



WESTERN AUSTRALIA

# **Parliamentary Debates**

## **(HANSARD)**

THIRTY-FOURTH PARLIAMENT  
FOURTH SESSION  
1996

LEGISLATIVE ASSEMBLY

Tuesday, 12 November 1996

# Legislative Assembly

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**THE SPEAKER** (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

## STATEMENT - SPEAKER

*Unpublished Committee Document, Request by Hon Mark Nevill Denied*

**THE SPEAKER** (Mr Clarko): In accordance with the resolution adopted by the House in 1990 in relation to unpublished committee documents, I advise that on 1 November 1996 I received a request from Hon Mark Nevill MLC seeking access to a letter dated 22 November 1993 from the Senior Assistant Crown Solicitor to the clerk to the Select Committee on Wittenoom. The House's resolution establishes that if a committee document has not been published by the House or the committee, the Speaker may allow access to it if it has been in the custody of the House for at least 10 years. Accordingly I advised Mr Nevill that as the document he sought had not been in the custody of the House for at least 10 years, I could not allow him access.

## CRIMINAL CODE AMENDMENT BILL (No 2)

*Council's Message*

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

## BILLS (5) - RETURNED

1. Strata Titles Amendment Bill.
2. Settlement Agents Amendment Bill.
3. Iron Ore (Yandicoogina) Agreement Bill.
4. Electricity Amendment Bill.
5. Dental Amendment Bill.

Bills returned from the Council without amendment.

## MINING LEASE 70/835 ON CHINOCUP A CLASS NATURE RESERVE

*Council's Message*

Message from the Council received and read notifying that pursuant to section 24(4) of the Mining Act 1978, the Council had consented to the grant of application for mining lease 70/835 on Chinocup A Class Nature Reserve.

## BANK OF SOUTH AUSTRALIA (MERGER WITH ADVANCE BANK) BILL

*Council's Message*

Message from the Council received and read acquainting the Assembly that the Council had passed the Bank of South Australia (Merger with Advance Bank) Bill but in so doing -

- (a) informs the Legislative Assembly that the Bill breaches section 46(7) of the Constitution Acts Amendment Act 1899 to the extent that clause (4)(2)(g) imposes a tax; and
- (b) records that the passage of this Bill in no way affects the undoubted ability of this House to insist on the observance and enforcement of its rights and privileges under section 46.

## BILLS (15): ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Acts Amendment (Assemblies and Noise) Bill.
2. Competition Policy Reform (Taxing) Bill.
3. Competition Policy Reform (Western Australia) Bill.
4. Skeleton Weed and Resistant Grain Insects (Eradication Funds) Amendment Bill.
5. Mining Amendment Bill.

6. State Enterprises (Commonwealth Tax Equivalents) Bill.
7. Reserve (No 18039) Bill.
8. Stamp Amendment Bill.
9. Minimum Conditions of Employment Amendment Bill.
10. Firearms Amendment Bill.
11. Criminal Code Amendment Bill (No 2).
12. Strata Titles Amendment Bill.
13. Settlement Agents Amendment Bill.
14. Electricity Amendment Bill.
15. Dental Amendment Bill.

**PETITION - ALINTAGAS, REBATES**

**DR GALLOP** (Victoria Park - Leader of the Opposition) [2.09 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned call on AlintaGas to establish a scheme of rebates or discounts for senior citizens, pensioners and other low income earners.

AlintaGas is alone among the public utilities in not providing some form of assistance for low income earners and the elderly and we call on it to display social responsibility in conducting its business affairs.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 96 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 199.]

**PETITION - EDUCATION DEPARTMENT, TREATMENT OF TEMPORARY TEACHERS**

**MR MARSHALL** (Murray) [2.10 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned citizens of Western Australia wish to register our strongest possible protest over the treatment of Temporary Teachers by the Education Department of Western Australia. Temporary Teachers have no job security and have no career structure. We believe this situation reflects badly on our State's commitment to education - especially that of children in country areas.

We hereby request that the Minister for Education urgently reviews the conditions of Temporary Teachers and the way in which Permanent Teacher status is granted.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 93 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 200.]

**PETITION - SBS; TRIPLE J, NORTH OF WESTERN AUSTRALIA EXTENSION**

**MR RIEBELING** (Ashburton) [2.11 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned, request the State Government of Western Australia insist the Coalition Federal Government of Australia honour their commitment to having SBS available to the people of the North of

Western Australia on the 1 July 1996, and furthermore that they honour their commitment to extend JJJ Radio to the people of North of Western Australia.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 464 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 201.]

#### **PETITION - BREAST CANCER RESEARCH FUNDING**

**MRS van de KLASHORST** (Swan Hills) [2.12 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned note:

Breast Cancer: An Australian Epidemic.

Breast cancer is the most serious malignancy affecting women. It is one of the most commonly diagnosed cancers in Australian women today.

Breast cancer is one of the leading causes of death of women ages 35 to 60.

There is an average of 683 new cases of breast cancer annually in Western Australia. One in four women with breast cancer dies within the first 5 years; 40% die within 10 years of contacting the disease.

The incidence of breast cancer among Australian women is rising each year at the rate of 3.3%. In 1960, 1 woman in 20 could expect to be diagnosed with breast cancer in a lifetime; today 1 in 13 faces that threat.

We do not know what causes breast cancer, how to cure it or what to do to prevent it. For two decades, under funded research has focused on detection and treatment, rather than cause and prevention; and current methods of detection, physical examination and mammography, are imperfect at best. Funds for research are of an urgent need.

Depending on the quality, mammography fails to detect as much as 20% of all breast cancers, and recent studies show that it may fail to detect as much as 40% of breast cancers in women under the age of fifty.

All Women in Australia are at Risk of Contracting Breast Cancer

We therefore call upon the Legislative Assembly to ensure that the Western Australian State Government to increase contributions to Breast Cancer Research from \$0 to \$2 million per year for ten years to fight against this disease. There are so many families already suffering from the effects of breast cancer, it is imperative that the issue of research into the causes, prevention and cure be addressed with urgency.

Your petitioners therefore humbly pray that you will give this matter earnest consideration.

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

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 202.]

#### **PETITION - RIGHT HAND TURNS FROM GREAT EASTERN HIGHWAY BETWEEN BELMONT AVENUE-TONKIN HIGHWAY STOPPAGE**

**MR RIPPER** (Belmont) [2.13 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned residents of Western Australia, are dismayed that the Government through the Main Roads Department has moved to stop right hand turns from Great Eastern Highway between Belmont Avenue and Tonkin Highway. This will impact severely on local businesses by restricting access to passing traffic. We therefore request Members of the Legislative Assembly to step in and urge the Government to reverse this decision.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 579 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 203.]

**PETITION - CROSSLANDS SHOPPING CENTRE, BUNBURY, ADVERTISING**

**MR D.L. SMITH** (Mitchell) [2.14 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned petitioners call upon the Parliament to request that the Minister for Planning to review his decision to withhold consent for the advertising of the rezoning of Crosslands Shopping Centre, Bunbury.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 102 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 204.]

**PETITION - WESTRAIL, PENSIONERS FREE TRIP, RESTRICTIONS**

**MR D.L. SMITH** (Mitchell) [2.15 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned people of Western Australia object to the Court Government's decision to restrict pensioners from taking their one free Westrail trip over Christmas and New Year when family reunions are so important. We also object to the restrictions on free travel at Easter and during school holidays. We call on the government to immediately cancel the restrictions on this one free travel pass per year and to restore the choice of pensioners to travel at a time that suits them and their families.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 11 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

A similar petition was presented by Mr Catania (20 signatures).

[See petitions Nos 205 and 209.]

**PETITION - ALINTAGAS, REBATES**

**MR D.L. SMITH** (Mitchell) [2.16 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned petitioners:

1. Call on the State Government to arrange with Alinta Gas to provide a 50% Rebate to Pensioners on the first 10 units of gas used by them each day.
2. Calls on the State Government to pay for this by rebating to Alinta Gas, a proportion of the State Government's levy on Alinta Gas.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

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

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 206.]

#### **PETITION - SCHOOL STARTING AGE**

**MR D.L. SMITH** (Mitchell) [2.17 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned, object strongly to the Minister for Education's proposals to change the school starting age so that our children may not start their formal education until they turn the age of seven.

We object to delaying the start of formal education which we believe will impact on the quality of our children's education.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

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

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 207.]

#### **PETITION - SENIORS' MOBILITY PROGRAMS, FUNDING**

**MR KOBELKE** (Nollamara) [2.18 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned residents of Western Australia are dismayed that the Government is withdrawing funding from the Seniors' Mobility Programmes. The men and women who are referred by their doctor to participate are able to keep fit and well, saving costs in the health care system. We urge the Government not to defund this sensible and practical initiative.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 55 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 208.]

#### **PETITION - MARANGAROO PRIMARY SCHOOL CONSTRUCTION**

**MR CUNNINGHAM** (Marangaroo) [2.19 pm]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned respectfully bring to the notice of the Government:

- (1) That there is already a large number of children in the eastern part of Marangaroo and that the number is continually increasing;
- (2) That parents in the area have been promised a school for over 4 years;
- (3) That none of the alternative schools suggested by the Education Department are within a reasonable distance to the area and all require the crossing of busy roads;

We therefore call upon the Government to immediately construct a primary school at the site on the corner of Rawlinson and Bloodwood Drives.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 242 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 210.]

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION***Twelfth Report on Bunbury Port Authority Amendment Regulations, Tabling*

**MR BLOFFWITCH** (Geraldton) [2.22 pm]: I table the Twelfth Report of the Joint Standing Committee on Delegated Legislation into the Bunbury Port Authority amendment regulation. Members will be aware that it is the function of the Joint Standing Committee on Delegated Legislation to review all regulations made in this State. One of the reasons the committee has been given this important scrutiny role is to ensure -

The SPEAKER: Order! The member is not able to speak generally on a paper for tabling unless he moves that it be printed.

Mr BLOFFWITCH: I do not really want it printed. It has already been printed.

The SPEAKER: Order! The member should therefore come to a rapid conclusion.

On motion by Mr Bloffwitch, resolved -

That the paper do lie upon the Table.

[See paper No 775.]

**MINISTERIAL STATEMENT - MINISTER FOR RESOURCES DEVELOPMENT***State Agreement With Kingstream Resources NL and An Feng (Australia) Pty Ltd*

**MR C.J. BARNETT** (Cottesloe - Minister for Resources Development) [2.23 pm]: I am pleased to announce that the Government has approved the key elements of a state agreement with Kingstream Resources NL and An Feng (Australia) Pty Ltd for development of the \$1.4 billion mid-west iron and steel project at Geraldton. As part of the proposed state agreement, the Government has also agreed to facilitate the location of the project at Oakajee, 25 km north of Geraldton, through the establishment of a new industrial estate and adjacent port facilities.

Kingstream Resources first examined the prospect of an iron ore processing project approximately five years ago. The original concept was for an open cut mine at Tallering Peak, to the east of Geraldton, and a 700 000 tonne steel mill located near the town of Mullewa. In 1994, Kingstream commenced a full feasibility study, which led to expansion of the mining operation and steel mill and the selection of Narngulu as the proposed site. Government approvals were sought for the project at Narngulu and it received environmental approval in April 1996.

In May 1996, Kingstream signed a heads of agreement for the project with the Taiwanese steel company, An Feng Steel Co Ltd, and then in mid-1996 requested the Government commence negotiation for an agreement Act to oversee the project. To meet An Feng's demand for steel, the project was increased in size from one million tonnes per annum to 2.4 million tonnes per annum. The processing plant now consists of a 3.5 million tonnes per annum pellet plant; two 1.2 million tonnes per annum direct reduced iron plants; three 160 tonne electric arc furnaces; and three continuous casters. The project, which will also require investment in associated infrastructure to the value of a further \$1b, will produce 2.4 million tonnes per annum of steel slab, all of which will be exported to Taiwan for use in An Feng's rolling mills.

The mid-west iron and steel project offers very considerable benefits. These include the construction of a steel mill to produce 2.4 million tonnes of steel slab per annum; the development of an iron ore resource at Koolanooka, 13 km east of Morawa; provision of 2 500 new jobs during construction of the project and 1 000 permanent jobs; the generation of approximately \$17m in annual revenue to the State, including payroll tax, stamp duties and royalties.

Although the state agreement received in-principle endorsement by Cabinet on 4 November 1996, concern was expressed about the location of the project at Narngulu, being only 7 km from the centre of Geraldton and 2 km from the new housing area of Tarcoola. As a result, the Government has now agreed to the development of the Oakajee industrial estate and port facility, provided that it is technically, economically, environmentally and financially feasible to do so.

The proponents are in favour of the Oakajee site and have in fact written to me stating they are "committed to pursuing the Oakajee option in an open and vigorous manner". However, the Government will not commit to a port at Oakajee until construction of the steel mill has commenced. The earliest a port would be in operation would be 2002, five years after the commencement of construction of the steel mill and some two years after the commencement of production. The Government would also like to see the port developed by the private sector, while recognising that some state contribution to costs may be needed until the port attracts other users and becomes commercially viable.

During the interim two year period, the project will use the existing Port of Geraldton with minimal upgrading. Although considerable work has been done over the years on the proposed industrial estate at Oakajee, Cabinet has also approved an allocation of \$500 000 for additional work to be done. Cabinet has also authorised LandCorp to commence land purchase arrangements for the Oakajee industrial estate. Although the Government and the proponents are committed to Oakajee, should these studies show the new industrial estate and port are not viable, then Narngulu will remain as a fall-back area. In this way the security of the project will be maintained.

The Oakajee industrial estate and associated port facility will open up new development options for Geraldton and the mid-west region. The Government fully supports this project and supports the development of a purpose built industrial estate and port to the north of Geraldton at Oakajee.

### **MINISTERIAL STATEMENT - MINISTER FOR PRIMARY INDUSTRY, FISHERIES**

#### *Agriculture Western Australia Services*

**MR HOUSE** (Stirling - Minister for Primary Industry) [2.26 pm]: Agriculture Western Australia is in the business of providing high priority services to agriculture. No services are more important than those of protection and quarantine, which guarantee agriculture's productive future through a dedicated industry resource protection program. It is allocated more than \$40m, nearly one-third of the total agency budget, which in turn is applied to more than 100 projects. To ensure funds are spent where needs are greatest, Agriculture WA has a clear direction from me to work closely in partnership with both the farming community and our other client groups.

The Agriculture Protection Board partnership arrangements are integral to this direction and will ensure flexible grass-roots involvement in distributing the agency budget among priority projects, as well as implementing these projects. The Agriculture Protection Board will retain its independence by virtue of legislation which I introduced during 1995. This provides for an independent chairman and a board with a range of expertise and experience.

In addition to working with the agency, the board will provide advice directly to me on all matters concerning the industry resource protection program. In turn, the board seeks advice on project priorities from an extensive network of regional advisory committees and zone control authorities.

I have asked the board to ensure that for the next financial year, 1997-98, these local groups have a greater role than is presently the case. Priority projects must be identified in such a way that as far as possible each community and regional area receives on-ground services which best suit their distinctive needs. Also, less emphasis should be placed on individual and one-on-one services where high quality services already exist in the private sector. All landholders, including farmers, pastoralists, shires and government agencies such as Westrail and the Department of Conservation and Land Management, have always had the responsibility for weed control on their properties. This will continue to be the case.

Protection officers will be available to provide advice on individual weed management programs, but landholders will need to seek private suppliers of weed control services, some of which were previously purchased from the APB. These officers will now undertake other protection, monitoring and surveillance activities that are of importance to the protection of agriculture in Western Australia as a whole. Each full time staff member receives a salary to work full time. Landholders are responsible for the management of vertebrate animal pests on their own properties, for example, rabbits and foxes. However, because of the nature of the materials and chemicals involved, for example, 10,80 baits, at this stage the agency will continue to supply vermin control services at fixed rates to all landholders. In relation to emergency responses, such as weeds in canola or lupin anthracnose, the agency will fund the initial response by a reapplication of internal priorities.

In conclusion, both Agriculture Western Australia and I seek to ensure that our business is undertaken in a cooperative manner. Our overriding aim is to deliver the best possible services to protect the future of agriculture in this State.

### **MINISTERIAL STATEMENT - MINISTER FOR PRIMARY INDUSTRY, FISHERIES**

#### *Select Committee on Western Australia-South Australia Quarantine Checkpoint Report*

**MR HOUSE** (Stirling - Minister for Primary Industry) [2.33 pm]: I want to take this opportunity to comment on the report of the Select Committee on Western Australia-South Australia Quarantine Checkpoint, tabled in the other place on Thursday, 7 November 1996.

The threat of diseases and pests is an ongoing concern to Western Australian primary producers. Strict controls, careful monitoring and rapid responses for containment and eradication have enabled this State to resist many of those which are an everyday threat to our borders. This Government has recognised how important quarantine and protection services are and made significant commitments which underpin service provision. One such commitment



which both protects Western Australia from interstate exotic pests and diseases and preserves our clean and green image is the 24 hour border quarantine checkpoints. The Western Australia-Northern Territory border checkpoint, 45 kilometres east of Kununurra, was opened by Hon Phil Lockyer during 1993. The one at the Western Australia-South Australian border, about 12 km east of Eucla, commenced operation during July this year.

The process of deciding on a southern quarantine checkpoint has effectively occurred over many years. This process includes: The 1985 Interstate Checkpoint Committee Report; the 1991 feasibility study; the 1993 review of interstate quarantine; the March 1995 Estimates Committee minute; and the December 1995 agency minute. Each of these I now table.

I personally inspected the alternative sites and, on 12 December 1995, gave my approval to relocate the checkpoint from Norseman to the border location. I also gave approval for staff accommodation to be located in the Eucla townsite. I want to be clear on the reasons why this decision was made and I will table further information in this regard.

To provide the best security against diseases, pests and weeds entering the State, all vehicles entering by the Eyre Highway will now have to pass through the checkpoint. It replaces the Norseman facility, which is more than 700 km from the border. To accommodate a joint facility, discussions with the South Australian Government have also taken place for some time. The most recent correspondence from my South Australian counterpart, Hon Rob Kerin, maintains this process. The South Australian Cabinet approved the conduct of a feasibility study into joint operations, the findings of which are now being analysed. What is clear, however, is that the Eucla option would not be viable or acceptable to the South Australian Government, as outlined in Minister Kerin's letter. Main Roads Western Australia also recommended that in terms of traffic safety, road geometry and two way options, the border site is superior.

Both the Tourism Commission and the Goldfields Esperance Development Commission recognised the capacity for a tourist interpretative centre at the border, which has now been constructed with federal funding.

I now turn my attention to the select committee's additional comments. At no stage was I formally notified of the existence of this select committee. There are also some protocols involved with a Minister giving evidence to a select committee. I am clearly of the view that with respect to precedence and protocol, I was not in a position either to give evidence personally before the select committee or to provide that same evidence in writing. For this to occur, a motion would be required to be passed by this House to give me permission to appear and give evidence. That has never occurred in the history of this place. My decision to locate a 24 hour checkpoint facility at the Western Australia-South Australia border is consistent with the Government's commitment to quarantine and protection services, the provision of which are essential for the future of Western Australia's agriculture.

[See papers Nos 777 and 778.]

#### **MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS**

##### *Construction Industry Portable Paid Long Service Leave Act, McEvoy Review*

**MR KIERATH** (Riverton - Minister for Labour Relations) [2.36 pm]: In September 1995 I commissioned Mr Paul McEvoy to undertake a review of the operations of the Construction Industry Portable Paid Long Service Leave Act 1985. The Act provides a long service leave scheme for people employed in the construction industry who, because of the nature of that industry, rarely spend sufficient time with one employer to qualify for long service leave. The review resulted from concerns raised by a wide cross-section of the community as to whether the Act was operating as it was intended to. I asked Mr McEvoy to look at the operations of the Act and recommend whether it should continue in the present form or change to better fulfil the needs of the construction industry in relation to long service leave and promote better industrial relations in that industry. I now table the review.

Mr McEvoy, after consulting with key industry groups, the board and employee and employer members of the scheme, surveying a sample of members and considering similar legislation in other States and Territories, has recommended the Act be repealed. However, this is provided that employees are compensated so that in future they will be financially no worse off than if the existing scheme had continued. Mr McEvoy recognises that this proposal may not be acceptable and has therefore provided alternative recommendations that will address the perceived shortcomings in the Act. The analysis and recommendations of the review are tabled without any commentary or commitment from the Government for or against any of the recommendations. There may be major disagreement between employers, employees, unions and associations, the board and its employees and key industry groups. I want the review to be examined by the Western Australian Labour Relations Advisory Committee and for there to be extensive consultation before any final decision is made.

The Department of Productivity and Labour Relations will have copies of the review for examination and comment from interested people. Permission to publish written submissions to the review is being sought from those who made them. I look forward to considering comments on Mr McEvoy's review in due course.

[See paper No 776.]

**[Questions without notice taken.]**

**PARLIAMENTARY COMMISSIONER AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Court (Premier), read a first time.

*Second Reading*

**MR COURT** (Nedlands - Premier) [3.06 pm]: I move -

That the Bill be now read a second time.

When this Government came to office a commitment was made to address issues related to the legislation administered by the Parliamentary Commissioner for Administrative Investigations, the Ombudsman. In November 1994 I advised that we were prepared to introduce amending legislation once we had gone through a proper process to bring about change. The process is now complete and I am pleased to present the Parliamentary Commissioner Amendment Bill. The Bill gives effect to the previous commitment and also brings about changes which have been sought by the Parliamentary Commissioner for many years to correct deficiencies which had emerged with the passage of time since the Act came into operation.

The Government also felt it important to introduce changes that would bring the Act into line with accountability requirements. To assist in determining what changes were appropriate the Government requested the Commission on Government to make recommendations covering appropriate jurisdiction for the Parliamentary Commissioner. In this process interested groups and individuals, government agencies and the Parliamentary Commissioner made submissions for change they saw as necessary to make the legislation more relevant.

The principal area of concern was the scope of the Parliamentary Commissioner's jurisdiction. When the present legislation was enacted in 1971, the jurisdiction of the Parliamentary Commissioner was defined as government departments and other authorities specified in the schedule to the Act, plus additional bodies which from time to time may be declared to fall within that jurisdiction.

The legislation did not provide for automatic inclusion but relied upon appropriate bodies being nominated. With the passage of time a number of government bodies have not been nominated and, as a result, do not fall within the jurisdiction of the Parliamentary Commissioner. The reasons for such omissions fall into two categories. The first is intentional exclusions for commercial reasons; to preserve independence; for advisory committees; for professional, commercial, departmental and regulatory bodies; and for quasi-judicial bodies. Secondly there have been inadvertent exclusions at the time of enacting legislation for new bodies; when a body has been replaced with another; and when a subsidiary body has been created under broader statutory powers. This situation has been reviewed in the light of the Government's desire that all public sector bodies be accountable and, wherever practicable, subject to investigation by the Parliamentary Commissioner.

The amending legislation changes the previous approach. The Bill provides for all departments and authorities to be subject to scrutiny of their administrative actions by the Parliamentary Commissioner, unless specifically excluded. This approach is consistent with the Commission on Government's recommendations concerning the Parliamentary Commissioner's jurisdiction. The Bill will achieve the purpose of clarifying the jurisdiction of the Parliamentary Commissioner by amendments to section 13 of the principal Act. The three arms of government - the Parliament, the judiciary and the Executive - are each addressed specifically. The first part of section 13 makes the administrative actions of all departments and agencies subject to the jurisdiction of the Parliamentary Commissioner. The second part provides appropriate exemptions such as for Parliament and the officers of Parliament, the Governor and his establishment, the courts and the judiciary.

Provision is also made for a schedule to the Act to contain a short list of other entities where it is not appropriate for the Parliamentary Commissioner to have jurisdiction. It will be noted that the way in which these entities have been specified, for example the Auditor General, makes it clear that while the Auditor General retains his independence when exercising his powers as Auditor General, the normal administration of his agency is subject to the Parliamentary Commissioner's jurisdiction. To accommodate changes in this area which will arise over time as government structures change, provision has been made for the schedule to be amended by regulation. Section 4 of

the principal Act has been amended to accommodate definitions intended to be as inclusive as possible to account for the many forms of employment and organisational structures currently in use. In addition to its primary focus on the jurisdiction of the Parliamentary Commissioner, the Bill also deals with a small number of other issues which emerged from discussions with the Parliamentary Commissioner and recommendations of the Commission on Government. The most important of these are -

New sections 30A and 30B to provide protection against reprisals or harassment for complainants and persons providing information to an investigation. This accords with the Commission on Government's recommendation number 157.

Providing in section 27 for the Parliamentary Commissioner's reports to be lodged with the Clerks of Parliament in the event that Parliament is not sitting. This will enable reports to be available to the public without delay.

Allowing for faster informal complaints handling in circumstances where the Parliamentary Commissioner considers this appropriate - section 19.

The structure of the legislation provides a simple yet comprehensive framework for overcoming previous difficulties about the scope of the Parliamentary Commissioner's jurisdiction. It also provides a sound rationale for considering the status of bodies and authorities in the future. The Bill reflects the outcome of a proper consultative process and I am confident it will lead to more effective administration. I commend the Parliamentary Commissioner Amendment Bill to the House.

Debate adjourned, on motion by Mr Ripper.

#### HOUSE COMMITTEE

*Leave to Meet when House is Sitting, 12 November*

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That this House grants leave for the House Committee to sit while the House is sitting on Tuesday, 12 November.

#### CRIMINAL INJURIES COMPENSATION AMENDMENT BILL

*Second Reading*

Resumed from 15 October.

**MR MCGINTY** (Fremantle - Deputy Leader of the Opposition) [3.12 pm]: The Opposition supports the Bill. It is a pity that it has taken so long for the Bill to see the light of day. The system of criminal injuries compensation should be substantially reviewed. This Bill addresses perhaps the most important element of the inordinate delay in victims of crime being compensated by the Government for injuries they receive, by enabling the appointment of more than one assessor. However, a number of other changes should be made to the system of criminal injuries compensation to make it a fast and efficient system which extends to the victims of crime appropriate levels of compensation.

Other areas which should be addressed and which are not touched on by this legislation include, first, the level of compensation. The current maximum of \$50 000 payable to a person pursuant to the Criminal Injuries Compensation Act has been in place for many years. It has lost its value over the years, and should be significantly increased. The Labor Party policy promoted during 1996 gave a commitment to increase the amount of injuries compensation under the Act from \$50 000 to \$75 000. That increase is a true recognition of the problems confronted by victims of crime in their rehabilitation and recovery from the impact of the crime committed against them. A 50 per cent increase in the maximum payment should see an increase of 50 per cent in the award by the assessor, to reflect a proportion of the full amount. We hoped that this legislation would embody that change promoted by the Labor Party. When we launched our policy we also sought a second change, which is encompassed in this Bill; that is, to provide the capacity to appoint more assessors to address the backlog. That is the substance of this Bill, and I will deal with that in a moment.

The third area in which changes are necessary to the criminal injuries compensation regime in Western Australia relates to the capacity to deal with claims expeditiously. The purpose of this amendment is to enable additional assessors to be appointed to deal with the backlog, yet in many cases it would be appropriate at the criminal trial for the judge or magistrate to have the power to make an order under the Criminal Injuries Compensation Act. That will not be the case in all circumstances. However, in a significant number of cases it will be appropriate to avoid the need for a separate application - I refer here to the time consuming, expensive delays inherent in the system - by

giving the presiding magistrate or judge the power to make an order under the Criminal Injuries Compensation Act. It would also mean that more money would be channelled into the pocket of the victim of crime because it would reduce the legal costs, apart from reducing the costs associated with the administration of the compensation claim, by streamlining the process and pulling together in the criminal trial the granting of compensation to the victim. This is not unknown under our existing law. The Criminal Code provides for part of the penalty imposed on the criminal to be paid to the victim of the crime. However, that is a different matter.

We are debating here a statutory right to compensation, not a discretion for the judge to apply part of the penalty for the benefit of the victim. We believe an amendment to the criminal injuries compensation scheme is necessary to enable that to be done, in an appropriate case. That is, at the conclusion of the trial after the conviction and sentencing of the criminal, the judge may make an order under this Act, and that would assist in the rehabilitation of the victim. We are all familiar with many tragic cases where a victim of crime is on the waiting list to receive compensation, and wants to use that compensation to apply to his or her rehabilitation, whether for medical or other reasons, such as counselling by psychologists or psychiatrists. All those professions are expensive, and I have come across too many cases of people being told they must wait too long to receive compensation. Therefore, they have not been able to rehabilitate themselves adequately to play a useful role in society in future. To the extent this Bill will enable claims to be dealt with expeditiously, it is good. However, an amendment along the lines I have promoted, would be of help also. I refer here to the inclusion of a power to make an award without reference to the assessor, and immediately arising from the criminal trial.

The most important achievement of this legislation is the appointment of additional assessors. I hope that in the very near future, following the passage of this Bill, we will see a number of assessors appointed. In recent times we have witnessed a dramatic escalation in the number of claims made under the Criminal Injuries Compensation Act. In the 1992 calendar year, 975 applications were made for compensation. It is interesting to note that in an average year a single criminal injuries compensation assessor would deal with between 750 and 800 applications. Therefore, in 1992 the balance was about right. In 1993 and 1994 the number of applications escalated to 1 355 and 1 268 respectively. The number grew considerably in 1995 with 1 479 applications being made. We had warning signs last year that the system could not cope. That is the sense in which I say that this legislation is too late for many people; it is too late to be able to offer assistance to victims, generally of criminal assault. Those people have been on the waiting list for too long. As soon as this blowout was observed and understood, legislation should have been introduced to enable additional assessors to be appointed to relieve the backlog of cases. Action should have been prompted by the fact that 1 479 applications were received during 1995 - that is twice the number that could be processed.

A remarkable explosion has occurred during 1996. The first half of this year has seen a four-fold increase in the number of applications. We are dealing with this legislation in what I presume are the dying hours of this Parliament. If the Government were serious about its commitment to victims of crime, these people would have been given much greater priority. They are a priority as far as the Labor Party is concerned. This is an extremely practical way in which to assist victims of crime in putting their life back together. They are currently denied that by having to wait two years before compensation is paid. The system cannot cope with the 2 651 applications that have been lodged this year.

I will refer briefly to a couple of cases which I have dealt with personally and which I think illustrate very well the urgency that should have accompanied this legislation and the reasons the Opposition will lend its support to this Bill. Terence O'Kane is a constituent of mine in Fremantle who was stabbed in the back, neck and chest about 14 times. His assailant, who he thought was a friend, attacked him in a frenzy with a kitchen knife. It was an unprovoked assault that left Terence O'Kane near death. He lapsed into unconsciousness and did not come around until days later. He told me that in the ambulance on the way to Fremantle Hospital he heard the ambulance officers say that he would not survive. He can remember that in the midst of all that occurred. Terence O'Kane was a TAFE lecturer and since that assault he has not been able to return to his former occupation. His attacker was arrested, convicted and gaoled for six years for a very serious assault. However, today Mr O'Kane's body is marked, particularly the upper torso area, by scars as long as 15 centimetres. Those physical scars are one thing; the mental and emotional scars are another. He was attacked nearly two years ago and obviously he was extremely upset about the event; his life was nearly taken from him. He came to see me when he received a letter from the criminal injuries compensation assessor advising him that his case would be put on the end of a backlog of 2 651 cases awaiting resolution and that it would be a long time before the assessor would get to it.

I am happy to use Mr O'Kane's case as an example because he went to the media and told his story publicly. His going public is one of the reasons this Bill was introduced and given sufficient priority to ensure that it is passed during the life of this Parliament. Had that not been the case, I doubt whether we would have seen the legislation in this Parliament this year. Mr O'Kane is 46 years old and was a business studies lecturer with TAFE. His concern now is that he needs help to put his life back together. He told me that he does not want whatever he gets by way of

criminal injuries compensation for lost income and other expenses that have resulted from this criminal attack in years to come when he has his life back together; he wants it now. It is criminal that these people must wait so long to get that assistance. He is one person who was angry enough, notwithstanding having had his life shattered, to beg the Government to introduce this legislation to lessen that backlog. It is unusual for a person who has been through that sort of trauma to want publicity, and he did not want it. However, he said it was important for him to be able to regain what little he could of his former life and get on with making a decent start on a new life. He has not been able to do that because the compensation has not been paid.

I have dealt with another case, not as life threatening but arguably far more tragic. I will not mention the name of the family involved because of the nature of the situation. This case also involves serious delay. A family of five girls were all subjected to sexual assault by their stepfather, who has been convicted of rape and various other sexual abuse offences. Again, they were put on the waiting list. These girls, who are now in their teens and early twenties, cannot afford the psychiatric and psychological assistance they need. In the case of the youngest girl, it is necessary to get her back into school. Her life has been destroyed. We all deal from time to time with particularly difficult cases, but this is one that I found extremely difficult to deal with at a personal level.

Having handled a number of criminal injuries claims in a different capacity, I appreciate that quite often they are not matters that can be finalised on the day the claim is lodged. Often further medical or psychiatric reports or better quantification of the losses are necessary. This claim was lodged in November 1993. In February 1995 - as I have indicated, when the waiting list started to blowout - the family was advised there would be a delay of nine to 12 months. In October 1995, the family was advised that the five claims that were being treated together would be finalised in the near future. In November 1995, the offender - that is, the girls' stepfather - who was in prison at the time for those offences was given 21 days to provide a submission regarding contributory behaviour on his part and whether he should pay all or part of the criminal compensation as awarded. In August of this year, some 10 months later, a hearing was set down to enable the stepfather to be heard. The hearing was then cancelled. The stepfather was released from prison on 15 November 1995. As I have indicated, he was convicted of rape and various other serious sexual abuse charges against his stepdaughters.

All five of the young women concerned desperately needed counselling. I was told by their mother that the cost of that counselling would be approximately \$100 a session, and while some government assistance was available for people under the age of 18, no government assistance was available for people over that age. They were desperately waiting to have their criminal injuries compensation claim finalised so that they could spend whatever they got on putting their lives back together through counselling and with other assistance. The family was not able to offer that to the girls because it could not afford it. Everyone can imagine the effects of that.

Those are two cases with which I have dealt. The people involved in those cases believe they had a right to criminal injuries compensation, not to build up a bank account or to look after themselves, but to satisfy a very immediate and demonstrable need; that is, their recovery from the impact of the crime. The Government's initial response was slow. However, this was an overwhelming case on humanitarian grounds for urgent action to be taken to enable these claims to be fast-tracked.

This is a simple amendment to the legislation. Are there plans, on the passage of this legislation, to appoint additional assessors and how many will be appointed, given the extent of the backlog? It is one thing to pass the legislation, but it is another thing to make sure appropriate staffing is in place to get rid of that backlog. It is rare, in my experience of dealing with criminal injuries compensation, that it does not matter whether it is settled today or next year. Every case that I have dealt with has had some urgency about it. The cases have not been about people pursuing pots of gold through criminal injuries compensation claims to pick up a few thousand dollars that they might not otherwise have got. Often the unfortunate circumstances to which these people have been subjected have devastated their lives. In those circumstances, a greater sense of urgency would have conveyed to the victims of crime that the Government was listening to them, it was concerned about them and it would do something about them.

The Bill also excludes from the criminal injuries compensation regime people involved in motor vehicle accidents. In 1993, the Government unilaterally denied people who were involved in what might be termed minor work related injuries accidents and also minor traffic accidents their right to claim compensation if the extent of their loss was under \$10 000 a year. That was the new cut-off point. That has caused a lot of hardship. People feel angry that their justified claims for compensation have not been appropriately recognised. This legislation also seeks to further that provision by excluding from the entitlement to compensation people whose claims for compensation arise from motor vehicle accidents unless those motor vehicle accidents were caused by someone in the process of committing a crime. It again institutes that threshold of \$10 000 below which no claim can be made. We are not happy that this legislation seeks to exclude claims under the Criminal Injuries Compensation Act and to limit workers' compensation and motor vehicle accident claims. We do not believe that is equitable. It might save the Government a few dollars. However, accidents involving an amount of \$10 000 are significant. We will not hold up this Bill, notwithstanding our

objection to that provision and the introduction of its counterparts in other pieces of legislation to which I have referred. We believe that far greater good will come out of this legislation through the removal of that backlog of cases.

We support the legislation. We express reservations about two areas: First, the \$10 000 threshold for people involved in motor vehicle accidents which were not associated with the commission of an offence; and, secondly, we are disappointed that this legislation does not go further to pick up those other matters which I think would significantly enhance the operation of the criminal injuries compensation scheme to streamline its activities and to retain the real value of the amount of compensation awarded which, during the past several years, has been eroded by the failure of the Government to maintain the full value of the amount of compensation awarded, which has been \$50 000 for too long now.

**MR BROWN** (Morley) [3.38 pm]: I support the Criminal Injuries Compensation Amendment Bill insofar as the Bill seeks to provide additional assessors to enable claims for criminal injuries compensation to be processed quicker than has been the case until the present. About 12 months ago I asked in this place by way of a question on notice when the Government would give consideration to appointing additional assessors following a report by the then assessor that her workload was extraordinary and that she did not have any chance of coping with the number of applications coming to her for consideration. It is with some regret that it has taken considerable time to bring to this place a Bill which increases the number of assessors.

If one wanted to be cynical about this Bill one could say that the Government has introduced it into the Parliament at this late stage of the session because of the possible adverse publicity which could arise in the forthcoming election campaign from the number of outstanding claims for criminal injuries compensation. The backlog has occurred because this Government did not pick up the recommendation of the criminal injuries assessor to appoint additional personnel to assess claims. While I do not want to be over-cynical, for whatever reason it has taken considerable time for this Bill to be introduced into this House. It is rather extraordinary, given the often professed concern by this Government for victims of crime. In its 1992-93 election campaign the coalition said that it would enhance the position of victims of crime and seek to ensure they were not disadvantaged. It has taken a backlog of over 2 500 claims for this Government, at virtually the end of this Parliament, to introduce a relatively small Bill to overcome this problem. The backlog occurred for two reasons: Firstly, because one assessor is unable to deal with the quantity of claims which have been lodged.

In question time today the Minister for Police endeavoured to have some fun at my expense by referring to the information and statistics relating to crime trends in the 1996 annual report of the Western Australia Police Service. He said that a graph of the crime trends which I had prepared and issued to my electorate was incorrect. The Minister failed to mention that the Police Service report was tabled in this place only today. I strongly resent that corrupt activity by the Minister for Police. If the Minister had provided the figures previously, I would have used them. One expects the Minister for Police to have certain ethical standards, but he tried to make short term political gain by referring to statistics which were not available to this Parliament prior to today. How dare he! If the Minister's actions are indicative of what this Government will do in the forthcoming election campaign, so be it. I am more than happy to fight fire with fire. The Opposition will certainly take up the issues the Government will raise to score cheap political points.

The **DEPUTY SPEAKER**: Order! I remind the member for Morley that the House is debating the Criminal Injuries Compensation Amendment Bill and he should confine his remarks to it. The member can redress a perceived grievance by other means.

**Mr BROWN**: I draw the attention of the House to the statistics in the police report. It is the people who are referred to in the statistics who are the victims and they need assistance from the assessor and the criminal injuries compensation arrangements.

I will illustrate the reason for the backlog of claims referred to in the Minister's second reading speech by referring to the police report which was tabled today. I refer members to page 18 of the report under the heading "Major trends" and it states -

Robbery (up 12.0 per cent), assault (up 13.4 per cent) and damage (up 12.9 per cent) produced the greatest increase in offence rates for 1995-96.

In other words, there is between a 12 to 14 per cent increase in crimes for which people have potential access to compensation under the Criminal Injuries Compensation Act. That is the reason for the backlog and why the Government is, rather belatedly, moving to provide more assessors. The Government has simply failed to curb the ever increasing crime rate referred to in the police report. Under "Reported offences against the person" the report states -

Reported number of offences against the person in 1995-96 increased by 11.2 per cent.

Offences per 100,000 population rose by 9.1 per cent in 1995-96 compared to 1994-95.

Everyone knows that statistics can be played with. For example, we could use the number of offences last year vis-a-vis the number of offences this year. If we want to create a lower percentage figure, all we need do is use the number of offences last year per 100 000 people and measure it against the number of offences this year per 100 000 people, without taking into the calculation the increase in the population of the State. Therefore, the percentage increase decreases.

It is interesting to consider the terminology used in the 1996 police report compared with that in the 1995 annual report. It is evident that we are not comparing like with like; we are comparing apples with pears. It is very nice if a party is trying to make a political statement, but it is not very good when it is considering the increase in crime and the backlog in the number of people waiting for compensation under this Act. The backlog is increasing because the crime rate is increasing and the assessor has not been able to meet the demand which has been generated by the escalating crime rate. I am not levelling any criticism at her. Regardless of how the figures are dressed up, that is the situation. Any attempt to disguise the statistics will not hide the real problem from the general public.

I also raise the amendments in relation to third party insurance motor vehicle injuries. Mr Deputy Speaker, you would be aware that some three years ago the Government changed the third party motor vehicle insurance fund arrangements by introducing a \$10 000 threshold for non-pecuniary loss. The Opposition pointed out at the time of considering those amendments that the threshold would have a significant impact on people not in the labour market, particularly young people, parents of young people who elect to stay out of the labour market, retirees and the unemployed. That prediction has proved to be correct.

Interestingly, some years later we now see outlined the money "saved" as a result of those changes. The Minister's second reading speech, on page 3 of the loose leaf copy, refers to this point as follows -

An indication of the potential impact of this category of claims on the funds available for the payment of awards made under the Criminal Injuries Compensation Act is that in 1992-93 claims of less than \$10 000 under the Motor Vehicle (Third Party Insurance) Act amounted to more than \$24m.

That means that in 1992-93, \$24m was paid out to people with small claims; today, the \$24m is no longer provided to people injured in motor vehicle accidents. The worrying part of this Bill is that it also seeks to ensure that the preclusion introduced in 1993 cannot be overcome in any way by means of the Criminal Injuries Compensation Act. I am concerned that on page 4 of the second reading speech, the Minister states -

To address this problem, the Bill will amend the Criminal Injuries Compensation Act to remove any rights to compensation under the Act for injuries arising from motor vehicle accidents except where the motor vehicle was used for the commission of the crime which caused the injury or loss. The term "crime" as defined in section 3 of the Criminal Code is used to define the gravity of the offence to which the relevant provision - section 24B(1) - does not apply.

As I understand the second reading speech, and what is provided for in the Bill, if a vehicle were used in the "commission of a crime" - for example, as a getaway vehicle from a bank robbery or another criminal offence - and a person was injured in an accident which occurred as a result of an ensuing police chase, this preclusion would not affect that person's ability to claim under the Criminal Injuries Compensation Act.

Mr Prince: That is right.

Mr BROWN: In effect, it means that such persons would not have to meet the \$10 000 threshold which they would otherwise need to meet under the Motor Vehicle (Third Party Insurance) Act. However, it is not clear why "crime" is deliberately used in preference to any other word such as "misdemeanour". If somebody is speeding and seeks to avoid apprehension by the police and a chase ensues, does that constitute a crime?

Mr Prince: It really depends on the facts of each individual case as to what charges are then preferred. One could have a crime or a misdemeanour or a simple offence.

Mr BROWN: That is right. On a number of occasions, people have endeavoured to avoid apprehension by the police, not necessarily because they have been involved in a "crime", but because they have exceeded the speed limit and -

Mr Prince: It relates to the unlawful use of a vehicle; for example, exceeding the speed limit will give rise to compensation only if an injury is caused to an individual. An injury to an individual will result in charges of driving dangerously causing grievous bodily harm at minimum, if not something like attempted murder. There is no right

to compensation simply because someone speeds and no-one is hurt. There must be an injury to an individual for the right to compensation to apply. For an injury of such a nature to be caused to an individual, a crime must be involved. Therefore, compensation follows.

Ms Anwyl: You are still leaving \$24m in claims out in the cold.

Mr Prince: I am trying to answer the member's question.

Ms Anwyl: That is his point.

Mr BROWN: It would be interesting to know the details of accidents in which people are deemed to be in the wrong, and the nature of the charges preferred against the offending driver; namely, whether those charges are of a criminal nature or simply a traffic offence. Either way, if I happen to be the innocent abroad, sitting at a stop sign or a red light, doing the right thing, and somebody crashes into my vehicle, why should it be a lotto draw to determine whether I am entitled to compensation depending upon the nature of the offence or offences committed by the offending driver?

Mr Prince: If you're stationary at a stop sign on a wet road, and someone misjudges and drives carelessly into the back of your vehicle, and the damage to your person - as opposed to your vehicle - is less than \$10 000, it is not compensable under the third party scheme. The amendment states that that situation is not compensable under criminal injuries compensation either, although the driver may be charged with careless driving, because, for instance, he was driving too close under the conditions. I am giving a minor example. If someone passes through a red light at speed and, wham, you wind up with serious injuries, we are talking about committing grievous bodily harm, which is a crime under the code. Perhaps it could even be an attempted murder charge, which is also a crime under the code. That is using a vehicle in the course of a crime rather than the careless use of the vehicle, which is a totally different quantum. It is trying to bring it into the line with the amendments to the compensable limit for the threshold under third party claims.

[Leave granted for the member's time to be extended.]

Mr BROWN: I appreciate the Minister's response to that point. I can understand why the Government is seeking to remove a potential anomaly by which people can apply for compensation under this Act when they were not eligible for compensation under the Motor Vehicle (Third Party Insurance) Act.

Mr Prince: You could also have the injustice of someone charged with careless driving and fined a few hundred dollars, which is an appropriate fine, and that person may have a minor accident which may be compensable by a few thousand dollars or less, prior to the changes to third party insurance. Under the criminal injuries compensation the claim is on the driver - the driver must pay and has no insurance that can wear that. He may be fined \$600 for careless driving and may also have to pay criminal injuries compensation to the injured party of several thousand dollars. Is that fair?

Mr BROWN: That situation is brought about by the changes to the third party motor vehicle insurance.

Mr Prince: Yes, it is an anomaly and this legislation addresses the anomaly.

Mr BROWN: This leaves open the whole question and it becomes a lottery. Two accidents may occur, similar in all respects, and yet one person may be entitled to compensation and the other may not be. For example, a person may use a vehicle in the commission of an offence, the police may follow the vehicle and in order to evade the police the driver may act carelessly, although not drive at high speed, as a result of which another person is injured.

Mr Prince: That is at very least dangerous driving and, more likely, reckless driving. You need to know your traffic laws.

Mr BROWN: My understanding of the legislation is that if the vehicle were used in the commission of a crime, and I am talking about a case in which that happened -

Mr Prince: It could be stealing a car, a getaway car, a vehicle used for the carriage of drugs or all kinds of other examples. If the use of that vehicle in the commission of crime causes an injury, it is compensable.

Mr BROWN: A person may be minding his own business and be ploughed into by the driver of a vehicle and be caught by either one of two circumstances. First, if the vehicle was not used in the commission of a crime, the threshold would apply. Second, if the vehicle were used in the commission of a crime, the threshold would apply.

Mr Prince: Yes.

Mr BROWN: The question of whether a person will receive compensation under this legislation depends on the circumstances rather than the nature of the accident, the injuries sustained or the pain and suffering with which a



person has contended. It depends solely on the use being made of the vehicle at the time. I consider that to be a serious anomaly and I foreshadow that sooner or later one of us will have in our electorate office an irate constituent wanting to know why he or she cannot be compensated in those circumstances.

Although I am pleased this Bill will enable the appointment of additional assessors and, therefore, reduce the number of outstanding claims, and enable claims to be processed expeditiously, and support that very firmly, I am concerned that the exclusions in the Act relating to motor vehicles will create further anomalies and will further disadvantage victims in a manner in which they should not be disadvantaged.

**MR CUNNINGHAM** (Marangaroo) [4.05 pm]: I will bring to the notice of the House an outrageous situation that exists in our so-called justice system, relating especially to criminal injuries compensation. Again and again it is brought to the fore that in our society justice is given to the offenders and not to their victims. Criminal compensation is at a farcical level.

A particular rape case has been brought to my attention, and I am horrified at the facts that have been presented to me. In my electorate of Marangaroo - I hope it will be my new electorate of Girrawheen - are literally hundreds of cases similar to the case I shall use as an example to indicate where the justice system has again failed to act with urgency and to recognise the trauma of victims. There is a need to facilitate the mending of human emotions experienced by victims once their homes, bodies and properties have been violated. I refer to the case of an innocent young lady whose only crime was to be in the wrong place at the wrong time. She was raped by - I will not call him an animal because most of us are fond of our household pets - a monstrous non-human creature, the scum of the earth, who plunged her life into an emotional trauma from which it will take her a lifetime to recover. This beast was out on bail at the time of the rape and was due to appear in the courts three days after this rape occurred. In our justice system in this State there is a long record of violent acts being committed by people on bail. The skills of some of our so-called illustrious lawyers must be a reflection on our system of education. I suppose, begrudgingly, the only thing going for this non-human creature is that he pleaded guilty to the rape so at least the young victim was spared the traumatic appearance in the court.

