



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Tuesday, 19 May 1998

Legislative Council

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

BILLS (8): ASSENT

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

1. Small Business Development Corporation Amendment Bill
2. Building and Construction Industry Training Fund and Levy Collection Amendment Bill
3. Guardianship and Administration Amendment Bill
4. Agricultural Legislation Amendment and Repeal Bill
5. Statutes (Repeals and Minor Amendments) Bill (No 2)
6. Environmental Protection (Landfill) Levy Bill
7. Charitable Trusts Amendment Bill
8. Liquor Licensing Amendment Bill

HON ANTHONY LLOYD LOTON

Condolence Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.35 pm]: I move -

That the House expresses its deep regret at the passing of Hon Anthony Lloyd Loton, a former President and member of the Legislative Council.

Hon Lloyd Loton, who has died at the age of 94 years, was a hardworking and deeply respected member of the Legislative Council from 1944 to 1965, and was President from 1954 until 1958. He is remembered as a very great gentleman with a family tradition of public and parliamentary service. His grandfather, Sir Thorley Loton, served several terms as a member of the Legislative Assembly and the Legislative Council between 1889 and 1908, and he represented Western Australia at the constitutional conventions of the 1890s. His great uncle, Sir John Forrest, was the first Premier of Western Australia.

Lloyd Loton was born in 1904 at his family's property at Belvoir in Upper Swan and attended Christ Church and Hale schools, where he was a notable athlete and champion sprinter. He claimed that he developed this skill running between the Hale School buildings and the boarding house a block away. At the age of 20 years he began farming at Popanyinning and became active in the Pingelly area as President of the Wheat Growers Union and the Agricultural Society.

During the Second World War he served in the Volunteer Defence Corps in charge of a mortar section. In short, he was a community leader who contested a by-election in November 1944 for the South-East Province for the Legislative Council after the death of Hon Harold Piesse. This three-member province, remembered as South Province after it was renamed in 1950, was a stronghold for the Country Party, and it extended from Pingelly through the great southern to Albany. However, this did not mean that election as a Country Party candidate was a certainty, as there were open contests between Country Party candidates. In one such four-way contest Lloyd Loton won the by-election by 73 votes out of 3 000.

It is easy to forget today that it was very hard work being a conscientious member of Parliament in the 1940s and 1950s. Like other MLCs from rural areas who relocated to live in the metropolitan area, he was constantly travelling back to his large electorate to attend shows and meetings. At that time members had no staff and generally had to handwrite their correspondence. Lloyd Loton was recognised by his electorate as a hardworking and effective representative. When he faced re-election in 1946, he won more than 87 per cent of the votes against an Independent and from then on he was re-elected unopposed in 1952 and in 1958.

In 1954 Lloyd Loton became President of the Legislative Council, and was the first member of the Country Party to hold this position. He assumed office at a time of transition, after an election in which the Australian Labor Party increased its membership to 13 so that, for the first time, the Liberal and Country Parties had only a small majority. It was also a time of frequent disagreement between the Legislative Council and the Legislative Assembly; it was not the easiest time in which to hold office as President. Lloyd Loton was a fair, firm and dignified President for four

years, and many of his colleagues regretted that he did not have longer tenure in this position. After the 1958 biennial election he was succeeded as President by Sir Charles Latham. He retired from Parliament when his term expired in 1965 and the old three-member South Province was split into two new provinces.

In his retirement Lloyd Loton maintained a number of community interests, and chaired the selection board for admission into agricultural schools until 1972. He was devoted to cricket and football, and analysed games stroke by stroke and ball by ball. For four years he presided over the disputes committee of the Perth Football Club. Although he never had a bet, he was a keen supporter of racing, from the aspect of breeding and training.

Lloyd Loton is remembered as a man of principle and great personal integrity. He lived by high standards and expected honourable behaviour from others. The obituary notice from his family described him as a gentleman; that is exactly what he was and what he always aspired to be. He was a most loyal friend and his friendships transcended party differences. In their long retirements, until frailty overtook them in recent years, he visited Hon Eric Heenan regularly for a day each fortnight. They were two outstanding parliamentarians from opposite sides of politics who contributed greatly to upholding decent standards in this Chamber. I note with thanks that this personal information has been provided by Mrs Joan Heenan.

When I noticed that the Loton family was involved with Belvoir, I was reminded that I recently opened a new reception centre at Belvoir and I sought information on whether it was the same place. The House may find the history of the Loton family and Belvoir of some interest. The Loton family has a long historical connection with Western Australia: Lloyd's grandfather, Sir William Loton, arrived in 1863 from Staffordshire. Sir William became a successful businessman and held extensive properties along Hay Street and St Georges Terrace, together with interests in shipping and pastoral holdings in the north west. In 1876 the Lotons purchased the property, currently known as Belvoir, in Upper Swan. The property was an original land grant from 1829, and was noted for the fact that it was bounded on one side by the Swan River at its uppermost navigable section. The property's original allocation was 3 813 acres, but at one stage it had grown to 6 300 acres running up into the Darling Range. By the 1950s this was reduced to under 200 acres.

The name "Belvoir" comes from the family ancestral home in Leicestershire, England, of Eliza Shaw, the wife of Captain William Shaw, who held the property from 1830 to 1876. The property is famous in a number of ways for its links with the Western Australian tourism industry, not the least being that it is the site of the Belvoir Amphitheatre. In addition, it is known for the grandeur of its house, which was constructed by the Lotons over a 20 year period, being completed in the late 1890s and now listed with the National Trust.

It is also famous as the first property in Western Australia to have a vineyard planted with cuttings from South Africa. The resulting wine marked the beginning of the Western Australian wine industry. The current owners of the property, who are responsible for the construction of the amphitheatre, have recently completed a new function centre, designed to fit in with the Australian feel of the property. Plans are under way to develop the old shearing shed, which was constructed by the Lotons during the last century, into an art gallery and cellars. Finally a church is planned, with its construction to be of old ballast stones the Lotons used in their pigsties.

Another interesting link with the Lotons and Western Australian history is in the area of sport, with Sir William giving over land for Perth Oval, which is called Loton Park, in 1904. As I mentioned, Lloyd Loton was involved with the Perth Football Club. His wife, Jean Loton, supported Lloyd Loton greatly in his parliamentary work. She passed away some years ago, after a marriage of more than 60 years.

On behalf of the Government, I express our condolences to his sons, Richard and David, and his daughter, Wendy, on the loss of their father.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.41 pm]: I formally second the motion and join with the Government, on behalf of members on this side of the House from the Australian Labor Party and, on this occasion, the Greens (WA) and the Australian Democrats, in expressing our sympathy upon the death of Hon A.L. Loton, a former President of this place. On this occasion, as in the past, I have taken the opportunity of looking through both the biography and some of the written record of the contributions of this member to the debates in this place.

As all of us will appreciate, a man who dies at the age of 94 or 95 years of age is unlikely to be personally known to many of us, although I am told by at least one of my colleagues that Lloyd Loton's grandchildren are known to that member. As members might expect, Hon Lloyd Loton had a very distinguished connection with some of the founding families associated with this State of Western Australia. His biography notes that he is the great nephew of Sir John, Alexander and David Forrest.

It is worth dwelling upon his inaugural speech, which was made 10 months after his election. It appears in the *Hansard* of 9 August 1945. Let us think of a member rising in this place at that time, on that date as the war was

drawing to a close, some days away from 15 August of that year, the very significant date that now looms large in all our calendars. I guess he did not know at that time how close the end of the war was. Nonetheless, his inaugural speech in this Chamber was to prepare the people, the Parliament and the Government of Western Australia for the massive reconstruction that would be needed at the end of the war.

The Parliament, the Government and the people of Western Australia and of the nation had to embrace that response vigorously at the end of that great fight which involved so much loss of life and sapped the lives and energy of our State. In the first speech of this member, he drew attention to the sorry state faced by country areas in Western Australia, and their need for support to enable them to respond to the challenges of the reconstruction phase of our history.

He went on to have a distinguished parliamentary career. As with many of his vintage, he had some experience of service in the armed forces and he then rose to great distinction as President of this Chamber. Subsequently he contested unsuccessfully his position of President and was replaced by President Latham. Then a few years later, his all but final contribution in the debates in this place was about changes to the Electoral Act. He made comments about how those changes would have an adverse impact on some members. In a sense he was indicating that his days in this place may have been numbered as a result of the change to the Constitution, which was to bring about some changes to the composition of the Legislative Council.

In conclusion, I simply want to join with the Leader of the Government in expressing sympathy to the children of this former President of this place. He is survived by two sons and a daughter. I am sure all members will want to be associated with this expression of condolence to the children and the family of this distinguished former member of the Legislative Council.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.46 pm]: I simply want to endorse the very genuine comments of both the Leader of the House and the Leader of the Opposition, in paying respect to a previous member of this House in Anthony Lloyd Loton. He was a Country Party member, which party has evolved to become the National Party. He was an early pioneer of our organisation. As the Leader of the Opposition has mentioned, he carried on through some pretty difficult times into a new era following the Second World War. He was part of an organisation that started under a tree in the early 1900s, and which has managed to survive and play a part in our State. I heard the words uttered by the Leader of the Opposition about Lloyd Loton fighting for the issues of country Western Australia and the need for those issues to be addressed; that is simply a part of history, and it will always be. The country regions of Western Australia are very remote places.

The late Hon Lloyd Loton played a very significant role along with his colleagues of that time, and even before then, in trying to uphold the benefits that should accrue to an area of Western Australia that was at that time, and continues to be, the lifeblood of the State. I join with other members, but speak particularly on behalf of my National Party colleagues, in offering our sincere sympathy, and I also give great credit to his family for the contribution that Lloyd Loton made to this place and to Western Australia.

THE PRESIDENT (Hon George Cash): Before I invite members to rise in their places and observe one minute's silence to signify their support of this motion, I will add a few words. I join with the Leader of the Government, the Leader of the Opposition and the Minister for Transport, who is also the Leader of the National Party, in offering my deep sympathy to the family of Lloyd Loton on his passing. It has been noted that he lived a very rich life, and lived to be 94 years of age. He joined this House in 1944 and retired in 1965. He had retired before any member in this current House was elected. He was a President of the Legislative Council between 1954 and 1958.

As has already been said, Hon Lloyd Loton was a man of the land. He was also a gentleman who retained a position in his community as a man of the people. In his first speech in August 1945, which was alluded to by the Leader of the Opposition, his opening comments were -

I would first like to refer to the necessity for the rehabilitation of the rural industry. No section of the people has suffered more during the war than the agricultural community.

For all of his period of service in this House, Hon Lloyd Loton worked hard to support the rural communities in Western Australia. In his final comments in that speech in 1945 he proposed that greater amounts of money be spent on education. He said -

We must have larger primary schools and the provision of buses to convey the children to and from school daily. The establishment of domestic science and manual training centres is also necessary. Most decidedly, if we can provide millions in time of war for the purposes of destruction, we can find millions in peacetime to educate the people. Today the cry of the country districts is: "Educate or perish."

That says something of the service that Hon Lloyd Loton gave to the State of Western Australia. He will be

remembered as a man of principle and great integrity. We extend our condolences to his sons Richard and David and to his daughter Wendy on the sad loss of their father. I ask members to stand and observe one minute's silence.

Question passed, members standing.

SCARBOROUGH SENIOR HIGH SCHOOL CLOSURE

Petition

Hon E.R.J. Dermer presented the following petition bearing the signatures of 735 persons -

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia oppose the likely closure of Scarborough Senior High School.

We protest that:

- . the Education Minister earmarked Scarborough Senior High School for closure last year, before the community consultation process even started, when he announced that the school should probably close.
- . the local area education planning process ignored community opinion by effectively eliminating the three options which recommended retaining Scarborough Senior High School.

Your petitioners therefore respectfully request that the Legislative Council will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See paper No 1599.]

STANDING COMMITTEE ON LEGISLATION

Report on Criminal Law Amendment Bill (No 1)

Hon B.K. Donaldson presented the "Forty-second Report of the Standing Committee on Legislation in relation to the Criminal Law Amendment Bill (No 1)", and on his motion it was resolved -

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

[See paper No 1600.]

ROTTNEST ISLAND FEES

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 19 May 1998.

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House at its rising adjourn until 9.00am on Friday 22 May 1998 for the purpose of discussing the Government's decision to impose massive increases in the landing fees for ferry passengers to and accommodation charges for Rottnest Island which will price a holiday on Rottnest Island out of the reach of ordinary West Australian families.

Yours sincerely

Tom Stephens MLC
Leader of the Opposition in the Legislative Council

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

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.59 pm]: I move -

That the House at its rising adjourn until 9.00 am on Friday, 22 May.

This urgency motion is of great importance to the people of Western Australia because it is illustrative of a number of questions with which we as a community are faced. The recent decision of the Government to raise the charges associated with access to Rottneest Island illustrates a number of other features of this Government.

Not the least of those is the breaking of a promise delivered to the people of Western Australia by the leader of the current Government, Premier Richard Court. On Rottneest Island, in the lead up to the State election in early October 1995, the Premier released the Rottneest Island draft management plan. The plan identified a number of issues that needed to be dealt with on the island. When asked by the media how the Government would respond to the funding of the items identified in the draft management plan, the Premier gave an assurance to the assembled media that there would be no attempt to implement the management plan by increasing revenue through increased costs associated with the access of the ordinary men and women and the families of Western Australians to this island.

Hon Kim Chance: That is as it should be.

Hon TOM STEPHENS: That assurance was given to the people at that time, and it received wide media coverage. The Premier further suggested that it would be political suicide to increase access, landing and boat mooring fees on Rottneest to tackle the management strategies identified in that initial draft management plan. The Government subsequently released the completed management plan entitled "Improving Rottneest Without Changing Rottneest".

On page 13 of that report a reference is made to the need for works costing some \$60m. Accompanying the management plan as released at that time was a press release from the Minister for Tourism. The Minister seems to think that his task is to export tourists to other parts of the globe rather than to facilitate tourism within this State. Apparently he tries to make the holiday destinations of Western Australia less attractive than those of our near neighbours. Their destinations are becoming increasingly attractive in comparison to the increased costs that this Minister is intent on delivering to the potential tourists who would otherwise draw upon the resources of places like Rottneest.

In the media statement accompanying the release of the management plan for Rottneest, the Minister detailed the length and breadth of Rottneest, and the fact that there were 8 000 quokkas on the island, 16 species of reptiles and three species of frogs. The Minister did not provide us with a list of the names of the various species of animals to which he was referring, but he provided a lot of detail about the flora and fauna. The one thing he did not provide was any detail about the \$60m that was then identified in the management plan as being the cost associated with the capital works program needed to upgrade the island. The press release was lacking in detail; certainly no costings were provided.

Hon N.F. Moore: It was announced at the time.

Hon TOM STEPHENS: Some capital works items have been appropriated in the budget papers presented to the House and upon which the Government is now drawing for its current implementation of the management strategies for Rottneest Island. It is interesting to note that the budget papers identify a drop in the capital works expenditure that is to take place on that island in the coming financial year. This budget comes from a Government which now says there is a need to implement capital works strategies for this island. It identifies none of those additional capital works strategies in the coming financial year and reduces the overall funds available for such strategies by reducing the percentage allocated for capital works in the coming financial year. At the same time, the Government has announced this increase in access, landing and boat mooring fees for ordinary Western Australians gaining access to this island.

Hon N.F. Moore: Your motion does not talk about mooring fees.

Hon TOM STEPHENS: Members have seen the extraordinary comments made by the Minister for Tourism. I have to stumble over that word and think whether he is actually the Minister for Tourism.

Last week the Minister expressed a view that this island has increasingly become a playground for the rich and that it is no longer a place that is the people's island or a place for the ordinary men and women of Western Australia. Members have seen the response that has poured forth from the community of Western Australia to those extraordinary claims by this Minister for Tourism, who seems to have lost contact with the ordinary people of this State. He has always been an elitist and now seems to want to spend his time in the support and the company of the elite in the State. The Minister wants only to look after their interests and appears to have scant regard for the ordinary men and women who want to use this island for their holidays. No wonder the motto "hands off Rottneest" has been applied to this Government, as it was to previous governments.

Hon N.F. Moore: You kept your hands off.

Hon TOM STEPHENS: Instead of this Minister delivering to the people of Western Australia an affordable holiday destination - which Rottneest has always been, and the community of Western Australia has expressed a desire that

it should always stay that way - this Minister is delivering dramatic increases in the costs and charges associated with access to the island. It is the absence of detail for the capital works program that the Government uses as justification for these increased charges to which we object.

The primary issue the Opposition wishes to raise during this debate is that the Minister has now indicated that the amount needed for the capital works program is to jump from the \$60m identified in the draft management plan to \$66m. If my memory serves me right, the detail of the additional cost was released on the day of the Federal Budget. The Government did not know that the Federal Budget would sink without a trace and that the only thing left on the political landscape would be the increased fees for people wanting access to Rottnest Island.

It is extraordinary that the Rottnest Island Authority has announced increased fees and charges when its own estimated capital expenditure for the coming financial year has been reduced. The Rottnest Island Authority press release says the increases would be used to assist funding of an estimated \$66m backlog of works and improvements needed to protect the island's natural resources and meet the minimum standard of facilities demanded by visitors. That statement shows that visitors' needs are not currently being met. The chief executive officer of the authority further claimed that people will not want to visit Rottnest because of the substandard accommodation. Premier Court said the State has a long way to go in providing the basic level of services people want.

Every time I have tried to book into Rottnest at times suitable to me I have not been able to gain access.

Hon Kim Chance: You have to stand in a queue.

Hon TOM STEPHENS: That is right, and the queue is huge. It may well be that the Minister's elite friends have some way of getting into the salubrious parts of this island that have apparently been upgraded and restored for the likes of the Minister and his ilk.

Hon N.F. Moore: You are a sham, Stephens.

Hon TOM STEPHENS: Those of us who represent the ordinary working men and women who want access to the island are told, when we ring, that the queue is long and access impossible. That is what members must make of the claims of this Minister. If this implication is true and the Government's claim is correct it does not explain why so often there are huge waiting lists and the need for cancellations before accommodation can be obtained on the island. Members cannot and should not confuse the lap of luxury that has been pursued by this Government, its colleagues and its friends with the ordinary aspirations of the working men and women of Western Australia and their children. This Government has recently increased the costs associated with Kingston Barracks. The school children who go out there to learn about the flora and fauna are now faced with increased costs. However, I note a dramatic upgrade nearby to one of the facilities that I gather is available to the upper echelons of government. It now has walnut oak and huge curtains. I presume that is the sort of place where this Minister lands -

Hon N.F. Moore: Don't you talk about that, Mr Stephens. I am going to tell the whole story of your mates. You did not pay a cent.

The PRESIDENT: Order!

Hon TOM STEPHENS: That is not true. Is the Minister a liar?

Withdrawal of Remark

The PRESIDENT: Order! The Leader of the House will come to order and the Leader of the Opposition will withdraw the comment about someone being a liar.

Hon TOM STEPHENS: I did not make the comment, but I withdraw the question that I asked.

The PRESIDENT: I want the Leader of the Opposition to withdraw any suggestion that someone is a liar.

Hon TOM STEPHENS: I withdraw.

Debate Resumed

The PRESIDENT: Members, this is not holiday time. It is an important proceeding of the House. Let us hear the argument with some dignity.

HON TOM STEPHENS: Members need some detail of what this Budget will deliver to the people of Western Australia on their island.

Is it simply a sleight of hand in which this Government is engaged? Is it about to change forever the shape and character of this island by putting in facilities such as vast golf links on the island? Is that where the capital works

program is going? Is it to cater for the needs of the people that this Government seems to be preoccupied in looking after? Is it simply another tax grab by this Government for additional funds from the people of Western Australia, as it has already recently increased fees for the boating community of Western Australia? On top of that, it is hitting that same boating community with increased mooring fees. More importantly, it is -

Hon N.F. Moore interjected.

Hon TOM STEPHENS: - decreasing the access to the island by the landing arrangements that people otherwise have had in place prior to the recent government announcement. Why has the Government made no mention in the recent Budget of how these funds will be spent if there is to be such a dramatic increase of funds available for this island? The Budget for 1998-99 indicates a total capital expenditure on the island of \$2.9m, comprising \$1.7m on accommodation services and \$1.2m on the restoration of public buildings. This is less than the \$3.6m capital works budget of 1997-98. Heritage and environment expenditure has decreased from \$962 000 in 1997-98 to \$70 000 in the 1998-99 budget, a staggering drop of 93 per cent despite the Government's recent press release about the need for improvements to protect the island's natural resources. This expenditure is part of, not in addition to, the capital works expenditure figures. Today the Minister has had to scurry into briefings to find out what it is that the Rottnest Island Authority intends to do with the funds. I hope he is now able to tell the House what it is that the authority will do to this island with \$66m. Will the Minister irreversibly change the island so it is no longer a people's island where ordinary families can go to enjoy its natural environment in simple circumstances without having to pay vast sums to gain access to the island?

Hon N.F. Moore interjected.

Hon TOM STEPHENS: The Minister for Tourism needs to take on board the promises made by his Premier, the Leader of the Government, when he said in 1995 that it would be political suicide to impose costs such as these to pay for the improvements about which the Minister is now so eloquent. Landing fees for adults will increase 45 per cent from 1 July this year and over three years will increase by more than 110 per cent. These increases reflect the Government's general approach to increasing public transport charges. We will see registered boat users slugged an extra 150 per cent over the next two years.

The PRESIDENT: Order! There is too much audible noise in the House and I am battling to hear the Leader of the Opposition.

Hon TOM STEPHENS: Accommodation unit charges are to increase by 10 per cent, and 25 per cent for recently upgraded units. This is alarming to those people who want to gain access to Rottnest Island as it is, as it was, and as it should always be, rather than to see this island become some sort of salubrious hangout for the rich and famous. When the Premier launched this review we heard him promise that there would be no increases of this sort. Families will now be expected to pay up to \$117 per week more for a refurbished holiday unit during the summer school holidays, and up to \$47 extra for an older style unit. The cost of a refurbished six bedroom villa during summer will increase by a massive \$141 to \$701. The Minister for Tourism seems intent on getting rid of tourists from Western Australia, and discouraging Western Australian tourists from holidaying in their own State, encouraging them rather to go offshore to places which are more affordable and more accessible than that which this Minister intends to create for this island destination, which should always be available to future generations of Western Australians at affordable prices.

HON N.F. MOORE (Mining and Pastoral - Minister for Tourism) [4.14 pm]: I have heard some slimy contributions in my time but that takes the cake. That is the most hypocritical speech I have ever heard from a member of a party that let Rottnest descend into the mire of filth, mess and grime. For him to say his party has some concern for Rottnest is absolutely the pits.

The PRESIDENT: Order! Hon Bob Thomas.

Hon N.F. MOORE: When we inherited Rottnest Island in 1993 from that mob who had given it to their entrepreneurial mates to play with, it was in an absolutely appalling condition. We spent \$12m of taxpayers' money renovating the place to bring its accommodation up to a standard that the average person thinks is acceptable; not the filthy, slimy, greasy places that we inherited, because that is what they were. I suggest to Hon Tom Stephens that he has not been there.

Hon Mark Nevill: Why do people not go there?

Hon N.F. MOORE: That is the problem. The visitor numbers were on the decline because the Labor Government left it in such a mess that people decided to go somewhere else. It was filthy, disgusting and overpriced. It was unacceptable and people were going elsewhere.

Let us look at Labor's concern for the families who might use Rottnest. This is Labor's history. Brian Burke said

he wanted a five star resort on the island. He was told in no uncertain terms where to get off. The Labor Government then brought in the four-on-the-floor entrepreneurs. Dallas Dempster became the chairman of the board and dished out the moorings to those who wanted them. Laurie Connell got a cottage for his permanent use.

Hon Tom Stephens: This is ancient history.

Hon N.F. MOORE: Alan Bond was virtually given the Lodge and then went broke and left it to the taxpayers to fix it up.

Hon Tom Stephens interjected.

Hon N.F. MOORE: That is the way in which the Labor Party, when it is in government, looks after the families who might want to use Rottnest. The moment it got hold of the purse strings, that is what it did.

Several members interjected.

The PRESIDENT: Some members want to speak and I would be obliged if other members would cease interjecting for fear of delaying the Minister.

Hon N.F. MOORE: Members opposite tried to turn it into a five star resort.

The PRESIDENT: Order! Hon Mark Nevill.

Hon N.F. MOORE: It did not work; and now, because we are refurbishing, renovating and cleaning up the mess they left, they are accusing us of somehow turning the island into a paradise for the rich. That comment was made by the Leader of the Opposition in this State. A journalist came to me and asked for a response to what Dr Gallop said. I said that was a dopey thing to say because if one looks at who goes to Rottnest now, it is mostly the rich, because they come from the western suburbs of Perth. That is the fact of the matter. I said that there was another irony. Also, Dr Gallop has a concern for the families, but his family is Dallas, Alan and all the boys who took over the place.

Hon Ljiljanna Ravlich: Get a life!

Hon N.F. MOORE: When Laurie Connell passed away, three moorings became available.

The PRESIDENT: Order! Hon Ljiljanna Ravlich.

Hon N.F. MOORE: Everybody knows the story of Laurie bringing in his boat and, finding that it would not fit, blowing up the reef. That is when the Labor Party was in office. Yet members opposite have the gall to come in here and be critical of a very good program which is fixing up Rottnest once and for all.

We put \$12m upfront and we are saying to those people who use it that they can pay a little more. The fees that will be charged at Rottnest for accommodation will still be less than those which one pays for comparable accommodation throughout Western Australia. The landing fees will increase to \$6.50 for an adult. To go to the Perth Zoo costs \$9. To visit the old Fremantle Gaol costs \$10, Scitech \$11 and Adventure World \$23, and we are charging -

Several members interjected.

The PRESIDENT: Members, please do not interject, otherwise I will have to take action, and for those of you who think that I might not, try me.

Hon N.F. MOORE: For children, to visit Rottnest costs 50¢, Perth Zoo \$4.50, Fremantle Gaol \$4, Scitech \$7, and Adventure World \$19. That gives people some idea of the comparative costs of going to different places. The money that comes from the increased accommodation charges and the increased landing charges - they are still fair and reasonable in my view - will go back into developing the island, not just developing accommodation; it is money that will in fact be rehabilitating the flora and fauna on the island. A very significant campaign is under way to fix that up.

Let us look at some of the things that happened at Rottnest.

Hon Mark Nevill interjected.

The PRESIDENT: Hon Mark Nevill will come to order.

Hon N.F. MOORE: He should mind his own business. Seventy units have been refurbished. I suggest members opposite take a good look at the units before and after they have been refurbished. New cleaning contracts have been implemented and the places are now clean. The most notable concern of people was that the place was grubby. If members opposite do not mind grubby accommodation that is okay by me, but most people do not like it.

