



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1998

LEGISLATIVE ASSEMBLY

Wednesday, 20 May 1998

# Legislative Assembly

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**THE SPEAKER** (Mr Strickland) took the Chair at 11.00 am, and read prayers.

## **CAR REGISTRATION FEE INCREASES**

### *Petition*

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 44 persons -

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

We, the undersigned citizens of Western Australia are totally opposed to the State Government's decision to impose a new tax on WA motorists through massive increases in car registration fees.

Western Australian motorists already pay directly to the cost of roads through State and Federal fuel levies.

The revenue received by the State Government from the fuel levy and from the sale of the gas pipeline provides government with the resources to develop an infrastructure into the future needs of our transport system. This new tax is unfair and has a disproportionate impact on pensioners and low income earners.

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

A similar petition was presented by Mr Carpenter (15 signatures).

[See petitions Nos 213 and 218.]

## **WESTERN POWER AND ALINTAGAS SELL-OFF**

### *Petition*

Mrs Roberts presented the following petition bearing the signatures of 17 persons -

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

We, the undersigned citizens are opposed to the sell off of Western Power and AlintaGas.

We believe they are people's assets and should continue to be publicly owned and put service to the communities of Western Australia before investors' profits.

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

[See petition No 214.]

## **CITY BEACH SENIOR HIGH SCHOOL CLOSURE**

### *Petition*

Dr Constable presented the following petition bearing the signatures of 2 999 persons -

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

We, the undersigned, oppose the possible closure of City Beach Senior High School.

We believe

the City Beach community supports a local secondary school.

that City Beach Senior High School provides a high quality education.

that curriculum access at City Beach Senior High School meets the students' needs.

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

[See petition No 215.]

**POLICE PATROLS***Petition*

Mr Pental presented the following petition bearing the signatures of 61 persons -

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

We, the undersigned citizens of Western Australia request that the State Government increase the numbers of police patrols in the suburbs as a means of decreasing the incidence of home and commercial burglaries, and that the Government insist on a rearrangement of police resources to ensure that the current 4% clearance rate for burglaries in South Perth is substantially improved.

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

[See petition No 216.]

**WOOROLOO TRADING***Petition*

Mrs van de Klashorst presented the following petition bearing the signatures of 400 persons -

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

We, the undersigned people of Western Australia wish to express

That as a response to popular request and convenience Wooroloo Trading be permitted to sell liquor on a Sunday. Wooroloo is a relatively isolated community with a strong local commitment to using the local store which is already open seven (7) days per week.

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

[See petition No 217.]

**ABORTION LAW***Petition*

Mr Trenorden presented the following petition bearing the signatures of 16 persons -

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

We the undersigned petitioners call for repeal of Section 199, 200 and 201 of the W.A. Criminal Code. We urge you to amend the law to reflect the view that the decision to terminate a pregnancy is one for the woman in consultation with her doctor.

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

[See petition No 219.]

**METROPOLITAN REGION SCHEME - EASTERN DISTRICTS AMENDMENT***Statement by Minister for Planning*

**MR KIERATH** (Riverton - Minister for Planning) [11.11 am]: The Eastern Districts Omnibus 3 Amendment was initiated by the Ministry for Planning in February last year. It consists of 19 separate proposals for modifications to the metropolitan region scheme in the Shires of Swan, Mundaring and Kalamunda and the Town of Bassendean which are the result of requests from landowners, local governments or state government agencies. The major proposals in the amendment were to rezone 61 hectares of Caversham land and 125 ha of Jane Brook land from rural to urban; transfer the former TAFE site at Kiara from the public purpose reservation to urban as it is no longer required for education purposes; transfer the Disability Services Commission's Pyrton site at Eden Hill from the

public purpose reservation to urban as the site is no longer required by that commission; and reserve 1 000 ha of rural zoned land to parks and recreation reservation on the southern boundary of the Avon Valley National Park.

Other proposals involving smaller areas of land were to adjust the boundaries of the Ellenbrook nature reserve to include more land suitable for fauna habitat; transfer a public purpose reserve set aside for a high school in Hazelmere to the rural zone; reserve 13 ha of rural zoned land at Forrestfield for parks and recreation due to the very high conservation value of the vegetation on that land; and transfer 1.2 ha of parks and recreation reservation on the eastern bank of the Bennett Brook at Caversham to the rural zone as the land has been degraded.

Other changes include adjustments to several highway reserves to allow for redesign; minor additions to parks and recreation reservations; transfer of two areas of land in the Swan Valley to the rural zone to allow development for residential purposes; and transfer of an area of Kalamunda land from parks and recreation to urban to allow residential development.

The amendment was advertised for a three month public comment period, and 97 submissions were received. Two submissions were received after the advertised period. The majority of submissions opposing the amendments were based on the cultural significance to Aboriginal people of the land involved, or its environmental, conservation or recreation value. As a result of the submissions, several modifications have been made. The Kiara TAFE site will be zoned urban deferred, and the Disability Services Commission Pyrtton site has been deleted from the amendment. The modified amendment is now laid before Parliament for 12 sitting days. I commend the amendment to the House.

[See papers Nos 1414-1418.]

## HOSPITALS - NURSING STAFF

### *Statement by Minister for Health*

**MR PRINCE** (Albany - Minister for Health) [11.16 am]: The north west of Western Australia has always experienced difficulties in attracting and retaining new nursing graduates and experienced nursing staff. The current decrease in the supply of nurses, which is predicted to continue until 2001, further compounds the problems. All States and Territories experience difficulties in attracting nursing staff to rural areas, particularly across the top end of Australia. The problems have been the subject of many national reports and government working parties.

The Gascoyne, the Kimberley and Pilbara Health Services have expressed an urgent need to address the extremely high turnover rate in their areas. These progressive health services identified that the most effective way to address the need was the introduction of an attraction and retention package to be included within state workplace agreements for north west nurses. Attraction and retention of nursing personnel is a priority for these health services and is an integral component of the north west health service plan. One of the key emerging opportunities in phase 1 of the plan is the "establishment of health work force initiatives to improve the sustainability and supply of well skilled health practitioners".

As the Minister for Health and as a member of Parliament, I have a keen interest in ensuring we provide appropriate services for country areas. This is an innovative agreement that will help maintain quality services in the north west. The proposal is to offer a range of attraction and retention benefits to all nurses employed in the Gascoyne, Kimberley and Pilbara areas to address short and long term recruitment and retention difficulties in an attempt to decrease the turnover rate and maintain clinical nursing service standards in the north west.

