers alike in this Government know from the surveys they have commissioned in their electorates that this legislation will cause serious and irrevocable damage to the small retail sector in the community and will cause some cost to the community and grievous cost to the future of that sector. That is what the Government is on about with this legislation and that is what the Opposition is opposed to.

Before I sit down, I acknowledge the leadership that Dan Sullivan, MLA has shown in the community on this issue. I admire people - particularly in post-election times when irrelevancy is the main feature of the landscape for a new Opposition - who are prepared to go out and do some hard yards, do some soul searching, build bridges, re-establish links that should not have been allowed to fall away, and show the courage to come through with new and firm policy and thereby provide leadership to an Opposition that aspires to return to government. The small business sector cannot have much confidence in this Government; we know that from the material that it has published. I also thank my colleague Hon Barry House for his assistance in the management of this Bill and his leadership in the area. The Opposition opposes this Bill.

**HON DEE MARGETTS (Agricultural) [10.33 am]:** The Greens (WA) also oppose the Bill for many reasons that I am delighted to see the coalition point out. It will not surprise the Chamber to hear that that is the view of the Greens (WA) on this issue, as it is a view that has been stated on previous occasions. It is not necessary for me to repeat many of the arguments about the fairness of the competition in the industry, but I will add some extra points.

The State Government was required under national competition policy to provide regular reports to the National Competition Council of its progress on national competition policy reviews. The national legislative review of that aspect of national competition policy has had, in my opinion - and I believe a growing opinion of many people in Australia now - by far the largest impact on Australians of any aspect of national competition policy. However, it is clearly very little understood. Many aspects of national competition policy were so little understood by the State Government from the mid 1990s that it did not handle it very well at all. There are examples of reports that have been written and reviews that have been undertaken by, I guess, departments that did not really understand what they were doing. The 2001 report to the National Competition Council indicated that the retail trading hours review was still under way. Therefore, from 1995 to 2001 the retail trading hours review was still under way.

I have some sympathy with the interjection by Hon Kim Chance that the Government was left with a difficult situation. In many ways that is correct. It is clear, when one considers the range of legislation that has recently been debated and given that the final position of the State and the National Competition Council remains to be sorted out, that the legislation is in a very difficult too-hard box. Perhaps the too-hard box contains reviews that were inadequately conducted, including the very poor work and lack of consultation that took place on the western rock lobster industry review and the very difficult position that everyone found themselves in when the National Competition Council dug in its heels. However, it took a long time to produce the review of the retail trading legislation. The progress report from the Western Australian Government titled "Implementing National Competition Policy in Western Australia" dated June 2003 states -

The Western Australian Government has announced a new NCP review of Retail Trading Hours. In November 2002 the NCC notified Western Australia that it was facing the loss of an unspecified but substantial portion of the \$75 million of ongoing payments from the Commonwealth if it did not reform its retail trading hours regulations.

Previously, the Government had undertaken a review and had indicated that it was satisfied that the current arrangements were in the public interest. However, in view of the NCC's position, the Government has

undertaken to carry out another review that will address the issues of particular concern to the NCC - which are the discriminatory treatment of large and smaller businesses and the impact of restrictions on consumers.

Mr President, there is a basic question that none of this legislation answers; that is, what was the purpose of national competition policy? Was it to make Australian businesses and the Australian economy more competitive? What does it mean to be more competitive? Given that this legislation relates to retail traders, and not supermarkets trading in the international arena, more competitive for supermarkets means more competitive in the domestic market. Have the changes resulting from the deregulation of retail trading hours in the eastern States made that industry more competitive? Clearly, the answer is no. As a result of the hard work of the small business lobby groups which have got their act together and their arguments very well developed, I am delighted to say it has now been acknowledged that in those other States where deregulation has taken place over a number of years there are fewer competitors in the industry.

Hon Peter Foss: That is how competition works. Just because there are fewer participants does not mean that it is not a better industry.

Hon DEE MARGETTS: That is an interesting theory. Clearly, in the eastern States, according to the information that Hon Peter Foss's colleagues have provided to the Chamber, the outcome when small business competitors were knocked out was that in Sydney and Melbourne Westfield shopping centres close at 5.30 pm; David Jones stores, except for Thursday, close at 5.30 pm; and Myer and Harvey Norman stores close at 5.30 pm. I know that supermarkets close at similar hours. Does this mean that there is actually more competition?

Does being more competitive mean that there is more competition? No, it does not. The pattern under national competition policy is that in industry after industry the outcome has been that small, regional and local suppliers have been squashed by the bigger players. This means less choice and reduced options for trading hours. At present, on any day of the week, I can go to my independent grocer, which charges a little more than Coles or Woolworths, and buy groceries until 8.00 pm. I understand that late hours mean greater cost for retailers. I also understand that unfair and anti-competitive buying arrangements that can be accessed by the larger supermarkets do not create a level playing field for small, regional and local competitors. The evidence is clearly there.

Hon Derrick Tomlinson: That can be dealt with by legislation other than regulating shopping hours.

Hon DEE MARGETTS: That is a very good point. The Trade Practices Act existed before national competition policy was set up. If greater and fairer competition was ever the main goal of national competition policy - I personally do not think it was - the National Competition Council should not have implemented the criteria for review that specifically targeted individual farmers, small business traders and regional and local suppliers without dealing with the unfair competition and buying advantages that the big traders can use, which in my view are anticompetitive and should have been dealt with under the Trade Practices Act. It never happened.

Hon Peter Foss: The Commonwealth is always useless at these things, is it not? It explains why we should not have a Commonwealth Government. It takes the power and then never does anything with it. It keeps wanting more and as soon as it gets it, it does nothing with it.

Hon DEE MARGETTS: The fact that this enormous national competition policy was rushed through in 1995 did not provide the opportunity for this range of issues to be considered. However, considering that this State has been dealing with these issues since the mid 1990s, I do not see any evidence whatsoever that any state Premier has gone to a Coalition of Australian Governments meeting and asked for changes in that regime. As I have pointed out on previous occasions, some of the few changes that have occurred in fact had the opposite result. Instead of providing more transparency on the part of the senior COAG officials, they actually provided less. That is why we still have a situation in which the specific arguments of the National Competition Council are not available to us. We do not have them in front of us so that we can find out whether they are valid. Surely, in any federal or state democratic process, as a State we should know these arguments if we are being threatened with a loss of tranche payments or a fine by the National Competition Council, which is not elected. The federal Treasurer is elected, but it would be interesting to know if he has ever acted against the recommendations of the National Competition Council.

We know that the council achieved changes in 2001 that gave it more power. However, those changes in the COAG agreement on national competition policy also said that reviews were a state responsibility, and that the council would accept the outcomes of the States' reviews. Clearly, the National Competition Council is not abiding by those amendments. I repeat that the state review of retail trading hours stated that previously the Government had undertaken a review and indicated that it was satisfied that the current arrangements were in the public interest. Given that the public interest review was done by the Western Australian State Government, and the amendments to the COAG said that, provided the review takes place and is done properly, the State's review outcome would be satisfactory, why is the National Competition Council now going against that amendment? What can Western Australia and other States do to make the National Competition Council pull its head in? In my view, many of these reviews have been badly handled, but if there is an agreement between the States and the Commonwealth that the reviews are the bailiwick of the States, and if the reviews are done properly and the outcomes are acceptable, why is the National Competition Council simply saying that it will not accept an outcome unless it has the same response as that in the other States? It appears that the

position is that the fact that the other States have done it shows that it is in the public interest, but there has been no argument to back that up. Unfortunately, the onus of proof has tended to be on the States and on individuals.

There was some debate yesterday about the potato industry in Western Australia. Once again, there was a situation in which enormous pressure was put on the Western Australian potato industry. I have dealt with members of that industry since I was a senator, and it was one of the few industries that took the time to understand the process of national competition policy. Its arguments were so strong that it was necessary for the State Government to support them. However, that is because, as an industry group, they put in an enormous amount of effort to find out what the national competition process was all about and collect the data. Despite the pressure applied by big industry groups like the Chamber of Commerce and Industry of Western Australia, the potato growers stood their ground. I applaud the Potato Growers Association of Western Australia for doing that. I also applaud the independent retail traders. Both of these groups came to the Greens (WA) at a fairly early stage and discovered that we were the only political grouping that understood the mechanics of what they had to deal with. I have mentioned previously that one of the things I have done since 2001 has been to convene a globalisation round table, including a range of industry groups and community sectors. One of the roles of that grouping was for people to inform each other and gain information from other sources so that they could understand the process they and other sectors were going through. When industry groups finally rang my office and met with us, they sometimes said that they were like drowning people suddenly finding the shore, because we were the only political grouping that knew enough to help them put their arguments together. I am not saying they did not do most of this themselves, but in the end they needed some assistance.

Hon Peter Foss: Don't be so modest.

Hon DEE MARGETTS: In some cases, yes. In some cases most community and business sectors have to handle these issues one by one, and senior bureaucrats have effectively picked off different industries one after the other. We in this Chamber keep having arguments about who is responsible. What were those opposite able to do with those groups at an early stage to provide them with the information?

Hon Peter Foss: Not as much as you.

Hon DEE MARGETTS: Absolutely. In this case, yes. We have had that argument, but not one Premier, no matter from which side of this debate, has gone back to the National Competition Council and asked for changes, or has asked for the National Competition Council or the senior COAG officials and bureaucrats, such as Petrice Judge in Western Australia, to respond to the real community interests of States such as Western Australia. I am delighted that the independent retail traders have got through to the coalition. I am delighted that the implications of real choice now and in the future are beginning to be debated. However, since 1995 most opposition members have been asleep at the wheel. They are conducting debates at the end, but changes still have to be made. If the coalition gets back into government, I would love to see what it would do about the National Competition Council which was meant to be wound up years ago. What would it do in conjunction with the other States that are moaning in a similar way? What would it do to re-establish public interest? It seems ridiculous that Hon Kim Chance is saying that his Government was left with the problem. It is fair enough for that statement to be made by a minister, but our Premier in Western Australia has done nothing about going to the National Competition Council seeking real changes to the way in which those decisions are being made or to haul in the National Competition Council and make changes through amendments. Instead, more power was given to the faceless, unelected bureaucrats who are pushing a particular agenda, no matter what the real outcome, and no matter that it means less choice in the case of dairy and other industries or greater prices, fewer trading hours and more travelling required by ordinary people, and less real variety in what people can buy. The larger chains tend to focus more and more on those items that have the highest turnover. That is fine in some respects. However, it means that entire walls are filled with one type of item and many specific items, which for decades people have been able to get from supermarkets, will no longer be available because there is not enough turnover.

Hon Peter Foss: That is exactly what happens.

Hon DEE MARGETTS: Yes, and that means we have less choice and less convenience.

Hon Derrick Tomlinson: People can go to the smaller retailer.

Hon DEE MARGETTS: Who will not exist any more.

Hon Derrick Tomlinson: So Dewsons stores which have the monopoly on Sunday trading are going to close down, are they?

Hon DEE MARGETTS: They have not yet, no.

Hon Derrick Tomlinson: People can go to Dewsons because they will have it there.

Hon DEE MARGETTS: At the moment.

Hon Peter Foss: Doom and gloom!

Hon DEE MARGETTS: What the member is saying does not make sense. What I am saying is that I am supporting -

Hon Peter Foss: You have got it the wrong way around. What you are saying does not make sense.

Hon Derrick Tomlinson: I did not hear what the member said because of the interruption.

Hon DEE MARGETTS: I am supporting the argument for retail trading hours not to be deregulated in this form because -

The PRESIDENT: Order, members! We are getting to the stage at which the member who has the call cannot even respond to the interjections, when she should not have to respond to the interjections at all.

Hon DEE MARGETTS: Mr President, I believe the coalition is embarrassed because of its own incompetence on this issue. I am delighted that opposition members have finally seen the reason, following the very hard work done by a group of individuals in particular sectors. I wish they had worked so hard on this years ago. I wish they had made an effort to understand the process and had assisted many of these industry groups at an earlier stage. The litany of poor decisions, including what eventually happened in the dairy industry, the potential current and future problems with the western rock lobster industry, both in the deregulation of their processing facilities and in the 150-pot rule, and the range of damage -

Hon Bruce Donaldson: Would you like me to have a debate on that?

Hon Peter Foss: You can't get anything right.

Hon DEE MARGETTS: Absolutely. The range of carcasses of small regional and local providers that has been left in the wake as a result of the Opposition's incompetence and laziness on this issue is a tragedy in Western Australia. Yes, the small business sector is the largest employer. The national competition policy outcome was always to provide specific advantages for the large business sector. The national competition policy followed a review by the Industries Assistance Commission in the late 1980s, commissioned by Paul Keating, specifically in the lead-up to the signing of the Uruguay round of the General Agreement on Tariffs and Trade. It comprised a series of wish lists from the corporate sector about how it could get a better deal, reduce its costs and gain greater access to the Australian economy. Fred Hilmer was given a series of design paradigms by the Industries Assistance Commission, from the late 1980s, specifically to deal with accessing the professions.

Hon Peter Foss: Have I heard this before?

Hon DEE MARGETTS: Yes, the member has, but somehow or other he has not remembered. It was a specific paradigm to set up a national competition policy which would make the big business sector more profitable. It was never designed specifically for the consumer. It was never designed to create a more competitive environment. In fact, in industry after industry and in sector after sector it has done the exact opposite. We have already lost more than half of our dairy farmers. We are likely to lose our fresh milk industry. Dairy farmers are paid less than cost for their milk, but the price of milk in retail shops has not dropped. In fact, in many cases, it has risen.

Hon Peter Foss interjected.

Hon DEE MARGETTS: The large supermarket chains are laughing all the way to the bank. We have heard about the connection between the large supermarket chains and discounted petrol, and potential changes to the liquor licensing laws. In effect, ultimately there will be less and less choice, less and less variety and perhaps higher prices. Clearly, it will create a less competitive economic environment in Australia. Sector after sector of the retail industry is becoming a government-instituted oligopoly.

Hon Derrick Tomlinson: By your own agreement it is not adequately tackled by regulated trading hours.

Hon DEE MARGETTS: As I have mentioned, regulated retail trading hours provide at least some recognition that retailers are not operating on a level playing field because the biggest players have unfair marketing and distribution advantages that should have been dealt with. It would not be right for the Western Australian Government to take away from the independent and small producers the one element that ensures they have the potential to stay open. I am talking about their ability to provide, at a sometimes slightly higher cost, a more convenient service to the community. In a deregulated market they would be disadvantaged by the unfair buying practices of the biggest players, who have the potential to provide, in effect, less variety of the goods they produce.

I am not surprised by the heckling from members opposite today, mainly from Hon Derrick Tomlinson.

Several members interjected.

Hon DEE MARGETTS: I am delighted that the message about the reality of the effect of this change has finally been driven home. I am not surprised that people say yes to surveys mounted by Coles-Myer and Woolworths in their shops asking people if they want extended trading hours. People say yes because the surveys are dishonest. They do not give the full picture and indicate that ultimately people will have less real choice. They do not ask whether people would like extended trading hours to last only as long as it takes to knock out their competitors. They are dishonest surveys. Most people say that they want that choice; however, independent traders provide that choice. It is the choice for people to shop during extended hours if they need to and to recognise that greater costs are involved for those retailers in providing that service. That should be acknowledged by recognising that if, as a result of legislation, the remaining small and independent traders are demolished, the unfair marketing advantages of the biggest players will ensure that

Western Australia is not better off nor will the public interest be better served. Once those changes have created a foothold, it will be very difficult to re-establish the independent sector.

I am delighted to see that this Parliament is standing up to the irrationality and laziness of the National Competition Council. We did not hear any arguments for this ideology because the National Competition Council covered itself in a veil of secrecy. It is time that the National Competition Council was abolished. I heard the Treasurer mount what I believe was an argument that the national competition policy be abolished. I wish it were so. The National Competition Council should have been abolished years ago. Part of the agreement was that it should happen years ago. Rather than hear the Government and the Opposition moaning, I would like to hear them promise that they will lobby the other States to help close down the National Competition Council. If the Treasurer is creating a barrier to that at the federal level, we will know it is the Treasurer. If the Premier's advisers from the Department of the Premier and Cabinet are giving advice to the National Competition Council, and that is contributing to this decision making, the blame is not just with the National Competition Council; it is with the Premier of Western Australia and the other Premiers of Australia. The Premier must show some leadership; he must understand that he should not do everything that Tony Blair does. I understand Britain was one of the first countries to introduce a national competition policy and Paul Keating's Labor Government said that we should do it also. We have never checked to see how many decisions were in the public interest. What major corporation would have made such far-reaching changes without finding out whether they worked or without establishing the criteria for success? We should not just assume, based on our ideology, that it will work. Surely someone should be researching systematically whether those changes have led to whatever it was assumed national competition policy was supposed to achieve.

I have established that, in general - this is not just about personal computers or mobile phones - no argument can be mounted that Australian consumers have benefited in choice, availability and service as a result of national competition policy. Neither can an argument be mounted that national competition policy has created a competitive environment that has enhanced choice, variety and real numbers of competitors. What did national competition policy ever seek to achieve, except to set in concrete the dominance of the largest corporate players in Australia and overseas? Every review process of policies on which the National Competition Council has had its way and forced changes has indicated that outcome. At some stage in Australia we must realise that. The Premiers must get together and compare notes to determine not only what it was assumed would be the outcomes, but also the actual outcomes within their States. At some stage, commonsense must prevail. This legislation is at least one indication that the smaller retailers are holding sway for the moment. I am not suggesting the National Competition Council will not continue to apply pressure. However, it appears that at least commonsense has prevailed for today.

**HON PETER FOSS** (East Metropolitan) [11.08 am]: I wanted to rise on a point of misrepresentation because Hon Dee Margetts ignored the fact that I had been interjecting, yet I started the interjections! I felt that her attributing the interjections to Hon Derrick Tomlinson was a slur on my reputation!

Hon Derrick Tomlinson: It was a slur on me also.

The PRESIDENT: Order members! This competition is unseemly!

Hon PETER FOSS: I am sad to see that Hon Ken Travers is not in the House because I intended to regale him with another part of my memoirs. That part of my journal that refers to the Council of Australian Governments meeting that led to the signing of the national competition policy is quite a significant part. It was a most extraordinary situation. It was part of the first two COAG meetings that I attended. I got an idea of how the Commonwealth works. It is very similar to the Mafia. It makes one an offer he cannot refuse and it makes sure that everyone knows beforehand what has been agreed even though one has not even begun to discuss it.

Hon Dee Margetts: When was that?

Hon PETER FOSS: I think it was 1994. I ceased to be the minister in 1994 so it cannot have been after 1994. I will look at my journal if the member wants me to.

Hon Dee Margetts interjected.

Hon PETER FOSS: The member should wait until the story unfolds. She will then know exactly how it was. I suppose I am as responsible as any kidnap victim when he is made an offer he cannot refuse. The fact is that the same process the federal Government is using now in saying that we cannot have the money if we do not do this is exactly what happened when we turned up in 1994. We were given an ultimatum. There was approximately \$700 million that we either did or did not have. We would be penalised further if we did not participate. I am talking about the federal Greens who do nothing in the federal Parliament when they are there -

Hon Frank Hough: Feral!

Hon PETER FOSS: I said "federal", but the member can use "feral" if he likes. They go to the Australian Parliament and spend half their time helping the centralist views that the Commonwealth has. The fact is that the one thing that is really wrong with our Constitution is the concentration of fundraising powers in the Commonwealth and the concentration of all the hard work in the States. This fiscal imbalance has been the plague of our system. It means that

we do not have the responsibility of tying a particular action to a tax, so when we want to do something locally we do not tell people what it is going to cost in taxes because there is a lack of link between what the States do and where the money comes from. The Commonwealth has so much money. If one looks at a federal department that is on the bones of its backside and carrying out stringency measures, it still has more money than the richest department in the State. They have so much blooming money that it makes one sick.

Hon Dee Margetts: Whose signature was on the agreement?

Hon PETER FOSS: Not mine. Listen, dear, because this is a wonderful story. We turned up. I think I mentioned that we received a communiqué under our door the day before when we arrived in Darwin that told us what we had agreed to. In fact, we had a wonderful debate that went on until about two o'clock in the afternoon and all the States said no. It was quite fascinating although I will not go into all the details. It was a very fascinating exercise in human behaviour because I got the opportunity to see Paul Keating working up close. The way he worked was quite fascinating.

Hon Dee Margetts: We are the only ones working federally trying to help people understand what the system is all about!

Hon PETER FOSS: Good on you! What did the member do to stop the power of the Commonwealth? The Greens keep amending legislation. They insist on amendments in the upper House to give more central power to the federal Government. I know what they are like. They are federalists and centralists. They give more power to the Commonwealth. By giving that power to the Commonwealth they enable it to carry out the banditry that it consistently carries out. The member knows that; she believes in centralism. She does not even believe the States should exist!

The fact is that the States had no option in all this. In fact, from the first thing in the morning until two o'clock in the afternoon the States had been saying no. We then adjourned for afternoon tea. We were all standing around the brand-new Parliament House in Darwin having a cup of tea - it was mostly Premiers and Treasurers - when someone suddenly said that Keating was giving a press conference. Sure enough, Paul Keating was there. He had heard eight hours of us saying no but he was announcing that we had struck a deal! This came as a bit of a surprise. We quickly sent Jeff Kennett to give a contrary press conference that we had not agreed. The whole thing finished in disarray with not a great deal of agreement having been reached at that stage. Both sides, the State Governments and the federal Government, issued communiqués, neither of which bore any resemblance to what had occurred all day. One wonders about poor old historians and people who write masters theses on these things. Where do they get their information from? They might go by the public record, but the public record was total and utter nonsense. The press conference held by Paul Keating bore no resemblance to anything and had not been authorised by the meeting. The press conference authorised by Kennett -

Hon Dee Margetts: What did your Government ever do to change that? Nothing!

Hon PETER FOSS: Hang on. There were also two communiqués that bore no resemblance. What happened after that is, of course, what always happens with the Commonwealth. It is what the Commonwealth can always do - talk to Victoria and New South Wales. It offered them the lion's share of the money. We were told that, if we came along, we could get a bit of it. The problem the States have always had is that they have the ability to be screwed.

Hon John Fischer: If you had Jeff Kennett helping you, you would have been.

Hon PETER FOSS: I will not go into all the things that happened, but it was rather fascinating. I must say that I was very grateful for having attended because it was a fascinating political exercise and one I feel greatly privileged to have seen and to know what actually happened as opposed to hearing all the public statements about what happened. The reality of the matter is that it bore exactly the same story as anything ever has; that is, that the Commonwealth said there was the money and we could either have it or not have it. The advice I gave to the Premier was that the way it was written meant that we did not hand over any constitutional powers and that we do not have to do it if, later on, we decide we do not want to do it. That is the truth. As a State Government we still have the power at any time to say that we will not do it. It is just as much as we had the power at the time to say that we would not sign it. The reality of the matter is that we can do it. We are at full liberty to lose our State hundreds of millions of dollars. At any time we like we can tell the Commonwealth to stick it because we do not want its money. The unfortunate thing is that we do. As I said, the real problem with the federal arrangement in Australia is the fiscal imbalance between the federal Government and the State Governments. It is not helped by all the well-meaning little greenies who love enhancing the central power; they like to see things run from Canberra. Some of them who are no longer doing it really feel that is where they would rather be and that is how they always speak in this Parliament. We must realise that this State is best placed to do most of the things that are within the constitutional competence of this State. The only thing we lack is the power to tax. Unfortunately, that was handed over early on. It was one of the biggest errors in a referendum we ever had when we handed over those powers to the Commonwealth.

Hon Derrick Tomlinson: We still have the power but we have an agreement.

Hon PETER FOSS: No. Practically, we cannot do it. During all this we did obtain the GST agreement. I know a lot of play was made by the Government when it was first elected. It said what a terrible thing it was. I do not hear that any more because the money is now rolling in. That was the intent. Again, it would have rolled in a lot earlier and in

larger amounts if it were not for the Democrats, which are another little group of centralists that did not allow the GST to be put on food. I think that was stupid. It created one of the biggest compliance costs. Of course, Labor has complicity in that as well. Had it been placed on food, it would have been a much better and simpler system. As a result, there would be a lot more money for the States. However, they have stopped complaining.

I agree that one of the essential things about competition is that there is an even market. I have been a long-term critic of the restrictive practices in the Western Australian market. I was Minister for Fair Trading and I tried to get struck into them. There are terrible practices; we have monopolies. A place that used to concern me was Norseman. Has anyone ever tried to buy petrol in Norseman? I believe the petrol comes from Esperance and goes to Kalgoorlie. The price of petrol in Esperance and Kalgoorlie is considerably less than the price of petrol in Norseman yet the petrol goes through Norseman to get to Kalgoorlie. It is hugely more expensive. Why? Because there is a nice little controlled arrangement of pricing in Norseman. That is why the price is so high. I do not know whether it still applies because I have not had to buy petrol in Norseman for quite some time.

Hon Kim Chance: There is a market effect from the Eyre Highway.

Hon PETER FOSS: I know but there is no competition in Norseman. If there had been competition in Norseman, the price might have gone down. All over Western Australia people will find these little cliquy things whereby prices are high. When I took the price controls off petrol, we monitored the prices. It is interesting that in most places the price went down. In a couple of places it did not, and on inquiry we found why that was. One example was Newman. The price went up. The reason for that was that 90 per cent of the people in Newman used cards, and they were not paying the pump price anyway. Of course, when people use their cards, the price is heavily discounted. In fact, it is a very low average price. However, for anybody else who buys petrol, they get hit because of the high price. In Norseman, there was no excuse whatsoever; the price just happened to be high.

I accept that we have a terrible problem with anticompetitive practice in Western Australia. One of the things I regretted was that we lost the power to deal with it when the Trade Practices Act took a lot of that power to the Commonwealth. I saw this as a really good opportunity to get that power back, and we got it back. I keep raising this. I have raised it with the successive Ministers for Fair Trading who followed me. I was going to line up a whole lot of anticompetitive people using these new powers. Unfortunately, no minister - I have even told the Labor ministers about this - has used it. This would be a good portfolio for Hon Nick Griffiths. I am sure he would know how to use it, and he would enjoy using it.

Hon Norman Moore: He will not have much time, though. That is the only problem.

Hon Nick Griffiths: So I am told.

Hon Norman Moore: I am talking about the future of your Government.

Hon PETER FOSS: Yes. I thought there was a real opportunity to do something.

Part 8 of the Competition Policy Reform (Western Australia) Act 1996 is a very little known part of our legislation. I cannot remember whether it was put in anyone's masters thesis. However, it should have been put in because proper research would have revealed it. Western Australia is the only State that has a part 8 provision. It has this provision because I did a deal with the Trade Practices Commission. It was quite keen on this. It knew that it could not enforce the law in Western Australia; it knew it did not have the resources here. The Trade Practices Act practically did not exist in Western Australia. However, it does now because of this provision. Section 46 in part 8 of the Competition Policy Reform (Western Australia) Act states -

The Commissioner -

That is, the Commissioner for Fair Trading -

may, with the approval of the Minister, enter into an agreement or arrangement with the Commission as to -

- (a) the matters that may be declared to be State matters under section 47; and
- (b) the procedures to be followed before making such a declaration.

Section 47 states -

- (1) The Minister may, by order published in the *Gazette*, declare a specified matter or a matter of a specified class to be a State matter for the purposes of this Act.
- (2) If an agreement or arrangement is in force under section 46, the Minister must not declare a matter to be a State matter except in accordance with that agreement or arrangement.
- (3) An order under subsection (1) is "subsidiary legislation" . . .

This enables the minister to declare a matter to be a state matter.

Hon Kim Chance: And thus override the provisions of the TPA?

Hon PETER FOSS: It applies the TPA as Western Australian law. This has been agreed with the Commonwealth. This is a permitted state law. This will not be knocked out by section 109; it is consistent with it. This was national legislation, because the Commonwealth did not have power to deal with intrastate, non-corporate or non-trade restrictions. For instance, it could not touch professional partnerships, and it could not touch ordinary partnerships that did not go outside a State. The Commonwealth had power to deal only with interstate trade and commerce and with corporations. It did not have power to deal with doctors. It must be kept in mind that when I did this I was also Minister for Health, and I had a few people lined up whom I wanted to get stuck into as Minister for Health. I thought it would be very handy, because some of the really nasty anticompetitive practices are in the Australian Medical Association, so I had those people lined up. The idea was to give the Commonwealth power over those matters. If it was not going to do anything, we would.

Hon Kim Chance: The reason I ask that question obviously derives from my interest in the dairy industry.

Hon PETER FOSS: It does not overrule it.

Hon Kim Chance: The interstate trade component would rule out the use of that mechanism.

Hon PETER FOSS: Yes. The effect of it being a state matter is that all the functions of the trade practices are vested in the state people. For instance, the Commercial Tribunal of WA and the commissioner take over. Various people turn over. Not just the functions conferred under this Act, but all the functions, whether they are corporations or anything else, are vested in the State, and the state courts get jurisdiction. Importantly, the market becomes a market within the State.

One of the big problems with the takeover of Bunnings, for instance - I think it was wrong - was that the Commonwealth held that there was still a competitive market because there were competitors of Bunnings in Victoria and New South Wales. It does not help us very much in Western Australia where there is now no competition whatsoever to Bunnings. However, the reality of the matter is that the Commonwealth has recently done something about recognising a local market in New South Wales - I think in the area of hardware again. I argued all the time that we should deal with a local market. However, this allows for a state market and a market within the State; therefore, it allows subdivisions of markets, so people can pick any market, look at it, and start to operate in it.

The possibilities are great. However, nobody has used it. I say that of both my ministers and Labor ministers. I made a point of telling the Government's minister about that. I said that this is a very powerful weapon and it should be used. However, nobody seems to be prepared to do it. It takes a bit of legal knowledge and determination, and it probably takes a bit of money. However, if we do not use the thing, we are just wasting it. The marvellous thing about it is that the State gets back some power to do things. As I have pointed out, the Commonwealth takes over these things. If it did something in Western Australia, we would not mind. I do not have a problem with corporations being national if they do something. The problem is that in this State we cannot get access to people. All the things the Commonwealth said would not happen have happened. Once the Commonwealth takes something over, it becomes obsessed with Sydney, Melbourne and Canberra. Everything gets contracted into those cities, and people can never get any service or enforcement outside.