A new outside cleaning regime has been implemented that works; a free shuttle bus is operating; magnificent

landscaping has been done; a family recreation area has been created; a waste recycling program has been instituted; the showers have fresh water, which is one of the best things that has happened on Rottnest lately; and improved food and coffee outlets are now available. People are saying that they can now get a decent cup of coffee and food at Rottnest. Additional holiday units are also available because not everybody who works on the island is living there; some of them live in Fremantle. A new bus fleet will be established.

Rottnest Island's facilities are being improved in a way that has never be contemplated in the past. I would be ashamed if I were a member of the Labor Party, considering what it contemplated doing to the place; yet it criticises this Government for doing a good job to fix it. Most people who go there think the Government is doing a good job.

Members who have not been to the island should visit it very soon. I will even pay the increased landing fee if that will persuade them, and organise for them to see a cottage that has not been refurbished to compare with one that has been. I will show them around the settlement so that they can see improved landscaping and new footpaths. They will be able to see where the \$12m has gone. They will agree that the upgrading of Rottnest will maintain the amenity of the island. It will not turn it into a five star resort in the way Brian Burke wanted to do.

Hon Tom Stephens: Where will the \$66m be spent?

Hon N.F. MOORE: The \$66m is an estimate by the Rottnest Island Authority to make all the necessary improvements over whatever time it takes.

Hon Tom Stephens: Will there be a nine or 18 hole golf course?

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Mr President, I do not believe -

The PRESIDENT: Hon Ljiljanna Ravlich will come to order and the Minister should direct his comments to me.

Hon N.F. MOORE: I am endeavouring to ignore them. The money this Government has spent on Rottnest has improved it dramatically. Members who have not been there should raise their hands. I suggest they visit the island and have a good hard look at the improvements. They should not whinge and whine about it not being a family holiday destination when their Government wanted to turn it into a five star resort. They gave it away to Laurie Connell and his mates and now criticise this Government for doing a good job.

It is interesting that Hon Tom Stephens' motion does not refer to the mooring fees. We increased them also. Is it because he supports the increases?

Hon Tom Stephens: I criticised your increase in taxes and charges that were made contrary to the pre-election promises of the Premier.

Hon N.F. MOORE: Obviously he supports them. Mooring fees are \$24 a metre. For a 30 metre boat, that is 90 feet, it is only \$700 - and that is a very big boat. When members opposite were in government they were subsidising Rottnest for the benefit of their rich mates. We are increasing prices now so that some people who can afford it will pay for their moorings. Cottage accommodation prices are being raised to a level that is roughly comparable to the cost of average accommodation throughout Western Australia. The landing fees will be cheaper than for comparable places which provide entertainment within Western Australia.

This motion is a furphy and a nonsense; it is a free kick. When members go to Rottnest and have a good hard look at the improvements - as I invite them to do - they will see we are doing a good job at Rottnest.

HON NORM KELLY (East Metropolitan) [4.24 pm]: With regard to the Minister's reference to the cheapness of facilities at Rottnest compared to other places, I too have details of the Perth Zoo gate fee, etc. It costs anything from \$35 to \$45 to visit Rottnest. The Government should be mindful that the ferry fee must also be paid by visitors. The Government should be doing its utmost to ensure that the cost of travelling to Rottnest remains as cheap as possible rather than increasing landing fees by more than 100 per cent over three years.

Hon N.F. Moore: That is not true.

Hon NORM KELLY: That is far in excess of an acceptable increase.

Hon N.F. Moore: How should people get to their holidays? Should the Government transport them?

Hon NORM KELLY: The Minister referred to the cost of other tourist venues such as the Perth Zoo and Fremantle Gaol. Those places are not occupied by rampaging school students in December. I suppose that can be an added attraction for visiting Rottnest at times!

According to the information from the Minister's office Rottnest Island is of comparable quality to places such as Karri Valley Resort and other farm resorts. I strongly argue that the quality of facilities on Rottnest Island is not comparable to those resorts. Although I support the Government's efforts to improve the facilities on the island it is wrong for the Minister to compare Rottnest Island with those higher class establishments at this stage. It is important that the people of Perth have access to their beaches to be able to enjoy leisure and recreation, not just lengthy holidays.

In the past few weeks the Government has cordoned off beach access to the people in the Cockburn area. They must look further afield to the northern suburbs or to Rottnest Island for beach access. As a result of statements by the Minister for Tourism that Rottnest is a playground for the rich and is for people like those living in the western suburbs -

Hon N.F. Moore: I did not say it in that context. You should not believe everything you read in *The West Australian*.

Hon NORM KELLY: I am not referring to only the newspaper. I heard a direct quote from the Minister on television, which I accept can be taken out of context. However, I have not heard any retraction of those comments.

Hon Bob Thomas: He quoted himself out of context.

Hon NORM KELLY: It is important that the Minister for Tourism make it clear to the people of Perth that the Government is doing its utmost to make Rottnest Island accessible and affordable to all Perth people.

Hon N.F. Moore: Should we subsidise people's holidays?

Hon NORM KELLY: I am not talking about the accommodation component. I am talking about an A class reserve that should be readily accessible to all Perth people.

Hon N.F. Moore: Even if we must subsidise it?

Hon NORM KELLY: The Government's attitude to those areas is typical of its view that tourism is for the elite. The Best on Earth in Perth program attracts elite sportspeople to this State. However, the price of tickets takes it out of reach of most Perth people.

Hon N.F. Moore: Shall we subsidise those too?

Hon NORM KELLY: Who benefits from this Government's tourism campaigns is a matter of speculation. Is it the people of Western Australia, or is it the few companies involved?

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

Hon NORM KELLY: I am saying that a new focus on tourism in Western Australia should make it more accessible to all Western Australians. Elitism should not be encouraged through the promotion of elite events, as has occurred over the past five or so years, thereby cutting out people who cannot afford them. The Australian Democrats would like to see far more freedom of access to entertainment for the general population.

Hon N.F. Moore: Who pays for them, the taxpayer?

Hon NORM KELLY: Who will benefit from the proposed \$100m convention centre the Premier announced during the budget speech? I agree that overseas promoters of conventions coming into Perth will create an influx of money. There are commercial benefits, but they do not trickle down to all Western Australians. Those benefits are contained within friends of the Government who have their own organisations, construction companies and the like. The so-called social dividend, about which we hear but which we never see, does not trickle down to all Western Australians. It is missing in the Government's policy in these areas. Because the Minister spoke so early in the debate, he cannot respond to these comments.

Hon N.F. Moore: I will give a speech to anyone in the world and they will respond to it.

Motion lapsed, pursuant to standing orders.

LOTTERIES COMMISSION AMENDMENT BILL

Second Reading

Resumed from 8 April.

HON KEN TRAVERS (North Metropolitan) [4.31 pm]: It is interesting to move straight to a debate on the Lotteries Commission following a debate about Rottnest Island. I remember that it was part of the Western Australian culture for people to wait to learn whether they had won a ballot for accommodation on Rottnest Island.

It is a shame that people will no longer be able to obtain housing for the Christmas period. It would be nice if that lottery continued and everybody had access to affordable accommodation at Rottneest.

Hon N.F. Moore: Who cannot get housing?

Hon KEN TRAVERS: In the past people could get housing by winning the ballot and everyone could afford to go to Rottneest.

Hon N.F. Moore: That still happens.

Hon KEN TRAVERS: However, the Government is pricing people out.

I make two comments about the Lotteries Commission that I believe should be placed on the record. The Lotteries Commission does an excellent job and my colleagues, especially those in the other place, feel that the support and assistance its staff provides to many worthwhile causes is second to none. It is a world class system in the way it is run and funding is distributed to worthwhile community projects. Members on this side of the House support the current system. However, it must be recognised that gambling is a major social problem in society today. I understand from discussions leading to this debate today that people's access to gambling is expected to increase significantly and I will comment later about the inquiry recently announced by the Federal Treasurer.

One of the reasons that the lotteries system in Western Australia has been so successful is that this Parliament has maintained strict control over the type of lotteries that can be run and the nature and manner of conducting gambling in Western Australia. I thank all parties in this Parliament for their opposition to poker machines. Western Australia stands alone, and can be proud of it, in not having succumbed to one of the most evil forms of gambling that has entered Australia in recent times. In South Australia one member of Parliament was elected on the single issue of his opposition to pokies. It is interesting that this issue captured the imagination of the population.

The Western Australian Parliament has maintained strict control over the way in which lotteries may be conducted. In the briefings I have received from the Lotteries Commission, it has been indicated that the intention of this Bill is to allow the commission to introduce three new games that are extensions of existing games. I understand the commission has asked members to respect commercial confidentiality about the specific details of the games, and I will do so in the debate this afternoon. It is proposed to introduce three new games and that is fair enough. I accept the argument that the Lotteries Commission must constantly rotate the games it conducts in order to maintain a reasonable level of market share and to raise funds for the worthwhile causes to which I referred earlier.

In principle, I support the need for some flexibility for the Lotteries Commission to take that action. However, I have major concerns that the Bill will allow things to go a lot further. The proposed amendments will allow the introduction of any new games under a very broad definition of lotteries that the Minister is prepared to approve. I will seek further amendments to the Bill in the Committee stage. I have absolute faith in the current Minister, the board and the chief executive officer; but unfortunately that may not always be the case. I hope the Minister is around for a long time - but not after the next election - but members cannot be sure of that and they cannot be sure that future Ministers will have the same views as the current incumbent. I have grave concerns about Parliament releasing its control to the Minister to approve the introduction of any game of chance that comes under the definition in the Act. That contrasts with the strict control over the games that may be conducted at present.

The Bill also seeks to allow the commission to make an agreement to run lotteries in conjunction with any other person or body. The current Act is very specific about the persons or bodies with whom the commission may conduct lotteries. I understand some of the games the commission is considering may involve other Australian lotto bloc partners. I have no problem with that, but I have a problem with Parliament giving up control over whom the Lotteries Commission may act with. It is an extreme example, but a number of notorious people are involved in the gambling industry in Australia, and I would not like the Lotteries Commission to operate with those people. I have the utmost respect for the current board and Minister but if this Bill were passed without amendment, it would allow unfettered opportunities for the commission to do deals and operate in any way, shape or form. It would allow the commission to contract out its operation to, for example, the Tatts lotto group or one of the other groups in the eastern States. On the basis of past experience of lotteries legislation in Western Australia, control should be maintained by the Parliament.

A third area which is of great concern in this Bill - I understand Hon Norm Kelly has an amendment on the Notice Paper to delete the relevant provision - is the opportunity to introduce computer generated scratchies. To my way of thinking, that is not much different from a poker machine, by another name, and I have grave concern about anything that even vaguely resembles a poker machine. I understand that these electronic slot machines allow people to put money into them and they provide an instant result. If there is no regulation or control over this area, the Minister could approve a system whereby people could put \$100 into the machine for a computer generated scratchie, and their winnings would appear on screen. To me, that is a poker machine by another name. We have already had

the argument in Western Australia about whether the machines at the Burswood Casino are pokies or video games. They must be controlled. I do not want to see the social upheaval that is present in Victoria as a result of the introduction of these machines.

A number of years ago I went to a seminar held in conjunction with the campaign against pokies at which Tim Costello gave a very startling account of what happened in Victoria following the introduction of poker machines. The concentration of the poker machines is in areas which comprise people from a low socioeconomic background, and which have high levels of unemployment. These machines are bleeding money from the people who can least afford it. I accept that there must be a right for people in our society to make choices, but we must also be mindful to protect them from having the opportunity to access these machines to any great degree. The system in Western Australia has worked well: If people want to access these machines, they can go to the Burswood Casino. I am very reluctant to have the situation that exists in Victoria, where these insidious forms of gambling are in the face of the people every day in every pub and every shopping centre. I have not been to Victoria for a while; however, when I was last there it seemed that people could not move in some venues after the introduction of poker machines in the pubs and clubs. We must be careful about allowing the amendment without having a broad and wide ranging debate on those sorts of issues, especially when there is much community concern. I am aware that it is a requirement of the current legislation that the Act is to be reviewed.

Hon Max Evans: It's under way at the moment.

Hon KEN TRAVERS: That is where the debate about whether the community wants to go down this path should occur. It would be a grave mistake for this Parliament to allow poker machines by a backdoor method without wider community debate. The review of the Act is an appropriate way to do that. We must look at a whole range of issues within that review. This introduction of the three new games legislation should be narrowly defined. That was the intention of the Lotteries Commission. I support that; however, during Committee we must remove from the Bill the other issues that go further than that.

The Bill also makes a number of other changes which the Opposition supports. It alters the method by which the commission calculates the distribution of funds to community groups, although the ratios will basically remain the same. That is brought about because of some flexibility in the prizes that will be offered by some of the new games. Because the ratios are not changed, we will support that amendment. It will also provide some flexibility in the percentage paid in prizes. Again that relates to the new games, and we will support that.

The Bill seeks to make some changes to the bank accounts and the way in which the Lotteries Commission can operate with overdrafts. From the clause notes, I understand that is about providing the opportunity to maximise the funds the Lotteries Commission contributes to the community. That is another worthwhile amendment which the Opposition will support.

The Bill also seeks to limit the age of people who are able to buy lotto tickets to 16 years and above. That is also a very worthwhile amendment. I know in some States the age limit is 18 years; however, it is appropriate that we support 16 years as the age at which people can buy tickets. We should encourage community debate about that during the review of the major Act. However, to get something into the legislation that restricts minors being able to purchase lottery tickets is a good amendment, and the Opposition will support it.

As I said earlier, recently the Federal Treasurer announced the Government would conduct an inquiry into gaming in Australia. For a change he was in agreement with his brother, Tim, and even more amazingly, I am in total agreement with him on that issue. Some major changes are occurring in the area of electronic gambling, the ability people will have to access instantaneous gambling mechanisms in their homes. There is provision in the Bill to allow the electronic transmission of tickets, and I have some concerns about that. If it is only for Lotto tickets and that style of gambling, I can live with it; but I have grave concern about people being able to dial up the Internet and access computer generated scratchies. I will draw the Treasurer's attention to this and seek to have it included in the inquiry.

People may say that we must accept it because it is there and it will continue to happen. I do not take that approach. I want to see the people in Australia make a decision about whether people can sit at home in their lounge rooms and gamble their wage packets away, resulting on some occasions in their children not being fed for the rest of the week. People may say that is scaremongering; however, it is happening in Victoria as I speak. Welfare agencies, such as the Salvation Army and the Smith Family, have been under enormous pressure since the introduction of poker machines. My sister, who lives in Melbourne, made a comment to me that she had never seen as many beggars on the streets in that city as there were immediately after the introduction of poker machines. I accept that is anecdotal evidence; however, in his speech at the seminar I attended, Reverend Tim Costello stated that there was some empirical evidence to support the fact that there was a major problem.

We must address the problem. If it is not what we, as a society, believe is the direction we should be heading in, let

us find out how to stop it. We may have to find some new form of technology to get into the Internet and control these things. It is probably an opportune time as a Parliament for us to reflect on the job we will all have in facing up to the new society we are moving towards as we come closer to the twenty-first century. It is a new world, a changing world. We can do much more on a computer screen at home than has ever been the case before.

Other concerns relate to the provision of services. Surely the members of the Federal Government should be very keen about this aspect: Given that they are very keen to introduce a goods and services tax, they should consider how they will control that with the services that may be provided offshore and through the Internet, particularly services that are in the written form. We must determine how we control electronic forms of communication and information that is passed around, of which gambling is but one. If we, as a society, make the decision that we are opposed to that, we must find the appropriate technology to deal with it, if that is what is required. We may have to put some money into research to develop that sort of technology. As I understand it, if we were to be successful in doing that, we would become a very wealthy community. Many States in the United States and many other countries in the world would be happy to use that technology. They are also grappling with the direction in which their society is heading. We should make that decision first and not simply take a herd approach and do what everyone else is doing.

We should find ways to ensure that the Lotteries Commission's revenue is maintained so it can continue its good work. Therefore, we should pass a Bill that will allow the three new games to be introduced. However, at the same time, we should ensure that the Parliament retains control over the games introduced, their management and who conducts them. We have always had a very good system in Western Australia and we should be proud of it and protect it. Before we make major moves away from the current system we should have a full, frank and public debate. I hope that those issues will be raised during the review of the legislation currently under way.

The Opposition will support the second reading but will seek to make some amendments during Committee.

HON NORM KELLY (East Metropolitan) [4.52 pm]: The Australian Democrats support the general thrust of this Bill. At the same time, we express our appreciation for the work the Lotteries Commission does in this State not only in administering the lotteries but also in the distribution of lotteries revenue.

This Bill is a realistic attempt to make necessary changes to the current Act. I will not go through the minor but important changes in the Bill, but the Democrats are concerned about the extent of some changes and will move some amendments during Committee. The Democrats support the moves to redefine the meaning of lotteries. We should not differentiate between lotto, instant lotteries and so on. We also support the administrative changes to the method of calculating funds for distribution.

I will refer briefly to the work of the Lotteries Commission and consider the way in which the moneys are distributed. In the past financial year, the commission distributed approximately \$120m by statutory allocation and direct grants to community organisations. Of that, \$45m was allocated via the discretionary grants system. The list of organisations benefiting from the grants illustrates how the funding is spread throughout our community. It is interesting to note that in the past financial year, of the 2 600 requests for grants only six per cent were rejected. The system is enhanced when people requesting moneys know that there is a 94 per cent chance of gaining approval.

The average grant is about \$17 000. Some areas that have benefited include Aboriginal community services, which received \$1.8m; aged care services, \$4.6m; emergency relief, almost \$1m; environmental heritage works and programs, almost \$3m; disability services programs, almost \$5m; children's services, \$2m; and medical research, \$2.5m. It could be argued that this funding should be provided by the Government, but often it would not be allocated or would be allocated so far down the track that it would be of much less benefit to the community. In addition, the funding provided by the commission can be supplemented by funding from the State Government or local governments and by the normal fundraising activities of the organisation concerned. That blend of funding is a good incentive for an organisation to raise funds and know there is a likelihood of the Lotteries Commission's matching that fundraising effort.

I will cite one example of direct grants that was outlined in the Lotteries Commission's 1996-97 annual report. I refer to a grant to the Deafness Council under the commission's disability services program. About \$50 000 was provided to Channel 7 for closed captioning of its current affairs and news programs. As a result, those with hearing disabilities and non-English speaking people have access to those programs. This is the first time such services have been provided by a commercial broadcaster in Australia. Given the huge demand on the Disability Services Commission's resources, that type of funding would probably be very low on its priority list.

It could be argued that a Government that is returning a true social dividend to the people of Western Australia would be ensuring that non-government disability groups do not have to go cap in hand to the Lotteries Commission for such funds, but at least we have a commission to fill these funding gaps, and historically the commission has filled that gap in this State. Often projects that would not have gone ahead now do so and do so more rapidly than would

otherwise be the case as a result of this facility. The captioning undertaken by Channel 7 is just one example of the benefits that can be enjoyed. I am sure that the service would eventually have been provided, but through this mechanism people with hearing impairment have that access now.

Grants are also used for less essential services, including a series of lectures on the environment that I attended in recent weeks. Some people might say that to this Government the environment is a lottery, but it is good to see the Lotteries Commission providing such grants. The Speaker of the Swedish Parliament, Birgitta Dahl, told the audience that the Stockholm bus fleet runs on gas generated from waste dumps, which provide enough gas to fuel the entire bus fleet. Perhaps this Government should look into that.

Hon John Halden: We could use the gas produced by Cabinet.

Hon NORM KELLY: We would have too much left over.

It is important to the general community that the money spent on lotteries finds its way to worthy causes. That has historically been the case, it is still the case and I have no doubt that it will continue to be. It is very important that that perception be maintained.

Maintaining the sale of lottery products in this State is dependent not only on massive but necessary advertising, but also on people's acceptance that lost money is directed to a good cause. That is a primary concern. Marketing plays an important role in generating sales for the Lotteries Commission.

[Questions without notice taken.]

Hon NORM KELLY: I have been talking about the marketing of the Lotteries Commission's products. I am sure most members are aware of the advertising techniques used to sell those products. They generally refer to the benefits of people having a big win. One can understand the correlation between advertising and revenue considering the increase in advertising of bonus draws in lotto. When there is a bonus draw of several million dollars the advertising increases to advertise that fact, and therefore the sales increase markedly as well.

Hon Derrick Tomlinson interjected.

Hon NORM KELLY: It increases with the number of tickets bought.

Obviously there is a correlation between increased marketing and increased sales. It is good that the commission spends a certain amount of its advertising budget to promote the benefits to the community, but perhaps the amount spent in that area could be increased even more to highlight the benefits to the wider community. During the last financial year the commission spent more than \$11m on advertising and marketing. With total sales revenue of just under \$400m, there is still a substantial amount which should be spent to maintain the marketing sector that the Lotteries Commission enjoys in the gambling market in this State.

Marketing represents approximately half the overall running costs of the commission. That is one reason that the commission is having difficulty limiting its operating expenditure to 6 per cent of sales revenue. Hon Ken Travers mentioned earlier how the restructuring of funding distribution will be determined, partly to take into account the difficulty in maintaining the 6 per cent limit on administration costs under the current requirements of the Act. I refer here to the current allocation of sales revenue to community organisations.

Considering the commission's moves to maintain its market share we must understand that in the past few years there has been a levelling out of sales of lottery products. Although part of the cause could be a staleness about the product, which highlights a need for the commission to introduce new products, it could also be put down to the fact that Western Australians are already world leaders in the purchase of lottery and lotto tickets. In this State the average spent is more than \$220 per person per year. Unless there were major changes to that pattern it would be difficult to increase that already high amount.

A government member interjected.

Hon NORM KELLY: I have great confidence in the Lotteries Commission being able to market its product without compromising its integrity. It is responsibly managed in that way.

We must look at the broader implications of gambling in this State. It is unfortunate that the Lotteries Commission is the first gambling body that my party and I have dealt with since being elected to this Parliament. However, it is important in the context of a recent call for a national inquiry into gambling that we look at the role of the Lotteries Commission in the broad range of gambling outlets and ways of gambling in this State. We fully appreciate and support the position that other political parties in this Parliament have expressed in their opposition to poker machines. Hon Ken Travers went into detail about that. He compared the pokies, or the one armed bandits, in the eastern States and the electronic gaming machines at the Burswood Resort Casino with the potential new styles of

electronic gaming contained in this Bill. Having grown up in Sydney, I am well aware not only that the introduction of poker machines makes gambling more accessible for people, but also of the drawbacks of gambling in our society. I am encouraged by the position of the current Government in opposing their introduction and the Democrats will always support that position.

Currently half of 1 per cent of the population has an acknowledged gambling problem. This compares with a figure of 2 or 3 per cent of the population in the eastern States. This is a direct correlation to the availability of poker machine gambling in those States. Early evidence shows that the recent introduction of poker machines in South Australia has shown a corresponding increase in problem gambling in that State. However, the impact of gambling problems in our State extends far beyond the possible introduction of poker machines. A great concern is the huge rise in electronic gambling through the Internet. It is extremely difficult to legislate against that. I understand that Queensland and the Northern Territory have passed legislation to combat this problem, and New South Wales and Victoria are also looking closely at introducing legislation. Although it is difficult to legislate against this form of gambling, that should not preclude our making the best possible attempt to do that. I would like to hear the Minister's comments on legislation to control gambling through the Internet.

The chief executive officer of the Lotteries Commission advised me that there were 60 000 gambling sites on the Internet. That figure was quoted last week by Senator Amanda Vanstone at a conference on gambling in Sydney. Whether that figure is correct or it is one-tenth of that, a huge amount of gambling is accessible through the net. It is difficult to control Australian providers on the net let alone overseas providers. However, we should address those concerns and put a good deal of energy into combating the problems associated with that form of gambling.

It has also been shown with problem gambling, and addictions to gambling, that activities that are rapid and involve continual reinforcement are more prone to making a player addicted to that form of gambling. The rapid cycling of games on electronic gaming machines has been shown to be almost hypnotic in its effect. Although I am concerned about the proliferation of machines at Burswood Resort Casino, at least those electronic gaming machines have some player input for making selections to hold cards or whatever that can influence the outcome of one's bet as opposed to poker machines where one has no influence and the selection is completely random.

The level of addiction is far less when tickets are purchased on the Net or in any other form of activity such as horse racing or the buying of lottery tickets where the result is not known until a specified time in the future. There appears to be a direct correlation between the degree of addictiveness and the time span between the purchase and the result becoming known. I am not making a scientific judgment. However, that is a proposition that is accepted on a broad scale. For these reasons serious and dangerous social impacts would result from allowing betting on a game of random chance in an electronic form where the result can be known in an instant. I will move an amendment to the Bill to that effect. The possible introduction of more addictive forms of gambling, whether they be in the form of new lottery games or not, is a far lesser threat; nevertheless, it needs to be protected against.

In the second reading speech the Minister stated that there was no evidence that any of the products under research will create social problems or add to problem gambling in the community. He went on to say that the commission was conscious of its social responsibilities and will recommend new games only if they have no demonstrable likelihood of causing problem gambling. He stated that all games currently under research and development are essentially extensions of existing games. That is reassuring and in line with the position of this Government and the current management of the commission. However, I believe it is important that people are made aware of the research that has been done on games that will be introduced. There can be a fine line between introducing a game that is popular in its own right, and introducing one that becomes popular due to the influence of some degree of addictiveness in that game. If a new instant scratch ticket game were to be introduced it would be important that it was fully investigated - I understand that is what the commission does - and that research has been conducted so its potential for addiction and a negative socioeconomic impact are made known. It is right that the commission should not only conduct that research but also pass on that knowledge to the wider community, so that the community can make its judgment.

Hon Ken Travers mentioned having the current review of the Act open to a wider community forum. It is important that the public have the opportunity to have input into the changes in the types of gambling that we can have in this State.

Hon Max Evans: Would you like to expand more on what you might get out of a socioeconomic review; would it be a \$5 000 review or a \$100 000 review?

Hon NORM KELLY: If we may take poker machines as an example, it has been shown that they are far more popular in the lower socioeconomic demographics of an area. An inverse amount of spending occurs in those areas.

Hon Derrick Tomlinson: That is not what the recent analysis on gambling in Victoria has shown.

Hon NORM KELLY: The evidence I have shows that the proliferation of poker machines in the Melbourne area is concentrated more in those lower socioeconomic areas.

Hon Max Evans: The real dollar turnover was in the upper bracket.

Hon NORM KELLY: To expand on my answer to the Minister, we need to look at whether there is any known impact. If the Lotteries Commission were to target a particular game which would be far more attractive to people in the lower socioeconomic bracket, it could have a devastating impact in their area. It is therefore important that we are made aware of the targeting. It is in the commission's interest to maximise sales revenue for its product, part of the process for which is to look at what demographic spread its product is reaching.