The offer will be in the form of a workplace agreement in the same terms for each employer, as follows: Gascoyne Health Service; Kimberley Health Service; East Pilbara Health Service; and West Pilbara in respect of the individual hospitals which remain separate employers; that is, Nickol Bay, Tom Price, Paraburdoo, Wickham and Roebourne. The benefits that will be additional to the current workplace agreement of 11 per cent over three years include access to professional development; variations to on-call arrangements - that is, hourly rate instead of a daily rate; and a gratuity bonus of eight weeks of base salary after two years of service, with four weeks of base salary after a further one year being available to all staff under the WPA.

**Professional development:** The professional development initiative contained in the WPA will provide nurses in these remote locations with access to up to 38 hours of paid professional development, time to enable them to get away from their usual duties in remote hospitals, and access to training programs in central locations within the north west. In the metropolitan area, nurses have access to such training programs on a regular basis.

**On-call arrangements:** The on-call arrangements included in the north west WPA are designed to address the need for considerable and at times excessive requirements for staff to be on call. Generally nurses in the north west regions are on a one in two on-call regime.

**Gratuity payments:** This proposal seeks to provide a monetary reward for a defined period of service, in this case,

two years. A similar arrangement currently applies for rural doctors. The arrangement for nurses differs from that of doctors for a number of reasons; for example, different application requirements - nurses often work in areas where there are no doctors. To this end, it was considered appropriate to provide a mechanism for discerning genuine attraction and retention problems. This workplace agreement represents what can be achieved by sensible negotiation.

### **"BRINGING THEM HOME" REPORT**

*Statement by Minister for Aboriginal Affairs*

**DR HAMES** (Yokine - Minister for Aboriginal Affairs) [11.18 am]: Mr Speaker, as members will know, the sorry books are now in Western Australia, and one will be placed in the Parliamentary Library today so that between now and Thursday, any member who wishes to sign can do so. I will be signing it later today.

Yesterday I addressed the State's Commission of Elders, which is one of the peak Aboriginal advisory bodies to government. The commissioners, who come from all parts of Western Australia, will visit Parliament today for lunch and to see question time. While they are in Perth, and with Sorry Day less than a week away on 26 May, it seems timely to update the House on where we are with Western Australia's response to the "Bringing Them Home" report.

In June last year, the Ministry of Premier and Cabinet identified agencies with responsibilities for specific recommendations. While agencies were collecting relevant information for the response, extra resources were allocated to assist Aboriginal people who had been forcibly removed from their families. In April this year, the Aboriginal Affairs Department was asked to coordinate this information. The Government's response will be formally tabled at the Ministerial Council on Aboriginal and Torres Strait Islander Affairs meeting on 17 July.

On behalf of the Premier and my ministerial colleagues, I would like to provide the following information: As part of the WA response, Family and Children's Services will establish a Family Information Tracing Bureau at its central office. This bureau will provide a comprehensive family tracing and information service to Aboriginal people through a central point of search rather than people having to go to a raft of agencies. The ADD will play a key role through its 23 regional offices in promoting the bureau and providing information and help with the administrative process. ADD will also refer people to support and counselling services as needed. The bureau will be up and running by the beginning of July this year.

A records task force has been established and met for the first time yesterday. Its role is to audit record collections held by public and private organisations, decide how they will be best kept, and help establish guidelines to address matters of privacy, confidentiality and culturally appropriate service delivery. The task force comprises experts from Family and Children's Services, the Aboriginal Affairs Department and the Library and Information Service of Western Australia. It will soon be expanded to include representatives from relevant non-government agencies and churches. An amount of \$1m was provided in the 1998-99 state Budget to fund these response initiatives. An amount of \$800 000 has been allocated to Family and Children's Services, of which \$400 000 will go to the Family Information Tracing Bureau and initial counselling services. An amount of \$440 000 will be recurrent for these services. An amount of \$200 000 has been made available to AAD to provide regional information and referral services. An amount of \$160 000 will be recurrent.

The Education Department of Western Australia has produced two publications, "The First National Sorry Day" and "Towards Reconciliation in Western Australia", which will be distributed to all government schools shortly.

In December last year the Commonwealth announced a \$63m package to address the report's recommendations. The Government applied for additional funding for its programs through that package.

Mr Speaker, I believe the Government's response to the report is a comprehensive one which will go a long way towards the reconciliation process.

### **BILLS (8) - INTRODUCTION AND FIRST READING**

1. Revenue Laws Amendment (Assessment) Bill.
2. Revenue Laws Amendment (Taxation) Bill.
3. WADC and WA Exim Corporation Repeal Bill.
4. Advance Bank (Merger with St George Bank) Bill.
5. Advance Bank (Merger with St George Bank) (Taxing) Bill.

Bills introduced, on motions by Mr Barnett (Leader of the House), and read a first time.

6. Acts Amendment (Education Loan Scheme) Bill.  
Bill introduced, on motion by Mr Barnett (Minister for Education), and read a first time.
7. Friendly Societies (Western Australia) Bill.
8. Friendly Societies (Taxing) Bill.  
Bills introduced, on motions by Mr Prince (Minister for Health), and read a first time.

**STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS - LEAVE TO SIT**

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

That leave be given for the Standing Committee on Uniform Legislation and Intergovernmental Agreements to meet when the House is sitting on Thursday, 21 May.

**ESTIMATES COMMITTEES - SESSIONAL ORDER**

**MR BARNETT** (Cottesloe - Leader of the House) [11.29 am]: I move -

That for the present session, so much of the standing orders be suspended as is necessary to enable any member to speak on the third readings of the Appropriation (Consolidated Fund) Bill (No. 1) 1998 and the Appropriation (Consolidated Fund) Bill (No. 2) 1998 for 15 minutes each and for the Committee of the Whole procedure on the Bill to be replaced by a series of Estimates Committees, as follows -