My biggest objection to this is that commonwealth agencies are totally unresponsive to our needs. To the extent that there is appropriate federal legislation, it is not properly enforced in Western Australia, and the people the Commonwealth appoints as its local people in this State do not have the authority, the standing or the rising status to go on and do something. We get the people who see this as a bit of a dead end, and do not see it as a great move in their career. That has always been the problem. One of the reasons I am against centralism is that I know Western Australia will be forgotten - not out of any sense of malice or ill will, but because we do not figure. Any people who live in the country know exactly what that is about when they are dealing with Perth. It is even more so for people who live in the Kimberley or the Pilbara. They do not figure.

The classic example is that of the Commonwealth Grants Commission, which has worked out formulae that take into account distance, ethnicity and Aboriginality. I have tried to apply that formula in health. I have used the commonwealth grants formula to say where the budget holding should be - I tried to do it on a purchaser-provider basis - for each of these areas. When it was allocated, the Kimberley came out with a minuscule amount. Looking at the health budget of Western Australia, one little health facility in the Kimberley could not have been run on the basis of the amount of money that would have been provided, adjusted according to the wonderful Commonwealth Grants Commission formulae. It allowed for nothing. Western Australia is always struggling because the Commonwealth has wonderful formulae that do not take into account that if we are trying to serve the Kimberley from Perth, it is hideously expensive, and they do not take into account the health status of Aboriginals. Sure, the health status of Aboriginals in New South Wales is not good, but it leaves the health status of Aboriginals in Western Australia for dead. The problem is that we are dealing with a formula of one size fits all, but it never fits Western Australia. That is the difficulty. Although I believe we are being screwed in many ways, I am a great believer in national competition policy. I know that many people do not like it, but I happen to believe in it. I believe it is a very good thing, and I am a great supporter of it.

I also believe in retail deregulation. That should come as no surprise to anyone, because I have believed in it firmly for a long time. I was the minister who had carriage of the last lot of amendments to this legislation. As the former minister responsible for retail trading I would have liked to have done a lot more, but I was prevented from doing so. I think what I did do was good. In fact, most people are fairly happy with it, even the retail traders. It is interesting that one of the things I did was increase the size of what could be defined as a small shop. At the time I got belted to death over that. I am very pleased that Hon Dee Margetts has recently praised that change. The retailers have actually said to me that it is the best thing that has ever happened to them. I will tell members why. We can never deregulate without pain, and we can never deregulate instantly, but one of the problems with the current retail regulations is that we have forced down the capital size and resources of the retailers in this State. If a retailer's main advantage is his trading hours, then to enjoy that advantage he needs to be small. One of the things that used to restrict retailers was the amount of capital and number of partners they were allowed to have. Because they were allowed to have only a certain number of partners, they virtually had to be a sole trader. However, that meant that they could not get the capital that they needed to be competitive with giants such as Coles. The situation went from one shop with two partners, to Coles. There was no gradation between the two. The business was either a tiny little business with no resources whatsoever or it was in direct competition with Coles. One of the advantages of gradually expanding the number of people and the amount of capital that retailers were allowed to have was that it enabled them to build bigger businesses. What I would like to see occur over time - I think the retail traders would like this too - is a gradual increase in those numbers. This should have been happening over the past 10 years; that is, since 1994 when I last fiddled with it. That would mean that eventually there would be a range of businesses within Western Australia. Rather than just have Coles up here which is that big and the Western Australian traders down here which are that small, we would have traders of all sizes in between that would have some capacity to take on Coles. The problem is that at the moment no-one has the capacity to take on Coles.

Hon Barry House: The coalition small business policy encompasses that.

Hon PETER FOSS: It does indeed, and that is very good. I am very pleased about that. It recognises the reality that there is a penalty for Western Australian businesses in the retail trading hours to some extent because they cannot grow. Most successful businesses want to grow. However, as soon as they grow they are lopped off. We need a process of gradual change that will enable that growth to occur.

Hon John Fischer: You do not seem to have got that clearly through to Dewsons and the other people who have -

Hon PETER FOSS: I was referring to a small group of retailers - the independent retail traders, or whatever they call themselves. I actually received a letter from them saying it was the best thing that has ever happened to them. I am sure there are different views on this, because they all have their own position in the market and their own view on where they want to go, and that is how it should be. I accept that it is not a simple matter. I must say that since I made those changes in 1994 my views have modified in light of what has happened. I happen to think we should increase the number of tourist precincts. I know that some people want Wanneroo, Joondalup, Subiaco and Midland to become tourist precincts because they believe those areas are appropriate to that market. We need to recognise that changes will occur. I like shopping in the eastern States, because the people there can buy things whenever they want, and they can buy a much wider range of things that we can buy here. I see a quizzical look on the face of Hon Dee Margetts. I have just returned from the eastern States, and I found that to be the case. It was lovely to be able to shop even on a Sunday up to quite late at night. I can remember going to Victoria many years ago - I think about 40 years ago - and being able to buy petrol at night! I could not believe it! It meant that people who were travelling did not need to stop at about five o'clock just to fill their petrol tank.

Hon Paddy Embry: At that tender age you should not have been out at night!

Hon PETER FOSS: Hon Paddy Embry knows how old I am and what age I was 40 years ago, but it was very kind of him to indicate otherwise. I happened to be in Melbourne when I fired the first shot on getting rid of the roster stations. We had done a quick survey, of course, and I pointed out that on weekends when the roster stations came on the price of petrol went up enormously. There was about a 10 per cent increase. Some people never opened at all except on roster. They would open once every two months and they would make enough money on their roster weekends to enable them to retire.

Hon Dee Margetts: They had to pay their staff more.

Hon PETER FOSS: Yes, I know, but the fact is that they were very comfortable. It was a very comfortable system for them. Anyway, I fired a shot by saying they were ripping people off. I then had to go to a ministerial council in Melbourne.

Hon Frank Hough: I had a petrol station, and I got only what I was due to get on roster. I had to fight during the day to get lower prices. All I got was the retail price. I certainly did not retire on the profits.

Hon PETER FOSS: No - Hon Frank Hough went into selling cars! He made enough capital to enable him to go and sell cars!

One of the problems was that we had twice as many petrol stations as we should have had. This is very important. I do not believe people should be comfortably selling petrol just because they have the certainty of being on roster and that we should have twice as many petrol stations as we should have from an economic point of view, because that means that the customers are the ones who end up paying for the comfort of the people who are selling the petrol. I was in Melbourne at the time that the excrement hit the fan. All the television stations wanted to know whether I was thinking of getting rid of the roster stations, so they got their local people in Melbourne to interview me. The first thing I had to do was explain what on earth the roster system was all about. When I explained it to them, they looked at me as though I was mad. I was trying to tell them how it worked in Western Australia. They asked me why do we do that, and I had to go through it all, and when I explained it to them they said wow. That was one of the nicest interviews I have ever had. They could not believe we actually had a roster system, and they thought it was pretty good that I had the temerity to want to get rid of it, so I got some pretty good interviews at that time. In due course I did get rid of the roster system, and I am glad I did.

The other thing I got rid of was the inability of petrol stations to sell a wide range of products. People could not buy much at a petrol station in those days. They could buy pickled goods in tins but not in glass, or perhaps it was the other way around - I cannot remember which one it was - and they could buy powdered milk but not fresh milk. People who wanted to sell products at a petrol station had to look at a big list and see where the product was on the list to find out whether they could sell it. I found that extraordinary. I am pleased that has gone and there are now convenience stores at petrol situations. They are very handy. They have automatic teller machines and sell pizzas and all sorts of things.

Hon Bruce Donaldson: When I went to Melbourne I was surprised to find that the Prahran markets in Chapel Street, which are the best markets I have ever been to, are closed on Sundays.

Hon PETER FOSS: That is interesting, because during that period of time I would normally go to my local grocer on a Saturday, because I also had to do all my other shopping, and his shop was open then. He would berate me on my proposal to deregulate trading hours. I asked him why he did not open on public holiday Mondays, yet would not allow Coles to open on public holiday Mondays. He said that he had to have some time off. I said that while he was having his time off, he could let Coles sell and that he should not stop other people from opening if he was not prepared to open. Another thing I said was that I had visited his store on Saturday and Sunday and saw that most people visited his store on Saturday; that people go out on Saturday because Coles is open and that people do not necessarily visit his store only on Sunday. I went to that store, not because it was a small store and was open on Sunday, but because of what it sold. It was a specialty store, and that is why I went to it.

However, I admit that it is not a perfect world and it does require something close to a perfect world before we can have deregulation.

Hon Dee Margetts: Tell me how many small stores are still available these days? There are coffee shops and delis -

Hon PETER FOSS: They were disappearing long ago. I lived in Mt Lawley and I know that around North Perth - not so much Mt Lawley - there were little corner shops everywhere. However, they disappeared before I was born. If Hon Dee Margetts believes that trading hours and practices will not change, she has lost track of the world. I used to work in London near Bread Street and Milk Street. There was not much sign of bread or milk being sold on either of those streets, but there was a time when each street was full of vendors of that type. Sure, things change. One of the most important things about retail is that people come, people go, people make money and people go broke. People go broke every day. They were going broke when I was in practice. Frequently, most of the people who got involved in bankruptcy were people with small businesses - generally speaking, because they did not have enough money or nous.

Hon John Fischer: That was because they were trying to pay your bill; you charged too much!

Hon PETER FOSS: No, I was not acting for them. I must confess that I did not act for that sort of person. That is a frank disclosure that I have to make.

The reality of the matter is that Hon Dee Margetts does not think trading patterns will change. One reason corner stores existed was that people used to walk to them. When I visit East Timor I see people everywhere selling from stalls because everybody walks. Wait and see how many of those little corner stores survive once they get cars. Are we going to stop cars so that corner stores stay? That is a good regulation: nobody is allowed to drive or ride a motorbike in case we lose our corner stores!

The reality of the matter is that life changes. The Luddites have always wanted to prevent things from changing. I put the Greens (WA) in that category; they are classic Luddites. If they had been around at the time of the industrial revolution, they would have been Luddites. I have always said that the Greens comprise a number of people, including professional pessimists who now like to call themselves green, as it sounds much more positive than saying, "I am a pessimist; I am against everything." The people who lost their faith and have a new faith are green.

Hon Dee Margetts: If you are suggesting that we think there is a better option than corporations controlling every aspect of society in Australia, you are absolutely darned right!

Hon PETER FOSS: Does Hon Dee Margetts know what I think is funny? I will not say who this member of this House was, but I was amazed at the member's use of the Internet. I tackled the member and asked why the member spent the

whole time using the Internet, as I thought the Greens were against globalisation. The member said, "Ah yes, but not against communication." Do the Greens really think that the Internet is there for them to call rallies on their web page and to send each other e-mails, or do they think it is there for international commerce? The Internet is there to serve international commerce. The fact that Internet companies can make a bit more money out of letting people use a web page and e-mail is because, unlike the Greens, they are prepared to look after anybody. The reality of the matter is that people who use e-mail and web pages are serving the course of globalism; they cannot have one without the other. The Greens are typical King Canutes. Sure, things could have been better, but that is not the way humans work. If we had a world dictator we might be able to say how things would happen. Look at how far China progressed with a nice, repressive, regulated regime! The suggestion by the Greens will not bring back small traders because once they are lost they never come back. The Greens should go to China. There were stalls everywhere within five days of the Chinese removing some regulations relating to private capitalism. There were more small stallholders in China within five days of lifting the regulations than there were in the whole of Australia.

Hon Dee Margetts interjected.

The DEPUTY PRESIDENT (Hon George Cash): Order. I ask Hon Dee Margetts please not to encourage the member; he is trying to complete his remarks.

Hon PETER FOSS: Actually, I have not started them yet!

Hon Derrick Tomlinson: I hope he will get to the Bill soon!

Hon PETER FOSS: Well said! I probably should hurry up.

Hon Nick Griffiths: I am sure you can do it in seven minutes and 51 seconds!

Hon PETER FOSS: I am sure I could.

Many remarks made by Hon Dee Margetts represented typical Luddism and a failure to recognise the truths of this world. Sure we could in an organised world without any free will and with communists in control - we know the Greens are all communists at heart - but in a free society we cannot. We are a capitalist society and we cannot do that.

I do not like this Bill as I have never seen so many regulations in a deregulating Bill. It is extraordinary. The Bill restricts the power of the minister to do things ad lib. Although democratically that is a good idea, it is stupid from a free trade view. Now orders made by the minister will be disallowable. When I was a minister, one excellent measure was that Parliament could not disallow a minister's order. Another thing I do not like about the Bill is that it is full of bumf. I do not mind putting into law what I did previously by way of order, as it will bring things up to date. However, why did the Government have to add all this other bumf? I was going to use another word, but I will give an example. Clause 6(4), which proposes to insert new subsection (3aa), includes all matters that can be taken into account. That is unnecessary. If the minister makes the order, it is done; that is a good thing. However, the Bill contains pages and pages of regulations. People will argue about it. I will probably return to private practice shortly and I can see in this Bill thousands of dollars worth of fees a day for lawyers.

Several members interjected.

Hon PETER FOSS: I have a slight ambivalence as to who I want to win the next election because I know from my past experience as a lawyer that lawyers have made an absolute bonanza whenever there has been a Labor Government, either state or federal. This Bill, in the dying gasps of the Gallop Labor Government, will keep many lawyers in good health and wealth for years to come. As a deregulating Bill, it is the biggest load of garbage I have ever seen. The Government is very much mistaken if it thinks this Bill will do the people of Western Australia any good. This Bill is an absolute labyrinth of words that everybody, including large and small shop owners, will have to work their way through. Any future minister will be left with the most extraordinary difficulty in trying to find out what he can and cannot do, all because the Government wants to legitimise something that I did quite legitimately.

I would like to raise a small point, as I have not replied to this publicly before. I actually passed a law that the minister -

Hon Dee Margetts: Who are you going to vote for?

Hon PETER FOSS: I will vote against the Bill, as it is not a deregulating measure; it is a regulating measure. It will cast in concrete the current situation when, in fact, there must be a degree of flexibility and a capacity to move with sensitivity to prevent unintended and serious consequences.

Hon Nick Griffiths: You are saying that the Bill does not go far enough.

Hon PETER FOSS: No. I say it is a regulating Bill, not a deregulating Bill. I do not see the need to make these changes. We have quite a good piece of law. I may have a different view from others about the regime involved, but the law is reasonably good at the moment. If the minister were to make this change, it would be bad law. I will deal with the -

Hon Nick Griffiths: Bill!

Hon PETER FOSS: I was doing that before I was distracted. I refer to the order I made. Members opposite stated that I received advice that I may not be able to take that action. I received that advice and read it. Like much of the advice received from Crown Law, I regarded it as utter garbage. It was one of the worst prepared opinions I had ever seen. I wrote back to Crown Law a number of times saying that the advice was garbage and that it should have another go at it. I refer to an unrelated matter. Sometimes I had to send it back three times. The penny would drop and they would say, "Oh, we missed that particular case! We're terribly sorry; you were right." I got some poor quality advice from time to time. Every lawyer does. It is taken from the articled clerk, and it is sent back with the message, "Try again." One knows the law. I refer to another piece of advice in a totally different area. I see that the current Government was given the same advice that shows a basic misunderstanding about the difference between one department and another in state government and between state and federal government. The argument was used that the crown right with the Commonwealth and the crown right with the State are two different entities to try to advise that two different departments within Western Australia were two different entities. That is garbage. There is only one government in Western Australia. It is a single government. Differences from commonwealth government do not matter. Unfortunately, a problem in government is that one does not always get the highest quality advice. It is interesting that nobody challenged that matter. I am sure it would have been challenged if that advice had any basis. The fact that nobody has challenged it successfully in 10 years is a fairly good indication that I got it right.

The present regime is a good one. The Bill contains some good things. As Hon Simon O'Brien stated, these good aspects are tied up with things that, for slightly different reasons, are garbage. I cannot support a Bill that is a retrograde step for all people in Western Australia as far as retail trading is concerned. Customers and retail traders, large and small, would all be disadvantaged if the legislation were to pass.

**HON FRANK HOUGH** (Agricultural) [11.52 am]: I will not support the Retail Shop and Fair Trading Amendment Bill 2003. I will be brief. I speak on a different area from that referred to by Hon Peter Foss and Hon Dee Margetts. I can speak about being a small trader. My wife and two daughters have been small traders, and I can see what is happening with deregulation and the free trade agreement. Ultimately, in the next decade or so, not much manufacturing will occur in Australia, and we will all work in stores for somebody else. That is a tragedy.

Regarding deregulation of retail hours, I ask members a question: if they are going to buy a motor car, and if shops were open a bit longer, would they buy a second car and park it out on the street? Would they buy more food if the shops were open longer? What would be done with the extra food? If shops are open for an extra two or three hours, people do not rush down to shop at those times. Hon Peter Foss said that he bought some gear in a retail clothing shop in Melbourne. I bet if it were open all day and night, he would not have gone down after hours and bought another suit. People can buy only so much. We had shorter trading hours when I was growing up, and people budgeted to shop in the hours available.

Labor Party policy relates to social aspects. The second reading speech reads -

The Gallop Government is committed to providing greater choice and flexibility for consumers in relation to hours that general retail shops can trade in the metropolitan area.

No-one has really talked about the workers who work in these shops and the extended hours the Government hopes to apply. I do not see people who work in these shops out on the streets at rallies for longer hours. A good example in the United States is Wal-Mart. People talk about the demise of corner shops. I heard Hon Dee Margetts ask where are the corner shops. A couple are appearing again, but they are manned probably - I think of the one down the road from me - by Vietnamese and other Asian people who are prepared to work the long hours. People cannot buy more from a shop because it is open longer. If people go for a pint of milk from a shop that shuts at five, they buy two pints of milk because another will be needed after five o'clock. People use a shopping list. I guess people are mentally attuned and adjusted to work in the available framework.

The Labor Party says it represents working-class people. It is certainly an abrogation of its responsibility to open shops longer and make people work longer. The social fabric of the family will be taken away by this Bill. People ask whether small operators can compete if shops open longer. I told my wife to sell her Body Shop and my daughter to sell her hairdresser cum fashion shop. My other daughter is still in business as a hairdresser. The shopping centres my wife and daughter operated businesses in were like those in the United States. People walk into Wal-Mart and can talk to a doctor, go to a pharmacy and cross the road to buy a lawnmower. When those centres are shut, people are buggered - they do not know where to go.

The DEPUTY PRESIDENT (Hon George Cash): Order! There is certainly a level of language that is inappropriate in this place.

Hon FRANK HOUGH: I apologise, Mr Deputy President. I took it off the Toyota ad.

The DEPUTY PRESIDENT: That might be the case.

Hon FRANK HOUGH: I withdraw that comment. I will say that, in that situation, people are cactus. That is appropriate - being a plant.

Hon Nick Griffiths: I think you should stop now.

Hon FRANK HOUGH: Yes. I am experienced and know how shops operate. I have seen how my daughter's shop operated in a shopping centre. I refer to shopping centres like Carousel, Southlands and Joondalup Gate. Ultimately, seven to 10 years down the track, not tomorrow, Carousel will become K-Mart and Southlands will become Coles with small shops within them. Everyone is entitled to operate a small business. If a speciality shop cannot operate the hours available in a large shopping centre and has to shut at certain times, the bigger supermarkets talk to suppliers and get in those specialty item lines. I know it happens. We ran a Body Shop, and we were told that the large supermarket would not carry those speciality lines. However, those items suddenly appeared on the supermarket shelf. When we questioned people from the supermarkets, they said they were told by the larger suppliers that the supermarkets will get that product line. There was nothing we could do about it. If people cannot compete in the hours available to the larger conglomerates, they will lose their customers. If people shop after hours, they will not buy more; they will adjust themselves. People may watch telly and shop at 8.45 pm to buy what they would have otherwise bought during the day. That would be unfair as it would force small businesses to work longer hours.

Hon Peter Foss said that people in the country pay more for petrol. Frankly, the Government should do something about that situation. If a quarter of a cent were placed on the price of petrol across the board, that country price could probably be subsidised. With nearly 78 per cent of the State's population in the metropolitan area, I do not think people would complain about paying a quarter of a cent more for petrol if our country friends could have a bowser price that was the same as that in the metropolitan area. Prices vary. The Government says it controls the petrol price, but it does not control it to the extent it should. Every time petrol goes up, the Government laughs because the goods and services tax factor gives it another kickback.

I will consider one particular casualty of the National Competition Council. I see that the Marketing of Eggs Amendment Bill 2004 is being considered by this Parliament, but national competition policy has been devastating for the dairy industry. Perhaps industry members were paid out correctly, and perhaps they were not. The milk industry was probably not quick enough in the initial stages to buy the middleman and set up a cooperative base, as the egg marketing people will be doing. That may have saved the industry in the long term. Deregulation of the dairy industry has been a very unsuccessful exercise. The industry has been devastated by deregulation. I was talking to a farmer in Capel who said that every time the delivery truck visited her farm the conversation with the truck driver was about any farms closing on that day. The driver would say, perhaps, that Bill Smith down the road would be shutting on Friday, and that Harry Jones might last another 10 days. That is devastating, and deregulation of retail hours will make things much worse. It just means that small people are unable to compete, and that is not what Australia is all about.

I honestly do not think we will see people marching around shopping centres carrying banners demanding that shops open for longer hours. Has the Government asked small businesses if they want to open longer? The Government should not ask the owners of the major retailers, but should ask the owners of the small businesses whether they want to open longer. They are the people who will have to work those hours. What can they sell? If shops are open three hours longer in the day they will not sell more goods than if they are open for normal hours, because people can only buy so much. People will not buy more just because the shops are open longer. They will adjust their thinking to operate within the spectrum available. It is no use the Government saying that people will buy more and that trade will pick up. It will not. People can only eat and drink so much, and each person can drive only one motorcar and wear one suit at a time. Does the Government really believe that people will wear two suits and have different cars for the morning and the afternoon because the shops are open longer hours? It will not change a thing. People can only buy what they can during the designated hours available. The changes will not increase anything; they will simply lower the social fabric of the working class small businesspeople. It just makes business uncompetitive. Slowly, these people will slip into the ocean and float away. I have seen this happen over the years. Small shops and service stations are disappearing. It is a tragedy to see that kind of thing happening in our industry.

One shoe does not fit all. There must be an exceptional circumstance in the tourism industry. That should be addressed separately, but there should not be a general across-the-board ruling. We are going down the wrong track, and I will not support this legislation.

**HON KATE DOUST** (South Metropolitan) [12.04 pm]: I support this Bill. Like Hon Frank Hough, I have always held very strong views on the issue of trading hours, partly because of my working experience. In December 2002, when this issue was first raised, I put on record my personal views about the potential negative impact on people working in the industry if this legislation were to eventuate.

Hon Simon O'Brien: What were your views?

Hon KATE DOUST: The member can go back and look at *Hansard*.

Hon Frank Hough: I remember it well, and I am surprised you are supporting this legislation.

Hon KATE DOUST: I will explain to the honourable member why I am supporting this legislation. Since that time, like many members in this Chamber, I have had the opportunity to meet with a whole range of retailers, small and large. I have had the opportunity to speak with up to 400 delegates representing shop assistants across the length and breadth

of this State, and across all the various types of shops that operate in this State, about the impact of this proposal. We have had the opportunity to meet with Graham Samuels from the National Competition Council. He took a very hardline position on this issue; he was not prepared to compromise. I am of the firm belief that this Government has been forced to make this compromise. The Government could have gone for open slather; it could have gone down the path of 24/7. However, I believe that this is the most sensible compromise the Government could come to in an attempt to appease all the players across the industry, both small and large, and to provide protection for the workers in the industry. This is not an easy situation for the Government, and it is trying to do the best it can. Other people have alluded to the fact that the Government has been put in a difficult position, because if it tries to oppose the National Competition Council totally it risks losing the money that is on the table. If that were to happen, members opposite would be the first to jump up and down and accuse the Government of not doing its job of looking after its constituency in Western Australia.

When I first started working in the retail industry in 1978, Thursday night trading had just commenced and there was a lot of concern about how that would impact on shops. Small shops have survived, however. With the changes that came in 1987 with the extension of trading hours through Saturday afternoons, there was again much concern about how it would impact on small shops and growers' markets, but they are also still here. If members look around their own areas they may find that a few small family corner shops have been lost but, as Hon Peter Foss says, that is the nature of the business. People come and go in the industry. Not everyone who comes into the retail industry as a small trader is geared for success in the industry, for a range of reasons. Consumer needs are subject to change over time. People do not always want to travel around the suburbs to go to the butcher, the baker or the newsagent.

Hon Graham Giffard: The candlestick maker?

Hon KATE DOUST: I was not going to go there, because that is out of my life period!

People want to be able to do all their shopping in one large centre. I do not know how many members go out every Saturday or every Thursday night to do the shopping for their families, but that is what I do. I prefer to go to one large centre. In each centre now there is range and variety. There are large stores, hardware stores and small specialty shops. Everything is there in one place. Hon Barry House can buy local produce at the large multinational retailers. I am happy to take him shopping and show him where to find those products. Those are the products that I buy in Woolworths and Coles every weekend - all those lovely products from the south west of the State that we are so proud of.

Hon John Fischer: Do you actually know how many of the vegetables that come down from Carnarvon actually end up in the major retailers?

Hon KATE DOUST: I cannot give the member the number, and I doubt whether anyone else can, but I know from my experience that the retailers do purchase locally. There is a myth about the small retailers not having the same purchasing power, but where do members think they get their stock from? They go to Foodland Associated Limited in Canning Vale and purchase from one large distribution centre. They are all run out of the one warehouse and head office. They are all franchised and uniform. I know that because I have worked in the industry. The goods are all palletised and marked with the names of the different shops in the one warehouse, and are sent out on a daily basis. The same goes for their meat. The meat for all the Dewsons stores comes out of the Action meat room based at Canning Vale. Action is now a large multinational player in this country; it is not just a small shop, but it provides through Foodland Associated Ltd for every small shop in the State. There are a few myths that members need to be aware of.

A couple of members alluded to the fact that small retailers provide for major employment in the retail sector in this State. I dispute that. I know for a fact that between them Coles and Woolworths employ 30 000 to 35 000 workers, Myer and Bunnings also employ large numbers, and the numbers roll on. Small supermarkets in this State probably comprise 12 000 workers. I know that because the union I worked for recently entered into an enterprise bargaining agreement with about 238 small supermarkets. They are not the major employer that members have been led to believe. If they do employ, they employ casual workers.

Hon Barry House: But the ratio is higher.

Hon KATE DOUST: Members will not find permanent workers in those workplaces. The large retailers, who employ their constituents, provide for permanent, full-time secure employment under very fair working conditions -

Hon Barry House: Like school kids who, as soon as they turn 18, are kicked out the door.

Hon KATE DOUST: They are not. Again, that is another myth. I know that, because I have had to deal with that issue. Employers do not get rid of them at age 18, because they have invested too much of their training dollar in those young people. I was pleased to hear members on the opposition benches having this epiphany about training hours. Where were they throughout the 1980s and 1990s when the working people in the retail industry were crying out for support to oppose deregulation and to protect their rights? Every time this issue came up, those opposite were pushing the deregulation button; they were threatening to go 24/7; they did not care about the working people in this State. This Government is being forced into this position; this is not where it wants to go. The Government is sticking to its election commitment. This Government has been forced to do this by the National Competition Council through the

auspices of the federal Liberal Government and the federal Treasurer. Why are those opposite not going to their federal colleagues and saying, "Back off, we don't support you"?

Hon Robin Chapple: We are.

Hon KATE DOUST: I have not heard the member say that. He has not done that. He has let down the people in this State. He has not done his job. He has not influenced his party federally. He has not asked it to look after his concerns.

Hon Ray Halligan: All you have done is roll over.

Hon KATE DOUST: No, I have not. Things change in this industry and, as I have said, I have talked to an enormous number of people. I think I have a better understanding of this issue than has Hon Ray Halligan. Sadly, it looks as though this Bill will not get up, but it has been designed to meet the requirements the NCC has placed on the Government and to meet the demands that the consumers in this State have been talking about. I know that if the trading hours are extended to late nights people will probably go out at night. I also know that those small retailers will continue to survive and thrive. I know that the small retailer who does that is a smart retailer who gears the nature of his business to the needs of his local community. That is how he survives. If members were to go to Dewsons in Canning Bridge - I know that Hon Simon O'Brien's office is located nearby - they would see that the reason that retailer has been so successful is that he has geared the lines that he sells to the needs of his local community. It is not the standard corner shop that sells just a dedicated, narrow line of goods. He is a smart retailer who gears his product to the needs of his community. He will survive.

Hon Simon O'Brien: He is one of the most vociferous opponents -

Hon KATE DOUST: The doom and gloom is nonsense. In my experience, having worked in retail for more than 20 years, these people will continue to grow and to survive. Yes, all sorts of other things will change because people's needs change and businesses change. Of course the large retailers will expand their lines because their consumers want them to. If they are providing an additional line of cosmetics, that is what their consumers want and they are meeting demand. I am surprised that those opposite have a problem with that.

Hon Ray Halligan: You know absolutely nothing.

THE DEPUTY PRESIDENT (Hon George Cash): Order, members! Just one at a time.

Hon KATE DOUST: The Government has also been very clear that the proposed changes apply only to the metropolitan region; there will be no change to the conditions in the country. Those decision-making roles have been left to local government, as has been the case for quite some time.

Hon Barry House: Introduced by the previous coalition Government.

Hon KATE DOUST: Yes. At another time I will express my concerns about that one. I think we all agree that trading hours in general, right across the country, are what I might call a bit chaotic, and maybe they need to be looked at in the long term, but the State Government has tried to be very sensible and meet the needs of everyone concerned. The Government has been forced into this position because of the pressure applied by the NCC. Again, that has been because it has tried to deliver for constituents, to get money out of the federal Government and also to meet the needs of the consumer. It has been a very difficult time for this Government because pressure has been applied from a whole range of places. I have had interesting discussions about this issue with the Treasurer and the Minister for Consumer and Employment Protection. On occasions like this sometimes there has to be compromise on these issues, as happened with the Government back in 1987. The world did not end when Saturday trading was introduced. I do not think the world will end when this extension comes through in May 2005. I think people will adjust. I think they will survive and thrive. The Government has been very sensible in its approach. The Government has been forced into a corner and this is the only possible thing it can do. I support the Bill and I also encourage those opposite to do so.