Hon Max Evans: A new game has no track record. There are track records of slot machines around the world. If Powerball has a new game, I am not sure how we assess its socioeconomic impact.

Hon NORM KELLY: In the research the commission would undertake on a new game, I assume there would be some knowledge of what would be expected, which may not be a known quantity.

Hon Max Evans: There would be an anticipation of acceptance of the game.

Hon NORM KELLY: Yes, that is part of the commission's work when deciding whether to introduce a new game. I have no problem with that but that knowledge should be spread wider, especially given that the commission has a monopoly. Knowing that it has no direct competitors for its product means there is less concern for commercial confidentiality. The approval for any new games rests with the Minister. However, it is fitting that the Parliament is made aware of the basis on which that approval is given. As I have said, the approval should contain information on research into the degree of addictiveness and the socioeconomic impacts. I understand that any new instant lottery game requires approval, even though it may be essentially the same game as was previously run. In such an instance, it would simply mean a statement of the fact that it is basically the same game and so the previous reasons for it still apply. I do not think that would be a major constraint on providing information.

Hon Max Evans: Each time I approve a new game of instant lottery, would you want within three working days a report - again and again?

Hon NORM KELLY: I am not sure how many new instant lottery games the Minister would approve in any given time.

Hon Max Evans: I might do five or six a month.

Hon NORM KELLY: In those instances it would mean a tabling of the workings of the game. The document does not have to be lengthy. However, there are subtle differences between instant lotteries. The spread of prizes in the pool might be quite different. For example, in one game there may be four top prizes of \$10 000 and in another for the same prize pool there may be 16 top prizes of \$10 000 and far fewer in the \$2 or \$3 prize bracket. By increasing the number of prizes at the lower end of the spectrum in the \$2 to \$5 range, the number of winners would be increased. The games would become more popular because more people would be winning lower amounts.

Hon Max Evans: That is right. It is the reverse of what you started off by saying.

Hon NORM KELLY: It is up to the punter to decide whether to have more of a gamble to get a big prize or a more certain gamble of winning something smaller.

Hon Max Evans: Every punter knows that he will win the big prize. That is why he goes for it.

Hon NORM KELLY: I have never met anyone who has won it.

Those subtle changes can also have an influence on the degree of potential addictiveness to the game. The increase in the chance of winning the extra \$2 prizes means an increased chance of punters reinvesting those winnings into more games.

Hon Bob Thomas: That is what the whole game is based on.

Hon NORM KELLY: That is right. That is how the commission can influence some form of addictiveness into a simple game such as instant lottery.

Hon Ray Halligan: I am not sure of your argument. People will gamble anyway, whether they win a prize. I cannot see how it will be as addictive as you say.

Hon NORM KELLY: If more people are winning those lower amounts, there will be more reinvestment in the game.

Hon Ray Halligan: Do we have evidence of that fact?

Hon NORM KELLY: No we do not, but that is my whole point. Evidence of that fact would be available as part of the marketing strategy of the Lotteries Commission. Its job is to determine how prize structures influence the sales of the game. That is why to protect against any potential for introducing new addictive games, this Parliament should be made aware of those changes.

Another area of concern to the Democrats is consumer information on winnings from games. Because of the new funding arrangements, there is the potential for the return to players to gradually decline. Currently mostly 60 per cent of the purchase price of the tickets is being returned to the players.

Hon Max Evans: To increase the return to 75 per cent would increase the turnover, which you would not like either.

Hon NORM KELLY: The figures are variable and up to the commission. Although soccer pools are a very small part of the overall sales, the return is 50 per cent.

Hon Max Evans: In most of the world it is 50 per cent.

Hon NORM KELLY: It is important to ensure that the percentage return does not drop too far. It would be against the commission's interest to drop the percentage return because it would affect the popularity of its games. There could be scope for introducing a minimum return. However, for consumer protection, it is quite viable to place on tickets either the average rate of return to the players or the estimated chances of winning, so that the player is aware of the potential of winning. It might be that 50 per cent of the players' investment goes back to them and there might be a 4:1 chance of winning.

Hon Max Evans: Shall we put on the tickets "These are addictive - you had better stop buying them"?

Hon NORM KELLY: If they are shown to be addictive, maybe we should.

Hon Max Evans interjected.

The PRESIDENT: Order!

Hon NORM KELLY: People will not stop buying them if they are addictive.

When we reach the Committee stage, I will go into more detail on those factors. The question is far broader than the lotteries themselves. It goes to the whole question of how we regulate gambling in this State and how we see that we do not introduce more addictive forms of gambling or diminish the high standing of the Lotteries Commission for not only returning a good percentage of funds to winning players but also donating a good percentage to community organisations.

I understand that there is current review of the Act and that a report will be given to the Minister in the next month or two. It has been put to me by Jan Stewart, the chief executive officer of the commission, that these matters are better dealt with in a review of the Act.

Sitting suspended from 6.00 to 7.30 pm

Hon NORM KELLY: I had further discussions with the Minister's officers during the dinner suspension which allayed some of my concerns as to parliamentary scrutiny of new games. The Democrats fully support the Minister and the commission in the work that they are doing. We do not have any real concerns at this stage as to their intentions, but it is important to consider the possible misuse of legislation in future years under future Governments. It is important that if there is any review of technical changes to Acts, members should consider the social implications of such changes and fully evaluate them. I look forward to seeing the results of the review that is under way, and stress the need to look at such a review in the broader context of gambling in its entirety in this State. I have mentioned the concerns that the Democrats have with the Bill, which I will discuss further in the Committee stage.

Hon Max Evans: Feel free to meet with me if you wish to make any recommendations.

Hon NORM KELLY: I appreciate the Minister's offer, which he has also extended in other areas such as the liquor area, for us to put forth ideas or our own recommendations how changes can be made. However, apart from those areas of concern, the Democrats fully support the Bill.

HON GIZ WATSON (North Metropolitan) [7.33 pm]: The Greens (WA) support this Bill. However, we have the same concerns as have been raised by the previous two speakers with regard to any legislation to do with gambling. We need to proceed with caution, particularly because of the addictive nature of gambling. People in Western Australia have a good situation and it is important that Parliament tries to maintain that. Western Australia has the lowest level of gambling addiction in Australia; about half or slightly less than half of other States. This is why it is important that this Bill is given close scrutiny, though I support the work of the Lotteries Commission and think it does an excellent job. This House is unfortunately dealing with this Bill before the full review is concluded. I hope

that review is thorough, and I would be interested in participating in the review because it is an important matter with which this place is dealing.

Hon Max Evans: I also suggest that you make an appointment and follow that up.

Hon GIZ WATSON: That would be great.

The issue of raising revenue from gambling is a double edged sword and the social consequences of raising revenue in this way must be weighed up. The social consequences of gambling is not something that Governments are always readily prepared to acknowledge, let alone tackle in earnest. Taxing from gambling provides such an excellent source of funds which people seem only too willing to part with. Governments Australia-wide often try to reach a level of income which, with astute planning, could amount to the third highest source of revenue which goes into the state coffers. A danger always exists that we are tempted to expand revenue gains from gambling. They must be measured against social costs. The research that I have seen indicates that gambling does tend to affect the lower socioeconomic groups more than the wealthy in our community. Parliament has a very important role to play in controlling the gambling industry, who is involved in it, and what sort of assessment of addictiveness is done when we introduce new types of games.

I have looked at amendments proposed to the Bill, and I will be supporting some of those amendments. The Greens (WA) support the Bill.

HON TOM HELM (Mining and Pastoral) [7.37 pm]: I support the Bill. I need to repeat some of the debate in the Caucus when we talked about the good work that the Lotteries Commission does. The way the Lotteries Commission operates seems to be satisfactory. People such as myself who represent regional remote areas of Australia see the benefits of what lotteries can do on a daily basis. I have attended many meetings in places provided by the Lotteries Commission such as in Broome and various other places, and without those places to meet at, we would be sitting under a tree again or meeting in a backyard. Representatives from the Lotteries Commission went to Newman not so long ago after a request from the people in Newman with regard to a new lotteries house, and assistance from the commission for some of the things that we felt was needed in that town. It is a small isolated mining town, which does not mean to say it does not suffer some of the problems that affect the major cities and major centres. Assurances have been made that the Lotteries Commission will come to Newman's assistance and give those people a safe house; for instance, a place where females or males can go who may be victims, or possible victims, of domestic violence or the abuse of alcohol that occurs in remote areas. It must be said that for everything that everyone says against the Lotteries Commission, the great majority of the people in Caucus are pleased with the work that the commission does.

Although we did not make any comment about the morality of gambling we were somewhat concerned after hearing some of the stories from other places. In the light of this Minister's track record and that of his advisers I do not envisage we will go at breakneck speed down the track of an economic recovery led by gambling establishments. It does not appear to be reflected in this Government's policy. I am sure that neither this Minister nor his staff would want us to do that; nonetheless, alarm bells are ringing.

Some aspects of this Bill require answers from the Minister. That is no reflection on his chief executive officer, who provided us with a comprehensive briefing on the Bill. We must ask some questions in this Parliament for the record so that they can be referred to in the future. It is fortuitous that we will be made aware of the results of a review and can therefore examine some of the effects of the Bill.

A number of issues concern me, such as the requirement in this Bill to alter the casino licensed area for the playing of one or more specified authorised games within the casino complex. I understand from conversation during the dinner break that the extension of casino games will need ministerial approval. The Opposition is comforted to a large extent that this Minister will be around when the review is completed - I am not referring to the next election - in less than 12 months, when matters in this Bill that concern us will be addressed.

Most of us will be aware that in certain States the Totalisator Agency Board has been privatised. An allocation of 6.6 per cent of Lotteries Commission funds is now available for TAB operating costs and 7.7 per cent for commission to retailers. That is proposed to increase to 18.7 per cent commission to retailers and 13.8 per cent for operating costs. That is a significant increase. I am sure the chief executive officer advised me of the reason for that, but I have forgotten. I hope the Minister will advise us. Even if I had not forgotten I would ask the question because the answer should be in *Hansard* so that it can be referred to.

Two aspects of this legislation concern me; that is, the ability of the Minister to approve certain additional games and the way the Minister can approve business partnerships. I am not a gambler, I very rarely drink and I always go to church! That is not quite true.

Hon Ken Travers: You are not a member of the maritime union?

Hon TOM HELM: I do not understand much gambling terminology and the way gambling operations work. However, I understand that we walk a dangerous path if we give Ministers authority to do certain things in our name. I am reluctant to do that for any Minister and that is no reflection on this Minister. Because of the need to enact this Bill as soon as possible we should have written into the *Hansard* that I prefer matters to come before the Parliament. However, I understand the difficulty involved in that. Therefore, the alternative is for matters to be determined by regulation, which this Parliament can disallow.

To the best of my ability I understand about new products going onto the market that need to be exploited for the benefit of the Lotteries Commission and the people of this State. However, matters that have been agreed to in this place should be subject to debate by the people elected to represent their interests. I am yet to be convinced that enshrining in legislation the ability of Ministers to make decisions is a better alternative than the scrutiny by this House of regulations.

I know the Minister is under scrutiny in this place but decisions by Ministers can be hidden. We all know that the general push for privatisation has reached enormous proportions. I think the Labor Party has learnt the lesson of the past regarding privatisation. I am comforted to hear that Geoff Gallop and Kim Beazley want to ensure that privatisation occurs for the right reasons.

I can see how a Minister with fewer scruples than this Minister could offer a package which was very attractive to private enterprise. The increase in operating costs and retailers' commissions could be a step in that direction. Perhaps I am drawing that conclusion because I have a suspicious mind; nevertheless, this is the place in which to voice those concerns.

I am also concerned at the use of the Internet as a gambling tool. I do not know how or why people do it, but we were advised in Caucus this morning that people gamble through places such as Malta, Vanuatu and the Bahamas. If it means money is going out of the State I am unhappy about it. We should be able to do something about it. The ramifications of increasing the opportunity for people to use the Internet, television or modems as poker machines leave me cold. These days children are so smart they could get into the Net and gamble, even if parents used passwords to try to stop them. Children have broken into the Pentagon's computer system. I am really bothered about that. I have a very smart stepson who I know would not gamble on my behalf, but how can we guarantee he would not do it on his own behalf? Although it is easy to acknowledge that gambling is fine in moderation, how do we combat the temptation which results from the instant gratification of winning something on the Internet? I am concerned about children's exposure to things to which I would rather they were not exposed.

Pornography is another area about which I am concerned, as must be every parent. However, I am more concerned about people who are addicted to gambling and as a result lose large amounts of income. Hackers can access many areas and if we expand the opportunities -

Hon Max Evans: You do not need to be a hacker, you can just get on the Internet.

Hon Derrick Tomlinson: You stop your stepson from gambling by not giving him a password.

Hon TOM HELM: The Pentagon's system requires passwords, yet hackers still break into it.

I wonder whether the Government has considered that and is able to implement something other than a password.

Hon Derrick Tomlinson: If they are that smart, they do not need to gamble.

Hon TOM HELM: That is patently untrue because if it were, Packer, Murdoch and Gates, who are among the richest people in the world, would not be gamblers, and we know they are. I am not talking only about blatant gambling in the casino but also about the gambling that takes place on the stock exchange. I cannot oppose something I do not understand, and if there is a way of gambling in the Internet I do not know how it can be stopped. At the same time I oppose restrictions being placed on people. Perhaps regulating what is available at present, or making it more difficult, could be the solution. I understand that people can use some form of black box to restrict viewing on their televisions.

I agree that the second reading speech and the advice received from the department and the chief executive officer were comprehensive. The overall benefit to the community is quite clear and cannot be argued against. That being the case, the Government must make sure that these benefits are not undermined and that this State does not lose the benefits from the Lotteries Commission just for a pot of gold.

Australia is famous for the extent of gambling that takes place, although I understand the level of gambling is lower in Western Australia than in most other States. I think gambling can be regulated so that it is of benefit to society.

I am strongly opposed to exploiting people's weaknesses. People should be guided in another direction rather than exploited, even if it is for the benefit of the community.

I shall talk to the review committee to make sure the good work of the commission stays within the province of the Parliament and is not controlled by the Executive, because we all know that unscrupulous Ministers will use this package as a milch cow when budget time comes around or when money is needed for other things. I support the Bill.

HON B.K. DONALDSON (Agricultural) [7.53 pm]: I should unburden myself at this stage and admit that I am a lotto player. I do not mind admitting that, and I support the Bill for a couple of reasons.

Hon E.J. Charlton: Is it a paying proposition?

Hon B.K. DONALDSON: No. Hon Tom Helm asked how the Government could ensure that kids did not take to gambling. The best way is to send them farming for a few years in the outer wheatbelt.

Hon Derrick Tomlinson: That is gambling.

Hon B.K. DONALDSON: That is true. That is why people such as me, Hon Eric Charlton and other members from country areas seldom gamble in the traditional sense, because they gamble every day although they do not go to the races on Saturdays or Wednesdays.

I support the Bill because I have seen the results of the distribution of funds from the Lotteries Commission in the wider community, in both country and metropolitan areas. It is a significant benefit. This Parliament cannot legislate to tell people not to gamble because Australians are well known for their gambling. Some people enjoy the races and that is their right. Some people enjoy greyhound races, and that is their right. Other people enjoy going to the casino and that is their right. People who wish to avail themselves of the package of products made available by the Lotteries Commission to the wider community have the right to do so. This Bill will not create a situation in which everyone will become a mad gambler. It will ensure that in changing times the Lotteries Commission has the flexibility to operate in new areas. It will not result in a huge blow-out in the number of people rushing to buy scratchies and so on. The system in this State whereby the profits of the Lotteries Commission are distributed in the wider community is unique. I understand more than \$104m was distributed last year. Many of the facilities across Western Australia would not be available were it not for funding from the Lotteries Commission.

Some of the other proposed changes are important. The provisions for people under the age of 16 years are important. The range of products suggested will make sure that the Lotteries Commission holds its place among those who gamble. I choose to put money into lotto every week. Some people like to say they do so because the money is going to a good cause. I will be more honest and admit that we are all greedy and would like to win the first \$10m. However, I can say with some comfort when I have not won, that the money I donate each week goes to a good cause. There is a ring of truth to that.

I was concerned when I heard some of the other speakers in the debate suggest that the Government is introducing a form of gambling in Western Australia which would be detrimental to society as a whole. This Bill is not intended to do that, but it will tidy up some of the areas that need to be addressed and will give the Lotteries Commission the flexibility it needs in the approach to 2000.

HON BOB THOMAS (South West) [7.58 pm]: I had not intended to participate in this debate, but my colleague Hon Ken Travers is absent on urgent parliamentary business for a few minutes, and I want to talk about an issue in which I am passionately involved - gambling. I am a typical Australian and I love a punt on the horses and on the favourite numbers. Sometimes I go to the casino, and every week, without fail, I take a lotto ticket. I should point out that it is usually only a fairly small outlay. In Totalisator Agency Board terms, I am classed as a \$5 better. I am reasonably circumspect about the amount I gamble, because my father had a chronic gambling problem and I experienced first-hand how families go without as a result of a gambling addiction. I remember when I was a young kid living in Shackleton in 1964, the year Claremont won the epic struggle against East Fremantle -

Hon E.J. Charlton: When Brewer kicked the last goal.

Hon BOB THOMAS: Yes. My family and I were living in Shackleton at the time. Members will know how cold it is in the wheatbelt at night during the winter. There were seven kids in my family and we needed shoes. However, the old man went to Bruce Rock on the Saturday and blew his whole pay packet. As a result, we went without shoes for another month. I have experienced first-hand the deprivation to families because of a gambling addiction by one of the parents. That has had an influence on my attitude to gambling. I love a punt, but I am not prepared to lose the family fortune on gambling. I always take two lotto tickets on Saturday night because, like everybody else, I dream about winning the great jackpot. Then I would ring Geoff Gallop to say I would not be in on Monday morning.

Hon E.J. Charlton: Are you saying that you are only doing this job for the money?

Hon BOB THOMAS: As soon as Hon Eric Charlton agrees not to put the median crossover on the Australind bypass, I will consider my future. The only reason I am here is because of that issue! When I take a couple of tickets on a Saturday night, I know a large proportion of the funds raised from that form of gambling will go into community projects. I have only to look around Albany to see the amount of very much needed funds that has been put into the town by the Lotteries Commission. In 1993 it committed \$130 000 to the life saving club, which built new club rooms. The membership of the club grew; therefore, the safety of our beaches has improved significantly. A lot of young people in our town are deriving good training and worthwhile experiences and, therefore, improving their self-esteem as a result of the small investment by the Lotteries Commission.

Another favourite project of mine is the Albany Hospice. I recall when Tommy Bateman came to Albany in 1992 and presented the hospice with a cheque for \$66 000. Many genuine people in our town worked very hard to raise money for that worthwhile project. However, the Lotteries Commission funding put some money in the bank to build up a trust fund for the ongoing expenses. The senior citizens' building in Albany has been renovated recently, for which the Lotteries Commissions committed almost a quarter of a million dollars. A whole host of smaller organisations have received assistance; for example, the Bremer Bay art and pottery group which received a couple of thousand dollars. Every bushfire brigade in my area has received some funding through the emergency services -

Hon Max Evans: The Lotteries Commission provided three-quarters of a million dollars.

Hon BOB THOMAS: I was one of the members of the initial Lotteries House committee in Albany. We went through quite a lengthy process. Eventually we built a first-class facility in North Road. Many organisations in Albany are now housed in quality accommodation as a result of the generosity of the Lotteries Commission.

It is all very well talking about the community benefits of the money distributed by the Lotteries Commission; however, we cannot take this organisation for granted. We must make sure it can engage in developing innovative new products and give it the opportunity to maintain its market share. It is operating in a climate where there is immense competition for the gambling dollar. It cannot be left in the horse and buggy days. We must give it every opportunity, at least, to maintain its market share and if it is able to maintain its leadership in these areas, it will increase its market share.

The distribution from the Lotteries Commission is probably much higher than that through the taxation method from racing and the casino. We would have received \$30m or \$40m -

Hon Max Evans: It's about \$60m.

Hon BOB THOMAS: - from the casino.

Hon Max Evans: From the TAB it's about \$35m.

Hon BOB THOMAS: I estimate that over the past 10 years the Lotteries Commission has invested probably \$1b in our hospitals and other community organisations. It is a very worthwhile organisation. We must balance our attitude in this Parliament between allowing it to be innovative in developing its products and at the same time, as a community, ensuring that we do not discard those who have a gambling problem. Perhaps we should look at the New South Wales model. The Parliament has taken a small figure - it may be 5 per cent or 8 per cent of the tax - from the Lotteries Commission. In fact, the model may have been developed for the casino. A very small proportion of the tax goes to the Government. I am not talking about the distribution to community organisations.

Hon Max Evans: New South Wales does not put any money into the community organisation. It all goes to the Government.

Hon BOB THOMAS: A proportion is taken and is put into gambling crisis groups to provide counselling and the like. Perhaps we should look at that as a way of addressing the concerns about people becoming addicted and ruining their families through gambling away all their income and assets. It is not an issue that is sufficiently important for us to deny the Lotteries Commission an ability, at least, to maintain its market share. I commend the Bill to the House.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [8.07 pm]: I thank all members for their strong support for this Bill and also their kind words about the staff, present and past, of the Lotteries Commission and the board. This organisation has been a great credit to them, and of great benefit to Western Australia. If I had printed copies of this information, I would give it out to members. I will go into a little of the history of lotteries. The first was held in 1550 in London to raise money to pipe water into the City of London. It was a tax raising measure. The last English lottery was held in 1826. A bit of a fraud was going on which involved lucky numbers being pulled out of a hat. In the 1800s the lotteries were run by members of the stock exchange, who

tendered for that right. The money collected from the sale of lottery tickets was invested until such time as the prize money was paid. In our case, the Lotteries Commission has committed about \$38m from the money held as a result of sales. In the 1800s members of the royal family also held lotteries, offering their jewels as the prize when they needed cash up front. There are some very interesting stories about how lotteries were conducted during these early days.

Hon Bob Thomas talked about the New South Wales model. England, New Zealand and Western Australia are the only places where the money goes straight out to the public. In all the other States in Australia this money goes directly into consolidated revenue. Comments were made earlier about my integrity on this issue. When I became Minister for Finance the then Under Treasurer, who no longer holds that position, said, "Now that you are the Minister for gaming, you will make certain all the lotteries money goes straight to Treasury." I told him that would happen only over my dead body! He was serious because that is what happened in all the other States in Australia. At that stage he was probably giving \$50m to hospitals. A change of this kind would have meant an increase of \$30m going into Treasury, for which we might never have seen any tangible benefits. That was a serious request and he thought I would fall into line with him.

Draw lotteries started in Western Australia in 1933 and went until 1955-56. People would buy a ticket for five shillings to win an £8 000 prize. Queensland is the only State that still sells draw lottery tickets. The public now prefer to pick their own numbers.

In response to Hon Bob Thomas: We must take a little good with the bad. We are trying to build up a product that does good. We must think of new products; people tire of losing.

Hon Norm Kelly: You are talking about the state Budget.

Hon MAX EVANS: We need to have an open mind in respect of this. Elderly people go to the newsagent one day a week to buy a scratchie ticket and to socialise. It gives them some fun. Hon Bob Thomas said he always hopes he will win Lotto on a Saturday night and then he can tell Geoff Gallop where to go on Monday. I remember Ian Taylor selling members opposite tickets in a \$15m lottery - although some did not pay him. I thought it would be marvellous if they won. Half the members would retire and the Liberal-National coalition could pick up their seats. I wish I could have ensured that they won. That proves I have no say in the matter. Those who did not pay Ian Taylor should pay him now.

I had not long been in office when Oz Lotto was born. It was the first game in the lotto system to include New South Wales. Given that State's inclusion, it was predicted that the prize would be \$1m a week. That was more attractive and it was very successful.

I give full credit to Jan Stewart and her staff for the launch of Oz Lotto. John Burgess was doing a show on Channel 7 at the time and he conducted the launch. About 500 agents were invited and were well briefed. It took off and the sales were very good.

Some other States found that the midweek lotto was falling off and Powerball was introduced with very big jackpots. Western Australia did a very good marketing job. At one stage we were selling 20 per cent of the tickets sold Australia-wide with 10 per cent of the population; we now sell about 14 per cent. Mathematically, Powerball should have regular \$9m or \$10m jackpots, because five numbers are taken out of one barrel of 45 balls and one out of another. It has not worked out that way, but it has still been very successful.

I was in London last year at the International Gaming Attorneys and Regulators Conference. The Americans were obsessed about raising more money from gambling. Mini casinos are being introduced at American racetracks to keep them viable, because they do not have bookmakers or a totalisator. A chap from the Government of British Columbia was looking to make more money from lotteries because his province is obsessed with raising more revenue.

Victoria will have a very big problem because it raises such a high proportion of revenue through gambling. Spending on gambling hits a peak and will not go much higher. That State had no poker machines and it now has 27 500. Originally it was intended to have 45 000, but a cap was put on at 27 500. However, revenue will not continue to rise so rapidly. About 14 per cent of that State's revenue comes from lotteries, but there is no longer that growth revenue. The same is occurring across America.

Hon Bob Thomas: What percentage is ours?

Hon MAX EVANS: It is very small. Since we have lost the alcohol and tobacco excise it is not very high - it is about 3 or 4 per cent.

I went to see the Minister for Health in Holland because we read that that country intended to reduce the number of

slot machines in operation. It feared an addiction to gambling by underage people. The machines were in fast food outlets and sports clubs. Legislation giving effect to the move was due to be implemented after I left the country. That would not involve any damage to the Government because it did not receive a big return from such gambling, but the people operating them were making a lot of money.

Mention has been made of scratchies and addiction. When the Dutch introduced scratchies people were restricted to purchasing one at a time because it was feared that they might become addicted. The sports lottery people asked the Minister whether the number could be increased to two. The Minister told me that research indicated that buying two tickets would not lead to an addiction. We find it strange that the Dutch should worry about people buying one or two scratchie tickets, given what else goes on in that country.

Mention was also made of the Northern Territory and Queensland's introducing legislation. That legislation will not control gambling: It will legalise Internet gambling. The States want revenue. It is only a matter of time before New South Wales will follow that path.

The day before the London conference commenced, the Victorian Minister announced that that State would allow Internet gambling if the rules were adhered to and taxes were paid. In other words, that State sees itself collecting taxes from that gambling. That generated consternation at the conference, particularly on the part of the Americans, Canadians and South Africans, because they were worried about losing revenue to Australia. Since then Victoria has backed off to a certain degree and the other States are going forward. I do not know what they hope to get out of it. The Federal Government intends to consider it. About 12 months ago the various State Ministers tried to get the Federal Government to prohibit advertising of Internet gambling. If people do not know about it we are part of the way to preventing it.