- (1) There shall be two Estimates Committees to be known as Estimates Committee A and B, which shall examine and report on proposed expenditure for the Parliament and government departments and agencies funded from the consolidated fund.
- (2) After the second readings of the Appropriation (Consolidated Fund) Bill (No. 1) 1998 and the Appropriation (Consolidated Fund) Bill (No. 2) 1998, such proposed expenditure contained in the estimates shall stand referred to the Estimates Committees.
- (3)
  - (a) There shall be a management committee which shall comprise the Leader of the House, one member nominated in writing to the Speaker by the Premier, and two members similarly nominated by the Leader of the Opposition;
  - (b) before the Estimates Committees first meet, the Leader of the House shall present to the House the report of the management committee, which report shall prescribe -
    - (i) which parts of the estimates are to be considered by each committee; and
    - (ii) the maximum period of time allotted for consideration of each part or any division or program of the estimates;
  - (c) on the presentation of the report of the management committee, the Speaker shall forthwith put the question, "That the report be adopted" and debate, for a maximum period of one hour, may ensue on that question and any proposed amendments thereto.
- (4) Each Estimates Committee shall consist of the chairman, the Minister or Parliamentary Secretary responsible in the Assembly for the proposed expenditure under consideration, or another Minister acting in that capacity, and six other members.
- (5) When an Estimates Committee is considering the vote for "Parliament", the Speaker or the Deputy Speaker shall, for the purpose of this sessional order, be deemed to be the Minister responsible for the proposed expenditure.
- (6) Each Estimates Committee initially shall include three members appointed by the Leader of the House and three members appointed by the Leader of the Opposition, and every appointment of a member of the committee shall be forthwith notified in writing to the Speaker. A member may be discharged from a committee by appointing another member in his place and any such change shall not take effect until notified in writing to the clerk to the Estimates Committee. The Leader of the House and the Leader of the Opposition may each nominate another member who can also effect appointment and consequent discharge of members, by written notification to the clerk of the Estimates Committee.

- (7) (a) The chairman of an Estimates Committee shall be the Chairman of Committees or a Deputy Chairman of Committees;
- (b) any member of the committee may take the Chair temporarily whenever requested so to do by the chairman of that committee.
- (8) The quorum of an Estimates Committee shall be four, excluding the chairman, and if at any time a quorum is not present, the chairman may suspend the proceedings of the committee until a quorum is present, or adjourn the committee.
- (9) Members of the House who are not members of the committee may participate, at the discretion of the chairman, in the proceedings of the committee, but shall not vote, move any motion, or be counted for the purpose of a quorum. The chairman shall ensure that an independent member has in all the circumstances a reasonable opportunity to ask questions.
- (10) Advisers who are present at an Estimates Committee to assist Ministers may not directly answer questions or otherwise address the committee except with the approval of and in the presence of a Minister or Parliamentary Secretary.
- (11) Minutes of proceedings of each committee shall be recorded by the clerk to the committee, and shall be signed by the Chairman of Committees and the clerk to the committee.
- (12) In each Estimates Committee -
  - (a) the question shall be proposed for each division of the estimates referred to that committee, "That the vote be recommended", and if there is an equality of votes on any such question, the committee shall include in its report to the House, its inability to report on that division;
  - (b) voting in a division shall be taken by a show of hands of those members of the committee, exclusive of the chairman, present when a question is put and tellers shall not be appointed;
  - (c) any question of procedure or point of order shall be determined by the Chairman of the Committee, subject to the ultimate decision of the committee; and
  - (d) at the conclusion of consideration by Estimates Committee A of the estimates referred to it or at the expiry of the time allocated to that committee, the question shall be put forthwith - "That the clauses, schedules and title of the Bill be agreed to".
- (13) Reports of the Estimates Committees shall state which parts of the estimates have been considered and whether the proposed expenditures are recommended. The time for presentation of the reports may be as determined by the House. Failure of an Estimates Committee to report on any part of the estimates within the time required by the House shall be deemed to be a report recommending the proposed expenditures.
- (14) The reports of the Estimates Committees shall be presented together to the House by the Chairman of Committees and may be considered forthwith, the question being proposed for each, "That the report be adopted". Debate on that question and any amendment thereto shall not exceed one hour in total, but that shall not preclude an amendment being moved and the question being put thereon. If the reports of the committees are adopted, the third reading of the Bill may be moved forthwith.

The sessional order will establish two Estimates Committees which will run concurrently over three and a half days. The proposed schedule, which has been circulated to members, provides for a total of 75 hours' debate, the same amount provided for in the 1997 estimates program. Again, in the interests of accountability, capital works items will be included and may be questioned and examined in the estimates committee process. As has been the practice in recent years, the allotted time for each Minister has been prepared in blocks rather than setting perhaps restrictive intervals for each division. That should allow flexibility, and it seemed to work well in past years.

Government trading enterprises have not been included in the estimates committees debate. As I have said on several occasions in this House, there is a good case for having a procedure within Parliament through which there can be some scrutiny of the activities of corporatised enterprises. I note that already they have quite strict accounting and reporting formats. The Standing Orders and Procedure Committee is examining that aspect, and I look forward to recommendations in that regard.

The only change to the allocated times from the 1997 estimates schedule is that the Attorney General portfolio has

been increased one hour to a total of four hours, and the Justice portfolio has decreased an hour to a total of three hours. The change reflects comments made by members at the conclusion of the Estimates Committee last year. It will permit division 54, Justice, to be separated and different parts discussed in both the Justice and Attorney General estimates.

There was some discussion last year about the fact that the cognate debate on Appropriation Bills Nos 1 and 2 - essentially recurrent and capital expenditure - would limit general debating time. I am aware of that. We will of course debate the second readings throughout this week, which will give all members an opportunity to speak on many issues. I draw attention to the fact that we will debate also Appropriation Bills Nos 3 and 4 which will contain the actual financial results in both recurrent and capital expenditure for 1996-97. The Bills will be introduced either later this month or early in June, and will provide a further opportunity for general debate on budget issues.

All members will agree that the estimates system is not perfect. Again, members will agree it is far more preferable than the general estimates debates that occurred as a Committee of the Whole. I was not a member of Parliament in those days, but I do not think anyone speaks with fond memories of that period. We must continue to try to improve the Estimates Committees. I am conscious that it could mean a heavy workload and obligation on government backbenchers and opposition members - but particularly government backbenchers - because once Cabinet Ministers, Parliamentary Secretaries, and chairmen of committees are taken from it, the load of participating in Estimates Committees falls on a relatively small number of members. We must be conscious of that.

In advance, I thank all members on both sides of the House for their participation in the Estimates Committees. We need to strive continually to improve the estimates committee process. I predict that, as in other years, by the end of next week there will be a decided lack of enthusiasm in this Chamber for the estimates committee process. Perhaps through the Standing Orders and Procedure Committee - some people have some ideas and some work has been done - we need to continue to attempt to modernise this procedure.