Debate adjourned, on motion by Hon Nick Griffiths (Minister for Housing and Works).

#### **EVIDENCE AMENDMENT BILL 2004**

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Housing and Works), read a first time.

##### *Second Reading*

**HON NICK GRIFFITHS** (East Metropolitan - Minister for Housing and Works) [12.16 pm]: I move -

That the Bill be now read a second time.

A trend is emerging during trials in this State to challenge the evidence of forensic scientists on the basis that the forensic scientist who wrote the report and then gives the evidence at trial is not the same person who originally tested the item for DNA. The evidence is being challenged on the basis that it is hearsay.

A range of people with different qualifications participate in DNA testing and the production of the final report. The DNA testing and reporting process is made up of scientists in charge, team leaders, forensic scientists, scientists,

technicians, property officers, laboratory assistants and clerical officers. The scientists and technicians conduct the examinations and test the evidence under supervision. They perform all DNA analysis procedures. The scientist in charge, team leaders and forensic scientists then collate and review all the results, make interpretations, calculate statistics, issue reports, and review the work of others. The difficulty arises because the final report is not a summary of the raw data received from the scientists and technicians; it is an analysis of that data that is interpreted in light of statistics as well as the specific fact scenario. The report is a whole package and is contributed to by a range of people. To ask the laboratory to change its procedures to accommodate this technicality in the law would mean having the forensic scientist do the initial testing and the analysis, as well as write the final report. This would lead to a significant amount of extra work, the redundancy of a large number of the laboratory staff and resultant inefficiency. In addition, if the results are unable to stand alone and are dependent on the person who tested the evidence to verify them, there will be problems when staff go on leave, resign, move interstate or overseas, or die.

The Western Australian Evidence Act 1906 is currently silent on this issue. Queensland and the Northern Territory have amended their legislation to accommodate this procedural issue. This Bill has been modelled on those jurisdictions, by establishing a standard format for presenting DNA evidence in court by way of a certificate. The certificate is evidence of when the item was received at the laboratory, when it was examined, that a DNA profile or a number of DNA profiles were obtained and that all quality assurance procedures for dealing with the item were complied with. If the contents of the certificate are to be challenged, the Bill sets out a standard procedure for doing so.

This Bill will produce two major benefits: firstly, enhance the administration of justice by ensuring that court time is not wasted by having to call witnesses to validate an accepted testing process; and, secondly, restore efficiencies in laboratory testing by removing the existing burden on the staff of DNA testing labs who are currently required to attend court frequently to give evidence. I commend the Bill to the House.

Debate adjourned, pursuant to standing orders.

#### **CRIMINAL LAW AMENDMENT (SEXUAL ASSAULT AND OTHER MATTERS) BILL 2004**

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Housing and Works), read a first time.

#### **ROAD TRAFFIC AMENDMENT (DANGEROUS DRIVING) BILL 2004**

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Housing and Works), read a first time.

##### *Second Reading*

**HON NICK GRIFFITHS** (East Metropolitan - Minister for Housing and Works) [12.22 pm]: I move -

That the Bill be now read a second time.

The amendments to the Road Traffic Act 1974 contained within this Bill aim to address deficiencies in the law relating to dangerous driving causing death or serious injury. The deficiencies in the law were highlighted by the very sad death in August last year of Miss Jess Meehan, a 10-year-old girl. Jess Meehan died on 8 August 2003 after being hit by a car driven by an unlicensed and drunken driver. The police subsequently charged the driver with driving under the influence of alcohol and driving whilst under suspension and without a valid licence, and the minimum fine was imposed. The police took the view that a more serious charge, such as dangerous driving causing death, contrary to section 59 of the Road Traffic Act, could not be sustained upon the available evidence. Because of the deficiencies in section 59 of the Road Traffic Act, in particular, its requirement for a causative nexus to be established between the driver's intoxication and the collision causing death, the penalties imposed upon the driver involved in the incident that took Jess Meehan's life failed to address the true seriousness of his conduct. Justice was not served.

The amendments introduced by this Bill will overcome the serious deficiencies in our laws exposed by the case involving Jess Meehan, and will provide a further beneficial and powerful deterrent against drink-driving. The Road Traffic Act will be amended to ensure that those who choose to drink excessive amounts of alcohol or use other intoxicants and then drive bear full responsibility for the entire consequences of their conduct. The proposed amendments will bring Western Australia's laws in line with the laws in a number of other Australian States, in particular, those contained in the New South Wales Crimes Act 1900.

Under Western Australia's Road Traffic Act, as the law presently stands, it is an offence to cause the death of, or grievous bodily harm to, another person by driving a motor vehicle in a manner that is dangerous to the public or to any person. However, in order to be found guilty under section 59, the defendant's driving itself must be viewed objectively and held to be dangerous and there must be some fault on the part of the defendant that caused the danger. Generally speaking, the fact that alcohol or drugs adversely affected the defendant is a relevant circumstance in considering the manner of his or her driving, but is not, of itself, determinative of whether the defendant's driving was

dangerous. The proposed amendments to sections 59 and 59A of the Road Traffic Act will overcome the evidentiary difficulties associated with proving that intoxicated drivers who are involved in incidents occasioning death or serious harm can be convicted of dangerous driving.

When death or serious harm is caused by an incident involving a motor vehicle driven by a drunk or intoxicated person, the fact of intoxication will be evidence of dangerous driving and it will be up to the person charged to satisfy the court that the death was not in any way attributable to the fact that he or she was drunk or intoxicated. In other words, a driver who is under the influence of drugs and/or alcohol to such an extent as to be incapable of having control of the vehicle and is then involved in an incident that causes death or serious harm will have committed an offence. It will be a defence for that person to prove that the death or serious harm that resulted from the incident was in no way attributable to the fact of that person's intoxication. This provision will apply to any driver whose blood alcohol content exceeds 0.15 per cent.

The offence of dangerous driving may also be committed when the vehicle itself is not directly involved in the death of or harm to a person, for example, when the motor vehicle driven by the drunk or intoxicated person causes another motor vehicle to overturn or leave the road or causes a person to fall from another vehicle.

The Bill also introduces more severe penalties when the offence of dangerous driving is committed in circumstances of aggravation. This includes a situation in which the driver involved is driving a motor vehicle in which the driver is exceeding the speed limit by more than 45 kilometres an hour or when the driver is attempting to escape from police pursuit.

The problem of ensuring that drivers involved in incidents occasioning serious injury or death to others provide samples of their breath or blood for analysis is also addressed in this Bill. It will be an offence for a person to fail to provide breath, blood or urine for analysis when requested by a police officer who believes that the motor vehicle the person was driving has been involved in an incident occasioning death or serious harm. This will be subject to the police officer first explaining the serious consequences of a failure to comply with the requirement. A maximum penalty of 14 years imprisonment may be imposed for failure to comply. This penalty is high, but it is necessary to ensure that the increased focus on the evidential significance and consequences of driving under the influence of alcohol or drugs is not avoided.

Jess Meehan's sad death in August last year, in an incident involving a drunk and unlicensed driver, has highlighted the need to overcome serious deficiencies in the law. These amendments to the Road Traffic Act will ensure that those people who put the lives of others at risk by driving when drunk or under the influence of drugs are made to bear full responsibility for the entire consequences of their actions. They will also provide a further powerful deterrent against driving under the influence, and overcome some of the evidentiary difficulties associated with convicting drunk or intoxicated drivers with dangerous driving causing death, grievous bodily harm or bodily harm. I commend the Bill to the House.

Debate adjourned, pursuant to standing orders.

### JUSTICES OF THE PEACE BILL 2003

#### *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 ROBIN CHAPPLE: My colleagues are unfortunately not in the House. As the Bill progresses I will not speak much on the clauses. However, the Greens will support Hon Peter Foss's amendments to a number of clauses.

Hon NICK GRIFFITHS: I thank Hon Robin Chapple, who spoke on behalf of the Greens, for foreshadowing his party's intentions concerning Hon Peter Foss' amendments on the supplementary notice paper. By expressing his point of view at this early stage, he provides grounds for relative expedition. I note in the contents of the amendments on the supplementary notice paper that Hon Peter Foss addressed the substance of the amendments in his speech during the second reading stage. From the Government's point of view, the matters have been considered, save for amendment No 2/12. Effectively, the amendments proposed by Hon Peter Foss seek to remove from the Bill prescriptive matters of policy. The Government considered that it was appropriate that the policies, which are good policies, be spelt out in the Bill so that the people of Western Australia can be satisfied that things are being done appropriately. I note the contrary argument and the need for flexibility, but that is the reason they are in the Bill. It is the Government's preference that the Bill remain as it is. Having said that, I note the stance of the Opposition and the stance of the Greens (WA). A Bill such as this is not in the nature of a partisan political matter. It seeks to get the law of the State correct.

Hon PETER FOSS: I proposed my arguments during the second reading debate. I am pleased to see that the amendments I propose will be going through. So far as the statement of policy is concerned, the policy was outlined. When it was put in place I wrote to all JPs to let them know what was the policy. If the Government has any concerns, there are other methods by which the matter can be clearly publicised, especially because there is a web site. Web sites

can convey a tremendous amount of information. I recommend that the Government place on the web site its policy on education and so forth and what people should be doing. Obviously, it should be part of the education process. I think we can ensure that it is well known and understood and accepted by the community.

**Clause put and passed.**

**Clause 2 put and passed.**

**Clause 3: Interpretation -**

Hon NICK GRIFFITHS: I ask the indulgence of the committee to postpone this clause until after consideration of clause 24, as the clause is contingent upon other clauses proposed to be amended.

**Further consideration of the clause postponed until after consideration of clause 24, on motion by Hon Nick Griffiths (Minister for Housing and Works).**

**Clauses 4 to 8 put and passed.**

**Clause 9: Minister may recommend appointment to Governor -**

Hon PETER FOSS: I move -

Page 6, line 14 to page 7, line 7 - To delete the lines.

I assume that the removal of the subclause designation will be a Clerk's amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 10 and 11 put and passed.**

**Clause 12: Judges, magistrates and others to be JPs -**

Hon PETER FOSS: I move -

Page 8, after line 22 - To insert -

(g) a member of Executive Council.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 13 put and passed.**

**Clause 14: JP's appointment may be terminated -**

Hon PETER FOSS: I move -

Page 9, line 12 to page 10, line 11 - To delete the lines.

Hon NICK GRIFFITHS: I note the argument mounted by Hon Peter Foss during the second reading debate. I refer to subclause (4) -

The CEO must serve a notice of the termination on the JP by post and publish it in the *Gazette*.

The deletion of part of those words is part of what the honourable member proposes. I inquire of him why he proposes that particular deletion.

Hon PETER FOSS: Again, I think the appropriate notice is one placed in the *Government Gazette* because that is the one that has the effect. It is also appropriate that the CEO write to the JP. He will publish it in the *Government Gazette* because if he does not, it will not take effect. It is a self-executing requirement that is easily handled.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 15 and 16 put and passed.**

**Clause 17: Approved training courses -**

Hon PETER FOSS: Although I have an amendment on the supplementary notice paper I propose that members opposed to the clause should just vote no.

The CHAIRMAN: Yes. The amendment is to delete the clause. The course of action that can be taken by the committee is to vote against the clause if that is its wish.

**Clause put and negatived.**

**Clause 18 put and passed.**

**Clause 19: Signing documents -**

Hon PETER FOSS: I have an amendment to delete the clause. I do not think I need to move it.

The CHAIRMAN: There is an amendment to clause 19 in the name of Hon Peter Foss. In fact, the amendment invites members to vote against the clause as a whole.

**Clause put and negatived.**

**Clauses 20 to 24 put and passed.**

**Postponed clause 3: Interpretation -**

The clause was postponed after it had been partly considered.

Hon NICK GRIFFITHS: I move -

Page 2, lines 9 and 10 - To delete the lines.

That is consequential upon the committee's previous decision. Rather than have the statute look a bit funny, it will make it sound.

**Amendment put and passed.**

**Postponed clause, as amended, put and passed.**

**Schedule 1 put and passed.**

**Schedule 2: Oath and affirmation of office -**

Hon PETER FOSS: I do not intend to move an amendment. However, again I find this somewhat irritating. I thought there would be a change by the Attorney General and that religion and beliefs would be referred to, rather than just God. Also, I see the oath of office no longer mentions the sovereign body in this State. I know that a lot of people did not like the outcome of the referendum. Through various rationalisations, they are trying to forget it ever occurred. However, the reality of the matter is that while we have the system of government that we have, we should try to keep our legal forms in conformance with it. I know that the Attorney General is not one of those people who believe that the law is to be respected and abided by, but is something that people can look at ways to get around. This is another example of him doing so. However, I do not intend to move an amendment. I just wished to make that comment.

**Schedule put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

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.

**CIVIL LIABILITY AMENDMENT BILL 2004**

*Second Reading*

Resumed from 22 June.

**HON PETER FOSS** (East Metropolitan) [12.25 pm]: The Opposition supports this Bill. It really is a further Bill to amend the Civil Liability Act 2002. We have had a few of these Bills. As I have indicated, the first go at this was very poor; the second go was very good. It needed a few things to be fixed up, which I am pleased to say the ever-diligent upper House did. In particular, for one thing, if we had left the commencement date without changing it, it would have meant that the provision flashed into existence for an infinitesimal second and then vanished again. However, due to the keen eye of the upper House and the ready appreciation of the minister, we were able to improve that. There are some serious inadequacies in that legislation nonetheless, because it does not really deal with the area that I believe it needed to deal with, which is people who are under age.

This Bill deals with health professionals. There is no doubt that it goes into an area in which there have been serious problems with the cost of professional indemnity insurance. To some extent I believe the doctors brought it on themselves by having, for far too long, a medical indemnity scheme that did not charge anywhere near the right amount. I remember years ago that they used to pay £50 for medical indemnity insurance. I could never work out how they could do it. They said that they had a wonderful scheme that was tied to England and did all these other things, and that

was how they did it. Of course, it massively underestimated the tail of the business, so that when the tail eventually turned up and wagged, they were left looking pretty sick. In fact, the fund in the eastern States looked even sicker, and a levy was imposed to try to pick up the fact that it went bust. That is unfortunate, and I believe many doctors were living in cloud-cuckoo-land for a while about the cost of professional indemnity insurance.

There is no doubt that there have been some unreasonable decisions in the area of health professionals' liability - this despite the fact that the leading case, on the face of it, is quite reasonable in itself. However, it seemed to be that a lot of decisions apparently ignored that case, or somehow found a way around it. I am not sure whether we will make a massive difference with this legislation, in the light of the fact that it does not really change the law all that much. It is almost a restatement of the law as it was originally, but clarifying a few matters that I believe needed to be clarified.

The second matter that is dealt with is proportionate liability. The minister and I know all about this. In fact, some years ago we made a brilliant recommendation to amend the law. Unfortunately, it was not taken up nationally.

Hon Nick Griffiths: It was in 1994.

Hon PETER FOSS: Yes. It went to the Standing Committee of Attorneys General, and SCAG came up with an incredibly complicated way of dealing with proportionate liability. It argued about it for an interminable number of years, when all it had to do was read the excellent report written by a group of professionals and it would then have seen immediately that that was the correct proposal to adopt. However, unfortunately it did not, and I think the system that we have ended up with is not as good as the system that was recommended by a committee of this House. However, such is life. At least we now have some form of proportionate liability, and that has been necessary for quite some time.

I should explain to people just what proportionate liability is, because I suspect some people are not aware of what it is. To use a legal term, I will cite the example of joint tortfeasors. Tortfeasors is a lovely word. It means people who have participated in the doing - the feasance - of a tort - a private wrong. The law as it currently stands is that each one of those joint tortfeasors is liable along with all of the others for the full amount of the damages. Therefore, even though one of the parties might have made only a teensy-weensy contribution to an accident, that party would still be liable for the full amount. Of course, we can see what happens when plaintiffs sue. They might be provided with a range of people to sue, but if one of the tortfeasors has deep pockets and plenty of money, and plenty of insurance, and the remainder do not have very much at all, the person who ends up paying is the one with the deep pockets. The net result has been that, generally speaking, the person with the deep pockets is a professional who has been involved somewhere along the line. That has had a deleterious effect on professional indemnity insurance. This Bill seeks to try to put some proportionality into that so that at least part of the blame can be apportioned between the various tortfeasors.

I now return to proposed new section 5PB and the standard of care for health professionals. It concerns me a bit that the case law was not confined to only registered medical practitioners. I do not think it went beyond people who were registered practitioners in its exact applicability, but I do not think it was confined necessarily to those people who are registered medical practitioners. This proposed new section is confined to registered medical practitioners, because the term "health professional" is defined. It cannot mean anything else. It means any of the following: a chiropractor; a dentist, dental therapist or dental hygienist; a dental prosthetist; a medical practitioner; a nurse; an occupational therapist; a registered optometrist; an osteopath; a pharmaceutical chemist; a physiotherapist; a podiatrist; and a registered psychologist; all as defined in their various Acts. I am not necessarily suggesting an alternative. However, I think that is an unfortunate definition, because we have gone from having a case that was of such a nature that it had general applicability to any person who is involved in providing that kind of health care to limiting it to only those professions that have managed to get registration. A lot of current alternative therapies that provide a large amount of the health care in this State have not necessarily obtained registration. A clear example of that is naturopaths; practitioners of traditional Chinese medicine, such as acupuncturists and people who practise other manifestations of traditional Chinese medicine; and homoeopaths. Practitioners such as those are greatly relied upon by the public and are required to take out professional indemnity insurance. The association that represents naturopaths insists that people who want to practise as naturopaths and be members of the association take out professional indemnity insurance, and I commend it for that. However, I do not think we should create this rift between registered occupations and non-registered occupations. The fact that some medical treatment is sufficiently harmless under normal circumstances and does not need to be registered should not be a reason for discriminating against the practitioners of that treatment if they happen to create some problem. Many of the things that naturopaths have been prescribing for years are now being advocated by doctors. For years naturopaths have been saying that people with bad backs should take a magnesium supplement. Then lo and behold my doctor told me that I should take a magnesium supplement. I have been taking a magnesium supplement now for some time and it has made an enormous difference to my back. It has also had an impact on my blood pressure, which is nice to know. It is extraordinary that many of the things that naturopaths have been saying for years are now being adopted by the medical profession. The doctors have done studies on these things. The only reason they did the studies is that because the naturopaths have been saying these things for years the doctors thought they should have a look at it. For many ailments the naturopaths lead the way and have a remedy that tends to be not so broad in its unintended consequences.

Naturopaths have been left out of this Bill totally. That is unfortunate, because we are talking about a standard of care that I believe should be applicable to all health professionals whether registered or not. When I was Minister for Health

a lot of people came to me to try to get registered, naturopaths being one of them. I refused to register them, because the only reason they wanted to be registered was to try to get some form of HBF benefit. That was the real reason. When I asked them what is the harmful thing they do for which I need to regulate them, they said they do not do anything harmful, so I said I did not see why I needed to regulate them. If all they wanted was to get some sort of health insurance benefit then there must be some other mechanism that they can use without restricting the people who can call themselves naturopaths. The very reason that a lot of these natural medicines flourish is because they are not supported by scientific evidence. That is often the essence of them. When what they claim to achieve is scientifically studied and proved it suddenly goes across into ordinary medicine and the pharmaceutical companies take it over. For years a lot of these things have been put forward by naturopaths and have been working well. I do not believe we should regulate naturopathy. They could not define what naturopathy was. All they could say was that if people passed a certain course they could be registered. That did not seem to be a very good definition of what naturopathy was. Naturopathy and the other alternative health sciences are by virtue of their very nature undefined. As soon as we try to lock people into a particular course, we give someone a monopoly to say whether those people can or cannot practise as a naturopath. I certainly did not want that to happen. I think these edges of medicine at which people come up with alternative ideas are much to be encouraged and are a good idea.

That is my concern. I am not sure whether the Government is capable of addressing it. I do not know whether it has even received any representations on it or whether the naturopaths are even aware that they have been omitted from the Bill. It would have been better to say that the definition includes any of the following, and any other person legitimately carrying on a genuine course of study of providing health care.

What the Bill does in proposed section 5PB, after having defined what is a health professional, is refer to the Friern Barnet test. The Bill proposes some small changes to the Friern Barnet test. I find that a bit strange. Proposed new subsection (2) states -

Subsection (1) does not apply to an act or omission of a health professional in relation to informing a person at risk of injury or death associated with -

- (a) the treatment proposed for a patient or a foetus being carried by a pregnant patient; or
- (b) a procedure proposed to be conducted for the purpose of diagnosing a condition of a patient or a foetus being carried by a pregnant patient.

I ask the minister: what test does apply? Proposed subsection (1) is the Friern Barnet test. However, if proposed subsection (2) states that subsection (1) does not apply, what does that do to the Friern Barnet test? Is it intended that the Friern Barnet test will stand?

Debate interrupted, pursuant to standing orders.

*Sitting suspended from 1.00 to 2.00 pm*

## **RURAL WESTERN AUSTRALIA, FUNDING OF INFRASTRUCTURE AND SERVICES**

### *Motion*

Resumed from 23 June on the following motion moved by Hon Bruce Donaldson -

That this House notes with great concern -

- (1) the reduction of funding for infrastructure and services in rural and regional Western Australia by the Gallop Government;
- (2) programs being developed which involve cost shifting from government to local government; and
- (3) lack of commitment to develop a decentralisation policy for rural Western Australia, providing an opportunity for economic diversification in communities.

**HON BARRY HOUSE** (South West) [2.01 pm]: This morning I read from *Hansard* the few remarks I had made on this motion a couple of months ago. I had identified two major infrastructure projects for the south west area over which precious little, if any, action has been taken in the past three or four years. The first project is the Peel deviation and the second is the Bunbury bypass road. My comments could apply equally to the next motion on the books. It is to be moved by Hon Murray Criddle and regards road funding. I am sure other members will have plenty of things to say about the Indian Ocean Road, the Great Northern Highway and other matters.

I will add a couple of other points about the first two infrastructure projects that I just mentioned. Yesterday Hon Murray Criddle asked some questions about the budgetary provision the State Government had made to finance the Peel deviation, the time frame for the project and when tenders could be expected to be called for this project. The parliamentary secretary rose and proudly announced that state funds of \$11.85 million had been allocated to the project.

Hon Ken Travers: How much had been put in when you ran around saying it was funded? Absolutely nothing.

Hon Norman Moore: Who said that?

Hon Ken Travers: Hon Barry House did. It was on the front pages of the newspapers.

Hon BARRY HOUSE: No. We had given a commitment to it, which has been sadly lacking since the present Government has been in office.

Hon Norman Moore interjected.

Hon Ken Travers: A commitment? How much money had the former Government allocated to it in the budget? The minister of the time just admitted that the then Government did not have any money for it.

Hon Norman Moore: I am listening to you ramble on about nothing.

Hon BARRY HOUSE: The parliamentary secretary tried to convince members that the provision of \$11 million in next year's budget is a gigantic breakthrough and is the start of something huge. I suppose it is the start.

Hon Ken Travers interjected.

Hon BARRY HOUSE: The federal Government has come to the party. This Government has even tried to downplay the federal Government's contribution.

Hon Ken Travers: It was a bit short, but we are confident it will get there.

Hon BARRY HOUSE: The federal Government has given a commitment of \$150 million and has attached a time frame to it so that the project could begin by 2006. I was disappointed to see in the parliamentary secretary's answer yesterday that, regrettably, the Labor Party does not consider that project to be a high priority and has decided that 2007 is an acceptable starting date. That is barely acceptable. Many parts of the -

Hon Ken Travers: You are a miserable man sometimes, Mr House! No-one could ever make you happy, could they?

Hon BARRY HOUSE: We are very keen to see that project up and running sooner rather than later.

Hon Ken Travers interjected.

The DEPUTY PRESIDENT: Order, members!

Hon BARRY HOUSE: The other infrastructure project on which there has been no progress, regrettably, is the Bunbury port access corridor. We have made a commitment to provide total funding of approximately \$17 million for that project. That is well and truly overdue. The pressure on heavy transport moving into the Bunbury port is already pretty extreme and it is bound to get worse.

A project that will cause a lot of increased pressure on the road is the chip-mill processing that will develop in the south west, which has already started. One chip-mill has been opened at the port of Bunbury already, and WAPRES has proposed developing a second chip-mill at the port of Bunbury. Members may recall the history of that proposal. It must be gnawing its fingernails with frustration. It had a proposal to develop a chip-mill just south of Donnybrook, which was finally rejected by the Government. It was embraced wholeheartedly by the local shire.

Hon Kim Chance: It was rejected by local government.

Hon BARRY HOUSE: No, it was not. The Shire of Donnybrook-Balingup did not reject it.

Hon Kim Chance: WAPRES might argue with you about that.

Hon BARRY HOUSE: There was divided opinion among the community about the project but the local authority was very supportive of the development of a chip-mill at Donnybrook.

Hon Kim Chance: Not in the end. The Shire of Donnybrook-Balingup made a decision not to support the project based on its view that it could face some legal liability. As a result, despite the council's early support, it eventually decided against supporting it. It did so under some duress. I am not blaming it.

Hon BARRY HOUSE: I will take the minister's advice on that. It is a great shame. It would be better long-term planning for that chip-mill to be located in the hinterland rather than at the Bunbury port. The proposal for the WAPRES chip-mill is currently at the stage of a development application before the City of Bunbury. My understanding is that this proposal also is attracting a fair bit of criticism and concern. WAPRES is again in a difficult situation. I had a conversation with some people on Friday night and it appears that if the second development application is not approved and the company meets further hurdles that it cannot overcome, the project might return to Donnybrook; not to the original site but to another site that has been earmarked. I can understand the company's frustration. It must be absolutely exasperated by the situation.

Hon Kim Chance: I agree.

Hon BARRY HOUSE: However, by default we might end up with the best result for long-term planning. If that happens, it will be a good long-term result. However, if it does not happen, we must cope with logs being transported into the Bunbury port via road. The transport of the chips by either road or rail will need to be managed if the chip-mill is developed at Donnybrook. That will mean that the Bunbury port access corridor will be well and truly needed in very the near future to handle the increased business.

I do not want to take up all the time available to speak this afternoon as I know that other rural members have lots of issues to discuss about funding for rural Western Australia. The first two parts of Hon Bruce Donaldson's motion state -

That this House notes with great concern -

- (1) the reduction of funding for infrastructure and services in rural and regional Western Australia by the Gallop Government;
- (2) programs being developed which involve cost shifting from government to local government; . . .

Concerning the reduction of infrastructure, it is worth mentioning school maintenance. I know it is a statewide issue and not necessarily confined to any particular region. Let us look at the history. The old school renovation programs used to operate on a seven-year basis. They operated very successfully until the Burke Government abolished them in the 1980s. This State has been trying to catch up with the school maintenance program ever since. It was an extremely retrograde step to abolish the school maintenance program during the 1980s. During the eight years of coalition Government the status quo was maintained. In fact, significant improvements were added, such as the asbestos roof removal program. From the sale of AlintaGas \$40 million was allocated to upgrade some of the senior high schools that were built during the 1950s and 1960s, which were in dire need of improvement. They included Mt Lawley, Rossmoyne, Hamilton Hill, Newton Moore and Busselton Senior High Schools. Incidentally, some of the money was not spent until last year; it hung around for years. That was planned to make the budget look better than it really was. The coalition reinstated a regular maintenance program. However, there is still an enormous backlog throughout the State, as we all know. It was first identified and put on the political calendar by the coalition two or three weeks ago when a firm commitment of \$20 million was made by it to start on the backlog. More was to come. Everyone in the State is pleased to see the Government come to the party with an announcement last week that it will commit an additional \$65 million to make up the shortfall. The Minister for Education and Training, Hon Alan Carpenter, has assured us that that will fix everything from the playgrounds to the drainpipes. Let us hope he is right. Let us not forget that the additional \$65 million is needed now because of the backlog of maintenance that was created during the 1980s. It will take this State another 20 years to catch up on the results of that short-sighted decision.

School replacements are urgently needed for some of the schools built during the 1950s and 1960s and for some of the high schools that were built with infrastructure to accommodate 600 students but which now cater for more than 1 200 students. In the south west of the State, Newton Moore and Busselton Senior High Schools are in critical need. Both facilities are under severe strain due to the number of students they need to cope with. The facilities are not geared to modern technology; the schools are run down and outdated in many respects. Both schools are coping with between 20 and 25 demountable classrooms, which is a pretty sad situation. Unfortunately, the surrounds and amenity of the schools have deteriorated drastically in recent years because of the demands they are forced to operate under. Regrettably, we have seen a belated response from this Government in the local area education process to try to remedy the situation and find a way forward. We have seen the local area education processes coming together in the latter half of this year, which is fine, but it is very late in the piece. Unfortunately, it is due to the fact that nothing has been done for the past three years. All we can expect from the Labor Government between now and the election for the Bunbury and Busselton education districts is announcements, but no action. There is no time to put anything into place before the election. An immediate commitment is required in Bunbury for a Dalyellup high school. Dalyellup is a suburban area to the south of Bunbury that has experienced phenomenal growth. I believe it is four to five years ahead of the projections. The area can justify the establishment of a high school to be developed along the same lines as the Eaton Community College, which was initially developed for years eight to 10, with options for what happens after that. What happens in the Bunbury area further to that? There are two schools of thought. One is that the traditional high school models in Bunbury serve the community well. There is a strong degree of ownership with each of the community high schools at Bunbury, Newton Moore, Australind and Eaton. It will be the same at Dalyellup when it is built. The other school of thought is whether middle schools should be developed in conjunction with a senior college, which is along the line of developments in Albany, Geraldton, Mandurah and other places. I must admit that I am not firm in my mind about which is the best way to go for education in the greater Bunbury region. It already has a good overall school infrastructure, even though some of it is tired and in need of upgrading. There are four very good government high schools operating in the area at the moment. In addition, the Bunbury Catholic College, the Bunbury Cathedral Grammar School and the Grace Christian School operate in the immediate vicinity. They cater well to the needs of local people and provide options and choice. Another option is to develop senior colleges. One school of thought is to develop a senior college in Bunbury, in conjunction with the South West Regional College of TAFE and Edith Cowan University, on Robertson Drive. There is a lot to be said for a vocational stream in senior high schools in years 11 and 12 being allocated to a senior college that works in conjunction with and shares facilities, courses and resources with TAFE, rather than a university. That may apply to Busselton as well. In my mind it may be a better model rather than developing a senior college with an academic stream to be located with a tertiary facility of some sort. There needs to be some sort of certainty for the Bunbury community as soon as possible. It has been a frustrating exercise for Busselton because the Busselton-Dunsborough area needs schools as well as hospitals. I tabled a petition on hospitals this morning. There has been a lack of action on reaching an agreed course to get something done. In the

meantime, that community has endured the overcrowded and outdated facilities at Busselton Senior High School, because that is the only government high school in the vicinity. In the past 10 or 20 years a greater element of choice has developed in that region. The Government has been negligent in building school infrastructure in that area over the past 30 years. Until our Government built two new primary schools in Busselton four or five years ago, one of which was a replacement school rather than a new school, no government high school or primary school facility had been built in the cape to cape region since 1971, when West Busselton Primary School was built. That is an indictment on government over a long period. In that time we have seen the development of good private school facilities in Busselton - MacKillop Catholic College, Cornerstone Christian College and Georgiana Molloy Anglican School. Catholic primary schools have been developed in Busselton, Dunsborough and Margaret River. Some alternative primary schools, such as Nyindamurra Family School, the Montessori school and Yallingup Steiner School, as well as Cornerstone Christian College, have also been developed. They have provided choice in the area and have done a very good job.