This young lady was raped in January 1993, and was advised in May 1994 to seek criminal compensation. I am sure all members would expect such a straightforward claim to be dealt with in 12 or 18 months. The rape occurred, the offender pleaded guilty and was sentenced, and is now serving that sentence. However, the compensation is still not settled and the victim is expected to put her life on hold for another 18 to 24 months. Members may say that the system allows for only one assessor to be employed by the Ministry of Justice to deal with the many cases put before the criminal injuries compensation department. As the member for Fremantle stated, there is one assessor to deal with a backlog of 2 600 claims. To further complicate this claim, the assessor who has been appointed to act while the permanent assessor is on maternity leave is unable to assess the claim because at one stage he acted as a prosecutor against the offender; therefore, the victim is again penalised for being in the wrong place at the wrong time. All this time the young lady, at a traumatic period in her life when she must deal with many changes that occur in her teenage years, must deal with the violation of her body. Owing to a lack of assessors the system is not offering positive ways to enable her to heal herself and put it behind her. She has been advised that she could appeal to the District Court under section 42 of the Criminal Injuries Compensation Act and have the court determine her application. However, that would mean she would be forced to endure more emotional disturbance and to pay out more money for something that was not her fault.

This situation, in our so-called caring and compassionate society, is nothing but outrageous. It will take approximately five years for this case to be finalised - five long years. Five years is a lifetime for a young person. Can members begin to imagine the pressures and the self-esteem problems that are being created for this young person, all because the system allows for only one assessor to investigate and finalise claims? The person who was charged - that scum of the earth - has received legal aid in excess of \$200 000. That is a sick joke. He will probably be out of gaol by the time of settlement. This is what our society calls a fair go! The Minister for Justice has been approached on this issue. I will read a letter I received from the Minister assisting the Minister for Justice, and I will omit the young lady's name -

Thank for your letter to the Attorney General and Minister for Justice, Hon P Foss QC MLC, dated 12 September 1996 in which you express concern at the delay experienced by your constituent, [Ms S], in having her criminal injuries compensation claim determined.

As Minister Assisting the Minister for Justice I hold delegated responsibility for the area covered by your letter. Consequently, the Minister for Justice has forwarded your correspondence to me for direct reply.

I sympathise with [Ms S] who is understandably very frustrated with her situation.

That she is frustrated is an understatement of the greatest order. To continue -

These circumstances have arisen because the current legislation authorises the appointment of only one Assessor at any one time.

However, legislation is presently before Parliament which will allow the appointment of additional Assessors. The Government is committed to progressing the legislation as quickly as possible as we are mindful of the backlog of compensation claims in need of determination by the Assessor and cases such as [Ms S's].

The Minister did not spell out that the backlog involved at least 2 600 claims. The letter concludes -

Once the legislation has been passed and the appointment of more than one Assessor made possible, the necessary resources will be allocated to quickly address the backlog of cases.

[Ms S's] case will be given priority upon the appointment of another Assessor.

The Opposition is thrilled that this legislation will allow for the appointment of additional assessors. We hope the word "assessors" in this context means not just one or two more, but many more, so that this young lady can rebuild her life. It is a life that has gone through hell over the past three years. I support the Bill.

**MR CATANIA** (Balcatta) [4.15 pm]: As members will know, this Bill has two main intents: First, to amend the Criminal Injuries Compensation Act to ensure there are additional assessors; and, second, to clarify various intents in the Act. An important aspect is whether people can make claims that have arisen from motor vehicle accidents. Previous opposition speakers have stated that they agree with the proposed increase in the number of assessors who are appointed to examine all criminal compensation cases. However, the excuse the Government gives for the backlog is an utter disgrace. To say that the Act limits to one the number of assessors and that that is the reason for the backlog is a woeful excuse. Could other staff not have been appointed so that the applications could be examined and the main assessor could make a judgment? The Minister for Health sits there and tells me that he does not have the authority under an Act to appoint other investigators - not assessors - to examine applications for criminal compensation. Does the Act forbid him to do that?

Mr Prince: You have a fundamental misunderstanding of the purpose of the Act and the role of the assessor.

Mr CATANIA: The Government says that there is a huge backlog of applications for criminal compensation. The Opposition agrees with the appointment of extra assessors. However, we do not agree that a lack of assessors is the sole reason there is a backlog. There is a lack of commitment on behalf of this Government to ensure that criminal compensation is paid, as was the original intent of the Act. A woeful excuse is given for why the backlog exists today. No priority has been given by this Government to this legislation.

Mr Johnson: We're doing it now.

Mr CATANIA: The Government is doing it now - 30 seconds before an election. It had four years to damned well do something. To give this excuse for the backlog is a disgrace. It is a weak excuse. The public should know about the lack of commitment by this Government in this area.

The Minister for Police in question time today stated that crime in this State had decreased by 2.4 per cent, and he seemed very proud of it. The annual report of the Police Department does state that the rate is down 2 per cent - but why? It is because fraud is down 37.7 per cent; fraud has been redefined. If people go to the police fraud squad now, they will be told to take civil action because it will not examine cases of fraud under a cut-off point. The Police Department's statistics indicate that crimes against people have increased by 11.2 per cent. Assaults are up 13.2 per cent, robberies 12 per cent, and damage offences 12.9 per cent. The Minister says that he is satisfied with those statistics. No wonder there is a 16 per cent increase in claims for criminal compensation in this State!

I refer to some other figures which the Minister seems to have forgotten, but which are the prime reason for the backlog in criminal compensation cases. In 1992 the number of serious assaults was 2 594. In 1996, four years later, the number has increased to 4 669, an increase of 80 per cent during the entire term of this Government. That is the reason for the 16 per cent increase in criminal compensation claims. In 1992 the number of common and less serious assaults was 4 657. In 1996 it is 7 098; an increase of 52 per cent. In 1992 the number of offences against persons generally was 11 417. In 1996 it rose to 17 406; an increase of 52 per cent. Those are the reasons for the backlog in criminal compensation claims.

The Government has taken four years to amend the Act by including a provision to appoint other assessors, and it has taken this step 30 seconds before an election. When the original Bill was debated the Government was unwilling to appoint more assessors.

Another reason for the backlog is the state of the Police Service. I have heard this Minister say that he has appointed 425 additional police - not quite the 800 promised. Has he examined the plight of the police officer in Western Australia today? Has he spoken to the police officer who is worried about the new system of promotion? Has he spoken to the police officer who has six weeks' notice of an intended transfer from one part of the State to another and who is given no choice? He is told that if he does not want to transfer from Albany to Kununurra he can leave the Police Force.

How about the police officers in community policing cars? They do not even have radios. One officer, who was witness to a four-car crash, had to find a public telephone because he did not have a radio in his car. This State has 72 community policing cars that could be the additional eyes of the police in their efforts to deter crime. The police officers who drive them cannot communicate with head office because they do not have radios. They cannot report incidents while on the move; they must stop and use communal telephones. When they phone 222 1111 they are asked to wait on the line. They have resorted to ringing 000 to get a reaction.

The DEPUTY SPEAKER: Order! I draw the member's attention to the fact that we are debating the Criminal Injuries Compensation Amendment Bill. At one stage he was doing very well relating his comments about police reports to the Bill. However, for quite some time now he has strayed from the Bill. I remind him that he should return to it.

Mr CATANIA: Thank you, Mr Deputy Speaker. I was trying to impress on members in this Chamber the state of the Police Service in relation to the increase in crime and requests for criminal compensation. Our Police Service is overtaxed and overburdened and the Government has shown lack of commitment to resolving crime and to compensating people who have received criminal injuries.

The Minister said in his second reading speech that the intent of this amending Bill is to clarify the Act in relation to motor vehicle accidents. The Bill provides that motor vehicle accident injuries will not be able to be claimed under the Act. Motor vehicle accidents in Western Australia are the highest for 10 years. It has been predicted that, by the end of this year, 250 deaths will have occurred on Western Australian roads. Obviously, if motor vehicle accident injury claims can be made on criminal injuries compensation funds the annual amount claimed will be excessive - the amount of \$24m has been mentioned. With the likelihood of 250 deaths occurring on our roads and 13 000 people hospitalised each year as a result of road accidents, claims would amount to more than \$30m.

Notwithstanding that, the change to the Motor Vehicle (Third Party Insurance) Act which cancelled all claims below \$10 000 imposed a burden on people who were unable to claim for their injuries. The Opposition supports the clarification and intent of the Criminal Injuries Compensation Act as contained in this Bill. Nonetheless, the number of road accidents and deaths in this State are abnormally high. The number of people being hospitalised every year is high because this Government has not taken sufficiently strong measures to encourage road safety. Before the election in 1993 we heard many promises by the coalition that it would develop more driving schools, etc. The Select Committee into Road Safety sat for four years and made more than 160 recommendations, at least 52 per cent of which the Government did not accept.

One of the reasons for ensuring that motor vehicle accident claims are not met by the criminal injuries compensation fund is that the number of motor accidents is so high that the claims could not be accommodated.

As my colleagues stated, the Opposition agrees with the amendments, but we openly and loudly voice our concern at the Government's approach and failure to adequately address law and order. If the coalition retains government in the next four years, the number of claims relating to motor vehicles will increase annually because it has lost the fight with law and order. This applies especially to crimes against people. A couple of weeks ago I was travelling in a train from Stirling to Joondalup. A poster on the train showed a very catchy advertisement. It indicated that there had been 210 000 offences, 9 831 drug offences, 53 866 burglaries, 5 637 assaults, 67 467 thefts and 931 rapes. It read, "Not a bad year for New York?" but underneath it read, "No, last year in Perth - our homes, our streets, our suburbs, our schools." With those sorts of statistics no wonder we have an increase in criminal compensation claims and a backlog. As I have said, this Government has taken four long years to address this problem. Only weeks before the next election we have a Bill to increase the number of assessors to handle the backlog of claims. It is unbelievable that the Minister for Police can come to this House and say that in the last four weeks of the life of this Parliament the Government will ensure that we have extra assessors to deal with the huge backlog of claims. What a feeble excuse. Why did the Government not do that two or three years ago? An election is coming, otherwise the Government would not do it. It wants to make the public feel a lot better by bringing in these changes and examining criminal compensation cases.

We support the Bill but condemn the Government without question because it has taken so long for these amendments to be introduced. That is a disgrace, as the people of Western Australia will work out. At the next election I hope they will demonstrate that by voting accordingly.

**MR D.L. SMITH** (Mitchell) [4.34 pm]: The principal Act we are amending is the Criminal Injuries Compensation Act. It is important to note that the Act does not necessarily establish new rights for the ability to claim compensation for criminal injuries. There has always been the right, for instance, for people to sue for assault. The principal objective of the Act is not to create the rights but to ensure that people who have those rights are paid the compensation to which they are entitled. Awards made under this legislation are paid by the State. The State then seeks to recover from the perpetrator of the crime the amount that it has paid. That is why the limit is as low as it is, at \$50 000. It is not meant to be full compensation for people's injuries but in effect it is the State saying that it has some responsibility when crime occurs to ensure that people should not be without compensation. The mechanism by which the State can contribute is through this legislation. However, I point out that the amount of compensation payable under this legislation has not increased during the life of this Government. I am considerably surprised that that is the case. After all, this Government was elected on the basis of a lot of rhetoric about its concern for victims of crime. Much of its rhetoric since its election has been about the victims of crime. However, in the one area where this Government could have done something practical about assisting victims of crime it has done nothing to increase the amount of compensation payable under this legislation. I am disappointed that this amending legislation should come here without any desire or suggestion by this Government that it may increase the amount payable under this legislation in the future, let alone in the past four years when it has had the opportunity to do something.

The Bill is a clear acknowledgment that the Government has not been prepared to resource the assessors and the section under the assessors which is meant to deal properly with claims under this legislation. We have all been aware of the pressure under which the Chief Assessor has been operating for a considerable time. Questions were asked in this place in 1994-95. In 1996 the Government is only now moving to give it the capacity to increase the number of assessors operating under this legislation. The Chief Assessor has been formally or informally notifying claimants that their claims will not be processed for about 12 months because of the backlog. The fact that the Government has been aware of that situation for so long - clearly the Chief Assessor has been making representations to it - and has done nothing about it is a complete refutation of all this Government's supposed concern for victims of crime. As the member for Balcatta has indicated, apart from the fact that the Chief Assessor was communicating with the Government for some time about the backlog, it should have been clear to the Government from the figures for those offences that lead to claims under this legislation that the Chief Assessor inevitably would be under pressure. In 1993-94 the number of assaults in Western Australia was 9 771; in 1994-95 under this Government it increased to 11 300; that is, 1 600 extra assaults. However, in 1995-96 it increased from 11 300 to 13 000. Therefore, in the space of three years the number of people experiencing assaults in this State has increased by approximately 3 000 under this Government. The Government should have been aware from that figure alone that inevitably those assaults would flow through to claims in the criminal injuries compensation area and would lead to extra pressure on the assessors. I simply cannot understand why it has taken so long for this Government to act, especially as it has left it to the eve of an election before bringing this amending legislation before the House.

The same is true of that part of the legislation dealing with the impact upon third party claims. People will recall that the legislation dealing with the requirement that the first \$10 000 of general damages not be claimable was debated in this place in April 1994. We on this side of the House moved at that time to refer the legislation to a select committee, as follows -

I want to refer to the select committee the question of what the effect of this legislation will be on the criminal injuries compensation claim. When I was Minister for Justice a claim was made by one person who was successful in relation to a breach of regulation in the keeping of bees. In most cases people who claim against a third party fund will be relying on some breach of legislation or regulation under the Road Traffic Act as the basis of their claim. What will be the role of the criminal injuries compensation legislation? Are people who can currently make a claim precluded by this legislation from making a claim if it involves the driving of a motor vehicle? Will that become the uninsured fund?

A clear warning of the impact of changes to third party legislation on claims under the Criminal Injuries Compensation Act was given to this Government in April 1994. I am pleased that the Leader of the House is present, because he asked, as if it had no relevance at all, "What is the relevance of this to the select committee?" If the Leader of the House had been listening to me he could have signalled to the Minister for Justice or the Attorney General the fact that the amendments to the third party legislation would inevitably impact upon criminal injuries compensation claims. Two and a half years after I suggested, while that legislation was going through this House, that the matter should be investigated, the Government suddenly wakes up and brings before this place this legislation.

I differ from my colleagues on this side of the House who support the amendment to third party vehicle claims provisions. The way the Government has introduced this amendment falls short of what I would expect in trying to answer the question about the impact upon criminal injuries compensation payments of claims under the third party

legislation. This legislation has a simple approach. If a claim involves a motor vehicle accident there will be no criminal injuries compensation claim. It is a total exclusion of those sorts of claims. I will give two illustrations of why that total exclusion worries me. Let us take the example of a robbery. If someone is robbing a bank, and, in the course of getting out of the bank, they knock over and injure a bank customer, that customer clearly has a right to claim under the Criminal Injuries Compensation Act. However, if, after getting into the getaway vehicle, the robber drives the vehicle at great speed from the crime scene and runs into somebody, that person will not have a claim under the criminal injuries compensation scheme.

Mr Prince: Yes they will, because it is a crime.

Mr D.L. SMITH: Can the Minister for Health indicate why he thinks that will be so under this legislation?

Mr Prince: The second reading speech refers to injuries except where a motor vehicle is used for the commission of a crime.

Mr D.L. SMITH: Is the Minister suggesting that every time a person is injured in a motor vehicle a crime is committed?

Mr Prince: No. The example you gave was the bank robber escaping in a car causing an accident or injury. The vehicle has been used in the commission of a crime and therefore the accident is compensable.

Mr D.L. SMITH: Not if the injury occurred while the vehicle was being driven away from the scene.

Mr Prince: If the vehicle is used in the commission of the crime, the accident is compensable. It is the same with a stolen car.

Mr D.L. SMITH: We can get into an argument over that. I will take the next example of a person who gets into a motor vehicle and is so drunk that he is totally incapable of properly managing that car. If he runs into an innocent party driving in the opposite direction, and maims the person in the motor vehicle without causing dramatic injury, that person will not have a claim under this legislation.

Mr Prince: Come on! I have seen umpteen cases where those facts have led to an indictment of manslaughter or attempted manslaughter.

Mr D.L. SMITH: Not in every case, and not a conviction in every case.

Mr Prince: If one is convicted; it is a crime. If one is convicted of careless driving it is not compensable under the Criminal Injuries Compensation Act.

Mr D.L. SMITH: My concern is in the way the provision is drafted; it could have been drafted to include a number of cases that would not amount to a crime, but nonetheless amount to serious culpable driving. The distinctions the Government will draw of whether that culpable driving amounts to a crime or was involved in the course of committing a crime will give rise to legal distinctions that will not be understood by the victims.

Mr Prince: It is consistent with the threshold under third party legislation, where it is difficult to imagine any motor vehicle accident that has no element of carelessness. If you bring in a threshold of third party claims it should arise at the lower end of the offences.

Mr D.L. SMITH: It will involve some fine distinctions, and some people will fall outside the line and some inside.

Mr Prince: You will be earning your living from the distinctions.

Mr D.L. SMITH: I hope not. I would not mind being an assessor. The legislation could have been drafted much more carefully to include a range of people who are in danger of being excluded unless they can clearly show that either the driver was involved in the crime or it amounted to a crime.

The next matter I will deal with is the qualifications of the assessors and the Chief Assessor. Under this legislation a qualified person is a legal practitioner of not less than eight years' standing or practice. I do not know what level of remuneration the Government has in mind for acting chief assessors or assessors. However, eight years' legal standing is the sort of requirement we impose for appointment as a Supreme Court judge. People with between three and eight years' experience should be capable of making minor assessments for criminal injuries claims. Not many people of real competence with eight years' experience will apply to be assessors rather than the Chief Assessor or the acting chief assessor. There should be a lesser qualification period for what constitutes a qualified person. That would enable more assessors to be appointed, because of their salaries, and would also allow claims to be dealt with internally on the basis of some seniority relating to the size of the claim. For example, those claims that were less than \$5 000 or \$10 000 could be dealt with by an assessor of fewer than three years' legal experience; with claims

involving a substantially higher payment, the eight years' requirement of the Chief Assessor or acting chief assessor might be appropriate.

I feel the Government has imposed a requirement which will mean that although people applying for these positions may have eight years' qualifications, they will not be at the top level of competence in terms of their speed in acting quickly or their ability to do this job. We must remember the requirement is for eight years' experience, not necessarily in the assessment of injury compensation claims, but any legal experience specified under this legislation. It is a matter of judgment.

I briefly refer to the question of exclusion of the right to have the medical expenses paid when people are covered by a health insurance fund. I ask the Minister to confirm that that does not extend to people who are subject to ordinary Medicare claims; it applies to only those who have private health insurance cover. I also highlight what I think is a defect in the drafting of the legislation. It excludes those who, but for the existence of this legislation, would have been entitled to the payment of an amount, as if the payment could arise only under this legislation.

Many of the victims of crime have always been entitled to sue the perpetrator of the crime which led to their claim. That right does not arise out of the legislation by itself. If I were a lawyer, I would argue that the right to claim does not necessarily arise out of this legislation. I can understand a judge taking the attitude that this legislation deals with criminal injuries compensation and should be interpreted in that way. In my view, it does not do that, and I am not sure it should. The award is made against the perpetrator. In some cases this would reduce the amount payable by the perpetrator and increase the amount payable by insurance funds and others.

This provision is appropriate only where there is no recovery from the perpetrator. The impact of it will be to reduce the amount of the claim, require the health insurance fund to pay the expenses and, because the award has not been made under this legislation, no right to recover those expenses will exist against the perpetrator of the crime. It would be unfortunate if that were the final outcome of these amendments. They could have been redrafted in a way that would still allow that recovery to occur. I hope we do not run into arguments by funds about whether they have a liability to pay and that in some way delays the final processing of the award under this legislation. I am not saying that it will happen; however, given the way in which they have been drafted, this provision and the road injury provisions may have consequences we do not want the legislation to have.

**DR WATSON** (Kenwick) [4.52 pm]: We support the legislation, although we understand considerable amendments are still needed to both the legislation and the procedure. We have brought before Estimates Committees, in particular, our anxiety about backlogs and budgets that have been allocated to the office of the Assessor of Criminal Injuries Compensation, and, as each year has gone past while we have been in Opposition, we have become increasingly aware of the pressures on the office, which have been compounded for a number of reasons. Many arise as a consequence of an increased understanding of the position and circumstances of victims of crime and also a proper focus on their experiences. The backlog, however, is untenable. It just does not match this Government's rhetoric on this matter.

As some of my colleagues have noted, no new rights are created for victims by this legislation. It is disappointing that the amount of compensation has not increased. Some statutory procedures for payment by the perpetrators should have been established. Violent assaults have increased. Although people fear street assault and what is colloquially known as home invasion, most assaults on women will be perpetrated by somebody known to them.

I do not know how many women have made claims under the criminal injuries legislation when they have been assaulted by an intimate - their spouse or ex-spouse. I am not sure how many women who have been sexually assaulted, especially by a partner or ex-partner, have made a claim for criminal injuries compensation. I do not know how many children have claimed criminal injuries compensation for the consequences of abuse and assault and neglect. This area increasingly will come within the scope of the criminal injuries assessment procedures. I do not know that those people, who have suffered these kinds of assaults and then have been able to acknowledge the criminal nature of that assault some years later, should not be entitled in the next set of amendments to make a claim under this legislation.

Compensation by money is a very real acknowledgment of the experiences people have had. The settlement moneys paid under the workers' compensation legislation, third party legislation and criminal injuries legislation can provide an end to that part of the lives of the victims and enable them to start the journey of healing and leave those awful experiences behind. Very often people who make a claim for compensation are adversely judged, particularly when we see some of the judgments made by some medical practitioners about the extent of injuries which might cause chronic pain. I am not just talking about injuries that have occurred in the workplace. I know a woman who was walking along a road in my electorate when some youths came up behind her and tore her bag from her shoulder. She is having great difficulty, with what can be assessed only as chronic pain. Medical practitioners are trying to evaluate how much neck and shoulder degeneration there may have been in a 58 year old woman that might not be

attributable to the criminal assault. Those sorts of episodes involving some of our medical practitioners - in particular, orthopaedic doctors - compound a person's injury on the journey to claim compensation. For most people, this process completes the business and enables them to take the next step.

I share the concerns of the member for Mitchell about people not having entitlement to payments from their health insurance funds. This is an ideological provision; instructions provided by a Government that is committed to private health insurance. I firmly believe all people, regardless of their income or circumstances, should have access to the same standards of medical care as the next person. It should not depend upon whether the person is privately insured. Be that as it may, we will not oppose that clause of the Bill. I also have some concerns about not making awards where the injury or loss arises from some motor vehicle accidents, and I note with interest that there are no provisions in the legislation for criminal injuries that occur in workplaces.

I want to bring to the attention of the House the experiences of two men who have been to see me recently. A number of my constituents have asked me for assistance to claim criminal injuries compensation. One of those men wrote to his solicitor in July this year in the following terms -

On 13 September 1993 I was nearly beaten to death by a large group of people . . . As a result of this assault, I am still unable to work due to ongoing medical problems and daily medication, despite attempting four work trials, with assistance from Western Rehabilitation, numerous job applications and assistance from friends and doctors.

He pays tribute to the Police Force and establishes that he has had a lot of help from individual police officers and medical practitioners, and he continues -

My purpose is to try to improve the rights for victims of crime, whose rights are virtually nil and our treatment is at the very least discriminatory and a violation of our civil rights as Australian citizens. I have had a lot of time to consider this and it has become increasingly clear that I must try, with the assistance of my doctors, friends and public awareness, to improve on a system for 'victims' of crime that nearly works.

Following this vicious assault, he lodged an application for criminal injuries compensation in September 1995 but was told by the assessor that the claim would not be processed for another 12 months from June 1996, which meant that it would take two years from lodgment to completion. I wrote to the Minister assisting the Minister for Justice and asked him for an explanation of that delay and also how many claimants were in a similar position. The Minister responded, and, while it was quite an optimistic letter with regard to the Government's plans, absolutely no commitment was made to that person. The Minister told me that the Government was well aware of the lengthy delay in processing criminal injuries compensation applications. During 1995, 1 438 applications were received, which represented an increase of 203 over the previous year. Only 740 applications were dealt with in that year. At the end of 1995, 2 554 applications were outstanding. The backlog in processing applications, he said, had been brought about primarily by the current legislation providing for only one assessor of criminal injuries compensation. He told me that the Government shared my concerns and intended to amend the legislation, and said he hoped I would support the legislation when it was brought into the Parliament.

Another man who contacted me about three weeks ago said that in late June 1993, his home was invaded by six people who were looking for the person with whom he shared the house, and he was subjected to vicious and disabling injuries. Two of the six assailants had been convicted, and the two other people in the house at the time had received their compensation some months previously. This man had been a taxi driver. He had sold his taxi, and he contacted me because he was almost destitute, having been on the dole for the first time in his life. I have written to the Minister assisting the Minister for Justice, requesting that this man's claim be given high priority. As yet, I have not received even an acknowledgment of that letter.

The House has heard ample details of various cases that have come to members of the Opposition, and I am sure that many members of the Government have dealt with similar cases. However, I want to tell the House about two women who were awarded criminal injuries compensation by the District Court in August 1995. These two women claimed that an undue length of time had elapsed between the award of compensation by the court and their receiving that money. They were both victims of sexual assault by the same medical practitioner, and their compensation was for criminal injuries sustained when they were patients of that man. They were told in August 1995 that it would take up to six weeks for them to receive a cheque of a few thousand dollars each. They came to see me independently because they had decided to do something for Christmas. One woman had arranged to go on a long overseas holiday with her daughter, and the other woman wanted to have a good spend up here. They are very suitable rites of passage for taking the step into the next phase of their lives. Those women each rang me early in December, some 16 weeks after the award had been made, and it took several calls to both Treasury and Crown Law for me to persuade the officers to release their cheques prior to Christmas; it was only on 22 December, in Christmas week, after constant what amounted to, I am sure they thought, harassment from me, that those moneys were released.

Mr Prince: That was persistence on behalf of your constituents, and I congratulate you.

Dr WATSON: I should not have had to do that. These things just compound the hurt and add insult to injury. I was as angry as those women, who by that stage were almost resigned to the system grinding on and on. Two other women who had not come to see me had been awarded compensation, although their injuries had occurred some years earlier. There should not be undue delays. The process of resolving people's cases in the courts or by the assessor should be as speedy as possible so that people get the moneys due to them and can deal with the injuries that they have sustained.

**MS WARNOCK** (Perth) [5.10 pm]: I join with my colleagues in supporting this Bill and in asking why it has taken so long to bring this matter to Parliament. It is disappointing to note that the Bill contains no new rights for victims of crime, and that the amount of compensation will not be increased. I am moved to my feet because two constituents came to me last week about this matter. They were extremely disturbed that they had been waiting for more than a year for the Government to take action on a compensation matter that they were hoping to have assessed. They were surprised to be told that there was a backlog of 2 600 applications for criminal injury compensation and that the minimum waiting time they could expect within which to have the case heard was something like two years.

I understand only one assessor is available to cope with the extraordinary workload. Consequently, it is no surprise that my constituents were very alarmed about their prospects of ever seeing any compensation. I have written to the Minister for Justice on behalf of my constituents and I hope to receive a reply soon on the matter. I am concerned, as are my colleagues, that greater resources should be available for the assessment of compensation for victims of crime. We would like to be assured that this matter will receive priority status. As individual representatives of our constituents we would like to be made aware when the backlog can be significantly reduced.

My colleague, the member for Balcatta, has been attacked for having said that he felt there were some other ways to address the matter, apart from merely appointing additional assessors. Goodness knows, we need several more assessors, and I understand that the legislation needs to be changed, but I repeat that it should have been changed much earlier and that such a dreadful backlog should not have been allowed to accumulate. I also believe, in common with the member for Balcatta, that there must be other ways to increase the speed with which these matters are handled in the office, because there must be other people who can assist the single assessor working on claims.

The constituents who came to see me in a distressed state last week were very angry and made no secret of their feelings about a Government which had talked about its concern for the victims of crime. They said that they were victims of crime and no-one was showing much concern about them. I speak on their behalf today when I say that we support the legislation and want to see it passed, but we wonder why it has taken so long to reach Parliament. One has a suspicion that it is a rush to judgment before the election; whatever the case, we are pleased to see it go through Parliament at last and we hope that the enormous backlog of applications for compensation for criminal injury will be greatly reduced as a result.

**MS ANWYL** (Kalgoorlie) [5.13 pm]: I wish to make a few brief comments on the Bill. I know that members opposite tend to ask why we did not do anything about this matter when we were in government - but I have not been in government yet. In his second reading speech the Minister referred to an increase in the number of applications for criminal injuries compensation. I think the increase was 16 per cent in 1995. I am sure that figure will be at least repeated if not exceeded in 1996, although I do not think those figures are available yet. I have asked questions of the Minister representing the Attorney General, and I received an answer that the average waiting period was something like six to 12 months. From working in my legal practice I know that is a gross underestimation of the waiting period in the bulk of cases. Of course the criminal injuries compensation tribunal staff are under extreme pressure to provide some sequence in the claims processed so that there is some equity. I understand that creates tremendous pressure because staff members continually receive telephone calls and letters of inquiry from various claimants and their respective representatives and solicitors. To be fair to the Minister, it seems that some claims probably get through quicker than others. However, I suggest that was a gross underestimation of the waiting time.

Leaving aside the large number of claims I have processed as a solicitor, as a member of Parliament I have a claim at the moment where a victim of a serious assault which occurred several years ago, approached me. I wrote to the acting assessor to see if the man could receive some greater priority as he is in a very dire financial situation. He suffers from mesothelioma. I am not sure that its result is imminent but the man has great needs. He sustained a head injury so he has difficulty in coping with his own affairs. Therefore, it was to my amazement that I received a letter from the acting assessor, who I am sure is doing the very best he can under difficult circumstances, stating that he was embarrassed by the delay. It caused me some concern that he should be telling me that he was embarrassed by the delay.

Mr Prince: He is!



Ms ANWYL: Yes, but he should not be in that position. An officer of the court, appointed by the Government, should not be embarrassed by something which is not of his own making. I take this opportunity to praise the previous assessor, Pippa Thompson. She was an excellent assessor and a very compassionate woman. In my dealings with her over the years, she did an excellent job.

Mr Prince: She is top class.

Ms ANWYL: Absolutely, so it is with some regret that I note she has left that position. I imagine it would be an extremely difficult position to carry out -

Mr Prince: She is on extended leave.

Ms ANWYL: I hope she returns to the position at a later stage. It would be a rather depressing job to process all sorts of human misery caused inevitably by fairly vicious acts by people who may or may not be charged with criminal offences.

Some of the debate to this stage has missed the point regarding the changes to the motor vehicle legislation. I will return to that in a moment.

I wish to refer briefly to a former constituent of mine. The woman's husband was killed in fairly awful circumstances by the violent acts of a number of people, one of whom I think was convicted of murder. She has three young children. She was widowed in November 1993 and is still waiting for compensation. The whole process was complicated by the need to proceed to trial before an application for compensation could be lodged, because to lodge an application one must specify under which part of the Act the claim is made. One must say whether a person was charged, convicted or acquitted by reason of unsound mind, or whether no-one was brought to justice. The last circumstance is probably the better case, because the matter can be processed immediately.

It appears that the worst anomaly in the existing Act has not been addressed by this Bill, and I seek to raise that issue now: There is no form of interim assistance for people in such a situation. I acknowledge that the federal social security laws provide a form of safety net for people who find themselves without an income or without support -

Mr Prince: That is the primary safety net for everyone.

Ms ANWYL: It is. I was about to make the point that many people, for all sorts of reasons, may not be eligible. One notable case is a farmer who was injured in horrific circumstances. I forget the country area in which the injury occurred. He had no income and his assets were such that he was not eligible for social security payments. He had a family to support, but he was not able to receive any sort of assistance. That is particularly interesting in relation to this Bill, because in this debate we have continually contrasted the position of motor vehicle third party legislation, and in that jurisdiction it is usually possible to receive some form of advance by reason of economic loss.

It would be appropriate to provide some form of advance. In the case of the example I cited, the crime occurred in November 1993 but it was a long time later that the criminal charges proceeded. Of course, the other technical requirement is that the criminal proceedings must be complete before a death certificate can be provided detailing the cause of death. All members will agree that that causes problems when dependants are left. They may face financial difficulties and all sorts of legal impediments. There may be a de facto widow or a conventional widow and it is not possible to resolve the situation until the death certificate is available. A person's affairs can be held up in all sorts of ways, perhaps for a couple of years given the backlogs that occur in the legal system, particularly when the case involves a trial. One could argue that victims are in a better legal situation if the offender is not caught. It is difficult to justify that difference.

As I said, the backlog has increased to an unacceptable level during the term of this Government. However, the increases would continue no matter which party is in power because of a much greater understanding in the community of the existence of the tribunal and the fact that compensation is available. Certainly, historically, the police have been the major users of the criminal injuries compensation system. Naturally they were also covered by the workers' compensation scheme and were entitled to make claims under the third party motor vehicle insurance legislation. Of course, the latter has now been limited and workers' compensation has been restricted to those cases where there may be common law claims, but thresholds apply in those situations as well. We are seeing a general drying up of the compensation available to police officers injured by criminals, and the law was extended in that regard some time ago. I was fortunate to be the solicitor in a Victorian Supreme Court case where a policewoman was compensated for injuries sustained while searching for an offender in a warehouse where an alarm had gone off. No-one was brought to justice and it was not clear whether a criminal offence had been committed, although it appeared that a break and enter had occurred. On the strength of that, she received compensation.

I make that point because we all acknowledge that police officers perform very difficult duties, not the least of which are those associated with chasing and apprehending serious criminal offenders; therefore it does not seem appropriate

to impose any further restrictions. Yet, that is precisely the effect of proposed section 24B; it will further restrict the entitlements of those police officers, being one group that will be affected. Of course, this will affect a number of other groups. Several of my colleagues have ably argued the reason that that should not be the case.

If I understood the Minister correctly, in an exchange with the member for Morley he appeared to be saying that one can get compensation under the third party system if one is seriously injured. I acknowledge that that is the case, but the Minister was saying that this legislation simply cures an anomaly that has been created. I do not agree; the anomaly was not created. Rights were removed by the SGIC legislation amendments and more rights will be removed by this legislation. One cannot say that an anomaly has arisen and that we will cure it. One must acknowledge that that insured person's rights were removed by the SGIC legislation; there is no doubt about that.

Mr Prince: I am not contradicting you.

Ms ANWYL: As has been pointed out, \$24m -

Mr Prince: I do not doubt you.

Ms ANWYL: The reality is that this legislation further removes rights retrospectively. It will remove the rights of those who had injuries that may have been compensable after 1 July 1993. This is another example of this Government's harsh and unjust retrospective removal of rights. A number of people have already lodged claims and may have spent money on doctors' reports to support them. In some cases they may have incurred legal costs of one kind or another, or spent money on experts such as doctors and so on. Those people will now not be able to pursue those claims.

I question the need to do that given that the SGIC legislation was changed several years ago. Why is it necessary in late 1996 to fix the situation in this way? It seems very harsh and unjust. While we heard all sorts of hoo-ha earlier this year about the removal of the \$50 SGIC impost, there has been no increase in the insurance compensation available. The premium went right up, then dropped back slightly, but it has remained at a reasonably high level, yet the coverage has decreased. If the average private insurance company said that home invasion was a problem costing a lot of money, therefore the first \$10 000 of a claim would not be covered, it would create an enormous furore. By and large, this Government has got away with removing people's rights, and here we are in 1996 doing it again.

Mr Prince: Never forget the reason. I will tell you in a minute.

Ms ANWYL: I am sure the Minister will. However, if it has anything to do with WA Inc, I am not interested.

Several members interjected.

Ms ANWYL: The Government has increased the premium and reduced the level of cover. The argument that I am sure I am about to hear would be valid had the Government maintained the level of cover. However, the Government is taking away the cover and imposing what is a very cynical political exercise to remove rights.

Mr Prince: Straight out finance to cover people who were hurt.

Ms ANWYL: Are finances not pretty good these days according to the Government? Why can we not take heed of the right of all the motorists on our roads who have injuries of one kind or another? I again refer to the \$24m worth of coverage that insured people on our roads do not get. What justification is there for that? It would be more acceptable to me if the retrospective element were removed. As it did with workers' compensation claims, the Government could allow those claims that are already in process to continue. I hope the Minister will address that. I hope the Minister will tell me how many claims are affected because I understand there are a few.

I accept that the charges that will be laid in relation to the driving behaviour resulting in serious injuries will not be precluded by proposed section 24B. However, those injuries resulting from the fault of other drivers are most likely - one can only generalise - to be covered by the existing third party legislation. Another thing to remember about the third party changes is that we are not talking about anybody sustaining an injury on the road; we are talking about that injury being caused by the negligent driving or behaviour of another driver. It is important to remember that point.

I hope that consideration will be given to providing an interim system of compensation or an advance, particularly for people who have lost their livelihood but do not qualify for one reason or another for some type of social security benefit. Lengthy trials will go on. As I said, a woman whose husband was killed in November 1993 is still waiting for some form of compensation. She cannot access his assets because of the difficulties she had in obtaining a death certificate for some time. Those are the sorts of people who would be assisted by that advance. I urge all fair-minded members of the House to oppose proposed section 24B.

**MRS HALLAHAN** (Armadale) [5.35 pm]: As has been made clear, the Opposition supports aspects of the Bill, but has grave misgivings about some shortcomings in the Bill. I accept that the Act does not allow for the appointment of additional assessors. However, I do not accept that the Government could not have made additional resources available to assist the assessor. That would have gone a long way to overcoming the backlog and what has been under the Court Government an increasingly long wait for people who previously had a reasonable expectation that their claims would be settled. In his response to this debate, I hope the Minister will indicate the level of funding that will be made available to this body. Is it true that funding has been cut to the assessor and staff who consider claims for criminal injuries? That is a very serious matter. I understand a number of lawyers are being told that there is only one assessor under the Act - everyone accepts that is a legislative restriction; however, the situation is aggravated by funding cuts. That is reprehensible of the Court Government if it is true.

The legislation, regardless of the level of funding - I hope that the Minister will advise the House on that matter - confirms the ugly face of the coalition because again it screens many people from having access to compensation. Other speakers on this legislation have referred to the retrospectivity of the workers' compensation legislation. The same provisions apply in the Motor Vehicle (Third Party Insurance) Act. It has been said that this amendment merely covers an anomaly, but the fact is it will exclude many people from some form of compensation.

I do not want the Minister to tell me that this is a small anomaly and that people are claiming compensation under this legislation that they should not be claiming. I want the Minister to fully explain what will happen to the people who are making claims under this legislation when the loophole is closed. How does the Court Government intend to provide for the people in those circumstances?

In his second reading speech, the Minister made the extraordinary statement -

As the Act does not permit the appointment of additional assessors to help clear the backlog, applicants are faced with lengthy and unacceptable delays.

The Government is not prepared to allow this situation to continue. To clear the backlog and reduce delays, amendments to the Act are proposed in this Bill that will enable the appointment of a person as chief assessor and additional persons as assessors.

I accuse the Government of making gratuitous statements which do not give any commitment to making life easier for people who have a claim under the Act. What has prevented the Government from providing additional resources to assist the assessor to consider more claims than has been the case to date?

Other members have referred to the rhetoric from the Government about assisting victims of crime. We are now dealing with this Bill in the dying hours of the Parliament after four years of the Court Government. How does the Minister explain why it has taken so long to make these changes if the Government is genuine in its concern for the needs of people who are victims of crime? The Government's record is one of empty rhetoric and a lack of any real compassion or concern for people who are so affected.

Some members gave a graphic and very moving account of how victims of crime have been affected by the crime committed against them. I will not name the person involved in the case I will recount, but he is an experienced owner-driver in the taxi industry who was assaulted in August 1995. The assailant was apprehended and subsequently convicted and fined \$1 000 in November 1995. The compensation claim was lodged by this person's solicitor in January 1996. The solicitor was advised that it was hoped the case would be assessed in approximately one year. Last week he was advised that the case would not be heard for at least two years because the backlog of claims had increased, and funding for the office had been cut; all in all, it was a depressing situation.

Some of my colleagues referred to sexual assault and I am sure members understand the impact it would have on a person's life. Assault per se has a very damaging effect on people's psyches and that is exactly what happened to the taxi driver to whom I referred. He would like his claim settled so he can move on from that experience. He refuses to pick up people in certain areas of the city because he believes they pose a threat to him and would not respect him. Therefore, it has affected his income earning capacity. He has restricted the areas in which he provides a taxi service and the patronage for his cab has been reduced. He considers this to be a serious situation. I have known him for some time, but it was only last week that he told me how he was psychologically affected, as distinct from the physical injuries he received. He would like this Government to take some genuine action by not only implementing this legislation, but also increasing the funding to the office so the extraordinary backlog of claims can be adequately dealt with.

I am concerned about the stories from lawyers which indicate that in order to have their clients' cases considered more expeditiously than they anticipate, they have developed the practice, not of telling untruths about their clients' personal circumstances, but certainly of embellishing the claim so that the criminal injuries compensation team will compassionately consider the case and give the claim higher priority. It is an understandable response, but it becomes

a distorted process because cases for which people are able to make a compassionate and compelling case are heard before other cases for which in fact there may be a greater or equal degree of urgency. These practices occur when the Government does not govern as it should. The criminal injuries area is a good example of how, after four years in government, the Court Government has failed to respond to the concerns of the community in spite of the extraordinary rhetoric which the public heard in the lead up to the last election. It is one of a number of disappointing aspects of the Court Government's performance. However, it has taught some people the painful lesson that the coalition's rhetoric is not based on a genuine commitment.

I will be very interested in the Minister's response to the aspects which have been raised in this debate, particularly the concerns I raised.

**MR KOBELKE** (Nollamara) [5.46 pm]: The Criminal Injuries Compensation Act was one of the many fine initiatives of the Labor Government in the 1980s.

Mr Prince: No, it wasn't. The original Act was in 1972 and the amendment to it was in 1981. You modified it.

Mr KOBELKE: I accept the Minister's correction. The most recent major initiative was in 1985. This Bill is simply window-dressing. Things are being given with one hand and taken with the other. It concerns me that this Bill will not improve access to criminal injuries compensation by victims of crime.

I will address my comments to two aspects. Firstly, there is a need for justice to be done. I am sure members are aware of the increased level of crime, as well as the increase in community concern. The Government will never have the resources to adequately compensate victims of crime. However, it must be seen to be doing something worthwhile by making a substantial contribution to victims of crime. These people suffer personal loss: Financial loss, loss of health or the loss of a family member. A great deal of that loss cannot be adequately compensated for.

People are aware of the Government's huge investment in dealing with the perpetrators of crime, and victims of crime have a right to feel that they are not being justly treated. The commitment of police and court resources should be used to bring the culprit to justice. In the past, the victims have been cast aside and have not received any recognition of the hurt which has been inflicted upon them and the additional cost they have incurred. Criminal injuries compensation, in a small way, addresses the total imbalance. It demonstrates that society recognises that justice means that compensation must be paid to the victims of crime. The State would never be able to fully meet the cost incurred by those people. A much more efficient method of access to criminal injuries compensation must be available to ensure that there are no inordinate delays in claims being heard. A need also exists to extend the range of people who can benefit from the compensation. However, this amending Bill provides for a reduction in the number of people who will be able to lodge a claim for criminal injuries compensation. Currently, many people can lodge a claim for compensation under the provisions of the Criminal Injuries Compensation Act.

One class of such people are those who, although clearly the victims of crime, do not see anyone convicted of the crime. I will give a couple of examples of that later.

Such people face a difficulty in gaining any compensation, which makes the hurt all the greater. Although we can stand back and say that such matters are determined by the courts, and that that is the best we can offer in terms of justice, many victims of crime see only the huge injustice of the system. Victims of crime have a clear view of the hurt inflicted on them. Often they know who perpetrated the crime and caused their injury, but when that person is not convicted by the court and given a sentence of punishment, the victim's pain is increased. Not only do the victims carry the pain of the injury, whether it is a material loss or an attack on their person or family, but also they see that the justice system did not bring to book the person who inflicted that hurt upon them.

I now refer to the need to use the Criminal Injuries Compensation Act to restore respect and confidence, in a small way, in our criminal justice system. A victim of crime who has seen the perpetrator of that crime get off scot-free should have the comfort of a small amount of compensation to feel that the State recognised that such a person was a victim of that crime. The justice system may not be able to bring to book the person who inflicted that injury, but at least some compensation acknowledges the hurt involved.

All members will know that victims have a coloured perception of the process - it could not be otherwise - and that our justice system must weigh up both sides of the case. In most instances we require the burden of truth to be beyond reasonable doubt, and I do not suggest that our system of justice can overturn those well-established principles. Nevertheless, we must respect the viewpoint of the victim when the perpetrator of the crime gets off scot-free. We should extend the availability of criminal injury compensation so that victims know that the State respects their injuries, even though the perpetrators were not brought to justice in the eyes of the victims. Many such victims simply cannot gain access to compensation through the principal Act.

I recognise the argument of this Government, and any Government, that one cannot open up a bottomless bucket of money for compensation. However, a caring Government would gradually adjust the criteria by which criminal injury compensation is made available to people. The Court Government is reducing the groups of people for whom compensation will be available under the legislation. That reflects what this Government is about: It heralds its move to create more assessors so more people pass more quickly through the system, but that is simply a front; this Bill is about tightening up on the people who qualify for compensation under the principal Act.

I wish to comment on three parts of the Bill. First, the Government has heralded that appointing additional assessors is an advance in the system. The member for Balcatta indicated that our system could have handled applications for compensation much more efficiently simply through the allocation of additional resources to the administration of this area.

Mr Prince: That is wrong.

Mr KOBELKE: The Minister is not correct. If more resources had been directed to this area, more assistance would have been provided to the assessors. I agree that the appointment of more assessors will make the system more efficient, but this will be to no avail if the Government does not provide necessary additional administrative resources. The delays could have been partly fixed through increased resources for the administration of the system.

Mr Prince: How much more would you put in?

Mr KOBELKE: Any Government of the day would have the problem of weighing up the additional resources to be provided to the administration of the system to deal with problems more quickly. The Government has been in office for almost four years, and this legislation is being dealt with in the Administration's dying days. Members opposite have no commitment to the provision of additional resources. This Bill can do nothing without increased resources being provided. The Minister and the Premier will trumpet to the people of Western Australia that something has been done to assist the victims of crime, but that claim will be totally false unless additional resources are committed to this area.

The measures in the Bill will reduce, not extend, the availability of compensation under the Act in relation to health funds. I accept that this change is a clarification of how the Act should work regarding moneys payable normally under the medical and health funds. I see nothing wrong with that. However, it must be recognised that this management improvement has the effect of reducing the liabilities on the funds under the principal Act.

The other area of the Bill is the exclusion of claims resulting from motor vehicle accidents. Although that contains an administrative component which will tidy up aspects of the system, it is more a measure to chop off the availability of compensation to groups of people. This Government must be condemned for that intent. This change rides on top of the \$10 000 threshold imposed through changes to the Motor Vehicle (Third Party Insurance) Act. The Government is now stepping on, and excluding, the people who could have made a claim for a motor vehicle injury in the past, but are already at a huge disadvantage with the application of the \$10 000 threshold.

We now find that if an injury was not sustained through a perpetrator committing a criminal offence involving a motor vehicle, the victim may not be able to obtain any compensation under the Criminal Injuries Compensation Act. This will further reduce the availability of criminal compensation to the people of this State.

The Opposition is well aware that the Government must find savings as a result of the \$90m cutback in its current Budget through reduced commonwealth contributions. We are told that \$40m has been found in savings, but how much saving has been found from the criminal injury compensation area to contribute to that \$40m?

Mr Prince: I am only the Minister representing the Attorney General in this place. I cannot answer the question - I do not know.

Mr KOBELKE: Does the Minister know whether this area has been exempted from finding savings?

Mr Prince: I cannot answer that.

Mr KOBELKE: I can take it then it is quite likely that this area has had its budget reduced.

Mr Prince: My advice from the acting assessor is that there is no reduction in the budget.

Mr KOBELKE: There will be no reduction in the vote in question in this year's Budget. However, since the budget was released, most government agencies have been required to find savings to meet the shortfall in the commonwealth contribution to the State.

Mr Prince: The acting assessor tells me that, as far as he is concerned, there are no cuts.

Mr KOBELKE: I wonder whether the Minister could place that comment on the record during his contribution and indicate whether in the current financial year any savings will be required from the criminal injuries compensation fund, in terms of either resourcing the office or the pool of money available to meet the shortfall in the money provided through commonwealth funding.

*Sitting suspended from 6.00 to 7.30 pm*

Mr KOBELKE: I have previously outlined the two main reasons that I believe the Criminal Injuries Compensation Act is an important part of the justice system. First, it provides an element of natural justice to the victims of crime and, second, it seems to give people confidence that the justice system works, particularly when the perpetrators of crime are not convicted in the court system. That will be the case in some circumstances. The victims in those cases feel the State has offered them no support at all. I will outline two cases that fit into that category. They were brought to my attention by two constituents who complained about injuries they had suffered and the unsuccessful prosecutions that followed. I will not use their names because, although they have sought my help, I have not had time to ascertain whether they want the details made public.

