

### ADJOURNMENT OF THE HOUSE

**HON KIM CHANCE** (Agricultural - Leader of the House) [10.00 pm]: I move -

That the House do now adjourn.

#### *Swimming Pool Safety - Adjournment Debate*

**HON RAY HALLIGAN** (North Metropolitan) [10.01 pm]: Even though the motion for disallowance was defeated, I wish to bring certain matters to the attention of the House. The minister in this place and the minister in the other place who presented the report to Parliament seem to have placed some store in the report. It is important that the House be aware of some of the issues mentioned in the report.

The aims of the study were to elucidate further the causes of children drowning in private swimming pools. In particular, the government departments wanted to identify opportunities for improving the inspection and enforcement of current legislation relating to the enclosures surrounding swimming pools. Had they already decided that isolation fencing was the way to go? Enclosures surrounding private swimming pools were the starting point, not the finishing point. The report states -

The research was undertaken in three stages. The first stage involved an extensive review of coroner's reports in order to determine the impact of the legislation prior to, and following, the implementation of the legislation. The second stage involved in-depth interviews of swimming pool inspectors and an audit of inspection practices whilst the final stage included a random survey of owners or tenants of households with a swimming pool.

I am not sure that there is a great deal of information in this report that should be used to determine whether isolation swimming pools are the way to go, yet the recommendations are exactly that. There are no recommendations other than isolation pools.

In the executive summary of the report, the authors seem to jump all over the place. The summary reads -

However, of these drownings, 22% of the deaths could have been prevented by a change in legislation from perimeter to three-sided or isolation fencing . . .

The authors' definition of three-sided fencing is the type of fencing that was allowed between 1992 and November 2001; that is, fencing with self-closing and self-locking gates. They say that some deaths could have been prevented had people opted for one or the other. The summary continues -

Clearly, rigorous inspection processes would not have prevented these deaths. In the 48% of non-compliant pools where children drowned, a further 22% of the deaths could have been prevented if three-sided fencing or isolation fencing was promulgated as legislation . . .

Again it is a question of either/or, not merely isolation fencing. The summary also reads -

This study also estimated -

So much for factual information -

that there is almost a two-fold increased risk (approximately 78% risk) of a child drowning in a swimming pool with perimeter/three-sided fencing versus isolation fencing.

They decided then to swap things around. They linked the self-closing, self-latching door with the pre-1992 perimeter fencing, not the isolation fencing. Admittedly, it is an estimate, but if one felt strongly about the 78 per cent increased risk, one would be very much on the side of isolation fencing. However, the summary reads -

It is not sufficient however, to advocate for isolation fencing alone. This study reported that 38% of the drowning events occurred in pools where the gate had been propped open . . .

Unfortunately that happens all too often. It continues -

. . . a change in barrier fence legislation would not have prevented these events.

Of course, that is true. It continues -

It is important therefore, that regular extensive public education on the risks of toddler drowning and the need for isolation fencing with self-closing gates (that are not propped open) is undertaken.

They state the obvious, but I would suggest that their argument is flawed. It comes down to cause and effect, does it not? Of course, if parents supervised their children far more than they currently do, we would often have no need for much of the legislation that we have. We would certainly have far fewer accidents. I mentioned some of the factors around the home. What about children riding pushbikes and scooters up and down the

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footpath? I suggest that it would be an irresponsible parent who would allow a child to do that unsupervised. What happens when parents take their four-year-old to a public swimming pool or to the beach? Do parents turn their back on the child?

As I said before, isolation fencing on its own might well assist, and we would certainly encourage people who have swimming pools to very seriously consider isolation fencing. We hope that people would be responsible and make the right decision. However, we would not wish to see isolation fencing becoming the law that everyone is obliged to follow blindly whether or not it suits their circumstances, such as the number of children they have, the age of their children, their bank account or the state of the industry. It is up to us in this place, as hard as it might be on occasions, to find a balance. We cannot please all the people all the time. No legislation passed by this place will stop toddler deaths, whether they be on roads or in private or public swimming pools.

*Austeel Pty Ltd Project, Karratha - Adjournment Debate*

**HON ROBIN CHAPPLE** (Mining and Pastoral) [10.10 pm]: Mineralogy Pty Ltd has been involved in a number of proposals in this State at different times. It is currently involved in the \$5.6 billion iron and steel Austeel project 85 kilometres south of Karratha. The project was part of a 1994 \$10 billion investment program, but, as members are well aware, that project never got off the ground.