The Government must come in and do something now to meet the major infrastructure needs of the Busselton-Dunsborough region. If an announcement to develop a senior school in Busselton and a middle school in Vasse has not already been made, it is imminent. I think that is the wrong decision in the interests of the broader community surrounding Busselton and Dunsborough. Dunsborough is a rapidly growing centre in its own right. The immediate need is for a middle school to proceed at Dunsborough. This would immediately take 250 students from Busselton Senior High School. I know this area well because I used to travel that very route on the bus just a few years ago. The Dunsborough community would cope with a middle school now, and would certainly cope with one as the growth in that area continues. An announcement is needed now for that school and the Dalyellup school to proceed. Immediately following that is the need to upgrade the tired facilities at Busselton Senior High School. My preferred option is for a senior college to be developed in Vasse in conjunction with the new townsite, which is coming together as a concept. That concept has been floating around for quite a few years. It is a potentially very exciting concept involving partnerships between all sorts of tertiary, secondary and primary education institutions. I would also like a co-located hospital to be built there in time, along the same lines as the one in Bunbury. I fear that the wrong decision will be made. It would suit the Vasse development to cater for senior students, who can travel a little distance much easier than can middle school students. Middle schools take in year 7 students as well; that is, 11 to 12-year-olds. They will be asked to travel. I wonder whether any costings have been done on hauling middle school kids those sorts of distances rather than senior students from years 11 and 12.

There is great scope in Busselton to have a really good solid look at locating the senior vocational stream of years 11 and 12 with TAFE so that there is more interaction. The education minister has said that students will have to stay at school until the age of 17. A lot of the people of that age will not be in the academic stream. As a former schoolteacher I can say that it is much easier to organise and cope with academic students in a classroom situation than it is to cope with vocational students in that setting. In a different situation it is a different matter. We must be pretty smart about our educational infrastructure so that we develop facilities that can deliver the resources that are appropriate to those kids. There is a lot of scope. I fear that the wrong decision will be made. I hope not. Once again, it will not be too late to change it when we are elected to government. As I said before, there is only time between now and the election for an announcement to be made; there is no time for any soil to be turned or bricks to be laid.

Hon Murray Criddle: The next Government will pay for it.

Hon BARRY HOUSE: If there are mistakes, we will pay for it. That is one issue.

Another issue relates to the second part of Hon Bruce Donaldson's motion, which states -

programs being developed which involve cost shifting from government to local government;

We unfortunately see too much of this. I know that it does not apply just between the State Government and local governments. It applies from the top down; from the federal Government to the State Governments as well. I will give a couple of examples. The local media in recent times has run articles about the Premier and the Minister for the South West going to Bunbury and being very critical of the Bunbury City Council for its lack of action. Members can call me cynical if they like, but I would hate to imply that there is a political motive for that, simply because the mayor happens to be the Liberal candidate and is totally outshining the local Labor member in the local community, and the Premier and minister are getting pretty desperate to find something to support him with. They have been complaining that the Bunbury City Council has been inactive in delivering a couple of projects, in particular the regional museum and an e-library, which were commitments of the previous election campaign. The State Government has committed \$1 million to the regional museum, the cost of which is around \$10 million. After this announcement was made in the election campaign, it probably took 12 months for anything to happen in terms of a proper formulated commitment being made to it. The City of Bunbury has had to do all the legwork that is required for the museum. It has had to do all the liaison work with surrounding local authorities, shires and other institutions. As well as that, it is required to provide the balance of the capital - \$9 million - and to meet the ongoing costs, which are estimated to be between half and three-quarters of a million dollars per annum. That is a pretty heavy impost on a local authority. Sure, the Bunbury City Council is a big local authority, but that is a massive whack to ask a local community to fund. The Premier and the Minister for the South West have the temerity to slam the Bunbury City Council about that. That is a bit harsh. A

project like that will take time to put together. When the local authority is asked to do all the legwork and meet the balance of the capital costs, as well as the ongoing costs, I think we can understand why it might be a little tardy in taking up the cudgels and taking on a project like that. I understand that \$2 million has been allocated towards the e-library, which is to be funded at a total cost of about \$5 million. There is therefore a \$3 million shortfall. Bunbury City Council has once again had to enter into negotiations, do all the legwork in the surrounding areas and establish links with surrounding shires, which has cost about \$500 000 and, therefore, already swallowed up \$500 000 of that \$2 million before any possibility of seeing bricks and mortar. The council must then front up with the balance of the capital cost. I believe that those are unreasonable asks by the State Government. I certainly do not knock the ideas because they are terrific, but I sense that the Premier and minister's criticism of the delivery has more to do with taking a cheap swipe at the Liberal candidate than any genuine criticism of Bunbury City Council.

This is a good motion moved by Hon Bruce Donaldson. We frequently say in this House that we get very frustrated with the city-centric approach of government throughout Australia. Only the other day I was talking to Hon Murray Criddle about the sorts of frustrations we have even within our own organisations about the logistics of being a country member. People might tell us that something was on and ask us where we were. They might say that they sent us an e-mail, but an e-mail is not much good to us if we are in a car for four hours travelling from A to B. People communicate by e-mail rather telephone somebody and speak to him.

Hon Kim Chance: It is the modern curse of being a member of Parliament. They should be banned.

Hon BARRY HOUSE: I agree. It is very frustrating living in country areas where these gaps occur in communications and funding.

**HON JOHN FISCHER** (Mining and Pastoral) [2.34 pm]: The reduction in state government infrastructure is having a deep impact on business and industry development in the Mining and Pastoral Region, and certainly also on the maintenance of social capital structure. For that reason I compliment Hon Bruce Donaldson for bringing forward this motion. It is an issue that definitely needs to be addressed in this Parliament. From my point of view and as far as the region I am fortunate to represent is concerned, mining generates in excess of \$1 billion annually in royalty payments in Western Australia, and some \$56 billion annually in exports from Australia. Most of the royalties are generated within oil, gas, diamond and mining industries in the Mining and Pastoral Region. It is reprehensible, therefore, that we have a situation in which so little of the revenue is returned to the places from which it is generated by way of infrastructure development, both in capital development and community services. It is precisely this attitude that has fostered the fly in, fly out mentality that is unfortunately so predominant throughout the mining industry today.

The figures that I have mentioned demonstrate beyond all doubt just how important mining is to our nation and to the wellbeing of every member of society. Mining is particularly important for the north of our State because the mining companies can better afford the necessary infrastructure than can other industries. Mining tends to open up opportunities for people and other businesses and the opportunities to develop infrastructure for general use. It would seem logical, therefore, to encourage mining. However, incomprehensibly, this is not the case. Government red tape, bureaucratic obfuscation and endless legislation are the main impediments to many of our industries moving forward.

Since its election in 2001 this Government has continually siphoned from regional infrastructure development the funds that are necessary to expand the many opportunities for growth in all the regional and rural areas in this State. Projects are delayed or dropped from the agenda. There is no better example of that than the failure to sign the memorandum of understanding for the cotton industry, which I intend to speak on later today. The Government spends little of the money collected from the region on the region for the provision of better infrastructure and community and social services. Government investment in these areas would encourage families to stay in the region and would also allow for business development and employment growth opportunities. This perhaps would go some way towards slowing the exodus of people from regions such as the Pilbara due to lack of opportunities and services that their city counterparts take for granted, such as access roads to and from their jobs, health services, education and security from crime invasion.

It must be realised that when opportunities leave the bush they go to Perth. It is in the main the responsibility of the State Government to tackle the problems of decentralisation. One example of an issue that comes to my attention on a regular basis is that of access to land in rural and remote communities for the development of industry, housing and social infrastructure, such as hospitals and nursing posts. All the shires in the Mining and Pastoral Region have experienced inordinate delays in the release of land. There are certainly instances of the boom coming and going before land has been released to allow housing to be developed for a work force. This therefore reinforces once again the fly in, fly out mentality that has been adopted by the mining industry. No better example of this was the Shire of Mt Magnet when it applied through the former Department of Land Administration for a light industrial block. The shire had done the work with the local Aboriginal community. DOLA told the shire that it would take the project over. As a result it took four years to reach the same situation that the Shire of Mt Magnet had been in. By that time the gas pipeline had gone through the area and it was virtually a waste of time to go ahead with the industrial block.

These things are critical. The windows of opportunity are often very small in regional Western Australia. It is a great pity that opportunities are not able to be acted upon with the speed and determination that is necessary to get them in

place. Western Australia, more than any other State or Territory in Australia, recognises the impediments of the tyranny of distance. It is something that all rural people understand very well as it impacts on all aspects and all levels of daily life in these areas. People in rural areas rely on such things as road networks for the delivery of fuel and mail, for getting children to and from school, and for the delivery of their product to ports, rail terminals or the marketplace. It is therefore vitally important that road networks be maintained throughout regional Western Australia. State government cuts in funding to local government regional road groups show a lack of commitment to regional Western Australia and a lack of interest in the welfare of those who reside there. In my electorate there are many examples of people, businesses and local authorities crying out for new infrastructure or for existing infrastructure to be maintained or upgraded, while the Government goes out and wastes money on supposedly vote-catching issues. I can certainly give some examples. I have spoken before at length on the need to move the source of the town water supply for Kununurra. This issue is having a crippling effect on the ability of the town of Kununurra to expand and survive. Although new housing opportunities have arisen, the houses will be located on a site programmed for a school. Without room to expand, housing in these areas is being stretched beyond an acceptable limit. If the region is unable to make the best use of its resources because of its inability to house essential personnel, the primary, secondary and tourist industries will stagnate. We cannot allow this to happen in some areas in the north of the State, particularly in the current economic climate.

I have also spoken at length about the impact the Kununurra bore field is having on the opportunities of people like Darren Spackman to run a profitable business. At the same time, people must overcome the problems created by outdated practices currently undertaken by some tourist operators who use the Ord River and Lake Kununurra. Frankly, without people like Darren Spackman who are prepared to extend their vision and provide significant foresight for regional towns like Kununurra, and if such people are continually obstructed and delayed from developing projects that in all aspects are extremely reasonable, towns like Kununurra will simply battle to maintain their existence, and other small towns will exhaust opportunities and virtually fade away. When one looks at some of the programs on hold in the east Kimberley in particular, it appears bureaucrats are out there purposely stopping the place expanding. Several instances can be identified. I refer to not only Lake Kununurra, although no other town in Western Australia has such an attractive tourist facility that cannot be used. I refer to the way the accommodation services in Kununurra have been treated. I can mention people who are halfway through building motels on a site designated by the former Department of Land Administration as a hotel site; however, every obstruction has been put in the road of these people's efforts to finish the developments. At the same time that these people were refused a liquor licence, Coles just down the road was granted a licence to expand its bottle shop outlet by a further 50 per cent. It is absolutely atrocious. Bureaucrats in general, and the Water and Rivers Commission especially, seem to have taken their snouts to Kununurra to stop any development mooted.

The Kununurra shire has complained to me on many occasions that it has to go through up to five ministers to get a decision. Frankly, that is just not good enough. If we continue in this manner, we will be in big trouble in regional areas.

We have heard a lot in the last few years about the impact on regional Western Australia of fly in, fly out practices adopted by mining and resources companies. The Gallop Government promised to fix this situation, but it has not done so; in fact, it has not come anywhere close to fixing it.

Hon Christine Sharp: Hear, hear!

Hon JOHN FISCHER: This problem spreads not only to the Coolgardie shire, but also to shires such as Halls Creek and right throughout the regions. The issue must be put on the top shelf. It is certainly hindering growth as well as the establishment and maintenance of country towns. A report on this issue commissioned by the Pilbara Regional Council has found, among other things, that over 14 per cent of Pilbara workers operate on a fly in, fly out arrangement from major cities. To be honest, I thought that figure was quite low; I thought it would have been a higher percentage. I take those figures. The report found that the population of the Pilbara would increase by 25 000 if these workers and their families were permanent local residents.

Hon Kim Chance: The 14 per cent is a substantial reduction. Did they have comparative figures?

Hon JOHN FISCHER: Yes.

Hon Kim Chance: It has come back a long way.

Hon JOHN FISCHER: It has come back, minister, but it would come back further if housing opportunities were available in these areas.

Hon Kim Chance: I'm not detracting from what you're saying, but I wanted it recognised that there has been substantial progress in that area. We could do a lot better - I agree.

Hon JOHN FISCHER: Yes. Karratha has the ability to provide more housing. For many years, Kalgoorlie, Karratha and Kununurra were restricted in any further housing developments. As housing opportunities expand, the situation will improve. It is essential that the expansion occurs.

Hon Paddy Embry: It's happening at Kununurra, isn't it?

Hon JOHN FISCHER: I mentioned earlier that another 30-odd houses are being built at Kununurra. However, they have been put on a site designated for a school.

Hon Kim Chance: We've had a new land release in Kununurra - the first in more than a decade.

Hon JOHN FISCHER: Absolutely, and that is a good thing. There is a definite requirement for further improvement.

Hon Kim Chance: You're right.

Hon JOHN FISCHER: Educational opportunities for mining workers' children was cited as a major reason for employees seeking a metropolitan base.

Hon Ken Travers: In the goldfields, at Kalgoorlie, efforts have been made to make the area attractive, such as the golf course.

Hon JOHN FISCHER: That is a fair thing.

Hon Ken Travers: We are doing that to make it attractive to people who live there. People attack us for it.

Hon JOHN FISCHER: I am certainly not attacking the Government for improving living standards. However, think of the revenue the Government takes from the mining industry.

Hon Ken Travers: I thought there were a few things for you to compliment us on.

Hon JOHN FISCHER: Hon Ken Travers may think a golf course is the be-all and end-all -

Hon Ken Travers: You're as miserable as Hon Barry House; you can see only the negatives.

Hon JOHN FISCHER: There are many negatives to see under this Government! The high staff turnover at schools, the limited number of subjects offered and the run-down facilities contributed to the perception that education in the Pilbara was below standard. Exorbitant housing costs in the Pilbara discouraged workers from settling there. Hon Ken Travers got himself into a little lather about me being mean spirited. Had he listened, he would have known I was reading from a report commissioned by the Pilbara Regional Council.

Hon Ken Travers: You should've said that and quoted it.

Hon JOHN FISCHER: I did. The member should look at *Hansard*.

Hon Ken Travers: That's not a written speech you have there, is it?

Hon JOHN FISCHER: No.

Hon Ken Travers: Just checking.

Hon JOHN FISCHER: It is a report from the Pilbara Regional Council. Obviously it takes a while for the member to understand these matters, as is quite apparent from the way his Government reacts. As I said, this is not only my view, but also it is outlined in a report commissioned by the Pilbara Regional Council. The member will find that not only I have these issues deep at heart. Most people who live in the area feel this way. If Hon Ken Travers could find his way north of Wanneroo, he may understand -

Hon Ken Travers: You know I was up north with you only a couple of weeks ago. Don't mislead the House! You know I go up north.

Hon JOHN FISCHER: If Qantas had not taken the parliamentary secretary there, I am sure he would have gotten lost.

Several members interjected.

THE DEPUTY PRESIDENT (Hon Adele Farina): Order, members!

Hon JOHN FISCHER: The Government should provide incentives to increase residential populations in regional areas, thereby generating growth and increasing the employment opportunities that should be available in these areas. This would make more towns in the Pilbara more self-sustained rather than some Pilbara authorities being on the verge of bankruptcy in the most resource-rich region of this State. The State Government must take on these cases and look at them sensibly so that these places can continue to exist. This Government cannot continue to blame the federal Government for not bailing it out. We could quite easily substitute the name of any resource-rich region within Western Australia and, unfortunately, the same findings would be true. This is a very serious situation.

In relation to other infrastructure that has not been put into the region, I have previously said that this Government has broken its promises on the sealing of the road from Wiluna to Meekatharra. National statistics recently showed that Wiluna is the most disadvantaged area in Australia. Quite frankly, the sealing of that road from Wiluna to Meekatharra would have had a significant impact on the lives of the people in that region and the way in which they carry out their business. Certainly, its potentially highly positive impact on the tourism industry in that area should not be underrated. It has been suggested that local government authorities contribute one-third of the cost to rebuilding new nursing posts

in small rural towns. The provision of health services is a definite core to state government responsibility and should be funded by the State Government. However, this Government is shifting the cost of providing essential infrastructure and services onto local government, which is no longer able to fund this core business or responsibility. For some considerable time I have been a critic of some of the regional development commissions. It has been my view that they are merely political arms, and the money would be far better spent by local government.

Other issues certainly exist in the mining and pastoral regions such as the Western Power debacle. This Government has the most unenviable record on the maintenance of infrastructure in this State. I continuously receive complaints from all parts of the huge electorate that I am fortunate enough to represent about Western Power's inability to sustain an efficient and effective supply of electricity. As I have previously mentioned, Wyndham is a classic example of this.

One could sum up by asking where all this is leading and what are the effects. Part of the answer is contained in an article on page 6 of *The West Australian* on 5 May of this year headed "Rally brings suicide into the spotlight". The very sad fact is that the inability of people in regional areas to access adequate health, education and other infrastructure will lead to depression, and getting help for depression in most regional areas of Western Australia is virtually impossible. As the article stated, there were 29 call-outs to attempted suicides in Kalgoorlie in the first three months of this year. I am not suggesting at all that this Government's ignorance is the sole factor in this case, but I feel strongly that it is a contributing cause.

Hon Christine Sharp: How many call-outs was that?

Hon JOHN FISCHER: There were 29 call-outs to attempted suicides in the first three months of this year, which is an abominable statistic. I do not specifically blame this Government or any previous Government for that, but there is no doubt that it is a breakdown of services that leads to this type of situation.

In summary, it is clear that the Government has ignored the infrastructure needs of regional and rural Western Australia. I therefore call on the Government to get its act together and to realise that there are infrastructure needs outside the metropolitan area that are of a significantly higher priority than those in the suburbs of Perth. It is very important that some members of this Government realise that this State's engine room and economy are driven by the area east of the Darling Scarp. Previously, I have quoted a famous American president who said that if all the cities in America were destroyed, the country would still continue, but if the country were destroyed, the whole place would be covered in grass. That is very true today. Many regional areas in Western Australia are being neglected, and that neglect will come back to haunt us as people leave the regional areas.

Last Friday, I was in Halls Creek talking to a lady in the post office. She said she had been in Halls Creek for 15 years. There are not many people in Halls Creek who have been there for 15 years. People from government departments are posted to some of these towns. They do their obligatory two or two and a half years of service, and, unfortunately, because of the lack of facilities, they generally cannot get out of those towns quick enough. On the other hand, a senior constable asked me whether it was possible to look into whether he could be reallocated a further posting in Halls Creek because he loved the place, and with good reason - I am pretty fond of Halls Creek myself. However, city people who are posted to these isolated areas in which the conditions are pretty tough do not last, and that in itself is an indication of how much money is being spent in these areas. We are developing two types of society; one that lives west of the Darling Scarp and another that lives to the east and maintains the economy of this State while living under considerable pressure.

I compliment the honourable member for moving this motion. I know that several other people wish to speak on it. The issues that have been put forward by Hon Bruce Donaldson are very important to the State and I commend him for raising them, and I hope that the Government will take notice of what is being said in the debate on this motion.

**HON CHRISTINE SHARP** (South West) [2.58 pm]: In rising to speak on this motion, I acknowledge that Hon Dee Margetts would normally contribute to this motion on behalf of the Greens (WA). However, she has had to be -

Hon Kim Chance: She has already spoken.

Hon CHRISTINE SHARP: Okay, thank you very much. She has been paired this afternoon to attend a funeral, and I was prepared to speak on the school funding motion, which was the previous motion that was changed without notice -

Hon Kim Chance: It has not been changed; it has lapsed.

Hon CHRISTINE SHARP: Sorry, it is on today's notice paper as the first motion.

The DEPUTY CHAIRMAN (Hon Adele Farina): Order, members! For the information of members, there was no mover to that motion and it subsequently lapsed.

Hon CHRISTINE SHARP: Thank you, Madam Deputy President. I am therefore speaking on this motion without any files or notes, but I am very pleased to support the motion moved by Hon Bruce Donaldson. The Greens (WA) will support all three aspects of the motion regarding the reduction of funding for infrastructure and services, the cost-shifting from Government to local government and the Government's lack of commitment to the development of a decentralisation policy for rural Western Australia. The Greens agree these are all valid descriptions of some of the

patterns that have been seen in regional economies and services. In my region in the south west, problems have occurred across the board because of the reduction of important community services. For example, services at the Boyup Brook and Warren District Hospitals have been downgraded and mental health services in the south west are in absolute crisis. Inadequate psychiatric care is given to long-term patients with long-term case histories. Psychologists are dealing with many serious problems because there are no trained psychiatrists available to deal with the cases that occur in the south west. Hon Barry House has already mentioned some examples of education. The overcrowding at Busselton Senior High School, which has occurred for years, is appalling. Before he became the Minister for Education and Training, Hon Alan Carpenter visited Busselton and promised to deal with the school crises in Busselton. However, although there have been some marginal improvements, the Busselton Senior High School is extraordinarily overcrowded. Busselton, which is one of the fastest growing regions in Australia, is crying out for investment in new school facilities. The Albany Residential College is overcrowded and has inadequate facilities. The college was recently the subject of a petition that was dealt with by the Standing Committee on Environment and Public Affairs. The petition was tabled in the House during the previous parliamentary session. Community services across the board have not been adequately met.

However, perhaps the debate on this motion is being turned into an adversarial contest about who is right or wrong and who is to blame. Maybe we can all agree on what are the problems. Regardless of whether members are in government or opposition or are Independents or belong to the Greens, we can all see the struggles faced by inland towns throughout Western Australia. Rather than attempt to score points against one another about exactly what is the cause of the problems and rather than argue about whose fault it is, we should put our heads together, look more deeply at the issues and acknowledge that the problems are caused by the model of economic development that this State has chosen to follow for some years. Very important structural dynamics are causing the run-down of regional economies. I refer to the processes of globalisation and the policies of economic rationalism that go with that. Those policies are driving many of the problems that have been described from different perspectives. We can talk about specifics. We can talk about a school or a road here or a hospital there. However, we must understand what is causing the lack of funding given to rural infrastructure and services and the fact that regional areas are depressed. Clearly it is a result of global competition and its application in Australia through policy processes, including the national competition policy. During this debate a member referred to Western Power's neglect of the services on the south west interconnected grid. The member is right; there has been an appalling neglect of those services. Is that neglect not connected to the fact that Western Power is a corporatised organisation? Governments have chosen to develop that important utility under a corporatised model that bears the stamp of economic rationalism, which is the main driver that is causing many problems in regional Western Australia.

I just mentioned national competition policy. Consider what national competition policy has done for regional Western Australia. For example, the Western Australian dairy industry has lost one-third of its farmers in the name of competition policy. It is extraordinary. Despite the name "economic rationalism", it is irrational for Governments to pursue policies that hurt regional economies because of an abstract -

Hon Jim Scott interjected.

Hon CHRISTINE SHARP: My colleague is calling it "religious ideas". It is because of ideological positions that we are failing to understand that there are alternative ways of looking at economic development. If we start to put all these specifics together and understand the model that is driving all these changes, perhaps we could understand that other economic models could be implemented and that there are smarter ways of looking at our economy and our resources within the global context. Instead of taking our resources and leaving few regional benefits, we could apply models that would provide far greater benefits to the regions.

Hon Barry House began by talking about the WAPRES chip-mill. His comments were made in the context of a political argument. However, it was the honourable member's political colleagues in Bunbury who opposed the construction of the WAPRES chip-mill in the port of Bunbury for all sorts of very sound planning reasons and because of the precedent it would have set. The port of Bunbury does not engage in any downstream processing. The proposal by WAPRES to construct a major chip-mill at the port of Bunbury to export its commodity would have resulted in very significant planning implications for the City of Bunbury to manage. The honourable member's political colleagues - the federal member Geoff Prosser and the Liberal members of the Bunbury city council - rejected the proposal. I add that the Bunbury city council unanimously rejected the WAPRES proposal because of the important planning and transport impacts that would have been likely to occur had it proceeded. My point is not to try to make Hon Barry House look wrong. Maybe no-one is wrong. Perhaps there are certain dynamics in which everybody gets caught up. Perhaps we should challenge some of the ground rules that are causing all members to face these very difficult decisions. Clearly the City of Bunbury has no interest in turning its back on regional development; on the contrary, the council is very dedicated to increasing the welfare, including the economic welfare, of the City of Bunbury. Why have they taken that path and why, before them, did the Donnybrook community, in the face of the approval of the chip-mill - as Hon Barry House correctly said, the shire approved the site for the West Australian Plantation Resources chip-mill - did the community turn around and resoundingly reject it? It did so because it was done in such a way that would have caused a massive planning headache for the area. It was basically the wrong site to place a massive industrial

development. Further, it was not compatible with the Shire of Donnybrook-Balingup's town planning scheme and, ultimately, that is why it failed. Despite its support, it was well known that the shire received advice from the Department for Planning and Infrastructure that if the chip-mill was constructed on the proposed site, it would probably face a court challenge. The minister was quite right. In the end, the liability issues meant that WAPRES had to back off.

Perhaps we need to take a step back. Why did that happen? Let us look at the plantation resource that would have been processed by WAPRES. In yesterday's *The West Australian*, the main business story referred to Great Southern's announcement that it had doubled its 2002-03 profit to \$93 million in the 2003-04 financial year. Other prospectus companies have also gone through an extraordinarily successful financial year. For example, Timbercorp entirely sold its prospectus investment long before the end of the 2004 financial year. It basically could not provide enough investment for those who wanted to invest in its prospectus. How interesting. Where is that dynamic coming from? It comes back to what I asked before; that is, what is driving this enormous investment in our plantation sector? I will come back to the downstream processing of that sector in a moment. Of course, what is driving that sector within the globalising context that I have been talking about is the national taxation policy. One has to ask: who is benefiting? I have not done the sums lately because, as members would know, the blue gum plantation sector has gone through - as I have just said - a big surge in the past 12 to 18 months. Before that, it went through something of a slump because the Australian Tax Office's investigation of tax-enhanced schemes gave the industry a bit of a scare. At about that time, I did some rough calculations as best I was able. I calculated that something in the order of \$200 million of taxpayers' money, in the form of forgone taxation, had been put into establishing wall-to-wall blue gums in the south west region in 2002. Where has that money gone? Has that been a good investment for investors? According to *The West Australian*, it is a very ordinary proposition for investors and the only reason it is attractive is the taxation benefits; otherwise it is a very ordinary investment. Who is doing well out of this? It is the companies themselves that are reaping the financial benefits, not the Australian Treasury, nor the other taxpayers of this country. It is those few companies that are managing to accrue massive wealth on the basis of a very finely tuned taxation policy. Let us look at a triple bottom line approach. Let us look at the environment. What are the environmental benefits of wall-to-wall blue gums?

Hon Kim Chance: The Denmark River now flows fresh.

Hon CHRISTINE SHARP: Minister, these are complex issues, and it is very easy to pass black and white judgments. Although blue gums have some environmental benefits, the quantity and location of a lot of blue gums in the south west have not been strategically determined by environmental benefits. Rather, they have been determined by investment. Therefore, instead of support for massive tree planting in lower rainfall regions where tree cover is desperately needed because of salinity problems, the Government has supported putting trees in places where they are not so urgently needed. One can look at a genuine farm forestry model, which might provide benefits for genuine rural producers, and also consider the schemes that this current Government has put up. When I refer to rural producers, I am talking not about accountants, dentists and other people from the city who have a tax problem, but about farmers who usually do not have a tax problem and, therefore, for whom tax enhancement is not so useful. For example, the Infinitree program has a lot of good aspects to it. However, the federal Government has failed to recognise it. Instead of the federal Government assisting in ensuring that the environmental and social benefits go where they are needed, the benefits have gone into the pockets of those who are probably very close to federal government advisers. That is a sad thing for our south west regional economy. We have to consider how the community benefits from the wall-to-wall blue gum industry. I am not saying that it is all bad, because it is not so black and white. However, the scale at which we have allowed the establishment of blue gums has become completely out of hand. At Mt Barker, the Shire of Plantagenet is having massive social problems because it is over-endowed with blue gum tax-enhanced investment. Places like the Porongorup region have important conservation attributes and a very healthy ecotourism economy. However, that is being wrecked because of the inappropriate establishment of blue gums in the wrong place for the wrong reason, which is being assisted by the federal Government's taxation policy.

Hon Paddy Embry: Maybe I have misunderstood; I thought the Greens (WA) favoured a lot of plantation on conventional agricultural land.