The first case involves Mr T who is a taxi driver. One evening in December 1993 he was assaulted by a passenger in his taxi. He pushed the emergency alarm button in his taxi and soon other taxi drivers came to render assistance. His assailant was followed by one of the taxi drivers and was arrested by the police in a nearby street. Charges were laid and the case was heard in court in March 1994. Mr T had a medical report from his doctor and photographs showing the injuries he had sustained. He lost several days' work because of his injuries and was most apprehensive about continuing his occupation as a taxi driver at night because he was afraid that such an attack would occur again. His wife cried and pleaded with him not to work at night because she feared another attack could have worse consequences for her husband. When the case was heard before the court it was deemed to be not proven. Clearly, the constituent had suffered injury and there was an assailant, but the prosecution case was not good enough to succeed. The taxi driver did not see any justice done in the courts. The loss to Mr T in forgone wages and the cost of medication - his medical bills were covered - amounted to less than \$1 000. However, Mr T cannot afford to be out of pocket by approximately \$800. He is battling and his taxi driving at night is his only source of income to maintain his family. He sought compensation under the Criminal Injuries Compensation Act and made an application on 25 May 1994. A letter from the assessor of criminal injuries compensation indicated it would take between nine and 12 months to consider his case. However, on 20 July he received a letter indicating that, because the prosecution had been unsuccessful, the assessor could not consider his application for compensation. That is in line with the existing provisions in the Act. He was advised by telephone that if he wished to pursue his case he must engage legal counsel in order to have any chance of succeeding. However, it was pointed out to him that it was unlikely he would succeed, given the provisions in the Act. That case clearly demonstrates that the scope of the Act should be widened rather than restricted as it will be by the amending Bill before the House.

The second case to which I refer involves Mrs M who is 40 years old. When visiting a friend in June 1993 she was attacked by a person who was known to her, but was not a member of her family. Mrs M was punched in the jaw by her attacker, who then hit her in the chest and sides with a clenched fist. Because his fist was bleeding she had blood on her clothes and suffered a range of injuries which, although not serious, caused her great distress. She is a sufferer of multiple sclerosis and this added to her medical problems. After the attack her jaw was so sore that she could not eat solid food for four days. That information was contained in a statement to the police. The police charged the person with occasioning bodily harm, but it was not proved in court and a conviction was not recorded. Mrs M was caught in the situation that, in order to apply to the assessor for criminal injuries compensation, she needed authorisation from the Attorney General. On 20 March 1996 she wrote to the Attorney General, who at that time was Hon Cheryl Edwardes, and requested permission to lodge an application for criminal injuries compensation. She was advised to take that step by the Victim Support Service. The letter was sent by certified mail, because she wanted to make sure that it arrived. Mrs M came to me after she had received no response to her letter to the Attorney General. She told me that she had made more than one telephone call to the Attorney General's office, asking what was happening to her request to lodge a claim for criminal injury compensation. At first she was told that the Attorney General's office had no record of her letter. She was later told that the letter had been received, but that it was sent to the Crown Solicitor for advice. That was in March 1996. In June 1996 I wrote to the Attorney General, who by this stage was Hon Peter Foss, pointing out that she had not received even a reply to her letter. It was not until 25 September that a response came back. That response was to point out simply that the Attorney General would not give authorisation for the assessor to consider her application. I will quote one paragraph from that letter, which was addressed to Mrs M from the Minister assisting the Minister for Justice, as follows -

Section 15(1)(a) provides for the issue of a certificate giving rise to a right to claim compensation where the circumstances are such that it would be unjust if a person were not eligible to claim. It would seem that Parliament intended that certificates would only issue in exceptional situations in cases where no offence is proven. Section 15(1)(b) provides for the grant of a certificate in circumstances where an accused person

was acquitted because the prosecution was commenced out of time, or as a result of some other technical reason not going to the merits of the case. The circumstances of this case do not satisfy either of the bases for the grant of a certificate under section 15(1)(b). In my view the circumstances in point in your case do not justify the issue of a certificate. I regret to advise therefore I will not be issuing a certificate.

This woman had been assaulted. There was no doubt about the evidence, but the evidence was not sufficient to record a conviction. She had not suffered a great loss: The financial loss to her would have been just a few hundred dollars. However, the Act as it is administered by this Government would not allow her even to lodge an application. This Bill is not an extension to try to pick up some of these cases. I said earlier that I realised the Government could not simply move the gate out so far that it would incur huge costs to the State. It obviously must be a measured process. However, we have seen no move by this Government in its four years in government to address criminal injury compensation in a way that would give greater access to some form of compensation for the victims of crime. This Bill is a further restriction on their ability to gain compensation.

The case of Mrs M indicates that it is not simply a matter of law, but also an issue of how the law has been administered through the office of the Attorney General. There was a huge delay in getting a letter to say whether a certificate would be issued so an application could be considered by the assessor. In the case of Mrs M, the three year time limit was drawing close at the time she first wrote to the Attorney General. When she received the reply from the Attorney General, some months later, that period had elapsed. The Minister might still have allowed an application if the consideration of her case had been in the positive. However, it was not; it was a negative decision that did not give her access to lodge an application for criminal injuries compensation. If the Attorney General's office cannot deal promptly and properly with a request for such a certificate, where is the commitment of this Government to providing the victims of crime in Western Australia with some form of compensation?

The implementation of a \$10 000 threshold under the Motor Vehicle (Third Party Insurance) Act has resulted in a huge cost to the victims of motor vehicle accidents. That threshold means that many of them cannot gain any compensation. If people are involved in an accident in which a crime may have been committed or are involved in a high speed car chase, for example, or if the accident is an associated activity of another crime, they will not be able to make application under the Criminal Injuries Compensation Act to gain a small recompense for the damage that has been done to them and the costs they have incurred. One hopes that the Government has sympathy for the victims of crime and this does not simply herald that it is doing something when there is no commitment to do so. I hope that when the Minister responds he will give a guarantee on whether any cuts will be made in this area in line with the cuts that are being made across the Government generally, or whether this area has been quarantined and will not experience those cuts.

**MR GRILL** (Eyre) [7.45 pm]: I will make a short contribution to this debate. I understand that my colleagues on this side of the House have not been uncritical of this legislation, but that generally they are prepared to support it. I generally support the legislation with some qualifications. However, I feel that some level of abuse is taking place with this legislation, which I will advert to later in my speech. There is general agreement on this side of the House with the Government that the addition of at least one more assessor to do something about the backlog of claims under the Criminal Injuries Compensation Act is a step in the right direction. Some of my colleagues on this side of the House, however, have questioned whether the necessary financial resources will be in place to ensure that a well qualified team of assessors is allowed to operate under the Act. I have been told informally that the Minister so far has not been prepared to make a commitment in that area, but perhaps I am misinformed.

Mr Prince: I am only the Minister representing the Attorney General. Over the dinner break I was assured that the extra funding had been approved by the Cabinet Estimates Committee for an additional assessor and staff.

Mr GRILL: That clarifies that point, on the basis that it is not cut further in the future. We can take the Minister only at his word, and we expect that his word is correct. I do not want to debate that.

I support the clarification concerning the liability for medical expenses where those medical expenses can be paid by a medical fund. I have no criticism of that provision in the legislation. Where I might depart from my colleagues is in my support for the removal of the liability on motorists for the possible repayment of costs for a negligence driving claim that is brought pursuant to the Criminal Injuries Compensation Act. I am not sure what my colleagues on this side of the House have had to say about that.

Mr Prince: Generally they do not like it.

Mr GRILL: I think it is a proper amendment. It has been brought about by an unfortunate set of circumstances that does not reflect well on the Government; that is, the curtailing by way of thresholds and limitations the ability of persons injured in motor vehicle accidents to bring claims under the Motor Vehicle (Third Party Insurance) Act. I am highly critical of the Government in that respect. That action by the Government three years ago was a step in

the wrong direction. It has conferred on a range of people financial trauma and worry and it is something about which this Government should hang its head in shame. I suspect that the Minister handling this legislation privately agrees with me on that score.

As I said, I am not critical of the provisions in this Bill which remove liability by a negligent driver to repay a criminal compensation award. It is a misuse of the legislation for Mr and Mrs Average, who may have been driving with some degree of negligence by civil standards - not criminal or culpable negligence - to be lumbered with a bill under the Criminal Injuries Compensation Act. If that has happened - it was certainly suggested in the Minister's second reading speech that it has happened - it was wrong for the legislation to be used in that way. It was not foreshadowed it would be used in that way.

Of course, lawyers will be lawyers and we cannot blame them. They have been ingenious in the past in finding loopholes in legislation. This is obviously a major loophole, which this Bill will close. I am not opposed to that. The situation which has led lawyers to find the loophole is one for which the Government should receive considerable censure. Having said that, I do not blame the Government for closing off the loophole in this legislation as it applies to the Criminal Injuries Compensation Act.

In his second reading speech the Minister indicated that only the most pressing matters were being dealt with by this amending legislation and that the Attorney General had requested that the Ministry of Justice carry out a comprehensive review of the Act. The Minister also pointed to increases in the number of claims being made under the legislation. He adverted to the fact that in 1995 the number of claims increased by 16 per cent. Much of that increase, but not all, can be laid squarely at the door of an increase in violent criminal activity in Western Australia.

It has been suggested to me by friends in the civil liberties movement that there is real concern about possible abuses of this Act; that is, claimants are misusing the Act to enrich themselves opportunistically by making accusations against innocent parties and bringing action in the courts. I suspect that a front page story about two women who were charged in the Eastern States and are to be brought back to Western Australia for action may relate to that sort of activity. However, I cannot say anything because it is probably sub judice.

Brian Tennant, a well-known law reformer and civil libertarian, has discussed this matter with me on a number of occasions. As a result of his avocation - not his vocation - he is in contact with many people charged with criminal offences in Western Australia. Some of those people, in due course, are acquitted and some are convicted. He indicated to me that it was his view and the view of many of his colleagues in that avocation that claims were being brought opportunistically by people to enrich themselves under this scheme.

I have handled, informally, some matters brought to me by Mr Tennant. Some time ago he brought to me a case of a Mr X who had been charged with sexual assault of a Miss Y. As a result, I wrote to the then Attorney General about the matter in the following terms -

Dear Attorney General

The prosecution of Mr X for sexual assault offences by the Crown on the basis of allegations made by Miss Y of . . . has recently been brought to my attention.

The circumstance giving rise to and surrounding the charges gives me considerable concern.

As you know, such allegations once made are very hard to disprove, a fact well understood by jurists. Until recently there were safeguards in the legal system which required material corroboration of these types of charges before they could be satisfactorily proved.

You will also be aware that cases have been brought before the courts recently where such material corroboration was not readily apparent.

I refer to the sexual assault case brought against a Bunbury teacher. Most people will remember the case.

Mr Prince: Repressed memory.

Mr GRILL: To continue -

The final outcome of these charges has not been of benefit to any of the parties and has tended to lower the regard in which our legal system and our laws are held.

The case against Mr X appears to have many of the hallmarks of these unfortunate prosecutions.

Firstly, the allegations against him seem to stem from situations which are not readily amenable to corroboration.



Secondly, the charges relate to events which are now very old.

Thirdly, there appears to be no evidence of "recent complaint" to the police or a third party at about the time of the alleged offences. You understand that this is a highly relevant factor and something that is looked for in prosecuting such assaults.

Fourthly, when the complainant had the opportunity to make such a complaint to the police, she failed to do so. An examination of the police files will show that the complainant accompanied her sister to lay charges against Mr X a couple of years ago. Although the sisters made allegations, Miss Y did not. It was only a chance, prejudicial and highly unfortunate question and answer at her sister's trial which gave rise to the present set of charges by Miss Y. Even then, it appears that formal complaints were not made to the police until a further 13 months had elapsed . . .

Fifthly, I would advise that I have read a copy of letter sent to the accused by the complainant in early 1991. That is well after the alleged offences. The letter expresses love and hate and is critical of the accused in relation to a number of matters. Despite the fact that the letter touches on a number of intimate matters it nowhere mentions or even hints at any form of sexual assault.

I will not relate the other matters; the Minister handling the matter will understand why.

I received a letter from the Attorney General and Mr John McKechnie, the Director of Public Prosecutions, who indicated that, for a range of legal reasons, he intended to proceed with the case.

I believe Miss Y's action was brought for malicious purposes and that the initial complaint was made by her because she wanted to get back at that person for her own reasons. In the course of events there was a custody case involving the whole family. The point that worries me - most points were made in the letter I sent to the Attorney General, but not this one - is that I believe the case was brought partially to obtain criminal injuries compensation. I have some correspondence here which I will show to the Minister at a later date.

This man went through a great deal of trauma in a very public trial, and was ultimately acquitted. I think that was a just result. The jury did not take much time to decide he was not guilty. The action should not have been brought in the first place. The motives for which it was brought were not fit and proper. Unfortunately the woman who brought the action is not alone in our community. My friend and colleague in the Federal Parliament, the member for Kalgoorlie, Mr Graeme Campbell, brought to my attention a case in which a part Aboriginal man was charged with rape. He went to see Mr Campbell with the complainant. The complainant indicated that she had made a mistake when making the complaint and wanted it withdrawn. Mr Campbell made arrangements for them both to see the police. She explained the situation. This is what happened: The police told her that if she changed her story she would be charged with perjury and that in any event she would be far better off proceeding with the action because she stood to make \$30 000 as a result of a successful prosecution. These matters have been related to me secondhand and I do not have confirmation in writing, but I believe the people who have related that information to me, and I certainly believe Mr Campbell. In due course that case went ahead. The part Aboriginal man was convicted and the complainant was forced to give evidence against him, although very reluctantly. I think the judge was so dismayed by the whole episode that the part Aboriginal person spent only three or four months in gaol.

Once again in a strange, circuitous way justice was done, but that is not the way in which justice should be seen to be done. It appears to me that abuse occurs at two levels: First, at the opportunistic enrichment level of some complainants and, second, by the police holding out with the Criminal Injuries Compensation Act the inducement that the complainant may well receive a substantial sum of money in the event that the prosecution proceeds. I have not looked at the Criminal Injuries Compensation Act for some time, but I understand that by and large all one needs is for the action to proceed in order for the complainant to collect damages at the end of the day. The discretion is in the hands of the assessor, but, especially where there is any sexual element involved, the majority of cases come down on the assessor having the ability to make an award even where the prosecution is unsuccessful.

Mr Brian Tennant intended to be here at 8 o'clock this evening. He told me he had a whole range of other correspondence and cases which fitted this pattern. I believe that over the years Mr Tennant has shown himself to be a very fine civil libertarian. By his agitation and campaigning he has been responsible for a number of significant changes in the law. He ran the Civil Liberties Council of Western Australia for many years. I do not think that anyone in Western Australia can say he has not acted other than altruistically in his avocation. He is immensely concerned about the abuses of this legislation at both levels. If the Minister in his reply adverts to some possible changes in the legislation to tighten up these areas, I will be very happy indeed. The Opposition does not know and I do not think that the House knows what changes might come out of the review by the Ministry of Justice. I hope that some checks and balances could be put in place to prevent possible abuses of the law. Even if the Minister does not agree that possible abuses are occurring at present, he understands that the law must be seen to be acting fairly.

There is a growing body of opinion in certain circles, especially civil libertarian circles, that this legislation is being abused. None of us on this side of the House wants to see an altruistic piece of legislation of this nature, which we have always strongly supported, used as an instrument of abuse. I believe that some of the anecdotal and other material coming to me is absolutely correct and that this legislation is being used in that way. If some checks and balances could be put in place I would be very happy. I do not know whether the Minister is in a position to comment on these matters until that review by the Ministry of Justice is completed, but, if he is, I would be grateful to hear them; if he is not, we will see what comes out of the review in due course. On behalf of Mr Tennant and his many friends and colleagues, I have expressed those views and I hope that something can be done.

**MR LEAHY** (Northern Rivers) [8.06 pm]: I join my colleagues in support of these amendments and wish to place some concern on the record. After hearing my colleague from Eyre speak about some of the alleged misuses of this legislation, I also share his concerns. I am worried that we learn from the Minister's second reading speech of a build up of some 2 500 outstanding applications. I am amazed that with the sole acting assessor dealing with some 750 cases per annum there has been an accumulation of 2 500 outstanding cases. It equates to something like three years build up and inaction by this Government before it brought in this amending legislation to appoint more assessors. With the public outcry we have heard over the past few years about the system of justice paying too much attention and giving too much benefit to criminals and doing very little towards the victims of crime, it is amazing and disgraceful that the Government has been so slow to act in bringing some remedy by the appointment of additional assessors. Although we welcome the fact that additional assessors will be appointed under this amending legislation, we question how long it has taken the Government to act and the fact that the amendments are being pushed through here apparently some days before the announcement of an election.

At the Committee stage I will ask the Minister for clarification specifically on how the amendment relates to hospital benefit funds. At the moment hospital benefit funds are calling on money to recompense them if there is an award under the Criminal Injuries Compensation Act. It appears from the second reading speech that this will change and that any money claimable under the hospital benefit funds will be taken into account when the assessor deals with the criminal injuries compensation application. The obligation will then fall on the hospital benefit funds to meet the costs of any hospitalisation or medical costs. I can see some need for this, if the compensation is to be met by the taxpayers of this State. It is wrong that we throw back the obligation onto the health insurance funds and, more importantly, the people who take up private health insurance when a criminal is identified and has the resources and capacity to pay the compensation. He should be pursued and made to pay the compensation. In those circumstances there should be some mechanism which forces the criminal to pay those medical fees. The onus should not be put onto the hospital benefit funds and, more importantly, those who take out private health insurance.

I share the concerns of the member for Eyre. A case was raised only a few days ago in which a man was convicted of the crime of sexual penetration based on the evidence of his former wife and a friend. After a time the woman involved was paid criminal injuries compensation. The man appealed and won his appeal, and charges have been laid against the two women concerned.

From the press reports I know that he feels aggrieved that he was forced to pay criminal compensation as the fund had awarded some \$4 000 towards the alleged victim, who may turn out to be the criminal. That case has not been heard yet. However, it appears that he was not criminally liable.

**Mr Prince**: I suggest you do not comment any further. That is sub judice. The situation is that the man was convicted and sentenced. He has served his sentence.

**Mr LEAHY**: I have not mentioned a specific case. In circumstances where this occurs and a chap is found to be innocent there has been a victim reversal. It takes some time for that to be recognised and for the real victim to obtain compensation from the fund. I know from the reports that a person feels aggrieved that even after his appeal he was pursued for money that was paid out in compensation. This Bill should contain a mechanism so that somebody can obtain quicker redress. I hope the situation will be addressed by the appointment of additional assessors, who will then have more time to deal with these applications. There must be pressure on assessors to get through as many claims as possible. In 1995 there were 1 400 new applications, and only 750 were processed, so there must be some pressure to speed up the through rate of claims. I hope they will now have more time to devote to that. It is not the assessor's job to decide whether there has been a criminal offence; it is to decide what compensation is due.

The Opposition supports the thrust of this Bill. However, as other members on this side have pointed out, it should go further. Although there is no intent in this Bill to increase the amount of compensation, which at the moment stands at \$50 000 - it has stood at that figure for some time - we should recognise that some injuries require a far greater compensation than \$50 000, and that amount should be raised by at least 50 per cent to \$75 000. The amendments are good, although they could go further. I hope the Government will devote more time and effort to strengthening this Bill further.

**MR PRINCE** (Albany - Minister for Health) [8.13 pm]: I thank the 13 members opposite who contributed to this debate. It has been lengthy. There has been much repetition of some points by many of the members. In my response I will cover the matters that have been raised. This amending legislation has been needed for some time. The Deputy Leader of the Opposition raised the need to increase the quantum which can be awarded under the Act. That does not require an amendment to the legislation, because it is prescribed in regulations. It is instructive to look at where the criminal injuries compensation legislation came from in this State. The first legislation was enacted during the Government of Sir David Brand in 1971 and came into operation on 1 January 1972. It was the subject of review by the Law Reform Commission in the mid-1970s. In 1981, Hon Cyril Rushton, who was then Deputy Premier, brought in a new Bill to replace the existing Act. That stayed in operation until the mid-1980s when there were substantial amendments to it by the Labor Government. The member for Nollamara began by attempting to say the Act was a Labor initiative. It was not.

Mr Lewis: He says that on every occasion.

Mr PRINCE: He is wrong. It was an initiative of a coalition Government in the late 1960s and early 1970s. Since then the most substantial revisions have been by coalition Governments. The Bill before the House is not a substantial revision, it is an amendment to a number of specific matters. My second reading speech mentioned that the whole of the Act is presently subject to review by the Ministry of Justice at the direction of the Attorney General. The ministry is undertaking that comprehensive review right now. I do not know when the review might be completed; I hope by the end of the calendar year. However, I have no knowledge of any particular time frame. A number of the matters that have been raised by members are part of that which is being considered.

I will canvass the matters raised by the member for Eyre which, to a certain extent, were alluded to by the member for Northern Rivers, concerning the use of the criminal injuries compensation system as a reward. The acting Chief Assessor informs me that in so far as he is able with any matters that come before him where he suspects there may be some gilding of the lily, changing of matters or painting them in an incorrect light - in other words, when he suspects that someone is attempting to obtain something they are not lawfully entitled to - he investigates those matters as rigorously as he can and, where appropriate, sends them to other authorities. That is the limit for any assessor because, by definition, he is assessing the amount of money to be paid by way of compensation for a criminal act inflicted upon the person seeking compensation. The problem of opportunistic claims, and the painting of them as sometimes a reward for prosecuting people, lies in the prosecutorial end of matters in the courts, and not with the assessor. The assessor cannot have any role to inquire and investigate into the bone fides of the bringing of a prosecution. Although I accept what is being said, and the concerns expressed by the member for Eyre, and I have no doubt from my own practice that in many cases grave suspicions exist of an element of reward or opportunism in some of the matters that are brought before the courts, it is not possible to address these concerns in the Criminal Injuries Compensation Act. I refer to remarks by the member for Eyre when he spoke about material corroboration being required in sexual matters and remind him that it was his Government that removed it, and should not have.

The proposition that was mentioned by the Deputy Leader of the Opposition concerning other methods of awarding compensation that would be more expeditious and, most particularly, the ability of a judge at trial or shortly after conviction to make an award, was the system under the 1971 legislation. That was found to be unsatisfactory. It simply did not work well. The major revision in 1981 took the process of assessment away from the courts and gave it to a specialised assessment body for criminal injuries compensation. Ms Phillippa Thompson has had that job for a long time and has performed the function extremely well.

In the second reading speech in 1981, Hon Cyril Rushton listed a number of problems, and no doubt they still apply. Although I hear the suggestion put forward by the Deputy Leader of the Opposition, the experience of history in the administration and practice of the legislation prior to that before the House tonight is such that it is not a desirable way in which to go. Experience seems to teach us that it does not work. There is no doubt that some of the increase in the number of claims being made in recent times has been as a result of lawyers who specialise in personal injury matters, who explain to their clients that they may have this right which relates to any form of criminal activity. No criticism should be levelled at people who simply become aware of their rights. Around the courts, particularly in the metropolitan area, are numerous pamphlets and signs that bring people's attention to the fact that they have a right to claim; in other words, there has been a general raising of awareness. The increase in claims has had much more to do with that, rather than any increase in the level of crime. Although that has been a contributing factor, it is not the only one, and it is difficult to say that it is the major one.

I refer to the plans to be put in place once this legislation is passed. The current acting assessor, Mr Brent Hillen can be appointed at that stage. Pip Thomson, who has been the assessor for many years, has been on a form of extended leave. It is intended to approach her to see whether she wishes to be appointed as an assessor, so that two will hold that office at the one time. In any event, it is proposed to have two assessors sitting full time. Cabinet has agreed

to the necessary funding for two full time assessors, with the necessary support staff. I am told that that involves two full time equivalents.

A number of members spoke, in passing, on the portion of the legislation that deals with medical benefit funds. I refer to the second reading speech and point out that the Hospital Benefit Fund of WA has changed its regulations. HBF requires that an application for compensation under the Criminal Injuries Compensation Act be satisfied before that private insurer will consider its obligation under its contract of insurance to meet outstanding medical costs. Alternatively, HBF requires a member of the fund to pay medical expenses, once an award has been finalised; in other words, HBF has changed its regulations so that it will become the compensator of last resort. The whole principle of the Criminal Injuries Compensation Act is that it is to provide compensation for a victim of crime who otherwise would not be compensated, particularly for out-of-pocket expenses. In a sense the Hospital Benefit Fund has attempted to put itself into that last resort position, no doubt for good financial reasons. The intent behind the amendments in the Bill is simply to re-establish very firmly the position that this legislation is to compensate victims of a criminal act, who otherwise would not be compensated and who would be out of pocket.

With regard to third party claims and expressions by many members opposite of this being a removal of rights, I make this observation: It would not have been necessary to introduce thresholds or caps for people, who were entitled to be compensated as a result of personal injury arising out of negligence in the use of a motor vehicle, had it not been for the fact that the third party fund was bankrupt on 1 July 1993. All of its reserves in cash and other liquid assets had been disposed of and it did not have the means to pay any form of compensation to those who at that time were entitled to have things such as medical expenses, future economic loss, general damages and so on paid for injuries they had sustained through the negligence of another. The evil in this is the fact that the fund had been bankrupted by the previous Government. It was a regrettable necessity for this Government not only to increase the premium by a levy to raise the liquidity of the fund, but also to introduce thresholds and caps to get the fund into a position where it could do that.

Mr Grill: All of the histrionics do not matter. You are overestimating this by a million miles.

Mr PRINCE: This is fact. It was necessary to take all those actions to have a fund of money to compensate people who suffered bodily injury as a result of the negligence of others. Some applications - only about a dozen - are before the assessor seeking compensation that cannot be sought under the third party claims system, as a result of the threshold.

Mr D.L. Smith: How many have been assessed already?

Mr PRINCE: There are approximately a dozen of them at present, and as far as I know none has been assessed.

Mr D.L. Smith: You should know.

Mr PRINCE: The point of the issue is this: It would never have been necessary had the previous Government not bankrupted the system.

Mr Grill: Oh, nonsense!

Mr PRINCE: It is not nonsense; it is there in black and white. As I think the member for Eyre said, it is not reasonable for a person who has been negligent in a very minor sense and perhaps has been charged with a minor offence under the Road Traffic Act, and has then paid the appropriate penalty - usually a fine and/or suspension of licence - to be required to pay thousands of dollars under the criminal injuries compensation legislation because the Crown has the right of recovery against the person who has committed the offence. That is not fair or reasonable because in many respects it is a hidden penalty.

Mr Grill: You and I agree on that. What is your view on this? Are you advocating that you should return to the level of damages that were applicable three or four years ago?

Mr PRINCE: That is not within my ministerial responsibility. I would not advocate anything without having knowledge of the state of the fund, which I do not have in front of me now. The regrettable necessity was caused by the previous Labor Government. In some respects the provisions of the Criminal Injuries Compensation Act are being abused by people making these applications. It was never intended that this legislation covering criminal injuries compensation would do anything other than compensate people as a last resort for a criminal act in which they were the victim. In any event, people who are injured in a motor vehicle accident get all their medical costs, their out-of-pocket expenses and some of their legal costs paid; in other words, all the things which, by and large, lawyers refer to as special damages. They do not get general damages. In that sense, even people who are under the threshold are not that harshly dealt with, although a threshold is in place with regard to any form of general damages.

Questions were raised by the member for Mitchell about the qualifications of an assessor. I would have argued that it is an exacting job and requires a degree of experience, preferably in areas to do with the assessment of damages in some form - not necessarily criminal injuries - to the person. Surely a person with eight years' experience is eminently qualified in what is, and should be seen to be, a quasijudicial role, commanding a great deal of responsibility -

Mr D.L. Smith: Out of the assessors, who is the so-called assessor?

Mr PRINCE: We are to appoint at least two to allow interchangeability. It is desirable to err on the side of experience and very good judgment, rather than in any other way.

Mr D.L. Smith: They may not have experience in criminal injuries compensation.

Mr PRINCE: Is the member looking for the job?

Mr D.L. Smith: I have other problems I must confront between now and then. It might affect my leave entitlement.

Mr PRINCE: The member made the point in his speech, and I am simply responding to it. The members for Morley and Balcatta took the debate off on a tangent concerning police and statistics to do with crime. I will not read the whole of the speech made by Hon Sam Piantadosi in the Legislative Council on 7 November. Some of the things that he says about the member for Balcatta are hardly seemly. Hon Sam Piantadosi points out the anomalies in the graph that has been spread around by the Labor Party and indicates that the startling increase in the incidence of crime was during the last year of the Labor Government, not in the succeeding three years of the coalition Government.

With regard to the member for Morley's self-righteous indignation about the use of a police report that had only been tabled today, I point out that it was tabled in the Legislative Council on Wednesday, 6 November. The Assembly was not sitting that week, but that report was available to all members of the public and to anybody else from Wednesday of last week. It is unfortunate that the member for Morley did not have that brought to his attention by one of his colleagues in the Legislative Council. There was no intention that that public document be a surprise to him, because it had been available for some six days.

The member for Kalgoorlie raised the question of interim advances; for example, for loss of wages and when there were excessive time delays because of a lengthy trial. That matter can be looked at in the review of the legislation. It must be borne in mind that the Criminal Injuries Compensation Act is for compensation of last resort, basically after a trial has been conducted. In some respects, particularly given the concerns raised by the member for Eyre, it could be regarded as assisting the potential to abuse the system if payments were made before rather than after the trial process had been completely exhausted. It is a matter of some careful thought and judgment about whether what the member for Kalgoorlie put should outweigh the matters raised by the member for Eyre. I tend to err on the side of the member for Eyre; namely, that it would be desirable to wait until the prosecution and trial processes had been completed before there was an assessment, notwithstanding that might mean that people had to wait a long time. People should not get involved in prosecution only for the award of compensation. The purpose of the system is to compensate victims of crime after a crime has been found to be committed.

Mr Cunningham: What about that rape case that I mentioned?

Mr PRINCE: I have covered that by implication. The amendment to the Criminal Injuries Compensation Act with regard to third party matters is to prevent people from using the criminal injuries compensation system to obtain that which they cannot obtain under the third party system. I am sure the member does not want me to repeat that it was because of his Government that those thresholds were introduced. I thank all members for their contributions.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chairman of Committees (Mr Day) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 3 amended -**

Mr D.L. SMITH: In his response to the second reading debate, the Minister dealt with the qualifications of the Chief Assessor and Acting Chief Assessor under the definition of "qualified person", which is a person "of not less than 8 years' standing and practice". I do not disagree, but the Act clearly contemplates that there will be a Chief Assessor and an Acting Chief Assessor under new sections 5 and 5A, and assessors under new section 5B. I do not believe

the assessors under new section 5B require eight years' standing and practice, particularly as it is only standing and practice with regard to being admitted as a practitioner and not experience with regard to the assessment of damages and the like.

It would be helpful if below the Chief Assessor and the Acting Chief Assessor we had a number of lesser qualified people to do the preparatory work and assess the minor claims. In order to ensure that the Chief Assessor has the appropriate assistance, I urge the Minister not to require that all the assessors who assist him or her must have eight years' standing and practice. That is what we require of Supreme and District Court judges. Inevitably, we will try to develop a salary package which is appropriate for an assessor, and the only people of eight years' standing whom we will be able to attract will be people who are either slow or not terribly competent, and we will finish up with an eight year trained Chief Assessor being assisted by an eight year trained assessor who may not have the competence or experience with regard to assessment. If the Government gave itself more flexibility with regard to the qualifications of assessors it would assist in getting appropriate staff and ensure that assessments were processed more quickly than they have been of late.

Mr PRINCE: I accept what the member for Mitchell has said, but I do not agree that the qualification is excessively high. We are talking about a person whose status is higher than that of a magistrate and lower than that of a District Court judge. If we have any form of hierarchy of persons of lesser qualification, we will get perilously close to a situation akin to a magistrate's clerk making the decisions and the magistrate's signing them. The Act has always required a person who has the experience, qualifications and maturity to make what are often very difficult decisions, day after day, as a professional, and we should put that burden on a person of more senior standing in the legal profession. I prefer to err on the side of what the member for Mitchell regards as over qualification, with the assessors having greater experience than is necessary. It may be that when the volume in the system demands another review, we will move to some sort of hierarchical structure. That is pure speculation. It is not the situation now. The estimation is that with two suitably and similarly qualified assessors and appropriate support staff, the backlog can be cleared and the system will stay up to date.

**Clause put and passed.**

**Clauses 5 to 7 put and passed.**

**Clause 8: Sections 24A and 24B inserted -**

Mr D.L. SMITH: I ask again whether this provision applies only to health insurance funds derived from a private insurance contract by the victim or whether it extends to people who are covered by Medicare per se.

Mr Prince: The Medicare system is not a contract of insurance. Therefore, I strongly argue that under proposed section 24A(1)(b) there must be a contract of insurance. It needs a private insurer, whoever it might be.

Mr D.L. SMITH: People who have private insurance have a problem. People covered by Medicare do not have this problem. Why are people being penalised in that way? First, they are differentiated from people who are covered by Medicare and, second, as a result of this provision there will be a slight tendency for insurance premiums to be increased, because this appears to shift responsibility for payment from the Crown back to the insurance funds. Another point of concern is that for the perpetrator of the crime this acts as a reduction in the award payable to the victim. It is not only saving the Crown money but, in most cases, where the perpetrator of the crime can afford to pay, that perpetrator saves as well.

I also raised the question of drafting. As I understand it the funds, including the Hospital Benefit Fund of WA Inc, exclude one from claiming against the fund any medical expenses incurred which are recoverable under compensation or injury damages claims. People are required as part of a declaration to disclose whether they have any potential claim. People in that situation have two possible sources of action: One is under the criminal injuries compensation legislation, and the other is under common law. My concern is that under this provision an award under criminal injuries compensation will be excluded. Effectively, funds can say that a person also has a claim at common law and has not pursued it; therefore, the fund will not pay it either. It seems that in the end it will be inequitable because it appears to distinguish between those covered by Medicare and those who have gone to the trouble to pay private insurance. In due course it will inevitably increase the cost of private insurance, which the Minister in his capacity of Minister for Health should be concerned about. It will also result in a net saving from criminals who eventually must pay back the money under this system. It may lead to a degree of uncertainty if the funds start to argue that people could not claim under criminal injuries compensation but they could have pursued the matter under ordinary common law claims; and for that reason they will argue about paying. I do not say that will happen, but the fact that that sort of thing can be left up in the air is unfortunate; it is a decision that may, in some cases, encourage people to pursue a case at common law when the easier process may have been to pursue it under criminal injuries compensation.

Mr PRINCE: With regard to the question of Medicare as opposed to private insurance, this clause imports proposed section 24A, which in proposed subsection 1(b) relates to a contract for insurance. Medicare is not a contract for insurance; it is a statutory scheme. Therefore this can apply only to private health cover. There is no distinction. A person who is privately insured will not end up at a disadvantage because if, for example, a medical fee of \$30 is involved, and if the rebate from Medicare is \$20 and the private health insurance will pick up only another \$8, the gap is \$2, and criminal injuries compensation will pay the \$2. The victim will not be out of pocket. HBF has said that rather than criminal injuries compensation being the last place from which the money is found to meet the total of the doctor's bill, HBF will be the last place. That means that the criminal injuries compensation can be the \$10 between the \$20 and \$30, which is a considerable increase. It was never intended that criminal injuries compensation should be that form of compensation scheme; it is a last resort for a criminal act in order to cover out of pocket expenses. The person who goes to the doctor perhaps receives a bill of \$30, and if Medicare covers only \$20, and there is a \$10 gap, the person will be compensated by criminal injuries compensation. That is the out of pocket aspect, but the sum total is that which criminal injuries compensation picks up.

The system to which the member refers relates very much to workers' compensation. It is again a private contract for insurance, although statutory mandated, or personal accident insurance and things of that nature where the private insurance funds require that compensation be obtained before they pay out - or a recouping, if that is done on a continuing basis. That is not a problem. Here we are talking about compensation to a victim of crime who would otherwise not be compensated. Therefore it is simply a matter of redressing that which HBF has sought to do; to put itself last in the line; to ensure that criminal injuries compensation stays last in the line, and that no victim is put out.

With regard to the perpetrator who must pay the bill, he will pay the total of the award. The perpetrator takes his victim as he finds him. If the amount of the award is perhaps reduced, in the sense of the amount the Crown must pay - because the victim is covered by private health insurance - that is perhaps fortuitous for the perpetrator. However, that is still seen to be the desirable way to go, because we are dealing with last resort compensation for the victim of a criminal act, not "another form of insurance" or compensation which ranks in some way on a par with everything else.

Mr D.L. SMITH: I do not think the Minister has responded directly to the issues. This is all about reducing the amount of damages that a perpetrator may have to pay, in some cases. The provision is to reduce the liability of the Government and to increase the liability of the funds, with the result that it may tend to increase premiums. It does not match the rhetoric of the Government that it is concerned about victims. Ultimately, the Government is saying this is an absolute last resort and people should exhaust all other remedies before coming to the Government for assistance as victims of crime.

Mr Prince: What nonsense!

Mr D.L. SMITH: That is really what the Minister is saying.

Mr Prince: I am not.

Mr D.L. SMITH: I will not reiterate the obvious and seek a response. It also distinguishes between people who are not insured and those who are in a way that is not helpful. I want the Minister to place on the record that any gap between what the fund covers and the actual costs to the victim will be picked up in the award.

Mr Prince: It always has been.

Mr D.L. SMITH: I want an assurance that this does not effect any change in that regard and that the gap will still be paid by the system.

Mr Prince: Yes.

Mr D.L. SMITH: I now refer to proposed section 24B, which deals with the claims arising from certain motor vehicle accidents. I raised indirectly in the second reading debate the fact that proposed subsection (1) does not apply to injury or loss if -

- (a) the injury or loss was directly caused by the driving or other use of the motor vehicle for the purpose of committing the offence to which the application relates; and
- (b) that offence is a crime as defined by section 3 of *The Criminal Code*.

I gave the example of the bank robber who injures someone in a bank in the course of the robbery or when escaping from the robbery. There will still be the opportunity for such a claim to be made. However, if he injured someone with the getaway vehicle, it must be established that that injury arose from a crime in which the vehicle was used. I do not think anyone is saying that, if a bank robbery takes place on Barrack Street and while the robber is escaping

from the scene an injury is caused to someone on Kings Park Road, the application would be made under the robbery provisions. The claim does not arise out of the robbery but out of the injury as a result of the driving of the getaway vehicle.

Mr Johnson interjected.

Mr D.L. SMITH: Yes, but there are three requirements: First, the vehicle must be used; second, it must be used in committing the offence to which the application relates; and, third, the offence is a crime.

Mr Johnson: Those three are covered.

Mr D.L. SMITH: No, because it is for the purpose of committing the offence to which the application relates. It is the offence to which the application relates that must be a crime.

Mr Prince: That is right.

Mr D.L. SMITH: If the injury occurs as a result of negligence, in the ordinary sense of grounding a claim in the getaway vehicle, the application does not relate to the crime but to the negligence that resulted in the injury.

Mr Bloffwitch interjected.

Mr D.L. SMITH: No, it relates to the actual driving of the motor vehicle; it does not relate to the robbery. One cannot argue that the robbery is a crime and therefore it applies, because the application is not made in relation to the robbery - this person has not been hurt as a result of the robbery but as a result of the negligent driving. In that situation they are not covered unless the negligence amounts to a crime such as manslaughter or culpable offence. The vast majority of those driving offences that cause only minor injury - in the main, because these claims are less than \$10 000, we are talking about minor injuries - will not constitute crimes, so there will not be a claim.

Mr Prince: That is right.

Mr D.L. SMITH: In general terms, I find that distinction hard to make. There are also those situations where it is not mere careless driving but dangerous or reckless driving that leads to an offence. It may be drink driving at a level that does not lead to a charge of manslaughter or dangerous driving causing bodily harm, but something less which is not a crime.

Mr Prince: No, it is not.

Mr D.L. SMITH: In some of those cases, where there is a super element of negligence not enough to bring it to the level of a crime but more than careless driving, there is some scope for these provisions to apply. Those comments are by way of explaining the concerns I expressed in the second reading debate. The Opposition's real concern in relation to these matters arises out of proposed subsections (3) and (4).

Mr PRINCE: One must go back to why we had a motor vehicle insurance trust, which under the previous Government became the State Government Insurance Commission. It was to deal with people who had personal injury arising out of the negligent use of a motor vehicle by someone else. It is fault insurance, as opposed to no-fault insurance, and insurance, and it has always been. It applies whether the person is extremely seriously injured; for example, disabled for life, or suffers from some injury from which they recover wholly or partly. It covers the whole range of damages from future economic loss through to general damages.

The number of offences which are crimes and which involve the use of a motor vehicle is relatively small. The one that comes most readily to my mind is the stealing of a motor vehicle. If in the course of stealing the motor vehicle someone is injured, the injured person, who is the victim of that crime, may go to the criminal injuries compensation assessor after a conviction has been recorded seeking compensation. Where otherwise a vehicle is used and someone is hurt, and there has not been a criminal offence -

Mr D.L. Smith: Are you certain in the case of a stolen car that a person can make an application based on the fact that they were injured as a result of the offence of stealing the car?

Mr PRINCE: If the owner of the car is in some way run down as the vehicle speeds away, it is much more likely that the perpetrator will be charged with grievous bodily harm or attempted murder.

Mr D.L. Smith interjected.

Mr PRINCE: There is no aggravated stealing under the code; it is either stealing or something else. That would be doing grievous bodily harm or attempted murder. Under the proposition the member is putting, in every case of a relatively small collision that causes some harm, the person harmed whose general damages are less than \$10 000 will be able to claim damages from the person who has driven carelessly. That person will have no way of dealing



with the situation other than to pay the amount claimed. There is no insurance scheme - statutory, contract or otherwise - that will cover a person in that situation. That is not fair or reasonable to the average person. The person who has been injured is still receiving compensation for out of pocket expenses - the threshold applies only to general damages. This matter has been brought before the Parliament as a result of an attempt to circumvent the threshold. As I said, there are about 12 applications in the system. Members opposite agree with that. Those are the facts which give rise to this amendment being before the House. If someone who has robbed a bank and is using a stolen car as a getaway vehicle cleans up and hurts someone, it is part and parcel of the bank robbery. Multiple charges in the usual police fashion would probably be presented on the indictment. I do not think there would be any problem for the innocent victim at the red light who has been injured by this getaway car being compensated because there is a crime to which the use of the vehicle relates and the use of the vehicle is part and parcel of the crime. I find a factual circumstance to meet the member's theory hard to imagine.

Mr D.L. SMITH: I would have been happier if the Minister had said that if a person was injured by a motor vehicle that had been used in the commission of a crime, that person may still make an application in respect of that offence. That is the sort of thing I would have envisaged the Minister would do. Under this provision it is the offence to which the application relates that has to be the crime. It is not clear to me that a person who is injured in Kings Park Road by a bank robber driving a motor vehicle that he is using as a getaway car from a bank in Barrack Street would be liable in that way. If the Minister is prepared to guarantee that it is not and will amend this provision, that would take away some of my angst.

Mr Prince: Given that the Act is the subject of a review right now, the matters that the member is raising can be part of the review by the Ministry of Justice. If the best legal advice is that the scenario you are painting is possible, I have no doubt I will be back here next year with amendments.

Mr D.L. SMITH: I suggest the Minister should also have had a look at some of the provisions of the Road Traffic Act which involve more serious offences, including dangerous and reckless driving and those driving charges that cause bodily harm. He could have made specific exceptions in respect of those matters because there is not a simple act of negligence with something we would say tends to be more of a -

Mr Prince: If a passenger in a vehicle that is being driven dangerously or in a manner that is inherently dangerous suffers injury, he has a right of action against the driver. It is inconceivable that the injury will be such that the person will not be able to recover at the very least his out of pocket expenses. If he would not have got general damages of more than \$10 000, he will not get any general damages. If he would have got more than \$10 000, he will.

Mr D.L. SMITH: Legislation that deals with crime and those traffic offences would still have an element of criminality behind it - certainly as much criminality as the beekeeper who breaches the Beekeepers Act and regulations. They should not be distinguished in respect of their capacity to claim under the Criminal Injuries Compensation Act.

Mr Prince: There is no statutory insurance for beekeepers or people who come into contact with bees. However, since the late 1940s we have had a fault based statutory third party insurance system. That had to have thresholds placed on it three years ago for the reasons I have outlined. Some are attempting to get around those thresholds and that is unjust.

Mr D.L. SMITH: I oppose the thresholds. I certainly oppose the retention of those thresholds now that the fund is back in the black. The Government cannot blame us for the retention of the thresholds when the scheme is in the black.

Mr Prince: No, but I can blame you for causing it in the first place.

Mr D.L. SMITH: The Government can blame us for what took place three, four and five years ago; but it cannot blame us for what it is doing now. The fact is, in terms of third party, the Government is retaining those thresholds even though the scheme does not require them and it is doing it for no other reason than it believes in those thresholds to reduce the cost of insurance. It has nothing to do with the sins of anyone in the past. It is to do with the wishes of the present Government and the Minister should have the courage of his convictions if he wants to retain those thresholds. Even though those matters that have the aspects of criminality do not constitute a crime, some exception could have been made on them. Proposed subsections (3) and (4) concern me because some claims have proceeded to finality for injuries received after 1 July 1993.

Ms ANWYL: How many claims are in process at the moment? With regard to proposed subsection (4), how many claims have been through the system given that, because of the delays, many may not have gone through? I heard the Minister say that 12 are in the process at the moment. Of those 12, how many have legal representation and therefore by implication will have some liability for legal costs which individuals will be obliged to wear without any recompense? Is it not possible to exclude those claims that are in process now, given that some of them have already

gone through? That appears to be what is represented by proposed section 24B(4). Does the Minister acknowledge that retrospective legislation is not desirable?

Mr PRINCE: I agree that retrospective legislation is not desirable; I have no problem at all with that proposition. I reiterate that this is intended to prevent people from circumventing the system that was put in place about three years ago. The Acting Assessor has been Acting Assessor for not quite two years. In that time there have been only a dozen applications none of which has got to him yet. Many are fairly recent. His advice is that he does not know whether lawyers are involved in any of them. One may have been refused. We are dealing with a very small number. The dozen who will be affected by this legislation if it passes will not be able to proceed. If they have a loss as a result, I cannot undertake on behalf of the Government to look favourably at that. However, I will look at any proposition put with fairness and equity on the basis that if the Parliament has changed the law retrospectively and people have done something and incurred a cost when the law was other than it was retrospectively changed to be, then they should not be out of pocket.

To me it is a reasonable proposition, but I am only one member of the Government and it does wait upon the passing of this Bill and those persons affected by it saying they have suffered some form of provable pecuniary loss.

Ms ANWYL: It would not be only legal fees. I said earlier there may be medical report fees and other types of disbursements which would not be picked up under the State Government Insurance Commission's provisions.

Mr PRINCE: The SGIC pays for medical reports, part of the legal fees and things of that nature. I am not talking about any of the out-of-pocket expenses.

Ms Anwyl: The Bill does not say that.

Mr PRINCE: It does. The SGIC pays for all the out-of-pocket expenses.

Ms Anwyl: What about for negligence?

Mr D.L. Smith: Only where it can be proved it has occurred. That is the real issue.

Mr PRINCE: The only area in which a person could be adversely affected is with part of the legal costs because the SGIC pays the rest. It is not possible for the driver who has in some way or other committed an act and injured himself to bring an application under the criminal injuries compensation legislation. It must be a person who has been injured as a result of negligence.

Mr D.L. SMITH: The Minister said he did not believe in retrospectivity. He told the Committee that only 12 claims would be affected by this provision. I cannot understand why, if he is adamantly opposed to retrospectivity, and he regards retrospective legislation as unprincipled, for the sake of less than \$120 000 he is insisting on provisions of this clause being backdated to 1 July 1993.

Mr Prince: It is inequitable not to.

Mr D.L. SMITH: How is it inequitable when these people have exercised their valid rights and this legislation takes those rights from them?

I gave the Minister notice in April 1994 that people would use the Criminal Injuries Compensation Act in this way. If the Leader of the House had had the sense to refer the Bill to a select committee, something would have been done about it. For the two and a half years since April 1994, people have been proceeding under those provisions and have been legally entitled to have the awards made. Those rights are now being taken from them. The Minister says that only 12 cases are currently in the pipeline.

Mr Prince: That is right.

Mr D.L. SMITH: Why not say that the cut-off point will relate to the applications which have been made prior to today's date, and that those already made will be dealt with?

Mr Prince: Because it is inequitable.