It is puzzling that Austeel Pty Ltd made an announcement last year about this project going ahead in New South Wales. On 18 February 2001, Premier Bob Carr referred to the project being established in that State and said that it was not controversial or marginal; in fact, it was a very serious proposition. That is peculiar when one notes that on 6 December 2001 Austeel said the project would go ahead in Western Australia. On 18 February, Austeel said it had signed an agreement with the New South Wales Premier. Interestingly, Austeel and Mineralogy were drummed out of New South Wales. After a number of inquiries, it was established that none of the backers was interested in investing in Mineralogy or Austeel. When interviewed by Michael Pascoe of Channel 9, the manager of Austeel, Clive Palmer from Queensland, revealed after repeated questions that there was no money in the project and that every investor Mr Palmer put forward was found not to be interested and would invest only if the New South Wales Government subsidised the project. The *Business Sunday* program concluded by stating that there seemed to be a shortage of detail about the vital question of money and that the project had about one per cent chance of success. The transcript of that interview is very enlightening and is available from the Nine Network. It has also been identified that Austeel's legal director was a struck-off solicitor. The scenario starts to get a little more contentious. He was wanted by a legal practice board and was using an alias.

The consortium is headed by Mineralogy Pty Ltd. That company has been around since 1994 and has floated three or four project proposals in Western Australia, none of which has come to fruition. This is the consortium with which the Premier announced the Government was considering entering into a state agreement. We must remember that Mr Palmer was a member of the white-shoe brigade who previously worked as a media adviser on the Joh for PM campaign. A consortium of private companies, in which Mr Palmer and his wife Susan hold nominal shares, owns Mineralogy. The owners consistently use different names for different shareholdings all registered at the same address. That issue was raised with the former Minister for Resources Development, Hon Colin Barnett. The entity in question was a \$2 share company. The former minister said he was not concerned about the composition of private companies but about the building of an iron ore industry. A number of Governments have been unconcerned about the composition of corporations and, as a result, have had their fingers burnt. WA Inc and Oakajee come to mind. It concerns me that this Government is considering entering into an agreement with a company that reporters in the eastern States have proved has no money. We might be entering into another situation that will have dire ramifications for the Government.

In 1994, the Western Australian Government was quoted in *The Australian Financial Review* as saying that the problem in developing a state agreement with Mineralogy was that it gave the appearance of securing government finance for the project. It appears that, seven years after that report, this Government is pursuing an agreement with an entity that previous Governments of all persuasions have considered was less than viable. The cost of building a large iron ore smelter and mine is huge - this project is estimated to cost \$5.6 billion. The Government said it had signed an agreement, but we know that is not correct. Legislation covering an agreement was introduced in the other place on 19 February 2001 and it will shortly appear in this place. It concerns me that the directors of this corporation have presented a number of ideas in this State and other States at the same time, and the other States have established that they are not viable. I urge this Government to look carefully at the viability of this corporation.

The Environmental Protection Authority has recently returned a number of submissions to the company because the details provided by Mineralogy were unacceptable. If the Government does not wish this project to follow

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the path other projects proposed by the Office of Major Projects have inherently followed, it should have a long, hard look at this proposal.

I had the pleasure of breakfasting with Harold Clough the other day. He said that it is wrong of Governments of whatever ilk to hold the hand of major industry. If major industry is capable of developing, it should do so on its own merits and with the financial support of investors. The Office of Major Projects is handing the Government a project which is doomed to failure, which will leave egg on the Government's face and which will leave it with a financial impost similar to that faced by the previous Government as a result of the Kingstream proposal.

*Western Australia Police Service - Adjournment Debate*

**HON DERRICK TOMLINSON** (East Metropolitan) [10.19 pm]: Before the House adjourns, I wish to bring to its attention the competence of members of the Western Australia Police Service and its minister. On Wednesday, 27 February I asked a question of the minister representing the Minister for Police and Emergency Services. It is question without notice 1069, which I had asked the previous week. Regrettably, the minister had received neither the question nor the answer and had not been able to answer it. After giving 24 hours notice, I asked the question on Wednesday, 27 February. The question related to the number of police officers assigned to Operation Avalon to monitor the Gypsy Jokers motorcycle run to Albany and return, the number of police man-hours consumed, the estimated total cost, the cost of accommodation and overtime and how many charges were laid. The Minister for Racing and Gaming, representing the Minister for Police, gave me an answer. The answer on page 7934 of *Hansard* states -

The Western Australia Police Service advises that to provide an answer to this request, it will need to undertake significant research involving several portfolios. As such, an answer to these questions cannot be provided in the time permitted. I therefore ask the member to put the question on notice.

I, in a quite unruly fashion, interjected with this statement -

The Police Service doesn't want to tell the truth. It doesn't want the public to know that it wasted money.