Hon Ken Travers: So the Federal Government would not take you up on that?

Hon MAX EVANS: There is such a hue and cry in South Australia and Victoria now that they have found there is a problem. The Federal Government will do something, but what it will achieve I am not sure.

People do not realise the differences in gambling. Holland has a state lotto and a sports lotto. The state lotto is about twice the size of the sports lotto, although they are both very big. The revenue from the sports lotto goes to support Olympic sports. The two lottos will be combined but with the same distribution of funds. In the Czech Republic all the money goes to sports. In this State that would be \$110m. About 60 sports receive funding, but some have more political clout than others, so they get a bigger share. That is why we see so many outstanding tennis players from such a small country. It probably costs about \$1m to keep one player on the world circuit. When attending the Hopman Cup one sees many players wearing logos for Lotto. Players from Germany, Sweden and other European countries are heavily sponsored by the sports lotteries.

Hon Ken Travers: I thought it was a sporting goods brand name.

Hon MAX EVANS: No.

Norway, Sweden and France all have national lotteries. Every state in Germany has its own lottery. The first two lotteries in Germany were established in 1955 in the states of Hessen and Bavaria. Pete Lamars invented lotto in the state of Hessen. Western Australia's lotto has been online for many years, with the information going straight to the machines. The state of Bavaria is just going online now. This was delayed because all the money went to the Government and the Bavarian Government had to find 75 million Deutschmarks, which is \$A75m, to put terminals in the 4 500 outlets. Western Australia is so much further ahead. Germany was the first to establish lotteries but the last to put them online. Even Hungary and the Czech Republic have about 93 per cent of outlets online. France has a huge lottery operation and the PMU or the TAB. It runs its own television shows to maximise its money. In the United States and Canada each state runs its own lottery and they all compete. There are different ratios of sales between lotteries and scratchies depending on how the products are marketed. The United Kingdom closed its last lottery in 1826 and restarted it about three years ago. The United Kingdom was the last place in Europe to establish a lottery. Albania beat it by three months. In the first 12 months of operation the British lottery made £1.5b profit. About £375m was distributed to sport, the arts, Millennium 2000 and heritage concerns. Less profit was made in the second year as the lottery was opened up and more machines were distributed. It has been very successful, although it is probably not as high as ours on a per capita basis.

Instant Lottery in Western Australia was introduced by Hon Bob Pike when he was Chief Secretary. It was to raise money for sport and the arts. It did not raise much in the early days and as the revenue began to rise the Labor Government capped the arts and sports share at \$3m in order to put more money into other funds. That is always a sore point with the arts and sports people as they would be getting a lot more money today if the distribution was still on that basis.

The different formulae in the administration costs is fairly open. The Lotteries Commission has very good financial management. No agency is better at financial reporting every month than the Lotteries Commission in providing a comparison of revenue and the percentages of its revenue against budget, and expenses against budget, and the percentages of its expenditure against revenue. It keeps a tight control on that because the tighter the control that is kept the more money that is available for distribution.

Another unique factor of the Western Australian Lotteries Commission is that in New Zealand a government agency, not the lottery, distributes the money to the public after deduction for GST at 12.5 per cent. The same process is followed in the United Kingdom. The Heritage Commission, the body which actually handles the money there, is also a government department. The people who raise the money through the lottery do not have the pleasure of seeing where it goes. Here the Lotteries Commission works very hard to control costs and management and in return it sees the money made and given out. The people in the lotteries houses in places like Albany, as Hon Bob Thomas mentioned, work with committees to make certain the job is done properly and some of the staff have the pleasure of seeing the end result.

In Australia the return prize is about 60 per cent and the commissioning agents get about 7 per cent. In the United States, the prize money is 50 per cent and the commission is only 3 per cent. It is the same in England. A division like that here would give Western Australia another 14 per cent, which is approximately another \$60m. However, we could never get the agents to work at the lower rate and people expect that level of return. None of these countries operates its lottery in exactly the same way.

The issue of gambling problems was raised. The figure given is 0.32 per cent not 0.5 per cent. I have \$5 for anyone who can tell me how people can be accurate on these sorts of things and say who is addicted and who is not. We have a program called Break Even. It is financed by the lotto, the TAB, the bookmakers and the casino. It operates an open line 24 hours a day. After hours it is linked with a similar service in Victoria. People who have a gambling problem or people with a family member who has a gambling problem can consult these organisations. The system seems to work very well and obviously we do not have the same sorts of pressures and problems experienced in the other States. New South Wales has approximately 90 000 slot machines and Victoria is approaching 30 000. Western Australia has only 1 120 or 1 130, at the casino.

Hon Tom Helm referred to the undertaking the Government has given the Opposition that it will be briefed on any future games well ahead of their introduction. We will inform members opposite what they are all about before the games go through the procedures laid down in the legislation. Members will be able to understand what the games are about. The games will change from time to time, just as we went from draw lotteries from 1933 to 1956. Who would ever have believed that lotto, when it kicked off, would go the way it did? It has been a slow marketing thing. The Government will keep the Parliament briefed on those matters.

Hon Tom Helm talked about privatisation. I digress a bit here because this affects other legislation. There is a great misunderstanding about the privatisation of the TABs in the other States. In Victoria this was done only because the Government gave TABCORP a licence to control half of the slot machines. At that time there were going to be 45 000 machines in the State, half for TABCORP, and half for Tattersalls. The Victorian TAB was sold off to the public for about \$735m with a licence to print money, and it made plenty. It is worth about \$2.4b. The Victorian Government should never have sold it so early. It should have maximised the profit before selling. It has been a very good investment. The Victorian TAB was privatised before the Government had given it another source of income. The TAB itself was not saleable. All the TABs in Australia flattened out at that stage. Western Australia had the only TAB which was increasing its turnover in the last three or four years.

The New South Wales Government was desperate for money and it saw selling the TAB as a way of getting a billion dollars. It did not realise that the cash flow it was receiving each year would soon catch up. Governments do not pay tax and I thought it was a silly decision. The New South Wales Government still has not decided how it will put more revenue into the TAB. Members who read the financial papers will know that for many months it has been proposed that all of those 90 000 slot machines be put online to a central unit controlled by the TAB and that jackpots can be run. Penrith Rugby Club has 800 machines and there will soon be up to 1 000 machines at this one rugby club. There are only 1 130 in Western Australia. The jackpots will require a 28 per cent increase in turnover each year to make the same amount of profit. The clubs are not very happy with the way they are subsidising the racing industry through their machines. Negotiations are necessary to decide how this will be done. It has not been worked out even though the prospectus has been released. The New South Wales Government bought Sky Channel four or five weeks ago for \$280m because it was told that the TAB was not saleable as there was not enough profit and growth in it and another source of revenue was needed. The Government bought Sky Channel but has not worked out how to use it to raise revenue as part of the business. I think the Government of New South Wales paid too much for it. New South Wales has a long way to go to make a success of its privatisation.

We do not know what Queensland wants to do with its TAB. There has been talk about doing something but slot

machines are already present in hotels and clubs so it cannot do what the Victorian Government did, but the Queensland Government wants to try to sell the TAB.

Tattersalls in Victoria is a private company. It is the estate of George Adams, with about 2 000 beneficiaries. It is a private operation that runs the lotteries in Victoria. I think it takes a fee of 1.5 per cent off the top and the rest of the profit goes to the State Government. It has been a very successful operation. George Adams started Tattersalls at the turn of the century in Victoria. He was hounded out of Victoria because of gambling problems such as members have discussed today. George Adams went to Tasmania and a large part of the Tasmanian income came from George Adams, or Tattersalls. In fact, New Zealand had Tatts lotto for almost 100 years before going to lotteries a couple of years ago. About \$NZ600m or \$NZ700m went across to Tasmania with the Tatts lotto tickets, so a lottery was introduced to save New Zealand's revenue. The only way to save the money was to sell tickets to the public, as we do. Tatts was invited back to run the lotto in Victoria, and it runs the Tasmanian system on a commission basis. It also runs one in the Northern Territory. It is a private operation running those lotteries for a management fee, and it does very well for the beneficiaries.

I have gone a little beyond the scope of the Bill in my remarks, but it has provided an opportunity to let people know more about the lotteries and gaming systems, and why ours are unique. As mentioned by Hon Bob Thomas, people buy a lottery ticket knowing where the money will go if they do not win. That is a big part of its success; we play on it to some extent. Also, greater exposure has been given to winners since I took over the portfolio, and that excites people into buying tickets. Although I am not certain whether that is a good or a bad thing, it is legal and I want to maximise returns. This year, the return from lotteries will be \$45m - we will take a few million dollars out of reserve - which is a significant amount of money for distribution among Western Australians.

Question put and passed.

Bill read a second time.

BILLS (2): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Industry and Technology Development Bill.
2. Liquor Licensing Amendment Bill.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.34 pm]: I move -

That the Bill be now read a second time.

This Bill amends the Real Estate and Business Agents Act. The Government is committed to making the marketplace fairer and more competitive. It recognises that the removal of unnecessary regulations is consistent with this aim. However, it also recognises that adequate protection measures must be available to the community.

The aim of this Bill is to provide effective public protection and dispute resolution processes in relation to fees charged in the real estate and business agents industry. The Real Estate and Business Agents Supervisory Board presently has no power to order restitution if a party suffers a loss as a result of unjust action by a real estate agent, business agent or sales representative when negotiating, setting or charging fees. This Bill provides the board with this power by enabling it to make orders for the full or partial refund of fees where it is found that an agent or sales representative has acted unjustly in all the circumstances. An offence for such conduct is created.

The Bill also includes a number of specific measures to improve the services the board can offer to the public. These amendments will give board staff, other than the registrar or inspectors involved in investigating breaches of the Act, power to conciliate disputes between real estate and business agents and their clients in relation to transactions. This move is likely to result in fewer consumers being placed in a situation where they have no alternative but to take civil action if they wish to pursue a complaint against an agent.

The board will also be empowered to establish advisory committees for the purpose of obtaining expert advice in relation to such matters as, but not limited to, fee charging. This provision will address concerns by industry, small

business and consumers that the board may not always possess the relevant expertise required to make a decision where specialised knowledge is required.

The Act was last amended in 1995 by the Real Estate Legislation Amendment Act, which came into effect on 1 July 1996. That amendment Act allowed for the deregulation of real estate and business agents' fees by removing the statutory requirement for the board to fix maximum amounts of remuneration for services rendered by agents.

The second reading speech on the 1995 Bill indicated that the fees would be deregulated progressively. The speech also indicated that the fees for residential sales transactions would remain regulated for the time being. However, following requests from some sections of the industry and subsequent consultation with other key industry stakeholders, it was determined that the community would benefit overall if all real estate and business agents' fees were deregulated at the same time.

Stakeholders also advised that a means of resolving disputes should be available in the event that parties disagree on a fee charging matter. This position is consistent with the Government's views. Currently, irrespective of the nature and extent of services offered, agents cannot charge above the maximum permitted level. Such a restriction is clearly anticompetitive and not in the best interests of the parties. In some instances a client may be keen to receive the additional services which an agent could offer, and willing to pay an additional amount in exchange for those services.

The provisions in this Bill make it feasible to remove all maximum fee schedules for real estate transactions by creating an avenue through which members of the public can obtain redress where they are unjustly treated in relation to fees. Upon enactment of this legislation, it is therefore intended to ask the board to remove all fee schedules. Removal of the fee schedules is consistent with this Government's commitment to national competition policy. Such a move will allow agents to be more competitive by offering a range of services tailored to the needs of particular clients. Consultations with interested parties have also shown general support for the board being given increased powers in relation to the industry it regulates. Industry itself has supported the concept of a forum for clients dealing with complaints about fee charging matters.

This Bill has been drafted to give the board the powers it requires to deal effectively with both the disciplinary and redress aspects of fee charging disputes for licensed or registered industry participants. It is important to note that these new powers will allow the board to order restitution not only to a party who has contracted directly with an agent, but also to another party adversely affected by a contract in which an agent has behaved unjustly in a fee charging matter.

The board's ability to order restitution will not be limited to contracts for the sale and purchase of land. This is important as it means that commercial tenants who normally pay rent and other charges levied as a result of an agreement between agent and owner will be able to ask the board to order restitution where the agent has been found to have engaged in unjust conduct in setting, negotiating or charging a fee for the service provided.

It should not be assumed that because the Government is putting these measures in place it expects there to be a large number of instances of agents setting, negotiating or charging fees unjustly. In fact interstate experience indicates that this is by no means the situation. As members may be aware, fees for residential sales transactions were deregulated in New South Wales and Victoria in 1993 and 1995 respectively. Advice received by the Ministry of Fair Trading indicates there has been no significant variation in the number of complaints made in those States about fee charging matters. Advice also indicates this is the experience in other Australian jurisdictions.

It should be noted that no other jurisdiction now regulates commercial real estate and business agent transaction fees, and only Queensland sets maximum remuneration levels for residential transactions. Therefore, it is stressed that these measures are preventive and protective. I do not expect the business of the board to increase in any significant way as a result of these amendments.

It is emphasised that this Bill is not, as has been suggested, a re-regulation measure. It is designed to protect only those people who, for whatever reason, may be taken advantage of by an unscrupulous agent. As the majority of agents are decent and hardworking people, it is not expected to happen often.

In general, it is the Government's belief that in a free market it is the individual's responsibility to make the necessary inquiries to enable agents to decide what is a reasonable fee for the services required. However, it is important to ensure that all individuals in our community are adequately protected should an agent act unjustly in negotiating, setting or charging fees.

Clause 14(1) of the Bill uses the term "unjust in the circumstances". It has been drafted in this manner to directly relate to those rare situations in which a real estate or business agent or a sales representative does, in all the circumstances, act unjustly in relation to fee charging matters. The term "unjust" has not been specifically defined

to ensure its meaning is not limited. This effectively means that all the circumstances of the setting, negotiating or charging of the fee are taken into account. This includes questions of whether undue influence, unfair pressure or unfair tactics were used. The Minister for Fair Trading is satisfied by ministry and board advice that the board will be able to determine whether an agent's conduct was unjust in the circumstances. If it must make such decisions, these will form precedents which will allow for consistency in judgments of this type.

The board was consulted during the drafting of this legislation, and the key features of the Bill have been explained to industry stakeholders including agents, small business, consumer groups and other interested parties. Some sections of the industry have already been active in educating their members about the new market environment and obligations which will operate. The efforts of industry in this regard will be supported once the Bill is enacted, through a major educational initiative by the board and the Ministry of Fair Trading. The initiative will explain to the community in general, and specifically to consumers and persons involved in small business, their rights and responsibilities.

I also draw attention to the fact that in drafting this Bill, we have taken the opportunity to make a number of small amendments. These amendments will clarify the requirements on agents and sales representatives and therefore reinforce the protection that consumers require and expect.

Legal opinion has brought into question the power of the board to refuse the renewal of a triennial certificate or a registration when the holder of the certificate or registration is no longer fit and proper. Accordingly, an amendment to make it clear that the board has this power is included. It is already current practice for the board and the registrar to issue or renew licences, triennial certificates or registrations without a formal proceeding when there is no contention. The Bill formalises this practice.

For agents who are entitled under section 61(4) of the Act to receive remuneration only "on settlement of the transaction", it is essential that this point in the transaction be clearly defined and identified. At the request of industry we have inserted a definition of "settlement" in relation to a transaction.

This Bill, with its aim of providing for public protection in the event that a real estate or business agent acts unjustly in negotiating, setting or charging a fee, demonstrates that the Government is intent on balancing the need to remove anticompetitive practices with a commitment to ensuring that all individuals in our society are protected. I am sure that this measure will therefore be welcomed by those who believe in a free market, and by those who are concerned to ensure that the community is adequately protected. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

PARLIAMENTARY SERVICES COMMITTEE

Assembly's Message

Message from the Assembly received and read relating to the appointment of a parliamentary services committee and seeking the Council's concurrence therein.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Assembly's Message

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

ACTS AMENDMENT (ABORTION) BILL

Returned

Bill returned from the Assembly, with amendments.

LOTTERIES COMMISSION AMENDMENT BILL

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Racing and Gaming) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 3 amended -

Hon NORM KELLY: I move -

Page 4, lines 21 to 24 - To delete the lines.

I have moved this amendment because the Democrats have serious concerns as to the extent to which this proposed subsection (4) could be used in future. We do not have any concerns as to the intentions of the Lotteries Commission at present but we are concerned about how this clause could be manipulated in the future. In my contribution to the second reading debate, I alluded to a potential problem, particularly in the instance of lottery tickets, that could lead to some form of addiction. At the moment, although we can have a reasonably instant turnaround from purchasing a ticket and finding a result, to do that also requires a degree of supervision at the agency where the ticket is purchased.

This proposed subsection states that, notwithstanding subsection 3, an instant lottery may be purchased by way of computer generated graphics that simulate the removal of the paper material from a printed ticket. This could be done by gambling on the Internet or simply by using an electronic terminal in an agency. In either scenario we have the removal of proper supervision from that gambling, particularly in the case mentioned earlier tonight by members in which there is potential for accessing the system and, once in the system, being removed from the reality of the money one is spending. One is removed from any form of supervision of that gambling.

In the scenario of having a terminal in an existing agency, for instance a newsagency, where we have a machine with a monitor, a person could possibly be feeding in coins, getting an instant lottery gain appear on the monitor, scratching that gain, getting the result and continuing to bet. There could be an accumulation of credits for that gain and a person could continue betting or feeding coins into that machine to continue betting. I believe this is far too close a scenario to the reality of poker machine gambling to be allowed in this State. All parties agree and are supportive of keeping poker machines out of this State.

There is a correlation between the time span between purchasing a ticket and receiving the gratification of winning, or losing, on that bet and the degree of addictiveness that that gain may have. Many agencies are set up now for people to purchase a ticket and bins are provided so that people can scratch their tickets on site. Many times, if it is a small win, people will reinvest that money by buying new tickets. I feel that even though it is a very low degree of potential addictiveness, it is there, but it does have adequate supervision.

The rules and regulations of the commission are quite strong enough to ensure that agencies use these forms of gambling properly. This Bill will strengthen that by limiting underage gambling. Therefore, while we do not have a problem with that, we are concerned about the potential for it to be used in the future. From my discussions with the commission, I cannot see any drawback in not having this proposed subsection in the Bill. I do not think it will limit the new games that the commission has planned in the immediate future. If such a provision were required in the longer term, it should come before the Parliament so that we can more adequately address why the commission needs to have this proposed subsection in its Act.

Hon KEN TRAVERS: The Labor Party supports this amendment, and I thank the Minister for indicating that he will accept it. It is important that we remove this proposed subsection, because before we go down this path, we should have a wide community debate. However, I suspect that at the end of that debate, I will still oppose this proposed subsection, because it represents a significant shift and may be regarded as the introduction of pokies by a backdoor method. It should also be taken in context with the earlier part of this proposed section, which defines a "ticket" as including an acknowledgment in the form of an electronic message.

While I am more than happy to accept that process for things such as lotto, where a person can buy a ticket today but not get a response for a couple of days, if a scratch ticket could be accessed through the Internet or by electronic message, people would be able to gamble in their own homes. Although I accept the argument that that facility is already available through the Internet, I hope we will seek to prevent that, if not through the Western Australian Government, then through the Federal Government. It is an insidious form of gambling that will cause major problems if we do not find a way of stopping it.

Hon MAX EVANS: The Government accepts the amendment.

Amendment put and passed.

Hon KEN TRAVERS: I move -

Page 4, lines 25 and 26 - To delete the words "Minister may, by notice published in the *Gazette*, designate" and substitute "Governor may prescribe".

I do not move the amendment because I have a problem with the current Minister. He has done a good job, and I appreciate the spirit in which we have been able to move these amendments. The reason for the amendment is that it is important that the Parliament maintain control over the persons who are involved in the gambling and lotteries industry in Western Australia. This amendment will allow the Parliament to maintain that control, because I am told by parliamentary counsel that if the person who was to be the designated authority was prescribed by the Governor,

under the Interpretation Act that would be done by way of a regulation that the Parliament could move to disallow if it was not happy with the person who had been prescribed.

Hon MAX EVANS: The Government accepts the amendment, and I appreciate the comments that Hon Ken Travers made about me.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Section 10 amended -

Hon MAX EVANS: I move -

Page 6, after line 18 - To insert the following subclause -

(2) After section 10(3) of the principal Act the following subsection is inserted -

" (4) It is a condition of any permit granted under subsection (3) that the lottery may not be conducted unless rules have been made for the conduct of that lottery by the Commission under section 28. "

Hon KEN TRAVERS: I support the amendment moved by the Minister and express my appreciation for it. During the second reading debate, I raised my concern that the Parliament must maintain some control over the types of games that can be played. During the dinner break, parliamentary counsel suggested that this amendment would be one way of meeting that concern. Section 28 of the Act provides that the Lotteries Commission can make rules with regard to each of the games that it conducts. This amendment will strengthen that provision by requiring that those rules be put in place before the Minister can issue a permit for a game. That would allow the Parliament, if a game was brought in that it believed was unsatisfactory, to disallow those rules, and, as a result, the Minister could not issue a permit for that game. I would like to see the games mentioned specifically, but I can understand the reason that the Lotteries Commission would like to have greater flexibility. I believe this amendment will achieve that purpose.

I also note the commitment made by the Minister in summing up the second reading debate that he will consult with people about the new games. Western Australia is lucky in that all of the political parties are fairly much in tune about where we are going with gambling. We all recognise the dangers that are inherent in gambling, and we can be proud that we are the only State that does not have one-armed bandits throughout the neighbourhood, for which I think we will be thankful over time.

Hon NORM KELLY: The Australian Democrats support the amendment. This amendment will go some way towards satisfying the intention of the amendment that I have on the Notice Paper. Therefore, I do not intend to move that amendment.

When a new game is introduced, adequate regard should be given to the impact on the community of any addictiveness to that game. I have been reassured that the commission will brief members prior to the introduction of any new game, to avoid a disallowance motion which could end up delaying the process by up to a month. I thank the commission for reassuring me about the provision of a briefing prior to the introduction of any new game. In that way our concerns can be addressed earlier rather than later. It is important to consider not only the commercial effects but also the social effects that new games can have. It was never the intention of my proposed amendment to place an unnecessary burden on the approval process. A new game may be only a new form of instant lottery, and the Minister may seek approval only half a dozen times each month. I support the amendment, and will not move mine.

Hon MAX EVANS: I apologise to the member. I have jumped the gun on him somewhat. I support my amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 23 put and passed.

New clause -

Hon NORM KELLY: I move -

Page 7, after line 8 - To insert the following new clause -

Section 13A inserted

12. After section 13 of the principal Act the following section is inserted -

" **Tickets to contain certain information**

13A. (1) It is a condition of every permit to conduct a lottery that the tickets in the lottery shall comply with this section.

(2) A ticket that is in a physical form shall contain on its face a statement -

- (a) in the form; and
- (b) printed in the manner,

required by the regulations as to the approximate percentage of the total amount of the moneys received in respect of the lottery that are to be distributed as prize money.

(3) If a ticket is constituted by an acknowledgement in the form of an electronic message, information as to the approximate percentage of the total amount of the moneys received in respect of the lottery that are to be distributed as prize money shall be presented to intending participants in the manner and form required by the regulations."

I will not pursue this new clause. I appreciate the opportunity to address the need for consumer awareness of these products. My comments relate to the wider aspects of gambling in this State, because we should ensure that consumers have an adequate level of knowledge of the products they intend to buy. It is probably unfair to the Lotteries Commission to include such a clause in this legislation, because the commission is probably already providing a better service to the community from the combination of winnings and funds being returned to the community. However, I must emphasise that any review of our gambling laws should ensure that members of the public are made aware of what they are buying. Jan Stewart from the Lotteries Commission has given an undertaking that adequate information will be provided on these products - not necessarily on the face of the ticket, but it will be readily accessible. A reasonable amount of information is available to players, even though it is not readily accessible. I appreciate that commitment. Obviously within the national competition policy and any review we must consider the potential separation of regulatory and operational powers of the commission. A regulatory authority will ensure uniformity across all gambling in this State. I will not pursue the new clause. However, the Government should take note of these aspects. I appreciate the response so far.

Hon KEN TRAVERS: We do not support this amendment. Hon Norm Kelly is aware of our stance. This and the earlier amendment both address the social and economic effects of addictiveness. In one sense this legislation provides for technical aspects of the conduct of lotteries. Much of the debate in this place and outside relating to the amendments goes to the social issues attached to gambling and where gambling fits in society. Sometimes it is not appropriate to combine the two issues in one Act of Parliament. Those matters should be considered in the overall review of gambling legislation. We should consider how to set up mechanisms so that the social and economic impacts of gambling are dealt with. These matters relate to the casino and the Betting Control Act. Outside the Chamber this evening we discussed how to set up such mechanisms. One could argue whether there is a need to put aside some revenue gained from gambling to address those issues, to set up a body to consider the effects of gambling on different groups in society, and how to control or limit the process to achieve the least deleterious effect.

History indicates that the people who can least afford it are often those who have gambling products thrust in front of them. I said earlier that in Victoria, Gippsland has 11 times the number of poker machines provided in the eastern suburbs; yet it has the highest level of unemployment. I accept that the Lotteries Commission does a good job to ensure that will not happen here. I do not want to cast any aspersions on the commission. However, the review process should address how to deal with the social implications of gambling as well as the technical aspects. Perhaps we should consider two Acts or a different structure in which to frame the legislation.

Hon MAX EVANS: I note the comments by both members. We will try to limit the effects, just as we try to do with cigarette smoking.

New clause put and negatived.

Schedule 1 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Racing and Gaming), and transmitted to the Assembly.

BETTING CONTROL AMENDMENT BILL*Receipt and First Reading*

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

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [9.13 pm]: I move -

That the Bill be now read a second time.

This Bill makes a number of changes to the way sports betting can be conducted by licensed bookmakers. Currently, the Minister must approve organisations wishing to have bookmakers attend professional footrace meetings and the venues at which the betting is to occur. These approvals are valid for 12 months.

This system has presented some administrative difficulties. Often organisations lodge their requests for approval for bookmakers to field at footracing events leaving very little time to obtain ministerial approval. The current provisions also mean that bookmakers may field at subsequent footracing events at approved venues within the 12 month approval period, without the requirement for the organisations to advise either the Betting Control Board or the Minister of these events. This creates difficulties controlling individual events.

To overcome this, the Bill provides for permits to be issued for individual events, and locations for sporting events will be registered by the Betting Control Board. The Betting Control Board has had a number of requests for the provisions regarding bookmakers' betting on professional footracing to be extended to professional cycling and wheelchair events.