Hon CHRISTINE SHARP: That is a very good question. Indeed the Greens, like a lot of other people, have been long-term supporters of incorporating perennial crops back into agriculture. Indeed, we support that. For example, mallee is a brilliant crop and we are keen to support it. The point I am trying to make is that, ironically, the plantation sector has been captured in a way that has maximised the benefits for a few companies and failed to maximise the environmental, social and economic benefits for the regional economy.

Hon Paddy Embry: It was always going to do that.

Hon CHRISTINE SHARP: That is the point I am making. It probably was always going to do that because we put in place policy mechanisms that facilitate that. We have put in place globalised economic rules, which are undermining our regional development. Let us look beyond the specifics and start understanding the dynamics of the rules we have put in place through taxation and other public policy mechanisms that have undermined the benefits to our region.

So great has been the federal Government's investment in tax enhancement in blue gums throughout Australia that I remember reading last year we have enough blue gums to supply 13 world-scale pulp mills in Australia! How many pulp mills do we have in the south west? None!

Hon Paddy Embry: How many?

Hon CHRISTINE SHARP: Thirteen - unlucky! We have created a plantation model that is based on the lowest value of the tree product when looking at integrating tree cropping into agriculture. We are producing what should be in any sort of classic forestry model a residue. Woodchips are residue. We should be providing far more assistance for value adding. I am not talking about this minister, who is in this Chamber. He has provided the Infinitree program with a good long-term model for sawlog production. In fact, that is struggling because of a lack of recognition by the federal Government. The federal Government has allowed a massive burgeoning of an extremely low-value export commodity. When it comes to bringing us back full circle to where we place the chip mills, all the transport impacts from providing the infrastructure for the new industry are again expected to be funded by taxpayers. I drive very regularly along the South Western Highway between my home in Balingup and Bunbury. To the credit of the Minister for Planning and Infrastructure, two new additional overtaking lanes have been built on very dangerous sections of that highway. That requirement has been driven by the very rapid escalation in the number of road trains using that section of the highway for the blue gum industry. Who is picking up the tab for road safety for this industry? It is an industry that few people benefit from. You and I - the taxpayers - are paying for it. We are picking up the cost. What are we picking up the cost for? It is so the product can be taken to the port of Bunbury to be taken by ship to be turned into pulp elsewhere. We then reimport the finished product. We have the idiocy to describe ourselves as "the clever country". For goodness sake! We are forgoing over \$1 billion a year in our terms of trade in forest products for that very reason. We are exporting raw woodchips and reimporting paper and pulp commodities. We have seen some good efforts by government. I acknowledge Hon Kim Chance. I think he has done a very good job in establishing the Infinitree program. I think it is a great pity to see the federal coalition Government undermine those good efforts in the rural economy of the south west.

I will finish by reiterating that we need to look a little deeper at these matters and start considering that, perhaps, not so much that this or that Government or minister is wrong, but that we have swallowed, hook, line and sinker one economic model. That economic model is the economic model called globalisation. All the benefits are largely exported along with our resources. Very few benefits remain in our small regional towns where the resources originate. That is what we need to look at. We need to look at that for all the reasons I have just gone into. We also need to look at it for a new reason. How long can we continue to ship commodities around the planet when the very energy source we use - many would argue in 2004 - is reaching its peak? I am talking about oil. Everyone will have noticed the article in last week's *The West Australian* about the conference held in Perth at which it was suggested the price of petrol would speculatively reach \$10 a litre in a few years. I will not get bogged down with what the price of petrol might be in a few years. I do not think that is the point. The point is that we all understand that Australia will be totally dependent on oil imports. All the global economies will be caught in a dramatic crisis about how to adjust to a reduced availability of our main energy source. Just about every industry is embedded with oil in terms of how we produce our agricultural, mining and plantation economies. Name any economy. They run by using massive amounts of a non-renewable resource that is peaking at the moment and about to go into decline. What impact will that have? It will have quite an impact on the model that we have so blindly followed for the past 25 years. Globalisation has ridden on the back of cheap oil. That dynamic will change very profoundly but not for political reasons or because the socialist revolution has at last happened. It will be because of the basic physical reality that we will run out of oil. That will fundamentally alter everything we do. We need to look at that very clearly. We can hope that we may see a re-localisation of a number of processes which, at the moment, because of our ability to exploit cheap energy, are not localised. People say that every cloud has a silver lining. Perhaps that will be the one silver lining of the incredibly difficult challenge that this State as well as everyone else will face because of declining oil production. It will mean that each small rural town may find, to an extent, that some of the services and production will re-localise because, quite simply, people cannot just jump in a car or on a bus and travel 100 kilometres to school, for example. In all sorts of ways it will alter the pattern of what we do. I hope that we are smart about this and understand it will be one of the most fundamental dynamics of economic development over the next 25 years. I am not talking about the past 25 years. Let us not assume that the future will be a reiteration of the past because we know that is not life. We must get used to the fact that things will change very dramatically. If we acknowledge and understand the main dynamics of that change, it means that we may be able to assist the change in a way that maximises the benefits for the regional areas of Western Australia.

I will finish by saying that these matters are taken very seriously by the Greens (WA). We need to be longer term in our thinking so that we can get ahead of and not be behind the game. Let us get on the new wave that is forming instead of assuming that the future will be like the past. Next week in Perth the Greens (WA) will release its economic discussion paper titled "From Global to Local - the New Wave Forming", which discusses some of the matters I have briefly touched upon this afternoon and which I encourage all members to become aware of. This is not just the province of the Greens, although because of our priorities we are really onto it. It is something in which I know the current State

Government is interested and in which I am sure the Opposition is becoming more interested too. Let us make sure that we get behind the new wave that is forming and do so in such a way as to maximise the benefits for regional Western Australia.

**HON KIM CHANCE** (Agricultural - Leader of the House) [3.31 pm]: I apologise for standing at this stage and taking the floor ahead of other members who may have wished to comment. However, given that this motion expires two hours and 18 minutes from when it began at two o'clock this afternoon, if the Government were to have a say at all, this is the only opportunity to do so. Bearing that in mind and noting that Hon Frank Hough was seeking the call, I will try to keep my comments short. We have heard a wide range of comments from honourable members in the debate on this motion today and on the previous occasions on which it has been debated. On behalf of the Government I thank honourable members for their generous advice to the Government on how it might improve its performance.

I also thank Hon Christine Sharp. Although she indicated that she intended to vote with the Opposition on this motion, the greater part of her speech was very supportive and indeed helpful in terms of the progression of the debate. By the time she got to the end of her speech I think she had changed her mind and will actually vote with us. I particularly want to comment on one point from Hon Christine Sharp's speech, which relates to her comment on oil prices. We need to note very carefully what Hon Chrissy Sharp said and we must also draw information from other sources so that we can come to a point of view on this issue, both jointly and severally, because it challenges us all. Hon Christine Sharp said that high oil prices, particularly of the level indicated by the Iranian oil executive in Perth just the other day - Cabinet incidentally had an opportunity to be briefed by him, which was useful - will fundamentally change the way our economy works. I am sure all members will have read the document I am holding, which is my maiden speech that I made some time last century.

Hon Derrick Tomlinson: Literally.

Hon KIM CHANCE: Literally last century. I referred to this issue in my maiden speech because it was one that I had followed very closely since the first oil crunch of 1973.

Hon Derrick Tomlinson: It was an admirable speech, if I recall.

Hon KIM CHANCE: I thank Hon Derrick Tomlinson very much.

Hon Derrick Tomlinson: You have never equalled it since.

Hon KIM CHANCE: It has never been equalled since. I am sure that is probably true as well. I said in part in that speech in reference to oil prices that I was at that time, and still remain, a strong supporter of the Organisation of Petroleum Exporting Countries' actions of 1973, which caused the first oil crunch. I was supportive of those actions not because I had anticipated, through some flash of futures trading brilliance, that Australia was to become a net energy exporter - that subsequently occurred and we benefited from the OPEC actions of 1973 - but because we were so clearly undervaluing a finite asset. The oil prices of 1971 had caused a massive deviation from standard economic practice. We had seen practices grow in this country and particularly in North America and northern Europe that were unsustainable on the basis of the scarcity of that product. That is not good in either a horizontal or vertical sense for humanity in the future. Oil is undoubtedly a scarce asset. Much of the debate around the 1973 argument was that we were running out of oil. We never will run out of oil - that is an impossible equation - but oil will steadily get more and more expensive, to the extent that there will be a gradual adoption of alternatives. I always thought that the change was not in any sense a futures shock scenario but rather a more gradual scenario. The gentleman from the Iranian oil company put a somewhat more harsh interpretation on market realities than mine. However, I believe that we all need to contemplate the changes that higher oil prices will bring, to the extent that our economy is built on low oil prices that are not sustainable. There are upsides to this as well as downsides. It is not something I have ever been pessimistic about. This will drive change, much of which will be positive. Indeed, from the point of view of Australia and its primary industries there are probably more upsides than downsides. That is something for futurists to ponder as they consider the various changes that might occur.

As I mentioned, there have been a large number of contributors to the debate.

*Point of Order*

Hon PADDY EMBRY: I have been listening with great attention to the minister but I fail to see, with all due respect, the connection between what he is saying and the motion.

The DEPUTY PRESIDENT (Hon Adele Farina): The minister is responding to comments made by Hon Christine Sharp that remotely connected to other matters she raised that were directly relevant to the motion. I will allow the minister to respond to those issues.

*Debate Resumed*

Hon KIM CHANCE: Thank you, Madam Deputy President; your comments are noted. I also thank Hon Paddy Embry. I had just finished that bit and was going to move on to the question of the reduction in funding for infrastructure. In moving the motion, Hon Bruce Donaldson began with the issue of health services. That is an appropriate place to start. A number of members made broad allegations about a reduction in spending on infrastructure. I waited with great

interest to hear examples of such reductions, because I had all my facts assembled to clearly demonstrate that those allegations were not only wrong but also based on specious arguments. In fact, they are contrary to the truth. However, not one speaker gave me a concrete example of an alleged reduction in infrastructure funding. Road funding is an issue on which firm figures have been given.

Hon Murray Criddle: Even the minister admits that.

Hon KIM CHANCE: I am happy to deal with those in their true perspective. However, road funding did not feature much in the argument. I note that the next motion on the notice paper deals with road funding.

Hon Christine Sharp: What about hospitals?

Hon KIM CHANCE: I will deal with that now. That is where Hon Bruce Donaldson started. I had occasion to look at this issue because it was raised directly with me, as Minister for the Midwest, by the northern zone council of the Western Australian Local Government Association. The council was concerned about rumours that it had heard about the global budget in the mid west region and also about specific health services. It is true that we do need to deliver an effective health service. I have been with the issue of rural health services ever since I have been in this place. If we are to design a brand new system for delivering health services firstly to rural people and secondly to remote and regional people - I must make that distinction because there are two quite different models and I call rural people those within the south west land division and remote people those outside the south west land division - we must ask ourselves the question, would we start with the system we have now? Indeed, given the choice of having a clean sheet of paper, would the health system that we designed to provide those services to rural and remote people even remotely resemble what we have now? Sadly the answer in respect of the south west land division is probably not. Remote medical services may resemble those we have now, but for rural areas they would be nothing like those we have now. Successive Governments have faced this issue of rising demand in certain areas. Hon Barry House has pointed out most particularly those rapidly growing areas of the south west, but in other areas even with stable populations, like the eastern wheatbelt, which is my own area, there are still rising expectations about what the health system can deliver. There is no argument about the validity of the demand, but the delivery of those needed and justified health outcomes is limited by the capacity that we have to service the infrastructure that is already there and frequently in the wrong place.

The classical eight-bed hospital model, without naming a particular town, runs at the standard cost of about \$2.1 million a year, servicing a population of about 1 000 people with a bed occupation average of less than one. Is that a good outcome for country people? Nobody would argue remotely that it is making proper provision in a cost efficient way for that sector of our rural community's health. I know this because I have been guilty of doing it myself, so I am not pointing the finger at anybody without pointing the finger back at myself; but try to reform that, try to change it, and government will find militant resistance. When a Government is trying to improve health outcomes for country people, it will find resistance to the very changes that need to be made for that improvement. It is fine to take a shot at the Government of the day for setting out to try to ensure that the health dollars are effectively spent, which will mean, we hope, better health outcomes for country people. However, try to do that, and all we will get is criticism that we are trying to downgrade health services. That is precisely the situation that was presented to me in respect of the northern zone of the Western Australian local government authorities. It is probably the same position that could be put by any other authority. I am not singling out the northern zone, but that was the authority that wrote to me.

I thought I would have a look at the question. I looked at it very carefully. I went over it with the Minister for Health's people and those from the Department of Health. I found that looking at it analytically without taking any position one way or another, notwithstanding the allegations of reduced health funding specifically in that local government authority zone area, the allegations were based on the broad generalisation and an assumption in some cases that the rumours of hospital closure were fact and not rumours. I found that the hard, cold facts are that health funding in that area has gone up by 28 per cent, yet assertions were made in the letter of massive cuts and closures of service. The fact that funding has gone up by 28 per cent in one budget is quite remarkable.

Hon Barry House: What did you find out about the services?

Hon KIM CHANCE: I found no service closures. I found changes to service.

Hon Norman Moore: Did you find a 28 per cent improvement?

Hon KIM CHANCE: No, one never does.

Hon Norman Moore: Exactly right; that is where the problem arises.

Hon KIM CHANCE: I have not actually worked the ratio out, and I should not be saying this on the record, but it always seems to me that if there is a real three per cent increase over the consumer price index, there is about a one per cent improvement. The services that are being delivered to the health consumers of the mid west have undoubtedly improved overall. However, one can point to specific areas where they have either been reduced or removed. That is true.

Hon Barry House: I will be serving meals on wheels in a few days, so I will see how it goes.

Hon KIM CHANCE: Good. If I may again make a general comment about the nature of this motion, and this is something that Hon Chrissy Sharp touched on, it is a shame that the motion is worded in this way. It is a shame that we deal with things in such an adversarial manner. I think we would all recognise that we can do better. Everyone recognises that health outcomes, frequently education outcomes and even information technology and communications outcomes for rural people could be better than they are. I do not think that anyone would argue about that. We should be concentrating on how much better we can make them, where do we need most desperately to make them better, what will it take to make them better and what is the time line for doing it. If we were talking about that, it would be a far more constructive process than dealing with the motion in the way it is currently worded.

Hon Norman Moore: You seem to be undergoing some sort of conversion. I remember your sitting over here when you never said that once to my knowledge.

Hon KIM CHANCE: I went to a place in Amman, Jordan earlier this year where I learnt the true meaning of the words "conversion on the road to Damascus" because as many people would know, Amman is actually on the Silk Road, which passes through Damascus. A Christian or anybody who was unpopular at the time was tied to a ring in the ground of the main arena of the colosseum, just prior to the lions coming out and eating them. However, if they recanted their Christianity or whatever else it was that made them unpopular, they would be untied and would get away from the lions. I have been to the spot where the phrase, "conversion on the road to Damascus" was coined. The Leader of the Opposition would allege that my conversion has occurred when crossing to this side of the House.

To leave the subject of health for a moment, Hon Bruce Donaldson made the point that Indian Ocean Drive is of great regional significance to the central west coast region. I cannot but agree with him. Just prior to coming to government I had the opportunity of having a look at the benefits that Indian Ocean Drive could bring. The sooner we can do it the better. The Minister for Planning and Infrastructure shares that view. However, we have a \$3.9 billion capital works process.

Hon Norman Moore: You do not spend it all. That is the problem.

Hon KIM CHANCE: The Leader of the Opposition has made this point before, and it is true that all Governments tend to underspend their budgets.

Hon Norman Moore: You are vastly underspending the budget.

Hon KIM CHANCE: There is nothing new about underspending by this Government, and all Governments do it. The State has a \$3.9 billion capital works budget. I remind members that the State of Victoria, which has an economy three times the size of ours, has a capital works budget of less than \$3 billion. Our capital works program is enormous, and we have a competitive process within that capital works program. Sadly, Indian Ocean Drive has not been able to get sufficiently high on the list in the competitive process to be on the drawing board just yet. It is something we need to do that would greatly benefit local communities. I look forward to the day that we can make a firm commitment to starting and finishing Indian Ocean Drive. It needs to be done.

The alternative to sticking to that competitive process is simply to blow the capital works budget, which the Gallop Government does not intend to do. Other members referred to the commonwealth-state financial relationship. The other aspect to be considered is the Commonwealth Government's role in funding roads in Western Australia. I know it has been a sore point in this Chamber regardless of who sits on these benches. None of us who were here at the time would forget Hon Eric Charlton's valiant attempts to bring the Commonwealth to the table to meet its responsibilities for Western Australian roads. About half the fuel price we pay at the bowser goes directly to commonwealth coffers, and very little of that money comes back to Western Australia. Western Australia certainly has a state tax that by and large is spent on roads in this State. If the same proportion of commonwealth taxes were expended on roads by the federal Government, we would have little argument about the quality of our roads. It is certainly an issue that has not improved. Indeed, it has got substantially worse. Members who have analysed the outcomes from the AusLink program, the latest commonwealth program, would know that the world almost ends at Ceduna within that program. Virtually nothing from that vast amount of money taken from Western Australia by the Commonwealth is returned. That issue needs to be resolved.

Hon Norman Moore: You haven't forgotten the couple of hundred million dollars from the Grants Commission following the assessment. Don't forget that in passing.

Hon KIM CHANCE: Although the Government is grateful that the Grants Commission has finally seen the light -

Hon Norman Moore: I think it's about time it did, frankly. However, you should acknowledge that the Government has more money than it has had in the minister's life. It is running out his ears.

Hon KIM CHANCE: In looking at the bigger picture issues, members must acknowledge that something like \$2 billion a year more goes to Canberra from this State than is returned to Western Australia from Canberra.

Hon Norman Moore: You never recognised that when you sat over here. You whinged and whined about these things, but you never supported what we sought to do when we argued that case. It is interesting how you've changed your views since you changed sides.

Hon KIM CHANCE: This is not a component of my conversion on the road to Damascus. I had never heard that the sum was anything like that until quite recently.

Hon Norman Moore: Max told you that every second day.

Hon KIM CHANCE: But we could not understand Max!

Hon Norman Moore: You should've read it.

Hon KIM CHANCE: I will not tell my Max story as he is a great friend of mine.

Hon Norman Moore: He will be pleased to know that you couldn't understand him.

Hon KIM CHANCE: He understands that as well!

Hon Norman Moore: It would have done you good to listen to what he had to say.

Hon KIM CHANCE: I listened. Max and I spoke on this matter on a number of occasions. The issue needs to be resolved.

Hon Norman Moore: I'm pleased you now feel that way.

Hon KIM CHANCE: I am not sure I had an alternative view.

Some of my notes are getting a little old and I cannot remember what they are about. There is an issue about cost shifting.

Hon Bruce Donaldson: It relates to shifting from State Government to local government. It started off with the general program and the removal of the half-subsidy. I refer to gross rental value and coming out with a full valuation. The Government should apply the interest rises and not pay for full valuations. Now the question is whether government enterprises must pay for the information.

Hon KIM CHANCE: As far as I understand, the collection of the Fire and Emergency Services Authority levy by local government is something for which local government is paid.

Hon Bruce Donaldson: Administration.

Hon KIM CHANCE: Yes. I looked at the amount paid for administration from the point of view of our proposed regional animal and weed pest control levy. I considered the possibility of going to local governments to seek their assistance in collecting that levy, were it approved by Parliament. A FESA delegation visited me about the specific proposition as they picked up that reference in the first discussion paper. They told me the proportion of the total FESA levy that was absorbed by the cost of collection. They recommended against me proceeding with that proposal of a levy on the basis that it cost so much to collect. I was a little stunned by the quantum: 20 or 25 per cent of the total cost of the levy was absorbed by collection costs. I sought advice from the State Taxation Office, which gave me a figure of about two per cent for collection.

Hon Bruce Donaldson: You would find that is more accurate.

Hon KIM CHANCE: Yes. I wonder whether the FESA levy is not being lent on a little.

Hon Bill Stretch: They sweep the decimal point.

Hon KIM CHANCE: It could be, but that is what I recall being told.

Hon Dee Margetts raised some issues about the changing attitudes within the administrative processes of the State since the McCarrey report. She also made the point that cost shifting had become more obvious in country areas as cost-recovery objectives have been implemented and made more visible. She made the point that the core aim of economic rationalism is to fully recover costs from the consumer or identify the non-cost-recovered fraction as a subsidy - that is, to end the obscuring factor of cross-subsidisation. I do not regard myself as an economic rationalist. I find it very hard to argue with the proposition that obscure cross-subsidies are a healthy thing for an economy. I have no problem with cross-subsidies, and, indeed, nor does my Government. The reintroduction of a uniform tariff is one example of a clear cross-subsidy. In all honesty, the amount of cross-subsidy needs to be transparent and visible. People need to know those costs, and they ought to be outlined in a State's budget papers.

Hon Bruce Donaldson: I don't think anybody would disagree.

Hon KIM CHANCE: I do not think Hon Dee Margetts would agree.

Hon Dee Margetts: I think you've picked out only some of the things I said in the context of the McCarry report - that is, unless you have something else to say about that matter. I was saying that the shift within government departments pushed by the McCarry report was for departments to move towards those activities that brought in a dollar and away from other activities. My critique of the McCarrey report related to how he pushed departments to go into areas that were dollar-orientated and away from those that did not bring in a dollar. That was the gist of my comment.

Hon KIM CHANCE: My notes outline what struck me about what the member said. Hon Dee Margetts' description of what economic rationalism means in a public administration sense was very clear, and that is why I noted it almost word for word, I thought - perhaps I did not. I have no issue with the economic logic of what Hon Dee Margetts has said, and I have certainly not said that she agrees with it. I said that she has described the core of economic rationalism to be such, and that is pretty accurate.

Hon Norman Moore: Her description of the McCarrey report was not quite as accurate as I recall it to be.

Hon KIM CHANCE: Notwithstanding that or whether we believed in what the McCarrey report said, it was a clear and helpful document in terms of public administration.

Hon Norman Moore: It would do you the world of good to read it.

Hon KIM CHANCE: I have read it in some detail. I did not agree with all of it, but I agree that it was a useful document in terms of understanding what economic rationalism is about and what public administration means -

Hon Norman Moore: Just good public administration.

Hon KIM CHANCE: Yes, we can argue whether it is good or not.

Hon Dee Margetts also raised the question of headworks costs, and the impact they have on rural communities. Again, I was surprised that this was an issue that was not given a great deal of attention by other speakers. If I were to identify one particular issue that most holds back regional development, it would be headworks costs. It is one of those places in which a cross-subsidy arrangement or a straight-out subsidy arrangement, visible or not, is justified to encourage the take-up of some of the industrial opportunities that exist. Where that expenditure makes sense we always need that qualification. We have seen, for example, some tragic stories of investment in medium to heavy-type manufacturing enterprises in places where they should never have been operating. It does not make sense that a heavy power-using manufacturer would place itself right out on the end of a long-lead rural power service when it could have been, for very little extra investment, much closer to the main generating point.

Hon Paddy Embry: Are you thinking of one example in particular?

Hon KIM CHANCE: I am but I will not state it; it was a tragic mistake that never satisfied the original investor and it certainly did not satisfy the local government authority or the local community. Ultimately, it resulted in the manufacturer moving from that location to one more suitable.

Having established that a form of investment in a particular area makes sense, this issue of headworks charges needs more attention. I acknowledge that successive Governments have recognised that, but it needs to be something that we keep foremost in our minds. If we are to encourage this kind of investment, we need to be up front about evening out the playing field. The headworks cost that is applied in regional areas compared with that faced by somebody contemplating making the same investment in an established industrial strip shows that it is not a level playing field.

I was asked whether headworks cross-subsidies are the right way to go or whether it is better to build the headworks assistance into the cost of the service as an allowance for the cost of replacing the asset at the end of its economic life. That is an important way of doing things. As an applicant applies for particular services, he is hit up front with a bill, bang: a \$10 000 bill for service A, a \$70 000 bill for service B and a \$30 000 bill for service C. Nobody can argue that a prospective client establishing itself in the town of Merredin, for example, would impose that cost on those service-providing agencies; it would not because the service is already there. There is a cost for connection, and that is the cost that should be paid. However, the service providers argue that somebody has to pay for the cost of the generating plant, the dam or the trunk mains etc, which are the basic headworks that are already in place. I understand the argument that someone has to pay, but is it not better to build into the per-unit charge on the commodity that is being bought, whether it be water, power or whatever, over a period of years so that eventually the cost of replacing that asset is picked up? That is something we began doing in the late 1980s when I was a member of the board of the then Water Authority of Western Australia. We began an asset replacement fund. For each asset we had, we determined how many years of life the new asset would last for. The Water Corporation has some very long-tail assets, with some going to 120 years. We calculated the cost of replacing each asset at the time of its replacement. We did it with everything; a new sewer main would be calculated in that way. We would then build in the achievement of that cost and divide that by the number of years of effective service. By the time the Court Government came to office, there was \$500 million in the Water Corporation's funds reflective of that decision made in about 1987. That \$500 million was then plundered by the Court Government and used for quite appropriate things such as the infill sewerage program, but it was used. That money is not there now, so the next time a major asset fails it has to be serviced by the next generation of ratepayers. Again, this is something that we need to rethink. If any members want a reason to rethink this issue, they should think about some of the older towns and cities that have not done this. At the time we made this decision we were told that to replace the sewers alone in some of the older cities of Europe - London and Rome were two cases in point - would break the budget of not only the city, but also the nation. The fact that we have tried it and then made another decision, however legitimate or illegitimate that decision may have been, does not mean it is too late. As a State we have the benefit of youth, and I really believe that we should be doing it that way. If we do that we can forget about headworks charges.

Hon Norman Moore: Why is your Government not doing that?

Hon KIM CHANCE: Well, perhaps my point of view does not -

Hon Norman Moore: You just criticised our Government for using the money for the infill sewerage program - I might also add that the money was used for about \$700 million worth of water supply works to make sure we have as much water as we have now. You are saying that that is the wrong thing to do with the money. You should tell me why you're not doing it.

Hon KIM CHANCE: It was a Labor Government that started that program, and I would hope that the Labor Government will -

Hon Norman Moore: But you are the Labor Government -

Hon KIM CHANCE: Yes, and I hope that the Labor Government will consider doing something of that nature in the future. It is a more intelligent way of going about the matter and means we could dispense with headworks charges tomorrow, which is a real upside. When the Labor Government did this, the Leader of the Opposition will remember, the Water Authority was not corporatised; it answered to a minister. That does not happen anymore.

Hon Bill Stretch: Just like Western Power.

Hon KIM CHANCE: Yes; what a wonderful example, but best we leave that one alone.

Hon Norman Moore: Just as well, I would have thought so.

Hon KIM CHANCE: No, it is a more intelligent way of doing things. I hope that this Labor Government or a future Labor Government will pick up that option that we have used before. I would like to think that the corporate status of these corporations might also be altered, but that is my view.

Hon Norman Moore: Is that likely to happen? What have you got in mind?

Hon KIM CHANCE: Not while the current Opposition is in the place. It will not let us do anything.

Hon Dee Margetts: It's all right; we'll help.

Hon KIM CHANCE: Okay.

Hon Norman Moore: You can nationalise them all again if you want to because the Greens will support you.

Hon KIM CHANCE: Is that going to be part of coalition policy?

Hon Norman Moore: Of course it's not. That's yours.

Hon Barry House: You sound as though you are advocating privatisation.

Hon KIM CHANCE: No, no, no. Hon Dee Margetts referred also to the re-engineering of the Geraldton foreshore.

Hon Dee Margetts: It is getting worse.

Hon KIM CHANCE: Clearly the engineers and the City of Geraldton would not agree that this is a cost-shifting issue. I was a bit surprised to hear that.

Hon Dee Margetts: The people at Beachlands would think that somehow they are being asked to carry the costs in terms of their lifestyle because of what is currently being done.

Hon KIM CHANCE: That is the case whenever development occurs. People are discommoded by development.

Hon Dee Margetts: It is not just a road, but a wall between them and the beach within 70 metres of the beach.

Hon KIM CHANCE: I am sure the City of Geraldton will find a way to resolve that issue.

Some comments that Hon Dee Margetts made on the role of the Mid West Development Commission regarding the Western WISE Network clearly misunderstands the huge role that development commissions play in value adding, encouraging diversification and marketing regional branding. I would be happy to assist the honourable member with a better understanding of that. Western WISE was a good initiative but it was only ever a one-off initiative. The Government hoped that the community would ultimately -

Hon Dee Margetts: I don't understand that logic. Why would you drop a scheme that supported those types of initiatives?

Hon KIM CHANCE: When the development commission started Western WISE it was made very clear that it was a pilot program that the Government hoped the community would pick up if it saw the value of it. I hope that will still be the case.

Hon Dee Margetts interjected.

Hon KIM CHANCE: The member cannot criticise our state agreement Acts.

Hon Barry House raised the issue of local governments' attitude to rural Western Australians. He referred to the Government's desire to bring to Western Australia the type of democracy that exists in the rest of Australia, although I think he put it in slightly different terms! One of the great contributions that this Government has sought to bring to regional Western Australia is the concept of democracy in the way we are governed. Every other State of Australia has it. We already have it in Western Australia as far as our federal participation is concerned. We have democracy. We have as near as damn it one vote, one value. This Government has sought to bring that benefit to regional Western Australia. Sadly, the conservatives among us want to deny regional Australians that access to democracy, which I think is disgraceful.

Hon Norman Moore: And they love you for it. Just keep telling them what they need. Keep telling them they need fewer members of Parliament.

Hon KIM CHANCE: It was an offer we made to the people of Western Australia and the Opposition denied them that opportunity.

Hon Norman Moore: As it turned out, the court did, but that is another story.

Hon KIM CHANCE: True. Notwithstanding that, the Government has spent a huge amount of money on infrastructure in regional Western Australia. In his first speech on this motion, Hon Barry House referred in particular to the Peel deviation. That is a great project. It will be a very good joint commonwealth-state project. The Commonwealth has finally come to the party after the Gallop Government tried to talk to it for three and a half years, during which time the federal Government would not engage with us. We have been trying to get the Commonwealth to come to the table to talk about it for three and a half years. Finally it has come to the table. While I am on the subject of the Commonwealth, I will refer to the money that the federal Government has just thrown at the south west. I am appalled by what has happened.