You, Mr President, quite correctly chastised me with this statement -

Order! That was a most unfortunate interjection. The member should not answer his own question.

It was a most unfortunate interjection because the question required some detailed information. I should have been prepared to give more than 24 hours notice even though I had given that 24 hours notice the previous week. I should have been prepared to put the question on notice. I was told by the Minister for Racing and Gaming, on behalf of the Minister for Police and Emergency Services, to put the question on notice. I did. Today I received an answer. I assume it is an authorised answer because it has the initials "MR" on it. I cannot prove my assumption, but my expectation is that "MR" stands for Michelle Roberts, the Minister for Police and Emergency Services. I asked exactly the same question; that is, I put on notice the question I had given notice of on 26 February to ask on 27 February, and it was on notice on 28 February. I remind members of the answer to question 1069, which states that the Police Service could not answer the question in the time provided because it required it to do some research across several portfolios and therefore I should put the question on notice. The answer I received today states -

Please refer to Question Without Notice 1069 (*Hansard*) asked and answered on February 27, 2002.

The answer to the question that I was asked to put on notice is: "Look at the answer we gave you a week ago and put it on notice." These are the people and the minister who are charged with the welfare and safety of Western Australian citizens. This shows the competence of not only the Police Service, but also the minister who approved the answer. The Police Service cannot answer the question because it requires considerable research across several departments. With all the resources of the Police Service and with seven days notice, it cannot answer it!

Hon Kim Chance: I waited up to six months for an answer in the term of your Government.

Hon DERRICK TOMLINSON: Whacko! Did the Leader of the House ever get an answer telling him to look at the answer to the question that told him to put it on notice?

Hon Kim Chance: Only at least a dozen times.

Hon DERRICK TOMLINSON: He did not get a stupid answer like that! He might have waited for his answer, but it was not as stupid and inane as that answer!

Hon Kim Chance: Dozens of times.

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Hon DERRICK TOMLINSON: We have upset the Leader of the House, have we? He is going to get upset again. He is going to accuse me of calling him a liar again, is he?

Hon Kim Chance: I would not think you would do that.

Hon DERRICK TOMLINSON: No, I would not.

Hon Kim Chance: Thank you.

Hon Tom Stephens: The Leader of the House is right; the answers provided by your Government to these sorts of questions were very similar to that which you have just read.

Hon DERRICK TOMLINSON: Can the minister produce for me an answer that says to refer to the answer already given when the answer was to put the question on notice?

Hon Tom Stephens: If you do the research, you will find one.

Hon DERRICK TOMLINSON: The police could not answer the question. However, in *The West Australian* on 1 January 2002, a day after the incident - not on 27 February, two months later - Grant Taylor reported -

About 100 of the expected contingent of 200 Gypsy Jokers gang members set out on the run to Albany early yesterday with more than twice that number of police in hot pursuit.

A journalist from *The West Australian* knew that there were more than 200 police officers; yet the Police Service required research over several portfolios! On the number of people arrested, on 1 January in *The West Australian*, Grant Taylor reported -

One gang member was arrested for driving under the influence of alcohol and another was charged with excess 0.5. A third man was taken into custody on a bench warrant.

Further, Grant Taylor reports -

As the ride progressed a further three gang members were issued with infringements for minor traffic offences and street drinking.

As a member of Parliament, I ask a question to confirm what has been reported in the popular Press. I asked the question two months after the event. I gave at least 14 days notice of the question and I was told that it requires research and that I should put it on notice. Today's answer is to read the answer that was already given. That might be characteristic of the behaviour of ministers. If it is, that is nothing more than an indictment on the role of minister. However, in this case, it shows a gross incompetence on the part of the Police Service and on the part of the minister who approved that answer.

*Electoral Reform Legislation, No Case Funding - Adjournment Debate*

**HON BRUCE DONALDSON** (Agricultural) [10.28 pm]: I am glad the Minister for Local Government is in the House, because many of us who have been involved with local government or who believe in democratic principles were appalled by the Premier, Dr Geoff Gallop, trying to intimidate local government and local councils and stop them from contributing towards the Supreme Court hearing a contradictory case -

Hon Tom Stephens: He was trying to get your party to stop putting your fingers into ratepayers' money.

Hon BRUCE DONALDSON: I will explain something that has been very conveniently forgotten. The Clerk of this Parliament, not the Liberal or National Parties, went to the Supreme Court. It was the concern of the Clerk of this Parliament. Whether that was validated -

Hon Kim Chance: He was putting both cases.