Mr D.L. SMITH: Why is it inequitable? This legislation is taking from people the rights they have had since 1 July 1993. How can anyone argue that it would be inequitable for us to allow some people to make their claims when this legislation will take away the legal right which people have had until now? They may well have incurred legal or other expenses. The Minister is simply saying, "Let me, as the Minister, make some form of ex gratia payment." When the Minister starts from the principle that he is willing to appropriate, in the way outlined in this Bill, the legal rights of others, how can the Parliament trust the Government to be fair and equitable with respect to the expenses which have been incurred by people to date in pursuing what have been, until this legislation is passed, legitimate claims?

Mr PRINCE: It comes back to the lack of equity by the Labor Government in causing the problem which has given rise to these solutions. That is where the problem lies and that is the sole cause of the problem which the Government faces with not only this amendment, but also the amendment which was made to the third party scheme nearly three years ago.

The member for Mitchell is right: He predicted it would happen. The Government had to amend the third party scheme because the previous Government bankrupted it. The people who had been injured in the course of using a vehicle would not have been compensated if the system had not been amended by including a levy as well as the caps and the thresholds. It had to be done. It is regrettable that the previous Government caused it. This is part of the consequence of the previous Government's action.

Mr D.L. SMITH: I remind the Committee that we are not talking about claims being paid out of the third party fund; we are talking about funds paid out of the criminal injuries compensation fund. It has never been funded; it has always been paid out of consolidated revenue. Even if the Minister's arguments had any legitimacy, it does not apply to unfunded compensation paid out of consolidated revenue under the criminal injuries compensation legislation. In any event, the Minister and I know that, regardless of the state of the third party fund, every Liberal Government has moved to do what has been done in this Bill. The Minister knows that despite the fund being in the black, the Government has no intention whatsoever of removing the threshold. The threshold does not remain because of a sin of the past; it remains because of a government policy decision. In any event, the Minister has known since April 1994 about this potential problem. He has taken absolutely no action to remove the anomaly until now. It is unfair and inequitable to appropriate those people's rights considering that they have had those rights since July 1993, and until this legislation becomes operative. The Opposition is simply asking the Government to allow the cut-off date to be the date of the assent to this legislation, either for applications which have been lodged by then, or preferably the claims which arise until then. The total cost to consolidated revenue for the claims which have already been lodged cannot be more than \$120 000, otherwise the people concerned would be claiming under the third party legislation. That is an amount of money which a Government of principle would be prepared to pay to maintain the principle that retrospective legislation, with respect to the appropriation of people's rights, is bad legislation.

Mr Prince: Where is the equity if it goes to those 12 and nobody else?

Mr D.L. SMITH: If the Minister and the Government are not prepared to pay \$120 000 to maintain the principle that retrospective legislation appropriating people's rights is bad legislation, then, as a Government which believes in retrospective legislation, everything it has done in relation to personal injuries, whether third party or caused in the course of employment, demonstrates that it has nothing at all to do with the Labor Government's problems with management. It is purely a philosophical attitude on the part of this Government and I cannot understand why, if that is its attitude, it does not own up to it. Why seek, in a hypocritical way, to find someone else to be the perpetrator of this Government's crime? This Government is appropriating people's rights and is not prepared to remove the threshold now that the fund is in the black. The Government should own up to the fact that it cannot see a problem with retrospectively appropriating people's rights back to 1993. It is not even willing to pay the miserly sum of \$120 000 to maintain the principle that all retrospective appropriations of rights in that way is bad legislation. This Committee should be ashamed to pass this clause.

Mr PRINCE: The inequity that would be visited upon others unknown and numbers unknown by acceding to the proposition put forward by the member for Mitchell is far too great. Retrospective legislation is not good, but it is a matter of being consistent with the changes that had to be made to the third party scheme some three years ago. Those changes were made not because there was any philosophical wish to do so or any ideology, but solely because of the consequence of the Labor Government bankrupting the third party fund.

The consequence was that people already injured would not have been compensated if that action had not been taken, and people subsequently injured would not have received compensation because the fund was broke. The action taken was to help injured people. That is what happened, and it was caused by members opposite. They do not like what is being done now, but they must wear it as they caused it!

Mr D.L. SMITH: I have no intention of reiterating what I said earlier. I have every respect for the Minister, but it is disappointing that he acts in such a high-handed and hypocritical way to ascribe blame to members on this side of the Chamber for his legislation. In all the time that I have been in Parliament, under both Labor and Liberal Administrations, I have stood by the principle that retrospective legislation is always bad legislation, and retrospective legislation which appropriates people's rights or imposes taxes is doubly bad. This legislation will retrospectively appropriate people's rights.

The Minister should have the courage at least to acknowledge what he is doing and to accept full responsibility for his actions. The Minister and his Government should also accept responsibility for the fact that, regardless of the healthy state of the third party fund, they have no intention of removing the threshold. He must explain to the people

and the Parliament why that is so. The reason for not removing that threshold is found in the reasons for its introduction in first place; namely, it was implemented by every Liberal Government in Australia as a means of reducing payments to people and keeping premiums down.

The Opposition believes - I especially believe - that people should be compensated when they are injured in a motor vehicle accident. We have never had a problem in this State with the cost of premiums or the nature of the fund. The fund is back in balance, and the premiums would not rise substantially if we were to remove the threshold - it should be done. However, if the threshold is not to be removed, we should not be appropriating people's rights regarding not only the third party insurance legislation, but also the Criminal Injuries Compensation Act. Despite the Minister's rhetoric about support for the victims of crime and his claims that he does not believe in retrospective legislation, for the sake of \$120 000 from the consolidated fund, he will retrospectively appropriate people's rights under this legislation. This will ensure that 12 or 13 people will not be able to make claims under the criminal injuries legislation. For the Minister to defend that action is hypocritical humbug; it is a disgrace to the Parliament!

Clause put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Mr Johnson	Mr Pental
Mr C.J. Barnett	Mr Kierath	Mr Prince
Mr Blaikie	Mr Lewis	Mr Shave
Mr Board	Mr Marshall	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Dr Constable	Mr Minson	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mrs Edwardes	Mr Osborne	Mr Wiese
Dr Hames	Mrs Parker	Mr Bloffwitch ( <i>Teller</i> )
Mr House		

Noes (18)

Ms Anwyl	Mrs Henderson	Mr Ripper
Mr M. Barnett	Mr Kobelke	Mrs Roberts
Mr Brown	Mr Leahy	Mr D.L. Smith
Dr Edwards	Mr Marlborough	Mr Thomas
Mr Grill	Mr McGinty	Dr Watson
Mrs Hallahan	Mr Riebeling	Mr Cunningham ( <i>Teller</i> )

Pairs

Mr Nicholls	Ms Warnock
Mr Court	Mr Graham
Mr Strickland	Mr Catania

**Clause thus passed.**

**Clauses 9 to 11 put and passed.**

**Title put and passed.**

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*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

**MR PRINCE** (Albany - Minister for Health) [9.30 pm]: I move -

That the Bill be now read a third time.

**MR D.L. SMITH** (Mitchell) [9.31 pm]: I do not want to make a long valedictory tonight, but I want to express my concern, as a retiring parliamentarian, to this House that if we continue to pass retrospective legislation, as we are about to do, we are an unprincipled Parliament. I also say regretfully to the Independents, that if their independence does not extend to voting against retrospective legislation that appropriates people's rights, there is not much point in having Independents in this Parliament because they seem to always vote with the Government regardless of what it is doing. That is the way in which the Executive has achieved its dominance in this place. This Parliament as an

institution is absolutely incapable of resisting the Executive, and it demonstrates that is so every time it rolls over when this Government wants to retrospectively appropriate people's rights, as it has with this legislation.

To the extent that it has happened, some part of me will not be sorry to be gone because I believe that more and more we are seeing the dominance of the Parliament by the Executive. That being the case it is not worth being a parliamentarian. I hope when I leave this place that people will reflect on the recommendations of the Commission on Government. I hope they will reflect on the long established principles with regard to retrospective legislation, and may stand up to the Executive and begin to restore the balance required between the Executive, the judiciary and the Parliament if the Westminster system is to survive. That is especially so in terms of establishing that the Parliament is paramount and not the Executive or the judiciary.

I warn all those who have forgotten about the principles of constitutional government and those who seem to be willing to allow the whole Westminster system to deteriorate in the way it has in this State that, for as long as that continues to happen, the privileges and powers of this Parliament, good government and democracy remain under threat and will continue to do so while this Parliament acts in the unprincipled way it has with this legislation, supported not just by the Government but also by the Independents.

Question put and passed.

Bill read a third time and passed.

## **HOME BUILDING CONTRACTS AMENDMENT BILL**

### *Council's Amendments*

Amendments made by the Council now considered.

#### *Committee*

The Deputy Chairman of Committees (Mr Day) in the Chair; Mrs Edwardes (Minister for Fair Trading) in charge of the Bill.

The amendments made by the Council were as follows -

#### **No 1**

Clause 5, page 4, line 14 - To delete the words "other than" and substitute "that is".

#### **No 2**

Clause 5, page 4, after line 14 - To insert the following new paragraph -

- (a) home building work described in paragraph (a), (b) or (c) of the definition of that term in section 3; or

#### **No 3**

Clause 5, page 4, line 17 - To delete the word "unless" and substitute "when".

#### **No 4**

Clause 5, page 4, lines 25 to 28 - To delete the lines and substitute the following -

but does not include home building work where the cost of the building work is the minimum amount or less;

#### **No 5**

Clause 5, page 5, line 29 - To insert after the word "work" the following -

including any deposit payable under the residential building work contract

#### **No 6**

Clause 5, page 6, line 19 - To insert before the word "fact" the word "the".

#### **No 7**

Clause 5, page 6, line 33 - To insert before the word "fact" the word "the".

**No 8**

New clause 7, page 12, after line 29 - To insert after clause 6 the following new clause to stand as clause 7 -

**Consequential amendment**

7. The *Local Government (Miscellaneous Provisions) Act 1960\** is amended by inserting after section 374AA the following section -

“ **Local government not to issue building licence unless home indemnity insurance held**

**374AAA.** A local government shall not issue to a person a building licence under section 374 unless satisfied that -

- (a) a policy of insurance is in force in respect of the work under Division 2 of Part 3A of the *Home Building Contracts Act 1991*; or
- (b) a policy of insurance referred to in paragraph (a) is not required in respect of the work. ”.

[\* *Reprinted as approved 24 June 1983.  
For subsequent amendments see 1995 Index to Legislation of Western Australia,  
Table 1, pp. 130-133 and Act No. 14 of 1996.*]

Mrs EDWARDES: I move -

That amendments Nos 1 to 4 made by the Council be agreed to.

The amendments were moved in Committee in the Legislative Council on 16 October. The intention of the definition of residential building work in clause 5 is to preclude coverage for work valued at \$10 000 or less, or associated work such as the construction of swimming pools and so on, unless it is part of a building contract for the construction or renovation of a residential dwelling. The Opposition suggested the wording of the definition was convoluted and not easy to read. It was suggested that the definition should state what is covered rather than what is not covered. After consultation with parliamentary counsel it was agreed to support an amendment and the definition was redrafted to make the situation clearer.

Mrs HENDERSON: The Opposition supports these amendments which, as the Minister has indicated, were as a result of an initiative by the Opposition in the upper House. The \$10 000 threshold prevails throughout the Home Building Contracts Act, and to require compulsory indemnity insurance to commence from that threshold is in line with the remainder of the legislation. The change in the wording to clarify the clause is minor and the Opposition supports it. It makes it simpler, even though it could possibly be the case that someone spending less than \$10 000 might be exposed to the danger of a company going into liquidation, in the same way as they could be for renovations valued at more than \$10 000.

In my experience when Minister for Consumer Affairs, many companies operating at that end of the market were a problem, particularly those selling swimming pools, pergolas and so on, and in many cases they required substantial deposits - sometimes between 30 per cent and 50 per cent of the final price. One of the purposes of this Bill was to provide a ceiling for deposits of 6.5 per cent, but only for contracts valued at more than \$10 000. To that extent the lower end of the market is unregulated with regard to the Home Building Contracts Act, and this is in line with that. If this end of the market continues to be a problem, compulsory insurance may become necessary in the future.

**Question put and passed; the Council's amendments agreed to.**

Mrs EDWARDES: I move -

That amendment No 5 made by the Council be agreed to.

This is an amendment to clause 5 of the Bill dealing with the offence of no insurance. This section creates an offence for the builder to carry out building work under a residential building contract unless the owner has been provided, prior to any demand for payment, with a certificate evidencing that an insurance policy has been taken out. The Opposition expressed concern that with the previous wording it was possible that the prohibition did not include deposits and said that the provision should specifically refer to deposits.

The Government stated in both this Chamber and in the Legislative Council that any payment would include the deposit and, therefore, from a legal point of view the amendment proposed was not necessary. However, the Legislative Council obviously wanted to ensure the matter was put beyond doubt so there was no misunderstanding. The Government agreed to accept the amendment.

Mrs HENDERSON: The Opposition is very pleased the Government has agreed to accept this amendment because it is one of the most common areas in which protection is required. Although it was intended in the original clause that the deposit would be covered, this certainly clarifies the situation and ensures that insurance will cover the lost deposit. The Opposition strongly supports the amendment.

**Question put and passed, the Council's amendment agreed to.**

Mrs EDWARDES: I move -

That amendment No 6 made by the Council be agreed to.

This amendment deals with new section 25D(1) on the requirements of the insurance policy. It is to correct a drafting omission by adding the word "the".

**Question put and passed; the Council's amendment agreed to.**

Mrs EDWARDES: I move -

That amendment No 7 made by the Council be agreed to.

This amendment also deals with a drafting omission by adding the word "the".

**Question put and passed; the Council's amendment agreed to.**

Mrs EDWARDES: I move -

That amendment No 8 made by the Council be agreed to.

The Government indicated during debate in the Assembly that it would move this amendment in the other place. The amendment provides that a local authority not issue a building licence for residential building work unless it is satisfied that the builder has taken out indemnity insurance. This requirement will improve compliance with the legislation and, therefore, increase the level of consumer protection.

Mrs HENDERSON: The Opposition is pleased that this suggestion, which was raised by members on this side when we debated previously this legislation, has been taken up. We thank the Minister and her colleague for agreeing to have it included. I know there was initially a reluctance by the Government to impose this requirement on local government; that is, that it should not only inspect the building plans and so on, but should effectively be the enforcing authority to ensure that indemnity insurance has been taken out. Consumers will benefit enormously by having it done at that stage and by the provision that every building plan must go through the local authority. It will ensure that people do not take out these contracts through ignorance and are then left exposed. It is no great comfort to a consumer if a builder is fined for not taking out the necessary insurance and the consumer is left high and dry. This amendment should ensure that that does not occur. I thank the Government for taking up this amendment. The Opposition strongly supports it.

Mrs EDWARDES: There was not a reluctance on the Government's part to include this amendment. Once the Housing Industry Association put it forward as a recommendation for consumer protection, it was something the Government supported. However, the delay in bringing it before the Chamber as an amendment to the legislation was primarily because consultation was carried out. The Western Australian Municipal Association is still very much opposed to it and considers that it will impose on local councils an added burden. However, I have pointed out to WAMA that under the Local Government Act local councils are required to ensure that a builder has a licence. Requiring compliance with an insurance certificate will mean that it will improve its own position because there will not be an insurance certificate if there is no licence. It will provide for local authorities a further level of safeguard. The Government will continue to work with local council authorities in an endeavour to ensure that they find this as simple a process as possible and so that level of consumer protection exists.

**Question put and passed; the Council's amendment agreed to.**

*Report*

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

**NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA) BILL***Second Reading*

Resumed from 29 August.

**DR EDWARDS** (Maylands) [9.45 pm]: The Opposition is pleased this Bill has come before the House and that it is finally before Parliament. The process to have a National Environment Protection Council started in 1990 after the special Premiers' Conference. At that stage it was under the instigation of the then Prime Minister, Bob Hawke. Following that process, in 1992 an intergovernmental agreement on the environment was reached. Part of that agreement emphasised the need for national environmental protection measures and for a council to oversee their establishment. Unfortunately Western Australia is the last State to agree to these measures and to the National Environment Protection Council. There is a sense that some national projects have been hindered because the council is not able to be fully operational until this State's legislation goes through and until we are properly a member.

There are two main reasons the National Environment Protection Council and the national environmental protection measures that will flow from it are required. First, the capacity for uniform standards will exist. There will be uniform standards across the continent for air quality, water quality, ways of dealing with hazardous waste and ways of cleaning up contaminated sites, and matters such as motor vehicle emission. From the point of view of being one nation, these issues are important. Not only is it important from the point of view of the environment that Australia have national standards, but also it is obviously helpful to industry to know that the same standards apply in different States. Another area in which there will be a uniform standard is in the reuse and recycling of used materials. It is important that the same standards for these sorts of products apply across the borders.

The second major reason is that joining the National Environment Protection Council will give the State some say over what happens on commonwealth land in Western Australia from the point of view of the environment. The Commonwealth is the largest landowner in Australia. It has airports, military bases, Army barracks and weapons ranges. Obviously at all of those sites activities can occur that influence the environment. However, the sites themselves can have inherent environmental value in which the State may also be interested. For example, the Federal Airports Corporation land in Perth contains unique bushland. It is thought to be the habitat for the western swamp tortoise. From a state point of view it is an important piece of land and the State must have a proper say about how it is managed and what goes on at that site. Until this legislation is passed and Western Australia is properly a member of the council, we will not have an adequate say about activities on land such as that.

The Opposition was concerned when in November 1994 the then Minister for the Environment said that Western Australia would not join the National Environment Protection Council. We feared then that it might never happen, and we were also concerned that we would not have a right of say on commonwealth land. We welcome the change of heart and we welcome, even though it is a year later, the fact that we are dealing with this legislation and it will finally go through this House. In 1994 when it was thought that we would not join the council I received a letter from AAM Surveys Pty Ltd. It was just one example of the things that were being said at the time. The letter I received was a copy of a letter from the managing director of that company to the Premier in November 1994, urging the Premier to join the National Environment Protection Council. This person wrote that he and numerous of his colleagues, who I understand are mainly surveyors and are involved in mineral exploration, felt that they were discouraged by the decision of Western Australia not to join the National Environment Protection Council. The author of this letter had been involved with the United Nations committee that was looking at world land use.

He said that he was pleased to hear that government Ministers were quoting some of those reports from the United Nations. He pointed out that one of the principles the United Nations adopted was that "in all issues environmental, no island is an island". He was saying that Australia and Western Australia should have the same standards so that we maintain adequate protection of the environment.

About the same time a comment was made by people from the Pacific Waste Management Company who pointed out that without uniform standards there was a real risk of substandard operations which could result in activities occurring that were harmful to human health as well as to the environment. A person from that company made the interesting point that where no national minimum standard was in place, companies were reluctant to invest more money in further refining and developing their technology to manage environmental problems. There are a host of reasons that we should be part of the National Environment Protection Council and that we should work with the council to make sure we have national environmental protection measures.

The issue of industry and markets was addressed in the intergovernmental agreement on the environment. Further points will be made about the intergovernmental agreement. In its schedule 4 was a rationale for setting up national measures and the national environmental protection body. One of the rationales is "That decisions by business are



not distorted, and markets are not fragmented by variations between jurisdictions in relation to the adoption or implementation of major environmental protection measures".

Obviously the intergovernmental agreement is indicating that companies, particularly national companies, want some certainty that a process used in one State can be used in another State because the environmental impact assessments are similar in the two States. It has been of concern to the Opposition that Western Australia has lagged behind in this process. The legislation with which we are dealing tonight was passed in Queensland in October 1994, even before we decided we were not going to join the council. The same legislation was introduced, also in 1994, in other Parliaments in Australia; for example, South Australia, the Northern Territory, Victoria and the ACT. Last year it was passed in Tasmania and it has been passed in New South Wales. Western Australia has lagged a long way behind. It was not until 20 October last year that it was decided that WA would join the National Environment Protection Council.

It is interesting to consider the reasons the Minister for the Environment gave a year ago when he decided we should join the National Environment Protection Council. One reason was that at that point, the Federal Airports Commission was pushing ahead with development of the Jandakot airport on land that the Select Committee on Metropolitan Development and Ground Water Supplies recommended should be protected. In other words, a committee of this Parliament was recommending that the Jandakot water mound needed more protection, but a federal government body was pushing for its development. Without the mechanism of the National Environment Protection Council it is very difficult for the State to say to the Commonwealth Government that it should stop developments.

A year ago the Minister also pointed out that we needed a national approach to deal with other problems, which were highlighted during 1996; for example, the location of telecommunication towers, about which the community has been considerably agitated. Another issue concerns ballast water discharge. Some good marine standards are in place here, but we do not know what ballast water is being released into our own waters. We need much better standards to ensure that ballast water is not being inappropriately discharged into our oceans, especially our ports. In other parts of Australia, such as Tasmania, it is thought that discharge of ballast water brought from other continents has led to marine degradation of species such as starfish.

A third issue to which the Minister alluded was aircraft noise control. Problems have arisen in the Eastern States relating to aircraft noise control. In fact changes have been made to flight paths near my electorate in Morley and Bassendean in an effort to reduce the aircraft noise to householders in those areas.

We need more cooperation between States and the Commonwealth to make sure all the commonwealth land use issues are adequately tackled. It is now quite clear that the advantages of a nationwide approach to environmental impact assessment, with a nationwide set of ground rules, outweighs any of the problems the scheme may cause. Different environmental standards between States could present a nightmare to companies that wanted to move operations interstate.

In 1994, when it was thought we would not join the National Environment Protection Council, it was pointed out that if we had uniform minimum standards, we would reduce the scope for irresponsible people to choose the State with the lowest standards to which to move their operations. Uniform standards across the continent will mean that people will not be able to exploit environmental loopholes and damage the environment in one State, when they may not do so in another.

The environmental protection movement will also cut down some of the duplication between States and the Commonwealth. I refer to three constitutional realities concerning environmental impact assessment: Traditionally the State has exercised its constitutional power in relation to land use and environmental matters. They are state issues. However, there is a second constitutional reality where it is clear that the Commonwealth has the power to enter into, and discharge, international environmental treaties and ensure we are fulfilling our international environmental obligations. Sometimes these are in conflict with what a State may want.

The third constitutional reality is that the Commonwealth has a set of powers that allow it to justify getting involved in state environmental issues. For example, the Commonwealth can use its external affairs powers, through the Foreign Investment Review Board, and demand environmental impact assessments by the Commonwealth when certain sums of money come from foreign sources. This has caused complications for projects. Obviously, in some cases it has been a benefit because people have perceived that the Commonwealth has put in a set of standards more stringent than those of the State.

For people undertaking the developments it means a dual system exists and that they have had to undergo a state environmental impact assessment and sometimes a second commonwealth environmental impact assessment. Undertaking the same assessment twice, sometimes with two different outcomes, is not helpful. It would be much better to have one strong system that people trusted would protect the environment.

Other factors flowed from this; for example, we have seen in the 1980s the High Court's examining the external affairs powers of the Commonwealth when it stopped some developments. There was the issue of the dams in Tasmania and the Wesley Vale pulp mill, where the Commonwealth changed environmental conditions. As a result of all this, in the early 1990s it was recognised that we needed to get away from a stance of state rights in the one corner and the national interest in the other corner. We needed to have a much better working arrangement between the two parties. It was from that recognition that the whole idea of national environmental standards was born. Flowing from that we have the National Environment Protection Council.

In his second reading speech the Minister pointed out some of the concerns of the Government which led to its being reluctant initially to join the council. Fortunately these have been addressed. It was interesting to me that when I attended the first meeting of environmental committees of Australian Parliaments in Melbourne in July last year the only motion to come out of that meeting called on Western Australia to join the National Environment Protection Council. In fact, only two Western Australians were at that conference - Eoin Cameron, the federal member of Parliament for Stirling, and I. I was gratified that on that occasion Eoin Cameron and I made similar speeches and voted the same way on the motion. I am pleased that he has been influential and that the Government has decided to join the National Environment Protection Council.

Another issue of which all Ministers were mindful and a concern which the Commonwealth understood was the worry that the National Environment Protection Council might be yet another Canberra-based body instituting rules and regulations that suited the eastern seaboard but not Western Australia.

Mr Minson: The original one was.

Dr EDWARDS: It is fair to say that we have learned from that. The fact that the first secretariat was in Adelaide was a strong signal that the council would not be based on the east coast and the more western States were recognised. Another important issue is that all States have one representative and the Commonwealth has only one representative, therefore the voting rights are not weighted in favour of the Commonwealth but are equal between all States.

I want to give some practical examples of why I think the National Environment Protection Council and national environmental protection measures are needed. The first issue is the White Opal proposal by Victoria Petroleum to drill an exploration mill at Point Murat, which is eight kilometres north of Exmouth. The site is on land owned by the Commonwealth's Defence Department. There is a large jetty at the site, but it goes out into waters that form part of the Ningaloo Marine Park. The company wants to drill in an area of the jetty car park, which is fenced off. My difficulty is that the jetty car park is extremely close to the beach and the waters of the Ningaloo Marine Park. We have an exploration proposal to drill for oil and gas next to the waters of the Ningaloo Marine Park. There appear to have been a whole lot of mixups in the Commonwealth's management of this proposal. It appears that a department which did not have the power gave the approval for the proposal to go ahead. That glitch has now been ironed out. What really concerns me is that the Defence Department decided that no formal environmental impact assessment was needed. This is a very serious issue. We have very few marine parks in Western Australia. We have had the Ningaloo Marine Park since 1987. It is recognised internationally as being extremely significant. I am worried that the Defence Department could let the proposal go ahead without an environmental impact assessment. Because we do not yet have a reciprocal arrangement with the Commonwealth about these issues, the State has had to seek legal advice to see how we can force the Commonwealth to undertake an environmental impact assessment for this site. This is a classic example of differing standards. Victoria Petroleum has another proposal a few kilometres away to drill for oil and gas at a site called Melanie 1. At least that is on state land and has been assessed by the Environmental Protection Authority. I disagree with its level of assessment. The EPA has determined that it needs only an informal review with advice; that is, it does not need a formal level of assessment. However, at least it is getting that, which the site of the Defence Department is not getting. Hopefully, the Minister for the Environment will upgrade that level of assessment. A number of bodies have appealed to the Minister. He has said he is considering those appeals and will let us know the results in due course. It seems ludicrous that a proposal literally on the water's edge of Ningaloo Marine Park on Defence Department land cannot even be given an environmental impact assessment.

We have a second problem with the environment in this region of the State. A few weeks ago a report called Karst Management Considerations for the Cape Range Karst Province was tabled by Hon Jim Scott. The report points out that the Cape Range area has unique values. The preface to the report indicates that scientists very rarely use the word "unique", but from their observations and studies this area should be labelled unique. They point out that the fauna there predates dinosaurs by millions of years. There is a possibility of finding out much more about evolution by studying the fauna at the site. The report also criticises the low level of knowledge about that environment and condemns inadequate assessments that have been made. It questions the adequacy of review of these proposals by both the Department of Environmental Protection and the Environmental Protection Authority. The report again

criticises the Commonwealth and points out a discrepancy between how the Commonwealth and the State manage these problems on the issue of ground water. The report refers to ground water in some detail because in this region of Western Australia ground water is extremely precious and significant. It points out that in this part of the world it is really critical to maintain the ground water system in order to keep alive the subterranean flora and to protect the Karst environment. It also points out that if we do not get our ground water right, it will also be a threat to continued human settlement in the area unless some alternative water source can be found. It points out that in this area are four levels of water: There is free draining water above the watertable; a fresh water lens, which is what the bores go down into to obtain fresh water for the area; the fresh water lens blends into a brackish level of water; finally, the brackish level of water rests on salt water. It points out that if water is being extracted it must come from the right layer and the layers must be maintained, because the environment and the fauna which lives in the environment depend on the different types of layers for their viability.

We dip out on criticism because the report points out that the Western Australian Water Corporation is doing a very good job. It commends the Water Corporation for its understanding of the problems and for the way it is so tightly monitoring the bores in the area. However, the report is very critical of water use by the Defence Department. It points out that the Defence Department operates quite a number of bores in the area. It raises the concern that the bores operated by the Defence Department are in areas where the amount of fresh water is less. It points out that the risk of over extraction is very real. The report reads that there is apparently "some evidence that the water quality has been impaired by over extraction". This is a classic example of where we have water used by the Water Corporation; we have good environmental standards and protection of the environment but this report says that where the Defence Department is extracting water, it is not doing it in the right manner.

The report also recommends that the Defence Department's extraction activity should be in the care and the responsibility of the Water Corporation. If we applied the same environmental standards on state as on commonwealth land we would not have this problem. Joining the National Environment Protection Council and implementing some of these measures will help with this.

This report contains even more alarming statements about what is happening on Defence Department land where these waters have been used. For example, it points to dead and dying trees around the Royal Australian Navy headquarters. The report points out that it is not clear whether that is due to the ground water table falling or some sort of change in water quality. As the report rightly says, whatever the reason, it should not be happening. The report also points to the fact that the Defence Department believes that other alternatives besides extraction can be used. However, it points out that high technology processes such as desalination are extremely expensive, and even then the salt must be put somewhere, and that will create a problem in this region.

The Opposition is pleased to finally see this National Environment Protection Council legislation. It is of some concern that there has been such a delay. Although the Government agreed to join this council a year ago and the Minister for the Environment told a number of conservation organisations that the legislation would be through the Parliament by the end of last year, it was not introduced into the upper House of this Parliament until May this year. It is also of concern that it has taken a good six months from its introduction in the upper House to get to the lower House. I have no wish to further delay this Bill. On behalf of the Opposition I urge all members to vote for it.

**MRS HENDERSON** (Thornlie) [10.12 pm]: I, too, strongly support this legislation. The most significant point about the legislation is that it is here in the dying hours of the Parliament.

Mr Minson: This Parliament can run until next May.

Mrs HENDERSON: If I were a betting woman, I would be more than happy to take the Minister on. This legislation is about reticence, dragging feet, politicking, lack of commitment to the environment, and Western Australia's being the last State in the Commonwealth to come into this agreement. We should all be ashamed of that. The history of Western Australia since 1993 on environmental issues has been a sad and sorry affair. The Western Australian Government has refused to sign the national biodiversity agreement, and to engage in the development of a national policy for coastal protection - it was not present at the first meeting of that national organisation. Western Australia refused to engage in the development of the guidelines for the National Environment Protection Council and, right up until this legislation came before the Parliament, to join the council. Many of those refusals on the national issues that I have listed related to playing politics.

At the time this Government came into office in 1993 a national Labor Government was initiating those national agreements on biodiversity and coastal management. This coalition Government refused to be part of those agreements. It constantly pandered to anti-Canberra sentiments in the community. The Government knew that in issues of environmental protection, the air that we breathe and the water that people around this country use and enjoy, we are not seven different States and Territories but one country. Without national standards we will not improve the quality of our air and water. The Government knew that from 1993. Had there been a Liberal

Government nationally in power in 1993 Western Australia would have joined this National Environment Protection Council and signed the national biodiversity agreement long ago. It was an opportunity not to participate, to make it look as though national agreements would not work. That is very sad, because that is putting cheap party politics above basic environmental concerns. The people of this State do not accept that, because every survey I have read suggests that the people of this State want environmental protection. They put environmental protection well up the list of issues about which they are concerned. They do not thank members of this Parliament for putting the petty point scoring of national versus state politics ahead of a commitment to environmental protection.

Australia has not only entered into many international agreements about which my colleague the member for Maylands spoke a moment ago, many of which demand a national response, but also attended a wide range of international conferences at which agreements have been reached on issues such as greenhouse gases. Australia has agreed to reduce national levels of carbon dioxide emitted into the atmosphere. That is not possible if the national Government is not aware of the levels of emissions in the various States and able to exercise some kind of cooperative control over those emissions. How can any Federal Government negotiate internationally on behalf of Australia if it has no powers to guarantee that Australia will abide by commitments that it makes? Although some people have opposed the signing of those international treaties, and some people in this Parliament have opposed the proclamation of world heritage areas, there is a slow recognition not only that enormous benefits will come to Australia and to Western Australia in proclaiming world heritage areas to protect the intrinsic environmental values of those areas, but also, more pragmatically, that is where the future of tourism lies. More and more people are seeking what they broadly call ecotourism opportunities. They want to travel to world heritage areas, to see areas that are unique and undisturbed. It is only through, in many places, the opportunities for the Federal Government to give its imprimatur to those areas that they will be afforded the protection they need, particularly where there is some opposition from more narrow and vested local interests.

I welcome the fact that this legislation will allow us to establish national standards which will be agreed to by all States in relation to air quality, to marine, estuarine and fresh water quality, to noise protection, to the assessment of contaminated sites, to hazardous waste disposal, to motor vehicle emissions and to the reuse and recycling of material. Each of those issues is a major environmental factor that should be addressed at a national level. Western Australia cannot continue to argue that it is different. It is not so different that it does not need to be part of those national standards. The national agreement provides that Western Australia can have standards that are higher than the minimum national standards. There is nothing to stop us requiring those high standards. Those minimum standards can be moved forward progressively as the States meet and as the community generally supports stricter standards, as it will.

The European Community has a diverse range of countries in its membership, yet it has managed to establish minimum standards for water quality and, for example, beaches to the extent that on any beach in Europe signs are erected that show whether the beach has been assessed as having reached the minimum European standard in terms of bacterial populations in the water and various other factors that are regularly monitored and reported on. If countries with as wide cultural differences, complexities and populations as those countries in the European Community can agree to standards that they will all endorse and enforce, there is no excuse for a country with a population the size of Australia's not agreeing to minimum national standards for all States.

In Australia some large companies now take their environmental responsibilities much more seriously than ever before. Many of them are now quite willing to put in the effort to reach the required environmental standards. Along with the rest of the community, they have recognised that we have a responsibility to future generations, to ensure the environment is not irreparably damaged. It makes it extremely difficult for those national companies to establish those standards, to put in the effort and expend the funds when there are differing standards in different States. This legislation will greatly assist those companies, and I am sure they will welcome it.

At the same time the history of Australia's resource development and industrial development shows that the States in many respects have suffered as a result of States vying with each other for international projects. In many cases that vying has meant that individual States have provided taxation concessions, infrastructure, cheap power, and many other incentives to international companies to locate in that State. Often those things have basically been paid for by the taxpayers. The level of assistance that has been offered has often been greater because the States have competed against each other to try to attract the international companies to set up projects in their State. In the same way as companies will look for positive incentives, such as I have just indicated, they might also look for the lowest environmental standards with which they must comply to save them money. That is a very real consideration when we are talking about a large company, one producing significant volumes of waste and having to abide by stringent standards of air quality emissions. It makes a significant difference to where the company decides to locate its plant.

National agreed standards will go a very long way to preventing that kind of damaging competition between States to go for the lowest standard to attract industry. The inter-governmental agreement was signed on behalf of Western

Australia by former Premier Carmen Lawrence. It would have led to Western Australia going directly into the National Environment Protection Council possibly two years ago. It is interesting that for the first time it requires a Federal Government to consult all other States about proposed entry into international treaties about the environment. There has been a great deal of criticism, particularly from the conservative side of politics, about the national Government through its Executive - not even through the Parliament - signing international treaties that bind Australia and give us certain obligations.

Mr Minson: It is not even necessary for it to be a member of the Executive. It can be a member of the bureaucracy who will sign it on behalf of the Executive. It is an absolute scandal.

Mrs HENDERSON: For a long time there has been a call, more from the conservative side of politics, for there to be greater consultation with the States about signing of these treaties. There has been a resentment, particularly from the conservative side of politics, about the use of the foreign affairs power to ratify these treaties. This intergovernmental agreement for the first time requires the Federal Government to consult the States before seeking to enter into a treaty or obligation. In line with the previous support the conservatives in the State have given to that concept, does the Minister think that is a step in the right direction?

Mr Minson: They don't take any notice of us. I have been through a process of so-called consultation with Robert Tickner. It consisted of his sending me a letter at four o'clock, their time, demanding a reply by the close of their business. It gave me 55 minutes to respond. If they must seek concurrence by dialogue, that is good; if it only says seeking consultation, it means nothing.

Mrs HENDERSON: The amount of consultation that occurs will depend on the way in which the council operates. As the previous speaker pointed out, it consists of representatives of every State. The Commonwealth will have only one vote. The intergovernmental agreement laid the foundation for consultation on those sorts of issues, such as entering into treaties, as well as consultation and cooperative development of national standards. Given that the proposed consultation was in the original intergovernmental agreement, I expect the conservative side of politics will be anxious to see it put into practice.

Mr Minson: We endorse the intergovernmental agreement on the environment.

Mrs HENDERSON: This Bill could have been in here more than a year ago.

Mr Minson: Do you know the Commonwealth never once complied with its responsibilities under the IGAE - not once. I am not aware that it did at any stage.

Mrs HENDERSON: This is a matter of opinion, and I am not in a position to argue whether it did or did not.

Mr Minson: I can tell you that was the case.

Mrs HENDERSON: It is just not good enough that in the dying hours of the last session of the Parliament before an election legislation is brought forward to allow us to participate fully in the National Environment Protection Council and in the development of national standards for things such as air and water quality that should have, and could have, happened more than 12 months ago. The Government would have had support from this side of Parliament. It reflects the lack of priority the Government has for this sort of legislation.

Mr Minson interjected.

Mrs HENDERSON: That is what I am talking about when I say it is petty politicking. The Minister can sit there and fire arrows at those individuals. That is not the issue; it is that the people of Western Australia regard the environmental future of this State as being very important. Time and time again they say that. Regardless of the Minister's views on individuals who formed part of the previous Federal Government or who are part of the current Federal Government, that is not the issue; it is that Western Australia will achieve nothing by standing outside these processes and saying that it will not participate. Western Australia must be in there, part of the national biodiversity program, the environmental protection program, the national coastal care protection program, to ensure this State is part of the nation. That is the responsibility of this State Government. There is no question about that.

I am also concerned about a couple of things in the second reading speech. It appears there is a change from the national uniform legislation which will enable the Western Australian Parliament to disallow a national environment protection measure where the Western Australian member of the National Environment Protection Council is of the opinion that the measure does not take into account Western Australian regional differences. I accept that Western Australia has differences, but if every State reserved to itself the right not to accept some national environmental measure, we would not have any national protection standards because there would always be pressure on a State Government from particular narrow, sectional interests to assert that that State, for some special reason, should not

comply with a national standard. For a State Government to give itself such an out demonstrates a lack of commitment to the total program.

I welcome the fact that the measures and standards which will be developed will be the result of extensive public consultation, and I am pleased that stakeholders and interest groups will be involved in that process and that will lead to measures which are widely supported and agreed to by the interested parties. However, I am disappointed that after the measures have gone through that consultation process and been agreed to nationally, they will have no effect in Western Australia until they are put into state legislation. This is a retrograde step, and I would like the Minister to outline to the Parliament whether other States have done this, because my understanding is that we stand alone in insisting that these individual measures, once agreed to nationally, will then have to be adopted, brought before the Parliament and embodied in state legislation before they will become effective in Western Australia. We are talking about measures that control all the things that I mentioned earlier, such as air and water quality, noise standards, site contamination, hazardous waste and recycling. I support the legislation.

**MR THOMAS** (Cockburn) [10.32 pm]: I am pleased to have the opportunity to speak in support of this legislation. As my colleagues mentioned earlier, the Opposition supports this legislation, but we wish to make some reflections on the way that the Government has manifested its attitude to the environment during the life of this Parliament. There are a number of similarities between this and other Parliaments, and a number of comparisons can be made between what we are debating now, on what may be the second last day of this Parliament, and matters that we debated, if not on the first day, very early in the life of this Parliament, when the Minister responsible for this Bill was the Minister responsible for the Environment. This appears to be a good piece of legislation, and there is nothing untoward about the Government's introducing it into the Parliament and patting itself on the back as having a good record on environmental protection. However, nothing could be further from the truth.

I go back to the first controversy that we had in this Parliament after the election in 1993 - the complete mess that was made of the environment by the Minister responsible for this Bill when he came into this Parliament in a very ham-fisted way and effectively sacked the director of the Environmental Protection Authority. We had the spectacle of the Minister suggesting in the media that the Director of the Environmental Protection Authority, Barry Carbon, was being paid an inordinately high salary; indeed, he was being paid more than the Minister. That was designed to bring him into disrepute and, among other things, justify his removal from that position. At that time, we asked the Minister if he knew the salary of the director of the EPA. Some four years have passed. Has the Minister worked out yet what Barry Carbon's salary was?

Mr Minson: I will get on my feet shortly.

Mr THOMAS: We have been waiting four years to find out what Barry Carbon's salary was. We now know, because it is public knowledge. The Minister was seeking to get rid of someone who was politically inconvenient to him and who was perceived to be a Labor Government appointee, and to replace him with someone who would be more compliant to this Government, which did not have the same standards of environmental protection as did the outgoing Labor Government.

The Minister said that this Bill is in the proud tradition of the first environmental legislation that was brought into this State in 1970. It is interesting to expose that statement for what it is - not quite a lie, but a stretching of the truth. In 1970, the outgoing Brand coalition Government brought in environmental protection legislation under almost the same circumstances - in the dying hours of the Parliament, which were also the dying hours of the Brand Government, which had been in government for some 12 years. On the last day that it was in power - or if not on the last day, in the last week - it brought in a piece of mickey mouse legislation. I do not think any appointments were made under that legislation, and when the Tonkin Government was elected in 1971, it had to rewrite the legislation and make some appointments under it. The priorities of the Brand Government from 1959 to 1971 were quite low with regard to environmental matters. That is of no great significance. I do not believe the sins of the fathers should be visited upon the sons. I do not believe that just because Sir David Brand and his Government reflected the standards of the time and did not ascribe a great deal of priority to the environment that should be used as a ground to criticise his successor in the Environment portfolio, the member for Greenough, Sir David Brand's predecessor but one who has now in the dying days of this Parliament, some 25 years later, introduced a piece of legislation which suggests that this Government does not give this matter a high priority.

This legislation is ultimately an initiative of the Hawke federal Labor Government, which sought to address some of the thorny problems of commonwealth-state relations. One of the areas that bedevils politics in Australia and in most federations is cross-jurisdictional activities and overlapping responsibilities. Nowhere does that problem manifest itself more obviously than in the environment. We all regard the environment as very important, or all of us on this side of the House do, and members on the other side of the House at least mouth words to that effect, although their actions do not reflect that. That being the case, we should agree that there should be national standards. What is regarded as clean and adequate drinking water for citizens in Alice Springs should also be

adequate drinking water for people in Perth, Sydney, Hobart or anywhere else in Australia. It is an obvious fact that when it comes to important matters we should seek to have national standards to protect our citizens and the country we have inherited, in like manner in similar places. That seems to be a fairly obvious point of view. However, seven or eight jurisdictions are involved. The Commonwealth, six States and a number of Territories all have responsibilities in this area. We can have different standards, and people of goodwill looking at the question. However, they can come to different conclusions simply because they are different people looking at the same question. Similarly, people can have different standards. Some people may not have the same priority for the protection of forests, for example, as people in other parts of Australia. We can also have standards that differ, not because different people are looking at the question but because there are different assignments of priority. Therefore, of all areas of government in Australia where the problem of commonwealth-state relations enters the argument, the environment probably is the most thorny. The fact that the Commonwealth is able to invoke the power of external affairs in respect of treaties to overrule cowboy State Governments in areas such as Tasmania, as has been done in the past, causes some concern.

This is a very sound piece of legislation which provides for national standards. It provides safeguards so that the States cannot be overruled against their will, in order for those standards to be adopted. On my reading of the Bill, there must be a two-thirds majority vote on the council which is being recognised by this legislation. In the formulation of those standards, regard must be paid to variations between regions. I gave an example earlier: What is regarded as good drinking water for an Australian citizen in Alice Springs should be a sufficient standard of drinking water for Australians in other parts of the country. However, in some senses there are variations in the nature of the countryside, as the flora, the fauna, the geology or the offshore waters can vary. Pollutants from a particular industrial process may be acceptable, but that can vary. It is not that we are trying to have a lesser quality of environment in the general sense, but because the vulnerability of the environment which is being polluted will vary from one place to another. The second reading speech cites a number of areas where offshore marine flora can vary from place to place in its susceptibility to damage from industrial pollution. Therefore, it is appropriate to permit a variation of standards in order to facilitate industrial development while maintaining proper standards of environmental protection.

This legislation provides that all the States and Territories be represented. It provides a two-thirds majority vote in order for a standard to be accepted. Even when that is the case, state legislation must be implemented. Provision is made for regional variations, properly based on the standards which will apply. That seems to be an eminently sensible proposition with which anyone with a concern to protect the rights of sovereign States and to reduce the number of assessments of proposals for industrial development would agree. This will be regarded as the sort of reform that is good for the environment, industrial development, and sensible planning. Therefore, why has it taken so long to get here? The Minister's second reading speech states -

The WA Government is now satisfied that the national legislation establishing the NEPC is an agreement or treaty between sovereign States.

What a profound observation! It always had those qualities -

Mr Minson: No it did not. You do not know what you are talking about.

Mr THOMAS: I have followed this from the beginning -

Mr Minson: You did not follow it very closely.

Mr THOMAS: I have. When the proposition was first put forward by the Hawke Government in a mood of conciliatory arrangement between the Commonwealth and the States, the knee-jerk reaction of the coalition Government to seek to curry political favour by invoking anti-Canberra and redneck sentiments was typical and most inappropriate.

Another major advantage makes me wonder why it has taken so long for this legislation to come before this House: It effectively ropes the Commonwealth into the normal standards of environmental protection. Jandakot airport adjoins my electorate and is located in the electorate of Jandakot. Concerns have been expressed about the environmental impact of that airport. One of the problems which people wish to address is that it is commonwealth land, therefore there is a difficulty in applying normal environmental standards. If the airport were operated by a private corporation, it would be a different situation. It is absurd, because the environmental impact of a privately-owned airport on a property of some description and a commonwealth-owned airport of the same size, would be the same. However, one is susceptible to a different set of environmental legislation. It is entirely appropriate that the Commonwealth should pull in its head on these matters, and not misuse its powers under the Constitution. When the Constitution was framed at the end of the last century and precedence was given to the Commonwealth on certain matters, it was to do with the practicalities of the national jurisdiction, and matters of defence and so on. It did not

envisage that the Commonwealth would set itself up as an environmental planning authority - those words would have meant nothing in those days - or to overrule normal planning considerations. As an example, the Commonwealth has used its ownership of Perth Airport to plan a shopping centre development, which would adversely effect existing shopping centres in the area, and subvert the proper responsibilities of the State for planning legislation.

This legislation is a very sensible arrangement between the Commonwealth and the States, one which the State should have been prepared to enter from the outset in a cooperative way rather than once again being the last to come to the party. It is consistent with this Government's performance throughout this Parliament, and that performance is consistent with its performance in former Parliaments. We have a very sensible arrangement that can be used as a model of cooperative federalism, with a complex overlaying web of responsibilities for State, local and Commonwealth Governments. The Commonwealth would be involved not only because it is a major landowner but also because of its overriding capacity to enter into treaties with other countries that can have binding environmental domestic implications in Australia.

The Opposition regards this as sensible legislation that essentially reflects the Hawke Government initiative and it should be supported. Our only criticism is that it should have been introduced much earlier, rather than in the dying stages of this Parliament - that reflects the priority this Government assigns to the environment.

**MR MINSON** (Greenough - Minister for Mines) [10.51 pm]: I thank members for their contributions and support. Members have alluded to the fact that the Intergovernmental Agreement on the Environment was signed in 1990. There was talk of a national environmental body, and I have always supported a national body of the type that is now being established. Unfortunately, the spirit of cooperative federalism put forward by Bob Hawke very quickly became a thing of the past. I am sorry about that because I believe it put back constitutional reform in this country. We saw a total change in the approach of the subsequent Administration. That is not a political comment but a statement of fact. I have no confidence that a coalition Government in Canberra would not be capable of the same sort of shenanigans that went on following the demise of the Hawke Government. Paul Keating took over and we saw what was supposed to be a national environmental protection council changed to a national environmental protection authority. That was most inappropriate.

The Intergovernmental Agreement on the Environment and the Australian and New Zealand Environment Conservation Council gave us the ability to put in place measures in the same way that this legislation allows. It is an indictment of the Commonwealth Government that, to the best of my knowledge, no State in Australia has been able to trigger those sections of the IGAE which would have made it work and which would have shown the agreement to be beneficial and bona fide.

I refer by way of example to the process we went through in Western Australia in relation to the Australian Heritage Commission and our forest values. Before anyone thought of regional forest assessments, we wanted to put in place something which would be acceptable to the Commonwealth and which was responsible. We did a lot of work with the Australian Heritage Commission, and Ros Kelly held it up as a model that Australia should follow. Lo and behold, about a year later it was thrown out and we had the ridiculous charade of the 1994 woodchip licence renewal. The majority of the blame for the tardiness in the establishment of this national environment protection body and its being widely accepted and trusted can be laid very squarely at the feet of the Commonwealth Government.

Dr Edwards: Why did all the other Liberal Governments join it two years ago?