Hon Barry House: Which money are you talking about?

Hon KIM CHANCE: I am talking about the regional forest agreement money. The federal Government promised to give communities in the south west \$15 million for RFA commitments. It was not an idle promise to give money; it was a stage 1 RFA commitment. For three and a half years the State Government tried to get the federal Government to not pool its money with ours - as the federal Government insists the Western Australian Government must do. We told the federal Government from the beginning that we understood that it did not like the State Government's old-growth forest policy and that we understood that the federal Government would want to brand its project with its own money. We were fine with that. However, we argued that the federal Government and the State Government should discuss what to do so that we would both get it right. We said that we should at least talk about each other's projects. The federal Government told us to go away and that we would get nothing. It said that it would welsh on its \$15 million obligation under the RFA. However, because the federal Government is nearing an election and was holding \$15 million in its fist, it threw it at the fan. That money scattered everywhere. Not only do some of the projects on which the money was spent have nothing at all to do with the timber industry, but also some of them have nothing to do with the south west.

Hon Simon O'Brien: That is nothing after what hit the fan after the ALP's conduct.

Hon KIM CHANCE: The member should talk to people in the south west about what they think of the way the federal money has been allocated. It has caused more difficulties than members can imagine.

Hon Norman Moore: It would not have caused more difficulties than what you did. You should be absolutely ashamed at what you have done down there.

Hon KIM CHANCE: People were unhappy with this Government but at least they did not laugh at us in the way they are laughing at the Commonwealth Government.

Debate interrupted, pursuant to sessional orders.

[Continued on page 5103.]

*Sitting suspended from 4.15 to 4.30 pm*

#### QUESTIONS WITHOUT NOTICE

##### TOM PRICE-KARRATHA ROAD, RESIGNATION PROMISE BY MEMBER FOR BURRUP

#### 585. Hon NORMAN MOORE to the Leader of the House representing the Premier:

Prior to the last election, the member for Burrup publicly promised to resign if a future Labor Government did not complete the Tom Price-Karratha road in its first term in office.

Hon Tom Stephens: That is not what he said.

Hon NORMAN MOORE: I will show the member the advertisement. He actually made a television commercial in which he said that. I will finish my question: in view of the fact that the road will not be completed before the next election, will the Premier require the member for Burrup to stand down at the next election as a demonstration of the Premier's commitment to political integrity; and, if not, why not?

Hon Tom Stephens: How much bitumen were you going to put down, Norman?

The PRESIDENT: Order, members! The last time I saw the Leader of the House, who has been given the call, he was not in the next seat!

**Hon KIM CHANCE replied:**

I thank the member for some notice of this question. As the honourable member would be aware, Labor gave a clear commitment in its pre-election policy document "getting transport back on track" that a Gallop Government would "allocate \$100 million over four years to proceed with the construction of the road between Karratha and Tom Price."

Earlier this year, stage 1 of the road was completed, providing a 25-kilometre sealed route between Tom Price and the Nanutarra-Munjina road at a cost of \$26 million.

Hon Norman Moore: Do you know what people call it? Fred's cul-de-sac.

Hon Tom Stephens: That is what you would call it. It would still be a dirt track if you were in government. It is bitumen now. Why don't you give us some credit?

The PRESIDENT: Order, members! I am sure the Minister for Local Government and Regional Development will have an opportunity shortly to give a speech.

Hon KIM CHANCE: Following the completion of this first important stage, the Premier announced in July 2004 that a further \$80 million has now been allocated in the 2004-05 state budget for works to complete stage 2, which is a 90-kilometre section between Karratha and Curlewis. It is well known that Hon Norman Moore frequently called on the previous Government to commit to the construction of the Karratha-Tom Price road. However, despite his lobbying throughout the coalition's time in government, no commitment was given and no road was constructed. By stark contrast, the Gallop Government is delivering on this commitment, with the Tom Price community and visitors to the Pilbara already benefiting from the works completed to date. The people of the region are well aware that a Gallop Government is delivering on its road promises after years of coalition inaction. The member for Burrup should be applauded for his efforts in progressing the construction of this important road link. Certainly, the people of the region are well aware of his continuing efforts on their behalf.

Hon Norman Moore: The people of the region think he should resign, as a matter of interest.

Hon Tom Stephens interjected.

The PRESIDENT: Order, members!

Hon Norman Moore: The minister should be very careful in what he says because he is getting himself into serious trouble. The way he is going he will come about fifth in the next election!

#### PILBARA FUND

**586. Hon NORMAN MOORE to the Minister for Local Government and Regional Development:**

I refer the minister to the press release issued by the Pilbara Regional Council dated 17 August 2004, in which the Deputy Chairman of the Pilbara Regional Council, Councillor Bob Neville states -

Unfortunately, I cannot see that Pilbara local governments have a great deal to directly gain from the Fund.

He was referring to the Government's \$20 million Pilbara fund.

In view of the cool response given to the Pilbara fund by the Pilbara Regional Council - that is its description, not mine - will the Government redirect its funding away from state government agencies and towards the councils to assist them deliver better services; and, if not, why not?

**Hon TOM STEPHENS replied:**

I welcome this question from the Leader of the Opposition. I was with the Premier in Karratha in the company of my colleague Hon Fred Riebeling, the Speaker of the Legislative Assembly. On that occasion the Premier was also accompanied by the President of the Roebourne Shire Council.

Several members interjected.

The PRESIDENT: Order, members! I ask the chorus to come to order.

Hon TOM STEPHENS: He was also accompanied by the Chairman of the Pilbara Regional Council, who welcomed enthusiastically and vigorously the decision of the Government to establish a Pilbara fund.

Hon Norman Moore interjected.

Hon TOM STEPHENS: Would the member agree to the proposition that he is sometimes deceptive? He is sometimes a bit too tricky.

The PRESIDENT: Order! We are not in debate. The minister might like to read the answer he has.

Hon TOM STEPHENS: On this occasion I will take up the invitation of the Leader of the Opposition and read an additional extract from the press release -

. . . the Pilbara Regional Council:

- i) welcomes the funding package and its goal to improve health, education, recreation, culture and Government housing facilities . . .

It is an extraordinary proposition from the Leader of the Opposition that he can be so selective. The President of the Roebourne Shire Council, as well as the Chairman of the Pilbara Regional Council, is singing the praises of the fund.

Hon Norman Moore interjected.

Hon TOM STEPHENS: Yes. He is the federal Labor candidate for Kalgoorlie. He is soon likely to beat your mate, is he not? The member is in strife. He is led by a national leader who has just won a gold medal for lying. I am talking about the Prime Minister of Australia.

The PRESIDENT: Order!

#### DESALINATION OPTIONS

##### **587. Hon MURRAY CRIDDLE to the Minister for Government Enterprises:**

I refer to the State Government's decision to establish a seawater desalination plant at Kwinana.

- (1) What ongoing budgetary provisions have been put in place to provide for the desalination plant?
- (2) If the Government is willing to consider seawater desalination at Kwinana, why did it not support a proposal from private enterprise to pipe desalinated sea water from Esperance to Kalgoorlie?
- (3) Why has the Government refused to consider large-scale desalination of ground water in regional Western Australia?
- (4) Has the minister calculated the cost of water supply alternatives such as catchment thinning; and, if so, why was the most expensive option to boost our water supplies chosen?

##### **Hon NICK GRIFFITHS replied:**

I thank the member for some notice of this question, which covers a number of issues. They are all important. Notwithstanding the length of the answer, I propose to read it.

- (1) The budgetary provisions put in place to provide for the desalination plant include the deferral of some capital works and the approval to increase borrowings to fund the construction of the plant. The Economic Regulation Authority will consider and recommend the most appropriate structure of cost recovery for a desalination plant as part of its current water pricing review. The Government will make a final decision on water pricing following the outcome of the ERA's report on the most appropriate structure of cost recovery for a desalination plant as part of the 2006-07 budget process.
- (2) The decision-making context for the two proposals is completely different. The proposal initiated by United Utilities Ltd with an estimated \$400 million price tag was to build a desalination plant in Esperance and pipe as much as 70 megalitres a day of fresh water across 440 kilometres to the goldfields. As part of the state water strategy, the Government reviewed the feasibility of an alternative freshwater supply to the goldfields industry. A group comprising representatives from the Office of Water Regulation, the Water Corporation and United Utilities was established to furnish the Government with advice on the viability of the scheme. The group addressed the key issue of future demand with 25 key stakeholders, including major mining companies and service providers to the resources industry. After ascertaining future demand and assessing the price users would pay for the water, the proposed project was rendered impracticable until increased demand or advances in technology reduced the per-kilolitre cost of providing alternative supplies. The group agreed that even under the most optimistic of scenarios, the project would prove viable only if taxpayers subsidised the scheme by between \$155 million and \$226 million over a 25-year period. The Government gave United Utilities extra time to present additional information, and the proposal was further appraised by Treasury for financial implications to the State. Potential customers identified as possible major users agreed that there is insufficient industry demand for a new freshwater supply. Further, no clear business benefits were identified in substituting hypersaline water with fresh water. This project can reach its potential when industry demand permits fresh water to be delivered at a price competitive with existing sources.
- (3) The use of regional ground water could not provide a 45-gigalitre benefit within the time frame required to secure the integrated water supply scheme.
- (4) The time required to gain regulatory approval and implement large-scale catchment management is not a feasible option in the immediate future and, therefore, is not a realistic alternative to the seawater desalination plant.

## PROPOSED AUGUSTA MARINA

**588. Hon BARRY HOUSE to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

- (1) Has the State Government actually committed any funds to the proposed Augusta marina, or has it merely raised the concept with the local shire and community?
- (2) As the current consultative process is most likely to indicate strong support for a marina to be located at Flat Rock rather than the "preferred" option of Flinders Bay, will the Government accept this verdict and urgently proceed with the project?
- (3) If funds have been committed, how much is available and when will construction begin?

**Hon KEN TRAVERS replied:**

I thank the member for some notice of this question.

- (1) No. The Government, through the Department for Planning and Infrastructure, has only been providing technical advice to the Shire of Augusta-Margaret River.
- (2) There is no current commitment on behalf of the Government to proceed with the project.
- (3) Not applicable.

## MINING IN LUDLOW STATE FOREST, CONSENT OF MINISTER

**589. Hon ROBIN CHAPPLE to the Minister for Agriculture, Forestry and Fisheries:**

With regard to the proposed mining in the Ludlow state forest on tenement M70/86 -

- (1) Has the minister been consulted and granted express consent to undertake mining operations on this tenement, as set out in section 24(6)(b) of the Mining Act 1978; and, if so, when was consent given?
- (2) Will the minister table written copies of any such consent?
- (3) If no to (2), why not?
- (4) Will the minister table copies of any terms or conditions issued with his consent, and advise what due diligence was carried out in issuing this consent?
- (5) If no to (4), why not?
- (6) If no to (1), will the minister specifically refuse his consent to mine on the grounds that the state forest in question is too valuable to be subject to mining?
- (7) If no to (6), why not?

**Hon KIM CHANCE replied:**

I thank Hon Robin Chapple for the question. I was a little surprised by the format of the question. It caused me to consult the Mining Act to provide an answer. I have read the parts of the Mining Act 1978 to which I believe the honourable member's question relates.

- (1)-(7) Section 24(6)(b) requires the minister to consult with and obtain the concurrence of the responsible minister. As an outcome of section 24(6)(a), the effect of paragraph (b) relates solely to matters arising from section 24(1)(d).

Hon Ken Travers: It sounds like legal advice to me.

Hon KIM CHANCE: It is legal advice; however, it is poor legal advice because I am providing it! I did get it checked. Section 24(1)(d) relates to land that is state forest or timber reserve within the meaning of the Conservation and Land Management Act 1984. I am not the Conservation and Land Management Act minister. The question, therefore, should be directed to the Minister for the Environment.

## GERALDTON SOUTHERN TRANSPORT CORRIDOR

**590. Hon DEE MARGETTS to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

With regard to the proposed Geraldton southern transport corridor -

- (1) What is the setback of the GSTC from the ocean?
- (2) What consultation with local community has been conducted since the project's inception to the current date? Please provide details of the consultative meetings and the focal issues raised.
- (3) What traffic volumes and loads were used to plan the GSTC?

- (4) Will the minister explain what level of protection will be given at pedestrian crossings according to the current design proposal?
- (5) What will be the speed limits of the road and rail along the GSTC?

**Hon KEN TRAVERS replied:**

I can answer parts (1) and (2) of the question. Unfortunately, I do not have answers to parts (3),(4) or (5). I thank the member for some notice of this question.

- (1) The actual setback of the Geraldton southern transport corridor from the ocean varies along its length. At its closest point - in the vicinity of Greys Beach - the setback is approximately 90 metres from the ocean-facing foredune.
- (2) Community consultation has been extensive. It commenced in 1998. I will table the attached summary which provides details of the consultation undertaken. Notes of the meetings are not available on short notice, but can be provided to the honourable member if required. I will certainly chase up the other three parts of the question.

[See paper No 2462.]

WORKCOVER WA, FINANCIAL DATA AND MR HARRY NEESHAM'S TERM AS CEO

**591. Hon JOHN FISCHER to the minister representing the Minister for Consumer and Employment Protection:**

- (1) Can the WorkCover WA financial data for 2004 be released before the Workers' Compensation (Common Law Proceedings) Bill is debated in the upper House?
- (2) Is it true that Harry Neesham will no longer be employed at WorkCover? If so, when will this take effect and what is the reason for -
- (a) his resignation;
  - (b) his redundancy;
  - (c) the non-renewal of his contract by the Government; or
  - (d) his termination?
- (3) Were personal or WorkCover performance-related issues involved in any of the alternative scenarios in (2)? If so, what were they?
- (4) Was a termination payout or any payout or settlement involved in relation to any part of (2)? If so, can the minister quantify the benefits or emoluments, whether monetary or otherwise? If any payment or settlement was made of any nature, is Mr Neesham prevented by a confidentiality clause, agreement, stipulation, understanding or expectation from speaking publicly about the circumstances and particulars of such a payout or settlement?
- (5) (a) Are continuing discussions or negotiations involved in any of the matters referred to in (2) to (4)? If so, can the minister describe the nature and extent of those?
- (b) Who will be his replacement and has the vacancy been advertised? If the vacancy was advertised, when and where were such advertisements placed?

**Hon NICK GRIFFITHS replied:**

I thank the member for some notice of this question.

The Minister for Consumer and Employment Protection has provided the following response -

- (1) The WorkCover financial data for 2003-04 is currently being audited by the Office of the Auditor General and is not available until an audit opinion has been received and presented to the Workers' Compensation and Rehabilitation Commission for inclusion in WorkCover's annual report. Owing to the anticipated timing of the Legislative Council debate on the Workers' Compensation (Common Law Proceedings) Bill 2004, the data is unlikely to be available prior to this date.
- (2) Yes, Mr Harry Neesham's term as CEO expired on 4 July 2004. He agreed to continue in that position until 10 August 2004.
- (3) No.
- (4) In accordance with the provisions of section 48(3)(b) of the Public Sector Management Act 1994, headed "Procedure before expiry of contract of employment, or removal from office, of chief executive officer", Mr Neesham was entitled to payment of 12 weeks remuneration. He is not prevented from speaking publicly in relation to this payment.

- (5) (a) No.
- (b) The vacancy will be advertised as soon as necessary recruitment processes are finalised. In the interim, Ms Diane Munrowd is acting CEO of WorkCover.

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO 1036/33

**592. Hon GEORGE CASH to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to metropolitan region scheme proposed amendment No 1036/33, Gngangara mound ground water protection, and draft statement of planning policy No 2.2.

- (1) Have submissions been received from the owners of lots 11, 14, 16 and 17 Lakefarm Retreat and from other landowners in the immediate area opposing the inclusion of this land in the scheme amendment on the basis that any change in water protection should be to priority 3 source protection area and that the zoning should remain as general rural as previously intended?
- (2) Given that the ground water flows in a south westerly direction away from the Gngangara water mound, will the minister ensure that these landowners are not deleteriously affected by amendment No 1036/33?
- (3) What other action is the minister able to take to ensure that there is no diminution in the type of agricultural pursuits that can be undertaken on this land as a consequence of metropolitan region scheme proposed amendment No 1036/33?

**Hon KEN TRAVERS replied:**

I thank the member for some notice of this question.

I am advised -

- (1) Yes, submissions were received during the public consultation period.
- (2) The metropolitan region scheme amendment has been initiated to protect the underground public drinking water supply through assigning various levels of priority protection consistent with those assigned throughout the metropolitan area. All submissions received during the public consultation period, including the issue of the direction of the ground water flow, are currently being considered by a Hearings Committee. Following consideration of the submissions, the Hearings Committee will make recommendations to the Western Australian Planning Commission on the amendment, which may include modifications to the amendment to address issues raised in the public submissions. The amendment and recommendations will then be presented to the minister for endorsement.
- (3) The amendment will not affect the right of landowners to carry out existing approved land uses in accordance with the local town planning scheme and the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 by-laws controlling the underground water protection control area. The amendment will allow for the continued operation of these rural pursuits in a sustainable manner that ensures the protection of the State's public drinking water supply.

CONTAMINATED SITES ACT, PROCLAMATION

**593. Hon JIM SCOTT to the minister representing the Minister for the Environment:**

- (1) Has the Contaminated Sites Act come into effect yet?
- (2) If yes, when did this occur?
- (3) If no, why not?
- (4) Have the regulations for the Contaminated Sites Act been gazetted?
- (5) If yes, when did this occur?
- (6) If no, why not?

**Hon TOM STEPHENS replied:**

The Minister for the Environment provides the following reply -

- (1) No.
- (2) Not applicable.
- (3) Before the Contaminated Sites Act 2003 can be proclaimed, supporting regulations will need to be gazetted. The contaminated sites regulations are currently being drafted by parliamentary counsel and the Department of Environment and are expected to be released in draft form for public comment within the next few weeks. After the closure of the public comment period, the regulations will be finalised and then gazetted.

- (4) No; see answer to (3).
- (5) Not applicable.
- (6) See answer to (3).

How pleasant it is to have a nicely positioned question such as that from Hon Jim Scott. He is such an even-tempered man.

#### EDUCATION, SECTION 240 ORDERS, NUMBER SERVED

**594. Hon SIMON O'BRIEN to the parliamentary secretary representing the Minister for Education and Training:**

I refer to section 240 of the School Education Act 1999, which provides for an employee of the Department of Education and Training to be given an order in writing to leave school premises and remain away if the chief executive officer suspects that the employee is guilty of an act or omission against section 80 of the Public Sector Management Act and the continued presence of the person on school premises constitutes a risk to the safety or welfare of students.

- (1) How many section 240 orders have been served this year?
- (2) In each case, what were the circumstances or other considerations that created a suspicion that any student's safety or welfare was at risk?

**Hon GRAHAM GIFFARD replied:**

I thank the member for some notice of this question.

The minister has provided an answer in the following terms -

- (1) Seven section 240 orders have been served this year. It should be noted that employees are removed from student contact as a matter of procedure as soon as a serious complaint is made. This action is taken prior to any investigation or any establishment of guilt or innocence.
- (2) One order was served for an alleged sexual relationship between a member of staff and a student, one for alleged ongoing humiliation of students, two for alleged inappropriate sexual behaviour towards students, and three for alleged physical assault against students.

#### "BRINGING THEM HOME" REPORT, IMPLEMENTATION OF RECOMMENDATIONS

**595. Hon GIZ WATSON to the minister representing the Minister for Indigenous Affairs:**

This question relates to the implementation of recommendations from the "Bringing them home" report.

- (1) Which recommendations from the report that are the responsibility of the State Government have been implemented to date?
- (2) How much funding has been allocated in the 2004-05 budget to implement recommendations of the report?
- (3) How has the minister involved members of the stolen generations in the implementation of the recommendations of the "Bringing them home" report?

**Hon TOM STEPHENS replied:**

I regret to say that I do not have the answer to that question with me. I have not seen it. If it emerges in the next two minutes, I will provide the answer.

#### FOSTER CARERS, NUMBER AND SUBSIDIES

**596. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth:**

- (1) Will the minister provide the details of the subsidies provided to foster families?
- (2) Have all foster carers now received the 30 per cent increase promised from January 2004?
- (3) Will the minister inform the Parliament of the number of foster carers in Western Australia?
- (4) Will the minister inform the Parliament of the number of children in foster care in Western Australia?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. The answer is quite lengthy. I seek leave to have the answer tabled and incorporated into *Hansard*.

Leave granted.

The following material was incorporated -

(i)

**Subsidy Rates at 30 June 2004**

<b>SUBSIDY PAID FORTNIGHTLY</b>	<b>Per fortnight</b>	<b>Per day</b>
SUBSIDY 0-6 YEARS	\$180.00	\$12.86
SUBSIDY 7-12 YEARS	\$226.00	\$16.14
SUBSIDY 13-18 YEARS	\$272.00	\$19.43
SUBSIDY 0-6 YEARS - RESPITE CARE	\$239.40	\$17.10
SUBSIDY 7-12 YEARS - RESPITE CARE	\$300.58	\$21.47
SUBSIDY 13-18 YEARS - RESPITE CARE	\$361.76	\$25.84
SUBSIDY ONE-TO-ONE PROGRAM	\$612.00	\$43.71
<b>POCKET MONEY PAID FORTNIGHTLY</b>	<b>Per fortnight</b>	
POCKET MONEY 6-12 YEARS	\$8	
POCKET MONEY 13-15 YEARS	\$20	
POCKET MONEY 16-18 YEARS	\$26	
<b>CLOTHING ALLOWANCE</b>	<b>Every 4 months</b>	<b>Per Annum</b>
<b>PAID 3 TIMES PER YEAR</b>		
CLOTHING ALLOWANCE 0-5 YEARS	\$178.81	\$536.43
CLOTHING ALLOWANCE 6-12 YEARS	\$235.28	\$705.84
CLOTHING ALLOWANCE 13-18 YEARS	\$400.00	\$1,200.00

(ii) The 30 per cent increase to the basic subsidy rate was awarded at 10 per cent per year over a three-year period. The first increase of 10 per cent was paid to all foster carers on 1 January 2004, with further increases of 10% scheduled for 1 January 2005 and 1 January 2006.

(iii) At 30 June 2004 there were 1,122 foster departmentally registered foster families.

(iv) At 30 June 2004 there were 1,202 children in departmental foster care and 141 children in funded external foster care services.

## MICKELBERG JUDGMENT

**597. Hon DERRICK TOMLINSON to the minister representing the Attorney General:**

I refer to Mickelberg v Queen [2004] WASCA 145, files CCA 136 of 2004 and CCA 137 of 2004. In the light of opinions expressed in the above judgment by Mr Justice Steytler, and concurred with by Chief Justice Malcolm, about the credibility of police evidence in the trials and subsequent appeals of Raymond and Peter Mickelberg, what action has the Attorney General taken, or will the Attorney General take, to ensure that the following former or currently serving police officers are brought before juries on charges relevant to their apparently fabricated evidence - William Round; John Gillespie; Andrew Tovey; James Allen; Ljiliana Cvijic; Henry Hooft; Frank Bower; Kenneth Henning; Robert Kucera?

**Hon NICK GRIFFITHS replied:**

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

Whether any changes will flow from the findings of the Court of Criminal Appeal is a matter for the Director of Public Prosecutions.

Hon Derrick Tomlinson: I have a letter from the Director of Public Prosecutions. Shall I read it and put it on the record? He will not pursue it without direction from other authority - that is, one of the ministers. Which one? The Attorney General.

The PRESIDENT: Order, members! We seem to have entered a debating period.

**CIVIL LIABILITY AMENDMENT BILL 2004***Second Reading*

Resumed from an earlier stage of the sitting.

**HON PETER FOSS** (East Metropolitan) [5.03 pm]: I can see the eager anticipation with which my further contribution is welcomed. Before the break I had raised one point that deals with the fact that the first thing that is done is that the Friern Barnet test is substituted for the High Court test. I think it is a far better one. I have asked what is the consequence of what standard applies in the exceptions under proposed subsection (2), because it reads -

Subsection (1) does not apply to an act or omission of a health professional in relation to informing a person of a risk of injury or death associated with -

Does that mean we will have two sets of standards of liability, the High Court test so far as these are concerned and the Friern Barnet test so far as everything else is concerned? I think it is a very strange thing to do. Why would one want to do that? Why would one want to deal with the risk of liability of a medical professional and then leave one area open, because insurance is all about risk, not certainty? Once the risk is left there, it must be catered for not only in the policies of those people involved in gynaecology and obstetrics but in the whole profession because that is the way in which insurance works. It does not estimate the risk of one person alone. It works by spreading that risk across a whole profession and often from profession to profession.

I can remember as a lawyer finding that we had a big increase in our personal risk insurance when a few engineering disasters happened in the United States of America, one of which was a big walkway that went over and fell down. Instantly lawyers' PR insurance went up because, of course, the same insurers were underwriting professional indemnity all round. One of the problems has been that the medical profession has been one of the causes of the increases in PR insurance for everybody. One of the major areas for that is again the area of obstetrics and gynaecology, yet we leave that area with this High Court test. I think the biggest problem with the High Court test is that it has been so open. I think this has been the criticism that most people have made of all High Court tests. They may sound wonderful academically and intellectually, but for a legal adviser saying what the result of them will be, they are hopeless because one cannot tell. That is why I have approved, generally speaking, this one and the previous amendment to the Civil Liability Amendment Bill because it addresses that very problem of the lack of certainty in itself costing money.

Risk must be allowed for by insurers. It is much easier to insure something when people know with certainty where they stand, even if it means that they are pretty certain to be up for a large amount of money, than it is not to know whether they are up for it or not because they must allow for the fact that they will be up for it. It seems to me the wonderful return to the Friern Barnet test, which I must confess has been slightly ignored by the courts even before the High Court started to ignore it. I think it was one of those cases that used to get stated in a judgment and then promptly ignored by the judges. Time and time again one would see judgments and wonder how they got past the Friern Barnet test. This was well before the High Court made any statement on professional liability. One would wonder what happened to that test. In fact, I think we even talked in the committee of which Hon Nick Griffiths and I were members about having medical assessors to try to get some feel for what was the proper standard. I still think it is a good idea. The recommendation that came out of that committee for medical assessors in matters of medical negligence is a good one. I would certainly like to see it as part of the amendment to the Supreme Court provisions, allowing it to be part of any matter when a person is sued for medical negligence. We said that regardless of whether it was a medical practitioner or some other health professional. That again brings me back to the point I raised earlier. Why does the health profession lend itself to that? I will be suggesting an amendment to broaden it to any health discipline or profession whether or not it be registered.

Notwithstanding that concern about proposed subsection (1), I would like to hear the minister's justification for this exception and what he thinks the real effect of it will be so far as insurance premiums are concerned. I do not see any point in our making this change if we are not to bring that sort of certainty to the law. I believe that people are entitled to certainty in the law. Nothing is more frustrating for a lawyer than when somebody comes along and asks what his chances are, and the lawyer must say that he does not know because the law is now so vague that it is really post hoc. The post hoc is obviously post appeal to the High Court. One of the reasons the cost of litigation is going up is that we cannot stop people going to the High Court because they always have a chance there because we never know when the High Court will change its mind about something. Although there are cases in which it is pretty obvious, nonetheless people persist, I have noticed. I believe it would be unfortunate if we did not give that area certainty.

Proportionate liability was again a recommendation of that committee. There has been a change in the definition of an apportionable claim. It might be easier, rather than relying on what I have, to hand over a copy of the how the Act will read when amended. I have found it.

Hon Nick Griffiths: Eureka!

Hon PETER FOSS: Eureka. No. I have page 49 with me, which reads "in this part a proportional claim means", but I do not have page 50! I refer to the Civil Liability Act, but I need the schedule, which is missing for some reason. Somebody very kindly pasted up my version of the Act to indicate how it will read after amendment, but it does not tell me its current state. Proposed new section 5AI(1) in the Bill reads -

- (a) a claim for economic loss or damage to property in an action for damages (whether in contract, tort or otherwise) arising from a failure to take reasonable care (but not including any claim arising out of personal injury); or
- (b) a claim for economic loss or damage to property in an action for damages under the *Fair Trading Act 1987* for a contravention of section 10 of that Act;

It is limited to non-personal injury damages. There are reasons for that. Although I am not totally happy with those reasons, the difficulty is that problems will still exist as far as personal damages are concerned. One can see the emotional reason for doing this: we do not like to leave people with a useless remedy because when they receive a judgment against a man of straw, they cannot recover. We will still have the business of chasing the person with deep pockets, rather than the person who is necessarily the one most to blame. That policy has been followed until now.

Some of the changes are fairly small. I am surprised it is done completely by way of deletion and substitution, as some could have been achieved by amendment. People will need a copy of all these measures because the provisions will apply at different dates. Until the changes work their way through, people must have a copy of the first amendment and then the second amendment to understand the situation. They must look at them all. It will be a nightmare for anyone to consider how the law will apply at any time. However, that is the way it has been sought to be done.

The other change to section 5AI(1) is to delete the words "acts or omission" and replace "act or omission". That is not a large change. There is a fairly big expansion of proposed section 5AJ and the adding of a number of clauses to deal with consequential effects of that apportionment. In particular, proposed section 5AJA deals with concurrent wrongdoers not having the benefit of apportionment. It reads -

Nothing in this Part operates to limit the liability of a concurrent wrongdoer (an "**excluded concurrent wrongdoer**") in proceedings involving an apportionable claim if -

- (a) the concurrent wrongdoer intended to cause the economic loss or damage to property that is the subject of the claim;

If people intentionally cause damage, they will not benefit from the fact that someone else was affected by it. That is a fair change. Nobody involved in intentional damage should benefit. The nasty consequence that will show eventually is that many people will spend a lot of time trying to show some intention on the part of a concurrent wrongdoer who happens to have deep pockets. An unfortunate part of our system is that people feel compelled to do that to ensure that clients receive money. There will be constructive intentions and other legal arguments. That is not the grounds for not making the change.

Some information is to be supplied to ensure that concurrent wrongdoers are informed. It is good to ensure that all matters are dealt with at one time.