Hon BRUCE DONALDSON: There was not going to be a contradictory case. However, Justice McKechnie said that a no case had to be put forward. Read what he said. Let us return to the bullyboy when he said that if the councils gave any money to the fund he would chop off their grants. The Premier needs to understand how local government is funded. Very few councils would have a rate base less than \$500 000. Even small councils would have a rate base in that vicinity. If a council donated \$1 000, that works out to be 0.2 of one per cent. The financial assistance grant is distributed to Western Australia on a per capita basis and is delivered on the basis of horizontal equalisation plus a percentage of the per capita grant.

Federal road funding is quite significant. It is assessed by the Grants Commission. I know what I am talking about because I spent a number of years on it. It has nothing to do with the Premier; it is federal funding. I will say something later about what local government should be doing with its funding from the federal Government. The Grants Commission is currently under review. The funds for the State's roads are about \$90 million. The

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funds have been tied up for the next few years due to the commitments made when we were in government. The present Government has honoured the arrangements and that amount of money. Main Roads advise me that it will be reviewed.

One sphere of government is telling another that it will spend its money in a certain way. It is saying that if money is spent on something that it does not believe is right, it will make sure that it is disadvantaged.

Hon Tom Stephens: You misunderstood the Premier.

Hon BRUCE DONALDSON: I did not.

Hon Tom Stephens: The Liberal Party should get its hands out of the pockets of ratepayers.

Hon BRUCE DONALDSON: We did not challenge it; it was challenged by the Clerk of the Parliament. That is the point that the minister does not understand.

Hon Tom Stephens interjected.

The PRESIDENT: Order!

Hon BRUCE DONALDSON: The Liberal Party, the National Party, One Nation, the Pastoralists and Graziers Association and the National Farmers Federation did not go to the Supreme Court. A letter was written by the Clerk of the Parliament. Does the minister want me to read a copy of it to the House?

Hon Tom Stephens interjected.

The PRESIDENT: The minister is inciting interjections.

Hon BRUCE DONALDSON: The minister should get out of the scene and let local governments get on with their own beliefs and ideologies and do what is best for their communities. The minister cries that he will not interfere with local governments and that he will not be a policeman. A better role is needed for the minister. Some of that role is no different from being a member of Parliament in either government or opposition. People will make that decision at the ballot box. Local government is no different; it is answerable to its ratepayers. In this day and age we call them electors. Once upon a time people referred only to ratepayers. They are now called electors because an overwhelming amount of money comes from the federal Government.

It is unprecedented in Western Australia for a Premier to tell local government that if it puts money into this it may have ramifications in many other areas. The Premier is acting like a thug.

Hon Kim Chance: And local shire councils are not by purloining their ratepayers' money? Does the member not think that is thuggish?

Hon BRUCE DONALDSON: Excuse me! Both ministers opposite have lived in the country. Councils will be judged by where they put their money. Councils spend money and give money to a range of issues in the best interests of their electors. The country councils and country people will be affected by the electoral reform that the Government and the Greens (WA) in cahoots have cast upon them. This is one of the greatest problems that local government will ever have to face. It is critical. I hope that this unprecedented intimidation - call it thuggery - will be put aside and that the councils will make their own decisions in a democratic way.

Hon Tom Stephens: They are pinching the money for your cause.

Hon BRUCE DONALDSON: It is not our cause at all.

Several members interjected.

The PRESIDENT: Order!

Hon BRUCE DONALDSON: I think the minister has a very selective memory. He is really saying that a council does not have the right to make such a decision. I had better get a copy of the letter from the Clerk of the Parliament and show it to the minister. He needs to read it.

Hon Norman Moore: He is suggesting that councils cannot make their own decisions.

Hon BRUCE DONALDSON: That is right. I was disgusted. After having been in local government I have seen both sides. When I was involved with local government, the Labor Party was in power federally and at the state level. Although many robust debates took place, I never heard any Labor Government tell a local government that it will not spend money in a certain way. That never happened.

Hon Kim Chance: Because they did not follow political campaigns.

**Extract from *Hansard***  
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Hon BRUCE DONALDSON: Come on! We had huge political campaigns against the federal Labor Government on road funding. Councils poured a lot of money into that. We had the “Fix Australia - Fix the Roads” campaign. I have never seen any State Government tell local government collectively that if it uses money for a certain purpose, it will be told “stiff” when it fronts up for money for a community project. If that is not discrimination and thuggery, I do not know what it is. It has come from the unions in the building and construction industry and the thugs that are found there. It has now found its way into the Cabinet. The Premier is at the forefront of the thuggery.

Question put and passed.

*House adjourned at 10.38 pm*

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