**MR BROWN** (Bassendean) [11.34 am]: I wish to comment both on this proposal and on the way the Estimates Committees work. I do so in the hope that the Leader of the House will convey to some of his colleagues the question of the consistency in the way the Estimates Committees work. There is some inconsistency in the way committees operate, and that inconsistency largely is the result of different policies and attitudes to Estimates Committees by Ministers. During estimates committees debates some Ministers endeavour to provide information if they have it or if the officers who sit with them have it; that is, Ministers will seek to provide information or to bring in files, and when questions are asked about spending priorities and so on, they will endeavour to provide that information, or they will agree to provide it by way of supplementary information. Other Ministers, however, take the view that they should be like Rod Marsh - that is, not let anything get through. They simply stop information being provided. When we ask for information we receive a waffly answer which could be interpreted 25 different ways. We do not receive detailed information. When we ask for information to be provided by way of supplementary information, Ministers take an objectionable position and request that the question be put on notice. I raise that matter because it would help with accountability if Ministers came prepared or brought along advisers who are prepared to answer questions directed at them.

Another point about Estimates Committees is that this year a lot of detail was contained in previous budget papers and Program Statements. Sometimes when we ask for detail about how very large amounts are broken down, it is difficult to get those figures. We know the figures are available because information comes to the Opposition - as it goes to all Oppositions - indicating a breakdown of some figures. Therefore, unless they are plucked from the air by Ministers or bureaucrats, the figures in the budget papers have some basis. People know what the money is intended for, what the discretionary money is for, and the rest of it. Open and accountable government demands that the figures be made available. Therefore, during the Estimates Committees I will ask for a breakdown of the figures, because I know they exist. They have not just been thought about globally - that is, what figure will we think of today, say, between \$1m and \$20m and put that in! We know there is some basis for the figures. Therefore, during the Estimates Committees I will seek a breakdown of the figures, and I hope they are made available. The extent to which they are not available is the extent to which the estimates committees process will not work.

Mr Barnett: There is a mass of information. If you anticipate you may query particular items, you should let the Ministers concerned know in advance so that they have a reasonable chance to provide that detailed information.

Mr BROWN: I accept that. As an example, in the Tourism budget an amount is allocated for regional tourism associations. The detail of how much will go to each association and how much will be spent on publications has been worked out, but the information does not appear in the budget papers. When we see an amount of, say, \$3m or \$5m for contracts and services in the Program Statements, we may seek an explanation but some Ministers may say simply that it is for contracts and services - and we are a lot wiser; we really know what it is for! It is not a small amount, and our questions would be: What contracts? What services?



Mr Barnett: I do not know the detail of the Tourism budget, so I will use the example of Education. In some items there may be a nominated amount of money for, say, toilet blocks to be built at schools. However, the department may not have decided which schools will get the toilet blocks. There may be allocations for the program but the detailed allocation for schools may not have happened yet.

Mr BROWN: I accept that sometimes departments have 50 priorities and there is only enough funding for 20. It may be a juggling process, and something lower on the list may be moved higher because it is discovered that pipes have burst, as an example. I accept that can happen. The same applies to the removal of school asbestos roofs. In other areas it has already been worked out and the figure is very clear.

There is also discretionary funding in a whole range of departmental budgets. During the year various announcements are made that an amount has been found to do certain things. The Deputy Premier is in the Chamber so I will give an example which relates specifically to him. He made an announcement last year that an amount of \$350 000 would be allocated to advertise concerns about the millennium bug. It was not a bad advertising campaign. Obviously it is a major issue. That money was in the Budget. It was not suddenly found in the Deputy Premier's back pocket. Where was it? To what extent was it disclosed in the discretionary funding, or was it taken from other areas?

If members are interested, and I certainly am, that sort of information should be made available so we know what is committed. We know the Government is committed to certain long term contracts, for which it must meet its obligations, and that no discretionary money is available. Equally we know some money is available in some budgets where there is a discretion. In the 1996-97 financial year, in the Deputy Premier's portfolio a very significant amount was left over - I know that is not the right term -

Mr Cowan: There was a carry-over in trust.

Mr BROWN: That is right. Not all money allocated to various projects was used during that period. It is important in the estimates process to have all the figures available. I raise that because our questions get different treatment. While he is here, I must say that the Deputy Premier is the only Minister who tries to answer questions thoroughly and meticulously. When we put questions to Ministers, particularly about contracts, they all seem to collude and give the one standard response, which provides no answer. The Deputy Premier is the odd one out; he answers the question. I hope by praising him in this way, the Deputy Premier will not now follow the mob. I am very pleased he answers the questions, and I give credit where it is due.

Mr Cowan: I don't have any difficulty with members of Parliament giving an indication of issues about which they would like to get information which is not easily obtainable within the budget papers. If I could receive that in time to send it to the department, and I know the member will ask the question during the estimates, we will be able to accumulate that information and have it available for him. As long we do not find ourselves inundated with a huge list of requests with which we could never comply, I will be happy to give the succinct information on the particular issues which we know beforehand are coming up.

Mr BROWN: I have followed that process in the past by giving notice to some Ministers. When I was the shadow spokesperson for Family and Children's Services a couple of years ago, I gave the then Minister a series of questions about a week in advance and told the Minister I intended to raise those issues. The Minister was placed on notice that these were the issues to be canvassed and that the Minister should come to the Estimates Committee with the answers. I will do that in some of the areas for which I have responsibility, but of course I cannot speak for other members.

Mr Cowan: I am comfortable with that.

Mr BROWN: I raise that question in the context of this motion. Despite some misgivings, as the Leader of the House said, I think the Estimates Committees can work quite well and can be a very valuable contribution to the Parliament and to the accountability processes of the Government. I hope most members of this House will agree that it is a very valuable process and should not be taken lightly. I will be pleased if my comments are taken on board by the government members who are in the Chamber. Perhaps they can convey them to their colleagues who are not here so they all know about them.