Mr MINSON: That is interesting. Many privately had great reservations, particularly Victoria and New South Wales. They did not have the problems we had simply because the whole thing was set up to solve their problems. If we were to look at it objectively, we would see that all Western Australia would get is some control in a statutory sense over commonwealth land in this State. We have heard every speaker talk about how companies are dying to have this process in place. Unless a company is operating near the border between two States - and no company in Western Australia, South Australia and Northern Territory is - it is of no value. It is only valuable where we have the ridiculous situation such as that between New South Wales and Victoria, where factories in the same town on either side of the border are likely to want to shift manufacturing operations to take account of differing environmental standards. Miscreant States might try to attract companies across the border by lowering the standards. However, I assure members that we will not get companies based 3 000 km away relocating here simply because we have slightly different environmental standards. They know that by the stroke of a pen that can be changed.

Dr Edwards: The argument is also about certainty for national companies; that is, companies knowing that there is roughly the same environmental impact assessment process in Western Australia as in Victoria.

Mr MINSON: That is a furphy. People are prepared to go through the environmental process that exists in the State. I would not like to be tied into an environmental impact assessment driven protection system. As members will know,



we are moving more and more towards self-assessment, self-policing and auditing. We will lead Australia in that area, but I do not want to dwell on that.

When the Commonwealth Government was given the opportunity to show its bona fides in respect of these agreements, and I refer particularly to the IGAE, it failed the test miserably. At one of the ANZECC meetings all state Ministers argued that the authority must be based on the IGAE and the Commonwealth ran for cover. Let us not pretend that the Commonwealth Government at the time meant this to be a good system to protect the environment.

There were no guarantees in the early stages that the States could make the standards more stringent if they wished. I also make it clear that while it required the agreement of two-thirds of the States for an environmental measure to go to the Commonwealth Parliament, once it was passed we had absolutely no power over it, regardless of its appropriateness. As the Minister at the time, I could not accept that, and I will explain why. It is not just what comes out of the pipe but where the pipe is. It is true that a certain substance can exist in a certain concentration in one part of the environment and have zero effect, but it may have a dramatic effect in another part of Australia. I understand they discharge into the ocean off the coast of Victoria and New South Wales levels of pollutants that would kill our seagrasses. There are no seagrasses in that part of Australia, so they are happy to have that concentration in their environment. A lot of those things were not allowed for. Looking back, I wish there had been more goodwill because I believe this body should have been brought into existence a lot earlier.

There were three problems with the initial proposals for a national environmental protection authority. The first was that there was no ability to disallow. Given my experience in dealing with the Federal Government, and watching New South Wales and Victoria adopt something when it suits them regardless of the outcome for peripheral States - members should not accuse me of being parochial because I have lived the problem - I could not endorse anything that did not give this Parliament, not the Minister, the right to disallow in this State. That is an open mechanism which allows the elected representatives of the people of Western Australia to disallow if that is the appropriate thing to do.

Secondly, I could not endorse the establishment of a body that did not allow for proper regional differences to be catered for. The regional differences were mentioned in the IGAE, because, as I have said before, under no circumstances has any State in Australia been able to get the Commonwealth to stick to the IGAE. When it suits the Commonwealth, it quotes the IGAE and when it does not, it does not want to know about it. It cannot eat its cake and have it too. I have alluded to the third problem; that is, the effect of a given pollutant. In other words, it is not what comes out of the pipe, but where that pipe happens to be. That was particularly important if we found ourselves in difficulties such as we did with the WMC Resources roaster at Kalgoorlie. That company came in and said that it had mucked it up, it had to go to acid production and it could not meet the standards that it said it thought it could meet. Under the old NEPA system, with the council meeting every six or 12 months, there would have been no mechanism to enter into an agreement with that company to solve the problem. Because we kept control of our environment in Western Australia, the Minister for Resources Development and the Minister for the Environment got together with WMC Resources and with representatives of the environmental protection agency, the Department of Environmental Protection, and we worked out a time frame for what it had to do and we are now progressing to that. While people may say that that was not a perfect result, people retained their jobs and it has been a negotiated positive outcome for the environment and for sociological reasons. We must take into account sociological matters.

In the three areas to which I have referred, the Commonwealth Government was intransigent in 1993 when negotiations were undertaken. We have been successful in gaining those concessions in their entirety. I am delighted about that. As I have said, I always wanted this body to exist. It is a logical extension of the ANZECC because the ANZECC and IGAE always had the capacity to be exactly what the new body will be; that is, a national environmental protection council creating national environment protection measures which can be put in place through the state processes. I applaud the secretariat's being placed in Adelaide. That is a good move and one which I doubt would have occurred had we not stood our ground at the time.

I have no regrets about the delay. Certainly, we could have had this in place a long time ago if there had been cooperation. However, members should not think we were holding it up for silly reasons. We were not; they were good reasons. Time has borne out the reasons that we stuck it out.

The member for Thornlie referred to reticence and the dragging of feet and how we should be ashamed. One acts in haste and repents at leisure. In this respect I am reminded of the National Companies and Securities Commission that was said to be a failure and the claim that our joining the National Securities Council would solve all our problems. It has not. We should have done something a lot tougher than that. We could have done it via the old NCSC. I have no shame for holding up the process because the process was flawed and stupid. We were being pushed along for ideological reasons.

Mr Thomas: Have you worked out Barry Carbon's salary yet?

Mr MINSON: I will not talk about Barry Carbon's salary. I do not know what it was and I am not interested in what it is.

Mr Thomas: You were prepared to say he got paid more than you.

Mr MINSON: I will spend about 15 seconds on this and then I will not allude to it again. I was given information about that man's salary and I relayed it. I do not know whether it is right or wrong and I do not care. That is the end of the matter as far as I am concerned.

I believe that world heritage listing is a good process. Unfortunately, man and the biosphere as a project has not progressed. I thought it was a better idea. World heritage has much to commend it, although not as much as people think. Frankly, it does not do a lot to protect the environment.

Mr Leahy: It has never had any support from your side of Parliament.

Mr MINSON: That is not correct.

Mr Leahy: Shark Bay was opposed; North West Cape was opposed.

Mr MINSON: Unless we can get some mechanism for the proper management of these areas, there will be no support from us in future either. If the member were to go to the Eastern States and find out from the people who have lived in the Willandra Lakes area that they have not been able to properly manage their properties for the past 10 or 15 years and then try to tell this Parliament how good world heritage is, he would be a hypocrite. I agree that Shark Bay must be sorted out. However, many other things need sorting out along the way. The management of world heritage listed areas must be taken up by the State and the Federal Government with some goodwill and some commitment. All the Federal Government was interested in at the time - once again, this is not a political statement - was getting the political headline of the day and it walked away from it. I am sorry about that because it brings the process into disrepute. I do not say that lightly. When I went to Paris I visited Dr Berne von Droste, who runs the secretariat which looks after world heritage areas for the United Nations. He told me that this was the only country that misused the world heritage listing process. He was very concerned about it, first, because it was bringing the process into disrepute specifically because of Willandra Lakes and of that nonsense that Richardson went through in the north of Queensland; but more particularly because other federations of States would not nominate areas for listing because they pointed to what happened in Australia and said, "We don't want that."

That is what the Commonwealth Government has done to the standing of world heritage listing. I am angry about it because there is no reason for it to have happened. If members do not believe me they should speak to Dr Berne Von Droste next time they are in France because they will find out that what I said is correct.

The member for Thornlie raised the question of different standards and said that companies are falling over themselves to request the Government to adopt the national standards. They are not. It does not affect those companies in this State. It is necessary for this Parliament to have the ability to disallow if it is to solve a local problem, but national measures will not help any companies in this State.

The member for Cockburn repeated many of the issues raised by the member for Thornlie. I appreciate his comments about the agreements being between sovereign States. That is alluded to in the Minister's second reading speech. I understand that if the Commonwealth had adopted the agreement on the basis that it was an agreement between sovereign States, the whole process would have developed more quickly. However, the Government is aware of the skilful misuse of the external affairs powers which has been referred to in this debate. I am also sorry about that because, regardless of the political persuasion of the Commonwealth Government, it is not a power which was given to it to misuse. Whenever legislation is misused or abused the people of Australia are the losers. This State is now reaping the rewards of that abuse - there is no trust in that area.

The environmental standards in Western Australia are generally higher than those in other parts of Australia. It is important that they are appropriate to Western Australia. For that reason, this State has not suffered at all from the delay in introducing this legislation. If anything detrimental can be said to have occurred it is that this State is not able to control commonwealth lands. The accreditation of state processes, which is part of the intergovernmental agreement on the environment, gave the Commonwealth and the States the opportunity to pass control of those areas to the States. However, because it was not convenient and the Commonwealth Government implemented double standards to get around the proper environmental controls over its land, it tried to throw the intergovernmental agreement out the window because it was not to its satisfaction to be bound by it.

I thank members opposite for their support of this Bill. It is good legislation. Reference was made to the reserve power of this Parliament and I cannot apologise for its inclusion in the legislation. In fact, if it were not included,

I would not be able to support the Bill. The elected representatives of the people of this State should have the right to disallow one of these national environmental protection measures if they believe that should be the case. When this Government goes to the polls it must be accountable for that.

Question put and passed.

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

### **APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)**

*Returned*

Bill returned from the Council without amendment.

### **SANDALWOOD AMENDMENT BILL**

*Second Reading*

Resumed from 29 August.

**MR LEAHY** (Northern Rivers) [11.15 pm]: The Opposition supports the thrust of this legislation. I will briefly outline the proud history of sandalwood in the development of the goldfields, Murchison and Gascoyne regions. Sandalwood, which was harvested in those regions, was the principal export commodity for this State in the early years of the colony through to the mid-nineteenth century. It provided the lion's share of the import-export pounds for this State. Since then the industry has continued to produce a valuable crop. Approximately 2 000 tonnes of natural sandalwood is harvested annually and the return to this State is approximately \$26m.

Sandalwood is economically harvested. Previously the Government paid the sandalwood pullers in remote areas \$1 000 per tonne and sold the product for approximately \$14 000 per tonne, which is not a bad return considering the cost of harvesting it. This Government has treated abysmally the 20 sandalwood pullers who have been engaged in the industry for up to 26 years. In the past 10 months between eight and 10 pullers have lost their contracts. For many years the sandalwood pullers had their contracts renewed on a yearly basis. However, when the sandalwood harvesting was put out to contract many of the contracts went to people in the pastoral industry who availed themselves of the opportunity to take up sandalwood pulling. Many of them did not have any expertise. The sandalwood pullers, some of whom were of Aboriginal descent, who had been contracted by the Department of Conservation and Land Management for many years, have been thrown on the scrapheap. I am concerned about, and disappointed with, the way this Government has treated them by handing over the contracts to other people.

The current legislation provides that 90 per cent of sandalwood be extracted from the wild; that is, predominantly from pastoral properties and crown land. In 1929 a restriction was imposed on the harvesting of sandalwood and only 10 per cent of it could be taken from private property. An attempt was made to control the amount of sandalwood that could be harvested to maintain a fairly high price because Western Australia was, and still is, the main exporter of sandalwood in the world. Previously, the sandalwood which was extracted from private property seeded and grew naturally. It takes between 25 to 30 years for sandalwood to reach maturity so that it can be harvested. It is a fairly slow growing tree and is difficult to find in large quantities.

I understand that at least one proposition has been put to the Government to establish a sandalwood plantation. I am aware of one company which is trying to set up a plantation in the Kimberley. It will attempt to grow a variety of sandalwood from India which is superior to the natural growing sandalwood in this State and is more sought after.

My main concern about the legislation is that currently this State is reaping a very good return of approximately \$26m from sandalwood for a moderate outlay to the pullers of sandalwood. When permission is given for the establishment of sandalwood plantations, obviously there will be a lot of advancement in the growing of sandalwood. I have been told by people in the industry that they expect to be able to grow sandalwood to a stage where it can be pulled in between 10 and 12 years, which is half the natural growth time. Therefore, we have the capacity to provide far greater quantities of sandalwood for the market. If a large quantity is provided for the market, a collapse could easily occur. We may find that where the State now receives something like \$26m from sandalwood, without some royalty or money paid on sandalwood grown on plantations, the State will lose significant income. Many schools and other community facilities could be provided for \$26m.

The one reservation about the Bill is that the Government must look at the amount of sandalwood absorbed into the international market and ensure that more sandalwood licences are not given than those necessary to provide only the amount of sandalwood we can sell. At the moment we are extracting 2 000 tonnes on a recurring basis. Sustainability of resource is found with naturally occurring sandalwood in some areas in my electorate - that is, the wood is cut and regenerates from stock - but in most cases sandalwood is extracted and pulled as it does not

regenerate. In some areas of Shark Bay sandalwood is regenerated from root stock, and the resource has been managed in this way for over a hundred years.

We can have a sustainable industry with the provision of 2 000 tonnes a year. CALM is currently looking at that matter. The Government needs to ensure that sandalwood licences issued for produce grown on plantations do not flood the market and destroy an industry which provides valuable employment in remote area and valuable income for the State.

**DR EDWARDS** (Maylands) [11.23 pm]: Although the Opposition supports the Bill, it has a number of concerns, as indicated by the member for Northern Rivers. One of my concerns is that the Auditor General recently commended the Department of Conservation and Land Management in one of his reports for renegotiating its contracts with sandalwood pullers. It was said that CALM and the State benefited from the renegotiated contracts.

However, I have received a number of complaints from people who were sandalwood pullers for up to 30 years and who have made considerable investment in their equipment in this industry. These people did not win the new tenders. Some of the people who contacted me have an Aboriginal background and have particular empathy with the land with which they have worked, and have had more trouble than others in establishing their businesses. These people raise some real issues which are peripheral to the Bill, but are within the ambit of the second reading debate.

When this industry first started in 1929, obviously, it was regarded as a finite resource as a limit was placed on the amount of sandalwood taken. Over time, this has become an ecological sustainable limit. The Opposition supports this move to encourage the growth of sandalwood in private plantations. We support providing an impetus to plantation growers or people interested in establishing more plantations to grow this resource. I ask the Minister in his response to address the concerns of people who have been longtime sandalwood pullers and are now, as a result of the new contracts, forced out of the industry.

**MR GRILL** (Eyre) [11.25 pm]: I do not have any great objection to this Bill; it will further the sandalwood industry in this State and deserves support. However, I am concerned about the way in which the sandalwood industry has been administered in recent months. As members know, the sandalwood industry is largely, although not exclusively, based in the eastern goldfields. Families and individuals have been traditionally involved in the sandalwood pulling industry for many years. In many respects, licences have been handed down from father to son, and certain families have taken a traditional and longstanding interest in the trade.

Under this Government, in an endeavour to supposedly streamline and make the industry more efficient, many families who were engaged in the industry for many years have simply been displaced in circumstances which do not reflect well on the Government. The Government is simply concerned about the bottom line return to government, not about traditions or people's welfare. Several families - that is, husbands and wives and fathers and sons - have come into my office complaining that their trade, and that of their fathers, was being taken away from them. Many of those people are indigenous and have been engaged in the industry for a long time. Traditionally, they had an arrangement with CALM whereby licences were renewed on an informal tender basis and CALM, on behalf of the State, made a lot of money from the industry. The pullers had jobs which they thought were sustainable and permanent.

Along came the new regime and the new tender process was put in place creating a new range of successful tenderers, most of whom are people not traditionally involved in the industry. Many people traditionally involved in the industry have simply been displaced and no longer have a job, which is very sad - many of them know nothing else as they have been involved in the industry all of their lives. The new crop of successful tenderers who picked up the contracts in many cases have not been involved in the industry before.

I do not want to put too fine a point on this, but many of these people who won contracts have connections with the Liberal Party. Many of the fortunate tenderers are party supporters or have traditionally supported the Liberal Party, be they pastoralists or other such people. These people seemed to be in the know in Kalgoorlie-Boulder.

Mr Leahy: They are having trouble identifying sandalwood plants and reaching the quota because of a lack of experience. CALM is having difficulty in getting the product it would like.

Mr GRILL: That is true. Some of those people are officials of the Liberal Party in these areas. I do not want to draw too many conclusions from that, but I think it is rather sad that the people who have traditionally followed this industry have been displaced in this way. It has come as a considerable shock to some of them to find their contracts taken from them. Some of them are part indigenous people and others are Europeans who have been involved in the industry for a long time. The way in which this has been done does not place much of a premium on human worth, and it reflects badly on the present Government. A preoccupation with the bottom line is not always the best policy.

Does the new policy bring more money to the State? No, it does not; although I concede it brings more money to the state coffers. However, in doing so it supplants a range of people who have been involved in the industry for a long time. It is very sad and I lament the passing of these people. I tried to help them, and I have been able to help one or two who have picked up partial contracts or are working as employees of the new contractors. The fact that they have picked up partial contracts or are employed by the new contractors does not take the nasty taste from their mouths. It reflects a fairly callous approach by the Government to these matters.

The Opposition supports the Bill; it would be strange if it did not do so. It deals with plantation timber and removes the artificial limits on the production of sandalwood in Western Australia. I hope it will lead to a much bigger industry on the Ord River Dam. The passing of this group in the industry, many of whom are situated and living in the eastern goldfields, is sad and it does not reflect well on the Government.

**MR MINSON** (Greenough - Minister for Mines) [11.33 pm]: I thank members for their support for this legislation. As the member for Eyre has said, it will remove some of the artificial barriers on plantation sandalwood. They were not thought to be barriers at the time they were introduced, simply because growing sandalwood in plantations had not been thought about when the Act was put in place at the end of the 1920s. The member for Northern Rivers alluded to the long history of sandalwood in this State, and it was interesting to hear his contribution to the debate. Thousands of tonnes of sandalwood were stockpiled on the Fremantle wharf during the Depression when there were no markets for it. Four main sandalwood companies at the time were either bankrupt or facing bankruptcy, and the State Government bailed them out and drew them into one entity which lasted until 1993-94. It worked in the 1930s, but the whole question of processing, exporting, market development and research in the sandalwood area was archaic to say the least. It was a strange arrangement under which the State paid all the costs. There was no incentive for the Australian Sandalwood Company to involve itself in market generation or to become innovative in its processing or anything else.

I note that all members agree that the Bill should be supported but they voiced concern about a group of people who appear to be displaced. Unfortunately, as I am not the Minister for the Environment, I cannot provide the information members seek. I am sorry to hear it is happening. Certainly, in some cases an attempt has been made to be lenient towards pastoralists going through hard times to give them access to a certain tonnage of sandalwood. That is recognition of the fact that a huge area of Western Australia is uninhabited and there are feral foxes, rabbits, donkey, camels, cattle and horses in those areas. The only management in those areas comes from the pastoral industry. I do not know whether that leniency towards pastoralists by allowing them access to some tonnage to pull has had an effect on the traditional pullers, or whether CALM going to tender is the main issue. When I was Minister for the Environment I was approached by a number of pastoralists in 1993-94 because their industry was in dire straits in every direction - not that it is not now - and some pastoralists were relying on pulling some of the sandalwood. There was a misunderstanding. They disregard the fact that they have a pastoral lease and not a timber lease or anything else. Pastoralists tend to regard the land as their private property, although they have only grazing rights. I suspect the displacement is a by-product of the tendering process. I understood that Aboriginal people would be given access. I am sorry to hear that the process is not producing the result it should. If traditional people have achieved a reasonable level of efficiency, it is a shame if they are being kept out of the industry,

Mr Grill: On the surface the tender process was very fair, but when you look at the effects and see that people have been displaced in favour of other people who have not had a long involvement with the industry, it mitigates against the process. In the final analysis it could be that all the contracts will end up with just one or two city-based companies. That would be a real pity.

Mr MINSON: I agree with the member for Eyre. I hope that is not happening. I suggest that he approach the Minister for the Environment to arrange a briefing for all those people with an interest in the matter. I will bring this matter to the attention of the Minister.

Mr Leahy: He is aware of it.

Mr MINSON: I certainly do not support that because it was not the intention of the management process. The whole reorganisation of the sandalwood industry was based on recognition of the fact that the system put in place in the 1930s was totally inappropriate. The other part of the industry that involves collecting and pulling was not a problem in any case. Those people live in some funny conditions at times, and if they make some money it does not worry me. I agree with the member for Eyre and if it should gravitate to a few companies, I would be opposed to it. I hope that can be sorted out.

On the positive side, there is a growing market. In the market into which the sandalwood is sent the increasing affluence tends to be such that more and more people are buying what is a highly valued product in their culture. One of the good things about the current arrangement with processing and marketing is that there has been a lot of innovation into the value adding of the product. Instead of selling just the powder and dried up sticks, an attempt

has been made to market it in a sensible and aggressive way and also to research how they can better extract the oil and extract more of it. I understand that that has been working well; however, I have been out of that area for over two years.

The member for Northern Rivers raised the question of flooding the market. I am not sure of the breadth of this market. I know that the Indians are also growing sandalwood in plantations. I understand that their plantation sandalwood, and to a certain extent ours, is nowhere near the quality of that which grows in the wild. I do not know whether that is because it is forced by virtue of the extra water it gets and is not grown in the harsh conditions of sandalwood in the wild. In the same way as grapevines that are not irrigated tend to produce better quality wines, sandalwood that is grown in harsher conditions is better quality. Because sandalwood is used mainly in religious ceremonies for burning, those cultures are prepared to pay a premium for top quality sandalwood; to offer second quality is not considered the done thing.

I cannot answer the member's question with any definition, except to say that I understand that sandalwood which is grown in the wild will always command a premium. I hope we do not wholesale flood the market. It was always a concern to the Government that biochemists would be able to synthesise the oil. If that could be done, the whole industry would be likely to become a thing of the past anyway. If the oil could be accurately synthesised, any type of wood could be ground and soaked in the oil, resulting in the same basic product. I suspect that we are probably not many years away from seeing that happen, which is a shame. If I were growing sandalwood, I would want to have another string to my bow because I think it is likely that in a decade or so synthetics will be formulated.

I am sorry I cannot comment with any authority on the question of sandalwood pullers. It is something they should pursue. Even though this matter has been raised with the Minister, I will bring it to his attention again because the situation as described is not something I would support. In seeking the bottom line and tendering there must always be a consideration of the sociological outcomes. After all, that is what we are talking about. I hope we can do something to turn that around. I thank members for their support. This is a sensible Bill. It is simply an acknowledgment that the current legislation was put in place in 1930 prior to the plantations.

Question put and passed.

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

## LEGAL PRACTITIONERS AMENDMENT BILL

### *Second Reading*

Resumed from 19 September.

**MR MCGINTY** (Fremantle - Deputy Leader of the Opposition) [11.44 pm]: This is a brief Bill, and the support of the Opposition can be briefly stated. The Bill seeks to achieve something that is of some interest to legal practitioners: That is, when they misbehave and are convicted of an offence in a jurisdiction beyond Australia or New Zealand that offence will be taken as evidence of the commission of an offence and, therefore, improper conduct by the legal practitioner. As such, it can be used as evidence in disciplinary proceedings under the Legal Practitioners Act. It is an eminently sensible proposition because only in the legal profession would someone, having been convicted of an offence before a court of an appropriate jurisdiction, then argue that he did not commit that offence when he came to be disciplined before the official body. It is important that the amendment be made. Otherwise the Bill is of no great consequence and, subsequently, has the support of the Opposition.

**MR D.L. SMITH** (Mitchell) [11.46 pm]: In a way I have a semipersonal interest in this amendment in that it deals with what happens to practitioners who are convicted of criminal offences. The House will be aware that I am currently the subject of a criminal charge, and if convicted I will no doubt be dealt with under section 33A of the Legal Practitioners Act and perhaps thereby deprived of my right to practise. The intention of this Bill is to extend the provisions of the Act to offences committed overseas, not simply in the jurisdictions currently contemplated in the legislation, such as that in New Zealand, but all overseas jurisdictions. My concern about that has been heightened by the recent problem in Malaysia involving people from Australia attending what was deemed to be a banned meeting to protest about East Timor. Technically, under this legislation, if an Australian lawyer had attended that meeting and was charged by Malaysian authorities of an offence of attending an illegal meeting, that lawyer could be required to appear before the Legal Practice Board on the basis that he was convicted in a foreign country of committing an offence.

Members can imagine that throughout the world there are highly varying standards of what constitutes a criminal offence. The area in which there are alarming differences to the practice in Australia relates mainly to what are loosely called prisoners of conscience; that is, people who have been convicted of what we would regard as taking a political stand on human rights, which happens to constitute a criminal offence in the country where that occurs.

If the Legal Practice Board were so minded and if an Australian were involved in such an offence overseas and was deemed to be convicted of a criminal offence in that country, regardless of the fact that the country did not follow any western common law standard, or even common standards that applied in other western countries, under this provision that person could not argue the question of his conviction before the Legal Practice Board.

In raising any perceived self-interest I have in this legislation, I indicate that I have no problem with the current position so far as it affects convictions in Western Australia and New Zealand, and generally I would have no concern with convictions under what are commonly called western-type legal systems, whether they are the common law or English-based systems or the European-Roman or civil law systems. However, I am concerned that as a Parliament we should receive a request from the Legal Practice Board and the Chairman of the Legal Practitioners Disciplinary Tribunal, and then be willing to simply extend these provisions to a conviction, wherever it occurs anywhere in the world. I am concerned because "anywhere in the world" means there will be inevitably some offences that we would regard as political crimes. That is not appropriate under our system. Secondly, varying degrees of proof will be required in those jurisdictions and various standards of evidence which may amount in some cases to a full western style trial, but in other cases some sort of show trials as we have seen in Eastern bloc countries over the past 50 years, and in China and elsewhere. I worry not only when Parliament so promptly agrees - both Governments and Oppositions - to accepting that amendment but also about its consequences; that is, having been convicted of an offence overseas for what we would regard as a political offence, in a show trial rather than a real trial, the person convicted would not have the opportunity of rearguing the appropriateness of his conviction before the Legal Practitioners Board.

Without wanting to sound as though I have an interest in the issue, I am concerned about the consequence of that. I am surprised the Legal Practice Board put it to us and that the Law Society has not thought through some of the concerns that may arise with such an amendment. I am not willing to support the amendment by extending it to a conviction of any offence in any overseas jurisdiction regardless of the quality of the judicial process or what is regarded as illegal conduct in those countries.

**MR PRINCE** (Albany - Minister for Health) [11.51 pm]: I thank members opposite for their support. I noted that when this matter was debated in the other place where it began, Hon Nick Griffiths stated that the Legal Practitioners Amendment Bill had the support of the Australian Labor Party.

Mr D.L. Smith interjected.

Mr PRINCE: He did not say that, but I know what the member for Mitchell is saying. The debate in the other House may be of some interest dealing with questions concerning conflict of laws and the veracity or weight to be given to decisions made by legal systems, not of the common law derivative or perhaps not of the Roman law. The observation made by Hon Nick Griffiths was -

. . . some parts of the world do not have appropriate laws and may not have appropriate processes. Insofar as that exists when section 31AA is read as a whole it has sufficient safeguards. The finding of illegality for the purposes of discipline on the part of the Disciplinary Tribunal is discretionary, so it is open to the Disciplinary Tribunal not to proceed to make a finding of illegality in the case of sheer oppression.

Mr D.L. Smith interjected.

Mr PRINCE: The member for Mitchell is in the position where, although the Disciplinary Tribunal will accept a finding of guilt by some other jurisdiction as being a finding of guilt and hence not challengeable in the sense of retrying the issue of guilt, the tribunal reserves the right to determine whether, under a discretionary basis, that finding should be adequate for some form of disciplinary action then being taken against the legal practitioners.

Mr D.L. Smith: I suggest you read your second reading speech.

Mr PRINCE: Any tribunal that was so unconscionable as simply to rubber stamp in the sense of accepting a conviction for what may have been "a political matter" in some other foreign country and using that simply to strike someone off the roll, would not be behaving properly and would not be exercising the discretion adequately, and there should be a remedy for it. I think it highly unlikely that any properly constituted tribunal would behave in that way.

Mr D.L. Smith: You should be able to argue the case.

Mr PRINCE: I disagree. Where there has been a finding of illegality, the problem has been that one can then have before the tribunal, which is after all, part time, virtually a complete rerun of the trial on the question of illegality, which can involve not only a huge amount of time but also extraordinary expense in bringing witnesses from overseas and so forth. The whole result could be rendered almost a farce when a person has been convicted by a court of competent jurisdiction in some other place.

Simply to say that recognition is given to a finding of illegality is an appropriate amendment because the tribunal retains the discretion of what weight to give to that finding for the purpose of dealing with a disciplinary matter.

Question put and passed.

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

### JOINT STANDING COMMITTEE ON THE OFFICIAL CORRUPTION COMMISSION

#### *Council's Resolution*

Resolution from the Council now considered.

#### *Motion*

**MR COURT** (Nedlands - Premier) [11.56 pm]: I move -

That the Legislative Assembly -

- (1) notes the members nominated by the Legislative Council for membership on the Joint Standing Commission on the Anti-Corruption Commission, but does not concur in the nomination of a member as chairman, as that should remain a matter for the committee to determine from time to time as necessary; and
- (2) nominates Mr Bloffwitch, Mr Trenorden and Mr Thomas as the Legislative Assembly members of the committee.

**MR THOMAS** (Cockburn) [11.57 pm]: I use this motion to make observations about the tardy manner in which the Government has handled this matter. I made the observation earlier tonight when we were discussing the National Environment Protection Council legislation that in effectively the dying hours of this Parliament, the Government showed its priority on the environment by bringing in that most important legislation. The same observation can be made about the Government over official corruption in light of the manner in which this matter has been handled.

We are proposing to create a parliamentary committee which will oversee the operations of the Anti-Corruption Commission, the organisation formerly operating under the somewhat different title of the Official Corruption Commission. Only today the last annual report of the Official Corruption Commission under that name was tabled in the House. I do not know how many members have bothered to read that report. I have read it and am concerned about the paucity of data contained therein.

The Official Corruption Commission claims in its report that the nature of its tasks is such that it cannot give very comprehensive accounts of its activities. That is all the more reason that a corruption commission should be accountable in some sense to a parliamentary committee so that the rights of citizens and its efficacy can be evaluated. If it cannot be evaluated in the normal way as are other government departments or authorities, because of the nature of its work, it must be evaluated by someone else.

The creation of this committee is very important. I placed on the Notice Paper of this House within the first week or so of this Parliament a motion to create this committee. It was very easy for me to do that because the terms of reference and the format of the committee had been drafted already by a select committee of the previous Parliament, which included among its membership the current Deputy Premier. I was deputy chairman of that committee and Hon Ian Thompson, the former Speaker, was the chairman and the member for Geraldton was a member. I had hoped when I put that motion on the Notice Paper, the drafting of which was in a bipartisan manner and undertaken by the Clerks, that there would be a fairly good chance of its being accepted. However, it was rejected. Ultimately when the motion was brought on and debated in this House, it was defeated along party lines by government members voting against it, including the Deputy Premier and the member for Geraldton. Only a year or so before they had presented a report to this House recommending that such a committee be created. One can only assume that what was seen in opposition was seen through different eyes when they were members of a Government and were not quite so eager to have the operations of the Executive subject to the scrutiny that they had advocated in opposition. Of course the Government did not say that. It said that it would refer the matter to the Commission on Government to look at the matter. It said, "When COG brings down recommendations we will look at them." The Government took almost two years to get COG going and it has been very tardy, as we know, in acting on its recommendations. The Leader of the House is a classic example. He has important recommendations which are unrelated to the motion before the House at the moment. In a quite cavalier manner he has rejected those and insisted that areas of government for which he is responsible should not be accountable in the way that bodies, such as the Burt commission and COG, have recommended should be the case. He seems to know better.



All the members of the public who are listening to this debate and the many thousands who will read it in *Hansard* should be aware of the fact - and we have a couple of government members to whom I would like to put the proposition - that we have a complete fraud. We have a Government that in a matter of days is about to initiate the process of going to an election. It is at the end of its term. The Government is under criticism from the media, this side of the House and elsewhere for its tardy record on implementing the recommendations of COG. It is trying to improve the score card by putting six ticks and a number of crosses, hoping to show that its record has improved. Let us see what will happen. We can pass that motion to constitute the membership of the committee and send a message back to the other place and ask it to consider the message. It has been pointed out that the other place has sought to do what it has been unable to do under resolution to create the committee; namely, nominate a chairman. It is not its job to appoint a chairman. It is a joint committee of the Parliament and, therefore, members of the Legislative Assembly should also have a say. Assuming that the case will be as discussed behind the Chair between the Premier and the Deputy Leader of the Opposition, we will create a committee. If, as is popularly believed is the case, the election is called on Thursday and Parliament is prorogued, the committee will cease to exist within 72 hours of its creation. The Government will have taken the time and the effort of the House to create a committee which it purports will have an important role in the overall machinery of the State and detecting or preventing official corruption. The Government no doubt will say as it ticks off a part of the recommendations that it created a joint standing committee of the Parliament on official corruption. That would be right in that sense, but anyone who looked beyond the veil behind which the Government is hiding will know it has no practical significance.

I guess one could say that irrespective of what Governments do, and everything they do has a degree of importance, sooner or later invariably some Bill or motion comes to the Parliament on a Government's last day. One can say therefore that the Government is not giving that matter a great deal of priority. Something must be considered on that day. The item is probably more important than the first to be considered following the election, if that Government is returned. However, that is not the case in this instance. The motion to create this committee was before the House in almost precisely the same terms as it is now. It was put almost word for word in the very first week that the House sat after the last election. On two occasions I have moved motions to have the committee created. On both those occasions the motions have been rejected by the Government using its numbers, including the Deputy Premier and the member for Geraldton going against recommendations to which in another capacity they were committed. On those occasions when the Government had the opportunity to pass those motions it said that it could not rush things and that it would have to examine the wider considerations of COG. Those arguments are exposed by the simple fact that we are now, at 12 November, possibly in the last days of the last year of the life of this Parliament. This motion is now being moved by the Premier. I put it to members that the Premier knows that it is self-evidently a futile act designed for somebody reading a motion or score card, which will no doubt be produced in relation to the recommendations of COG to show that the Government has acted in a certain way. The Premier knows precisely what he is doing. He knows he is moving a motion in which its words on paper may have some form, but once we start reading it in the wider context of a committee which ceases to exist when the Parliament is prorogued, is seen quite simply to be a fraud.

The Government has had two opportunities in the life of this Parliament to create this committee, one in the first year and another a year or so later. On one occasion the then Attorney General in her own right dealt with the motion and on another occasion she was acting as the representative of the Premier. When I asked the then Attorney General for an undertaking of when the committee's recommendations would be implemented, she said that she was not able to give one. I put a question on notice to the Premier in which I said that the then Attorney General informed me of that intent, as she was acting for the Premier. The Premier took nine months to answer that question and his answer was "When I get around to it". The Government got around to it on what is possibly the second or third last day of the life of this Parliament. That suggests the Government does not accord the priority that it should accord to the Anti-Corruption Commission. It brought in the legislation in the last year of its four year term. It did that knowing full well it would not be possible for the commission to investigate or discharge its most important functions under the legislation.

Question put and passed, and a message accordingly returned to the Council.

*House adjourned at 12.11 am (Wednesday)*

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### QUESTIONS ON NOTICE

#### POLICE SERVICE - HOUSE BREAK-INS, BURGLARIES REPORTS

1596. Dr CONSTABLE to the Minister for Police:

- (1) What was the number of -
- (a) house break-ins/burglaries reported in the following areas in each month from 1 July 1995 to 30 June 1996 inclusive -
- (i) Floreat;
  - (ii) City Beach;
  - (iii) Wembley Downs;
  - (iv) Churchlands;
  - (v) Woodlands;
  - (vi) Wembley;
  - (vii) Doubleview;
  - (viii) Scarborough; and
- (b) clearances of those crimes in each of the abovementioned areas for each month from 1 July 1995 to 30 June 1996.
- (2) What numbers of house break-ins/burglaries referred to in (1)(a) occurred in the comparable period in 1990-91?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

Reported offences prior to July 1991 are not contained in the current offence information system and therefore are not available. The statistics for 1991-92 - the year that the OIS was implemented - have therefore been included.

- (1) (a) Reported burglary offences for the following localities in 1995-96 -
- |  |      |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
|--|------|----|--------|----|-----------|----|---------|----|----------|----|----------|----|---------|----|----------|---|-------|----|---|------|-----|--------|------|-----------|--|---------|----|----------|----|-----------|----|---------|----|----------|----|----------|----|---------|---|----------|----|-------|----|-------|---|-----|---|------|---|
| <p>(i) Floreat</p> <table border="0"> <tr><td>July</td><td>20</td></tr> <tr><td>August</td><td>15</td></tr> <tr><td>September</td><td>17</td></tr> <tr><td>October</td><td>14</td></tr> <tr><td>November</td><td>11</td></tr> <tr><td>December</td><td>18</td></tr> <tr><td>January</td><td>18</td></tr> <tr><td>February</td><td>7</td></tr> <tr><td>March</td><td>19</td></tr> <tr><td>April</td><td>12</td></tr> <tr><td>May</td><td>5</td></tr> <tr><td>June</td><td>11</td></tr> </table> | July | 20 | August | 15 | September | 17 | October | 14 | November | 11 | December | 18 | January | 18 | February | 7 | March | 19 | April   | 12   | May | 5      | June | 11        | <p>(ii) City Beach</p> <table border="0"> <tr><td>July</td><td>7</td></tr> <tr><td>August</td><td>18</td></tr> <tr><td>September</td><td>11</td></tr> <tr><td>October</td><td>9</td></tr> <tr><td>November</td><td>13</td></tr> <tr><td>December</td><td>12</td></tr> <tr><td>January</td><td>4</td></tr> <tr><td>February</td><td>11</td></tr> <tr><td>March</td><td>12</td></tr> <tr><td>April</td><td>3</td></tr> <tr><td>May</td><td>8</td></tr> <tr><td>June</td><td>6</td></tr> </table> | July    | 7  | August   | 18 | September | 11 | October | 9  | November | 13 | December | 12 | January | 4 | February | 11 | March | 12 | April | 3 | May | 8 | June | 6 |
| July   | 20   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 15   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 17   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 14   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 11   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 18   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 18   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 19   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| April  | 12   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| May  | 5    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| June   | 11   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| July   | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 18   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 11   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 9    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 13   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 12   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 11   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 12   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| April  | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| May  | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| June   | 6    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| <p>(iii) Wembley Downs</p> <table border="0"> <tr><td>July</td><td>8</td></tr> <tr><td>August</td><td>8</td></tr> <tr><td>September</td><td>7</td></tr> <tr><td>October</td><td>6</td></tr> <tr><td>November</td><td>4</td></tr> <tr><td>December</td><td>7</td></tr> <tr><td>January</td><td>5</td></tr> <tr><td>February</td><td>4</td></tr> <tr><td>March</td><td>8</td></tr> <tr><td>April</td><td>5</td></tr> <tr><td>May</td><td>7</td></tr> <tr><td>June</td><td>3</td></tr> </table>   | July | 8  | August | 8  | September | 7  | October | 6  | November | 4  | December | 7  | January | 5  | February | 4 | March | 8  | April   | 5    | May | 7      | June | 3         | <p>(iv) Churchlands</p> <table border="0"> <tr><td>July</td><td>4</td></tr> <tr><td>August</td><td>8</td></tr> <tr><td>September</td><td>4</td></tr> <tr><td>October</td><td>15</td></tr> <tr><td>November</td><td>8</td></tr> <tr><td>December</td><td>8</td></tr> <tr><td>January</td><td>3</td></tr> <tr><td>February</td><td>3</td></tr> <tr><td>March</td><td>3</td></tr> <tr><td>April</td><td>7</td></tr> <tr><td>May</td><td>6</td></tr> <tr><td>June</td><td>1</td></tr> </table>     | July    | 4  | August   | 8  | September | 4  | October | 15 | November | 8  | December | 8  | January | 3 | February | 3  | March | 3  | April | 7 | May | 6 | June | 1 |
| July   | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 6    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 5    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| April  | 5    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| May  | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| June   | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| July   | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 15   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 8    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| April  | 7    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| May  | 6    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| June   | 1    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| <p>(v) Woodlands</p> <table border="0"> <tr><td>July</td><td>6</td></tr> <tr><td>August</td><td>14</td></tr> <tr><td>September</td><td>4</td></tr> <tr><td>October</td><td>12</td></tr> <tr><td>November</td><td>6</td></tr> <tr><td>December</td><td>9</td></tr> <tr><td>January</td><td>9</td></tr> <tr><td>February</td><td>3</td></tr> <tr><td>March</td><td>10</td></tr> </table>   | July | 6  | August | 14 | September | 4  | October | 12 | November | 6  | December | 9  | January | 9  | February | 3 | March | 10 | <p>(vi) Wembley</p> <table border="0"> <tr><td>July</td><td>30</td></tr> <tr><td>August</td><td>43</td></tr> <tr><td>September</td><td>50</td></tr> <tr><td>October</td><td>34</td></tr> <tr><td>November</td><td>33</td></tr> <tr><td>December</td><td>27</td></tr> <tr><td>January</td><td>31</td></tr> <tr><td>February</td><td>23</td></tr> <tr><td>March</td><td>16</td></tr> </table> | July | 30  | August | 43   | September | 50   | October | 34 | November | 33 | December  | 27 | January | 31 | February | 23 | March    | 16 |         |   |          |    |       |    |       |   |     |   |      |   |
| July   | 6    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 14   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 4    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 12   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 6    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 9    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 9    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 3    |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 10   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| July   | 30   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| August   | 43   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| September  | 50   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| October  | 34   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| November   | 33   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| December   | 27   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| January  | 31   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| February   | 23   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |
| March  | 16   |    |        |    |           |    |         |    |          |    |          |    |         |    |          |   |       |    |   |      |     |        |      |           |  |         |    |          |    |           |    |         |    |          |    |          |    |         |   |          |    |       |    |       |   |     |   |      |   |

	April	6		April	25
	May	4		May	21
	June	6		June	26
(vii)	Doubleview		(viii)	Scarborough	
	July	20		July	39
	August	15		August	40
	September	18		September	51
	October	23		October	61
	November	17		November	73
	December	7		December	46
	January	22		January	59
	February	22		February	70
	March	20		March	41
	April	16		April	28
	May	19		May	27
	June	10		June	30

(b) Clearance of burglary offences for the following localities in 1995-96 -

(i)	Floreat		(ii)	City Beach	
	July	2		July	3
	August	1		August	0
	September	-		September	1
	October	-		October	0
	November	1		November	1
	December	1		December	1
	January	2		January	0
	February	1		February	1
	March	-		March	0
	April	-		April	0
	May	-		May	0
	June	-		June	0
(iii)	Wembley Downs		(iv)	Churchlands	
	July	-		July	-
	August	-		August	-
	September	-		September	-
	October	-		October	1
	November	-		November	2
	December	-		December	1
	January	1		January	1
	February	-		February	-
	March	-		March	1
	April	-		April	-
	May	1		May	-
	June	-		June	-
(v)	Woodlands		(vi)	Wembley	
	July	2		July	1
	August	5		August	2
	September	2		September	8
	October	2		October	2
	November	1		November	9
	December	-		December	3
	January	-		January	5
	February	1		February	4
	March	1		March	6
	April	2		April	4
	May	-		May	1
	June	1		June	1
(vii)	Doubleview		(viii)	Scarborough	
	July	-		July	4
	August	1		August	7
	September	2		September	1
	October	1		October	11
	November	2		November	4
	December	1		December	3
	January	4		January	4
	February	3		February	7
	March	1		March	5
	April	1		April	2
	May	3		May	11
	June	-		June	4

(2) Reported burglary offences for the following localities in 1991-92 -

(i)	Floreat		(ii)	City Beach	
	July	12		July	9
	August	15		August	11
	September	8		September	11
	October	4		October	9
	November	15		November	18
	December	13		December	4
	January	7		January	16
	February	9		February	3
	March	6		March	11
	April	4		April	12
	May	12		May	13
	June	16		June	25
(iii)	Wembley Downs		(iv)	Churchlands	
	July	17		July	1
	August	6		August	6
	September	12		September	2
	October	1		October	2
	November	2		November	6
	December	9		December	7
	January	5		January	4
	February	2		February	2
	March	8		March	9
	April	8		April	1
	May	3		May	6
	June	2		June	3
(v)	Woodlands		(vi)	Wembley	
	July	3		July	40
	August	2		August	50
	September	6		September	33
	October	4		October	27
	November	10		November	23
	December	16		December	22
	January	10		January	25
	February	7		February	24
	March	6		March	11
	April	3		April	21
	May	3		May	11
	June	10		June	26
(vii)	Doubleview		(viii)	Scarborough	
	July	15		July	43
	August	9		August	42
	September	16		September	56
	October	10		October	31
	November	6		November	32
	December	5		December	62
	January	13		January	36
	February	10		February	50
	March	8		March	57
	April	14		April	55
	May	9		May	33
	June	20		June	36

#### EDUCATION DEPARTMENT - NON-ENGLISH SPEAKING BACKGROUND STUDENTS

1670. Mr KOBELKE to the Minister for Education:

- (1) Where non-English speaking background is defined as "the individuals born outside Australia or at least one parent born in a non-English speaking country", which primary schools have a population which is -
- (a) between 5 and 10 per cent NESB;
  - (b) between 10 and 15 per cent NESB;
  - (c) between 15 and 20 per cent NESB;
  - (d) in excess of 20 per cent NESB?
- (2) Which secondary schools have a population which is -
- (a) between 5 and 10 per cent NESB;
  - (b) between 10 and 15 per cent NESB;

- (c) between 15 and 20 per cent NESB;
  - (d) in excess of 20 per cent NESB?
- (3) What steps have been taken by the Education Department to appoint -
- (a) classroom teachers; and
  - (b) teachers to promotional positions,
- with special qualifications and experience relevant to the special needs of NESB children?
- (4) What are these qualifications?

Mr C.J. BARNETT replied:

- (1)-(2) (a)-(d) Current data in this form is not collected centrally.
- (3) (a) The appointment of ESL specialist classroom teachers is made by the Human Resources Division of the Education Department. The ESL unit collects ESL program data annually to determine the ESL staffing allocation. The current Education Department staffing policy requires that all ESL specialist teachers appointed to classroom teaching positions in intensive language centres, ESL support programs or visiting teacher positions must have a minimum of two linguistic or language units at post graduate level. All ESL specialist teachers appointed to classroom teaching positions are appointed above the full time equivalent staffing allocation. ESL specialist appointments are made on the basis of eligibility criteria as determined by the National Equity Programs in Schools Agreement between Commonwealth and States. The teacher/student ratio in ILCs is 1:15. The teacher/student ratio in ESL support programs is 1:30.
- (b) Currently there are seven promotional positions in the English as a second language specialist area. These include four level 3 deputy principal intensive language centre positions (primary), one level 3 deputy principal ILC (secondary) and two level 4 deputy principal ILC (secondary). These positions are acting positions for 1996. They will become substantive deputy principals ILC positions from the beginning of 1997. A further level 3 deputy principal ILC position has been advertised for the new ILC to be located at Balga Senior High School. This ILC will begin operation from the beginning of 1997. Specialist ESL qualifications are not required for the positions of deputy principals ILC; therefore any four year trained teacher with specialist ESL knowledge and/or experience can apply.
- (4) Not applicable.

#### SCHOOLS - ENROLMENTS; NON-ENGLISH SPEAKING BACKGROUND STUDENTS

1677. Mr KOBELKE to the Minister for Education:

- (1) What was the total school enrolment at the start of term 3, 1996 for -
- (a) Morley Senior High School;
  - (b) Hampton Senior High School;
  - (c) Mt Lawley Senior High School;
  - (d) Mirrabooka Senior High School;
  - (e) Balga Senior High School;
  - (f) Girrawheen Senior High School;
  - (g) Ballajura Community College;
  - (h) Lockridge Senior High School?
- (2) What was the total non-English speaking background enrolment as at the start of term 3, 1996 for each of the above high schools?
- (3) For each school how many of these students have been in Australia for -
- (a) one year;
  - (b) one to three years;
  - (c) three to five years?

Mr C.J. BARNETT replied:

- (1) (a) 1 234.  
 (b) 871.  
 (c) 1 183.  
 (d) 805.

- (e) 625.
- (f) 830.
- (g) 909.
- (h) 777.

(2)-(3) This data is not collected.

#### EDUCATION DEPARTMENT - ADMINISTRATIVE COMPUTING SYSTEMS

1686. Mr KOBELKE to the Minister for Education:

- (1) What was the total expenditure by the Education Department of WA on administrative computing systems in the 1994-95 financial year?
- (2) What was the total expenditure by the Education Department of WA on administrative computing systems in the 1995-96 financial year?
- (3) What is the estimated expenditure by the Education Department of WA on administrative computers in the 1996-97 financial year?
- (4) For each of the above, what was the budget for -
  - (a) hardware and its installation;
  - (b) training of staff; and
  - (c) support services for the administrative system or Personnel 2000?