In considering these requests, and in the context of the development of sports betting by bookmakers in other States, particularly the Northern Territory, the Bill will broaden the provisions of section 4A to allow bookmakers to attend and take bets on designated sporting events such as Australian Football League football matches and test or one day cricket matches. Designated sporting events will be determined by the Betting Control Board and will be published in the *Government Gazette*.

The Betting Control Act stipulates that a prescribed amount, currently 50 per cent, of the betting turnover levy payable by sports bookmakers operating at horse or greyhound racecourses is paid into the consolidated fund.

The Bill will allow the Betting Control Board to collect this portion of the levy for distribution to sporting or other organisations as directed by the Minister for Sport and Recreation. Similarly, a prescribed portion of the levy from betting conducted at a designated sporting event will be payable to the board for distribution in the same manner. Initially, the prescribed portion will be 100 per cent. The current provisions of the Act require bookmakers to deliver a betting ticket to all bettors, other than telephone bettors. However, bookmakers are permitted to operate credit betting and it is traditional that most credit bettors decline to take the tickets issued to them by bookmakers at the time the bet is lodged. The reluctance of credit bettors to take their tickets means bookmakers, through no fault of their own, are not complying with the provisions of the Act.

The Bill amends section 31 of the Act to require bookmakers to issue a ticket for each bet and to deliver the ticket to the bettor unless the regulations prescribe otherwise. This will allow the requirements for the issuing of betting tickets to be varied to suit telephone and other credit betting practices. The current activities of full-time sports bookmakers operating from a racecourse have highlighted the demand from bettors for opportunities to bet on new sporting events and betting contingencies. Ministerial approval is presently required before new sporting events and betting contingencies can be offered to punters.

To facilitate approvals, the Bill will amend section 4B of the Act to transfer the responsibility for approving events and contingencies for sports betting from the Minister to the Betting Control Board. Under delegated powers, in appropriate circumstances, the chairperson of the board will be able to issue approvals with minimum delay.

The Betting Control Act stipulates that a bookmaker shall employ only persons who hold bookmakers' employees' licences. This requirement has caused difficulty for bookmakers, particularly at country race meetings, when staff call in sick at short notice. Bookmakers in the metropolitan area normally have access to a pool of licensed bookmakers' employees. However, this is often not the case in remote areas.

The Bill will amend the Act to allow the steward in control of a race meeting to issue temporary bookmakers' employees' licences on the day of a race meeting. The criteria to be used by the steward to assess applications for temporary licences will be set by the Betting Control Board.

While calling of the card events may be conducted at prescribed venues under the Betting Control Act, the board is aware that many calling of the card events are conducted at country venues without the approval of the board. The board believes the existing provisions in the Act are unnecessarily onerous and time consuming and do not encourage organisations to seek board approval for such events. The Bill will amend the Act to allow the board to authorise and control the settlement of bets and betting on calling of the card events. Approvals will be published in the *Government Gazette*. In addition, the Bill contains a provision requiring bookmakers fielding at calling of the card events to lodge returns and pay a betting levy to the race club conducting the event on which the betting occurred. This levy is currently paid into the consolidated fund.

The States and Territories have, at a meeting of the Racing Ministers' Conference, been asked to enact legislation to recognise prior interstate betting offences. The Bill contains amendments to enact this request. The Bill also contains some technical amendments which allow the board to delegate its duties as well as its powers; allow any offence committed under either the Betting Control Act or the Totalisator Agency Board Betting Act 1960 to be prosecuted by the board; delete redundant references to the Commissioner of State Taxation; and extend the provision allowing the seizure of evidence to an officer authorised by the board.

Section 36 of the Act requires that a review of the Act be conducted as soon as practicable after 1 January 1991 and every fifth anniversary after that date. As a result of the major amendments to the Betting Control Act that came into operation in June 1996, it was decided that the review that was due as soon as practicable after 1 January 1996 would be conducted in conjunction with the review of the Act required under the Competition Principles Agreement.

The Bill sets the next review five years after the date of proclamation of the Betting Control Amendment Bill. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ACTS AMENDMENT (GAMING) BILL

Second Reading

Resumed from 29 April.

HON TOM HELM (Mining and Pastoral) [9.20 pm]: With limited comments, I support this Bill on behalf of the Australian Labor Party. We would like to see the Bill supported in this place for the good that it can do for the people of our State. The House will be aware that the Bill is the result of a review that was bound to take place under the Casino Control Act and the Gaming Commission Act in order to implement a number of changes identified in the June 1996 report of the Minister for Racing and Gaming's review of the Gaming Commission Act. It also redrafts a number of sections to strengthen or simplify them. Those sections control the protection from liability, so that the commissioners of the control Act are free of liability if they act in good faith. There are proposals for dealing with unclaimed winnings, the disposal of shares in the casino, and so on.

If members read the report, they will see that for the most part the matters addressed in it and its recommendations have been accepted. Various recommendations have not been accepted and other proposals have been put in place. However, the Australian Labor Party in its wisdom has decided that those changes that depart from the recommendations are in the best interests of the people of this State. The Minister and his staff are to be congratulated once more for bringing this to the attention of this House with the hope that the Bill becomes an Act of Parliament.

I would like to spend a little time on two things. One is the part of the Bill that contains the review of directions, under which the commission could be seen to be acting in a draconian way through its disciplinary procedures for employees. I like to think of myself as a civil libertarian who believes that people have a right to due process and the right to appeal. The Bill contains certain appeal provisions for employees of the casino. The casino sets for itself the highest standard and must demonstrate to the people of this State and world wide, because of its world wide reputation, that its employees are of an exemplary character. The casino therefore needs that additional and perhaps undemocratic ability to punish and to dismiss almost without question employees who for various reasons do not act in the best interests of the casino.

When this was first brought to my attention as the Chairman of the Delegated Legislation Committee through some regulations, I raised my concerns. The person in charge of security at the casino, whose name escapes me, whom I met recently, was able to convince me that the provisions were in the best interests of the future of the casino and

our ability to attract overseas gamblers. We must be shown to be beyond any reproach. The power in the provisions has been somewhat reduced from that in the original Casino Control Act.

I could have done this during the debate on the previous Bill, but this is a fortuitous time to ask the Minister if he or his department has looked at a proposal to allow pokies or gaming machines into such places as sporting clubs north of the twenty-sixth parallel. The House is aware of the intention of madman Minister Kierath to introduce regulations, if he can, to stop people smoking across the whole State. North of the twenty-sixth parallel, the advent of fly in, fly out and all those things over which we do not have much say - including the regulations and laws, with which I agree fully, relating to the amount of alcohol allowed on one's breath - mean that it is more difficult to visit those places to which we used to go to enjoy a drink and a bit of a chat with our mates. Such places are losing revenue hand over fist. We are aware of the extent of the use of pokies in the eastern States. We do not want to go down that track. This State has a proud record in that regard. However, I wonder if anybody has considered some regulated way of putting pokies into the clubs in the north west.

Hon Max Evans: If we proposed putting them in there, you would not support it.

Hon TOM HELM: That is right. I go to the casino to watch the show. My wife might play keno a bit. I do not gamble but I would not for one moment stop anybody else. I agree that the casino should have that right of exclusivity whereby other people and organisations cannot get into its territory at this time. Maybe it will happen one day. However, I wonder whether the casino would insist on that provision if it were not to apply north of the twenty-sixth parallel. It may be a useful experiment to see if it has an effect on the casino and whether it might help to turn round the fortunes of those sports and social clubs in the north west which are really struggling.

Hon Simon O'Brien: It is my experience that gambling is a social problem in the north west, especially in some mining towns.

Hon TOM HELM: There is no doubt about that. The extent of the problem is arguable.

Hon Simon O'Brien: I refer to two-up and cards.

Hon TOM HELM: Cards are a problem but two-up is not necessarily a problem. In isolated Aboriginal communities particularly, card games can involve really high stake money. I have seen pokies which give tokens to exchange in the pub. I would rather see people have an ability to win money from the pokies, in the same way that people can win it at the casino and the clubs in the eastern States. If those clubs in the north west were to die, they would leave a real hole in the community. It may be that pubs could put forward the same argument but they are commercial enterprises with the ability to put measures in place to alleviate any damage which Minister Kierath might cause with his proposed antismoking legislation.

Hon Simon O'Brien: With respect, you have a thing about Mr Kierath.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Hon Tom Helm is being diverted from the course of his speech.

Hon TOM HELM: I am not giving any information about the mental stability of the Minister for Labour Relations. His mental condition is a well known fact throughout the State. This is no personal vendetta on my part. His proposals are causing havoc in the north west. As a reformed smoker, I cannot argue about that policy. However, the balance between losing those clubs and outlets against his draconian measures and the opportunity to install pokies which might alleviate the situation needs to be considered. The passage of this Bill is probably a good opportunity for asking the Minister if any consideration has been given to that matter. I would be doing less than my job if I did not raise this during the course of this debate. With those few succinct words and without any further slugging of the Minister for Labour Relations, I support this very welcome Bill.

HON NORM KELLY (East Metropolitan) [9.30 pm]: I appreciate the opportunity to have another 45 minutes to speak about gambling.

Hon Tom Helm interjected.

Hon Max Evans: They get addicted to the game of gambling; I am worried!

Hon NORM KELLY: As long as we do not get addicted to speaking!

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Hon Norm Kelly wishes to address this House for 45 minutes.

Hon NORM KELLY: The Australian Democrats support this Bill. As Hon Tom Helm mentioned, it largely implements those changes that the review of the Act recommended. Rodney Chapman conducted the review and the

Minister tabled his response in June 1996. A number of minor, but important, amendments are contained in this Bill. They are small changes, but they will have an important impact on the running of gaming and the Burswood Resort Casino. The regulation of junket operators is one area which is in need of regulation and was not adequately recognised in the original Act as needing such regulation, but it is an important part of the casino's operations. The Democrats support that component of this Bill.

The Bill also tightens offences relating to the presence of people under the age of 18 years at the casino, not only for those people who are gambling, but even for those just having a physical presence on the gaming floor. These offences also relate to casino staff, and penalties are imposed on staff who allow those underage people to be in the casino.

The introduction of infringement notices also allows greater flexibility for imposing penalties for minor offences and it gives the Gaming Commission greater flexibility in powers to determine a fair penalty for these offences. Previously, a very much all or nothing situation existed that the Gaming Commission had to invoke, so most times it would not initiate a proceeding, knowing that the penalties were far too severe for the offence. A number of changes exist in the Acts Amendment (Gaming) Bill, which the Democrats support.

The Bill also allows for the extension of gambling in the Burswood Casino area by allowing for "runners" to operate in the restaurants of the casino complex. Although this is an extension outside the specified gaming area, it is fair to expect that people who go to Burswood, even if it is just to have a meal in a restaurant, fully realise they are entering a casino complex. The introduction of gambling into those areas is not a problem, and I am sure it would detrimentally impact on the profitability of those restaurants if it did become a problem. We are quite happy with the set-up as proposed to regulate that minor extension of gambling in the larger Burswood Casino area.

I appreciate and thank the Minister and his staff of the Office of Racing, Gaming and Liquor, Barry Sergeant in particular, for the way the information is provided for members when it comes to Bills such as the one before us. In this case, we are amending two Acts, the Gaming Commission Act and the Casino Control Act. In both cases I have been provided with consolidated versions of those Acts and a quite lengthy and detailed explanatory memorandum to go with them. A combination of that information and the availability of the Minister's officers for briefings makes it a lot easier to deal with these types of Bills. The Democrats do not have any problem with this Bill and we support it.

HON J.A. SCOTT (South Metropolitan) [9.35 pm]: The Greens (WA) support this Bill. The Minister has made a number of sensible changes along the way to tighten up a number of loose ends and so on. My only concern relates to the provisions for a person under 18 years of age. We are talking about somebody who is not likely to have a regular income. It is not a fair balance when this person receives a \$1 000 fine compared with the licensee receiving a \$5 000 fine, especially when the person must give his winnings back in addition to paying the \$1 000 penalty. We are talking about an age that teenagers tend to look at as some magical age when they can do everything and they all want to be able to do it now.

Hon Max Evans: Are you suggesting I should have no age limit?

Hon J.A. SCOTT: I think there should be no age limit. A kid who is probably not yet working is to be given a fine which is greater than if he drives his car when he is drunk and could kill somebody. I think that fine should not be so high; I think it should be half of that. The likelihood is that the people who pay it will be the parents. It is so high that young people will not be able to pay it themselves, unless they happen to be one of those under 18 years of age who has a job. Otherwise I think the Bill is very good.

Hon Max Evans: They might have had a win the night before and that is why they came back!

Hon J.A. SCOTT: It is like a misdemeanour for somebody of that age to be doing it. If we look around our society, there are many things that people can do when they are 18 years of age, yet here they are to be fined if they are under 18 years. We are not providing many things for the people who are under 18 years to do, and virtually nothing exists for those people to do when their parents are there. We must look at that. I think it is a misdemeanour on their part for which the fine is too high.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [9.38 pm]: I thank members for their support of this legislation. Many words have gone into it because it is a very important part of the social fabric of the community and we have seen different aspects of gaming all around Australia.

Hon Tom Helm asked if we looked at electronic gaming machines being allowed above the twenty-sixth parallel. It is one of those magical lines around Australia where everything seems to be legal above, and yet illegal below. One can use a .303 rifle above the twenty-sixth parallel, but not below it.

It has never been put to me. The gaming people from hotels and licensed clubs have been lobbying hard for open

gaming rights throughout Western Australia in clubs and hotels. No-one specifically put the case regarding that applying above the twenty-sixth parallel.

Like me, Hon Tom Helm is a non-gambler and does not mix in these circles. Gambling has been detrimental to many of the clubs in South Australia by causing loss of members. In Victorian clubs - a State with a larger population - people can come in off the street, sign in and gamble. They rely on the public in general to create turnover. In a town like Newman, which is not very large, gambling in a club could do it more harm than good because many families will not go there. The wife might not take the kids there for a meal because of the gambling. Many clubs in other States did not put in gambling machines and they have done very well without them. Clubs might make a lot of money but at whose expense? In the bigger populations of New South Wales and Victoria people from neighbouring towns visit clubs.

In Newman a problem could be created for Aboriginal people who may get addicted to gambling. Although they like betting at Totalisator Agency Boards, they are rarely seen at the race tracks. Hon Tom Helm might like to put up a case at some stage.

The casino legislation provides the casino with exclusivity to all gambling in Western Australia until the year 2000. In 2001 the Government can grant a licence to a casino in Perth the same size as the Burswood Casino or one of any size 100 kilometres out of Perth. Even then those organisations would need to carefully analyse whether they could make much money. Other than in the Burswood Casino no gaming machines are allowed in Western Australia. The Act would need to be amended before gambling machines were allowed above the twenty-sixth parallel.

In smaller towns such as Kalgoorlie much less gambling occurs during the day because of the 12 hour shifts worked by truck drivers. Not as many people come into the TAB shops as in the past. In country towns a casino could probably be run for only four or five hours a night. For that amount of time I doubt any town in Western Australia would carry more than one or two tables for baccarat or blackjack.

Hon John Halden: Alice Springs is a classic example.

Hon MAX EVANS: It is dead in the water. It is a much bigger town than Newman and it has a large tourist population. If an establishment were open for only a limited number of hours it would lose money. The grind market of slot machines should be open so that as long as people have money in their pockets they will continue to gamble. If a club closes at 11.00 pm and a gambler still has money in his pocket there is no certainty that he will bring it back the next night.

With a population of 60 million England's 800 small casinos do less turnover between them than our single casino in Western Australia. Most of them open from 6.00 to 11.00 pm to provide some additional social activity. They do not keep going until people run out of money. Most people cannot afford the staff for that purpose. I hope Hon Tom Helm picks up on these comments. From a social point of view I do not recommend putting those machines into Newman or anywhere else in the north west. It would do more harm than good.

Hon Jim Scott referred to fines for the underaged. Most of the fines represent the maximum amount and the judge would make his own decision on the amount he should fine someone. We have sought to provide a fear factor in the Bill. I was not sure whether the member was seeking deregulation for gambling for underage people. However, I know that was not his intention. I do not know where the age limits come from in relation to lotto, gambling, etc; it is mythical. I suppose one could say that many young people gamble with their lives when they speed in a motor vehicle. Many get away with it, but the obvious ones get picked up.

This is good and necessary legislation. It took a considerable amount of sorting out. Rodney Chapman, who was the Chief Executive Officer with the Office of Racing, Gaming and Liquor, put a lot of time and effort into the changes, for which I commend him.

Hon Norman Kelly referred to the blue Bills. I first used them I think for the State Government Insurance Commission legislation to underline what was being changed. These days nearly all my Bills come out in that form. Most of the other Ministers are following the same procedure. I have been a strong advocate also for the use of explanatory notes. They reduce uncertainty. I commend the Bill to the House.

Question put and passed.

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

ADJOURNMENT OF THE HOUSE

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.45 pm]: I move -

That the House do now adjourn.

Supplementary Notice Paper and Message No 113 - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [9.46 pm]: It is my intention tomorrow to move some amendments with reference to Message No 113. I understand they will be available in Supplementary Notice Paper No 40. If members do not have a copy before they go home I am more than happy to make one available.

Question put and passed.

House adjourned at 9.47 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

MINING LEASE APPLICATIONS

1246. Hon TOM STEPHENS to the Minister for Mines:

How many applications for mining leases have been lodged by companies that have reached the end of their five year exploration licence period?

Hon N.F. MOORE replied:

Of the 4398 current applications for mining leases, 1232 have been lodged as a conversion to lease of ground within exploration licences that have been in force for a period of five years or longer.

LEASE PLAN AUSTRALIA'S CONTRACT - BUSINESS CASE

1332. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

Further to the answer given to question on notice 3145 of 1995 asked in the Legislative Assembly in relation to the Premier Department's contract with the firm Lease Plan Australia worth approximately \$1m per annum for the provision of contract No. 669 A/94 "A" fleet management services, can the Premier advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company -
 - (a) when was the company formed;
 - (b) what is its share capitalization;
 - (c) who are the directors of the company; and
 - (d) are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

I am advised that:

- (1)-(4) The contract involves the provision of fleet management services to a range of government agencies. The major agencies involved in the contract had representatives on the evaluation panel. The agencies satisfied themselves that the new arrangements provided improved levels of service at a competitive cost.
- (5) The business was being contracted into a well established, competitive marketplace. The ministerial fleet had previously been contracted out and would move from one contractor to another.
- (6) Maintaining the previous mix of arrangements in which agencies partially managed their own fleets and partially contracted out the fleet management.
- (7) All submissions by respondents to the Request for Tender were critically assessed by an evaluation panel against predetermined criteria covering cost, technical ability and competency. It should be noted that in 1994 when this contract was evaluated, the level of detail associated with the "business case" and "due diligence" requirements within the then Government contracting policies was substantially less than required by the current guidelines. This is reflective of the concerted effort this Government has applied to

developing new standards and guidelines to ensuring contracting within Government is accountable and transparent. The CTC Guidelines were introduced in July 1995 to enhance the quality of the Government's contracting activities.

- (8) Audited financial statements were provided by the respondents and considered by the evaluation panel.
- (9) The evaluation panel.
- (10) (a) 1988.
- (b) \$14.25 million.
- (c) Mr Dennis Flentje
Mr Ray Baxter
Mr Anton Goudsmit
Mr Jerome Rowley
Mr Henk Scheffers
Mr Hugo Levecke
Mr Harry Kunzel.
- (d) No.

MINISTER FOR THE ARTS

Visit to Japan

1423. Hon LJILJANNA RAVLICH to the Attorney General:

I refer to your nine day visit to Japan as the Minister for the Environment and Arts in May and June 1996, and ask -

- (1) What official Government business was undertaken during that trip and on what days?
- (2) What official business was undertaken in Japan prior to the arrival of Dr Shea?
- (3) Has the Attorney General prepared a report on that trip?
- (4) If so, will he table that report?
- (5) If no report was prepared, why not?
- (6) Did the Attorney General or his chief of staff personally pay for any portion of the trip?

Hon PETER FOSS replied:

- (1)-(2) This information was tabled on 19 March 1998.
- (3) No.
- (4) Not applicable.
- (5) It is not usual to do so.
- (6) Yes.

LEGAL AID COMMISSION'S STAFF TURNOVER

1433. Hon N.D. GRIFFITHS to the Attorney General:

Given the Legal Aid Commission's Acting Director's comments in the Commission's annual report that 46 of its 200 staff left during the year, what steps are being taken to reduce staff turnover?

Hon PETER FOSS replied:

The Acting Director's comments referred to uncertainties which contributed to the 1996/97 financial year staff reductions. The steps being taken to provide certainty and stability to staffing within the Commission include: current and future funding proposals for the Commission, the appointment of Mr Bevan Warner as General Manager, Operations, the introduction of measures to improve efficiency of the Commission's operations with consequential cost savings and the continuing development of sound business practices within the Commission.

FORMER MINISTER FOR ENVIRONMENT'S TRIP TO JAPAN

1437. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for the Environment:

- (1) In reference to the trip to Japan undertaken by the former Minister for the Environment, Hon Peter Foss, in 1996, does the Department of Conservation and Land Management possess any documents or other material relating to that trip including the itinerary and schedule of appointments of the former Minister?
- (2) If yes, in whose custody and where are those documents or material kept?
- (3) Has the department been asked to supply the originals or copies of this material to the former Minister?
- (4) If so, when was it asked and what was its response?

Hon MAX EVANS replied:

- (1) Yes.
- (2) In working files of officers of the Department at the head office at Crawley, at the Department's finance branch and records branch at Como.
- (3)-(4) No but CALM have been asked what is held. As such, CALM has sought and obtained the concurrence of the Attorney General to the release of documents necessary to satisfy an FOI request relating to a visit to Japan by the Executive Director of CALM.

PRISON MUSTER

1439. Hon MARK NEVILL to the Attorney General:

For the most recent figures available -

- (1) What was the muster in the Western Australian Prison system?
- (2) How many persons were on probation?
- (3) How many persons were on parole?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 2250.
- (2) As at 28 February 1998, 668.
- (3) As at 28 February 1998, 1028.

PRISONERS' AGES

1440. Hon MARK NEVILL to the Attorney General:

For the most recent figures available -

- (1) What was the average age of male prisoners?
- (2) What was the average age of female prisoners?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 32 years.
- (2) As at 28 February 1998, 29 years.

PRISONERS' EDUCATIONAL QUALIFICATIONS

1441. Hon MARK NEVILL to the Attorney General:

- (1) How many male prisoners were classified as illiterate?
- (2) How many male prisoners had only a Primary School education?
- (3) How many male prisoners had only completed High School?
- (4) How many male prisoners had technical or trade qualifications?
- (5) How many male prisoners had tertiary qualifications?

- (6) What was the breakdown of the group with tertiary qualifications?
 (7) What was the breakdown of the group with technical or trade qualifications?

Hon PETER FOSS replied:

- (1) This information is not available.
 (2) As at 28 February 1998, 1,593.
 (3) As at 28 February 1998, 278.
 (4) As at 28 February 1998, 136.
 (5) As at 28 February 1998, 21.
 (6)-(7) This information is not available.

PRISONERS' EDUCATIONAL QUALIFICATIONS

1442. Hon MARK NEVILL to the Attorney General:

- (1) How many female prisoners were illiterate?
 (2) How many female prisoners had only a primary school education?
 (3) How many female prisoners had only completed High School?
 (4) How many female prisoners had technical or trade qualifications?
 (5) How many female prisoners had tertiary qualifications?
 (6) What was the breakdown of the group with tertiary qualifications?
 (7) What was the breakdown of the group with technical or trade qualifications?

Hon PETER FOSS replied:

- (1) This information is not available.
 (2) As at 28 February 1998, 94.
 (3) As at 28 February 1998, 41.
 (4) As at 28 February 1998, 3.
 (5) As at 28 February 1998, 2.
 (6)-(7) This information is not available.

PRISONERS WITH MENTAL ILLNESS

1446. Hon MARK NEVILL to the Attorney General:

- (1) What percentage of male prisoners are classified as mentally ill?
 (2) What percentage of female prisoners are classified as mentally ill?

Hon PETER FOSS replied:

- (1) As at 31 March 1998, approximately 10 per cent.
 (2) As at 31 March 1998, approximately 7 per cent.

PRISONERS WHO ARE EX-VIETNAM VETERANS

1447. Hon MARK NEVILL to the Attorney General:

What percentage of male prisoners are ex-Vietnam veterans?

Hon PETER FOSS replied:

These statistics are not recorded by the Ministry of Justice.

PRISONERS OF ABORIGINAL DESCENT

1448. Hon MARK NEVILL to the Attorney General:

What was the percentage of Aboriginal prisoners at last count for -

- (a) male prisoners; and
- (b) female prisoners?

Hon PETER FOSS replied:

- (a) As at 28 February 1998, 33 per cent.
- (b) As at 28 February 1998, 48 per cent.

PRISONERS WHO ARE VIOLENT OFFENDERS

1449. Hon MARK NEVILL to the Attorney General:

- (1) What percentage of male prisoners are violent offenders (ie. murder, manslaughter, rape, robbery, assault)?
- (2) What percentage of these would be high risk?
- (3) What percentage of these would be lesser risk?
- (4) What percentage of male prisoners are property offenders (ie. non-violent)?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 57 per cent.
- (2) As at 28 February 1998, 72 per cent (maximum or medium security).
- (3) As at 28 February 1998, 27 per cent (minimum security).
- (4) As at 28 February 1998, 24 per cent.

PRISONERS WHO ARE VIOLENT OFFENDERS

1450. Hon Mark Nevill to the Attorney General:

- (1) What percentage of female prisoners are violent offenders (ie. murder, manslaughter, rape, robbery, assault)?
- (2) What percentage of these would be high risk?
- (3) What percentage of these would be lesser risk?
- (4) What percentage of female prisoners are property offenders (ie. non-violent)?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 40 per cent.
- (2) As at 28 February 1998, 65 per cent (maximum or medium security).
- (3) As at 28 February 1998, 35 per cent (minimum security).
- (4) As at 28 February 1998, 34 per cent.

PRISONERS' SECURITY CLASSIFICATION

1451. Hon MARK NEVILL to the Attorney General:

- (1) What percentage of male prisoner are maximum security?
- (2) What percentage of male prisoners are minimal security?
- (3) What percentage of male prisoners are low security?
- (4) Are male remand prisoners included in those categories?
- (5) If not, what numbers are in the three categories of remand prisoners?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 20 per cent.
- (2) As at 28 February 1998, 46 per cent.
- (3) As at 28 February 1998, 34 per cent.
- (4) Yes.
- (5) Not applicable.