**MR GRAHAM** (Pilbara) [11.45 am]: Although I am not sure whether this is allowed, I wonder whether I dare to disagree with my colleague, the member for Bassendean. The Estimates Committees are supposed to be the Parliament's set piece in scrutinising the Executive and its expenditure, and bringing some sort of checks and balance on behalf the Parliament onto the bureaucracy. I have said that for many years, although I did not speak to this motion last year. In nearly every year I have been in this Parliament I have said that regardless of the way the procedures for the Estimates Committees are tinkered with by successive Leaders of the House, they provide no scrutiny of our system of government. Members need only watch next week when the Estimates Committees are held to see possibly 15 or 20 stories about questions on the Budget between pages 5 and 35 of *The West Australian*. That

will be the sum total of the impact of the estimates procedures on both the Ministers concerned and their bureaucrats. When I said that in a previous year, I got many telephone calls saying that it is a real process and it bothered the departmental heads to have to come before the Parliament to answer questions.

Mr Cowan: It does not.

Mr GRAHAM: I responded that senior bureaucrats who feel threatened by the parliamentary estimates procedures should be removed from their positions; they should not have their job. Any bureaucrat who is on a six-figure salary, or whatever, who feels uncomfortable coming into Parliament and being asked questions directly by members of Parliament who have little or no information on the matter on which they ask the questions, should not be in the position he or she is in.

It is a nonsense. It was a nonsense when we were in government. It is a step forward from the previous process of the committee going through the Budget, line by line, to now where we have the Estimates Committees. It serves no purpose for the Parliament. It puts no pressure on our system of government, other than allowing government departments and Ministers to legitimise actions that in most cases have never been scrutinised, by saying that their expenditure and their actions have been endorsed by Parliament with the passage of the Budget. I know my view does not fall on the favour of many of my colleagues; however, I still believe it.

I play little or no role in the estimates procedures and I wait with bated breath to hear a speech at some stage of the Budget deliberations pointing out how I have it wrong and some department has had its accounts thoroughly scrutinised by the Estimates Committees. I have been waiting for 10 years to hear it, and I am still waiting. Someone might say it this year, just so that person can tell me he said it. However, I would like to hear it and see it in action.

Mr Barnett: The scrutiny of the accounts, I tend to agree, is through the auditing process of Treasury in both developing budgets and monitoring performance. I agree; I do not think there is realistic scrutiny of departmental expenditures or even government policy through the estimates process.

Mr GRAHAM: I thank the Leader of the House for that. Let us move on, but where to from here? Mr Speaker, you know what I am about to say because you were on the Standing Orders and Procedure Committee with me and heard my argument many times. I put forward the case to the Commission on Government that this Parliament, by whatever mechanism, would be better served by standing committees that oversee government departments and Ministers and that give the Parliament some ability - currently, in my view, it has none - to scrutinise the actions of the officers of departments and the behaviour of Ministers. That should occur in an organised and coherent way rather than by the current haphazard manner in which the Opposition or the local member will ask questions and run with them to see how far they go. Systemically, the process of government must have some mechanism by which a check and balance is applied on both the Executive and the bureaucracy.

Mr Barnett: A program should be run over several weeks in which different portfolios are the subject of parliamentary scrutiny.

Mr GRAHAM: I agree with the Leader of the House. That is the sort of process to which I refer. Some issues I wanted to raise have been mentioned by other speakers, so I will not dwell on them. Even though I do not play any role in the Estimates Committees members may have noticed that I skulk around the background and watch the performance of committees and Ministers and make my own judgments. In the past two years my biggest concern has been the shift away from Ministers' answering questions. I will not get into the issue of Ministers' abilities. Some Ministers handle questions well; some see them as personal attacks and hand them back; and some are personal attacks. Ministers deal with those issues in different ways. I am not referring to the mechanics of those issues, but the way in which different Ministers handle the questioning.

Two matters concern me. One issue that was raised by the member for Bassendean related to the need for information to be placed on notice. It used to be the exception for a Minister to say that he or the bureaucrat did not have the information but would make it available. We started a process to make that information available as supplementary information. It became a major part of questioning in 1996. Last year it became overwhelming and most Ministers, when confronted with matters that were difficult for them - some political hot potatoes were dealt up to them and that is what the system is about - quickly found haven in the response, "I do not have that information with me. I will take that on notice and provide the information at a later date". That is a coward's castle within the cowards' castle. Ministers are here to be questioned and they have a responsibility to make themselves aware and provide information. The problem with taking questions on notice is that the information is not provided until after the parliamentary budget process is finished. Members do not receive the information in time to deal with it during the Parliament's budget process. That is not an acceptable way to operate.

The other point about the Estimates Committees' procedures that concerns me greatly is the emerging practice that bureaucrats and chief executives of departments are given speaking rights. The sessional order gives them speaking

rights with the approval of the Minister and/or the Parliamentary Secretary. I am reminded of the last time I was involved in the Estimates Committees when I wanted to know the Minister's views. I did not want the bureaucrat's views. I knew the department's views from writing letters, asking questions and obtaining public statements. The chief executive and the Minister did a wonderful "Yes Minister". If it was a question on policy the chief executive would say that I should ask the Minister and the Minister would say that was a matter that the chief executive could answer. As members do not get a continuous run to ask questions and must take their turn with other members on the committee - that is as it should be and I am not arguing the point - the effect was the Minister was being shielded by his bureaucrat and the bureaucrat was being shielded by his Minister and nobody was able to obtain accurate information from the department. From my observation that practice increased in last year's estimates and I will look again to see if it continues to increase. I do not think that is right and I do not accept that. Having said all those things, the process is that the motion will be passed and we will go through the farce for yet another year.

**MR RIEBELING** (Burrup) [11.55 am]: I will comment on the reasoning behind the change in time allocated to the Ministry of Justice and to the Office of the Attorney General. In previous years several section heads did not appear before the committee, because insufficient time was allocated to the Attorney General's program. It is my recollection that the consensus of the committee was that more time should be allocated to the Attorney General's area. However, it was not on the understanding that the allocation to the Ministry of Justice would decrease. I am somewhat disappointed that we have not seen an increase in the overall allocation to the super ministry. It would have made sense to expand that department's allocation by a couple of hours to allow for the proper examination of the Ministry of Justice's accounts. As has previously been stated this year, the budget papers do not contain a great deal of the finer details as to how departments function - the FTEs and allocations to specific areas within departments - so members will need to ask more detailed questions just to arrive at a similar position to last year's Estimates Committee. This year we will not get as much benefit out of the process because of the work we must do to flush out the true situation in relation to certain programs.