Mr C.J. BARNETT replied:

- (1) The total central office expenditure by the Education Department on administrative computing equipment and support for schools during 1994-95 was \$930 750. Of this, approximately \$331 000 was committed to hardware purchase and installation and a further \$599 750 was committed to training and support.
- (2) The total expenditure by the Education Department on administrative computing equipment during 1995-96 was \$3 175 034. Of this approximately \$2 265 484 was committed to hardware purchase and installation and a further \$909 550 was committed to training and support. This expenditure included \$1.6m for Personnel 2000 hardware.
- (3) The current estimates of expenditure by the Education Department on school administrative computing equipment during 1996-97 is \$3 347 850. Included in this figure is an allocation of \$2m for extending the departmental electronic network and providing access to Personnel 2000. In addition the figure includes approximately \$200 000 for hardware purchase and installation and \$1 147 850 for travel and support for administrative systems generally.
- (4)
 

	1994-95	1995-96	1996-97
(a) Hardware and installation	\$331 000	\$2 265 484	\$2 200 000
(b)-(c) Training and support	\$599 750	\$909 550	\$1 147 850
Total	\$930 750	\$3 175 034	\$3 347 850

#### EDUCATION DEPARTMENT - EARLY CHILDHOOD EDUCATION COUNCIL

1689. Mr KOBELKE to the Minister for Education:

- (1) Who are currently the members of the Western Australian Early Childhood Education Council and from what date have each of these people been a member of the council?
- (2) When did the Early Childhood Education Council hold its first meeting?
- (3) How many times has the Early Childhood Education Council met?
- (4) What were the dates for each meeting of the Early Childhood Education Council and how many members were in attendance for the duration of each of these meetings?

Mr C.J. BARNETT replied:

- (1) The current members of the Western Australian Early Childhood Education Council are Professor Ann Zubrick (Chairperson), Dr Anna Alderson, Mrs Liz Binder, Mr Paul Birchall, Ms Barbara Bosich, Mrs Elizabeth Bowker, Mr Tony Giglia, Mrs Elizabeth Grindrod, Mr Brian Jeppesen, Mr Keith McNaught, Mrs Heather O'Neil, Ms Ruth Reside, Mrs Jean Rice, Associate Professor Collette Tayler, Mr Colin Veale, Ms

Pippa Warburton and Ms Cheryl Vardon. All were appointed in October 1995, with the exception of Ms Vardon who was appointed in September 1996 following the resignation, for personal reasons, of Mrs Judith Smailes.

- (2) The first meeting of the council was held on 15 November 1995.
- (3) The council has had seven meetings.
- (4) The dates of these seven council meetings and the number of members in attendance for the duration at each - inclusive of the chairperson - are as follows -

15 November 1995	17
14 December 1995	14
15 February 1996	16
18 April 1996	12
20 June 1996	15
15 August 1996	14
24 October 1996	17

WESTERN POWER - POWER OUTAGES, LUCCA COURT, COOGEE

1719. Mr THOMAS to the Minister for Energy:

- (1) Is the Minister aware that there were interruptions to the power supply in Lucca Court, Coogee on Sunday, 18 August 1996 and Friday, 16 August 1996?
- (2) What was the duration of the outage and how widespread was the interruption to power supplies?
- (3) How many interruptions to power supplies in the Coogee area have there been in the last six months?
- (4) In each case how widespread was the interruption and how long did it last?
- (5) What is regarded as an acceptable frequency of power supply interruption?
- (6) What action is the Minister going to take to reduce the incidence of power supply interruption?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) On 16 August there were two outages at 4.58 pm and 10.27 pm, both lasting for five seconds. The areas affected were Coogee, Munster and parts of Spearwood. On 18 August the outage was at 9.31 am and lasted for 34 minutes. The areas affected were as above.
- (3)-(4) There have been eight outages in the Coogee area over the last six months. Details are as follows -

Date	Duration	Areas Affected
9.3.96	5 minutes	Coogee
15.3.96	15 to 128 minutes*	Coogee and surrounds
12.4.96	45 minutes	Coogee and surrounds
8.5.96	51 to 253 minutes*	Coogee and surrounds
24.5.96	2 minutes	Coogee and surrounds
21.6.96	5 seconds	Coogee and surrounds
17.7.96	83 minutes	Coogee and surrounds
27.7.96	33 minutes	Coogee and surrounds

\*Initial restoration and final restoration.

- (5) Western Power published information shows that including metropolitan and other suburban feeders, there is an average of between one and five outages per year. Western Power is targeting to reduce this to below a figure of two by 1998.
- (6) Western Power is targeting vegetation clearance and hardware maintenance to improve feeder performance. Electronic reclosers have been installed in the Cockburn area to reduce the effect of faults by sectionalising the feeder into three parts.

POLICE SERVICE - PRODUCTIVITY TARGETS

1722. Mr BROWN to the Minister for Police:

- (1) Further to question on notice 1043 of 1996, exactly what productivity targets will have to be achieved by 3 May 1997?

- (2) What is the estimated or real value - or saving - if these productivity targets are obtained?
- (3) To what extent will the productivity improvements produce savings?
- (4) What is the nature of the savings they will produce?
- (5) What is the value of the savings?
- (6) Was part of the wage increase agreement between the Government and the Police Union based on past productivity increases?
- (7) What amount of the wage increase was based on past productivity increases?
- (8) How were the past productivity increases calculated?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

- (1) The targets are outlined in the schedule to the enterprise bargaining agreements registered in the Western Australian Industrial Relations Commission and printed in the Western Australian Industrial Gazette volume 76 part 1, subpart 5 at pages 1368-1405.
- (2)-(5) No real dollar savings, however, the productivity targets improve the efficiency and effectiveness of the Western Australia Police Service. The targets for productivity improvements are set out in the schedule to the enterprise bargaining agreement.
- (6) Yes.
- (7) The initial 10 per cent increase in recognition of past productivity and an increase in working hours from 38 per week to 40 by the forfeiture of accrued time off days. The proportion allowed for past productivity and the forfeiture of accrued days off was not agreed by the parties.
- (8) The increase recognises all past productivity including those emanating from the Delta reform program without calculating the individual components or the proportion to be allowed for past productivity and the rostered days off.

#### WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - YOUTH UNEMPLOYMENT STRATEGIES

1731. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) Is the Department of Training currently working on a range of strategies to address youth unemployment?
- (2) How many separate strategies are being worked on?
- (3) What is the nature of each strategy?
- (4) How many officers, consultants or others are engaged on this work?
- (5) Are the officers, consultants or others engaged on this work exclusively working on this project?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) Yes.
- (2)-(3) The department addresses the needs of young unemployed people through all of its program areas. The following programs specifically deal with this target group -

##### State Employment Assistance Strategy:

The Department of Training funds 37 Joblink projects through SEAS which provide assistance specifically to young people, and most other projects list youth as one of their target groups. Joblink projects provide unemployed people with employment assistance to enable them to enter the work force. The Aboriginal economic and employment development officer program provides employment and enterprise assistance to Aboriginal communities.

##### School Leaver Program:

A significant contribution to the department's services to young people has been the school leaver program which enables Joblink projects to track school leavers from school to employment or training. The program



is currently under review to ensure the services it provides continue to be high quality and relevant to the needs of young people.

**Traineeships:**

The department administers the traineeship program, providing traineeship opportunities to young people. Last year over 1 500 traineeship positions were established. So far this year, traineeship positions have increased by over 50 per cent compared with the same time last year.

**Apprenticeships:**

Over 13 000 apprenticeships were in place during 1995-96. The department has called for tenders to pilot accelerated apprenticeship arrangements which are aimed at increasing the skills of Western Australians to take maximum advantage of the projected increase in economic activity associated with planned resource developments.

**Brokerage:**

The department administers the following commonwealth funded labour market programs that are targeted specifically at young people -

Landcare and environment action program - over 1 000 participants placed in LEAP projects in 12 months with a placement rate of 60 per cent into employment.

Inwork traineeships - nearly 100 Aboriginal traineeships already established. The program has a retention rate of over 70 per cent.

- (4) Work on coordinating and administering these programs is undertaken by departmental staff as part of their normal duties. The major work involved in community based projects is conducted by project staff employed by the projects. Staff involved in brokerage activities are funded by the Commonwealth Government.
- (5) Departmental staff are allocated to specific programs full time on a needs basis.

Western Australia has the lowest level of youth unemployment in any State in Australia - 20.4 per cent compared to the national rate of 26.7 per cent.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SAVINGS TO MEET COMMONWEALTH BUDGET CUTS**

1740. Mr BROWN to the Premier:

- (1) Has the Premier asked any of his departments or agencies to identify savings, cost cutting or other measures that will enable the Government to cover the \$90m cut imposed on the State by the Howard Commonwealth Government?
- (2) Have any savings, cost cutting or other measures been identified which will save some or all of the shortfall?
- (3) What savings, cost cutting or other measures have been identified?
- (4) What measures does the Government intend to implement?
- (5) When does the Government propose to implement these measures?

Mr COURT replied:

- (1) I have written to Ministers seeking their advice as to ways in which savings may be achieved in the non-service related activities of their agencies to meet the agreement reached with the Commonwealth at the Premiers' Conference to assist the Commonwealth with its budgetary problems. Ministers have been specifically advised that no reductions in service delivery will be entertained.
- (2) Some \$40m of savings measures have been identified by Ministers to date which will contribute to the \$60m reduction in financial assistance grants agreed to at the Premiers' Conference. In relation to the \$30m reduction in specific purpose payments, as the member is well aware the Commonwealth has not yet provided specific details of these reductions.
- (3)-(5) As I advised the House last week, the savings being implemented arise from the ongoing identification of efficiency in the administrative operations of departments. They are continually being implemented and will continue to be implemented as more efficient ways of delivering services are identified.

GOVERNMENT DEPARTMENTS AND AGENCIES - SAVINGS TO MEET COMMONWEALTH BUDGET CUTS

1742. Mr BROWN to the Minister for Resources Development:

- (1) Has the Minister asked any of his departments or agencies to identify savings, cost cutting or other measures that will enable the Government to cover the \$90m cut imposed on the State by the Howard Commonwealth Government?
- (2) Have any savings, cost cutting or other measures been identified which will save some or all of the shortfall?
- (3) What savings, cost cutting or other measures have been identified?
- (4) What measures does the Government intend to implement?
- (5) When does the Government propose to implement these measures?

Mr C.J. BARNETT replied:

I refer the member to question on notice 1740 of 1996.

SCHOOLS - ENROLMENTS; NON-ENGLISH SPEAKING BACKGROUND STUDENTS

1781. Mrs ROBERTS to the Minister for Education:

- (1) What was the total school enrolment on 1 March 1996 for -
  - (a) Morley Senior High School;
  - (b) Hampton Senior High School;
  - (c) Mt Lawley Senior High School;
  - (d) Mirrabooka Senior High School;
  - (e) Balga Senior High School;
  - (f) Girrawheen Senior High School;
  - (g) Ballajura Community College;
  - (h) Lockridge Senior High School?
- (2) What was the total non-English speaking background enrolment as of 1 March 1996?
- (3) How many of these non-English speaking background students have been in Australia for -
  - (a) one year;
  - (b) one to three years;
  - (c) three to five years?

Mr C.J. BARNETT replied:

- (1)
  - (a) 1 285.
  - (b) 901.
  - (c) 1 194.
  - (d) 812.
  - (e) 651.
  - (f) 895.
  - (g) 926.
  - (h) 814.

(2)-(3) This data is not collected.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE AND LITERACY PROGRAMS,  
COMMONWEALTH FUNDING

1833. Mrs ROBERTS to the Minister for Education:

What action has the Minister taken to ensure that federal funding for English as a second language and literacy programs for pupils whose first language is not English are not cut?

Mr C.J. BARNETT replied:

The level of federal funding for the English as a second language program has not been reduced. The ESL general support element is included in the literacy priority of the commonwealth targeted and quality schooling programs from 1997.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE PROGRAMS,  
COMMONWEALTH FUNDING

1834. Mrs ROBERTS to the Minister for Education:

- (1) What steps has the Minister taken to ensure that federal funding for English as a second language is maintained?
- (2) What steps has the Minister taken to ensure that funding for newly arrived migrants, whose first language is not English, is not cut?
- (3) What steps has the Minister taken to ensure that follow up support language programs for those who have left the intensive language centres are not cut by the Federal Government?
- (4) What programs are being developed by the Education Department to ensure that the needs of these children are met in the area of -
  - (a) language and literacy;
  - (b) counselling and advisory services?

Mr C.J. BARNETT replied:

- (1) Additional steps were not needed as federal funding for the English as a second language program has been maintained.
- (2) The level of federal funding for the English as a second language program has not been reduced. The per capita new arrival element remains as targeted funding for newly arrived students for whom English is a second language. The Education Department has no intention of reducing the current level of on arrival intensive language support to eligible ESL students.
- (3) The level of federal funding for the English as a second language program has not been reduced. The general element of the ESL program will continue at existing levels. The Education Department has no intention of reducing the current level of ongoing language support to eligible ESL students.
- (4)
  - (a) Language and literacy programs take account of the needs of students from culturally and linguistically diverse backgrounds.
  - (b) Counselling and advisory services are available to students according to need.

ETHNIC GROUPS - NON-ENGLISH SPEAKING BACKGROUND (NESB) PEOPLE, PROGRAMS  
MEETING NEEDS; LANGUAGE SERVICES, FUNDING ALLOCATION

1837. Mrs ROBERTS to the Minister assisting the Minister for Justice:

- (1) What funds have been allocated, within the Minister's portfolio, for programs which are aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background?
- (2) To which/what programs have these funds been allocated?
- (3) What amount has been allocated for language services?

Mr MINSON replied:

The Minister for Justice has provided the following reply -

- (1)-(3) In respect of the Ministry of Justice, \$417 000 is provided for cross-cultural training together with approximately \$400 000 provision for staff wages to enable officers to attend such training. The Court Services Division also has an allocation of \$66 000 for interpreter services in courts as does the Guardianship and Administration Board which has an allocation of \$2 000 for interpreter and translation services. Interpreters are also utilised in prisons and detention centres on a fee for service basis.

EDUCATION DEPARTMENT - EMPLOYEES; WOMEN, MEN, SALARY RANGES

1842. Dr CONSTABLE to the Minister for Education:

- (1) What percentage of women, and what percentage of men, employed in teaching, senior administrative or managerial positions in the Education Department are in positions with the following salary ranges -

- (a) \$70 000 - \$150 000;
- (b) \$50 000 - \$70 000;
- (c) \$35 000 - \$50 000;
- (d) \$25 000 - \$35 000; and
- (e) under \$25 000?

(2) How do the above figures compare for 1985 and 1990?

Mr C.J. BARNETT replied:

(1) (a-e)

1996

Group	\$ Range	% Female	% Male
Senior Admin.	70 000 - 150 000	0	0
	50 000 - 69 000	25.37	74.63
	35 000 - 49 999	48.38	51.62
	25 000 - 34 999	0	0
	0 - 24 999	0	0
Managerial	70 000 - 150 000	18.60	81.40
	50 000 - 69 000	31.32	68.68
	35 000 - 49 999	0	100
	25 000 - 34 999	0	0
	0 - 24 999	0	0
Teacher	70 000 - 150 000	33.33	66.67
	50 000 - 69 000	50.50	49.50
	35 000 - 49 999	66.99	33.01
	25 000 - 34 999	81.49	18.51
	0 - 24 999	94.01	5.99

The following information has been extracted from the existing Human Resources Payroll System as at 30 June of the specified year. The figures are made up of substantive employees only. They do not include relief employees, employees in acting or relieving in higher duties positions or employees on leave without pay longer than 20 working days. Senior administrative are level 3 to level 6 Education Act employees. Managerial are level 6 Public Service through to the Director General of Education. Teachers are defined as level 1 and level 2 Education Act employees.

(2) The data does not go back any earlier than 1988 due to mainframe being introduced in late 1987.

1988

Group	\$ Range	% Female	% Male
Senior Admin.	70 000 - 150 000	0	0
	50 000 - 69 000	0	100
	35 000 - 49 999	19.05	80.95
	25 000 - 34 999	42.11	57.89
	0 - 24 999	0	0
Managerial	70 000 - 150 000	0	100
	50 000 - 69 000	23.21	76.79
	35 000 - 49 999	27.27	72.73
	25 000 - 34 999	0	0
	0 - 24 999	0	0
Teacher	70 000 - 150 000	0	0
	50 000 - 69 000	40.00	60.00
	35 000 - 49 999	38.64	61.36
	25 000 - 34 999	63.75	36.25
	0 - 24 999	84.90	15.10

1990

Group	\$ Range	% Female	% Male
Senior Admin.	70 000 - 150 000	0	0
	50 000 - 69 000	18.94	81.06
	35 000 - 49 999	26.23	73.77
	25 000 - 34 999	45.83	54.17
	0 - 24 999	0	0
Managerial	70 000 - 150 000	27.27	72.73
	50 000 - 69 000	21.95	78.05
	35 000 - 49 999	34.21	65.79
	25 000 - 34 999	0	0
	0 - 24 999	0	0
Teacher	70 000 - 150 000	0	0
	50 000 - 69 000	42.85	57.15
	35 000 - 49 999	48.33	51.67
	25 000 - 34 999	74.77	25.23
	0 - 24 999	90.95	9.05

WORLEY LTD - "SKILL REQUIREMENTS OF RESOURCE DEVELOPMENT PROJECTS IN WESTERN AUSTRALIA 1996-2000", FIGURES

1848. Mr RIPPER to the Minister for Resources Development:

- (1) Are the figures in the Worley report for resources sector investment and skilled labour shortages still considered to be accurate predictions?
- (2) If not, what are the latest figures?

Mr C.J. BARNETT replied:

- (1)-(2) The figures in the report, "Skill Requirements of Resource Development Projects in Western Australia 1996-2000" by Worley Ltd were derived from data collected at the end of 1995 and in early 1996. To the extent that these data are out of date, the predictions in the report are also out of date. As Worley concluded in the report, the database should be updated in September/October 1996 and this is actively being considered by the departments involved.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE CONSULTANTS AND ADVISERS, SELECTION POLICY CHANGE

1854. Mrs ROBERTS to the Minister for Education:

With reference to question on notice 1191 of 1996, the Education Department of Western Australia had a policy whereby the English as a second language consultants and advisers were seconded from the classroom for a maximum period of three years.

- (a) When has this policy changed;
- (b) what is/are the reasons for this change in policy;
- (c) what are -
  - (i) the advantages; and
  - (ii) the disadvantages,

in the policy change to select teachers for these positions who have very recent classroom/school experience and are highly qualified and experienced in the area?

Mr C.J. BARNETT replied:

- (a) The current merit promotion system is a change from past practices of secondment in that it places the responsibility on the individual professional to make out their case for a position against published selection criteria and position descriptions. The current merit promotion system was established as a result of the 1990 memorandum of agreement between the then Ministry of Education and the State School Teachers Union of Western Australia. The first merit promotion appointments to positions within the Education Department - then Ministry of Education - were made in 1991.

- (b) The merit promotion system was developed to meet system needs and the changing expectations of the teaching profession in the 1990s. The merit promotion system continues to evolve and changes occur against a backdrop of strong competition between teachers for promotional positions. It is also a system where judgments of merit are made by a trained panel of professional peers. The current merit promotion system will be subject to ongoing modification and improvement.
- (c) (i) The current system is consistent with the principles of merit promotion -  
 it allows for the selection of the most suitable applicant for the job;  
 it requires that applicants accept the major responsibility for presenting their cases for selection;  
 it adheres to principles of natural justice, fairness, equity and comparability.

The merit promotion system is intended to select the most suitable available person in a rigorous and fair way. The selection process operates within a code of practice which ensures a consistent standard of behaviour in accordance with public sector standards in human resource management.

All selection processes are directed towards, and are based on, an equitable assessment of merit.

Selection is made on information which is sufficient and relevant.

Applicants are treated fairly and consistently and are not subjected to arbitrary or inconsistent selection procedures.

There can be no unlawful discrimination against employees or persons seeking employment in the public sector on a ground referred to in the Equal Opportunity Act 1984.

Processes are free of bias and patronage.

Conflicts of interest must be declared.

Strict confidentiality is ensured. Confidentiality statements are required to be signed by those involved in the selection process.

Strategies employed in the selection process give effect to the merit selection principles and the code of practice -

Job description and selection criteria are published.

Training support is available to applicants, referees and selection panel members to ensure consistency and quality of judgment.

Applicant claims are tested and verified.

Applicants are provided with general feedback on their application.

All alleged breaches of standards are considered by an independent reviewer.

Selection criteria are advertised in generic form to maximise the number of suitable applicants for the position. To be competitive, applicants must demonstrate that they are competitive within the scope and context of the position advertised. All Education Act staff have the right to apply for these positions.

- (ii) Teachers without specialist qualifications or recent experience in the area of English as a second language would find it difficult to be competitive within the scope and context of the advertised positions.

#### EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE PROGRAMS

##### *Regular Studies on Newly Arrived Migrants; Support Programs*

1855. Mrs ROBERTS to the Minister for Education:

What regular studies have been carried out of English as a second language programs in each of the following years -

- (a) 1993;  
 (b) 1994;  
 (c) 1995;  
 (d) 1996,

for

- (i) newly arrived migrants; and
- (ii) the follow up support programs,

at each of the following levels -

- (aa) central office;
- (ab) respective district; and
- (ac) school?

Mr C.J. BARNETT replied:

(a)-(b) Nil.

- (c) (i) (aa) Students at Risk Review  
ESL Visiting Teacher Service Review;
- (ab) the Students at Risk Review Committee and the ESL Visiting Teacher Service Review consulted across districts;
- (ac) the Students at Risk Review Committee and the consultancy agency conducting the ESL Visiting Teacher Service Review consulted with schools.
- (ii) (aa) Students at Risk Review;
- (ab) the Students at Risk Review Committee consulted across districts;
- (ac) the Students at Risk Review Committee consulted with schools.
- (d) The ESL unit is conducting an internal management review of all programs, services and roles within the ESL program across central district and school levels. This review will inform the ESL strategic plan, the establishment of priorities for ESL for the 1997 program year and management decisions in accordance with the agreement between Commonwealth and States for the delivery of Commonwealth targeted and quality schooling programs from 1997.

#### TAFE - ENGLISH AS A SECOND LANGUAGE CLASSES

1859. Mrs ROBERTS to the Minister representing the Minister for Employment and Training:

- (1) What type of advanced classes in English as a second language does Technical and Further Education provide and at which centres?
- (2) How much of the cost of these classes is recovered from the Federal Government and under which program?
- (3) How many of those taking part in these classes are full fee paying students?
- (4) What was the fee for the above type of classes or similar classes in -
  - (a) 1991;
  - (b) 1992;
  - (c) 1993;
  - (d) 1994;
  - (e) 1995?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) The advanced English language program of the Adult Migrant Education Service conducts migrant access to English courses, job-oriented migrant English courses and courses in academic and professional English. These programs are conducted at the Perth, Wembley and Leederville campuses of Central Metropolitan College of TAFE, at the Beaconsfield and South Terrace campuses of South Metropolitan College of TAFE, at the Advanced Manufacturing Technologies Centre in East Perth, Pundulmurra College and Hedland College.
- (2) The above are funded by the Federal Government, through the advanced English for migrants program.
- (3) None.
- (4) No fees are charged. The college services fees are met by the advanced English language program and reimbursed by referring CESs.

## POLICE SERVICE - CROSS-CULTURAL TRAINING PROGRAMS

1862. Mrs ROBERTS to the Minister for Police:

- (1) Has the Police Force undertaken any advanced post-graduation cross-cultural training programs for officers in the field, to assist them in dealing with newly arrived and culturally diverse migrants and overseas visitors?
- (2) When were these courses held?
- (3) Where were they conducted?
- (4) Who conducted these courses?
- (5) Are future courses planned?
- (6) If so, when, where, and at what cost?

Mr WIESE replied:

I am advised by the Commissioner of Police as follows -

- (1) Yes.
- (2) These courses began in October 1995 and are ongoing.
- (3) North Perth, Warwick and Joondalup Police Stations as well as the Joondalup Campus, Edith Cowan University.
- (4) Training staff from the Western Australia Police Service training complex, along with officers from the WA Police Ethnic Affairs Unit, WA Police professional standards portfolio, WA Police Domestic Violence Unit, Department of Immigration and Multicultural Affairs and a community development worker contracted to the Edith Cowan University conducting the "Community Policing in a Multicultural Society Project".
- (5) Yes.
- (6) Future courses are in the process of development with the supervisor, Ethnic Affairs Unit, who has attended the national cross-cultural awareness trainees workshop conducted by the National Police Ethnic Advisory Bureau in Brisbane, Queensland. Once district training officers have been briefed the courses will be held at district offices, police stations and other suitable venues. No costing can be calculated as all participating agencies meet the costs within their own budget.

## ROTTNEST LODGE - LEASE NEGOTIATIONS WITH HAY PROPERTY GROUP

1868. Mr PENDAL to the Parliamentary Secretary to the Minister for Tourism:

I refer to the Hay Property Group's proposal to acquire the lease of the Rottneest Lodge from the receiver/manager of the former lessee and ask -

- (a) is it correct that the Hay Property Group began its negotiations with BankWest and the receiver/manager 22 months ago;
- (b) why in that time has the State and/or the Rottneest Island Authority not -
  - (i) concluded a lease with the Hay Property Group; or
  - (ii) negotiated a lease with another interested party?
- (c) is the Government or RIA in fact negotiating with any other party regarding the lease;
- (d) if yes to (c), who or what is the group;
- (e) why was no response made to the Hay Property Group's written or telephone inquiries over a six month period;
- (f) will the Minister confirm that he has received allegations that a member of the RIA discussed the Hay Property Group bid with a third party in a way which undermined the confidentiality of the Hay Property Group-RIA discussions; and
- (g) if the Minister has received such allegations will he refer them to the appropriate body, the Anti-Corruption Commission or the Public Sector Standards Commission, for report and action?



Mrs PARKER replied:

I am advised by Minister for Tourism as follows -

- (a) That information is not held by the Rottnest Island Authority but by the receiver/manager.
- (b) I understand that two companies known as Hay Construction Pty Limited and Hospitality Pty Limited entered into a deed of company arrangement concerning Rottnest Lodge (1989) Pty Limited - the lessee of the Rottnest Lodge - with both the administrators and the liquidators of that company. It was a condition of that deed of company arrangement and it is a condition of the lease of the Rottnest Lodge that no change in the shareholding of Rottnest Lodge (1989) Limited could take place without the consent of the Rottnest Island Authority. I further understand that conditions laid down by the Rottnest Island Authority for its consent to a transfer of shares under that deed of company arrangement were not met by the two companies and accordingly that consent could not be given.
- (c) There is an existing lease in place with respect to the Rottnest Lodge. The Rottnest Island Authority, like any other landlord, deals with its lessee under that lease and any arrangement concerning any change in the terms of that existing lease could only be made by agreement between the Rottnest Island Authority and its lessee.
- (d) Not applicable.
- (e) I understand there were some delays in response to correspondence in view of the need to examine legal implications but all telephone calls from Mr Hay to the Rottnest Island Authority were returned.
- (f) I am not aware of such allegations.
- (g) Any such allegations that are brought to my attention will be dealt with as part of proper process.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS;  
CADETSHIPS

1884. Mr BROWN to the Minister for Police; Emergency Services:

- (1) How many -
  - (a) apprenticeships;
  - (b) traineeships;
  - (c) cadetships,
 were made available to young people -
  - (i) under the age of 21 years;
  - (ii) between 21 and 25 years,
 during the 1995-96 financial year, by each department and agency under the Minister's control?
- (2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?
- (3) How many young people described in (2) were -
  - (a) under 21 years of age;
  - (b) between 21 and 25 years of age?

Mr WIESE replied:

Police -

- (1) (a) Nil.
- (b) (i) 114 traineeships to young people under 21.  
(ii) 173 traineeships to young people between 21 and 25 years.
- (c) Nil.
- (2) 456.
- (3) (a) 35 unsworn officers and 104 sworn officers.  
(b) 167 unsworn officers and 150 sworn officers.

## WA Fire Brigades Board -

Hired during the year:

- (1) (i) 0.  
 (ii) 0.
- (2) 11.
- (3) (i) 1.  
 (ii) 10.

Working during the year:

- (1) (i) 1.  
 (ii) 9.
- (2) 24.
- (3) (i) 1.  
 (ii) 24.

## Bush Fires Board -

- (1) (a) Nil.  
 (b) Nil.  
 (c) Not applicable.

(2)-(3) Not applicable.

## WA State Emergency Services -

- (1) (a) Nil.  
 (b) Nil.  
 (c) Not applicable..

(2)-(3) Not applicable.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS;  
 CADETSHIPS

1889. Mr BROWN to the Minister representing the Minister for Employment and Training:

(1) How many -

- (a) apprenticeships;  
 (b) traineeships;  
 (c) cadetships,

were made available to young people -

- (i) under the age of 21 years;  
 (ii) between 21 and 25 years,

during the 1995-96 financial year, by each department and agency under the Minister's control?

(2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?

(3) How many young people described in (2) were -

- (a) under 21 years of age;  
 (b) between 21 and 25 years of age?

Mr C.J. BARNETT replied:

I am advised by the Minister for Employment and Training in the following terms -

- (1) (a) No apprenticeship under the age of 21 years. However there is one apprenticeship over the age of 25.
- (b) Eight traineeships of which five are under 21 years of age and three are between the ages of 21 and 25 years.

- (c) No cadetships.
- (2) 1 277.
- (3) (a) 455 under the age of 21 years.  
(b) 822 between the ages of 21 and 25 years.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS;  
CADETSHIPS

1893. Mr BROWN to the Minister representing the Attorney General:

- (1) How many -
  - (a) apprenticeships;
  - (b) traineeships;
  - (c) cadetships,were made available to young people -
  - (i) under the age of 21 years;
  - (ii) between 21 and 25 years,during the 1995-96 financial year, by each department and agency under the Attorney General's control?
- (2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Attorney General's control in the 1995-96 financial year?
- (3) How many young people described in (2) were -
  - (a) under 21 years of age;
  - (b) between 21 and 25 years of age?

Mr PRINCE replied:

The Attorney General has provided the following reply -

In respect of the Ministry of Justice, the following information is provided:

- (1) (a) (i) 3.  
(ii) 16.  
(b) (i) 2.  
(ii) 7.  
(c) Nil.
- (2) 439.
- (3) (a) 112.  
(b) 327.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS;  
CADETSHIPS

1894. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) How many -
  - (a) apprenticeships;
  - (b) traineeships;
  - (c) cadetships,were made available to young people -
  - (i) under the age of 21 years;
  - (ii) between 21 and 25 years,during the 1995-96 financial year, by each department and agency under the Minister's control?
- (2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?

- (3) How many young people described in (2) were -
- (a) under 21 years of age;
  - (b) between 21 and 25 years of age?

Mrs PARKER replied:

I am advised by the Minister for Tourism; Sport and Recreation in the following terms -

- (1)
  - (a) One apprentice under the age of 21 years.
  - (b) Seven traineeships of which one is under 21 years of age and six are between the ages of 21 and 25 years.
  - (c) No cadetships.
- (2) 237.
- (3)
  - (a) 106 under the age of 21 years.
  - (b) 131 between the ages of 21 and 25 years.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS;  
CADETSHIPS

1895. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) How many -
- (a) apprenticeships;
  - (b) traineeships;
  - (c) cadetships,
- were made available to young people -
- (i) under the age of 21 years;
  - (ii) between 21 and 25 years,
- during the 1995-96 financial year, by each department and agency under the Minister's control?
- (2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?
- (3) How many young people described in (2) were -
- (a) under 21 years of age;
  - (b) between 21 and 25 years of age?

Mr SHAVE replied:

I am advised by the Minister for Parliamentary and Electoral Affairs in the following terms -

- (1) Nil.
- (2) Three.
- (3)
  - (a) Nil.
  - (b) Three.

ALINTAGAS - VENTNOR CONSULTING GROUP, S.A. HOHNEN, CONTRACTS

1903. Mr THOMAS to the Minister for Energy:

- (1) Did the AlintaGas annual report for 1995-96 reveal that the Ventnor Consulting Group, of which Mr S.A. Hohnen, a non-executive director of AlintaGas, is a principal, provided services to AlintaGas on a fee-for-services basis on normal terms and conditions?
- (2) What were the services for which Mr Hohnen, Ventnor Consulting Group or any other firm or group associated with Mr Hohnen were engaged?
- (3) What was the duration of the contract or contracts if there was more than one?

- (4) What fees were paid for the services?
- (5) Were the contracts either put out to tender or the subject of any other form of competitive selection?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) The services were performed in three parts. The first contract - contract one - was between AlintaGas and Stuart Hohnen of Hohnen Consulting. This contract was for support and advice on matters relating to AlintaGas' contractual arrangements with Alcoa of Australia as directed by AlintaGas from time to time. The second and third projects were conducted by Mr John Kuehne, a principal of Ventnor Consulting Group, for the retail marketing and sales division. It comprised advice in the areas of the 1996-97 retail sales plan - contract two - and the selection process for one managerial position - contract three.
- (3) Contract one: Commenced 21 June 1995 and concluded 31 October 1995. The project was extended with board approval to 31 December 1995.  
Contract two: 3.3 hours @ \$150/hour.  
Contract three: 20 hours @ \$150/hour over a four day period in May.
- (4) Contract one: \$32 362.50.  
Contract two: \$500.  
Contract three: \$3 000.
- (5) In the case of contract one, this was approved by the AlintaGas board and the Minister for Energy. In the case of contracts two and three, a number of agencies were approached to outline their services in relation to these projects.

#### DAMPIER-BUNBURY PIPELINE - COST; DEBT; MARKET VALUE

1905. Mr THOMAS to the Minister for Energy:

- (1) What was the total cost of the Dampier to Bunbury pipeline when it was completed in August 1984?
- (2) What is the total debt still owing on the pipeline?
- (3) What is the estimated market value for the sale of the entire pipeline?

Mr C.J. BARNETT replied:

- (1) The first supplies of gas were delivered through the Dampier to Bunbury natural gas pipeline in August 1984, but the first compressor station was not commissioned until April 1985. Financial records are no longer available for August 1984, but the capital cost of the transmission system\* at 30 June 1984 was \$832.137m, as reported in the 1984 SECWA annual report. This cost had increased to \$1 078.100m by 30 June 1985, but it is unclear what proportion of this expenditure was incurred in July/August 1984.
- (2) At 30 June 1996, the total debt owing on the transmission system was \$950.912m.
- (3) A market value has not been determined for the transmission system. The market value will be dependent upon a number of factors associated with the sale process and the regulatory environment that will be imposed upon the successful bidder. It is intended that the sale is marketed aggressively within the terms set by the steering committee to ensure that the best possible price is achieved for this asset.

\*The transmission system refers to all assets associated with the DBNGP and not solely the pipeline referred to in the question.

#### POLICE SERVICE - HIGH SPEED PURSUITS; CAR THEFTS

1929. Ms WARNOCK to the Minister for Police:

- (1) What was the financial cost incurred through police involvement in high speed pursuits for -
  - (a) 1994;
  - (b) 1995;
  - (c) 1996,

in terms of -

- (i) damage to government vehicles;
  - (ii) damage to cars being pursued;
  - (iii) damage to other vehicles;
  - (iv) compensation payments to police officers;
  - (v) compensation payments to passengers and drivers being pursued;
  - (vi) compensation payments to third parties;
  - (vii) medical costs of injured police officers;
  - (viii) medical costs of passengers and drivers being pursued;
  - (ix) medical costs of third parties?
- (2) How many car thefts occurred in -
- (a) 1994;
  - (b) 1995;
  - (c) 1996?
- (3) How many people were killed in the process of high speed pursuits in -
- (a) 1994;
  - (b) 1995;
  - (c) 1996?
- (4) By what criteria will the Government determine the success or failure of police involvement in high speed pursuits?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

- (1)
- (i) (a) \$110 102.
  - (b) \$155 299.
  - (c) \$49 206. (Note: Cost as at 20.8.96. Some current damage costs have not been finalised).
  - (ii)-(iii) Not known.
  - (iv) The Police Service does not record such information relating to police officers. All claims in respect of motor vehicle accidents are managed by the State Government Insurance Commission.
  - (v)-(vi) Not known.
  - (vii) Such information is not recorded by the WA Police Service. SGIC accepts liability for accidents involving Police Service motor vehicles and all claims, including medical costs for police officers which were incurred as a result of the accident are managed by the SGIC.
  - (viii)-(ix) Not known.
- (2)
- (a) 17 146.
  - (b) 17 857.
  - (c) 6 728 (to 30 June 1996)
- (3)
- (a) 3.
  - (b) 2.
  - (c) 2.
- (4) It is considered that arbitrary judgments cannot be set to determine whether the pursuit was a success or not. A variety of factors and their intermittent occurrence in the pursuit preclude the arbitrary setting of success/fail criteria.

#### CONTRACTS - GOVERNMENT DEPARTMENTS

1943. Mr BROWN to the Minister for Resources Development; Energy; Education:

- (1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?
- (2) What is the name of each contractor?
- (3) What is the nature of the work provided by each contractor?

- (4) What is the contract price paid to each contractor?
- (5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr C.J. BARNETT replied:

- (1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

#### CONTRACTS - GOVERNMENT DEPARTMENTS

1955. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?
- (2) What is the name of each contractor?
- (3) What is the nature of the work provided by each contractor?
- (4) What is the contract price paid to each contractor?
- (5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr C.J. BARNETT replied:

I am advised by the Minister for Employment and Training in the following terms -

- (1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

#### CONTRACTS - GOVERNMENT DEPARTMENTS

1960. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?
- (2) What is the name of each contractor?
- (3) What is the nature of the work provided by each contractor?
- (4) What is the contract price paid to each contractor?
- (5) How many government employees used to carry out the work that is now carried out by each contractor?

Mrs PARKER replied:

I am advised by the Minister for Tourism; Sport and Recreation in the following terms -

- (1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

## CONTRACTS - GOVERNMENT DEPARTMENTS

1961. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?
- (2) What is the name of each contractor?
- (3) What is the nature of the work provided by each contractor?
- (4) What is the contract price paid to each contractor?
- (5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr SHAVE replied:

I am advised by the Minister for Parliamentary and Electoral Affairs in the following terms -

- (1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

## GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1987. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) How many employees are employed in each agency and department under the Minister's control?
- (2) How many of these employees are employed under the terms of a workplace agreement?

Mr C.J. BARNETT replied:

I am advised by the Minister for Employment and Training in the following terms -

For the member's information a table is set out below which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 1996	(2) Estimated total number of staff covered by WPAs
Hedland College	116	
Kalgoorlie College	149	
Karratha College	109	
Pundulmurra Aboriginal College	71	
Training, Department of	3 341	800
Total	3 786	800

## GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1992. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) How many employees are employed in each agency and department under the Minister's control?
- (2) How many of these employees are employed under the terms of a workplace agreement?

Mrs PARKER replied:

I am advised by the Minister for Tourism; Sport and Recreation in the following terms -

For the member's information a table is set out below which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.



Agency	(1) Actual FTEs June 1996	(2) Estimated total number of staff covered by WPAs
Recreation Camp & Reserves Board	23	
*Rottneest Island Authority	84	
Sport & Recreation, Ministry of	90	
Sports Centre Trust	74	
Tourism Commission	145	
Total	416	

Note: The agency with an asterisk was not part of the FTE monitoring process but an estimate has been provided. The number of staff on workplace agreements are estimated 'headcount' figures as reported to DOPLAR.

#### GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1993. Mr BROWN to the Minister representing the Minister for Parliamentary and Electoral Affairs:

- (1) How many employees are employed in each agency and department under the Minister's control?
- (2) How many of these employees are employed under the terms of a workplace agreement?

Mr SHAVE replied:

I am advised by the Minister for Parliamentary and Electoral Affairs in the following terms -

For the member's information a table is set out below which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 1996	(2) Estimated total number of staff covered by WPAs
Electoral Commission	38	

#### WALPOLE-NORNALUP NATIONAL PARK - ANCIENT EMPIRE BOARDWALK, CONSTRUCTION COST

2033. Dr EDWARDS to the Minister representing the Minister for the Environment:

What was the cost of constructing the Ancient Empire Boardwalk in the Walpole-Nornalup National Park?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

\$99 658.75.

#### YANCHEP INN - REDEVELOPMENT AND MANAGEMENT

2037. Dr EDWARDS to the Minister representing the Minister for the Environment:

- (1) Who is the proponent who will redevelop and manage the Yanchep Inn?
- (2) When was agreement reached on this proposal?
- (3) What were the terms of this lease agreement?
- (4) When will the conservation plan for Yanchep Inn be finalised?
- (5) Will this be released for public comment?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

- (1) YNP Developments Pty Ltd.
- (2)-(3) A lease agreement will not be completed until a final plan is agreed and a number of key issues are negotiated to a mutually agreeable outcome.

(4) The conservation plan was completed on 30 August 1996.

(5) No.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - QUESTION ON NOTICE 3763,  
CONTRADICTIONARY INFORMATION

2044. Mr BROWN to the Minister representing the Attorney General:

I refer the Minister to the answer to question on notice 3763 of 1995 and ask -

- (a) is the Minister aware that contradictory information was given to the Royal Commission into the Wanneroo City Council;
- (b) will the Minister investigate this inconsistency to ascertain whether the Parliament or the royal commission was misled; and
- (c) if not, why not?

Mr PRINCE replied:

The Attorney General has provided the following information -

The findings outlined in the interim report of the Royal Commission into the City of Wanneroo which relate to the Ministry of Justice are currently being assessed.

PRISONS - CANNING VALE; CASUARINA

*Section 9 Prisons Act Inquiries*

2047. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Further to question on notice 763 of 1996, has the Minister been made aware of any documents, reports or other material related to the section 9 inquiries being lost or mislaid?
- (2) When was the Minister made so aware?
- (3) Can the Minister explain why the Ministry of Justice refused to provide information on the section 9 inquiries under the Freedom of Information Act 1992 on the grounds that the information was lost or could not be found?
- (4) Will the Minister or the Ministry of Justice confirm that the documents and reports are being safely stored and are not lost?

Mr MINSON replied:

The Minister for Justice has provided the following information:

- (1) No.
- (2) Not applicable.
- (3) The Ministry of Justice refused to provide a copy of part 1 of the section 9 investigation No CVP/1 on the grounds that it was held to be exempt matter under clauses 5(1)(b) and 7 of schedule 1 of the Freedom of Information Act. In addition all reasonable efforts were taken to locate other documents requested and advice was provided that the documents were either in the ministry's possession but could not be found or did not exist within the ministry.
- (4) Yes.

PRISONS - CANNING VALE; CASUARINA

*Section 9 Prisons Act Inquiries*

2048. Mr BROWN to the Minister representing the Attorney General:

- (1) Did the then Acting Executive Director, Corrective Services Division write to the former Director General of the Ministry of Justice on 7 March 1995 to express concern about the section 9 inquiries not being conducted in a fair and impartial manner?

- (2) In that letter, did the executive director state he informed the former director general of his view on 6 October 1994?
- (3) If so, does the Minister accept that the information provided to him by the Ministry of Justice in response to question on notice 758 of 1996 was not correct?
- (4) If so, will the Minister initiate an inquiry to ascertain why he was not provided with the correct information?
- (5) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1)-(2) Yes.
- (3) No. The conduct of all the section 9 inquiries were described in the Director of Public Prosecutions's report as "appropriate and thorough".
- (4)-(5) Not applicable.

#### ROADS - KALGOORLIE-BOULDER AREA, WORKS PLANS

2092. Ms ANWYL to the Minister representing the Minister for Transport:

- (1) What road works are planned, for the Kalgoorlie-Boulder area, to main roads in the next -
  - (a) 12 months;
  - (b) 24 months;
  - (c) 36 months or more?
- (2) What funds have been allocated?
- (3) What plans does the department have with respect to the Goldfields-Pilbara Highway?
- (4) Does the Minister recognise the said highway as a priority for this State?
- (5) Have any detailed costings been carried out as to the cost of the Goldfields-Pilbara Highway?
- (6) If yes to (5), what was the date and nature of such studies?
- (7) Have any road works planned for the goldfields and/or Kalgoorlie-Boulder been affected by the federal budget cuts in road funding?
- (8) What major goldfields main roads projects have been carried out during the term of this Government?
- (9) Who was contracted to complete each project?
- (10) How much was spent on each project?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)-(2) In addition to the considerable increase in funding to local government that has been made possible by the State Government's \$1b, 10 year additional road program, the following major works are committed -
  - (a) Resurface Great Eastern Highway from Gateacre Street to Throssell Street. Funding allocated for this work is \$550 000. Reconstruct and realign 1.56 km of Kambalda Road near Smelterman Drive. Funds of \$352 000 have been allocated.
  - (b) Reseal various sections of Great Eastern Highway between Coolgardie and Kalgoorlie at a cost of \$811 000.
  - (c) The program has not been finalised as yet.

Great Eastern Highway is recognised as a significant component of the transport infrastructure servicing the Kalgoorlie-Boulder area. Great Eastern Highway is part of the national highway system and, therefore, funding is the responsibility of the Federal Government. Although successive Federal Governments have resisted the urgent requirement to adequately fund improvements to Great Eastern Highway, since coming to office, this Government has ensured the direction of expenditure on the Greenmount Hill to Kalgoorlie

section of the highway. In fact, from 1993-94 and until the major projects that are currently committed are completed in 1999-2000 \$95m will have been spent on improvements and major upgrading works. Also, a commitment from the Federal Government for the Northam bypass at a cost of \$40m is expected to be given over the next six to 12 months. This will greatly improve the amenity of the highway for goldfields people travelling to and from Perth.

Notwithstanding this, we need an additional \$60m each year over the next five years to bring the national highway system in Western Australia up to a standard set by the Federal Government and to compare with the level of service provided by the highway in the Eastern States.

- (3) The Government will construct and seal the road from Mt Keith to Wiluna as soon as possible, but no later than the year 2000. We will also construct and seal the road from Wiluna to Great Northern Highway as part of the State's additional road funding program. A section through the Lake Raeside area is to be realigned in 1997-98 at a cost of \$10m to ensure road closures are kept to a minimum during periods of heavy rainfall.
- (4) Construction of this road is a priority for the Government with funding allocated under the 10 year road program. Under the new Federal Government Roads of National Importance funding category, the section from Mt Keith to Wiluna was the top priority in our submission for 1996-97. The project cost is \$35.3m, with funding of \$14.3m sought from the RONI pool. Unfortunately, we were unsuccessful in attracting RONI funding.

The Premier, the Minister for Resources Development and I have written and spoken to our counterparts in the Federal Government about the importance of roads to Western Australia and this project in particular. I will be considering options to allow this work to commence much earlier than provided for under the present schedule.

- (5) Budgetary estimates are \$115m.
- (6) Not applicable.
- (7) (a) The National Highway is the only road infrastructure directly funded by Canberra.
- (b) As the member may appreciate, there has been a long standing arrangement where Eyre Highway is to be progressively upgraded with federal funding. In the 1996-97 federal program, no new projects in Western Australia have yet been approved. The situation with Great Eastern Highway is outlined in (1)-(2) above.
- (c) Nevertheless, there is still \$69m of federal funds to be allocated for 1996-97 and I am confident that a good share of this money will be made available to Western Australia.

(8)-(10)

Project	Constructed By	Project Cost
Reconstruction and realignment of 14.25km of Eyre Highway from Eucla to WA/SA Border	MacMahon Contractors (WA) Pty Ltd	\$4 939 631
Reconstruction and realignment of 3.6km of Eyre Highway at the Madura Pass	Malavoca Pty Ltd	\$4 707 180
Reconstruction and realignment of 45km of Eyre Highway from Norseman	Monadelphous Engineering Associates Pty Ltd, Main Roads Western Australia, MacMahon Contractors (WA) Pty Ltd	\$20 517 100
Construction of 29.16km of the Kalgoorlie-Meekatharra Road from Leinster to Lake Miranda	Henry Walker Contracting Pty Ltd	\$9 875 808
Construction of 52km of the Kalgoorlie-Meekatharra Road from Lake Miranda to Mt Keith	Henry Walker Contracting Pty Ltd, MacMahon Contractors (WA) Pty Ltd	\$23 383 358

Project	Constructed By	Project Cost
Construction of a second carriageway on Great Eastern Highway (2.4km) from Gateacre Street	Main Roads Western Australia	\$3 529 289
Realignment of the Loop Line to Anzac Drive section of Kambalda Road, including the construction of a rotary at Lane Street	Main Roads Western Australia	\$2 597 645
Realignment of the Coolgardie-Esperance Highway at Higginsville	Main Roads Western Australia	\$979 028
Construction of Anzac Drive (7.07km)	Main Roads Western Australia	\$2 110 441
Construction of 5km of Great Eastern Highway near Bullabulling	Main Roads Western Australia	\$2 541 017
TOTAL		\$75 180 497

WESTERN POWER - EAST KIMBERLEY OUTAGES, ELECTRICITY SUPPLY COST

2106. Mr THOMAS to the Minister for Energy:

- (1) What was the cost, in staff time and fuel, in supplying electricity to the East Kimberley during the outages of 17 May, 25 May, 13 June and 15 June and the separation from 15 June to 6 August 1996?
- (2) Has "reliable operation" been established?
- (3) If yes, when?
- (4) If "reliable operation" has been established, have there been any outages since then?
- (5) If yes, when and for what duration?