PRISONERS' SECURITY CLASSIFICATION

1452. Hon Mark Nevill to the Attorney General:

- (1) What percentage of female prisoner are maximum security?
- (2) What percentage of female prisoners are minimal security?
- (3) What percentage of male prisoners are low security?
- (4) Are female remand prisoners included in those categories if not what numbers are in the three categories of remand prisoners?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 23 per cent.
- (2) As at 28 February 1998, 33 per cent.
- (3) As at 28 February 1998, 43 per cent.
- (4) Yes.

PRISONERS ON REMAND

1453. Hon MARK NEVILL to the Attorney General:

- (1) What is the current profile of male remand prisoners (ie. length of time in remand)?
- (2) What is the current profile of female remand male prisoners (ie. length of time in remand)?

Hon PETER FOSS replied:

(1)-(2) As at 28 February 1998:

Length on Remand	Male	Female
<7 days	52	2
8-14 days	34	3
15-21 days	20	6
22-31 days	36	1
1-2 months	41	3
2-3 months	23	3
3-4 months	21	2
4-5 months	12	0
5-6 months	8	2
6-12 months	18	1
1-2 years	8	0

PRISONERS CHARGED WITH DEALING IN ILLEGAL SUBSTANCES

1454. Hon MARK NEVILL to the Attorney General:

What percentage of male prisoners are serving time for -

- (a) selling;
- (b) manufacturing; and
- (c) possessing,

illegal substances?

Hon PETER FOSS replied:

As at 28 February 1998:

(a)	Selling	7.1%.
(b)	Manufacturing	1.2%.
(c)	Possessing	5.8%.
	Other drug offence	1.8%
	Combined (any drug offence)	12.1%

- Notes: (1) (a) Selling consists of deal, traffick, import and export drugs.
 (b) Manufacturing consists of manufacture and grow drugs.
 (c) Possessing consists of simple possession of drugs only.
- (2) Where a prisoner served/is serving time for more than one type of offence, he has been counted under each offence type. Consequently, the percentage of all prisoners having served time for any drug offence is less than the sum of the total of all types.
- (3) All cases where a prisoner served time for a drug offence during the current prison stay have been counted, even though the sentence for the particular type of offence may have expired as at 28 February 1998.

PRISONERS CHARGED WITH DEALING IN ILLEGAL SUBSTANCES

1455. Hon MARK NEVILL to the Attorney General:

What percentage of female prisoners are serving time for -

- (a) selling;
 (b) manufacturing; and
 (c) possessing,

illegal substances?

Hon PETER FOSS replied:

As at 28 February 1998

(a)	Selling	9.5%
(b)	Manufacturing	1.6%
(c)	Possessing	4.0%
	Other drug offence	1.6%
	Combined (any drug offence)	13.5%

- Notes: (1) (a) Selling consists of deal, traffick, import and export drugs.
 (b) Manufacturing consists of manufacture and grow drugs.
 (c) Possessing consists of simple possession of drugs only.
- (2) Where a prisoner served/is serving time for more than one type of offence, she has been counted under each offence type. Consequently, the percentage of all prisoners having served time for any drug offence is less than the sum of the total of all types.
- (3) All cases where a prisoner served time for a drug offence during the current prison stay have been counted, even though the sentence for the particular type of offence may have expired as at 28 February 1998.

PRISONERS CHARGED WITH NON-PAYMENT OF FINES

1456. Hon MARK NEVILL to the Attorney General:

- (1) What percentage of male prisoners are serving time for non payment of fines?
 (2) What percentage of female prisoners are serving time for non payment of fines?
 (3) What is the average amount of fines that have not been paid in (1) and (2) above?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 1 per cent.
 (2) As at 28 February 1998, 5 per cent.

- (3) The information sought is not available.

PRISONERS ON DRUG AND ALCOHOL TREATMENT PROGRAMS

1457. Hon MARK NEVILL to the Attorney General:

- (1) How many male offenders are on court order drug and alcohol treatment programs?
 (2) How many female offenders are on court order drug and alcohol treatment programs?

Hon PETER FOSS replied:

- (1) As at 28 February 1998, 426.
 (2) As at 28 February 1998, 127.

SCHOOL COMPUTER SOFTWARE

1469. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) What has been the total expenditure for the MAZE school administrative software in each year since 1993?
 (2) What has been the total expenditure for the HRMIS school computer software in each year since 1993?
 (3) What has been the total expenditure for the Prostar school computer software in each year since 1993?
 (4) What has been the total expenditure for the Microfusion school computer software in each year since 1993?
 (5) What has been the total expenditure for the Bookmark school computer software in each year since 1993?

Hon N.F. MOORE replied:

I am advised that:

- (1) The Education Department has paid CAS Software the following amounts for MAZE school administrative software:

Financial Year	
1992/93	\$ 77,472.50
1993/94	\$ 96,695.00
1994/95	\$ 85,163.00
1995/96	\$103,756.00
1996/97	\$ 77,737.00
Total	\$440,823.50

Note: The expenditure does not include costs associated with support and training.

- (2) Expenditure for HRMIS:
- | | |
|-----------|--------------|
| 1993-1995 | Nil. |
| 1996 | \$ 2,146,699 |
| 1997 | \$ 7,210,744 |
| 1998 | \$ 1,533,962 |
| Total | \$10,891,405 |
- (3) The Prostar school computer software was completed in 1994 and devolved to schools. The development cost for Prostar for 1993/94 was \$44,080.71.
- (4) In June 1991 Nimrod Holdings Pty Ltd entered into a contract with the Education Department to supply Microfusion Library Automation Software to Western Australian government schools at a cost of \$794,210.00. This contract was for five years, until June 1996.
- (5) Expenditure for Bookmark:
- | | |
|-------|----------|
| 1993 | \$ 1,950 |
| 1994 | \$ 1,950 |
| 1995 | \$ 2,600 |
| 1996 | \$ 5,100 |
| 1997 | \$27,600 |
| 1998 | \$27,600 |
| Total | \$66,800 |

PRISONERS IN MAXIMUM SECURITY

1472. Hon MARK NEVILL to the Attorney General:

How many maximum security prisoners in Western Australia would probably never be released back into the community?

Hon PETER FOSS replied:

It is not possible to determine which prisoners would probably never be released back into the community. Each case is assessed on its merits by the Parole Board.

GOVERNMENT MEDIA OFFICE

Provision of News Items Free to Private Agencies

1475. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

- (1) Does the Government Media Office provide media monitoring services and audio or video tapes of news items to any private public relations companies free of charge on a formal or informal basis?
- (2) If so, which companies have been receiving these taxpayer funded services?
- (3) If Premier is unaware of such practices, will he inquire into the matter and report back to Parliament?

Hon N.F. MOORE replied:

The Government Media Office provides media monitoring services to All Ministers Offices and to some Government Agencies. For instance, the Anti-Corruption Commission requested and receives news summaries, transcripts and cuttings on issues relevant to its operations.

I am not aware of any instances where this information has been provided free of charge to private public relations companies. The Director of the Government Media Office has issued an instruction that if such practices have occurred in the past they are to cease immediately.

MINISTRY OF JUSTICE

Pornographic Videos

1478. Hon J.A. SCOTT to the Attorney General:

- (1) Has an employee of the Justice Department disclosed details to the Attorney General regarding the showing of pornographic videos in an office of the Justice Department during working hours?
- (2) Was a senior level manager involved in the showing or viewing of the pornographic material?
- (3) Does this office deal with victims of sexual assaults?
- (4) What action has the Attorney General taken in regard to this disclosure?
- (5) What action has the Attorney General taken to protect the whistleblower from recrimination or harassment?

Hon PETER FOSS replied:

- (1) Yes, I am now aware of this. The incident related to the showing of one video.
- (2) Yes. The acting Manager of the area involved saw the last few minutes of the video and subsequently issued an instruction to all staff in that area reminding them of their responsibilities with regard to sexual harassment in the workplace.
- (3) Yes.
- (4)-(5) Following an approach from the Office of the Attorney General to the Court Services Division, this incident is being dealt with in accordance with the Ministry of Justice's Equal Opportunity Policy and Grievance Resolution Policy.

GOVERNMENT VEHICLES LEASED OR OWNED

1497. Hon NORM KELLY to the Leader of the House representing the Minister for Education:

For all agencies under the control of your Ministry, can the Minister for Education advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?

- (3) Of the total number of vehicles, how many are -
- (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon N.F. MOORE replied:

Curriculum Council:

- (1) 12 vehicles are leased.
- (2) (a) 12.
(b) Nil.
- (3) (a) 12.
(b)-(c) Nil.

Department of Education Services (including the Country High School Hostels Authority):

- (1) 22 vehicles, 5 leased and 17 owned.
- (2) (a) 5.
(b) 17.
- (3) (a) 22.
(b)-(c) Nil.

Education Department of Western Australia:

- (1) 361 vehicles, 340 leased and 21 owned.
- (2) (a) 244.
(b) 117.
- (3) (a) All 361 vehicles are petrol or diesel powered.
(b)-(c) Nil.

GOVERNMENT VEHICLES LEASED OR OWNED

1498. Hon NORM KELLY to the Leader of the House representing the Minister for Resources Development:

For all agencies under the control of your Ministry, can the Minister for Resources Development advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
- (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
- (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon N.F. MOORE replied:

- (1) The Department of Resources Development leases 20 vehicles.
- (2) (a)-(b) All vehicles are passenger vehicles.
- (3) (a)-(c) All vehicles are petrol powered.

GOVERNMENT VEHICLES LEASED OR OWNED

1499. Hon NORM KELLY to the Attorney General representing the Minister for Planning:

For all agencies under the control of your Ministry, can the Minister for Planning advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon PETER FOSS replied:

Ministry for Planning, Planning Appeals Office, WA Planning Commission:

- (1) 46.
- (2) (a) 30.
(b) 16.
- (3) (a) 46.
(b)-(c) Nil.

East Perth Redevelopment Authority:

- (1) 3.
- (2) (a) 3.
(b) Nil.
- (3) (a) 3.
(b)-(c) Nil.

Subiaco Redevelopment Authority:

- (1) 1.
- (2) (a) 1.
(b) Nil.
- (3) (a) 1.
(b)-(c) Nil.

DENMARK HIGH SCHOOL

1506. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:

- (1) Did the Denmark "School Site Selection Committee" state "the Committee nominates the two Agricultural College sites (current Admin and Dorm areas and the Riverbend site) and the Brazier Street site to the Education Department to carry out an in depth study from which they (the Education Department) will select the most appropriate site for the new High School" in a report?
- (2) Why did the Leader of the House state in answer to question on notice 1257 of 1998 that "... however, there was no approach from the Site Selection Committee for Education Department staff to make the final decision."?
- (3) Has the Minister for Education now agreed to the construction of a new school for the Denmark Agricultural College on Jack Moore Drive as well as a new Denmark School on the existing Denmark Agricultural College site?
- (4) How consistent is this decision with the local area Education Planning Policy?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) With regard to the answer given to Question on Notice 1257 of 1998, a thorough search of departmental files at the time failed to locate a copy of the report. Subsequently, a member of the School Site Selection Committee has provided a copy of the report to the Education Department.

- (3) On 28 April 1998 Minister Barnett announced that the new high school would be built on the existing Denmark Agricultural College site on South Coast Highway. In addition, the Denmark Agricultural College will be gradually relocated to the Jack Moore Avenue site. The total cost of these projects is \$9 million.
- (4) The matter of identifying a suitable site for the new Denmark High School was commenced well before the release of the Local Area Education Planning Framework document in September 1997. Notwithstanding this, there has been extensive consultation with the school community and other interested parties on this matter.

MR MARK ALLEN'S DEATH

1509. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

At the time of the fatality of Mark Allen on September 6, 1996 at the Metro Bus Station in East Perth, can the Minister for Labour Relations advise -

- (1) Did WorkSafe fatalities inspector issue any prohibition notices?
- (2) If yes, how many notices were issued?
- (3) What was the content of each notice?
- (4) Were any of these notices successfully appealed?
- (5) If so, which ones?
- (6) On what grounds were they successfully appealed?
- (7) Was a recommendation made by the Chief Investigating Officer, Bob Elkington, that a prosecution proceed against East Perth Redevelopment?
- (8) Was this recommendation accepted?
- (9) If not, why was it not accepted?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Three.
- (3) The subject matter of the notices were -
 - securing the site until the investigation was complete;
 - providing a safe system of work;
 - use of appropriate ladders.
- (4) No.
- (5)-(6) Not applicable.
- (7) Yes.
- (8)-(9) On the advice of the Crown Solicitors Office, a prosecution was not initiated against the East Perth Redevelopment Authority.

FAL SECURITY'S CONTRACT

1510. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

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

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?

- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1) No. The current contract held by FAL Security replaces an existing contract which was held by another private company. The original contract was let in 1983.
- (2) Cost benefit analysis was not conducted as the current contract replaces an existing contract. The contract was awarded on a value for money basis as a result of a public tender in line with State Supply Commission policies. This contract is due for re-tender in 1998.
- (3)-(4) Not applicable.
- (5) The ability of the current contractor not being able to perform the contract. The element of risk was considered low as the company was a well established security organisation. Additionally, the contractor was required to be Q.A. certified and to provide a \$300,000 guarantee in case of contract failure.
- (6) None were considered.
- (7)-(8) Yes.
- (9) Education Department staff.
- (10) FAL formed in 1991. One Director company, with one hundred percent income, capital and voting rights held by Mr J Borg.
- (11) Mr J Borg, sole Director.
- (12) No.

LONGMAN CHESHIRE'S CONTRACT

1511. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

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

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?

- (11) Who are the directors of the company?
 (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1)-(12) The Agreement between the Education Department and Addison Wesley Longman Chesire Australia Pty Ltd was for the publication of First Steps material.

The contract expired in September 1996.

The successful tenderer for subsequent publication of First Steps material was Reed Elsevier trading in Australia as Reed International.

The tender was advertised in Australia and the USA and UK.

The tender process involved a rigorous evaluation of risk and return and met all government requirements.

The agreement generated income in the form of royalties from the sale of First Steps materials.

The response to PQ 1784 referred to the development costs by the Education Department of the First Steps materials and professional development, not to the publication agreement.

Revenue from sales of First Steps materials during the period of the Agreement with Addison Wesley Longman Chesire was \$866,479.47.

LIWIL SECURITY'S CONTRACT

1512. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

Further to the answer given to question on notice 670 in relation to the Education Department's contract with the firm Liwil worth approximately \$38 000 for the provision of school surveillance, can the Minister for Education advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1) No. The contract with Liwil Security replaced an existing contract.
- (2) Cost benefit analysis was not conducted as the current contract replaces an existing contract. The contract was awarded on a value for money basis after the evaluation of competing written quotations in line with State Supply Commission policies. This contract is due for re-tender in 1998.
- (3)-(4) Not applicable.
- (5) Contract considered low risk and could be taken over by any licensed security company at short notice.
- (6) None were considered.

- (7) Yes.
- (8) No. Considered low risk.
- (9) Not applicable.
- (10) Company formed in April 1995.
Share capitalisation: Two (2) ordinary shares at \$1.00 each.
- (11) Directors: David Grosser
Eyvonne Grosser
- (12) No.

MSA SECURITY'S CONTRACT

1513. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

Further to the answer given to question on notice 670 in relation to the Education Department's contract with the firm MSA Security worth approximately \$20 000 for the provision of school surveillance, can the Minister for Education advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1) No. The contract with MSA Security replaced an already existing contract.
- (2) Cost benefit analysis was not conducted as the contract replaced an existing contract. The contract was awarded on a value for money basis after the evaluation of competing written quotations in line with State Supply Commission policies.
- (3)-(4) Not applicable.
- (5) Contract considered low risk and could be taken over by any licensed security company at short notice.
- (6) None were considered.
- (7) Yes.
- (8) No, as considered low risk.
- (9) Not applicable.
- (10) Olten Pty Ltd trading as MSA Security ACN 076543130.
Formed in December 1996.
Share Capitalisation \$200,000.
- (11) Directors: John Dennison; Jessie Scally
- (12) No.

MULTIPLEX CONSTRUCTIONS PTY LTD'S CONTRACT

1514. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

Further to the answer given to question on notice 959 in relation to the Subiaco Redevelopment Authority Department's contract with the firm Multiplex Constructions Pty Ltd worth approximately \$34.5m can the Minister for Planning advise -

- (1) What is the nature of the contract?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?
- (8) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (9) If yes, did it include a check of the contractors financial background?
- (10) Who carried out the financial background check?
- (11) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (12) Who are the directors of the company?
- (13) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1) Design & Construct Contract.
- (2)-(3) Yes.
- (4) That the contract was an essential part of the Subiaco Redevelopment Project.
- (5) Not applicable.
- (6) Cost, time, quality performance and disruption to railway/road operations.
- (7) Open cut rail trench, leaving rail at grade, road overpasses.
- (8)-(9) Yes.
- (10) Price Waterhouse/Dunn & Bradstreet.
- (11)-(13) These questions should be referred to Multiplex Constructions Pty Ltd.

WILLIAM MONTGOMERY PTY LTD'S CONTRACT

1518. Hon LJILJANNA RAVLICH to the Minister for Justice:

Further to the answer given to question on notice 393 in relation to the Justice Department's contract with the firm William Montgomery Pty Ltd worth approximately \$31 920 for the provision of addiction behaviour training in prisons and juvenile detention centres, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?

- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1)-(2) No.
- (3) Not applicable.
- (4) The contract for this service was considered vital in reducing the rate of recidivism. No other providers of courses of a similar nature could deliver programs within the time frames. The contractor was engaged on a sole provider basis.
- (5) The risks were considered to be minimal as program delivery was by senior, highly experienced registered psychologists.
- (6) No other options were available in the market place.
- (7) No. However, the contractor had ties with Curtin University, as Co-ordinator Addiction Studies.
- (8-9) Not applicable.
- (10) 29 October 1980. Given the value of the contract and as the program delivery was by senior, highly experienced registered psychologists, a company search of share capitalization was not considered necessary at the time.
- (11) Bill Saunders, John O'Connor.
- (12) No.

KINDRED FAMILY SUPPORT CENTRE, BANDYUP PRISON CONTRACT

1522. Hon LJILJANNA RAVLICH to the Minister for Justice:

Further to the answer given to question on notice 397 in relation to the Justice Ministry's contract with the firm Kindred - Family Support Centre Bandyup Prison worth approximately \$85 642 for the provision of family support services in prisons and juvenile detention centres, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1) No. The decision to establish a Family Support Centre at Bandyup Women's Prison was based primarily on the recommendation of the Gender Bias Task Force Report (1994). As similar services were already operating at Canning Vale and Casuarina Prisons for males there was an identified need for the service for the women at Bandyup.
- (2) No.
- (3) Not applicable.
- (4) The Government requirements would be satisfied in the most cost effective manner through the tender process.
- (5) The risks were considered to be minimal as Kindred Inc satisfactorily complied with the contractual conditions and selection criteria. Kindred Inc made evident through its organisational structure and member profile significant experience in similar service delivery. Type 5 quality assurance was met by Kindred.
- (6) No other options were considered. The tendering of the service was consistent with the Government's open competition policy.
- (7) Due diligence requirements are specified in the Ministry's tender documents and respondents must disclose the required information in all cases.

The tender evaluation committee assessed all tenders against the selection criteria. The Kindred Inc tender documentation demonstrated more than acceptable compliance with the specifications.
- (8) Kindred Inc ensured financial accountability through professional annual audit and the costings contained within the tender document satisfied the criteria relating to financial standing.
- (9) Not applicable.
- (10) Incorporated as a charitable organisation in April 1995.
- (11) Not applicable. As a charitable organisation it has a board of management.
- (12) Not applicable.

MOUNT CHARLOTTE REWARD ORE BODY MINING PROJECT

1523. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In respect of a letter drop by KCGM advising residents of the proposed mining of the Mount Charlotte Reward Ore-body on December 4, 1997, can the Minister for the Environment advise -

- (1) On December 16, 1997, did two members of the residents of Brownhill Street, Williamstown ask a Department of Environmental Protection ("DEP") officer in the Kalgoorlie office if they could appeal the project by submitting a petition and letter of objection?
- (2) Why did the officer request that the petition and letter of objection be delivered to him by 10.00 am on Friday, December 18, 1997?
- (3) Did the residents of Williamstown submit a petition and letter of objection to the DEP officer in Kalgoorlie on Friday, December 18, 1997?
- (4) If no, on what date was the petition and letter of objection handed to the DEP officer in Kalgoorlie?
- (5) On what date was this petition and letter of objection forwarded to, and received by, the DEP office in Perth?
- (6) What action was taken in relation to the above letter and petition by -
 - (a) the officer in Kalgoorlie;
 - (b) the DEP in Perth; and
 - (c) the Appeals Convenor?
- (7) At the Williamstown residents meeting on Friday, February 18, 1998, did John Bourke publicly ask the DEP officer if the petition of objection had been submitted?
- (8) What was the response of the DEP officer in attendance?

- (9) Why did the DEP officer, or the DEP Perth office, on receipt of the letter and petition not advise the Williamstown residents of the requirement to submit a \$10 fee to legalise their objection to the proposal/level of assessment?

Hon MAX EVANS replied:

- (1) Two residents asked if they could object to the project by lodging a petition.
- (2) To enable the objections raised in the petition to be considered once the proposal had been referred to the EPA by KCGM and prior to any decision on the level of assessment being made by the EPA.
- (3) Yes, on Friday 19 December 1997.
- (4) Not applicable.
- (5) Friday, 19 December 1997.
- (6) (a) It was forwarded to the DEP's Perth office.
- (b) The petition was read by the relevant officer and placed on departmental file, so that it was available when the EPA made its decision on the level of assessment. Recognition of the local community interest in the proposal and the environmental concerns was a major factor in the EPA setting a formal level of environmental impact assessment on the project.
- (c) None (refer to (9)).
- (7) A member of the public asked if the petition had been submitted.
- (8) He acknowledged that the petition had been sent by facsimile to the DEP's Perth office.
- (9) At the time the petition was received a level of assessment for the proposal had not been set by the EPA and as a result, no avenue for appeal existed.

ENVIRONMENTAL REPORTS' AVAILABILITY

1532. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

Further to the Minister for the Environment's response to question on notice 1420 and page 123 of the Comprehensive Regional Assessment ("CRA"), released in February 1998, which states that independent reports on the response of species and ecosystems to disturbance are available separately on request -

- (1) Why do these publicly funded independent reports require clearance by the RFA Steering Committee prior to being made available to the public?
- (2) Why has there been such a lengthy delay in obtaining clearance?
- (3) Has the Steering Committee made or recommended any changes to these reports prior to giving clearance?
- (4) Will all of these reports be publicly available prior to the RFA options/directions paper being released?
- (5) Apart from the Dr Christensen report, are there any other reports that the CRA states are available, which are in fact, not available?
- (6) If so, what are they?

Hon MAX EVANS replied:

- (1) All RFA reports are required to be cleared by the Commonwealth and State technical officers and by the RFA Steering Committee. The purpose of this clearance process is to achieve a consistent and high standard of presentation, accuracy and technical content. In the case of reports prepared by consultants it is also necessary to check that the report has met the terms of reference and any other conditions of the consultancy to enable payment to be made.
- (2) These reports were not presented to the Steering Committee until 27 March 1998. In addition to the six reports referred to in this question, the Steering Committee has been considering lengthy reports for the National Estate, Economic and Aboriginal Consultation projects.
- (3) The reports are now cleared. No changes have been made or recommended by the Steering Committee. Following the presentations by the authors of initial drafts of these reports to the technical committee in October 1997, some changes were suggested and agreed. Most of these suggestions related to sources of

information not included in the draft, or to errors and omissions. It took a considerable time to finalise the reports.

- (4) Yes, the reports are now available.
- (5) No
- (6) Not applicable.

WINTHROP TECHNOLOGY'S CONTRACT

1535. Hon LJILJANNA RAVLICH to the Minister for the Arts:

Further to the answer given to question on notice 938 asked in the Legislative Assembly in relation to the WA Museum Department's contract with the firm Winthrop Technology worth approximately \$110 000 for the provision of Management and Technical support for the museum, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1)-(2) Yes.
- (3) Firstly, when measuring the cost of in-house provision of the services compared to the external provider, a saving of \$12 000 pa was the outcome.
Secondly, the transition to the external service provider made immediate savings such as -
 - 2.5 FTE's from departments total staff allocation of 2.5 were vacant due to promotion and retirement;
 - No retrenchment cost had to be considered in the costing analysis.
- (4) Not applicable.
- (5) The risks identified were:
 - Failure of the contractor to meet stated delivery requirement;
 - Understanding of Government policies, compliance and standards;
 - Loss of key personnel and change of organisation structure;
 - Inventory Management, offsite location, possible delays;
 - Human error, integrity of data.
- (6) To fill the vacant positions.
- (7)-(8) Yes.
- (9) Western Australian Museum Selection Committee.
- (10) Winthrop Technology is a registered business trading name for the University of Western Australia.
- (11) Directors of the University of Western Australia's Winthrop Technology trading arm were Harold Cluff, Martin Griffith, Alan Robson and Alex Cohen.
- (12) No.

UNISYS AUSTRALIA LTD'S CONTRACT

1541. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

Further to the answer given to question on notice 931 asked in the Legislative Assembly in relation to the Aboriginal Affairs Department's contract with the firm Unisys Australia worth approximately maximum \$49 000 to provide project co-ordination services for implementation of the Department's replacement accounting system, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the Company Directors Ministers or Senior Public Servants?

Hon E.J. CHARLTON replied:

- (1)-(2) Yes.
- (3) Unisys was the preferred supplier.
- (4) Not applicable.
- (5)-(6) None.
- (7) No - not a State Supply Commission requirement.
- (8)-(9) Not applicable.
- (10)-(12)
Not known.

ORACLE SYSTEMS AUSTRALIA'S CONTRACT

1543. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

Further to the answer given to question on notice 931 asked in the Legislative Assembly in relation to the Aboriginal Affairs Department's contract with the firm Oracle Systems Australia worth approximately \$135 000 to effect the implementation of the Oracle financial software products as the Department's replacement accounting system, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1)-(2) Yes.
- (3) The Oracle product to be the most suitable.
- (4) Not applicable.
- (5)-(6) None.
- (7) No - not a State Supply Commission requirement.
- (8)-(9) Not applicable.
- (10)-(12)
Not known.

CERVAN MARINE AND MAINTENANCE'S CONTRACT

1544. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

Further to the answer given to question on notice 931 asked in the Legislative Assembly in relation to the Aboriginal Affairs Department's contract with the firm Cervan Marine and Maintenance worth approximately \$270 000 for the provision of Emergency repairs to roads and barge landing at Oombulgurri community as a result of severe flooding, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1)-(12)
The contract with Cervan Marine and Maintenance was organised on behalf of the Aboriginal Affairs Department (AAD) by Main Roads Western Australia (MRWA). The work was an urgent response to severe flood damage at the Oombulgurri community which had necessitated the evacuation of a community of 374 people in March 1997.