The Deputy Premier generously indicated that if we had concerns with his department we should tell him and he would get the information. In particular, I would like information on why the Pilbara Development Commission's allocation has been reduced by \$600 000. That information is not available from the budget papers, but it is a gap that needs to be explained. The \$600 000 that was allocated last year has disappeared in this year's Budget. I know that this motion will be successful. However, it was my understanding that the intention was to expand the length of overall time for the Attorney General's department, not to reduce the allocation to the Ministry of Justice. We have not achieved that. My recollection of debate last year is that all the time allocated for the prison system was utilised; there was no excess time. This year we will run out of time to debate the prison system which, whether or not people like it, is becoming more and more a public interest topic.

**MS MacTIERNAN** (Armadale) [11.59 am]: I support some of the comments that have been made by previous speakers, particularly the member for Burrup. I am gravely concerned at the format of these budget papers. I understand that the Treasury feels it has made a massive improvement on the budget papers and that it was important to move from a cash accounting to an accrual accounting basis. It is unfortunate that at the same time we appear to have confused that with the move from program budgeting to outcome budgeting. People have become confused about the differences. Most of the praise we hear is about the move from cash accounting to accrual accounting, and people think that the new format is the result of moving down that path, which, of course, it is not.

Program budgetary is justified by saying that we are not interested in what Governments are spending per se; we are interested in what they are spending against what they are achieving. Unfortunately, the outcomes that have been sought are pitched at such a level of generality as to be absolutely meaningless. I will cite a couple of examples, including one from the Ministry of Fair Trading. The first outcome sought in that area is a "commercial environment, developed through consultation and cooperation, in which businesses and consumers operate in ways which are fair and competitive". The second desired outcome is a "commercial environment, developed through consultation and cooperation, in which businesses and consumers operate in ways which are fair and competitive"; that is, we want the world to be a better place. These are very admirable statements but they are meaningless. At best, they are broad mission statements that do not provide any idea of how the ministry proposes to go about making the world a better place.

Last year I was able to find out how much was being spent monitoring the real estate industry, the motor trades and a variety of other areas for which the department has special responsibility. This year we are presented with this global notion of creating a better world where businesses and consumers get on together. We are supposed to look at these figures and accept that the ministry will make the world a better place. The level of generality at which these outcomes are pitched makes them a complete nonsense.

It has concerned me in previous years that we have been presented with a black box of expenditure. For example, a major item of expenditure in the Department of Transport portfolio was \$112m for Westrail. That was a single line

item. When I raised the issue in the Estimates Committee I was told that answers on that expenditure could not be provided because that was a Westrail matter. However, Westrail does not appear before the Estimates Committee to be questioned. That is an appalling state of affairs. Westrail is not a corporatised entity; it has not been set up in a way that gives it the responsibilities it should have as a corporatised entity. The Government has simply taken Westrail out of the estimates process and evaded scrutiny of a massive expenditure of \$112m. I complained about that last year and it is completely indefensible.

I understand that the Housing portfolio has similar black boxes. I could not believe it when I discovered that this year the situation is even worse. Westrail does not get even a single line item; it is bundled together with all the other urban passenger transport services. This year we do not know the size of the black box - it is an accumulation of black boxes.

In a very practical sense, these budget papers are obscuring the Government's performance and preventing the Opposition's undertaking any proper scrutiny of expenditure and delivery of services.

The point was very well made by the member for Burrup that, given that scenario, we need a lot more time for scrutiny in the Estimates Committees. The member for Pilbara has pointed out that the time traditionally made available has not provided any great opportunity to undertake such scrutiny. We now have budget papers that are so much more general, so much broader and decidedly lacking in detail. The papers are full of irrelevant details, including that the Minister for Labour Relations is 100 per cent satisfied with his department and the Minister for Women's Interests believes that women's interests are being served. That is the sort of quality control being put in place. These budget papers are full of irrelevant details, but the practical details are not included; that is, what departments are doing, where they are putting their staff, where they are spending their money, what programs they are delivering and what they are costing.

The time allocated for the Estimates Committees was minimal in the first place. However, to reach the point we reached last year, the time allocated would need to be doubled. In one or two portfolio areas the time allocated has been cut, but generally the program has remained the same. We can fairly conclude that if we go along with the status quo and have the same program as last year, the level of scrutiny will be markedly reduced.

For those reasons, I will not support this motion. I believe that we should be expanding dramatically the time allocated for members to look at these documents given that they are now cast at such a level of generality as to be almost meaningless.

Question put and passed.

### **APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)**

### **APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)**

#### *Second Reading - Cognate Debate*

Resumed from 19 May.

**MR BROWN** (Bassendean) [12.08 pm]: I will deal with a number of matters of concern to my constituency and some matters relating to the portfolios I hold on behalf of the Opposition.

I will deal first with a proposal by the Government to establish a minimum security women's prison on the old Pyrtton site in Lord Street, Eden Hill. This matter was not known by the general community until I asked Hon Nick Griffiths in another place to raise it with the Attorney General, and he did so on 28 April. The Attorney General responded -

We certainly have under consideration the location of a minimum security women's prison there but at the moment we are in the course of somewhat delicate negotiations with some of the local people. A final decision will not be made until those negotiations and discussions have been completed.

The next day *The West Australian* carried an article on the issue and my office received a number of calls from constituents asking with whom the negotiations were being conducted, because they did not know about them.

I also advised people who contacted me that I did not know about it either. There were certainly no delicate negotiations with me. I was not aware of the proposal until it was indicated by the Attorney General. Subsequently, there was some publicity about the consultation process. A couple of days later, on 30 April, Hon Nick Griffiths asked a further question of the Attorney General. That question was in two parts, the first of which referred to the previous answer given by the Attorney General and asked him whether he stood by that answer. The second part of the question was as follows -

A report in today's *The West Australian* states that, "The Ministry of Justice is yet to begin consulting with

the communities surrounding the proposed site for the women's prison despite Attorney General Peter Foss' claim to the contrary." Is that report correct instead?

The Attorney General replied, "What I said is correct" and then he went on. So we had the view put by the Attorney General that the community was being consulted and the view put by the Ministry of Justice that it had not yet commenced the consultation process. When that matter was drawn to the Attorney General's attention, he maintained that he was correct and that the community had been consulted. Those answers of 28 and 30 April were of some considerable surprise to the community.

Arising from that, I received a number of calls at my office asking exactly what was proposed and to what extent would the community be consulted. On 29 April, I wrote to the Attorney General requesting two things: Firstly, that the Attorney General and/or senior officers from the Ministry of Justice attend a public meeting to explain what was proposed and, secondly, that the Attorney General give an undertaking to the community that no decision on this matter would be made until the community had had an opportunity to consider it. That letter went to the Attorney General on Wednesday, 29 April.