Mr C.J. BARNETT replied:

- (1) Western Power's operating costs are commercially confidential.
- (2) Western Power is completing a four week trial period to determine whether a reliable supply can be maintained. A decision as to whether a reliable supply has been established will be made at the conclusion of the trial.
- (3)-(5) Not applicable.

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE;  
RECRUITMENTS

2124. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) In each department and agency under the Minister's control, how many employees -
  - (a) under 21 years of age;
  - (b) between 21 and 25 years of age,
 were recruited in the 1995-96 financial year?
- (2) How many employees between these ages were recruited in the -
  - (a) 1993-94 financial year;
  - (b) 1994-95 financial year,
 by each department and agency under the Minister's control?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has replied in the following terms -

Agency	1995-96		1993-94		1994-95	
	Under 21	Between 21 & 25	Under 21	Between 21 & 25	Under 21	Between 21 & 25
Hedland College	1	5	2	5	1	1
Karratha College	0	7	1	1	2	1
Kalgoorlie College	1	11	6	10	0	12
Pundulmurra College*	12	37	Unknown	Unknown	14	28
WA Department of Training**	Unknown					

\* Pundulmurra College does not have information available for 1993-94 financial year.

\*\* The Western Australian Department of Training is unable to provide the information requested. The department has, over the past two years, been in a transitional situation with respect to its computerised personnel and payroll systems. The move has been from the SP system to the REMUS system. It is therefore impossible to obtain the statistics requested in an accurate form at present. Once the REMUS system is fully operational and all personnel are recorded on this system, the department should be in a position to provide information for the 1996-97 financial period.

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE;  
RECRUITMENTS

2129. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

(1) In each department and agency under the Minister's control, how many employees -

- (a) under 21 years of age;  
(b) between 21 and 25 years of age,

were recruited in the 1995-96 financial year?

(2) How many employees between these ages were recruited in the -

- (a) 1993-94 financial year;  
(b) 1994-95 financial year,

by each department and agency under the Minister's control?

Mrs PARKER replied:

The Minister for Tourism, Sport and Recreation has replied in the following terms -

Agency	1995-96		1993-94		1994-95	
	Under 21	Between 21 & 25	Under 21	Between 21 & 25	Under 21	Between 21 & 25
WA Tourism Commission	6	12	1	3	3	9
Rottneest Island Authority	1	5	0	1	0	0
Ministry of Sport & Recreation	3	6	1	6	3	7
WA Institute of Sport	1	2	0	1	1	1
WA Sports Centre Trust	2	13	3	8	2	1
Total	13	38	5	19	9	18

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE;  
RECRUITMENTS

2130. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

(1) In each department and agency under the Minister's control, how many employees -

- (a) under 21 years of age;
- (b) between 21 and 25 years of age,

were recruited in the 1995-96 financial year?

(2) How many employees between these ages were recruited in the -

- (a) 1993-94 financial year;
- (b) 1994-95 financial year,

by each department and agency under the Minister's control?

Mr SHAVE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following reply -

- (1) (a) Nil.  
(b) Two.
- (2) (a) Nil.  
(b) One.

#### ROAD FUNDING, FEDERAL - REDUCTION; STATE LEVY INCREASE

2134. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) By how much will federal funding for roads be decreased as a result of the federal Budget for 1996-97?
- (2) As the 4¢ per litre levy was put on fuel prices in Western Australia to make up for a perceived shortfall in federal funding from the previous Federal Government, is the Minister now considering increasing the state levy to generate more funds?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) It is not absolutely clear what the final amount of federal funding for national highway roads will be for Western Australia in 1996-97. There is still about \$69m of the program to be allocated. It must be understood the Federal Government does not allocate funding to state roads. I am sure further funds will be allocated for urgent works, especially on Great Eastern Highway.
- (2) The member is obviously lacking in knowledge on federal/state road funding issues. It is the state coalition Government's strong view that Canberra should return more of the 36¢ per litre of fuel excise it collects at the bowser to road infrastructure. Currently this is running at \$10.7b each year, of which only \$1.6b is returned to roads. It is also important for the member to understand that the Federal Government is totally responsible for national highway network, which has for many years been underfunded by around \$60m per year. The increase to the state fuel levy was to fund the \$1b state additional funding for the 10 year road improvement program.

#### RESOURCES DEVELOPMENT, DEPARTMENT OF - KINGSTREAM RESOURCES NL, PIPELINE DISPUTE

2151. Mr RIPPER to the Minister for Resources Development:

- (1) Is it true that Kingstream Resources and the Department of Resources Development are in dispute over the company's proposal for a pipeline to supply gas for its Geraldton steel project?
- (2) What are the issues in dispute?
- (3) Has the department's position been compromised by the Court family's close involvement in the project and the publicity given to the Premier when he involved himself in the formalisation of An Feng's participation in the project?

Mr C.J. BARNETT replied:

- (1) No. The department and the proponents of the Mid West Iron and Steel project are currently negotiating an appropriate gas transportation clause for the proposed state agreement.
- (2) Not applicable.

(3) No.

CRA - SOUTH WEST KAOLIN PROJECT, FUTURE

2152. Mr RIPPER to the Minister for Resources Development:

Is it true that CRA will not proceed with the South West Kaolin Project listed in the Department of Resources Development *Prospect* magazine as under consideration as at 1 June 1996?

Mr C.J. BARNETT replied:

CRA is currently considering its position on the project.

AUSTRALIAN UNITED STEEL INDUSTRY - DIRECT REDUCED IRON PROJECT, STATE AGREEMENT

2153. Mr RIPPER to the Minister for Resources Development:

- (1) Has the State Government concluded a state agreement with Australian United Steel Industry for a direct reduced iron project?
- (2) If yes, what are the provisions of this agreement relating to local content?
- (3) Are these provisions any different from those applying to BHP's direct reduced iron project?

Mr C.J. BARNETT replied:

- (1) No. Negotiations are still proceeding.
- (2)-(3) Not applicable.

PETROLEUM AND GAS COMPANIES - DECISIONS ON MAJOR PROJECTS DELAYS, SHELL COMPANY

2154. Mr RIPPER to the Minister for Resources Development:

- (1) Is it true as reported in *The West Australian* that the Minister's attack on petroleum and gas companies for delays in decision making on major projects was directed at the Shell Company?
- (2) What is the Minister's specific complaint about the lack of action by Shell Company?

Mr C.J. BARNETT replied:

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

WORSLEY ALUMINA - ALCOA OF AUSTRALIA LTD, REFINERY EXPANSIONS PLANS

2155. Mr RIPPER to the Minister for Resources Development:

- (1) Is it true as reported in *The Australian* that major refinery expansions planned by Worsley Alumina and Alcoa of Australia Ltd are unlikely to proceed?
- (2) What is the current status of these two projects?

Mr C.J. BARNETT replied:

- (1) No.
- (2) Current status: Alcoa has gained environmental approval to expand the capacity at its Wagerup refinery from 1.75 to 3.3 Mt/a. A decision on the timing of the expansion is yet to be made. Alcoa's Pinjarra refinery is currently increasing its capacity from 2.95 to 3.3 Mt/a by a series of improvements to its production process.

Worsley is undertaking a two stage expansion of its refinery. Work is currently under way to increase capacity from 1.75 to 1.85 Mt/a. This capacity expansion should be in place by the end of 1997. In July 1996 Worsley gained environmental approval for the expansion of capacity up to 3.5 Mt/a. A decision on the timing of the expansion is yet to be made.



## SKILLED LABOUR SHORTAGES - WORLEY REPORT; TRAINING PROGRAMS

2156. Mr RIPPER to the Minister for Resources Development:

What proportion of the skilled labour shortages identified in the Worley report will be overcome by training programs funded by the State?

Mr C.J. BARNETT replied:

The Worley report was part of a pool of information that influenced the State Government to implement a range of skill shortage related strategies and initiatives; importantly -

The Department of Training has allocated an additional \$9.5m to skill shortage related training in 1996 (\$4.5m) and 1997 (\$5m). This funding will create more than 5 300 extra training places over the next two years. Specifically this initiative will involve: An additional \$3.98m - equivalent to over 2 500 training places - during 1996 for the delivery of training programs in the building and construction, metals, engineering and mining areas; an additional \$0.5m funds in enterprise specific tendered training delivery in skill shortage related areas - equivalent to a further 250 training places - in second semester 1996; during 1997 the department will commit \$5m for additional training places in skill shortage related training programs - equivalent to an extra 2 600 training places. This funding will provide an additional half a million hours of skills training over the next 18 months in high demand sectors such as metals, engineering, building and construction. In line with the findings of the Worley study, training will target specific skill shortage areas.

In addition to the above \$9.5m which will be allocated to additional skills shortage related training during 1996 and 1997, the following important initiatives are under way: The Department of Training is currently examining a range of other relevant strategies, including the development of accelerated trade training programs, skills upgrading programs and a promotional campaign to encourage industry to take on apprentices and trainees. Within the department's industry specific tendered programs, advertised on 10 August, training providers will be encouraged to bid for the delivery of accelerated skills upgrading programs which target metals and engineering trade occupations currently in shortage. The Minister for Employment and Training has announced a review of employment based training, with a view to modernising the apprenticeship/traineeship system, making it more flexible and relevant to the needs of industries. This review is expected to be completed by the end of 1996.

## CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2189. Mr BROWN to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr MINSON replied:

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission policy statement (1.3) and policy guidelines is tabled. Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large

number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated. [See paper No 718.]

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2191. Mr BROWN to the Minister for Police; Emergency Services:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr WIESE replied:

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission policy statement (1.3) and policy guidelines is tabled. Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated. [See paper No 773.]

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2196. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has replied in the following terms -

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission policy statement (1.3) and policy guidelines is tabled. Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated. [See paper No 719.]

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2197. Mr BROWN to the Minister representing the Minister for the Arts:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr NICHOLLS replied:

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission police statement (1.3) and policy guidelines is tabled. Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated. [See paper No 720.]

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2198. Mr BROWN to the Minister representing the Minister for the Environment:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr MINSON replied:

Please refer to question 2197.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2199. Mr BROWN to the Minister representing the Minister for Transport:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission policy statement (1.3) and policy guidelines is tabled. Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated. [See paper No 717.]

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2200. Mr BROWN to the Minister representing the Attorney General:

- (1) In the departments and agencies under the Attorney General's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr PRINCE replied:

Please refer to question 2197.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2201. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mrs PARKER replied:

The Minister for Tourism; Sport and Recreation has replied in the following terms -

- (1)-(10)  
Please refer to question 2196.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2201. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr SHAVE replied:

- (1)-(10)  
Please refer to question 2196.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2204. Mr BROWN to the Minister for Public Sector Management; Youth; Federal Affairs:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?

- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr COURT replied:

- (1)-(3) Refer to question 2203.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2208. Mr BROWN to the Minister for Family and Children's Services; Seniors; Fair Trading; Women's Interests:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mrs EDWARDES replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2210. Mr BROWN to the Minister for Water Resources:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr NICHOLLS replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2211. Mr BROWN to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr MINSON replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard, however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2212. Mr BROWN to the to the Minister for Planning; Heritage:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?

- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr LEWIS replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2218. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following response -

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2219. Mr BROWN to the Minister representing the Minister for the Arts:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr NICHOLLS replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2220. Mr BROWN to the Minister representing the Minister for the Environment:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr MINSON replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

## CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2222. Mr BROWN to the Minister representing the Attorney General:

- (1) Does each department and agency under the Attorney General's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr PRINCE replied:

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

## CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2223. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism; Sport and Recreation:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mrs PARKER replied:

The Minister for Tourism; Sport and Recreation has provided the following reply -

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

## CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2224. Mr BROWN to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr SHAVE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following reply -

- (1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

## GAMBLING - AND CRIME

2227. Mr BROWN to the Minister for Police:

- (1) Is the Minister aware of recent public comments about gambling being blamed for an increase in crime?
- (2) Is the Minister aware of a report that has found that 25 per cent of gamblers turn to non-violent crimes to pay for their habits?
- (3) What measures has the Government taken to reduce the incidence of crime arising from gambling?



Mr WIESE replied:

- (1)-(3) Apart from general media coverage relating to gambling, and various support groups such as Gamblers Anonymous, nothing has been brought to the attention of the regulatory authorities or the Western Australia Police Service which supports this inference. Communication with the Office of Racing and Gaming, the Western Australia Police Service and the Australian Bureau of Criminal Intelligence in Canberra, has not revealed the existence of any report of this nature. If there is such a report, it should be forwarded to the appropriate regulatory authority, or the Western Australia Police Service for attention and comment. There are currently dedicated sections within the Western Australia Police Service which specifically deal with gaming. These are the Racing and Gaming Squad and the Casino Intelligence Unit. Additionally there are officers who have the specific responsibility for overseeing activities generally related to liquor and gaming matters.

#### UNEMPLOYMENT BENEFITS - FEDERAL CHANGES

2229. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) Is the Minister aware of the Federal Government's decision to -
- (a) abolish the earnings credit scheme;
  - (b) remove the case payment to help previously unemployed persons enter the work force;
  - (c) require recently unemployed people to use their sick, annual, maternity, long service leave before becoming entitled to any unemployment benefit?
- (2) Does the State Government -
- (a) support;
  - (b) oppose;
  - (c) have no position on,
- this change?
- (3) Does the Government/Minister intend to make any comment about these policy changes?
- (4) If so, what comment does the Minister intend to make?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) The Western Australian Department of Training is in the process of examining the federal budget to determine the impact of the changes to incentive payments and benefits relating to the employment, vocational education and training area including those outlined in question (1).
- (2) Not applicable until further information is obtained on (1).
- (3) The State Government will address any issues of concern to the employment, vocational education and training needs of Western Australians with the relevant federal Minister.
- (4) Not applicable until further information is obtained on (1).

#### WESTERN POWER - BUNDLED CABLING ASSESSMENT

2246. Dr EDWARDS to the Minister for Energy:

- (1) Has bundled cabling been assessed as an alternative to drastic tree pruning or buried cables in Western Australia?
- (2) How do the costs of bundled cabling compare to underground cables?
- (3) How effective is bundled cabling in Western Australian conditions?

Mr C.J. BARNETT replied:

- (1) Low voltage aerial bundled cable has been used by Western Power since the beginning of 1993 for all new and replacement low voltage electricity mains. Where used, LV ABC allows a reduced clearance between vegetation and the cable; however, it does not completely eliminate the need for vegetation management

as constant abrasion by a tree branch will eventually wear away the insulation on the conductor. The LV ABC was primarily introduced as a safety improvement for line workers. It is marginally cheaper to install than the open wire bare conductors it replaces.

- (2) Underground cable is just over twice the cost of bundled cable.
- (3) No significant adverse effects have been reported over the last three years. It is expected that the cabling will have a working life of at least 25 years.

#### GERALDTON - JUVENILE CURFEW; POLICE NUMBERS MAINTENANCE

2272. Mr CATANIA to the Premier:

I refer to the member for Geraldton's claim that the Premier supports a 10.00 pm curfew in that town, and to comments published on Saturday that Geraldton police claim changes to their roster mean they are often not on the streets when antisocial behaviour occurs, and ask: Why is the Premier continuing to put the responsibility for antisocial behaviour on parents and the community, rather than accepting some responsibility himself by ensuring that police numbers are maintained on the streets, when it matters, and that full patrols are maintained?

Mr COURT replied:

The matter of a curfew has always been recognised as one for local community consideration. It is understood that a curfew is not being pursued by the local community in Geraldton, which prefers the employment of current legislative provisions in addressing problems involving juveniles within the town. Rostering practices at Geraldton police station have been reviewed recently. Currently rostering ensures that sufficient police are available at any given time to address foreseeable policing requirements. Irrespective of rostering practices and the availability of police, antisocial behaviour is a problem that cannot be addressed solely by the police. While local police have a key role to play it is incumbent upon the whole community to work in partnership with the police in the resolution of community problems. An integral part of any strategy to address antisocial behaviour, particularly that involving juveniles, is a recognition and acceptance by parents of some responsibility for the behaviour of their children. To this end Geraldton police are currently developing strategies, in partnership with other agencies, to highlight the necessity for parents to accept more responsibility for the actions of their children.

#### JUSTICE, MINISTRY OF - FITZGERALD, JOANNE, EMPLOYMENT

2276. Mr BROWN to the Minister representing the Attorney General:

- (1) Was Ms Joanne Fitzgerald employed by the Ministry of Justice?
- (2) If so, what position did she hold?
- (3) Did her position involve her in interviewing Ministry of Justice employees?
- (4) Was she involved in looking after the welfare or wellbeing of employees?
- (5) Did she maintain files on employees containing -
  - (a) personal;
  - (b) confidential,
 information?
- (6) Were these files made available to other officers or staff in the Ministry of Justice?
- (7) If so, what officers and staff?
- (8) Is it true the information on such files was intended to be kept confidential between Ms Fitzgerald and the employee concerned?
- (9) Was any of the information obtained by Ms Fitzgerald given to any person involved in the management of the Ministry of Justice?
- (10) If so, what person or persons?
- (11) Did the Ministry of Justice Intelligence Unit have access to the information contained on these files?
- (12) If so, what information did the Intelligence Unit have access to?
- (13) Did the Intelligence Unit ever -

- (a) obtain;
  - (b) endeavour to obtain,
- any information from these files?
- (14) Was the Intelligence Unit authorised to obtain such information?
  - (15) If so, on whose authority was the Intelligence Unit so authorised?
  - (16) Has there been any occasion where the Intelligence Unit has obtained information on these files, either -
    - (a) contrary to any instructions or authority;
    - (b) with the consent of the senior management of the Ministry of Justice?
  - (17) Has the Ministry of Justice had occasion to investigate whether -
    - (a) the Intelligence Unit;
    - (b) an unknown person,obtained or endeavoured to obtain information from these files contrary to any instruction in the ministry?
  - (18) If so, what was the nature of the investigation?
  - (19) Who or what company carried out the investigation?
  - (20) When was the investigation carried out?
  - (21) What was the nature of the findings of the investigation?
  - (22) What action did the Ministry of Justice take on the findings?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1) Yes.
- (2) Coordinator, Staff Support Services.
- (3)-(5) Yes.
- (6) No.
- (7) Not applicable.
- (8) Yes.
- (9) No.
- (10) Not applicable.
- (11) No.
- (12) Not applicable.
- (13)-(14) No.
- (15) Not applicable.
- (16)-(17) No.
- (18)-(22) Not applicable.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - INTERIM REPORT; ADVERSE FINDINGS  
ON INDIVIDUALS

2280. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Minister aware of the interim report of the Royal Commission into the Wanneroo City Council?
- (2) Did the report make adverse findings on certain individuals connected with the Ministry of Justice?

- (3) Does the Government intend to take any action on these findings?
- (4) What action does the Government intend to take?
- (5) Does the Government intend to ask the Commissioner for Public Sector Standards to examine and/or review the findings of the royal commission with the view to determining -
  - (a) what action should be taken against individuals named adversely by the royal commission;
  - (b) what review, if any, should be undertaken of the administrative and management processes within the Ministry of Justice?

Mr PRINCE replied:

The Attorney General has provided the following information -

The findings outlined in the interim report of the Royal Commission into the City of Wanneroo which relate to the Ministry of Justice are currently being assessed.

#### JUSTICE, MINISTRY OF - GRANT, DAVID, MANAGEMENT PRACTICES

2281. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Attorney General aware that Ms N. Johnson, counsel assisting the Royal Commission into the City of Wanneroo, described the management of the Ministry of Justice under Mr Grant and the former Attorney General in the following manner: "Either the Management or the Ministry were entirely inept or procedures under which they operated were so poor that there were no proper controls in place, or perhaps both"?
- (2) If so, can the Attorney General advise if these comments relate to the period when he was Minister assisting the Minister for Justice?
- (3) Can the Attorney General advise if he will be initiating an investigation into Mr Grant's management practices to ensure public servants within the Ministry of Justice's former Corrective Services Division have not been disadvantaged or their careers affected?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1) Yes. Counsel assisting the royal commission made these comments in referring to the management of the Ministry of Justice by the former Director General, Mr Grant.
- (2) No. Chapter 2 of the interim report of the Royal Commission into the City of Wanneroo deals with matters that occurred within the Ministry of Justice in early to mid 1994. Hon Kevin Minson was not appointed as Minister assisting the Minister for Justice until 28 March 1995.
- (3) The findings outlined in the interim report of the Royal Commission into the City of Wanneroo which relate to the Ministry of Justice are currently being assessed.

#### WANNEROO INC - LAWRENCE, BRIAN

##### *King, David, Allegations*

2287. Mr BROWN to the Minister representing the Attorney General:

- (1) Further to question on notice 759 of 1996, does the Attorney General, in light of the evidence given at the Royal Commission into the City of Wanneroo, believe the answers he gave are still true?
- (2) If yes, why?
- (3) If no, will the Attorney General initiate an inquiry to ascertain why he was not provided with the correct information?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1)-(3) The findings outlined in the interim report of the Royal Commission into the City of Wanneroo which relate to the Ministry of Justice are currently being assessed to determine if further action is required.

CORRECTIVE SERVICES, DEPARTMENT OF - DIRECTOR OF PUBLIC PROSECUTIONS REPORT

2291. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Is the Minister aware of the report of the Director of Public Prosecutions into the former Department of Corrective Services?
- (2) Is the Minister aware that page 8 of the report deals with a meeting on 19 September 1994 and a second meeting involving the Deputy Commissioner of Police, the Assistant Commissioner (Crime Operations), the former Director General of the Ministry of Justice and other police and Ministry of Justice officers?
- (3) On what date was this second meeting held?
- (4) How many officers from the Ministry of Justice attended this second meeting?
- (5) What are the names and positions of those officers?

Mr MINSON replied:

- (1)-(2) Yes.
- (3)-(5) There is no record within the Ministry of Justice of the date of such a meeting nor of which officers attended such a meeting.

PRISONS - CANNING VALE; CASUARINA

*Section 9 Prisons Act Inquiries*

2292. Mr BROWN to the Minister representing the Attorney General:

Further to question on notice 3799 of 1995, is it true that one or more of the officers appointed to assist the section 9 inquiry officer sought to obtain information after 1 September 1995 by claiming to be authorised to do so under section 9 of the Prisons Act?

Mr PRINCE replied:

The Attorney General has provided the following information -

No.

PRISONS - CANNING VALE; CASUARINA

*Section 9 Prisons Act Inquiries*

2295. Mr BROWN to the Minister representing the Attorney General:

- (1) In answer to question on notice 1260 of 1995, did the Attorney General say the former Director General of the Ministry of Justice did not give directions, advice or suggestions about the conduct of the section 9 inquiries?
- (2) In light of the report of the Royal Commission into the City of Wanneroo, does the Attorney General stand by this answer?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1) Yes.
- (2) The Royal Commission into the City of Wanneroo did not inquire into any aspects of the section 9 inquiries.

JUSTICE, MINISTRY OF - ROWE, WILLIAM

2296. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Further to question on notice 1216 of 1995, did the Ministry of Justice prepare a response to the Will Rowe letter?
- (2) Will the Minister make that response publicly available?
- (3) If not, why not?

- (4) In light of the report of the Royal Commission into the City of Wanneroo, is the response prepared by the Ministry of Justice correct in every detail?
- (5) Does the Minister wish to revise the answer to (2) given by the former Minister for Justice?

Mr MINSON replied:

The Minister has provided the following information -

- (1) Yes.
- (2) No.
- (3) The report was supplied to the Public Service Commission as part of information relating to Mr Rowe and it is inappropriate for the information to be released.

JUSTICE, MINISTRY OF - FORMER DIRECTOR GENERAL DAVID GRANT

*Minister's Description of*

2297. Mr BROWN to the Minister representing the Attorney General:

- (1) Further to question on notice 45 of 1996, can the Attorney General advise if he is now able to answer (1) to (3) which were the subject of a letter from Mr Grant's solicitors?
- (2) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1)-(2) As previously indicated, these matters were the subject of a letter from Mr Grant's solicitors and the Attorney declines to answer the question.

PRISONS - CANNING VALE; CASUARINA

*Section 9 Prisons Act Inquiries*

2300. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Further to question on notice 326 of 1996, is the Minister now aware of any senior administration staff expressing concern regarding the conduct of certain aspects of the section 9 inquiries?
- (2) If yes, will the Minister now provide answers to (2) to (6)?
- (3) If no, why is the Minister unaware of the correspondence submitted by Mr Ian Vaughan to the previous Director General, Mr David Grant?
- (4) Does the Minister intend to -
- (a) take any further action in relation to this matter;
- (b) advise Parliament regarding the concerns of Mr Vaughan?

Mr MINSON replied:

The Minister has provided the following information -

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) No. The conduct of all the section 9 inquiries were described in the Director of Public Prosecutions' report as "appropriate and thorough".

JUSTICE, MINISTRY OF - CRIMINAL CHARGES AND COURT APPEARANCES IN RELATION TO ALLEGATIONS AND COMPLAINTS

2301. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Further to question on notice 1503, can the Minister advise what criminal charges have been laid and court appearances set in relation to -

- (a) allegations about the Masonic Lodge;
  - (b) matters raised by complaints to the police task force;
  - (c) abuse of the promotional system;
  - (d) bad administration of the investigation office;
  - (e) allegations of drug trafficking by prison officers;
  - (f) the influence of a prison clique known as the "purple circle"?
- (2) Did the intelligence unit of the Ministry of Justice play any part or provide any information on any of the matters referred to in (1)?
  - (3) Did Mr Barry Corse provide any unsubstantiated allegations to the Ministry of Justice on any of the matters contained in (1)?
  - (4) Was the Minister's answer to (1)(b) and (e)-(i) of question on notice 1503 of 1996 correct?
  - (5) If not, did the Minister unintentionally mislead the Parliament on the basis of information provided to him by the Ministry of Justice?
  - (6) If so, does the Minister intend to initiate an investigation into why he was not provided with the correct information?

Mr MINSON replied:

- (1)-(6) I can only reiterate the advice provided by the Attorney General in response to question 1503 in that the matters raised are sub judice and it would be inappropriate to comment until these matters have been determined in the court.

JUSTICE, MINISTRY OF - ANSWER TO QUESTION 1502

2304. Mr BROWN to the Minister representing the Attorney General:

- (1) Further to question on notice 1502 of 1996 and in light of the report of the Royal Commission into the City of Wanneroo, does the Government stand by the answer the Minister gave to this question, particularly the answer to (3)?
- (2) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1) Yes.
- (2) Not applicable.

JUSTICE, MINISTRY OF - ROYAL COMMISSION INTO THE CITY OF WANNEROO, HEARINGS  
ATTENDANCE

2305. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Further to question on notice 1465 of 1996, is it true that certain officers or staff of the Ministry of Justice were instructed or authorised to attend the hearings of the Royal Commission into the City of Wanneroo during work hours?
- (2) Is it true that certain officers and staff of the Ministry of Justice were paid by the Ministry of Justice for attending certain hearings of the Royal Commission into the City of Wanneroo?
- (3) If so, what division, section or unit were such officers attached to in the Ministry of Justice?

Mr MINSON replied:

- (1) Certain officers of the Ministry of Justice were subpoenaed to attend.
- (2) Only those officers who were subpoenaed to attend were paid by the Ministry of Justice during their period of attendance.

- (3) One officer was attached to the offender management division and the other was attached to the corporate services division.

PRISONS - PRIVATE, CHEAPER OPERATIONS INFORMATION TABLING

2308. Mr BROWN to the Minister assisting the Minister for Justice:

- (1) Will the Minister table his references to information which indicate private prisons operate at a rate of \$20 cheaper than the Western Australian prison system?
- (2) If not, why not?
- (3) Will the Minister adopt the Commission on Government's recommendations into full disclosure of all future contracts in regard to any services or prisons which are undertaken by the private sector?
- (4) If not, why not?

Mr MINSON replied:

- (1)-(2) To the best of my knowledge I do not recall stating that private prisons operate at \$20 a day per prisoner cheaper than the public prisons in Western Australia. *The West Australian* on 23 August stated, in response to my statement regarding WA prison costs of \$121 per day, "Industry sources say privately managed prisons cost less than \$100 per day . . ."
- (3)-(4) The State Supply Commission is currently reviewing the relevant areas of the Commission on Government recommendations with respect to the issue but no final position has been reached at this stage.

WATERWAYS - POLLUTION, FC BACTERIA READINGS; CANNING RIVER; SWAN RIVER

2316. Mr PENDAL to the Minister representing the Minister for the Environment:

- (1) Will the Minister confirm that a government sponsored "Ribbons of Blue" publication states that faecal coliform bacteria readings of >1 000 in waterways is a sign that the waterway is very polluted?
- (2) Will the Minister also confirm that FC bacteria enters waterways through discharge of sewage and from birds and animals?
- (3) Will the Minister confirm a City of Canning report on bacteriological samples from the Canning River on 24 June 1996, showing a reading of 52 000 on the saltwater side of the Kent Street weir; that is, 52 times the very polluted level?
- (4) Will the Minister confirm the levels on the freshwater side of the weir on this date were 43 000; that is, 43 times the very polluted level stated in the "Ribbons of Blue" publication?
- (5) Will the Minister confirm that the Canning City Council report of that day showed all other sampled sites hugely in excess of the tolerance level of 1 000, for example -
- (a) 17 000 at T.S. Canning, near Wilson;
- (b) 5 000 at Riverton Bridge;
- (c) 2 700 near Riverton Drive?
- (6) Will the Minister advise whether the samples, taken on 24 June 1996, have been urgently followed up by his department and agencies and, if so, with what result?
- (7) Can the Minister say why this sensitive part of the river has been subjected to a 52-fold level of pollution?
- (8) Has the Swan River Trust a view on this issue?
- (9) Will the Minister order an inquiry and undertake to present a ministerial statement to Parliament by Thursday of this week at the latest, on the health of the Canning River?
- (10) If not, why not?
- (11) Is any data available on the impact of this pollution on the Swan River?

Mr MINSON replied:

The Minister for the Environment has provided the following response -



- (1) Yes. The information appears in a table on page 53 of "Ribbons of Blue 'Environmental Awareness to Action' A water Quality Monitoring Program for Secondary School Students". The information is a simplification for students of the "Australian Water Quality Guidelines for Fresh and Marine Waters". These state that the median bacterial content in fresh and marine waters for secondary contact should not exceed 1 000 faecal coliform organisms per 100 ml in a minimum of five samples taken at regular intervals not exceeding one month, with four out of five samples containing less than 4 000 organisms per 100 ml.
- (2) Yes.
- (3) No. This level was recorded by the City of Canning but in the absence of results from sequential sampling cannot be considered significant.
- (4) As (3) above.
- (5) No. These levels were recorded by the City of Canning but in the absence of results from sequential sampling cannot be considered significant. The City of Canning did not undertake resampling to confirm the results obtained because the bacteriological sampling program was discontinued. The results were not made available to the Swan River Trust until 19 September 1996. FC are short-lived and by this time no effective follow-up was possible. However, the trust has discussed the results with City of Canning and Health Department officers. It is not considered that this set of winter results indicates a risk.  
  
Faecal coliforms are normally present in waterways, especially in those with urban and agricultural catchments. FC levels are usually elevated during winter when faecal material from livestock and domestic animals is washed into the river from agricultural areas, residential areas, streets and public parks. Higher than usual winter levels in June this year would be expected because of the higher than usual rainfall that occurred during May and June causing increased run-off. Integrated catchment management plans being developed for several parts of the Canning River catchment target ways of reducing contamination of the river by changing land use management practices. Elevated winter levels can also be indicative of contamination from septic systems when high ground water levels cause them to flood or reduce their effectiveness. This Government's infill sewerage program is addressing this problem. The response to the member's question is based on the advice of the trust.
- (6) No. The information presented in answer to the member's question adequately deals with the matter. The occurrence of elevated winter levels of FC in a waterway with an urban and agricultural catchment is normal and does not indicate that wildlife associated with the river is at risk.
- (7) Answer to question (5) deals with this.
- (8) The Swan River Trust has been assisting local government authorities to identify and control sources of pollution within their boundaries. It is recognised that during the first flush by winter rains, higher levels of coliform enter the river system. The source includes septic tanks and animal faeces - which can be a significant contributor. The trust is continuing to work with local government to identify sources and reduce pollution. The Government's infill sewerage program will reduce the pollution levels, not eradicate them. Even in forested and severed urban catchments there are elevated levels of coliforms associated with the winter rains.
- (9) No.
- (10) There is no necessity for an inquiry. The results were collected in June. The infill sewerage program and integrated catchment management will both lead to reduced bacteria levels in the river. However, rural activities in the catchment will continue to be a source of faecal contamination of the river.
- (11) No further coliform data has been collected since June 1996. Weekly monitoring by the SRT of the Canning River has not indicated any unusual water quality results.

SEXUAL ABUSE OF MINORS - EXTRADITION OF ALLEGED OFFENDERS FROM OTHER STATES  
GUIDELINES

2327. Dr WATSON to the Minister representing the Attorney General:

- (1) What are the guidelines for extradition from another State to Western Australia when there are claims of sexual abuse of minors?
- (2) Who makes the decision to bring alleged perpetrators back?
- (3) For what reason/s would a decision be made not to bring an alleged perpetrator back?

- (4) Why would a decision be made not to bring an alleged offender back who had pleaded guilty to offences in another State and had been released on personal bail to appear in a Perth court but failed to do so?

Mr PRINCE replied:

- (1) The guidelines for extradition from another State to Western Australia when there are claims of sex abuse of minors are the same as for any other offence and are contained in the Director of Public Prosecutions' "Statement of Prosecuted Policy and Guidelines" paragraphs 89-91 and the DPP's "Statement of Extradition Guidelines".
- (2) It is a function of the director to take steps to secure the extradition to Western Australia of persons required to answer a charge or to serve imprisonment imposed in WA.
- (3) A decision to return an alleged perpetrator to Western Australia is made on the facts of a particular case and having regard to the guidelines referred to above.
- (4) The question is hypothetical and cannot be answered without full facts.

#### RESOURCES (MINERALS AND ENERGY) - BOOM, IMPACT ON EMPLOYMENT

2348. Mr BROWN to the Minister for Resources Development:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on 14 September 1996 under the headline, "Boom Brings Few New Jobs"?
- (2) Has the Government carried out any research on two assertions made in the opening paragraphs of the article, namely -
- (a) Western Australia's \$206m resources boom could take several years to filter through to the rest of the economy;
- (b) when it (the resources boom) does arrive, the average West Australian should not expect the State's unemployment rate to fall or their income to rise as a result?
- (3) Does the research carried out by the Government confirm both of these predictions?
- (4) If not, what does the Government's research reveal?
- (5) Does government research confirm the comments made by the Director of Labour Market Research at Curtin University of Technology that "mining projects could have significant impact on employment in particular occupations at particular stages of development projects, but overall it was not a big employer"?

Mr C.J. BARNETT replied:

- (1) Yes.
- (2) (a) Yes.  
(b) No.
- (3) No.
- (4) The \$20b expected investment in resources projects is projected to take place over five years. Western Australia has the highest participation rate of all Australian States, rising by 0.5 per cent in August to 67.0 per cent - compared to 63.9 per cent nationally. Despite this, Western Australia's unemployment rate remains the lowest of all States at 7.7 per cent.
- (5) Sixteen per cent of the work force are directly employed in the resources area but research has established that employment multiplier effects of between 3 and 4 apply.

#### JUSTICE, MINISTRY OF - MANAGEMENT PROBLEMS, ROYAL COMMISSION INTO THE CITY OF WANNEROO FINDINGS

2352. Mr BROWN to the Minister representing the Attorney General:

- (1) In light of the interim report of the Royal Commission into the City of Wanneroo, does the Government now accept that as the royal commission said, the management of the Ministry of Justice was shocking?
- (2) If not, has the Government rejected those findings of the royal commissioner?

- (3) Has the Minister instigated any inquiry or investigation to determine the degree to which the former Attorney General was, or was not, informed of the serious problems in the Ministry of Justice?
- (4) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following information -

The findings outlined in the interim report of the Royal Commission into the City of Wanneroo which relate to the Ministry of Justice are currently being assessed.

PILBARA-BUNBURY GAS PIPELINE - SECOND PIPELINE LICENCE, SALE PRICES

2356. Mr RIPPER to the Minister for Energy:

For what range of prices could the State Government expect to sell a licence to build and operate a second Pilbara to Bunbury gas pipeline?

Mr C.J. BARNETT replied:

The question is hypothetical and no meaningful answer can be given. For the information of the member the Government does not sell pipeline licences. They are granted under the Petroleum Pipelines Act which provides for the setting of terms and conditions, which may include fees.

TAFE - STAFF GUIDE TO CENTRAL METROPOLITAN COLLEGE OF TAFE

2369. Ms WARNOCK to the Minister representing the Minister for Employment and Training:

- (1) Who authorised the publication and distribution of "Staff Guides to Central Metropolitan College of TAFE"?
- (2) Who printed the document?
- (3) What was the cost of printing the document?
- (4) Who authorised the e-mail advising that the document would be withdrawn from circulation and destroyed?
- (5) In view of the publication and sudden withdrawal from circulation of this document, how much confidence does the Minister have in the ability of the Central Metropolitan College of TAFE to successfully operate as an autonomous college?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) General Manager Corporate Services, Central Metropolitan College.
- (2) On Demand Pty Ltd.
- (3) \$4 000.
- (4) The General Manager Customer Services, Central Metropolitan College of TAFE.
- (5) The Minister for Employment and Training has complete confidence in the ability of Central Metropolitan College of TAFE to operate successfully as an autonomous college.

FREMANTLE TOURIST BUREAU - CLOSURE

2371. Mr LEAHY to the Parliamentary Secretary to the Minister for Tourism:

- (1) When did the Fremantle Tourist Bureau close?
- (2) For what reason did it close?
- (3) Who funded the bureau and what services did it provide?
- (4) What was the total budget for the bureau?
- (5) Who will be providing a tourist service in Fremantle?
- (6) What provision of the budget will be provided by the State Government?

- (7) What services will the new centre provide?
- (8) What contribution will the Fremantle City Council be making to the new centre?
- (9) Will the new centre have similar facilities and provide similar services to the WA Tourist Bureau in Perth?

Mrs PARKER replied:

The Minister for Tourism has provided the following response -

- (1)-(4) In June 1988 the Western Australian Tourism Commission provided the City of Fremantle an initial grant of \$18 500 to assist with the setting up of the Fremantle Visitor Information Centre. Since that "one-off" grant, no other moneys have been provided to the Visitor Information Centre or the City of Fremantle by the WATC. The commission is of the view that the centre's operations have always been funded by the City of Fremantle.
- (5) The City of Fremantle has contracted a private company to run a tourist information centre. The centre was originally supposed to open in September, however, the opening date is now more likely to be December 1996.
- (6) The Tourism Commission is not committed to providing the City of Fremantle any funds toward the operation of the tourist information centre. However, it is in the process of negotiating a strategic alliance with the Fremantle Tourism Association to provide it with a fee for service in exchange for the delivery of certain marketing activities including producing a Fremantle tourist guide and collecting and updating information on Fremantle for a statewide tourism product information database.
- (7) The Fremantle Tourist Information Centre will have a primary focus of providing a foreign money exchange service, however, it will also provide tourist information and a booking or reservation service.
- (8) Not known by the WATC - the City of Fremantle would need to provide.
- (9) Not known at this stage - the City of Fremantle and the Fremantle Tourism Association are meeting later this week with the contracted operator of the tourist centre to fine tune some of these issues.

#### ARTS WA - GRANTS TO THEATRE COMPANIES; PERFORMANCE WEEKS

2376. Dr CONSTABLE to the Minister representing the Minister for the Arts:

- (1) What was the grant from the Department of the Arts for each of the following theatre companies -
  - (a) Black Swan Theatre Company;
  - (b) Deckchair Theatre Company;
  - (c) Perth Theatre Company;
  - (d) Effie Crump Theatre Company;
  - (e) The Hole in the Wall Theatre Company;
  - (f) Spare Parts Puppet Company,
 in -
  - (i) 1994;
  - (ii) 1995;
  - (iii) 1996?
- (2) For each of these theatre companies, what was the total number of weeks of performance production, fully cast and staffed with Western Australian actors and theatre professionals for -
  - (a) 1994;
  - (b) 1995;
  - (c) 1996?
- (3) For each of these theatre companies, what was the total number of weeks of performance production, brought from outside Western Australia, for -
  - (a) 1994;
  - (b) 1995;
  - (c) 1996?

Mr NICHOLLS replied:

The Minister for the Arts has tabled the response. [See paper No 721.]

ENVIRONMENTAL PROTECTION AUTHORITY - TELECOM RALLY AUSTRALIA, ASSESSMENT

2380. Ms WARNOCK to the Minister representing the Minister for the Environment:

- (1) Is the Minister aware that in February 1994 the Environmental Protection Authority set a level of assessment for the Telecom Rally Australia at informal review with public advice?
- (2) Why is that advice not available to the public contrary to the written assurance of the Director of the Evaluation Division of the Department of Environmental Protection on 25 February 1994 in his letter to Mr Crockett?
- (3) Will the Minister provide a copy of the advice provided to the proponent in 1994 as required by an informal assessment?
- (4) If not, why not?
- (5) Why has the authority failed to provide public advice on this matter according to the requirements of the level of assessment determined by the authority?
- (6) Why is the Telecom Rally Australia event listed as a finalised informal assessment completed by the DEP in the EPA annual report for 1994-95 when public advice was not completed?
- (7) How many of the informal assessments listed in the 1994-95 EPA annual report, as completed, do not contain publicly available advice and are therefore incomplete?
- (8) What were the environmental issues raised by the Rally Australia proposal referred to by the Director of the Evaluation Division in his letter of 25 February 1994 to Mr Crockett?
- (9) Is Langley Park a C class or an A class reserve?
- (10) How many times was the grass and soil replaced in the race track area between 1994 and October 1996?
- (11) What was the cost of these repairs?
- (12) Who is responsible for funding these repairs?
- (13) Is the Minister aware that the outline of the rally circuit was visible this year from the previous year's event?
- (14) What action will be taken to prevent the re-occurrence of the smell of anaerobic decomposition of soil and grass following the 1996 rally?
- (15) Has there been any monitoring of the condition of Langley Park following the use of this location by Rally Australia?
- (16) If not, why not?
- (17) Will the Minister provide a copy of any reports relating to this monitoring?
- (18) Why has Langley Park become increasingly waterlogged after subsequent rallies?
- (19) Why has the Rally Australia circuit not been alternated from site to site within Langley Park to avoid compounding degradation?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) No written advice was provided by the Department of Environmental Protection to the organisers of Rally Australia in 1994. In reviewing the project, the department found that there were no new environmental issues associated with the event, which had not been addressed in previous advice. As previous events had been carried out in an environmentally acceptable manner, the department did not consider it necessary to repeat the advice.
- (3)-(4) Not applicable.
- (5) The Department of Environmental Protection is not required to provide advice for proposals subject to informal review. Advice is only provided if it is considered necessary following the review.

- (6) The Telecom Australia Rally event was listed as a finalised informal assessment as the Department of Environmental Protection had completed its informal review and determined that written advice was not required.
- (7) All advice provided to proponents for informal assessments listed in the 1994-95 EPA annual report is publicly available through the Department of Environmental Protection.
- (8) The environmental issues raised by the Rally Australia proposal were -  
 washing down of vehicles in dieback areas in compliance with CALM's Dieback Policy (1982);  
 reducing noise to acceptable levels by having vehicles comply with the Vehicle Standards Regulations (1977) and having to obtain temporary registration in Western Australia;  
 floodlighting to be oriented so that no direct illumination of any other premise occurs; and  
 public address systems adjusted so that no excessive noise is created
- (9) Langley Park is an A class reserve vested in the City of Perth.
- (10)-(12) These questions should be referred to the City of Perth.
- (13) No.
- (14)-(15) These questions should be referred to the City of Perth.
- Note: The DEP understands that the City of Perth has carried out compaction testing to determine whether the event is impacting on the park's soils. The department understands that the city has found that there is no difference in compaction between the track area and the rest of the park. This is an amenity issue which is appropriately addressed by the city.
- (16) Not applicable.
- (17) This question should be referred to the City of Perth.
- (18) Langley Park has reasonably heavy silty soils and a high ground water table, and is affected by Swan River tidal fluctuations. These factors make it prone to waterlogging. I am not aware of any information to indicate that the park is becoming increasingly waterlogged after subsequent rallies.
- (19) This question should be referred to the City of Perth.

BOARDS AND COMMITTEES- WOMEN APPOINTMENTS; MEN APPOINTMENTS

2404. Dr WATSON to the Minister representing the Minister for Employment and Training:

- (1) How many women are on boards and committees in the Minister's administration?
- (2) How many men are on boards and committees in the Minister's administration?
- (3) How many women have been appointed since October 1995?
- (4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following response -

- (1) 76.
- (2) 149.
- (3) 24.
- (4) One.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2407. Dr WATSON to the Minister representing the Minister for Transport:

- (1) How many women are on boards and committees in the Minister's administration?

- (2) How many men are on boards and committees in the Minister's administration?
- (3) How many women have been appointed since October 1995?
- (4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

Department of Transport:

- (1) 22.
- (2) 120.
- (3) 17.

Note: Figures include external membership.

Main Roads Western Australia:

(1)-(3) In so far as Main Roads is concerned there are no statutory boards or committees involved.

MetroBus:

- (1) One.
- (2) Five.
- (3) Nil.

Eastern Goldfields Transport Board:

- (1) Nil.
- (2) Five.
- (3) Nil.

Westrail:

- (1) Six.
- (2) 114.
- (3) Four.

Fremantle Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.

Albany Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.

Bunbury Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.

Dampier Port Authority:

- (1) Nil.
- (2) Four.
- (3) Nil.

Esperance Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.

Geraldton Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.

Port Hedland Port Authority:

- (1) Nil.
- (2) Five.
- (3) Nil.
- (4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2410. Dr WATSON to the Parliamentary Secretary to the Minister for Parliamentary and Electoral Affairs:

- (1) How many women are on boards and committees in the Minister's administration?
- (2) How many men are on boards and committees in the Minister's administration?
- (3) How many women have been appointed since October 1995?
- (4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr SHAVE replied:

The Minister for Parliamentary and Electoral Affairs has provided the following reply -

- (1)-(4) None. There are no committees and boards under the Parliamentary and Electoral Affairs portfolio.

PORT HEDLAND - ACCOMMODATION STUDY BY NARALUP ASSOCIATES, RECOMMENDATION 7

2414. Mr GRAHAM to the Minister for Water Resources:

- (1) Is the Minister aware of recommendation 7 of the Accommodation Study for the Town of Port Hedland by Naralup Associates dated December 1995?
- (2) If not, why not?
- (3) If so -
  - (a) on what date did the Minister become aware of the recommendation;
  - (b) what action/s did the Minister take to implement recommendation 7;
  - (c) on what date did the Minister take the action/s?

Mr NICHOLLS replied:

- (1) No.
- (2) Issues of this nature are dealt with by the Infrastructure Co-ordination Committee, which is a statutory body of the WA Planning Commission comprising CEOs of various departments.
- (3)
  - (a) Not applicable.
  - (b) The Water Corporation, on behalf of the Minister, has scheduled the construction of infill sewerage areas Port Hedland 9B and 10A for construction in the 1997-98 and 1998-99 financial years. This project will provide a sewerage service for 216 properties in the area west of Acton Street.
  - (c) In mid 1995, an area in the centre of Port Hedland was identified as requiring infill sewerage. Subsequently this was amended to the area west of Acton Street.

BUS SERVICES - CAT BUSES; TRANSPERTH BUSES FITTED WITH PARTICULATE FILTERS;  
CATALYTIC CONVERTERS

2424. Dr EDWARDS to the Minister representing the Minister for Transport:

- (1) Are the new CAT buses fitted with particulate filters?
- (2) If not, why not?
- (3) Are the new CAT buses fitted with catalytic converters?
- (4) If not, why not?



- (5) Are exhaust gas emission details available for the new CAT buses?
- (6) If so, what are the emission schedules for the CAT buses?
- (7) Are all Transperth diesel buses fitted with catalytic converters?
- (8) If not, why not?
- (9) Are all Transperth diesel buses fitted with particulate filters?
- (10) If not, why not?
- (11) Are all Transperth LPG buses fitted with catalytic converters?
- (12) If not, why not?
- (13) Are all Transperth LPG buses fitted with particulate filters?
- (14) If not, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) The CAT buses are not fitted with particulate filters.
- (2) The DAF 156M engine used in the CAT bus produces exhaust emissions which fall well below the EURO 2 standards without the need for particulate filters. These particulate filters have a finite life, are large and therefore difficult to fit in the continued area under the vehicle and they require additional maintenance. There is doubt about their effectiveness with EURO 2 engines.
- (3) The CAT buses are not fitted with catalytic converters.
- (4) The three way catalytic converter is more commonly used to control exhaust gases from petrol engines rather than diesel engines manufactured to the EURO 2 standards.
- (5) Yes, see below.
- (6) The emissions levels generated by the CAT buses operating on standard diesel fuel with a sulphur content of up to 0.2 per cent by weight are -

CO	0.9	g/kWh
HC	0.7	g/kWh
NOx	6.6	g/kWh
Particulate	0.15	g/kWh

The maximum emission levels allowed under EURO 2 regulations are -

CO	4.0	g/kWh
HC	1.1	g/kWh
NOx	7.0	g/kWh
Particulate	0.15	g/kWh

The two tables show that the CAT bus emissions are significantly lower than those required under the EURO 2 regulations in all areas, except of particulate emission where it still meets the regulation while operating on standard diesel fuel.