Details of the contract should be directed to the Minister for Transport.

KINETIC TECHNOLOGY INDUSTRIES' CONTRACT

1549. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

Further to the answer given to question without notice 525 of 1996 asked in the Legislative Assembly in relation to the Resources Development Department's contract with the firm Kinetic Technology Industries, a company based in the Netherlands worth approximately \$110m, for the provision of design and fabrication of the gas recycling plant, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1)-(12) The Department of Resources Development has never had a contract with Kinetic Technologies International (KTI) for supply of the gas generation plant for this project.

The contract for this part of the project was one of the first awarded overseas by BHP-DRI and was made in 1995 as a normal business contract. Apart from discussions as to how the contract was likely to be processed by BHP-DRI, and what was the potential usage of local suppliers, the Department has had minimal involvement with the KTI contract.

WOODHEAP FIRTH LEE'S CONTRACT

1550. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

Further to the answer given to question on notice 924 asked in the Legislative Assembly in relation to the Pilbara Development Commission Department's contract with the firm Woodheap Firth Lee worth approximately \$320 000 for the provision of consultation works for the Karijini Interpretive Centre, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?

- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

This question was referred to the Minister for Regional Development who has provided the following response:

- (1) No.
- (2)-(3) Not applicable.
- (4) Substantial research was conducted by the Pilbara Development Commission to support a proposal for an Interpretive Centre in Karijini National Park.
- (5) Acceptance by stakeholders, in particular the traditional landowners, and inability to complete contract.
- (6) Continue to use the temporary facility to provide cultural information and interpretation for visitors to the Park.
- (7) The selection of the consultant was carried out using an approved process managed by CAMS.
- (8) CAMS only carries out financial checks on consultants in exceptional circumstances. In this instance Woodhead Firth Lee is well known to CAMS and there was no reason to do a financial check.
- (9) Not applicable.
- (10) Woodhead Firth Lee Pty Ltd evolved in 1994 from the initial company Woodhead Hall McDonald Shaw, established in 1927. On 9 June 1997 the firm changed its name to Woodhead International. Woodhead International is a private company wholly owned by the current directors. The value of those shares is not public information.
- (11) Brent Blanks
Peter McLennan
David King-Jones
John Wenzel
David Gilbert
Stewart Brooks
Hans Vos
William Kent
Michael Hund
Ian Howard
Alex Berdon
Geoffery Lee
David Holm
Robert L Hopton
John Stefanatos
- (12) No.

QUIRK CORPORATE CLEANING AUSTRALIA PTY LTD'S CONTRACT

1551. Hon LJILJANNA RAVLICH to the Minister for the Arts:

Further to the answer given to question on notice 938 asked in the Legislative Assembly in relation to the Arts WA Department's contract with the firm Quirk Corporate Cleaning worth approximately \$53 489 for the provision of cleaning of and gardening in Cultural Centre, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?

- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon PETER FOSS replied:

- (1) No business case was conducted as this was not a new contract. The cleaning and gardening contracts were previously separate but it was considered it would be more operationally efficient to combine these when the contracts expired.

The maintenance of the Cultural Centre is undertaken by P&O Facilities Management on behalf of the Ministry for Culture and the Arts. P&O Facilities Management was allocated the Cultural Centre through the processes of the Department of Contracts and Management Services, in line with Government policy and procedures. P&O Facilities Management contracted Quirk Corporate Cleaning.
- (2) The cost benefit analysis consisted of an analysis of the submissions through the tender process. No cost benefit analysis was carried out against undertaking the functions in-house. The analysis of the tender submissions showed Quirk Corporate Cleaning was the best value for money.
- (3)-(4) See (2).
- (5) The inherent risks identified in the contract were the capacity of the contractor to undertake the work within the performance specifications over the period of the contract.
- (6) Various options for splitting the contract into separate areas and functions were reviewed by P&O Facilities Management. It was considered more efficient to manage one contract for both cleaning and gardening, covering as much of the Cultural Centre as possible.
- (7) Yes. The contracting process followed the Department of Contract and Management Services administrative guidelines and policies for awarding cleaning and gardening contracts. This consisted of an Expression of Interest process to establish a group of contractors that had the capability to undertake such a contract. That group of contractors were then invited to respond to the tender specifications for this particular contract. All contractors included in the panel resulting from the Expression of Interest process were checked by P&O Facilities Management. In the tender process P&O Facilities Management also checked references.
- (8) The check did include a check of the company's financial capacity to undertake the contract.
- (9) P&O Facilities Management.
- (10) 100% of the shares are owned by the board of directors. The company was formed in 1988.
- (11) Stanley J. Lauder, Chairman, and Michael A. Knee, Managing Director.
- (12) No.

SEX OFFENDERS

1552. Hon N.D. GRIFFITHS to the Attorney General:

How many Governor's Pleasure sex offenders are in custody?

Hon PETER FOSS replied:

20, as at 28 February 1998.

SEX OFFENDERS

1553. Hon N.D. GRIFFITHS to the Attorney General:

With respect to question on notice 1312 in relation to Douglas Ross Thomas -

- (1) When did the Attorney General ask the Ministry to set up a new method for dealing with Governor's Pleasure sex offenders?

- (2) Have you received any response from the Ministry with respect to the matter?
- (3) When did you last ask the Ministry for a response?

Hon PETER FOSS replied:

- (1) 10 November 1997.
- (2) Yes.
- (3) 6 March 1998.

SOUTH BALLAJURA PRIMARY SCHOOL

Parking

1554. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Education:

- (1) Is the Minister for Education aware that concerns have been raised with respect to parking at the South Ballajura Primary School?
- (2) What parking is currently available with respect to the South Ballajura Primary School?
- (3) What further parking is planned?
- (4) When will such further parking be provided?
- (5) What further parking will be provided to address the needs of the Education Support Centre at South Ballajura School?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The following school parking is currently available:
36 bays used by staff and visitors.
42 bays used by staff and parents.
44 bays for pre-primary parents off Karijini Court plus embayment parking along neighbouring streets.
- (3)-(4) An additional 35 parking bays are planned for construction with the new change rooms on Karijini Reserve during the 1998/99 financial year by the Shire of Swan. These bays will be available for use by parents, and are being jointly funded by the Education Department of WA and the Shire of Swan.
- (5) General parking for the Education Support Centre has been included in the above facilities. Three disabled bays and a bus bay for the Education Support Centre have also been provided.

BYRON, MR GARY

1582. Hon LJILJANNA RAVLICH to the Attorney General:

In relation to the resignation of Gary Byron from his job at the Justice Ministry, will the Attorney General advise: -

- (1) Was it the Attorney General's intent to renew Mr Payne's contract?
- (2) If so, why did Mr Byron resign in support of his deputy?

Hon PETER FOSS replied:

- (1) As Mr Payne was appointed under Part 3 of the *Public Sector Management Act*, as Attorney General I am not responsible for the renewal or otherwise of his contract. In any event the matter of the renewal of Mr Payne's contract has never been an issue for discussion as at the time of Mr Byron's resignation it still had over three years to run.
- (2) That is a question better addressed to Mr Byron.

OCCUPATIONAL SAFETY AND HEALTH BREACHES

1584. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

Further to the response given to question without notice 722 dated August 28, 1997 -

- (1) How many employers have incurred penalties for breach of the *Occupational Safety and Health Act 1984* by causing the death of, or serious harm to, an employee in the following years -
- (i) 1993;
 - (ii) 1994;
 - (iii) 1995;
 - (iv) 1996; and
 - (v) 1997?
- (2) What was the highest penalty incurred by an employer for breach of the *Occupational Safety and Health Act 1984* for causing the death of, or serious harm to, an employee in the years -
- (i) 1993;
 - (ii) 1994;
 - (iii) 1995;
 - (iv) 1996; and
 - (v) 1997?
- (3) What was the nature of the breach in each of the cases in (2) above?

Hon PETER FOSS replied:

Because the Occupational Safety and Health Act introduced increased penalties for contraventions causing death or serious harm to a person only from 1 October 1995, and serious harm was not defined prior to that date, the information given in (1), (2) and (3) below relates to all finalised prosecutions resulting from death or any injury occurring to an employee.

- (1)
- (i) 1993 - 14 entities;
 - (ii) 1994 - 15 entities;
 - (iii) 1995 - 9 entities;
 - (iv) 1996 - 34 entities; and
 - (v) 1997 - 34 entities.
- (2)
- (i) 1993 - two fines of \$20,000 each;
 - (ii) 1994 - \$25,000;
 - (iii) 1995 - \$10,000;
 - (iv) 1996 - \$17,500; and
 - (v) 1997 - \$50,000.
- (3)
- (i) 1993 - a worker was killed when he fell through an asbestos cement roof;
 - (ii) 1994 - a technician died from exposure to a chemical solvent while servicing a refrigeration system;
 - (iii) 1995 - an abrasive blaster died when he was overcome by nitrogen gas in the air supply;
 - (iv) 1996 - A laboratory worker died from contact with hydrofluoric acid;
 - (v) 1997 - A worker was killed when a fabricated steel beam fell on him.

CARINE SENIOR HIGH SCHOOL ENROLMENTS

1590. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) What is the current enrolment of students at Carine Senior High School?
- (2) What number of students was Carine Senior High School designed to accommodate before the installation of demountable classrooms?
- (3) How many demountable classrooms are currently in place at Carine Senior High School?
- (4) How many students are currently accommodated in demountable classrooms at Carine Senior High School?
- (5) What was the cost of providing the demountable classrooms currently in place at Carine Senior High School?

Hon N.F. MOORE replied:

- (1) 1,424 students were enrolled at the school in February this year.
- (2) Carine Senior High School has sufficient permanent facilities to accommodate 45 form classes. The student capacity of these facilities is approximately 1,300 students.
- (3) Six.
- (4) Students in senior high schools undertake a full range of subjects and use a number of different rooms. It

would be normal practice for many students at Carine Senior High School to have some classes in demountable classrooms.

- (5) The six demountable classrooms at the school have been provided over a period of time from the Education Department's existing stock of these buildings. The cost of replacing one of these classrooms with a new transportable classroom would be in the vicinity of \$60,000.

The actual cost of relocating an existing demountable classroom is not readily available. However, an indicative cost of relocating a demountable classroom within the metropolitan area is \$20,000.

TELSTRA INTERNATIONAL COMMUNICATIONS FACILITY, GNANGARA

1591. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for the Environment:

Will the Minister for the Environment confirm that each of the Ministerial conditions for the protection of groundwater quality specified for the expansion of the Telstra International Communications Facility at Gnangara in 1989 are being, and have continuously been, complied with?

Hon MAX EVANS replied:

Officers of the Department of Environmental Protection (DEP) undertook a compliance audit on Telstra's International Communication Facility on 9 April 1998. It was found that the proponent (Telstra) is and has continuously been, in compliance with the Ministerial Conditions that relate to the protection of groundwater quality.

FUJITSU'S CONTRACT

1595. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:

Further to the answer given to question on notice 1871 of 1996 asked in the Legislative Assembly in relation to the Services Department's contract with the firm Fujitsu to run the public sector payroll, can the Minister for Services advise -

- (1) What has been the value of the contract to date?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?
- (8) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (9) If yes, did it include a check of the contractors financial background?
- (10) Who carried out the financial background check?
- (11) If the contractor is a company, when was the company formed and what is its share capitalization?
- (12) Who are the directors of the company?
- (13) Are any of the company directors Ministers or senior public servants?

Hon MAX EVANS replied:

I am advised that:

- (1) \$5,153,039 to 3 April 1998.
- (2) Yes.
- (3) A cost analysis of the Government operated service versus an outsourced service was conducted.
- (4) Outsourcing would provide savings to Government in the provision of common use personnel/payroll systems and services.
- (5) Not applicable.

- (6) (a) Conflict of interest where the contractor is a provider of a competitive alternative service.
- (b) Lack of financial strength and stability of the contractor.
- (c) Lack of technical capability of the contractor.
- (d) Non competitive pricing for services.
- (7) (a) Continuation of the existing Government operated service.
- (b) Facilities management of personnel/payroll computing resources.
- (c) Sale of personnel/payroll computing resources.
- (8)-(9) Yes.
- (10) Rae Hanrahan & Associates CPA.
- (11)-(13) The Member should refer these questions to the Contractor.

DEMOLITION CONTRACTS

1617. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 734 in relation to the two contracts with the Works Department in 1995 for the provision of demolition projects, can the Minister for Works advise for both contracts -

- (1) Who was the successful tenderer?
- (2) What was the value of the contract?
- (3) Was a business case conducted?
- (4) Did it include a comprehensive cost benefit analysis?
- (5) If so, what did it show?
- (6) If not, why not?
- (7) What were the identified inherent risks?
- (8) What other options were considered?

Hon MAX EVANS replied:

I am advised that:

Demolition of the R&I Bank

- (1) Moltoni Corporation Pty Ltd.
- (2) \$5,099,999.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Government Property Office on whose behalf CAMS called the tender and let the contract.

Robb Jetty Abattoir

- (1) Hi Tec Demolition Co Pty Ltd.
- (2) \$1,398,000.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Department of Commerce and Trade on whose behalf CAMS called the tender and let the contract.

DEMOLITION CONTRACTS

1618. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 734 in relation to the seven contracts with the Works Department in 1996 for the provision of demolition projects, can the Minister for Works advise for each contract -

- (1) Who was the successful tenderer?
- (2) What was the value of the contract?
- (3) Was a business case conducted?
- (4) Did it include a comprehensive cost benefit analysis?
- (5) If so, what did it show?
- (6) If not, why not?
- (7) What were the identified inherent risks?
- (8) What other options were considered?

Hon MAX EVANS replied:

I am advised that -

Lot 33 Ahoy Rd and Lot 2 Cockburn, Spearwood

- (1) Dongara Demolition.
- (2) \$34,687.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Department of Commerce and Trade on whose behalf CAMS called the tender and let the contract.

Coogee Chemicals

- (1) Dongara Demolition.
- (2) \$42,350.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Department of Commerce and Trade on whose behalf CAMS called the tender and let the contract.

Mt Henry Hospital

- (1) Dongara Demolition.
- (2) \$87,735.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Health Department of WA on whose behalf CAMS called the tender and let the contract.

Lots 23 & 31 Ahoy Rd, Spearwood

- (1) Moltoni Corporation Pty Ltd.
- (2) \$88,650.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Department of Commerce and Trade on whose behalf CAMS called the tender and let the contract.

Morley Police Station – Demolish Existing Building

- (1) Dongara Demolition.
- (2) \$54,175.

- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the WA Police Service on whose behalf CAMS called the tender and let the contract.

Kununurra Police Station

- (1) Magee Construction NW Pty Ltd.
- (2) \$229,000.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the WA Police Service on whose behalf CAMS called the tender and let the contract.

North Innaloo Primary School

- (1) Trinity Demolition.
- (2) \$53,500.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Education Department of WA on whose behalf CAMS called the tender and let the contract.

DEMOLITION CONTRACTS

1619. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 734 in relation to the four contracts with the Works Department in 1997 for the provision of demolition contracts, can the Minister for Works advise in each case -

- (1) Who was the successful tenderer?
- (2) What was the value of the contract?
- (3) Was a business case conducted?
- (4) Did it include a comprehensive cost benefit analysis?
- (5) If so, what did it show?
- (6) If not, why not?
- (7) What were the identified inherent risks?
- (8) What other options were considered?

Hon MAX EVANS replied:

I am advised that

Robb Jetty – Freezer Building

- (1) PB & KA Brajkovich Pty Ltd.
- (2) \$32,800.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Department of Commerce and Trade on whose behalf CAMS called the tender and let the contract.

Gosnells Police Station

- (1) Southern Traxcavator Service.

- (2) \$14,200.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the WA Police Service on whose behalf CAMS called the tender and let the contract.

Point Peron Recreation Camp

- (1) Raptor Demolition.
- (2) \$48,400.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Ministry of Sport and Recreation on whose behalf CAMS called the tender and let the contract.

Mt Henry Hospital

- (1) Breakthru Demolition.
- (2) \$115,000.
- (3) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage contracts.
- (4)-(8) The Member should refer these questions to the Health Department of WA on whose behalf CAMS called the tender and let the contract.

SOUTHDOWN CONSTRUCTION CO PTY LTD'S CONTRACT

1620. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 709 asked in the Legislative Assembly in relation to the Works Department's contract with the firm Southdown Construction Co Pty Ltd for the provision of construction of the Gosnells Police Station, can the Minister for Works advise -

- (1) What was the value of the contract?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?

Hon MAX EVANS replied:

I am advised that:

- (1) The original contract value was \$1,035,301.
- (2) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage the contracts.
- (3)-(7) The Member should refer these questions to the WA Police Service on whose behalf CAMS called the tender and let the contract.

PERKINS BROS BUILDERS' CONTRACT

1621. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 747 asked in the Legislative Assembly in relation to the Works

Department's contract with the firm Perkins Bros Builders worth approximately \$3.9 m for the provision of construction of the new East Busselton Primary School, can the Minister for Works advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

Hon MAX EVANS replied:

I am advised that:

- (1) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage the contracts.
- (2)-(6) The Member should refer these questions to the Education Department of WA on whose behalf CAMS called the tender and let the contract.

COMPUTER CONTRACT

1624. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$2m per annum - open ended for the provision of portable notebook computers, can the Minister for Works advise -

- (1) Who was the successful tenderer/s
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?

Hon MAX EVANS replied:

I am advised that with respect to the contract with the Minister for Services for the provision of portable notebook computers:

- (1) Acer Computer Australia Pty Ltd
Compaq Computers Australia Pty Ltd
Digital Equipment Corp (Aust) Pty Ltd
IBM Australia Ltd
NEC Australia Pty Ltd
Gateway 2000 Pty Ltd
Sharp Corporation of Australia Pty Ltd
Toshiba (Aust) Pty Ltd
- (2) Yes.
- (3) No.
- (4) Not applicable.
- (5) Cost benefit analysis was not undertaken as the tender was to be based on discount structures offered by each tenderer instead of a set price. Customers would call competitive quotes.

Benefits such as -

- reduced costs in tendering processes for Government;
- reduced costs in tendering processes for vendors;

- competitive arrangement;
- competitive discounts; and
- application of policies;

were recognised.

- (6) Identified inherent risks were -
- not achieving value for money;
 - not adhering to policy;
 - not promoting local industry; and
 - not providing a process which reduced costs.
- (7) The assessment of 6 different procurement options was undertaken, identifying process, trends, value for money, and management aspects of each.
- (i) Common-use panel contract with limited suppliers – market prices;
 - (ii) Common-use panel contract with limited suppliers – fixed prices;
 - (iii) Panel arrangement with preferred list of suppliers;
 - (iv) PE60 (Purchase of Commonwealth contract);
 - (v) Continue as at present (no contract); and
 - (vi) Add to Personal Computers contract

GAS LIQUID PETROLEUM CONTRACT

1625. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$3m per annum for 60 month period for the provision of gas liquid petroleum in bulk and in cylinders, can the Minister for Works advise -

- (1) Who was the successful tenderer/s?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?

Hon MAX EVANS replied:

I am advised that with respect to the contract with the Minister for Services for the provision of gas liquid petroleum in bulk and in cylinders:

- (1) Wesfarmers Kleenheat Gas Pty Ltd.
- (2) No.
- (3) Not applicable.
- (4) Not applicable.
- (5) There was no business case conducted, however, during the evaluation stage of the tender, it was revealed that in relation to country hospitals only and not to other government users, there would be an increased cost based on higher rates than those existing under the contract which was due to expire in mid 1995. To rectify this, negotiations approved by the State Supply Commission were conducted with Wesfarmers Kleenheat resulting in the reduction of rates to the level existing on the contract in place at that time.
- (6)
 - (a) The reduced rates would only apply if volumes remained relatively stable, if not the Contractor may seek to vary the rates.
 - (b) If prices for LPG are not competitive there may be changes made by some country hospitals to alternative fuels, especially diesel.
- (7) There were no other options to the utilisation of LPG considered, although comparisons with alternative forms of fuel such as diesel for some country hospitals were made during the evaluation process.

COMPUTER CONTRACT

1626. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question without notice 1121 in relation to the Works Department's contract worth approximately \$10m per annum for the provision of personal computers through purchases or lease agreements, can the Minister for Works advise -

- (1) Who was the successful tenderer/s?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?

Hon MAX EVANS replied:

I am advised that with respect to the contract with the Minister for Services for the provision of personal computers through purchases or lease agreements:

- (1) Acer Computer Australia Pty Ltd
Anabelle Bits Pty Ltd
CDM Australia Pty Ltd
Comdek Computers (WA) Pty Ltd
Compaq Computers Australia Pty Ltd
Digital Equipment Corp (Aust) Pty Ltd
Gateway 2000 Pty Ltd
Hewlett Packard Australia Ltd
IBM Australia Ltd
Ipex ITG Pty Ltd
Nimrod Holdings Pty Ltd
Tang Computers Pty Ltd
Total Peripherals Pty Ltd
Total Support Services Pty Ltd
Trinix Business Machines Pty Ltd
WA Data Pty Ltd
Y-Micro (Aust) Pty Ltd
- (2) Yes.
- (3) No.
- (4) Not applicable.
- (5) Cost benefit analysis was not undertaken as the tender was to be based on discount structures offered by each tenderer instead of a set price. Customers would call competitive quotes.

Benefits such as -
 - reduced costs in tendering processes for Government;
 - reduced costs in tendering processes for vendors;
 - competitive arrangement;
 - competitive discounts; and
 - application of policies;were recognised.
- (6) Identified inherent risks were -
 - not achieving value for money;
 - not adhering to policy;
 - not promoting local industry; and
 - not providing a process which reduced costs.
- (7) The assessment of 11 different procurement options was conducted, identifying control, testing and management aspects of each.
 - (i) Common-use arrangement with control, management and testing;
 - (ii) Common-use arrangement with central control, management and testing;
 - (iii) Common-use contract with user-driven features and variable product lists;

- (iv) Common-use contract with standard product lines and with central body testing;
- (v) Single-source arrangements between agencies and vendors;
- (vi) Piggy-back contracts by central authority;
- (vii) Accreditation of suppliers and tighter monitoring of SCC policies;
- (viii) Purchase off the PE50 contract (Commonwealth contract);
- (ix) Product list without prices for accredited suppliers;
- (x) Continue as at present but with tightening of SCC policies; and
- (xi) Leasing arrangement.

JAXON CONSTRUCTION'S CONTRACT

1627. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question on notice 479 asked in the Legislative Assembly in relation to the Works Department's contract with the firm Jaxon Construction worth approximately \$3m for the construction of the Kalbarri multipurpose health centre, can the Minister for Works advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

Hon MAX EVANS replied:

I am advised that:

- (1) The client agency funded for the project is responsible for determining a business case for the project. The Department of Contract and Management Services' (CAMS) role is to let and manage the contracts.
- (2)-(6) The Member should refer these questions to the WA Health Department on whose behalf CAMS called the tender and let the contract.

PALLADIUM GROUP PTY LTD'S CONTRACT

1628. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

Further to the answer given to question on notice 935 asked in the Legislative Assembly in relation to the State Supply Commission Department's contract with the firm Palladium Group Pty Ltd worth approximately \$41 330 for the provision of consultancy services for developing the information dissemination facilities in the State Supply Commission, can the Minister for Works advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

Hon MAX EVANS replied:

- (1) No.
- (2)-(3) Not applicable.
- (4)-(6) The consultancy with the Palladium Group Pty Ltd involved a feasibility study, which required research and development work. The study was designed to provide advice to the State Supply Commission in the formulation of its information dissemination strategy. A key requirement of the study was the preparation of a business case and a quantification of costs and benefits. Palladium was engaged for this study because of its knowledge and expertise in the use of information technology, the Internet and related communication strategies.

FIMISTON SUPER PIT BLASTS

1638. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

- (1) Is it correct that at approximately 5.00 pm on Monday, March 30, 1998 there was a blast at the Fimiston Super Pit operations?
- (2) Did dust and/or other pollutants from the blast affect the Williamstown residential area?

Hon MAX EVANS replied:

- (1) There were 4 blasts in the Fimiston open pit at approximately that time.
- (2) Investigation of the incident by a Department of Environmental Protection officer failed to determine any effect on the Williamstown residential area.

PRISONERS RECOMMENDED FOR PRE-RELEASE PROGRAMS

1640. Hon N.D. GRIFFITHS to the Attorney General:

- (1) How many prisoners have been recommended by the Parole Board for a pre-release programme, but are yet to undertake that program?
- (2) What -
 - (a) are the names of those prisoners;
 - (b) were they sentenced for; and
 - (c) is their earliest release date?
- (3) In each case, why have they not been placed on a pre-release program?

Hon PETER FOSS replied:

- (1) Three.
- (2)
 - (a) I do not believe it is appropriate to provide identifying information.
 - (b) Prisoner 1 - Rape x 7, Sodomy, Unlawful & Indecent Assault x 2, Breaking and Entering a Dwelling at Night, Breaking and Entering with Intent, Break Enter and Steal, Unlawful Assault, Escape Legal Custody, Prepare to Escape, Stealing, Stealing and Receiving
Prisoner 2 - Murder.
Prisoner 3 - Murder.
 - (c) Prisoner 1 - Release is subject to the Governors Pleasure pursuant to Section 661 and 662(a) of the Criminal Code. He has been eligible for consideration for release since 9 September 1993.
Prisoner 2 - Sentenced to Life Imprisonment being 7 years minimum. First statutory review date being 7 July 1998.
Prisoner 3 - Sentenced to Life Imprisonment being 7 years minimum. First statutory review date being 19 June 1997.
- (3) Prisoner 1 - Referred back to the Ministry of Justice for a review by the Forensic Case Conference committee which has been specifically constituted to deal with Governors Pleasure sex offenders.
Prisoner 2 - Referred back to the Ministry of Justice for further examination of Home Leave proposal which is to include more stringent requirements for approval of a prisoner's Home Leave sponsors.
Prisoner 3 - Presently under consideration by His Excellency the Governor.

INDUSTRY TRAINING COUNCIL

1645. Hon LJILJANNA RAVLICH to the to the Leader of the House representing the Minister for Employment and Training:

- (1) Can the Minister for Employment and Training reassure Western Australians that the Industry Training Council will not be replaced by non-bipartite training advisory bodies?
- (2) If not, can the Minister outline the proposed structure that has been approved?

Hon N.F. MOORE replied:

- (1) Advice from the State Training Board on how it proposes to acquire appropriate independent industry advice to enable the Board to fulfill its statutory function is being considered and the member will be advised when a position on the matter is determined.
- (2) Not applicable.