On Friday, 1 May, I received a call from Mr Jamieson who works at the Ministry of Justice. He indicated that the ministry would like to come and brief me on the proposal. I said that was fine but it was not a matter of briefing me but of briefing the community. I informed him that I had written to the Attorney General and requested a public meeting which either the Attorney General or Ministry of Justice officers would attend. Mr Jamieson indicated to me that he was unaware of that letter but that he would give the matter of a public meeting some consideration. He said that he would reply the following Monday as to whether the ministry would participate in a public meeting. That was fine. Given the pressure building up in the community, I thought it was necessary to move fairly quickly to call a meeting. I will come to that aspect in a moment.

On the weekend of 2 and 3 May an on site inspection of the Pyrton site was held by the Ministry of Justice. A day or two earlier notices were sent from the Ministry of Justice to the community. Interestingly, no notice was sent to me as the local member. An on site briefing was proposed for members of the two local councils, which are the Town of Bassendean and the Shire of Swan. Again I was not informed of that event. At the on site inspection held on Sunday, the Ministry of Justice invited members of the community who attended, to nominate for a consultative committee. It seemed that the Ministry of Justice thought it appropriate to select the people who would represent the community to speak on its behalf. I was less than impressed by that process.

On Monday, 4 May, I prepared a circular to all of my constituents in the immediate vicinity advising them of a public meeting the following week. I had gone to the trouble of organising two separate venues on two separate days in the hope that one would be suitable to the Ministry of Justice. I waited for a call on that day from officers of the Ministry of Justice. When nothing came by 4.45 pm, I had to make arrangements for the circular to be printed and distributed. At 6.30 pm I received a call from Mr Jamieson who said that the Ministry of Justice was prepared to have its officers attend a public meeting but that the ministry wanted to call the public meeting, and did not want the local member to do so. I informed Mr Jamieson that he was a bureaucrat and I was the elected member for the area. As the elected member I saw it as my responsibility to call a public meeting and to have him there. He indicated that he would take that on board and contact me the following day. He rang me the following day and told me that the Ministry of Justice would call the meeting, not me, and it would be the following Wednesday, when he knew I was unavailable. He said that if I was prepared to cancel the meeting that I had arranged, the ministry would call the meeting the following Thursday when I could attend. If I did not agree, then the Ministry of Justice would hold its meeting on Wednesday. That would have been the third public meeting to discuss this matter within a week.

I did not appreciate that very aggressive stance taken by the ministry. It seemed that blackmail was being used in saying to me that unless I agreed to the ministry's position, it would go out and seek to create some confusion in the community by there being three public meetings in less than a week. In the interests of that not occurring, I relented and agreed to the Thursday public meeting. In doing so, I was not enthused about the process that was used or indeed the attitude of the Ministry of Justice. That public meeting was duly held. Some 150 to 200 people attended the meeting which was conducted by the Ministry of Justice. It was a pretty good and orderly meeting. After all of the invited guests, of which there were a number, had been invited to speak, the meeting carried a resolution strongly opposed to the establishment of a minimum security prison on that site. I looked around me. I cannot verify that everybody at the meeting voted, but I can verify that two people in the room voted against it. It seemed like a sea of hands voted. I cannot confirm that every member of the public voted for it - there may have been some exceptions - but it seemed that everybody from the community voted for the resolution against the establishment of the prison on that site.

The Minister for Justice attended and spoke at the end of the meeting, and he informed the meeting that the Government was happy to undertake a community consultation process. However, he indicated that he did not accept that the meeting that evening was representative of the full community view, although I am not sure how he arrived

at that conclusion. He said that even though the Government would continue to consult the community, and people elected by the community, whatever the community's views might be, the Minister for Justice would ultimately make a decision on the matter.

We will pursue a number of outstanding issues about this site and the proposal of the Ministry of Justice. In correspondence to me and other people, the ministry advised that it proposed to establish a pre-release centre at the site. A pre-release centre, by the very term, suggests an institution to which prisoners are sent, say, one to three months prior to release. No indication has been given yet on whether this place will be a pre-release centre or a minimum security prison. The Ministry of Justice officer who spoke at the meeting suggested that the pre-release centre would hold prisoners in their last 18 months' internment. If so, it will be a minimum security institution. That point has not been clarified by the ministry, and it raises doubts about whether there will be a fair and open communication process about proposals for the site. It is one thing to suggest a pre-release centre, but another to propose a minimum security institution.

Another matter which is yet to be clarified is the Ministry of Justice time line for this proposal; that is, exactly when does the Government propose to make a decision on the matter? That point was raised at the public meeting and avoided by the Minister. Again, the community is concerned because it considers that the decision has already been made, the Government is committed to establishing a prison on the site, and the consultation process is merely a sham. Whether that is correct remains to be seen. Certainly, the failure by the Ministry of Justice and the Minister to indicate the time line for the community consultation raises significant questions in the minds of many people about whether the process is genuine or one designed to attempt to pacify some community concerns.

A gentleman spoke to me yesterday on this subject. People produce incorrect theories about development proposals, but this gentleman showed me an interesting map of the wider area and related this issue to the proposed extension of Perth Airport. Members will be aware of the proposal to develop the airport's second runway. This development is opposed strongly by a number of people, particularly those in my electorate. The proposal to extend the cross-runway will result in a considerable amount of air traffic which currently flies across Bandyup prison being diverted over the suburbs of Beechboro, Bassendean and surrounds.

The gentleman put the view that the real agenda in seeking to establish a minimum security prison at the Pyrton site was to enable Bandyup prison to be moved to Pyrton in years to come. He said that Bandyup is on a prime piece of real estate; it is on the river foreshore on a nice piece of land and is surrounded by influential property owners. The value of that site is currently diminished by virtue of the aircraft noise. A second runway at the airport, with a different flight path, would result in the land value increasing significantly. That scenario would then fall neatly into a development proposal for the area alongside the river. This gentleman put the view that the establishment of a minimum security facility on the Pyrton site was a blind to shift the whole prison to that site in years to come when those developments take place. I raise that theory to give the Government an opportunity to respond. I will send a copy of my speech to the Minister for Justice for his comment. If that conclusion is drawn by one of my constituents who has looked at a map and considered future planning arrangements, it is likely to be a conclusion drawn by many constituents.