Overall, this is a very good Bill. I will move an amendment to pick up other non-registered professions. It is a difficult definition to make, but it is important. I would hate to see alternative therapies omitted from this Bill, especially as they would be highlighted by omission in terms of professional indemnity from other health professionals protected by this measure. These professions are protected, one hopes, because they have a higher potential to harm. Under the mutual recognition laws to which we have agreed, the basis of agreement between the States and the Commonwealth was that one would register a trade, occupation or profession when necessary to do so to protect the public. It is not provided to protect the profession. Most people in Australia take that view about public protection regarding hairdressing, but it is not the case in Western Australia.

Hon Nick Griffiths: We're a very progressive State!

Hon PETER FOSS: That is a word, but not necessarily the one I would have chosen. WA is a different State from others, and I certainly defend our right to be different.

I would hate to think the more genuine health professions that have not been regulated because their methods do not pose potential harm to their patients could possibly have a higher exposure to professional indemnity insurance because they have a higher test. When members think about it, what is the logic? It would mean that two sets of laws would be needed to sit alongside each other depending on the kind of health profession involved. From the point of view of legal administration, it seems stupid. If it is regarded as good law, it should apply to all people involved in the health industry, regardless of whether they have registration. I understand that everybody in Australia is making this change. One little corner will have a different set of laws developed in respect of non-registered health professionals. I would like to go a little further. I propose to add an amendment that defines these professions. We could even change "means" to "includes"; therefore, health professionals could have the ordinary meaning of that term and we could leave it to the courts to decide how broadly it should be applied. There is something to be said for that approach rather than inserting another definition. Nevertheless, I put forward a definition. I would like the Government to consider it as an alternative to insert "includes" and leave it for the courts to decide. It is often a better way of going than trying to prescribe matters ourselves. It would then be a matter of factual inquiry regarding whether a person belongs to a health profession. "Profession" is a well-known term. It hardly needs to be defined in an Act.

Hon Nick Griffiths: None of these are professions.

Hon PETER FOSS: Them's fighting words! I do not say that at all.

Hon Nick Griffiths: They were not at one time.

Hon PETER FOSS: I would say that all these outlined are professions.

Hon Nick Griffiths: As a matter of tradition.

Hon PETER FOSS: Yes, but the way in which they practise is professional. Some of the characteristics of a health professional are clearly discerned in each of these provisions under the definition of “health professional” in the Bill. The word “professional” is not a difficult word to understand, and “health” is not a hard word to understand either; therefore, perhaps we do not need to define the words “health professional”. I would be quite happy for the definition of “health professional” in proposed section 5PA to read “health professional includes any of the following”, which would then make it an inclusive definition rather than an exclusive definition. Alternatively, I have a proposed wording, which I have not brought into the Chamber, that tries to define the words “health profession”, which, in some ways, is less desirable but may be more acceptable to the Government. As far as the Government is concerned, I am quite happy to hear its comments on both my suggestions; that is, whether we change from using the word “means” to using the word “includes” or whether we refer to a proposed paragraph (m), which would be a compendium, and rack them all in type of clause. Either way, I would like the legislation to pick up people such as naturopaths, homeopaths, traditional Chinese medicine practitioners and others of that nature who have become a very important part of the delivery of health in this State and around the world, and who have, in many cases, led the way in suggesting new therapies that the medical profession has later tested and found to work. Those people are to be commended for the fact that they have persisted for so long, often in the face of scepticism, and have been able to deliver to the people of Western Australia and those around the world a reasonable health alternative, especially to those who are not entirely happy with some of the other health professionals around.

We will be supporting the amendments, and I ask the Government to give some consideration to my suggestions.

**HON DEE MARGETTS** (Agricultural) [5.23 pm]: The measure of a Civil Liability Amendment Bill tends to be how vigorously one is lobbied by the sectors involved in that legislation. This is one of those civil liability pieces of legislation about which there has not been a great deal of lobbying one way or the other -

Hon Peter Foss: Curiously.

Hon DEE MARGETTS: Yes. From a parliamentarian’s point of view, our job is to check two main areas in this regard. The reason that Governments at a federal and state level have felt the necessity to change aspects of civil liability legislation has been the enormous changes to public liability premiums. For parliamentarians that cannot be the prime measure of whether a Bill like this is acceptable. I would like to pose, as my second reading contribution, some questions to which I am hoping the minister will provide a response in his second reading reply. What is expected to be the impact on patients as a result of these changes? Is it expected to be a neutral or a positive impact; and, if it is not positive, what are the potential impacts that this legislation may have?

Hon Paddy Embry: Why would there be any changes?

Hon DEE MARGETTS: One can only assume that if we change the civil liability legislation and the legal liability of the medical profession, it can impact on the way in which the medical profession operates. We are told that the current civil liability situation is negatively impacting upon the medical profession. However, we are also advised, often by plaintiff lawyers, that significant changes to the civil liability regime may have negative impacts on patients because the pressure, perhaps, is taken off medical professions and the level of care that they need to provide in a range of circumstances.

Hon Paddy Embry: I thought it was there to help them practise.

Hon DEE MARGETTS: It may help medical professionals. However, there are two sides to that. Yes, it is true that if we do not have doctors who are prepared to practise it will not help the patient. We need to attain a very difficult balancing act. It is not the main reason we should do it, but the question continues to be raised: are there any guarantees that any changes or further changes to this particular aspect of civil liability will reduce the premiums for medical professionals? That has been one area of considerable concern over a range of changes. Sometimes, at best, we have achieved through legislation a reduction in the increase of premiums, and still a range of medical professionals are leaving or threatening to leave the profession. This is a difficult problem, especially in regional Western Australia. As access in those areas to medical professionals and specialists becomes unavailable, the risks to the health of those people increases if they cannot access the professionals in other ways. It is a difficult balance. Will this legislation provide better community access to a higher standard of care? What risks are inherent in our passing or not passing this legislation? What kind of follow-up will there be on this and what will be the accumulative impact of changes to the civil liability legislation? Finally, are there any ways in which the State Government can put pressure on the providers of public liability insurance to make sure that such changes to the legislation result in more reasonable premiums for medical professionals? With those questions in mind, the Greens (WA) will be listening to the minister’s response.

Debate adjourned, on motion by Hon Nick Griffiths (Minister for Housing and Works).

### **TOM PRICE TO KARRATHA ROAD**

#### *Statement*

**HON NORMAN MOORE** (Mining and Pastoral - Leader of the Opposition) [5.28 pm]: Earlier today in question time I raised a question about the road from Tom Price to Karratha. I make the point that it is important that ministers tell the truth when they give answers in this House. I asked whether the Government promised to build a road in its first

term of office, and whether the member for Burrup gave an undertaking that he would resign if that did not happen. The Premier refused to comment on whether the member for Burrup would resign, and the absence of any comment or any defence of the member for Burrup demonstrates clearly that the Premier believes that that commitment was indeed made by the member for Burrup. The Premier's answer, given by the Leader of the House, referred to the Gallop Government's "getting transport back on track" policy that states -

allocate \$100 million over four years to -

Hon Tom Stephens interjected.

The PRESIDENT: Order! The minister will come to order.

Hon NORMAN MOORE: The Labor Party's policy, which is referred to in the Leader of the House's answer, stated that it would -

allocate \$100 million over four years to proceed with the construction of the road between Karratha and Tom Price;

The minister suggested in his answer that that was the total commitment of the Labor Party at the last election. The Labor Party's promises for the seat of Burrup were written in a Labor Party document called "working for Burrup", which states -

Labor's key initiatives for Burrup are:

- \$100 million for the construction of the Tom Price to Karratha Road. Despite the Court Government's promises at the last election, construction will not begin until 2008/9. Labor will construct this road in the first term of government . . .

I will repeat that for the sake of the dopey minister who has left the House again after shooting off his mouth, as he does from time to time. The ALP document states -

Labor will construct this road in the first term of government . . .

That was the commitment the Labor Party gave to the people of the Burrup before the last election. The member for the Burrup repeated that commitment and said he would resign if that did not happen. I again repeat the words in that document -

Labor will construct this road in the first term of government . . .

That is not a commitment that the Labor Party would allocate \$100 million over five, six or seven years; it said it would construct the road in four years. The Labor Party has broken that promise and the member for Burrup should resign. That is the situation. The member should resign. The commitment was given in black and white. The Premier has sought to avoid the fact that that commitment was made. He issued a press release recently to inform the public that he had allocated another \$80 million to that road and that the Labor Party has therefore fulfilled its commitment. The Premier cannot read if he thinks that that allocation fulfilled the commitment it gave during the last election. The Labor Party's document says that the Labor Party would construct that road in its first term of government. Does that mean it would allocate \$80 million over five or six years? Of course it does not. I am sick to death of the half truths and misrepresentation of positions ministers give when answering questions in this Chamber. The situation is that the member for Burrup gave a clear commitment in a television commercial that he made himself and paid to be shown on television. Before the last election he said that he would stand down if the road was not built in the first term of a Labor Government. That is what he said, and he should stand down.

The second question I asked today and for which I did not get an answer from the Minister for Local Government - who, by the way he is currently performing, I assume wants to become the mayor of Port Hedland - was about the cool reception the Pilbara regional council gave to the Pilbara fund.

Hon John Fischer: Who wants to inflict him on us as the mayor of Port Hedland?

Hon NORMAN MOORE: By the way the minister is interfering in the business of the Town of Port Hedland, one would think that that is what he wants to be. If he wants to run the Town of Port Hedland, he ought to run for the position of mayor. I raised some issues in my question today as a result of a press release issued by the Pilbara Regional Council last week. I asked the question in all sincerity. I asked whether the Government would repackage the \$20 million fund because the councils did not like it. Will the Government redirect the funds to the areas that the councils consider to be most in need of funds? The minister tried to give the impression that Mr Richards, the shire president of Roebourne, was enamoured with the package. By the way, Mr Richards is the Labor candidate for the federal seat of Kalgoorlie. I will tell members what he said in a press release rather than what he said verbally to Hon Tom Stephens when the announcement was made. Mr Richards said -

Council Chairman and Roebourne Shire President Kevin Richards said that the Fund, to be spread over four years, was worthwhile but did not tackle the fundamental problem of the continued financial viability of Pilbara councils.

The Council had resolved that the Fund was not a response by the State Government to the case for compensation submitted by the Council in April 2004 and that it did not address the issues of financial sustainability faced by Pilbara local governments.

...

Cr Richards said that the Regional Council welcomed the Government's recognition that Pilbara communities needed to be properly equipped to meet increasing pressures on existing community facilities and services.

Mr Richards is quoted as saying -

However, it has been made clear to us that the \$20 million package to be spent over the next 4 years is mainly aimed at improving State Government facilities and services . . .

That is not effusive support for the Government's package; it is a cool reception, which is stated at the top of the press release. The second person to make a comment in this press release is not known as a great Liberal Party supporter either. I refer to the now mayor of Port Hedland.

Hon Tom Stephens: I hold him in very high regard.

Hon NORMAN MOORE: I like him too, but he never voted for me. He votes for the Labor Party. The press release states -

Town of Port Hedland Mayor Bob Neville said that the Gallop Government did not seem to understand that Pilbara councils are struggling financially to operate and maintain existing community facilities.

This is one of the Labor Party's mates. The mayor is reported to have said -

Advice from Minister for the Pilbara Tom Stephens is that the priority for spending will be Government housing, health, education and community safety . . .

Cr Neville acknowledged that these were worthwhile although long overdue investments towards improving service delivery by State agencies in the Pilbara.

The mayor said -

However, the fund will clearly not enable Pilbara councils to upgrade and maintain the recreation and civic facilities, libraries, drains, streets and footpaths required to support the amenity expectations of today's professional workforces . . .

...

Unfortunately, I cannot see that Pilbara local governments have a great deal to directly gain from the Fund.

I asked the minister a simple question today: in view of the fact that the councils are not enthusiastic about the minister's package, would he redirect the funds towards the issues that Councillor Neville has listed rather -

Hon Tom Stephens: And you would not let me answer it.

Hon NORMAN MOORE: The minister did not even try to answer the question.

I continue, rather than simply get up and shoot off his mouth and tell me and the House -

Hon Tom Stephens: I will tell you now.

Hon NORMAN MOORE: The minister will get his chance. I have two minutes left and I will use every minute of it. The Minister for Local Government and Regional Development tried to tell the House today, in the same misleading way that the Leader of the House misled me in respect of the Premier's answer to a question about the Tom Price cul-de-sac -

Hon Tom Stephens: The Prime Minister has won a gold medal for lying and you get the silver medal.

Hon NORMAN MOORE: The Minister for Local Government and Regional Development sought to give the impression that the Government's package was welcome and that the Pilbara councils considered it to be a good package. I have just proved to him that that is not correct at all. The minister should have gone to the last Pilbara regional council meeting. The minister says that people do not know me; the biggest problem the minister has is that people do know him. It would have been better if the minister had gone to the meeting instead of sending Ian Taylor. After he had finished his speech, I told him that he had been out of politics for too long. He told the councillors to either like it or lump it. He said that he was there to tell them about the Government's good package. He inferred that nobody else in the world had ever received that much money - \$20 million - and that they should love it. The councillors said that they did not like the package and told him that the Government should be spending money on the things contained in the package because they are the State Government's responsibility, not the local councils' responsibility.

Hon Tom Stephens said that the money would be spent on health, education, law and order and houses. They are the things that are the State Government's responsibility anyway. The councils want some help to do the things that they do. Has the minister not worked that out yet? Mr Taylor has not worked that out, and the councillors told him. He said it was their bad luck and that they should like it or lump it. He said that they should not go back to him and whinge afterwards if they did not get what they wanted. That is what he said. I was there and heard it.

Hon Tom Stephens: You are going deaf as well.

Hon NORMAN MOORE: I could not believe my ears. I thought it was manna from heaven. The Minister for Pilbara spends all his waking days, hours and minutes trying to upset everybody in the Pilbara. I said a while ago that the minister would be lucky to come fifth at the next election.

### **PLASTIC BAG FAMINE WEEKEND**

#### *Statement*

**HON ROBIN CHAPPLE** (Mining and Pastoral) [5.37 pm]: The weekend of 21 and 22 August is Plastic Bag Famine weekend. This initiative is being supported nationally by the National Science Week, Planet Ark and the federal Minister for Science, Hon Peter McGauran, who has likened the proliferation of plastic bags to the current proliferation of nuclear waste. He has helped launch the 48-hour Plastic Bag Famine outside Parliament House in Canberra. As members would be well aware, plastic bag rubbish around the Pilbara is a significant problem. With that in mind, the Hedland Senior High School has produced a calico bag.

Hon John Fischer: Is that made from cotton?

Hon ROBIN CHAPPLE: It is made from calico. The students from the high school wrote a letter that states -

Our bag

The idea for our Pilbara Bag was inspired by our concern for our beautiful and fragile environment. The colours and design represent the rugged landscape of our unique region. Your ownership of our Pilbara Bag reflects your own concern for our world and as the youth of the Pilbara we sincerely thank you.

With that in mind, I will present each member of the House with one of the Hedland Senior High School bags tomorrow morning. I hope that every member will sign up to the federally supported Plastic Bag Famine this weekend.

### **COTTON AGREEMENT, MEMORANDUM OF UNDERSTANDING**

#### *Statement*

**HON JOHN FISCHER** (Mining and Pastoral) [5.39 pm]: I will make some remarks about the Government's non-signing of the memorandum of understanding on the cotton agreement. I received an e-mail from an Andy Chapman of Environs Kimberley, which states -

We all had a big laugh reading your poetic press release at our celebration drinks.

EK might be "irresponsible" or "reprehensible", but WE WON!

The KLC might be "moribund" and "dysfunctional" but THEY WON!

To all the 70's mindset politicians who would laser level the pindan.

YOU LOST

I must admit that I accept that with reasonably good humour. When I sat down and started to think about it, I thought that the answer Andy really deserves and what I would like to say to him is that he is wrong and he is a mug. I did not lose anything. The people who lost are the Aboriginals in the Kimberley who lost the chance to build a lifestyle. Other losers are the Department for Community Development and all the other government departments that try to maintain a social issue in the country towns. The other losers are the people who understand what it takes to build an economy for their country. Andy can probably stick another ring through his nose and sit under a tree while contemplating the meaning of life. The reality is that if our State and, more importantly, our people are to prosper, we must have a Government with vision and initiatives. Unfortunately, this Government exhibits neither of those qualities. I express my very serious concern about the Government's recent announcement involving the cotton industry in the west Kimberley. I must say that when I heard Clive Brown's decision to not sign the MOU with Western Agricultural Industries, I thought I had gone back in a time warp and revisited Mauds Landing all over again. The decision highlights the reaction of a gutless Government that has capitulated to a non-elected and largely unrepresentative group for the sake of short-term electoral gain. Obviously, the Government took no notice whatsoever of the survey that was recently authorised in the Broome Mall in which 90 per cent of people surveyed supported the continuation of the feasibility study. The environmental, economic, social and employment advantages have been put to this House by none other than the Leader of the House, the Minister for Agriculture, Forestry and Fisheries. Indeed, he spoke of the advantages in this House and has been backed publicly at regional meetings by competent officers of the Western

Australian Department of Agriculture. I have been advised that the meeting at Fitzroy Crossing was regarded as a huge success. Despite that, the Labor Party Cabinet - I presume it was the Cabinet that overrode the Minister for Agriculture, Forestry and Fisheries otherwise he deserves a gold Oscar for hypocrisy - overrode the only member of the Government who has any idea at all about agriculture. The Government has cravenly kowtowed to an unelected bunch of left-wing activists including Environs Kimberley and the Kimberley Land Council, which represents a dwindling minority in the Kimberley. I want to know how this Government and the Kimberley Land Council will explain to Aboriginal people in generations to come why it denied them the chance of true and meaningful employment, the opportunity to resurrect their lifestyle from the welfare dependency that is killing them and how they stopped their children from being able to compete in this advancing world because they chose to play grubby party politics for their own gain. They have placed that above the future of the children. As has been stated by the Minister for Agriculture, Forestry and Fisheries in this House, the cotton project was expected to occupy 200 000 hectares at most. It would have created up to 5 000 jobs. Environs Kimberley is using the excuse of saving the bilbies and the ecology. I will put that into perspective. There are 146 000 square kilometres of land burnt in the Kimberley every year. Those figures are from the Fire and Emergency Services Authority of Western Australia. The Pindan country that is looked at for cotton production is minuscule compared with that - a maximum of 200 000 hectares against 14.67 million hectares burnt every year. As has been mentioned, the other advantages from the project would have included the revitalisation of the cattle industry. Cotton is a premium source of protein in feed lotting and it could lead to the re-establishment of a valuable abattoir in the Kimberley. In Europe, farmers import cotton bulk to improve the protein levels required for both cattle fattening and the dairy industry. The fact that this Labor Government should replicate its warped Mauds Landing thinking and cut the program after a private company has expended \$7 million and is within two years of completing its feasibility study shows how unreliable the Government is.

For the member for Kimberley, Carol Martin, to speak against the study is no surprise because her role is merely that of a Kimberley Land Council mouthpiece. To say that the project should not be considered until stage 2 of the Ord River irrigation area has been developed is a clear case of ignorance and hypocrisy. Does Ms Martin not understand that it is the totally unrealistic claims by the Greens to allocate over 50 per cent of the Ord River's water to the ocean that has caused severe concern about the long-term viability of the region? It is the lack of a second viable crop to supplement the sugar industry that has caused further concern. The very same people who have objected to stage 2 of the Ord scheme are now culpable for the Government's gutless backdown on the completion of the feasibility study in the west Kimberley. For Ms Martin to publicly support two-gene cotton on the Ord but campaign against the feasibility study in the west Kimberley says more to explain her position than anything else. Does she not think that good, honest and reliable employment - perhaps up to 1 000 jobs for Derby - would not totally revitalise the town and the region?

The Minister for Agriculture, Forestry and Fisheries does not appear to swing enough power in his own Labor Cabinet to support a project that he has commended in this House. That makes me think that the issue has been evaluated to do nothing more than appease the left-wing malcontents and Greens and gain votes at the expense of the electorate. It will not pass the attention of voters that the Government used retiring minister Clive Brown to deliver the setback to the Kimberley. It is merely another attempt at appeasement. The reality is that the completion of the feasibility study is far too important for a weak and self-serving Government to sweep under the table. I hope there is an opportunity in the near future or through a change of Government for sensible debate on this issue so that the northern region of this State can go ahead economically and benefit the people who live there.

## **PILBARA FUND**

### *Statement*

**HON TOM STEPHENS** (Mining and Pastoral - Minister for Local Government and Regional Development) [5.48 pm]: I will speak about the Pilbara fund. It will become an additional response on the part of this State Government to the people of the Pilbara. It is not the only response nor is it the final response to all of the issues that have been canvassed in the community about the challenges that face us all in this State, particularly that region. The region is experiencing huge and extraordinary growth. Industry is facing enormous pressure to produce resources for China. The end result is that the State Government, in collaboration with the local and federal Governments, needs to find additional ways to respond to all those challenges. We are set to work on more than \$300 million worth of capital works for the Pilbara region that were announced in the budget and subsequently. As well, we have established the regional investment fund, which provides great opportunities for local government. We have been able to draw on that fund to assist the Port Hedland and Roebourne enhancement schemes. It is pleasing to note that some applications came through from the Town of Port Hedland for one of the minor programs of the regional investment fund; that is, the regional development scheme, which is operated through the Pilbara Development Commission. Those applications assisted the Port Hedland Town Council with the town square project and a couple of smaller projects.

Many state government funding schemes are available to local councils, including the \$20 million Pilbara fund. The Pilbara community stands to benefit greatly from this fund, which is available to accelerate government investment in locally identified priorities. Those priorities will take their lead from the priority action plan, into which the Pilbara councils had input. The priority action plan was established to serve the interests of the Pilbara community. Priority

within that plan has been given to issues such as schools and colleges, hospitals and health clinics, community safety, and cultural and recreational facilities. Members will immediately see opportunities within those priorities for local governments to benefit from this fund. It is for those reasons that the State Government was particularly keen to get input from local government and to invite onto the Pilbara fund steering group a representative from the Pilbara Regional Council; that is, chairman Kevin Richards. It was therefore disappointing to hear that, at this stage, there is what could be best described as only qualified support for the Pilbara fund. The Pilbara Regional Council has been invited to participate in the management of that fund. Local governments in many regions of the State would give their eyeteeth for the opportunity to access such a fund. It is available to the Pilbara region and the communities that its local governments jointly serve, and provides opportunities to join in partnership on issues such as cultural and recreational facilities, community safety strategies, health clinics, hospitals, colleges and schools. These are the opportunities that communities across regional Western Australia are looking for. The Pilbara now has that opportunity.

Hon Norman Moore: They think you should be doing that without dressing it up with this kind of fund.

Hon TOM STEPHENS: If the Opposition gets into government -

The PRESIDENT: Order, members! The Leader of the Opposition will come to order. The minister is doing very well in addressing the Chair and is not to be distracted.

Hon TOM STEPHENS: Mr President, I wonder whether I could, through you, ask the Leader of the Opposition what his approach would be if he were in government. Would he have the \$20 million Pilbara fund?

Hon Norman Moore: I put out a statement the other day on what we would do.

Hon TOM STEPHENS: Would the Leader of the Opposition have the \$20 million Pilbara fund?

Hon Norman Moore: Yes; \$25 million, in fact. It has already been announced.

Hon TOM STEPHENS: The Leader of the Opposition would take it off the -

Hon Norman Moore: Not as part of your normal budget, either.

Hon TOM STEPHENS: Is the Leader of the Opposition saying that it would not be part of the normal budget? Is he saying that it would be over and above the normal budget?

Hon Norman Moore: It is for the things you should be doing anyway.

Hon TOM STEPHENS: The previous Government did not do them. We are now doing them and the Opposition is complaining. I ask the Leader of the Opposition, through you, Mr President, whether he would take away the bitumen - the \$80 million that has been allocated for expenditure on the Tom Price road.

Hon Norman Moore: I think that is excellent. That is an excellent road, but it is not what you promised.

Hon TOM STEPHENS: Is it something that the Leader of the Opposition would have done?

Hon Norman Moore: It is about one-tenth of your promise.

Hon TOM STEPHENS: Is it something that the Leader of the Opposition would have done?

Hon Norman Moore: We would have done it in 2008 when we could afford to do the whole job.

Hon TOM STEPHENS: I see. The Opposition could not afford to do what we are doing. We can afford to deliver on that promise, which was that \$100 million would be spent on that road. We are spending not only \$100 million but also an extra \$6 million in fulfilment of that part of the commitment to get on with the Tom Price to Karratha road.

Hon Norman Moore: You said you would do it in your first term and you haven't.

Hon TOM STEPHENS: We said that we would spend \$100 million on that road in our first term and we are spending \$106 million through the allocations that have been made for that road. I am somewhat surprised that the Opposition is kicking up a fuss about a region having the opportunity to access those benefits. Those opportunities were never presented to local governments by our predecessors. Local governments will have the opportunity to spend significant amounts of funds on their priorities to respond to the needs of their communities. Membership of the Pilbara fund steering committee could give the Pilbara Regional Council a great opportunity to influence the fund's structure and to access details about its operations.

Hon Peter Foss interjected.

The PRESIDENT: Order! Hon Peter Foss will come to order.

Hon TOM STEPHENS: Mr President, I remain hopeful that it will eventually join the committee. The State Government stands ready to be a willing partner with local governments in the regions. We will support Pilbara communities throughout the region. We must tackle some serious issues. They are being tackled simultaneously. A range of issues is in front of us in this State and we are providing a detailed range of responses. We are responding to

the first parts of those. We are making sure that the State Government delivers the infrastructure that is needed; that is, money for roads and hospitals and to cover the backlog of school maintenance that built up under our predecessors -

Hon Norman Moore: That is another filthy lie, Mr Stephens, and you know it.

Hon TOM STEPHENS: The captain of the Opposition is the king of liars. The Prime Minister has a gong for lying.

The PRESIDENT: Order, members!

Hon Norman Moore: You tell lies, Mr Stephens.

Hon TOM STEPHENS: He got a gold medal today for lying.

Hon Peter Foss: You are a dreadful person. What a frightful thing to say about a man who should have your respect. At least he can tell the truth in the Kimberley.

Hon TOM STEPHENS: I have great respect for the Prime Minister's office. It is a great tragedy that it has been reduced in this way.

Hon Kim Chance: Debased.

Hon TOM STEPHENS: It has been debased.

Hon Peter Foss: That is disgraceful behaviour. He is keen to accept anything that is said by anybody.

The PRESIDENT: Order, members!

Hon TOM STEPHENS: The Leader of the Opposition is the last person to talk about dishonesty.

Hon Peter Foss interjected.

The PRESIDENT: Order, members! Hon Peter Foss will come to order. He is drowning out the member who has the call.

Hon TOM STEPHENS: I have finished the majority of my contribution to this debate.

Hon Norman Moore: Can I give you a copy of the press release and your policy from the last election?

Hon TOM STEPHENS: Please send them across.

The PRESIDENT: There is no need to rush.

Hon Norman Moore: I want him to read it.

The PRESIDENT: That is all right, but the minister was concluding his comments. There are others who want to speak.

Hon TOM STEPHENS: This Government has a significant program of response to the needs of the Pilbara. We have more work to complete. The worst thing that could happen for the people of the Pilbara would be a return to the lethargy and disinterest that was displayed by members opposite when they were in office. The people of the Pilbara did not even know who the Leader of the Opposition was; he never visited or went near them. He rang one of the local newspapers to say that he was coming and was asked to send a photograph so that they would know what he looked like when he arrived! When he got there the newspaper decided that it had better put him on the front page so that everybody would know what he looked like. It was the first time the people of the Pilbara had seen him since he left the region as a schoolteacher back before the year dot. They had rarely seen him since.

They put a photograph of him on the front page of the Pilbara paper. What happened the following week? The paper collapsed! It is finished. It is gone. They put a photograph of him on the front page of the paper and that was the end. The circulation had gone; the whole thing collapsed. Nobody could recognise the Leader of the Opposition. This Friday night the paper is having an end of paper celebration. The last edition had Hon Norman Moore on the front page.

*Point of Order*

Hon PETER FOSS: I would be grateful to you, Mr President, if you would direct the minister to speak to the Chair, because I cannot hear him while he is addressing the gaggle behind him, who appear to be enjoying his nonsense. It would be so much more helpful if he spoke to you; I might then hear him.

The PRESIDENT: I think the member does have a point of order but the point of order is that he probably could not hear the minister because he was yelling over the minister himself!

*Debate Resumed*

Hon TOM STEPHENS: We have more to do and, by jeez, it will be a good program for the people of the Pilbara.

Several members interjected.

The PRESIDENT: Order, members! Perhaps members can continue their debate outside the Chamber.

**GENETICALLY MODIFIED COTTON IN THE KIMBERLEY  
DEATH OF MS VIVIENNE ELANTA**

*Statement*

**HON DEE MARGETTS** (Agricultural) [6.01 pm]: I rise tonight largely to note the passing of a wonderful woman. Prior to that, however, I will make a point about the introduction of genetically modified cotton in the Kimberley. The Roy Morgan poll that I commissioned in 2002, surprisingly revealed to me that the highest level of opposition in regional Western Australia came from the community in the Kimberley. The poll was conducted in the Kimberley, agricultural Western Australia and the south west. The respondents from the Kimberley indicated that they believed they had the highest access to unbiased information. Knowledge of the electorate would probably be useful in judging what the community wants when it comes to the introduction of genetically modified crops. It was a surprise to me because it was not a food crop that attracted the strongest level of opposition. The Roy Morgan poll indicated that the Kimberley opposed it more strongly than any other part of regional Western Australia.

I stand tonight to note the passing of a very wonderful person whose funeral was held today. Her name is Vivienne Elanta. Some people in this Chamber may know Vivienne's long-term partner, John Croft, who, among other things, has been the prime driver of the Gaia Foundation in Western Australia.