- (7),(9) No.
- (8),(10) Newly acquired Transperth buses have never required particulate filters or catalytic converters in order to meet the emission standards of the day.
- (11),(13) No.
- (12),(14) There are only two buses operating on liquid petroleum gas in the Transperth fleet and these were first converted in 1980, as trials, to determine whether alternative fuels could be utilised in a public transport fleet. Since that time additional trials using compressed natural gas have been undertaken and there are currently 45 buses operating on CNG. Particulate filters and catalytic converters for LPG and CNG engines are not considered necessary with the "lean burn" technology of the current range of CNG engines.

## SWAN RIVER TRUST ACT - REVIEW, TABLING DATE

2427. Dr EDWARDS to the Minister representing the Minister for the Environment:

- (1) When will the Swan River Trust Act Review be tabled in Parliament?
- (2) What was the cost of the review?
- (3) What has caused the delay in tabling?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

- (1) Within the current session.
- (2) \$30 122.
- (3) Completion of the Swan River Trust Act review coincided with the restructuring of the water industry that culminated in the establishment of the Water and Rivers Commission in January 1996.

The Commission, which is responsible for supporting the operations of the trust, has since been working on improving the support provided to the trust.

## POLICE AND CITIZENS' YOUTH CLUBS - BELMONT APPLICATION

2446. Mr RIPPER to the Minister for Police:

When will a decision be made on Belmont's application to have an official Police and Citizens' Youth Club in the district?

Mr WIESE replied:

I am advised by the Commissioner of Police that the proposed City of Belmont Police and Citizens' Youth Club will commence operating and be affiliated with the Federation of Western Australian Police and Citizens' Youth Clubs (Inc) on 1 January 1997.

WESTERN AUSTRALIAN DEPARTMENT OF TRAINING - TECHNICAL COLLEGE, KIARA SITE,  
PROPOSAL

2448. Mr BROWN to the Minister representing the Minister for Employment and Training:

- (1) Is the Government prepared to give any consideration to constructing an educational facility at the site earmarked for a technical college on the corner of Morley Drive and Bottlebrush Drive, Kiara?
- (2) Does the Government have under consideration any proposal or tentative proposal to construct an educational facility at that site?
- (3) Will the Minister support proposals by the local community to have that site set aside for an educational facility or a possible educational facility in future years?

Mr C.J. BARNETT replied:

The Minister for Employment and Training has provided the following reply -

- (1) The Western Australian Department of Training undertook analysis of the Kiara, Balga and Midland regions. The strategic analysis concluded that the Kiara land was surplus to requirement and that the site be relinquished to LandCorp. The department's existing colleges at Balga and Midland will cater for future regional growth.
- (2) No.
- (3) The vocational educational needs of the local community will be catered for by the Western Australian Department of Training Colleges at Balga and Midland.

## CONCRETE BATCHING PLANT - EAST PERTH, DECISION; COMPENSATION

2459. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) Has Boral Concrete sought compensation from the State Government for any decisions made by the Minister in relation to the concrete batching operations of Boral in East Perth?

- (2) If so, what is the nature of the compensation sought?
- (3) What is the department's estimation of the value of the compensation sought?
- (4) Is the Minister aware of any intent by Boral to seek compensation?
- (5) Is the Minister aware of any intention by Pioneer Concrete Pty Ltd to seek compensation from the State Government in relation to concrete batching operations?
- (6) If so, what is the nature of the compensation being sought?
- (7) What is the department's estimation of the value of compensation being sought?
- (8) What reasons have been given by Pioneer for seeking compensation?
- (9) Is the Minister aware of any intention by CSR Readymix to seek compensation from the State Government in relation to concrete batching operations?
- (10) If so, what is the nature of the compensation being sought?
- (11) Why is CSR Readymix seeking compensation?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) The land was resumed on 18 October 1996 for the city northern bypass project. The company had a lease from Westrail for the use of the land and is seeking compensation for lease termination.
- (2)-(4) Main Roads is negotiating compensation for termination of the lease with the company.
- (5) Land has been resumed from Pioneer Concrete on 18 October 1996 for the city northern bypass project and the company is seeking compensation.
- (6)-(8) Compensation is being negotiated between Main Roads and the company to cover loss of land and facilities.
- (9) Land has been resumed from CSR Readymix on 18 October 1996 for the city northern bypass project and the company is seeking compensation.
- (10)-(11) Main Roads is negotiating with the company on compensation to cover loss of land and facilities.

#### FAMILY AND CHILDREN'S SERVICES - PILOT FAMILY PRESERVATION PROGRAM, FUNDING

2462. Mr BROWN to the Minister for Family and Children's Services:

- (1) Has the Government provided funds for a pilot family preservation program or similar sounding program?
- (2) How much has been provided?
- (3) What organisation or organisations received the funds?
- (4) Were tenders called for the project?
- (5) If not, why not?
- (6) How was the selection made of the organisation to receive the funds?
- (7) Were any other organisations considered?
- (8) If not, why not?
- (9) Who made the decision(s) on the allocation of funds for this project?
- (10) Has the pilot program been evaluated?
- (11) Did the evaluation show the pilot program was successful?
- (12) Will the evaluation be publicly released?
- (13) If so, when?

Mrs EDWARDES replied:

- (1) Yes.
- (2) \$60 000.
- (3) Parkerville Children's Home (Inc).
- (4) No.
- (5) The project was a pilot project, viewed as additional funding to an existing funded service.
- (6) The organisation developed the pilot project as a proposal to extend its service.
- (7) No.
- (8) It was considered to be an extension of an existing service.
- (9) The Minister for Family and Children's Services on the advice of the department.
- (10) Yes, at three months.
- (11) The information showed initial indications of success.
- (12) No.
- (13) Not applicable.

WESTRAIL - PERTH-MIDLAND RAILWAY LINE, WORK FROM MIDNIGHT-5.00 AM

2463. Dr EDWARDS to the Minister representing the Minister for Transport:

- (1) Why is work being done on the Perth to Midland railway line from midnight to 5.00 am?
- (2) What wage savings are there from the work being done in these hours?
- (3) Can the work be carried out earlier or at any other time?
- (4) What notification was given to the residents living in the immediate area?
- (5) How many complaints have been received?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Scheduled maintenance work was carried out on the Midland line overhead catenary between 8 October and 18 October 1996. As the electricity supply must be disconnected while this type of work is in progress, the work was undertaken during the time between the running of the last train service at night and the first train service in the morning.
- (2) None.
- (3) The work cannot be carried out at any other time without disrupting suburban passenger train services.
- (4) Notification to residents was not considered necessary. The work does not generate obstructive noise.
- (5) One.

WASTEWATER TREATMENT PLANTS - NOT COMPLYING WITH DEPARTMENT OF ENVIRONMENTAL PROTECTION LICENCE CONDITIONS

2464. Dr EDWARDS to the Minister for Water Resources:

- (1) In the year 1995-96 -
  - (a) how many country wastewater treatment plants;
  - (b) how many city wastewater treatment plants,
 failed to comply with Department of Environmental Protection licence conditions?
- (2) What was the magnitude of non-compliance?
- (3) In general, what caused the non-compliance?

Mr NICHOLLS replied:

- (1) (a)-(b) In the year 1995-96 there were in total 80 country wastewater treatment plants and nine metropolitan wastewater treatment plants. Of these, there were seven country wastewater treatment plants that failed to comply with Department of Environmental Protection licence conditions. All the metropolitan wastewater treatment plants complied with the licence conditions.
- (2) The magnitude of non-compliance was considered to be low and to have minimal impact on the environment. Where effluent quality did not meet licence conditions, it was generally not for long periods of time and discharge levels were only marginally exceeded.
- (3) In general, non-compliance was caused by exceeding effluent quality discharge limits or minor hydraulic overloading.

#### WESTRAIL - PENSIONERS' FREE TRIP, RESTRICTION

2473. Dr WATSON to the Minister representing the Minister for Transport:

- (1) With reference to the Legislative Council Standing Committee on Constitutional Affairs and Statute Revision report in relation to a petition objecting to the Government's decision to restrict use by pensioners of their free Westrail entitlement during holiday periods, on what basis did the Minister argue that a return to unrestricted free travel vouchers cannot be justified?
- (2) What kind of social impact will such a decision have on seniors and their families?
- (3) What kind of information has been sent to those categories of people previously eligible for concessional travel, including holidays?
- (4) What travel concessions are available for pensioners and under what circumstances?
- (5) Will the Government implement all of the recommendations of the report?
- (6) If not, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) In recent years there has been a growing demand for travel, especially during school vacation periods, by both fare paying passengers and pensioners using their free travel entitlements, which has significantly increased the occupancy rate on Westrail's services. In the past, spare capacity was available on most of Westrail's services to accommodate free pensioner travel; however, with the recent increase in demand for seats, this is no longer the case, and had Westrail not placed restrictions on free pensioner travel during peak travel times, paying passengers would have been denied travel. While the restrictions will encourage people to use their free trip entitlement in other than school vacation periods, concession card holders are still able to travel on Westrail services without restrictions during these periods using their 50 per cent travel concession. Also, any seats remaining unsold 24 hours prior to departure are available for free pensioner travel on a stand-by arrangement.
- (2) None. Travel at 50 per cent concession is still available to pensioners.
- (3) Information concerning the restrictions placed on free pensioner travel was disseminated through the media.
- (4) Unrestricted travel at 50 per cent concession.  
  
One free return journey or two free single journeys each calendar year - not available during school vacation periods; however, under a stand-by arrangement, any seats remaining unsold 24 hours prior to departure are available for free pensioner travel.
- (5) Westrail is reviewing the issues associated with the restrictions. Whether or not the recommendations will be adopted will not be known until March/April 1997.
- (6) Not applicable.

#### TRAFFIC ACCIDENTS - ON COUNTRY HIGHWAYS, REDUCTION ACTION

2480. Dr WATSON to the Minister representing the Minister for Transport:

- (1) What action has been taken to reduce serious and/or fatal vehicle accidents on country highways?

- (2) Which stretches of which highways are acknowledged to be the most dangerous by virtue of serious and/or fatal accidents?
- (3) What consideration has been given to -
- (a) reducing night time speeds;
  - (b) training for night time driving;
  - (c) fitting coloured lights to road trains?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)-(2) Main Roads closely monitors all reported crashes on all public roads and investigates appropriate treatments to improve safety. These treatments are then included on the annual works program and considered in order of hazard. The most hazardous locations are given the highest level of priority.
- (3) (a) Night time speed of vehicles must be considered in the total context of traffic control.
- (b) I recognise that driver training and education need to be substantially improved in Western Australia and the Office of Road Safety in the Department of Transport has been set up and a driver training and education task force has examined all facets of this issue. We recognise that there is a need to increase the amount and variety of training during both learner and post learner - up to full licence - period. The provision of this practice and experience including the need for training for night time driving will be part of the total driver training regime.
- (c) All road train trailers in Western Australia are required to be fitted with the lamps applicable to each trailer as if it was used individually. This means that each trailer is fitted with red and amber side marker lamps, tail lights, stop lamps and directional indicators. These lighting arrangements conform with national standards. Similarly the prime mover is fully equipped with these lamps and in addition forward facing lamps at roof height to indicate the width of the vehicle. The cab may also have five forward facing lamps fitted across it.

#### POLICE SERVICE - SEXUAL ASSAULTS, PREVENTION INITIATIVES

2483. Dr WATSON to the Minister for Police:

- (1) Further to question on notice 155 of 1996, in order to "prevent violent and sexual assaults" has the Government/Police Service undertaken any initiatives to change the behaviour of men who may perpetrate these assaults (in a similar way to police advertising directed to young women)?
- (2) If yes, what are they?
- (3) If not, why not?

Mr WIESE replied:

The Commissioner of Police has advised as follows:

- (1) No. Police are not involved directly.
- (2) Not applicable.
- (3) A core function of the Police Service is the prevention and control of crime and maintenance of the peace. The responsibility for behavioural changes in men who perpetrate violence and sexual assaults lies primarily with the Ministry of Justice which it addresses through community based correction programs. The Government through the Domestic Violence Prevention Unit, in conjunction with concerned government agencies, including the Police Service, is looking at initiatives to address this problem, such as an advertising campaign directed at men.

#### POLICE SERVICE - ANGEL, JEANIE, ARREST CASE

2484. Dr WATSON to the Minister for Police:

- (1) Further to the findings by the Select Committee on the Western Australian Police Service, of the Legislative Council, regarding the arrest and charging of Jeanie Angel, is the Minister, Commissioner of Police or the Ombudsman inquiring into those events concerning allegations against police?
- (2) If not, why not?

(3) If so, when will the report be released?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

- (1) The Police Service is not inquiring into the arrest and charging of Ms Angel.
- (2) Following the charging of Ms Angel, two police investigations were conducted into the circumstances leading up to her arrest. The file has since been reviewed, the review having identified no further issues requiring investigation.
- (3) Not applicable.

Note: The matter of compensation, mentioned in the select committee's report, is presently being considered by the Government.

HAWKEVALE BUSHLAND SITE - SWAN LOCATION 7561, HIGH WYCOMBE, REMNANT BUSHLAND

2485. Mrs ROBERTS to the Minister for Planning:

- (1) Does the Minister acknowledge that a major portion of the Hawkevale bushland site, Swan location 7561, in High Wycombe has been identified by the Department of Environmental Protection, the Department of Conservation and Land Management and the Ministry for Planning as being a regionally significant area of Perth's remnant bushland?
- (2) If not, why not?
- (3) Does the Minister agree that a sustainable portion of the remnant jarrah/banksia woodland at this location, identified as the most species rich of 700 floristic survey bushland sites on the coastal plain, is worthy of preservation?
- (4) If not, why not?
- (5) Why has the State Government not moved to preserve a sustainable portion of the Hawkevale bushland site?
- (6) Would the Government be prepared to facilitate a land swap between the Activ Foundation and neighbouring property owners by compensating those property owners for a loss of the option to subdivide?

Mr LEWIS replied:

- (1) I am aware that vegetation on part of Swan location 7561 High Wycombe has been identified as having some significant value.
- (2) Not applicable.
- (3) See answer to (5).
- (4) Not applicable.
- (5) The land to which the member's question refers is currently subject to a rezoning and a decision on the future of the vegetation on the site will be made in accordance with the normal process, taking into account the views of council and the landowners and other relevant information relating to the vegetation and historical planning commitments on the site.
- (6) Realistic options will be considered at the appropriate time as outlined in my answer to question (5).

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - NOXIOUS INDUSTRY (MULCHING), LOTS 1 AND 2, JOHNSON ROAD, CANNING VALE

2489. Dr WATSON to the Minister representing the Minister for the Environment:

Further to the Minister's answer to question on notice 2257 of 1996, parts (3) and (4), how can the Department of Environmental Protection justify the application for a noxious industry (mulching) on Lots 1 and 2, Johnson Road, Canning Vale?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

A proposal for a soil blending operation on Lots 1 and 2 Johnson Road, Canning Vale will be assessed by the EPA at the level of consultative environmental review. There have been discussions between the proponent and the department; however, I understand the CER document has not been formally submitted for assessment yet. It is not for the department to justify the application for a soil blending site - it is responding to a proponent's request to the EPA to have a project assessed. If and when the CER is submitted a full public environmental assessment process will be followed. In accord with the answer to question on notice 2257 of 1996 the department and the Water and Rivers Commission are continuing in their efforts to identify suitable alternative sites for those industries away from the proposed ground water protection areas.

#### RAILWAYS - RAILWAY STATIONS CONSTRUCTION PROPOSALS, LOCATIONS

2490. Dr WATSON to the Minister representing the Minister for Transport:

On which lots of land, or on which road/rail junctions, will proposed railway stations be built for -

- (a) Thornlie;
- (b) Nicholson Road;
- (c) Canning Vale;
- (d) Jandakot Airport;
- (e) South Lakes;
- (f) Thomsons Lake;
- (g) Bartram Road;
- (h) Banjup North;
- (i) Banjup South;
- (j) Anketell;
- (k) Thomas Road?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

For the most part, of the actual station - namely, the platforms - will be contained within the railway reserve currently reserved in the metropolitan region scheme. It is the ancillary station facilities such as bus transfer facilities, car parking for park and ride passengers and the like which will be accommodated outside the railway reserve. Also access roads and pedestrian ramps to the station platforms are sometimes required to be taken over property which is adjacent to the rail reserve. The information provided for each station location below includes land required for ancillary facilities. It should be noted that the station designs so far completed are only regarded as conceptual and may be modified at the detailed master planning stage. Not all locations have conceptual designs completed.

Thornlie Station: Station platform likely to be within the rail reserve under the future Spencer Road railway bridge. Ancillary facilities located on lot 3 Southdown Place and property acquired or to be acquired as part of the Spencer Road widening in the metropolitan region scheme, namely lots 20, 21, 22, 23, 217, 218, 219, 220 just south of the railway reserve.

Nicholson Road Station: Station and ancillary facilities located in the railway reserve, part of Nicholson Road reserve and parts of lots 56 and 57 Nicholson Road.

Canning Vale Station: Station and ancillary facilities located in railway reserve, part of Ranford Road reserve and parts of lots 74, 72 and 502 Ranford Road.

Jandakot Airport Station: (No conceptual design yet completed). Station and ancillary facilities will likely be located in railway reserve, part of Karel Avenue road reserve and parts of lots 1 and 5 Hope Road.

South Lakes Station: Station and ancillary facilities located in railway reserve, part of Kwinana Freeway reserve and part of lot 3 Semple Court and part of lot 155 Berrigan Drive.

Thomson's Lake Station: Station and ancillary facilities located in railway reserve, part of Kwinana Freeway reserve and part of lot 227 Forrest Road.

Bartram Road Station: Station and ancillary facilities in railway reserve, part of Kwinana Freeway reserve, part of a drainage reserve and part of lot 9 Bartram Road.

Banjup North Station: (No conceptual design yet completed). Station and ancillary facilities will likely be located in railway reserve, part of Kwinana Freeway reserve, part of a SECWA power line reserve and part of lot 212 Gibbs Road.



Banjup South Station: (No conceptual design yet completed). Station and ancillary facilities will likely be located in railway reserve, part of Kwinana Freeway reserve, part of SECWA powerline reserve and part of lot 301 Rowley Road.

Anketell Station: (No conceptual design yet completed). Station and ancillary facilities will likely be located in railway reserve, part of Kwinana Freeway reserve, the remaining part of lot 670 and part of lot 671 Anketell Road.

Thomas Road Station: Station and ancillary facilities located in railway reserve, part of lot 1202 and part of lot 1216.

POLICE SERVICE - RESTRAINING ORDER BREACHES

2490. Dr WATSON to the Minister for Police:

How many restraining order breaches were recorded during 1995-96?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

There were 742 breaches of restraining orders recorded during 1995-96.

RESTRAINING ORDERS - FOR DOMESTIC VIOLENCE SOUGHT BY WOMEN

2494. Dr WATSON to the Minister representing the Attorney General:

How many women sought restraining orders for domestic violence in 1995-96 in -

- (a) the metropolitan area;
- (b) rural Western Australia?

Mr PRINCE replied:

The Attorney General has provided the following reply -

The total number of restraining order applications during 1995-96 were -

- (a) metropolitan area 4 460
- (b) rural Western Australia 2 637.

Statistics relating to the reason for restraining order applications and the gender of applicants are not maintained.

WESTRAIL - SECURE CAR PARKING, WARWICK AND EDGEWATER RAIL STATIONS, CONTRACTS

2497. Mrs ROBERTS to the Minister representing the Minister for Transport:

- (1) Will the Minister advise if the successful tenderer to provide secure car parking facilities at Warwick and Edgewater rail stations is operating the facilities in accordance with the specifications set out in the tender conditions?
- (2) If not, how have the conditions been varied and why?
- (3) Has Westrail made any financial payments to the successful tenderer?
- (4) If yes, how much and what for?
- (5) Has Westrail financially compensated the successful tenderer, because the parking fee at the secure parking facilities at Warwick and Edgewater rail stations has been decreased from \$1.80 to \$1.00 per day?
- (6) If yes, how much compensation has been paid?
- (7) When do the current contracts for secure parking at Warwick and Edgewater rail stations expire?
- (8) Will Westrail call for tenders before new contracts are entered into for these two rail stations?
- (9) If not, why not?
- (10) Who will own the parking equipment, attendant's booth, security fencing and other property used to provide the secure parking facilities at Warwick and Edgewater rail stations when the current contract expires?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

- (1)-(2) Secure car parking was introduced at Warwick and Edgewater railway stations on a trial basis. As a result of the passenger demand determined from those trials, the following changes to the conditions contained in the original tender have been made -

The area of the secure car park at Warwick railway station was reduced from 627 bays to 527 bays in October 1995, and from 527 bays to 400 bays in April 1996.

The daily parking fee for secured parking at Warwick and Edgewater railway stations has been reduced from \$1.80 to \$1.00 per day.

The secure car parks at Warwick and Edgewater have ceased to operate on weekends and public holidays.

The provision of secure car parks at other stations on the suburban railway will not proceed until the success of the changes made at Warwick and Edgewater can be measured.

- (3) Yes.
- (4) Westrail reimbursed the operator the sum of \$10 716 being the cost of work to reduce the size of the secure car park at the Warwick railway station from 627 bays to 527 bays. The work included relocation of the attendant's booth, ticket issuing facilities and boom gates.
- (5) No.
- (6) Not applicable.
- (7) April 1997.
- (8) Yes.
- (9) Not applicable.
- (10) Westrail.

#### WESTRAIL - REDEPLOYEES NOTIFIED OF OTHER PUBLIC SECTOR VACANCIES

2501. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Does Westrail notify its redeployees of other vacancies in the Public Service?
- (2) If so, are redeployees so notified each -
- (a) week;
  - (b) month;
  - (c) quarter - of a year?
- (3) What method is used by Westrail to keep redeployees so informed?
- (4) Are redeployees forwarded this advice to their home address?
- (5) If not, why not?
- (6) Does the Westrail or government personnel section keep regular contact with redeployees?
- (7) How often are redeployees contacted?
- (8) What efforts are made to find a permanent position for redeployees?
- (9) Have some redeployees been employed on numerous jobs on a month to month or quarterly basis?
- (10) Will the Government step up its efforts to find positions for redeployees in the public sector?
- (11) If not, why not?
- (12) If so, what additional measures will the Government take?
- (13) When will these measures be taken?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

My answer to this question is based on the definition of a redeployee being an employee who is registered with the Public Sector Management Office in accordance with the Public Sector Management (Redeployment and Redundancy) Regulation 1994.

- (1) Yes.
- (2)-(3) Registered Westrail employees are provided with details of suitable vacancies in the Public Service where a match exists between their skills and experience and the requirements of the position in accordance with the regulations. This information is made available at the time a vacancy is identified. The Public Service "Intersector Magazine", which lists Public Service vacancies, is also made available to all employees. The magazine is distributed each fortnight.
- (4) Registered employees who are away from the workplace are advised by telephone of any suitable vacancies that become available.
- (5) Not applicable.
- (6)-(7) Contact varies between individuals. Generally redeployees who receive a high rate of contact are those who are best suited to the available vacancies because of their skills and experience. Because there is less opportunity to place redeployees who do not have high skills and experience levels, contact with these employees can be less frequent. However, where possible such employees are encouraged to participate in programs to increase their skills to improve their chances of securing a redeployment position.
- (8) Westrail has appointed a full time redeployment coordinator, who has a close liaison with the Public Sector Management Office to ensure that all Westrail redeployees are given every opportunity to be considered for suitable positions within their scope of skills and experience.
- (9) No redeployees have been employed with numerous employers.
- (10)-(13) There is no requirement to provide additional measures to those already in place.

FAMILY AND CHILDREN'S SERVICES - YOUTH AGENCIES, FUNDING

2503. Mr BROWN to the Minister for Family and Children's Services:

- (1) What was the total amount allocated to youth agencies or agencies that support young people in the 1995-96 financial year?
- (2) How many agencies were provided with funds?
- (3) Were any agencies provided with funds in the 1994-95 financial year not provided with ongoing funds in the 1995-96 financial year?
- (4) If so, what are the names of these agencies?

Mrs EDWARDES replied:

- (1) \$8.4m.
- (2) 201.
- (3) Yes.
- (4) The following lists agencies other than those receiving youth development holiday program funds. Youth development holiday program funds are provided as one-off amounts to run holiday programs and do not constitute ongoing funding.

Agency	Current Status
Social & Community Services IETC	Ceased - Commonwealth/State Funding Agreement ceased
City of Rockingham Child & Youth Care Trust	Service relocated, funds continue in the youth area
Derby Community Youth Centre	Funds transferred to a different agency
Esperance Youth Headquarters	New service being sought through RFP process
Fremantle Youth Centre Association	Funding transferred to City of Fremantle
Goldfields Youth Action Centre	New service sought through RFP process
Hedland Senior High School	Funds transferred to another service
Laverton Youth Service	New service sought through RFP process
Shire of Carnarvon Detached Youth Service	Funds transferred to Exmouth family service

Shire of Manjimup  
East Kimberley Youth Coordination  
Service

New service sought through RFP process  
New service sought through RFP process

JUSTICE, MINISTRY OF - CRICHTON-BROWNE, SENATOR NOEL; TITELIUS, RICHARD

2504. Mr BROWN to the Minister representing the Attorney General:

- (1) In answering questions on notice 631 and 1275 of 1996, was the Attorney General aware of a memorandum written by the Acting Court Administrator dated 19 September 1995 as a result of a conversation with Senator Noel Crichton-Browne?
- (2) If not, does the Attorney General wish to revise any of the answers he gave to the previous questions on notice?
- (3) If so, in what way does the Attorney General wish to revise the answers?
- (4) Is it true that government officers gave no information on Richard Titelius to Senator Noel Crichton-Browne or any person acting or purporting to act on his behalf?
- (5) If not, what information was provided?
- (6) Who provided the information?
- (7) Was the information provided at a time when Mr Titelius was charged with a disciplinary offence?

Mr PRINCE replied:

The Attorney General has provided the following information -

- (1)-(2) No.
- (3) Not applicable.
- (4) No.
- (5) Information concerning Mr Titelius's involvement in a previous request for a copy of a restraining order.
- (6) Acting Court Administrator.
- (7) Yes.

#### TRADE GROWTH - WESTERN AUSTRALIA AND INDONESIA

2511. Mr BROWN to the Minister for Commerce and Trade:

To what extent has trade grown between Western Australia and Indonesia in each of the last eight financial years?

Mr COWAN replied:

Total Western Australian trade with Indonesia has increased over the last eight years. Exports have been growing consistently over the last eight years in contrast to imports which have exhibited an erratic annual growth pattern. The value of annual trade and percentage increases over the last eight years is as follows -

	Western Australia's Trade with Indonesia			Annual Percentage Change in Trade		
	Imports	Exports \$m	Total Trade	Imports	Exports	Total Trade
1988-89	48.1	275.8	323.9	-79.2	25.7	-28.1
1989-90	131.1	321.8	452.9	172.6	16.7	39.8
1990-91	107.9	338.3	446.2	-17.7	5.1	-1.5
1991-92	120.2	350.5	470.7	11.4	3.6	5.5
1992-93	217.0	380.4	597.4	80.5	8.5	26.9
1993-94	88.0	559.6	647.6	-59.5	47.1	8.4
1994-95	158.5	628.9	787.4	80.2	12.4	21.6

Over the eight year period the average annual growth rate for imports was 11.6 per cent, exports were 15.6 per cent and total trade was 14.6 per cent.

PERTH CITY COUNCIL - TOWNS OF CAMBRIDGE, VINCENT, VICTORIA PARK, TOTAL INCOME AND EXPENDITURE

2514. Dr CONSTABLE to the Minister for Local Government:

- (1) What was the total expenditure and total income of the Perth City Council for the financial year 1993-94?
- (2) What was the total expenditure and total income for the Towns of Cambridge, Vincent and Victoria Park and the City of Perth for the years -
  - (a) 1994-95;
  - (b) 1995-96?
- (3) What is the estimated total expenditure and total income for these four municipalities for 1996-97?

Mr OMODEI replied:

- (1) \$64 574 000 operating revenue.  
\$65 195 000 operating expenditure.
- (2)
 

	1994-95	1995-96
Perth City Council		
\$33 404 000 operating revenue		\$33 738 000 operating revenue
\$32 992 000 operating expenditure		\$32 281 000 operating expenditure
Vincent		
\$10 405 000 operating revenue		\$12 219 000 operating revenue
\$9 569 000 operating expenditure		\$11 188 000 operating expenditure
Cambridge		
\$9 872 000 operating revenue		\$11 429 000 operating revenue
\$8 535 000 operating expenditure		\$11 387 000 operating expenditure
Victoria Park		
\$9 496 000 operating revenue		\$11 121 000 operating revenue
\$7 115 000 operating expenditure		\$8 763 000 operating expenditure
- (3)
 

Perth City Council	\$33 891 000 operating revenue	
	\$32 087 000 operating expenditure	
Vincent	\$13 050 000 operating revenue	
	\$11 790 000 operating expenditure	
Cambridge	\$12 301 000 operating revenue	
	\$11 859 000 operating expenditure	
Victoria Park	\$12 436 000 operating revenue	
	\$10 529 000 operating expenditure	

TELECOM - OPTUS, MOBILE TELEPHONE TOWERS, HEALTH CONCERNS

2520. Mr PENDAL to the Minister representing the Minister for the Environment:

- (1) Is the Minister aware of the general controversy surrounding health concerns about Optus and Telecom mobile telephone towers in built-up suburban areas?
- (2) Is the Minister aware that such a tower is now proposed by Optus on the Mt Henry land near Cloister Avenue in Manning?
- (3) Is the Minister aware this is government land?
- (4) Can the Minister give a categorical assurance that such mobile phone facilities do not constitute a health hazard?
- (5) If the Minister cannot give such an assurance, will he take action to halt the construction of such towers until more data is available?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2)-(3) No.
- (4)-(5) These questions should be referred to the Minister for Health.

SEXUAL HARASSMENT - COMPLAINTS BY WOMEN IN NON-GOVERNMENT ORGANISATIONS,  
GOVERNMENT POLICY

2522. Dr WATSON to the Minister representing the Attorney General:

- (1) What is the Government's policy in relation to complaints by women of sexual harassment in non-government organisations?
- (2) Is there any penalty and, if so, what -
  - (a) for a superior not acting on a complaint;
  - (b) for people within an organisation publicising the fact that a complaint has been made?

Mr PRINCE replied:

- (1) The Government does not have a policy. However, the Government supports the principles of the Equal Opportunity Act 1984 which makes it unlawful for a person to sexually harass another person in relation to employment, the provision of education and the provision of accommodation.
- (2) The Equal Opportunity Act does not provide any penalties in the circumstances referred to in this question. The Equal Opportunity Tribunal can award compensation if a complaint is upheld by that body, but only in relation to loss and damage suffered by the complainant. Under section 154(2) there is nothing in the Equal Opportunity Act which prevents an action for defamation.

**QUESTIONS WITHOUT NOTICE**

GOODS AND SERVICES TAX - GOVERNMENT PLANS

**672. Dr GALLOP to the Premier:**

Will the Premier guarantee that should he be re-elected, his Government will not be a party to the introduction of a goods and services tax, be it federal or state?

**Mr COURT replied:**

The Government has never considered the introduction of a state goods and services tax.

Dr Gallop: Hasn't it? What about the Access Economics report?

Mr COURT: I am just saying -

Dr Gallop: Will you consider it now that your Victorian colleagues are pushing it?

Mr COURT: Is the Leader of the Opposition speaking of a state GST?

Dr Gallop: Either state or federal.

Mr COURT: I have always had a consistent position with a federal GST. Taxation reform at the national level is long overdue. It is only proper that all options of changes to the tax system be considered. I have always adopted a consistent position on that. After the defeat of John Hewson, largely over the GST issue, it was a tragedy that tax debate and reform was taken off the political agenda. John Howard has said that he will not move on major tax changes during his term in Government. I accept that. He gave that commitment to the people and he will stick to it. As to a debate and a good look at our tax system, our current taxation system is a joke and leads to the appalling commonwealth-state financial debacles. A state election is coming up, but even during an election environment I would be giving the same answer. It is time that we had tax reform in this country.

GOODS AND SERVICES TAX - GOVERNMENT PLANS

**673. Dr GALLOP to the Premier:**

As a supplementary question, will the Premier clarify the position that he has just outlined? Is it the case that he will not rule out a federal goods and services tax or state equivalent as part of federal-state negotiations over the financial affairs of this nation?

**Mr COURT replied:**

In the last couple of weeks the Leader of the Opposition has been saying, "I give a watertight commitment. We will not export live sheep, or whatever." I have said to him that we cannot have it both ways. Tax reform in this country is needed. In order to have tax reform we must have a debate to enable us to put all the options on the table.

Dr Gallop: Including GST.

Mr COURT: Everything.

Dr Gallop: Despite the judgment of the people in two elections?

The SPEAKER: Order!

Mr COURT: It would be irresponsible to debate tax without all the options on the table.

OCCUPATIONAL SAFETY AND HEALTH - BUILDING INDUSTRY UNION ADVERTISEMENT

**674. Dr HAMES to the Minister for Labour Relations:**

A building industry union has been running an advertisement purporting to highlight concerns in the occupational safety and health area. Is the information in the advertisement accurate?

**Mr KIERATH replied:**

The advertisement has very little to do with truth and everything to do with an upcoming election and a desperate Opposition. Obviously members opposite cannot afford to advertise, so they have got some of their union mates to run advertisements. The union advertisement states that 26 people die at work each year. In 1995-96 there were 18 work related deaths, which can be compared with 1992-93 when 25 people were killed. There has been a reduction of 28 per cent in work related deaths in the life of this Government. We are proud of that record. Previously the death rate had plateaued and had not been reduced for some time. Compared with 1992-93, the 1994-95 injury and disease rate has been reduced by 7 per cent. Every year since we were elected the annual injury and disease rate has fallen. Those are the facts. There has been a total reduction in those figures of some 20 per cent.

The advertisement criticises WorkSafe for its WorkSafe Sam campaign. I will share with the House the benefits of that campaign. A survey was conducted and 90 per cent of the people surveyed said they could recall the advertisement, and 51 per cent said they would consider safety issues more at the workplace. The union calls that ineffective advertising. In advertising terms it has been one of the most effective campaigns ever run. Most advertisers would die for that level of success.

The advertisement also criticises WorkSafe for not conducting random inspections. WorkSafe has conducted targeted inspections in industries and workplaces since 1991. That process was commenced when the Labor Party was in government and we continued it. Far from safety being a scandal as the union claims, it has been a major success under this Government. It can always be improved, and we will do all we can to improve it further. The bottom line of our success is that we have looked after the safety and welfare of working men and women in this State. The tragedy is that the Opposition did not. Our record is far superior to the record of members opposite in government. We have won over their heartland on safety in the workplace. Members opposite should have done more when they were in government.

Mr Thomas: Fraud!

*Withdrawal of Remark*

The SPEAKER: I direct the member for Cockburn to withdraw that remark.

Mr THOMAS: I withdraw.

*Questions without Notice Resumed*

POLITICAL ADVERTISING - PAYMENTS RESPONSIBILITY

**675. Mr McGINTY to the Premier:**

Will the Liberal Party be sent the bills for the blatant party political advertising currently appearing in Perth's media? In particular, will the Liberal Party pay for a Community Newspaper wraparound featuring the Liberal Party pre-election policy on the Gngangara pine plantation, the state planning strategy show bag -

Mr Blaikie interjected.

Mr McGINTY: It is a question of who should pay for it and whether it is highly improper for the Government to expect the taxpayer to pay, or according to convention it is paid for by the political party concerned.

Will the Liberal Party pay for the \$150 000 strata titles advertising campaign; the minimum wage advertisements; and the full page advertisement featuring coalition pre-election promises, again committing so-called unprecedented resources to fight salinity; or will the long suffering Western Australian taxpayer be required to foot the bill for indulgent Liberal Party self-promotion?

**Mr COURT replied:**

Does the Deputy Leader of the Opposition see anything wrong in asking the community to have its say on what should be incorporated in the Gnangara park, or addressing the concerns of tens of thousands of property owners about the strata titles legislation? Is it wrong that a state planning strategy through to the year 2029 be distributed, so that people will know what we have planned? How could the Government put in place a state planning strategy without informing the people about it? I find this amazing. If the Government intends to spend \$58m a year on a salinity program that will work only with the cooperation of the affected landowners, how can the Government communicate a message to the landowners -

Mr Leahy: Try writing a letter to them.

Mr McGinty: You are buying votes with taxpayers' money.

Mr COURT: Do members opposite have anything positive to say about those initiatives?

Mr McGinty: You should not be wasting taxpayers' money on promoting yourself.

Mr COURT: The Government was criticised because it promoted the infill sewerage program. Today that is recognised as one of the important environmental initiatives of the past decade. Should we keep silent and not inform people what we are doing? The Deputy Leader of the Opposition cannot understand that we have done positive things in government

#### CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - PRESCRIBED BURNING, IMPACT ON PERTH SMOKE REDUCTION MEASURES

**676. Mr DAY to the Minister representing the Minister for the Environment:**

I refer to the current debate about smog and smoke levels in the metropolitan area.

- (1) Does the Minister agree that the prescribed burning undertaken by the Department of Conservation and Land Management in state forests and national parks is important in reducing the risk to firefighters and residents during the summer period?
- (2) What measures does CALM use to minimise the impact of smoke on Perth?

**Mr MINSON replied:**

I thank the member for some notice of this question.

Since the Dwellingup-Nanga Brook and Holyoke-Karridale disasters in 1961 the prescribed burning process has been regarded as essential. Interestingly, since 1961 we have not had any of the major problems that have occurred in south eastern Australia. However, we need to take steps to minimise the effects of smoke. The Bureau of Meteorology and the Department of Environment Protection work consistently with CALM to try to improve weather forecasting and modelling. The Bureau of Meteorology has a computer model called mesoscale that will further reduce the incidence of smoke in the metropolitan area. We admit that refinement will always be required in the area of forecasting, to reduce further firstly, the number of incidents of smoke affecting the metropolitan area and, secondly, the other environmental aspects of prescribed burning. I believe that prescribed burning is necessary, and that refinement in all aspects of prescribed burning is required, and that will be done as time goes by.

#### DAVID JONES - NEGOTIATIONS WITH GOVERNMENT

**677. Mr CATANIA to the Premier:**

- (1) Has the Government been involved in negotiations with David Jones Limited or the Westfield company about the return to Western Australia of that department store chain?
- (2) Did those negotiations involve establishing David Jones in Perth, Whitford and the Galleria?



- (3) Has the Government indicated that a relaxation of trading hours will be part of the package for those three stores?

**Mr COURT replied:**

There have been no discussions on trading hours, apart from those which have been made public. Representatives of David Jones saw me about a year or 18 months ago about re-establishing a presence in Western Australia. I do not know whether it approached me or I contacted it, because the Government has spent a couple of years approaching department store chains here and overseas trying to get them interested in coming into the Western Australian market.

Dr Watson: Is Harrods coming here?

Mr COURT: I do not want to upset the member for Kenwick, but I think we did approach Harrods. We have approached virtually all the Asian chains, and some of the major European chains. We do not sit around doing nothing. We are keen to attract more department stores to Western Australia as a part of our tourism push. David Jones has said that to get a critical mass in this State it needs a central business district store and three suburban stores. Its preferred locations were Carousel, Booragoon and Whitford. We made it clear that we were trying to attract a major department store to the Joondalup Centre and LandCorp, or one of those bodies, is currently negotiating to try to get a package in place -

Mr Catania: Is seven-day trading among its negotiations?

Mr COURT: - for this organisation to want to go to the Joondalup Centre. I do not know what the member seeks to achieve with this question. We have been trying, unashamedly, to attract department stores -

Mr Catania: We want to know whether part of the negotiations includes seven-day trading.

Mr COURT: I said no at the beginning of my answer. The member has asked a question, and I will answer it. Under the planning arrangements for Joondalup-Whitford City our preferred position is for the store to go to a Joondalup location. As I understand it, there is difficulty in finding a central business district site. These are commercial people, and it is up to them to handle those matters.

Mr Thomas: Which department has been doing the negotiating?

Mr COURT: LandCorp has been doing it for Joondalup.

Mr Thomas: Who approached the supermarket chain?

Mr COURT: In the first place I did, as the Minister for Tourism.

**POLICE SERVICE - ANNUAL REPORT TABLING; CRIME REDUCTION ACHIEVEMENTS**

**678. Dr HAMES to the Minister for Police:**

The 1995-96 annual report of the Police Service has recently been released. The Opposition spokesperson on police matters has interpreted the statistics from this report in a rather bewildering manner -

Dr Gallop: He certainly has not.

Dr HAMES: - interpretations that have been rebutted by his former colleague, Hon Sam Piantadosi.

Mr Catania: What a great authority!

Dr HAMES: Will the Minister inform the House of the significant achievements of the Western Australian Police Service in reducing crime during 1995-96?

Several members interjected.

Dr HAMES: I am sure the member concerned will be pleased to hear the comment that was just made.

The SPEAKER: Order! Before I call on the Minister to answer, I will just say that this type of question is very poor.

Mr Thomas interjected.

The SPEAKER: Order! I formally call to order the member for Cockburn. I am on my feet. I do not expect to have a running relay of comments. This question gives all sorts of opinions and makes all sorts of comments which are not appropriate in well-framed questions, which are much better.

**Mr WIESE replied:**

The member for Balcatta is not the only member of the Opposition who is a little confused about some of the statistics. I have a pamphlet put out by the member for Morley, which is even more confusing. I will put some of the information contained in the pamphlet into the public arena. This pamphlet shows a graph that runs from 1992 until 1996. I will use a couple of the statistics to show how confused the member for Morley is. It says that in 1992-93 the damage to property was running at 15 per cent and between 1993 and 1996, it was running at 32 per cent, an average increase of 11 per cent; that is, less than during the last year of the previous Government. Let us look at offences against persons, where the average increase in 1992-93 was 15 per cent and between 1993 and 1996, there was an average increase of 12 per cent. Let us look at the best statistic - robbery. All members will agree that robbery is a crime that causes great problems for people in the community. The graph in the pamphlet shows an increase of 120 per cent over four years, but in 1992-93 it increased by 50 per cent. Over the next three years, it increased by an average of 23 per cent. Those figures are from the pamphlet that was handed around by members of the Opposition. They say there is confusion; I think the confusion is with members of the Opposition.

Within the next couple of seconds, I will put on record some of the facts that were revealed in the police annual report. The first is that burglary decreased by more than eight per cent over the past 12 months. How long is it since that has happened? Motor vehicle theft decreased by more than 17 per cent. Homicide decreased by 37 per cent, and fraud by nearly 38 per cent. They are some of the facts set out in the annual report. I can understand that members of the Opposition do not like to hear those sorts of statistics, but they are the facts. I ask members of the House this question: How long is it since a Minister for Police could stand up in here and say that overall the crime rate was down by 2.4 per cent in Western Australia in the past year? I suspect it is probably 10 or 15 years since a Minister for Police could stand up and tell members those facts. As well, the clean-up rate has also increased by an average of 2.6 per cent.

The SPEAKER: Order! I ask the Minister to conclude his answer.

Mr WIESE: Mr Speaker, I have about 10 words to go. In the last quarter the clean-up rate has risen by nearly 9 per cent. How long is it since a Minister for Police could stand in this Parliament and give the community a good news story like that?

#### HOSPITALS - ELECTIVE SURGERY WAITING LISTS

**679. Dr GALLOP to the Minister for Health:**

I refer to the various promises made to reduce hospital waiting lists for elective surgery, firstly, before the last election, when the then Opposition promised to remove the waiting lists completely; and, secondly in this year's Budget when the Government promised to halve waiting lists.

- (1) Will the Minister confirm that since May this year waiting lists for elective surgery have worsened, both in median time and clearance time?
- (2) What does this tell us about the Liberal election promises?

**Mr PRINCE replied:**

(1)-(2) We have debated this matter in recent times. I reiterate: Public hospital admissions over the past three years, from 1994 to 1996, have gone from 298 585 to 316 755 - a 9.6 per cent increase. That is unprecedented. At the same time and over the same period the Government has increased spending in Health by \$134m. The commitment to reduce the long term waiting list was contained in Budget -

Dr Gallop: You have failed miserably. The older people in this State are on those queues and waiting lists.

Mr PRINCE: I ask the member to let me finish. The people on the long waiting list were targeted in the Budget with an extra sum of money over two years to bring their waiting times down by half. We have decreased the clearance time from 5.3 months in January 1993 to 3.9 months in August 1996. A comprehensive waiting list strategy has been prepared-

Mr McGinty: Absolutely dishonest. You do yourself a disservice by running dishonest claims.

The SPEAKER: Order! Deputy Leader of the Opposition.

Mr PRINCE: We will release that strategy, which has taken considerable time to prepare, involving teaching hospitals and others -

Dr Gallop: I thought you had a strategy at the last Budget.

Mr PRINCE: That addressed the long term waiting time. The total waiting time, which is the time spent on the waiting list rather than the waiting list length, has required a great deal of work between teaching hospitals, the major metropolitan non-teaching hospitals, regional hospitals, and other health services. It has taken a long time to pull it together.

Dr Gallop: Nought out of 10!

Mr PRINCE: Wait and see. The department and hospitals have been working on it all year, and if the Leader of the Opposition would only wait, he would see the result of some excellent work and the fulfilment of a commitment to proper planning, which members opposite never had. They had no planning at all. All they did was react to things. That was why we inherited a mess. We have put the planning in place, and it will take time to fix the problem, but the money is there and so is the planning.

#### SENTENCING - REMISSIONS REDUCTION

##### **680. Mr JOHNSON to the Minister representing the Attorney General:**

Will the Minister inform the House whether the Attorney General is prepared to consider truth in sentencing: Namely, if a sentence of five years is given, five years should be served; there should be a remission of 10 per cent only if the prisoner is of good behaviour; and should the prisoner misbehave during the term of imprisonment, 10 per cent should be added to the sentence?

##### **Mr PRINCE replied:**

I am advised by the Attorney General as follows -

With regard to remission, it is proposed, first, to reduce the rate of remission so that the time actually served by a prisoner more closely approximates the term imposed by the court; and, second, to require that all remission must be earned. The maximum term of imprisonment to which any prisoner will be subjected will continue to be set by the sentencing court.

#### OAKAJEE DEVELOPMENT - INFRASTRUCTURE COSTS

##### **681. Mr RIPPER to the Minister for Resources Development:**

- (1) What is the total cost of the infrastructure required to make Oakajee rather than Narngulu the site for Kingstream Resources NL's steel venture?
- (2) While the Government might wish for private sector involvement, is it not true that days before caretaker government conventions are likely to come into effect, the Government has committed the State to a massive payment to shift this project from Narngulu?

##### **Mr C.J. BARNETT replied:**

- (1)-(2) Extensive work is currently taking place on putting more detailed costings on the Oakajee development. Indicatively, to build the rail loop to service it might be in the order of \$25m.

Dr Gallop: What do you mean "might be"?

Mr C.J. BARNETT: The work is being done. We are looking at different routes for the work; that will take time. The projected cost of a port development, should that occur, is in the order of \$200m. That is the major item. Other items relating to power connections, water supply and roadworks are relatively modest in comparison.

Mr Ripper: Say \$250m all up?

Mr C.J. BARNETT: At least \$250m all up would be the total infrastructure service costs. I stress that that investment is not directly for the Kingstream project. All investment by the State will be in infrastructure available for that project and any other third party. That is what States do. That is why we have the Fremantle Harbour, power stations, road and rail systems, and the like. It is quite a proper economic role. There has not been a commitment to Oakajee to that degree. It has been agreed that the State will now spend \$500m on trying to prove up the engineering, technical and design aspects of the Oakajee development. In around March-April-May next year, if that proves satisfactory and if the project proponent, doing similar work, finds that Oakajee proves satisfactory, we will commit. The state agreement has not been signed and it would not be signed during the course of an election campaign, but once that agreement is signed, it will allow decisions to be made with confidence and will allow

Narngulu as a fall back. Both the State and the developer are committed to achieving Oakajee because it is money well spent. It will allow this project to go ahead and it will allow other projects to be attracted into that area.

Mr Marlborough: Why is it getting priority over Henderson?

Mr C.J. BARNETT: Every major industrial site in this State, going back to Kwinana and the BP refinery, has been developed on the back of real projects, and I stress the State will not spend money on infrastructure until the project is under construction.

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