STATE TRAINING BOARD'S ADVISORY GROUP'S RECOMMENDATIONS

1646. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Has the State Training Board (STB) rejected the recommendations in the final report "Industry Involvement and Investment in Training: Moving Forward"?
- (2) Is it correct that the recommendations in this report have been developed in association with industry and that most of the Chairs of the WA Industry Training Councils have put their endorsement in writing to the Chair of the STB?
- (3) Does this report emanate from an Advisory Group which the STB established after it had received a similar range of recommendations from an earlier report prepared for the STB by independent consultants from the WA Centre for Continuous Improvement?

Hon N.F. MOORE replied:

- (1) I refer the member to my response to Question 1645. This report has been considered by the Board in the preparation of their advice.
- (2) The recommendations in the report were developed by an Advisory Group established by the State Training Board (STB). Membership of the group consisted of four Industry Training Council (ITC) Executive Officers and two Department of Training Staff Members. Most ITC Chairs have advised the STB of their endorsement of the recommendations.
- (3) See (2) above. The WA Centre for Continuous Improvement (WACCI) was commissioned by the STB to consult widely and to provide specific options for the STB on acquiring industry information. There were no recommendations in the WACCI Report.

STATE TRAINING BOARD'S ADVICE

1647. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) What measures are being taken to ensure that the State Training Board (STB) is receiving appropriate independent industry advice?
- (2) Who is providing the independent industry advice to the STB?

Hon N.F. MOORE replied:

- (1) The *Vocational Education and Training Act 1996* provides appropriate powers for the Board to fulfill its statutory functions including acquiring independent industry information.
- (2) The Board takes advice from a wide range of industry bodies including Industry Training Councils

QUESTIONS WITHOUT NOTICE

CONVENTION CENTRE

1504. Hon TOM STEPHENS to the Minister for Tourism:

Regarding the budget announcement of a proposed convention centre for Perth -

- (1) What consideration has the Government given to the size of the proposed centre in relation to the envisaged seating capacity and its assessment of the required parking space?

- (2) How does the Government envisage selecting the operator for such a convention centre?
- (3) Will any operators of similar venues in other parts of the State or other States be excluded from operating the proposed facility?

Hon N.F. MOORE replied:

- (1)-(2) The Government has made a decision to set aside \$100m to assist in the development of a convention-exhibition centre for Perth. That is the sum total of the decision made at this time, apart from the determination of two preferred sites. The first site is bounded by Roe and Wellington Streets traversing the railway line between the Horseshoe Bridge and the freeway, excluding that area of land where the Entertainment Centre is currently located. The second site is an area between St Georges Terrace and the river down by the busport and the adjacent car parks. Those two sites were determined by previous reports to be the most logical place to build a facility of this nature.

Regarding any other decisions, the Government intends to call for expressions of interest from potential developers of a range of facilities on those two sites, bearing in mind that the Government is prepared to make a contribution financially and in respect of land. We will see what the private sector can produce relating to those two sites.

It is a fact that most convention and exhibition centres around the world do not operate at a profit. Usually, they are built by Governments or local authorities. Those built in some parts of the world by the private sector are built in conjunction with a casino or the operator is given some beneficial gambling rights to make it an attractive proposition. However, the Government has decided that this project will not involve another casino licence or any gambling benefits to the operator or owner.

I will not know the answers to the specific questions asked until we see the proposals made. I imagine that the architectural world will see this development as an incredibly good opportunity to look at a range of possibilities for Perth. We have said that we will be interested in the following types of facilities being built: A convention centre with approximately 2 500 seats as the main centre, with the appropriate break out rooms; an exhibition centre to conduct exhibitions - these normally go alongside a convention centre; it has been flagged that a new hotel in the city would be beneficial; that residential apartments may be part of the complex; and that a stadium for soccer and rugby could be incorporated as a lot of space is involved and the stadium could be used as part of the convention facility.

Many possibilities could arise from the minds and imaginations of the architects of the world who we hope will put forward propositions. We await with interest the proposals which will be forthcoming once expressions of interest are called. Obviously, things like parking, ownership and operation will need to be taken into account in a serious way.

- (3) No decision has been made about who will or who will not be excluded from the proposal. We want to go into the marketplace first and base our decisions upon the benefits to the people of Western Australia contained in the various proposals.

CARNARVON FASCINE

1505. Hon TOM STEPHENS to the Minister for Transport:

- (1) How much was spent on dredging the fascine in Carnarvon in the 1997-98 financial year, and to whom were the funds paid?
- (2) When is the project expected to be completed and at what total cost?
- (3) What funds so far have been paid to Dredgemasters (WA) Pty Ltd?
- (4) Has Dredgemasters completed all work for which it has already been paid in relation to the contract; if not, why not?
- (5) Is there some indication that Dredgemasters will not be able to successfully complete the contract, and is consideration being given to cancelling its contract?
- (6) Is a contingency plan in place in the event of the cancellation of this contract; if not, why not?

Hon E.J. CHARLTON replied:

- (1) Payments for dredging the Carnarvon fascine in the 1997-98 financial year total \$391 000, and have been paid to Dredgemasters (WA) Pty Ltd.

- (2) Completion of the project is scheduled for 12 months at an estimated cost of \$3.1m.
- (3) To date, \$1 145 000 has been paid to Dredgemasters for dredging of the Carnarvon fascine.
- (4) The contract requires Dredgemasters to be paid for the volume dredged; hence, it has undertaken all the work for which it has been paid.
- (5) The performance of Dredgemasters in terms of monthly dredging rates has not met the requirements specified in the contract. Over a period of several months, the superintendent has worked closely with Dredgemasters to address the shortcoming in its performance. However, Dredgemasters was unable to improve its performance to the level required under the contract. In view of this, the principal requested Dredgemasters by letter dated 4 May 1998 to show cause why the principal should not exercise his powers under clause 44(4) of the general conditions of the contract. This clause provides the principal with the power to terminate the contract or to take over the works. Dredgemasters responded by letter on 12 May 1998 outlining how it proposed to achieve the required level of performance. This information is currently being considered by the superintendent on my behalf.
- (6) Yes; the remaining work will be tendered should the contract be cancelled.

DEATHS IN CUSTODY

1506. Hon N.D. GRIFFITHS to the Attorney General:

Given the death of a prisoner on Sunday, 17 May 1998 - the eleventh death in custody this year - what initiatives is the Attorney implementing to deal with the spate of deaths in our prison system?

Hon PETER FOSS replied:

I thank the member for no notice of this interesting question. It has been conveyed that nothing is happening about deaths in custody, but I inform the House of some activities taking place over some time in this regard. First, I mention some initiatives in place and some yet to be put in place.

Prisons, at the instigation of Dr McCall, the previous director general, devised a new at-risk assessment form to be used for all prisoners entering the system. This was devised with appropriate psychiatric and psychological advice. Tenders are now out for the provision of services to ensure that all people in remand prisons have television.

We believe that television is an important facility, and many people in remand are not able, under the current rules, to obtain television. We have softened the visitor procedures at Canning Vale Prison, again recognising that remand prisoners are the most vulnerable. Televisions will also be provided for observation cells at Bandyup and the metropolitan prison complex at Canning Vale.

The role of peer support prisoners is to be enhanced. Training will be provided for peer support prisoners in communication skills and in recognising signs of distress. This training will start at Casuarina. Prison administrators are meeting regularly with peer support prisoners, and a prototype is being developed for at-risk files summarising the status of any prisoners of concern to be used by officers in each living unit. The pilot program is starting at Casuarina in July 1998, and at-risk files will be standard to all prisoners after this trial. Medical emergency drills are practised regularly at Casuarina, and all prisons are implementing these drills.

I previously mentioned in the House the amount of multidisciplinary forensic assessment teams and health services. Significant additional resources were made available to this program, with 36 additional staff and a doubled budget over the past two years.

We have two expert reports, one of which I tabled in the House: The Howells report recommendations have been endorsed for progressive implementation. The Dear report was commissioned some time ago, and its work is being conducted through Edith Cowan University.

A task force has commenced to develop a suicide prevention strategy. Specific strategies are being finalised to consider sources of stress, the detection of and intervention with distressed prisoners and the managing of incidents. Therefore, the whole method of dealing with prisoners is being reviewed. A strategic method will be developed, and that process is ongoing.

I can now announce the appointment of an expert panel of review as all members have accepted appointment. The panel comprises Professor Richard Harding, of the Crime Research Centre of the University of Western Australia; John Griffin, the Director of Victorian Correctional Services; Dr Owen Davidson, the director of strategic policy in the Health Department; and Dr Bob Fitzgerald, the executive director of policy and legislation in the Ministry of Justice.

Advice about these strategies was sent to the following bodies, from which input will be sought: The Prisoners Advisory Support Services, Outcare, Kindred, the Parliamentary Commissioner for Administrative Investigations and the Deaths in Custody Watch Committee.

The Government is also committed to major infrastructure developments to support this suicide prevention strategy, the more immediate ones being health facility upgrades, additional safe cells, and examining the rearrangement of the metropolitan prison complex at Canning Vale. As members know, this will turn the complex into a remand prison so that all remand prisoners will be located there.

The only persons who they will mix with the non-remand prisoners will be ones suitably selected. It will also enable us to separate quite tough remand prisoners. The mere fact that a person is on remand does not mean that he or she cannot be a difficult prisoner; some remand prisoners have been in prisons on a number of occasions and are quite capable of being predatory. This will enable us to better manage prisoners on remand.

Riverbank will open later in 1998 for low to medium security men, providing a more appropriate environment for vulnerable prisoners. Members will also be aware of the Government's commitment to a longer term construction.

The PRESIDENT: Order! Although the answer is relevant to the question, given the length of the answer it is more appropriate that the Minister put the balance of his comments in a ministerial statement.

Hon PETER FOSS: I have only two more things to say.

Hon Bob Thomas interjected.

The PRESIDENT: Order! Hon Bob Thomas will come to order. There have been three questions and they have taken 12 minutes. That is not a very good rate.

Hon PETER FOSS: I have virtually finished. The ministry is actively supporting all requirements of the Ombudsman's review and all inquest findings are examined for recommendations from the coroner.

MILPARA RESIDENTIAL PSYCHIATRIC REHABILITATION SERVICE

1507. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) What steps have been taken to relocate the Milpara Residential Psychiatric Rehabilitation Service, which is due to close its Moss Street site at the end of June?
- (2) Will this relocated service continue to be under the management of the Fremantle Hospital and Health Services; and, if not, who will be the new management?
- (3) What is the current staffing level and composition?
- (4) Will this remain the same at the relocated service?
- (5) What patients are referred, by whom are they referred, and what is the referral rate for this service?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) A number of options are currently being pursued for the relocation of this service. These options include properties available through the Government Property Office, Homeswest and private rentals.
- (2) This issue is not yet determined.
- (3) Current staffing consists of one coordinator position, five health professionals and two rehabilitation assistants. This equates to 7.4 full time employees.
- (4) This issue is not yet resolved.
- (5) Patients referred to the Milpara service are those with a psychiatric illness who require respite, crisis care or a residential education program. Over the 18 months from July 1996 to December 1997 a total of 364 people used the Milpara service. The referrals to the Milpara service during this period came from all clinical teams in the south west metropolitan corridor, including the psychiatric rehabilitation team, the Rockingham-Kwinana psychiatric health team, the Fremantle-Cockburn team, the Fremantle-Melville team and the Peel-Mandurah team. Referrals were also received in this period from outside the south west metropolitan corridor.

PRACTICAL DRIVING TEST

1508. Hon J.A. SCOTT to the Minister for Transport:

- (1) Did the Department of Transport award a contract to Driver Improvement Consultancy Pty Ltd for the amount of \$173 320 for the provision of services for the development of a practical driving test?
- (2) Did it receive tenders for substantially less than this amount?
- (3) What were the values of those tenders?
- (4) Can the Minister inform the House of the tender requirements, including the estimated hours required to provide this service?
- (5) Why was the vastly more expensive tender accepted?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes.
- (3) This information was provided by tenderers on the basis that it was commercially in confidence.
- (4) The consultant is required to develop a practical driving test, consult with relevant parties, develop supporting documentation, develop training courses for the licence examiners to enable them to conduct the test, and develop a route design manual. The specification did not include a predetermined number of hours.
- (5) The tender was evaluated on the following criteria:
 - (i) previous experience in consultancies related to driver training;
 - (ii) knowledge of driver testing procedures in other States;
 - (iii) training experience and understanding of the industry training process, methodology, and price.

The two lowest priced tenderers did not meet minimum requirements for criteria (i) to (iii). The primary factor which differentiated the remaining tenderers was the proposed methodology. The DIC submission was rated more highly because of its more comprehensive approach to ensuring the validity and reliability of the test.

In view of the magnitude of the costs associated with road crashes and the critical role driver testing has in reducing cost, small improvements in the reliability and validity of the tests could have significant impact on costs to the community as a whole.

The State Supply Commission has reviewed the tender evaluation report to ensure that the tender process was conducted in a fair and appropriate manner.

Mr President, I want to add to the answer because it is very important.

Hon Tom Helm: Another ministerial statement!

Hon E.J. CHARLTON: The honourable member might not be interested, obviously.

Mr President, one of the most important recommendations by the all party select committee that inquired into road safety and driver training relates to the development of a driver training program that would change the way people in Western Australia drive. This is what this is about. This is not about getting some cheap tender to fulfil some political commitment.

DENTAL SERVICES

1509. Hon RAY HALLIGAN to the Minister representing the Minister for Health:

Where are the Government's state run dental services currently sited in Western Australia, how many dentists are employed, and who is eligible for these services?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The school dental service is provided through approximately

100 fixed dental therapy centres and 38 mobile clinics, servicing in excess of 230 locations by outreach or aerodental services. I will provide the member with a list of the locations serviced separately.

The adult dental service clinics are located as follows: Goderich Street, East Perth, Sir Charles Gairdner Hospital, Fremantle, Victoria Park, North Perth, Warwick, Swan, Rockingham, Mt Henry, Albany, Bunbury, Boulder, Ravensthorpe, Busselton, South Hedland, Geraldton, Derby, Fitzroy Crossing, Halls Creek, Exmouth, Onslow and Meekatharra. In addition, three mobile services cover country and wheatbelt towns from Kalbarri to Esperance not currently serviced by private practitioners participating in the country patients' dental subsidy scheme. Further mobile services operate out of Derby, Fitzroy Crossing and Hedland to remote locations including Aboriginal communities. Aerodental services are provided to the central reserves and Eyre Highway.

All preprimary, primary and high school children to year 11 throughout Western Australia and to year 12 in remote locations are eligible for the school dental service.

For the adult dental program, receipt of a full or near full pension or benefit from the Department of Social Security or receipt of the independent Austudy is the basis of eligibility. There are approximately 113 dentists employed in the provision of these services.

I seek leave to table the statement of locations.

Leave granted. [See paper No 1601.]

BURSWOOD RESORT CASINO CONVENTION CENTRE

1510. Hon JOHN HALDEN to the Leader of the House representing the Premier:

- (1) Prior to the announcement of the \$100m in the Budget for a convention centre, was Burswood Resort Casino management advised of the Government's intention to provide this \$100m?
- (2) What negotiations has the Government had with Burswood Resort Casino management about its proposed convention centre?
- (3) If none, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I regret that I have not been able to get an answer today and ask the member to place the question on notice.

RESERVES Nos 31900, 31901 AND A22307

1511. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

- (1) On 26 June 1997, the Minister for the Environment assured me that Yarloop reserve No 31900 would be upgraded to an A class reserve and that reserves Nos 31900, 31901 and A22307 are all vested in the National Parks and Nature Conservation Authority for conservation purposes. Can the Minister advise whether this has occurred?
- (2) If not, why not?
- (3) Can the Minister advise whether Cable Sands (WA) Pty Ltd has approached the Government to have a public environmental review carried out on any or all of these reserves?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The setting aside of the three reserves as an A class conservation reserve under the control of the National Parks and Nature Conservation Authority has not yet occurred.
- (2) A number of issues still need to be resolved. The proposal is subject to the Regional Forest Agreement, which is in its later stages of development. Discussions with the Department of Minerals and Energy about the area's potential for mineral resources is awaiting the finalisation of the RFA. Discussions are proceeding with Main Roads Western Australia, which is proposing to widen the South West Highway in the vicinity of the reserves. Additionally, it is proposed to mine reserve No 31900 - see (3).
- (3) Yes. A decision to assess "titanium minerals mining and rehabilitation on reserve 31900 at Yarloop" at public environmental review level has been made by the Environmental Protection Authority and was advertised in *The West Australian* on 18 April 1998.

HOLLYWOOD-SWANBOURNE HIGH SCHOOL

1512. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) Has an estimate been made of the cost of establishing a new high school to accommodate the number of students expected in a combined Hollywood-Swanbourne high school in the area currently serviced by Hollywood and Swanbourne Senior High Schools?
- (2) If so, what is the estimated cost for the establishment of such a school?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I regret I do not have an answer and ask that the question be placed on notice.

VICTIM SUPPORT AND COUNSELLING SERVICES' EXPENDITURE

1513. Hon HELEN HODGSON to the Attorney General:

Volume 1 of the "1998-99 Budget Statements" states at page 591, under the heading "Justice", that a significant issue and trend for the department is the "increased need for victim support services across the State". In light of this statement, can the Attorney explain why recurrent output for the administration of victim support and counselling services has decreased from \$1.661m in 1997-98 to \$1.508m in the 1998-99 budget estimate?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The victim support service will be expanded to Karratha, Derby, Kununurra, Esperance, and Carnarvon during 1998-99. This is in addition to services currently being provided to the metropolitan area, as well as to Kalgoorlie, Bunbury, Geraldton, Albany, Northam, Broome, Port Hedland and the Peel region. The decrease referred to by the member relates to the redistribution of corporate services' support costs.

SECURITY PATROLS PROVIDED BY LOCAL GOVERNMENT

1514. Hon MURIEL PATTERSON to the Attorney General representing the Minister for Police:

Does the Government currently provide any direct or indirect support for local government authorities that wish to provide private security patrols for their ratepayers?

Hon PETER FOSS replied:

Mr President -

Hon John Halden: Where is that Dorothy Dixer?

An opposition member: Under D!

Hon PETER FOSS: I thank the member for some notice of the question.

Hon John Halden: And you already have the answer!

Hon PETER FOSS: If I were not given notice of this question, it would be out of order, as the member would know.

The Government does not presently provide any financial support to local government authorities that wish to provide private security patrols to their ratepayers. However, members of the Western Australia Police Service, in conjunction with local government representatives, have recently drawn up a draft set of guidelines for councils and shires that are considering implementing such security initiatives. In addition, the Minister is presently convening a working group with representatives of local government, the Western Australia Police Service, and the security and insurance industries, that will be considering ways in which the State Government can support community security initiatives, and the Minister expects that group to finalise a report by July 1998.

AUSTRALIND BYPASS MEDIAN STRIP

1515. Hon BOB THOMAS to the Minister for Transport:

I refer to the Minister's answer to my question of 1 April this year, when I asked the Minister whether he had discussed the proposal to open the median strip along the Australind bypass with any member of Parliament, and he said he did not know. I have given the Minister some notice of this question.

An opposition member: It is not under D. It is not a Dorothy!

The PRESIDENT: Order!

Hon BOB THOMAS: I ask -

- (1) Can the Minister now confirm that he never met with, had correspondence with or discussed this proposal with Dan Sullivan and Ian Osborne MLA; Hon Barry House MLC; or Geoff Prosser MHR?
- (2) Can the Minister also confirm that he did not discuss this proposal at any time with the proponents or their representatives?
- (3) Did the Minister discuss the proposal with any person other than his ministerial adviser, Brent Higgins; and, if yes, with whom?

Hon E.J. CHARLTON replied:

- (1)-(3) I cannot find any copies of advance notice of that question, but I say again that I totally support that opening through the median strip. It is overdue and should have been done in the first place, and I am sure that all the travellers who use that road will appreciate it when it goes in. No safety issue is involved. There are three median openings within a kilometre. I cannot understand the stupidity of anyone, particularly in this place, even running this argument.

DIESEL BUS PURCHASE CONTRACT

1516. Hon MARK NEVILL to the Minister for Transport:

- (1) Has the Government yet signed the contract to purchase diesel powered buses from Mercedes-Benz?
- (2) If yes, when was it signed?
- (3) If not, when will it be signed?

Hon E.J. CHARLTON replied:

- (1)-(3) No, it has not been signed. Mercedes-Benz is the preferred tenderer, and negotiations are taking place with that company on the specifications and the detail of its preferred tenderer status. My guess is that the contract will be signed within a month; there is no reason that it should take much longer than that. In the meantime, Mercedes-Benz, as preferred tenderer, is proceeding to make available the first batch of chassis that will come under that contract. Volgren Australia Pty Ltd, the preferred body builder, will set up in Western Australia as soon as it can find suitable premises.

Hon Ljiljanna Ravlich: Is it a cost-plus contract?

Hon E.J. CHARLTON: That is too technical for the member to understand.

Hon Mark Nevill: Will the buses be right-hand drive?

The PRESIDENT: Order, Minister! If members do not want to listen to the answer, please finish the answer. I have other members who want to ask questions.

Hon E.J. CHARLTON: I think the driver will be in the centre of the vehicle.

CURTIN UNIVERSITY STUDENT ACCOMMODATION

1517. Hon CHERYL DAVENPORT to the Minister representing the Minister for Housing:

- (1) Does Homeswest approve of the design of the new Curtin University student accommodation sited between Kent Street, Bentley and Walanna Drive, Karawara?
- (2) What impact will the design of the student accommodation have on Homeswest's adjacent land for redevelopment in Karawara, given its proximity?
- (3) Does Homeswest estimate any revenue reduction from the proposed redevelopment as a consequence of the siting and design of the new Curtin student accommodation?
- (4) Did Homeswest ever comment publicly or privately on plans for student accommodation lodged by Curtin University?
- (5) If so, to whom?

- (6) Did consultation take place between Homeswest, Curtin University and the City of South Perth about the impact of the new student accommodation on the redevelopment of Karawara?
- (7) Did discussions take place between Homeswest and Curtin University about alternative student accommodation initiatives?
- (8) Was Homeswest approached to assist the university with a more thorough integration of student accommodation throughout the broader Karawara-Bentley community?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The approval process for the building licence for these units does not involve Homeswest. It is the responsibility of the City of South Perth.
- (2)-(3) No studies have been completed on any impact of these units.
- (4) No.
- (5) Not applicable.
- (6) No.
- (7)-(8) Yes.

ABORIGINAL AFFAIRS DEPARTMENT

1518. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Aboriginal Affairs:

Page 63 of the Auditor General's report on ministerial portfolios reveals that the Aboriginal Affairs Department did not comply with the terms and conditions of the partial exemption from the State Supply Act, in that contracts in excess of \$50 000 were awarded without the approval of the State Supply Commission and the calling of public tenders.

- (1) In how many instances did this occur?
- (2) Can details of these contracts be provided?
- (3) Who was responsible for these contracts being granted?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) One.
- (2) No formal contracts or letters of engagement were entered into by the Aboriginal Affairs Department.
- (3) Although no formal contracts exist, payments were incurred by former AAD senior executives.

ENVIRONMENTAL PROTECTION ACT SECTION 38(1)(b)(ii)

1519. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

In respect of section 38 of the Environmental Protection Act -

- (1) What is the intent of section 38(1)(b)(ii) of the Act?
- (2) Are there criteria for referrals made under section 38(1) of the Act or any part thereof?
- (3) How do the Department of Environmental Protection and the Environmental Protection Authority deal with the referrals made under section 38(1)(b)(ii) of the Act?
- (4) At what stage in the process is a referral established -
 - (a) the date of the receipt of the letter of referral;
 - (b) the date of the evaluation of the referral; or
 - (c) the date on which the referral appears in *The West Australian*?
- (5) Once a deferral, as defined above, of the project, development or activity is made, what are the legal

requirements of any such proponents of a project, development or activity in proceeding with any works prior to any appeal in relation to a referral made under section 38 of the Environmental Protection Act?

The PRESIDENT: Order! The question is out of order. It seeks an opinion in a number of places and, worse than that, it seeks a legal opinion in some areas. As to the balance of the question which might have been in order, I suggest that the member speak to me later so that I can show her which areas of the question are in order.

SWAN TRANSIT DEPOT, CANNING VALE

1520. Hon TOM STEPHENS to the Minister for Transport:

- (1) Is the Minister concerned that the Swan Transit depot at Canning Vale is not staffed in the evening, and that a driver last week made seven unsuccessful distress calls to the depot?
- (2) Do the bus contracts provide any obligation for the private operators to staff depots out of normal business hours to provide some security for drivers and passengers?

Hon E.J. CHARLTON replied:

I was not aware of the issue, but I will follow it up and advise the member.

MESOTHELIOMA SUFFERED BY FORMER POLICE OFFICER

1521. Hon TOM HELM to the Attorney General representing the Minister for Police:

- (1) Has the Minister been made aware that a police officer who lived and worked in Wittenoom in the 1950s has recently been diagnosed as having developed mesothelioma?
- (2) What opportunities exist for the expeditious handling of a compensation claim for the former officer in order to ensure the best medical, nursing and palliative care is available to him for the anticipated short remaining period of his life?
- (3) Will the Minister ensure that steps are taken to assist this former police officer and his family?

Hon PETER FOSS replied:

I do not have the question, but I will notify the member as soon as I receive it.

MT HENRY HOSPITAL SITE

1522. Hon JOHN HALDEN to the Minister representing the Minister for Health:

- (1) Has all or some of the land comprising the Mt Henry Hospital site been sold and, if so, at what price?
- (2) Where have the proceeds of sale, if any, been appropriated to and for what purpose?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)
 - (a) Yes.
 - (b) \$11 760 000.
- (2) The proceeds of sale are being utilised to provide better facilities for young disabled and frail aged people as part of the State Government's nursing homes rationalisation and service development program.

WEATHER REPORTS

1523. Hon NORM KELLY to the Minister for Transport:

- (1) Is the Minister aware that Perth's weather reports rarely include smog reports to advise motorists to reduce their travel, especially those with diesel powered vehicles?
- (2) What steps will the Minister take to ensure that Perth's bus fleet heeds such warnings?

Hon E.J. CHARLTON replied:

- (1)-(2) It is a very good question. I am sure that the member will be very interested and will take a very active role in the new group of people who will make an assessment of the operations of the new gas buses when they arrive. I understand from the technical information provided to me last week that the Euro 3 engine that will

come onto the market over the next two years will outperform environmentally the current gas vehicles. That is one reason that we want to ensure that new gas buses will meet the higher specifications of environmental controls in this State.