My memory of Vivienne is that she was generous, giving, energetic and positive, even when she was striving to bring about better decisions from Governments for the forests and the nature that she loved, or bringing about a better and nuclear-free world. Vivienne continued to be positive, warm and giving in everything she did. Prior to a planned participation in a pilgrimage around Australia, Vivienne was involved in a road accident which left her quite injured. However, she continued to have a positive demeanour. In the past few years, Vivienne suffered from a number of illnesses, which may or may not have been related to the fact that she was bitten by a white-tailed spider. For some time she had enormous problems with necrotic sores on her arm that may well have been responsible for other illnesses, including chronic fatigue syndrome which she suffered after the incident. Vivienne was diagnosed with a brain tumour and to many people's surprise she succumbed much earlier than expected. Symbolic of Vivienne's life, she was generous enough to share her dying months with her friends and supportive community. Not only did she share and give throughout her life, she continued to share and give when she was dying. We all feel that with Vivienne's passing, she continues to live and love through all of the actions that we take in her name from here on in.

**COTTON IN THE WEST KIMBERLEY**

*Statement*

**HON KIM CHANCE** (Agricultural - Minister for Agriculture, Forestry and Fisheries) [6.05 pm]: I note that Hon Christine Sharp wants to speak so I will be very brief. I felt that there was a need for me to clarify matters with respect to the issue raised by Hon John Fischer about cotton in the west Kimberley. At the risk of being accused of hypocrisy, I say very clearly that I support - 100 per cent - the decision made by the Government with respect to the memorandum of understanding with Western Agricultural Industries. That does not derogate in any way from my vision for the west Kimberley and its potential as a cotton producer. That was the motion that I supported. Indeed, the motion was not specific about west Kimberley - it referred to the Kimberley - but I was happy to talk about west Kimberley and its particular direction and potential for cotton. There is no doubt in my mind, given the agronomy that has been carried out so far, that the west Kimberley has the potential to be the most significant and certainly the most profitable cotton producing area in the world, bar none. We are delighted with the outcomes that we have had from our trials with cotton in the east Kimberley on the heavy soil of the Ord River valley. Yields there have been in the order of 8.6 bales per acre at a water use of 75 megalitres per hectare. Those are top-of-the-line results by world standards. In comparison, cotton yields in the west Kimberley with considerably less water - I will not quote the figure at this stage because there is some uncertainty about it - in the area of 35 to 50 megalitres per hectare has achieved yields around 10 bales per acre. That is a remarkable yield and far ahead of anything that has been achieved anywhere else in the world. It does have great significance and, agriculturally, I remain as committed as ever to the expansion of the cotton industry in the west Kimberley. That is my job. I am the Minister for Agriculture, and that is what I do. To equate our position on the MOU with our position on cotton in the west Kimberley is flawed logic and presumes that the MOU was the only way that the cotton industry was going to advance in the west Kimberley. The MOU was the problem. The reason we are not progressing towards the realisation of the dream that so many people have is the existence of the MOU. I am not a critic of the construction of the MOU in any sense, nor am I a critic of the people involved with it because they genuinely did their best.

Hon John Fischer: Why don't you come up with a plan? This has been going on for years.

Hon KIM CHANCE: I have been a supporter of the MOU -

Hon John Fischer: Why don't you come up with a plan that can go ahead?

Hon KIM CHANCE: That is exactly what I intend to do.

Hon Norman Moore: After the election.

Hon KIM CHANCE: No, I intend -

Hon Norman Moore: I don't think the people in the Kimberley who support what you have done, like what you have done.

The PRESIDENT: Order, members! We have little time left.

Hon KIM CHANCE: They may not, but they have not seen what we intend to do in light of the issue raised by Hon John Fischer. I hope that we will be able to articulate that in a way people understand. We will be able to achieve a real direction for agriculture in the Kimberley. The problem has been that all we have talked about is cotton. People have the idea that there is some kind of plan for a monoculture of cotton in the west Kimberley. There is no such plan and there never was. As I said in this place when I spoke about this matter before, it is science fiction to talk about cotton monoculture. It cannot exist. We are talking about the development of what needs to happen. We cannot do such things in this day and age without the support of the owners of the land. That is where the MOU failed. Before we engage the rest of the Kimberley community we have to talk to the traditional owners and gain their respect and support for what we are doing. That is where the MOU failed.

*House adjourned at 6.10 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**TRANSPORT, SUBSIDIES**

2030. Hon Alan Cadby to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regarding the subsidies provided by the State Government for the various aspects of public transport, will the Minister please advise -

- (1) What annual subsidy is provided to run the Northern Suburbs Rail Line (Perth to Currambine), and what subsidy per commuter trip does this represent?
- (2) What annual subsidy is provided to run the Perth to Armadale Rail Line, and what subsidy per commuter trip does this represent?
- (3) What annual subsidy is provided to run the Perth to Midland Rail Line, and what subsidy per commuter trip does this represent?
- (4) What annual subsidy is provided to run the Perth to Fremantle Rail Line, and what subsidy per commuter trip does this represent?
- (5) What annual subsidy is provided to run the Perth to Fremantle Rail Line, and what subsidy per commuter trip does this represent?
- (6) What annual subsidy is provided to run country rail services including individual regions and what subsidy per commuter trip does this represent?
- (7) What annual subsidy is provided to run the Metropolitan bus transport services including individual districts, and what subsidy per commuter trip does this represent?
- (8) What annual subsidy is provided to run the services relating to School Bus Contracts, broken up per individual district, and what subsidy per commuter trip does this represent?
- (9) What annual subsidy is provided to run Regional Air Services, broken up per individual region, and what subsidy per commuter trip does this represent?
- (10) What rationale can the Minister provide for the differences in levels of subsidy from one form of public transport to another?

Hon KEN TRAVERS replied:

- (1)-(5) The budgeted total cost of Transperth's suburban train operations for 2004-05 is \$187.531 million, comprising operating costs of \$84.115 million and annual capital charges (i.e. depreciation, interest costs and capital user charge) on rolling stock and infrastructure of \$103.416 million. Total budgeted fare revenue, plus an allocation of funds from the Perth Parking Management Act revenue toward the Free Transit Zone, totals \$29.568 million. Therefore, the projected overall subsidy for Transperth train operations for 2004-05 is \$157.964 million based on total costs, and \$54.548 million based on operating costs. The projected costs and revenue take into account the impact of the rail extension to Clarkson and Thornlie and the new train station at Greenwood.

Projected total passenger boardings for 2004-05 are 33.794 million including projected patronage at Clarkson, Thornlie and Greenwood. Therefore, on a per passenger basis, the projected overall subsidy is \$4.67 based on total costs and \$1.61 based on operating costs.

A meaningful allocation of costs to individual lines is not possible given their significant differences in terms of the quality and age of infrastructure, and the manner in which agency borrowings are dealt with. However, it is possible to make an approximate allocation of operating costs to individual lines on the basis of weekly train kilometres. Based on this allocation, the total operating cost subsidy and the per passenger operating cost subsidy for each line will be as follows:

- Northern Suburbs Line: \$32.658 million and \$1.78
  - Armadale Line: \$23.817 million and \$2.07
  - Midland Line: \$12.183 million and \$1.43
  - Fremantle Line: \$15.458 million and \$1.03
- (6) The budgeted total overall subsidy for Transwa country rail services for 2004-05 is \$17.198 million based on total costs.

The Costs for the Prospector and the Avon Link are reported together, but a notional breakdown can be provided as follows:

Service	Subsidy p.a.	Passengers p.a.	Subsidy/passenger
Prospector	\$9.594 million	86,000	\$111.56
AvonLink	\$1.807 million	17,000	\$106.29
Australind	\$5.797 million	153,200	\$37.85

- (7) The projected total cost of operating the metropolitan bus transport services for 2004-05 is \$175.716 million. This total cost consists of operating costs paid to bus service contractors of \$135.481 million, and annual capital charges on rolling stock and infrastructure of \$40.235 million. Budgeted fare revenue on bus services for 2004-05 is \$47.037 million (including proportion of the payment for the FTZ), and projected total passenger boardings are 54.303 million. The CAT services in Perth and Fremantle are excluded from these estimates. The Perth CAT service is fully funded through revenue from the Perth Parking Management Act, while 60% of the cost of the Fremantle CAT service is borne by the Fremantle City Council and the balance by Transperth.

The projected overall subsidy for Transperth bus operations for 2004-05 is \$128.679 million based on total cost, and \$88.444 million based on operating costs. On a per passenger boarding basis, the projected overall subsidy is \$2.37 based on total costs, and \$1.63 based on operating costs.

For consistency with the rail figures and because capital charges relating to bus infrastructure cannot be allocated to contract areas, the bus subsidy figures for 2004-05 shown below are based on operating costs.

Contract area	Operating cost subsidy	Per passenger boarding
Canning	\$ 10.091 million	\$1.52
Claremont-Belmont	\$ 12.011 million	\$1.30
Fremantle-Cockburn	\$ 11.825 million	\$1.46
Kalamunda	\$ 3.728million	\$2.08
Marmion-Wanneroo	\$ 23.098 million	\$1.94
Midland	\$ 3.760 million	\$2.06
Morley	\$ 8.125 million	\$1.05
Rockingham	\$ 10.230 million	\$2.29
Southern River	\$ 5.576 million	\$2.13
Total	\$88.444 million	\$1.63

- (8) The table below shows the annual subsidy provided to run services relating to School Bus Contracts.

Region	Number of Contracts (Services)	Average subsidy per annum per Service	Subsidy per Commuter (Student) Trip
Peel/Metropolitan	202	78,995	5.73
South West	113	73,645	4.56
Great Southern	107	69,160	5.28
Wheatbelt	255	68,759	6.70
Goldfields/ Esperance	37	73,532	6.29
Mid West	64	66,968	6.05
Gascoyne	5	65,698	4.84
Pilbara	12	85,096	5.48
Kimberley	23	74,877	5.78

- (9) Regional Air Services

- Subsidy budget is \$1million per annum.
- Cost by region in 2003-04:
 

Kimberley	\$605,940
Pilbara	\$144,740
Midwest	\$117,940
- Subsidy per commuter per trip is \$94.00

10. Fare levels are set to provide affordable public transport services around the state. The different levels of capital costs and operating costs, together with patronage levels result in different levels of Government support.

#### POLICE, COUNTRY AREAS, DISTRICT SUPPORT GROUPS

2069. Hon Ray Halligan to the Minister for Housing and Works representing the Minister for Police and Emergency Services

Will the Minister please advise -

- (1) What District Support Group squads still operate in country areas?
- (2) What is the authorised strength of each of these squads?
- (3) In what areas are these squads located?
- (4) What is the average annual cost, including country incentives, superannuation, housing allowances, of employing a police sergeant?
- (5) What is the average annual cost, including country incentives, superannuation, housing allowances, of employing a police senior constable?
- (6) What is the average annual cost, including country incentives, superannuation, housing allowances, of employing a police constable?
- (7) What is the operational brief of the Regional Operations Group?
- (8) What is the current authorised strength of the Regional Operations Group?

Hon NICK GRIFFITHS replied:

- (1)-(3) The Western Australia Police Service advise the Goldfields-Esperance District and the South West District operate a District Support Group. The Goldfields-Esperance District Support Group operates from Kalgoorlie and the South West District Support Group operates from Bunbury. Due to operational sensitivities, it is the practice of the Police Service to provide information relating to staffing levels at District or Division/Portfolio level. District Superintendents deploy resources within their District to provide the best possible policing to meet the varying needs of the community.
- (4) The Police Service advise the average annual cost of employing an existing police sergeant is \$111,400. The average cost of employing an existing sergeant in the country is higher than this average and varies dependant upon the officer's deployment. For example, the average cost of employing an existing police sergeant in Kalgoorlie is \$156,900.
- (5) The Police Service advise the average annual cost of employing an existing police senior constable is \$104,500. The average cost of employing an existing senior constable in the country is higher than this average and varies dependant upon the officer's deployment. For example, the average cost of employing an existing senior constable in Kalgoorlie is \$148,600.
- (6) The Police Service advise the average annual cost of employing an existing police constable is \$95,200. The average cost of employing an existing constable in the country is higher than this average and varies dependant upon the officer's deployment. For example, the average cost of employing an existing constable in Kalgoorlie is \$132,400. Please note that the cost of employing additional officers at any location is considerably more than this, because of the additional resources such as vehicles and other equipment that are required.
- (7)-(8) The Police Service advise the Regional Operations Group (ROG) has a roving capability and supplements district resources. ROG provides tasking and operational support to all Police Districts. As previously advised, ROG has an authorised strength in excess of 70 FTEs. Officers attached to ROG are specifically trained to address antisocial behaviour incidents. In a two month period ROG attended to 1056 primary vehicle jobs. ROG has also been deployed as part of a number of major events and operations including Operation Wave on the Scarborough Beach Front; Skyworks; Beach Boys Concert; City Muster 2004; the visit of the Prime Minister; Bindoon Concert; Joondalup Festival; Rockit Concert; Moora Country Campout; Margaret River Masters; Operation Haggis; Geraldton Masters; Operation Lapel (Hakea Prison); and V8 Touring Cars Wanneroo. ROG provides the community with a rapid response intelligence-led saturation policing capacity.

#### POLICE, REWARD SCHEMES, FUNDING

2070. Hon Ray Halligan to the Minister for Housing and Works representing the Minister for Police and Emergency Services

In relation to the provision of information to the Police Service, will the Minister please advise -

- (1) What reward systems currently exist, and through what agencies?
- (2) What is the annual reward budget for each of these systems?
- (3) What is the total funding available through reward schemes in WA?
- (4) From what fund did the reward for Don Hancock's killer come from, and what did the total amount being offered?
- (5) From what fund would the reward for the Claremont serial killer come from, and what was the total amount of this reward?
- (6) How many rewards were paid out in -

- (a) 1999-2000;
- (b) 2000-2001;
- (c) 2001-2002;
- (d) 2002-2003; and
- (e) 2003-2004 (to date)?

(7) What was the total of the rewards for each financial year in (6)?

(8) For those rewards in (6), what was the amount of each reward and from what fund did each reward come from?

Hon NICK GRIFFITHS replied:

(1)- (5) The Western Australia Police Service advises the Police Service's Reward Evaluation Advisory Committee (REAC) makes recommendations in relation to the following schemes: General Rewards offered by the Government of Western Australia (details of which are published in the Government Gazette); rewards for other serious crimes; Government Reward Scheme (Fires); Arson Reward Scheme; Fraud Reward Scheme; Bank Reward Scheme; Bank Reward Scheme; and Mines Security Trust Account Reward. The annual amount available to offer rewards under each scheme varies from \$1, 000 to \$25, 000 to no fixed amount. For example the reward amount offered under the General Rewards scheme is determined on a case-by-case basis. The \$500,000.00 General Reward offered in relation to the murders of Mr Hancock and Mr Lewis was approved and funded by the State Government. The Police Service advise the \$250, 000 General Reward offered in relation to the Claremont murders was funded by the State Government.

- (6) (a) 17
- (b) 22
- (c) 29
- (d) 7
- (e) 12

- (7) (a) \$90,400.00
- (b) \$30,550.00
- (c) \$106,200.00
- (d) \$15,400.00
- (e) \$19,600.00

- (8) (a) \$500.00 – Bank Reward Scheme
- \$30,000.00 – Government Rewards
- \$7,500.00 – Government Fires
- \$4,000.00 – Bank Reward Scheme
- \$30,000.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- \$5,000.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$500.00 – Bank Reward Scheme
- \$500.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$2,000.00 – Bank Reward Scheme
- \$4,000.00 – WAPS Other serious offences
- \$3,000.00 – Bank Reward Scheme
- \$500.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- (b) \$750.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$750.00 – WAPS Other serious offences
- \$2,500.00 – Bank Reward Scheme
- \$300.00 – WAPS Other serious offences
- \$1,500.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- \$2,000.00 – Bank Reward Scheme
- \$5,000.00 – WAPS Other serious offences
- \$1,500.00 – Bank Reward Scheme
- \$250.00 – WAPS Other serious offences
- \$2,000.00 – WAPS Other serious offences

- \$500.00 – WAPS Other serious offences
- \$2,000.00 – Bank Reward Scheme
- \$100.00 – WAPS Other serious offences
- \$100.00 – WAPS Other serious offences
- \$4,000.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$3,000.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$100.00 – WAPS Other serious offences
- \$1,500.00 – WAPS Other serious offences
- (c) \$300.00 – WAPS Other serious offences
- \$400.00 – WAPS Other serious offences
- \$300.00 – WAPS Other serious offences
- \$2,500.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- \$2,000.00 – WAPS Other serious offences
- \$700.00 – WAPS Other serious offences
- \$750.00 – WAPS Other serious offences
- \$400.00 – WAPS Other serious offences
- \$1,500.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- \$450.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$50,000.00 – WAPS Other serious offences
- \$25,000.00 – WAPS Other serious offences
- \$8,000.00 - Mines Security Trust Account Reward
- \$1,000.00 – WAPS Other serious offences
- \$300.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$1,200.00 – WAPS Other serious offences
- \$4,000.00 – Bank Reward Scheme
- \$500.00 – WAPS Other serious offences
- \$2,000.00 – WAPS Other serious offences
- \$900.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$450.00 – WAPS Other serious offences
- \$450.00 – WAPS Other serious offences
- \$200.00 – WAPS Other serious offences
- (d) \$600.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$3,500.00 – Arson Reward Scheme
- \$2,500.00 – WAPS Other serious offences
- \$4,000.00 – WAPS Other serious offences
- \$800.00 – WAPS Other serious offences
- \$3,000.00 – WAPS Other serious offences
- (e) \$2,000.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$4,000.00 – WAPS Other serious offences
- \$5,000.00 – WAPS Other serious offences
- \$1,500.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences
- \$750.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$500.00 – WAPS Other serious offences
- \$2,000.00 – WAPS Other serious offences
- \$350.00 – WAPS Other serious offences
- \$1,000.00 – WAPS Other serious offences

In addition a further three rewards totalling \$26, 500.00 were progressed in 2003-04, however payment is pending.

## POLICE, SENTENCE REDUCTIONS FOR OFFENDERS, DNA SAMPLES, WORDING OF POLICE CAUTION, ASSAULTS ON OFFICERS, POLICE WEAPONS AND FORENSIC DIVISION

2071. Hon Ray Halligan to the Minister for Housing and Works representing the Minister for Police and Emergency Services

Will the Minister please advise -

- (1) What arrangements currently exist that would allow reductions in sentences for offenders who co-operate with, or provide information to, police?
- (2) Is it currently possible for an offender's sentence to be reduced for co-operation or information provided after the sentence has been passed?
- (3) How many prisoners in Western Australian jails have not currently provided a DNA sample to the Back capture program?
- (4) What level of evidence is currently required to allow the taking of DNA evidence from a suspect?
- (5) How many DNA samples are currently awaiting analysis?
- (6) What is the current wording of the police caution during interviews of suspects?
- (7) How many people were charged with assaulting a police (public) officer in the following years -
  - (a) 1999-2000;
  - (b) 2000-2001;
  - (c) 2001-2002;
  - (d) 2002-2003; and
  - (e) 2003-2004 (to date)?
- (8) How many people were found guilty of assaulting a police (public) officer in the following years -
  - (a) 1999-2000;
  - (b) 2000-2001;
  - (c) 2001-2002;
  - (d) 2002-2003; and
  - (e) 2003-2004 (to date)?
- (9) How many people received a custodial sentence for assaulting a police (public) officer in the following years -
  - (a) 1999-2000;
  - (b) 2000-2001;
  - (c) 2001-2002;
  - (d) 2002-2003; and
  - (e) 2003-2004 (to date)?
- (10) How many people received a suspended sentence, a community based order or a good behaviour bond for assaulting a police (public) officer in the following years -
  - (a) 1999-2000;
  - (b) 2000-2001;
  - (c) 2001-2002;
  - (d) 2002-2003; and
  - (e) 2003-2004 (to date)
- (11) Do WA Police officers currently use the following weapons -
  - (a) pellet grenades;
  - (b) paint ball guns;
  - (c) water cannons; and
  - (d) bean bag projectile guns?
- (12) If yes to any of the weapons in (12), which units and officers use these weapons?
- (13) Under what circumstances and through what processes are police permitted to move on loiters?
- (14) How many FTEs are currently employed in the Forensic Division of the WA Police Service?
- (15) How many unfilled positions currently exist within the Forensic Division of the WA Police Service?
- (16) How long have each of the positions in (15) been vacant?

Hon NICK GRIFFITHS replied:

- (1) The Department of Justice advise that the Sentencing Act 1995 provides for several factors to be taken into account. The Honourable Member may wish to consider section 8 of the Sentencing Act 1995.
- (2) The Department of Justice advise generally not, however the Honourable Member may wish to consider sections 138, 139, 140, 141 and 142 of the Sentencing Act 1995.
- (3) The Police Service advises that the Backcapture Project resulted in the taking of 7,419 samples from convicted serious offenders. The taking of these samples was prioritised by expected date of release in an effort to ensure all prisoners were sampled prior to release. Since the conclusion of the Backcapture Project, every arrested person provides a DNA sample.
- (4) The Police Service advise that DNA samples are taken from uncharged suspects in accordance with the provisions of Part 6 of the Criminal Investigation (Identifying People) Act 2002, and charged suspects in accordance with the provisions of Part 7 of the Criminal Investigation (Identifying People) Act 2002.
- (5) Our Government has made a significant investment to improve the volume and timeliness of DNA analysis. The PAtH Centre has been significantly expanded, staff numbers have increased from 11 to 40 and \$500,000 of equipment has been acquired to enhance the laboratory's analysis capacity. The Police Service advise that there is no backlog in analysis of DNA person samples and 5,170 crime scene samples are awaiting analysis compared with the more than 9,000 samples previously advised.
- (6) The Police Service advises the caution reads as follows:
 

"You are not obliged to say anything unless you wish to do so and anything you do say or do will be recorded and may be given in evidence."
- (7) The Department of Justice advise legislation provides for a charge to be laid for the assault of a public officer. Also assaults against Police Officers and other public officers can result in more serious charges of Assault Occasioning Bodily Harm, Grievous Bodily Harm and Manslaughter. The Department of Justice advises that they are unable to readily extract from its statistics such more serious offences that involve Police officers. The Department of Justice advise that in the case of all assaults the maximum penalty offence will always be sought during prosecution. In respect of the offence of Assault Public Officer, the Department of Justice advise the number of people charged in the following years:
 

1999/2000	767
2000/2001	1380
2001/2002	1438
2002/2003	1408
2003/2004 to end May	1269
- (8) The Department of Justice advise the number of people found guilty of assaulting a public officer in the following years:
 

1999/2000	672
2000/2001	1223
2001/2002	1258
2002/2003	1233
2003/2004 to end May	1142
- (9) The Department of Justice advise the number of people given a custodial sentence for assaulting a public officer for the following years:
 

1999/2000	122
2000/2001	249
2001/2002	223
2002/2003	214
2003/2004 to end May	226
- (10) The Department of Justice advise the number of people who received a suspended sentence, a community based order or a good behaviour bond for assaulting a public officer in the following years:
 

1999/2000	300
2000/2001	520
2001/2002	551
2002/2003	558
2003/2004 to end May	514

- (11)-(12) The Police Service advise the Tactical Response Group use paintball guns and bean bag projectile guns.
- (13) The Police Service advise section 43(1) of the Police Act 1892 currently empowers police to apprehend any person "...whom he shall find or who shall have been lying or littering in any street, yard, or other place, and not giving a satisfactory account of themselves...". The key requirement is that the officer must seek a satisfactory account from the person as to their reasons for lying or loitering in the circumstances and receive no account or an unsatisfactory account before apprehending someone for this offence.
- (14) The Police Service advise the current approved FTEs for the Forensic Division is 116. As part of the deployment of the extra 250 police officers committed and funded by the Gallop Government, the sworn strength of the Forensic Division will increase this year.
- (15)-(16) The Police Service advise one position is currently vacant and has been since 23 May 2004. It is anticipated a replacement will be selected via the promotion system within four to six weeks.

POLICE, DRUG ENFORCEMENT UNIT, CANINE UNIT AND MOUNTED UNIT

2072. Hon Ray Halligan to the Minister for Housing and Works representing the Minister for Police and Emergency Services

Will the Minister please advise -

- (1) What is the name of the dedicated drug enforcement unit in the WA Police Service?
- (2) What is the authorised strength of this unit?
- (3) How many other officers are involved in drug enforcement outside this unit?
- (4) Has the Government undertaken any studies into the PhotoTrac system used in NSW?
- (5) If so, what were the findings of these studies?
- (6) How many charges did Justices of the Peace refuse to sign off on in 2002-2003?
- (7) What is the total annual funding for the Canine Unit?
- (8) How many Canine squads operate under the Canine Unit, and what is the funding to each Canine squad?
- (9) On what basis are the locations of the canine squads decided?
- (10) What is the total annual funding for the Mounted Unit?
- (11) How many mounted squads operate under the Mounted Unit, and what is the funding to each mounted squad?
- (12) On what basis are the locations of the mounted squads decided?

Hon NICK GRIFFITHS replied:

- (1)-(3) The Western Australia Police Service advise the Organised Crime Division (OCD) within the Crime Investigation and Intelligence Services Portfolio, which includes Organised Crime Investigation, Asset Investigation and Gang Response Unit, targets upper echelon drug traffickers and established criminal networks. There are 116 FTEs in OCD. District Tactical Investigation Groups also enforce the Misuse of Drugs Act. All police officers are empowered to enforce the laws of this State in relation to drug matters.
- (4)-(5) The Police Service advise that PhotoTrac's biometric recognition capabilities are centred on the eyes as the main anchor points with facial features then calculated as vectors. The Police Service's Forensic Division's Imaging Unit has been researching the viability of imaging technologies. The Imaging Unit has specific "line up" technology in place - the Digiboard system - that exceeds the capabilities of any similar facility in Australia.
- (6) The Police Service advises it does not readily collect or collate data of this nature.
- (7)-(9) The Police Service advise that the total funding for Canine Section is \$1,606,700.00. The Police Service advise that the Canine Section currently consists of 6 x General Purpose (GP) dogs and handlers; 3 x Narcotic Detection Dogs (NDD) and handlers. In addition, there are 4 x GP dogs and 2 x NDD dogs and their handlers under going training. 1 x GP dog and handler are located in Bunbury. The Canine Section operates under one central budget. The Police Service advise factors to be considered include analysis of the Bunbury Canine pilot program; the regional deployment of police dogs in other jurisdictions; line management and supervisory responsibilities; the implications of using police dogs in small remote communities; access to medical facilities; climatic factors; and on going training requirements.
- (10)-(12) The Police Service advise that the total funding for Mounted Section is \$2,285,900. The Mounted Section consists of 38 horses. The Mounted Section operates under one central budget. The Police Service prefers to

deploy the Mounted Section to regional locations from a central location. The State Government has provided funding to that end.

#### GORDON INQUIRY, IMPLEMENTATION OF RECOMMENDATIONS

2102. Hon George Cash to the Leader of the House representing the Premier

- (1) Which of the 197 recommendations of the Gordon Inquiry have been implemented to date?
- (2) When are the remaining recommendations to be implemented?
- (3) Which particular recommendations are not supported and why?
- (4) What is the estimated cost of the implementation of the recommendations?

Hon KIM CHANCE replied:

(1)-(4) The Government's response to the 197 recommendations can be grouped into two categories:

- Recommendations that are being implemented through existing government effort, and
- Recommendations that received priority focus and were part of the \$75million government response over four years.

All recommendations have been accepted, have been implemented or are being progressed.

The Government has established a Gordon Implementation Secretariat, which continually monitors the progress of implementation of the \$75million package of initiatives. As part of its commitment to transparent Government the progress of implementation is detailed in regular progress updates all of which are available on the Gordon Response Website [www.gordonresponse.dpc.wa.gov.au](http://www.gordonresponse.dpc.wa.gov.au)

#### WA PHARMACEUTICAL COUNCIL, MEMBERSHIP AND REPORTS

2105. Hon Louise Pratt to the Leader of the House representing the Premier

- (1) How is the Western Australian Pharmaceutical Council constituted?
- (2) Who are its members and their terms?
- (3) Could the Premier please table their two most recent reports?
- (4) Did the former Premier previous Government make a donation, payment or funding of any kind to the Pharmacy Foundation or similar body?
- (5) If so, when?
- (6) What was the sum?
- (7) What was the purpose of this sum?
- (8) How was this acquitted?
- (9) Who sits on the Foundation, and to whom and how does it report?

Hon KIM CHANCE replied:

(1) The Pharmaceutical Council of Western Australia is constituted under section 7 of the Pharmacy Act 1964.

- |     |                      |   |                  |
|-----|----------------------|---|------------------|
| (2) | Mrs Lenette Mullen   | - | President        |
|     | Prof Michael Garlepp | - | Deputy President |
|     | Mr Richard Donnelly  | - | Treasurer        |
|     | Mr John Harvey       | - | Councillor       |
|     | Mrs Anne Ramshaw     | - | Councillor       |
|     | Ms Gia Cecchele      | - | Councillor       |
|     | Mr John Gibson       | - | Councillor       |

Each member is elected for three years.

- (3) The two most recent reports are attached for tabling. [See paper No 2464.]
- (4) Yes, a grant of funds was made available to the Pharmacy Guild of Australia (WA Branch), when it initially launched the Pharmacy Foundation.
- (5) This grant of funds was made in the 2000/01 financial year.
- (6) \$50,000.
- (7) The grant of funds was made to establish a joint project between the Pharmacy Foundation and the St John Ambulance Service. The Project's aim was to encourage drug users to call an ambulance in cases of opiate

overdose by covering patients for the cost of this service as part of an insurance scheme. Calling an ambulance promptly was a key strategy in the prevention of opiate-related overdose deaths. This initiative aimed to remove the barrier of cost, which had been identified as a disincentive for drug users to contact the ambulance service promptly.

- (8) The funds were granted to the Pharmacy Foundation, who managed the Project and the acquittal of funds.
- (9) The members of the Foundation Committee are:

Mr Ian Crawford  
Mr Harry Zafer  
Mr Glen Joyce  
Mr David Manuel  
Mr Con Berbatis  
Mr Nick Pope  
Mr Terry Murphy  
Ms Melanie Hands  
Mr David Buttsworth  
Mr Kevin Cumbers  
Mr Graeme O'Loughlan

The Committee manages the funds of the Foundation and is not required to report its activities.

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