The other matter raised by my constituent was that the Pyrton site is owned by the Disability Services Commission. I see the responsible Minister is in the Chamber. The Ministry of Justice people who attended the public meeting indicated that if the ministry is to establish a prison on that site, the ministry will need to purchase the land from the Disability Services Commission. A figure of around \$3.5m was mooted for that site, but I could stand corrected.

My constituent raised the following point: The Ministry of Justice already owns land outside the perimeter of the Bandyup prison. Therefore, land need not be purchased at that site. If the ministry is thinking about spending \$3.5m to purchase land, why not use that money to construct a new minimum security facility on land it already owns? It is a question of constructing not an expensive maximum security facility, but a minimum security facility. Why pay the Disability Services Commission this money if it could be used to construct the facility? It might be that within the inner machinations of government such a payment from one ministry to another would assist the Disability Services Commission in some way. The Minister for Disability Services is shaking his head. If the economics of the Ministry for Justice is that it has \$3.5m or whatever amount to purchase the site, plus it must refurbish the buildings on the site anyway at a cost of \$1.5m or \$2m or whatever it might be, so \$5.5m is available to be spent for a minimum security institution, why not have it built at Bandyup?

Mr Omodei: When you say I am shaking my head, as far as I am concerned the Disability Services Commission owns that site. If we realise the site after we have shifted the people out of Pyrton, which we are doing, the maximum amount of money we can get within retired debt will help the Disability Services Commission.

Mr BROWN: I do not quibble with that. The Disability Services Commission has always looked at that site as being of value to itself. It has always said that when it relocates people from there - because there will be the costs of the

houses in which it is relocating people - it will be looking to recoup some costs, whether it sells off that site for housing or open park which the council buys, or whatever. I understand the Disability Services Commission's point of view; it is not unreasonable. I am questioning how the Ministry of Justice looks at it internally within that ministry.

The local community would like to know the costs of establishing a minimum security prison at Bandyup. If the cost is \$3m or \$4m, why is it not established then? Bear in mind the land does not need to be purchased, because it is already owned. Questions are being asked by the local community. I raise them in this place because it is important for me to do so. It is a matter that concerns many constituents in my area. Many of them believe that their property values will fall if the prison is placed at that site. The Ministry of Justice officials who attended the public meeting tried to convince the local electorate that there would not be any effect on land prices. In fact it was suggested that if the Government established a prison there, it would enhance land prices. The community suggested that if it would enhance prices, why did the ministry not establish it in Nedlands or Dalkeith because people there are always looking for land prices to go up. The officials met that suggestion with stony silence. Issues and concerns have been raised by my constituents about the location of the prison at that site. The Government will not convince the people of Bassendean, Eden Hill and Lockridge that this is a good thing for their area. People are very pleased with the redevelopment of Lockridge over the past few years and they consider this move to be a kick in the guts for them given the improvements that have taken place in that area.

I ask the Minister for Disability Services to take these views back into the Cabinet. I presume it will be the decision of either the Minister for Justice or the Cabinet to establish a prison at the site. I hope that as a result of going through the community consultation process, that process will not be a sham, that the views of the community will be considered, and that if the views of the community are considered, that the Government will look elsewhere for a site on which to establish that minimum security facility.

The next matter of concern is the situation in which an increasing number of my constituents find themselves as a result of government policies. Members are told in this place constantly that things are great. The Premier tells us that the economy of the State is wonderful, that people have never had it so good, and that under a coalition Government things have become better and better. I am not sure what rose coloured glasses people are putting on when they express that point of view. I refer to a letter I received recently from one of my constituents. I will read part of this letter -

. . . we are not poor but we are not middle income earners either. My husband just received a pay increase for the first time in two years and I was overjoyed, no more robbing from peter to pay paul we had broken even, but now with the increase in government charges we are back where we started from. You can tell these **liberals** not to be so **liberal** with my husbands hard earned wages they are no better than the criminal that robs a bank at the rate they are proceeding they will have his whole weeks wages.

It is like having a gun held against my head, either you give, give, give to this government or you wont get the extra traffic we need on the roads and we wont have a health system the envy of the rest of Australia and our education wont be the best either. **IF YOU HAVENT FIGURED IT OUT BY NOW Mr. Court I'm being cynical** we don't need more roads we need light rail we don't need a health system in decay we want one that works not all of us can afford private health cover . . . We the single income earner the pensioner the car owner the sick and the young student are doing it **TOUGH**, where is the social dividend you promised us all, all I can see is social decay. Please tell Mr. Court and his band of tax and charge merry men if he doesn't stop soon he will find him self with a very angry mob of voters at the next poll, . . .

The letter goes on.

That is one letter in a series of letters and concerns I received from my constituents. We are seeing two worlds develop in Western Australia. We are seeing a world that is developing in Western Australia for the top end of town for those who are comfortable and relaxed, as they are described by the Prime Minister. We are seeing another world develop in which people are doing it tough, as explained by my constituent.

I will tell members about some of those people. A child of one of my constituents does not look forward to his next meal because his teeth are decayed and it hurts him to eat. When his parents insist that he eat, he cries in distress because it hurts. When his parents seek dental treatment for him, they are told initially that he will receive that treatment in three months. Subsequently they are told that the treatment will not be provided for 12 months. This is a real person, a real child, who is going through this. Parents are told it is a low priority. I do not know how the Minister explains it, and I do not know how I explain to the parents of that child that that is considered an appropriate provision of services. How does one explain to those parents who sit opposite a member in his electorate office looking at him and saying they do not have the money to give their child that treatment? Why does society impose on him that pain and not assist in that regard? That is just one instance. I have yet to get any satisfaction from the Minister for Health on that matter. Health funding, of course, is a critical issue.

Another constituent has acute pain in her right knee. This lady had an accident some years ago and had an operation on her ankle. The operation was unsuccessful and, as a result of favouring that ankle, she now has a problem with her right knee. There is no sign of when she will get the operation. She now uses crutches resulting in greater weight displacement on her left leg. Consequently, she has experienced problems with the left knee. In addition, she now carries weight on her arms and shoulders when she moves and, because she is an older person, this is causing problems with her arms and back. Due to the unavailability of surgery to her right knee, she is developing other costly medical complications each day, week and month which she would not face if the right knee were attended to.

A social deficit is building up here which we will not read about in the budget papers. It is not a deficit about which the Government can look at a graph and say, "If you look at the dollars and cents, we have reduced the so-called state debt from \$8.3b to \$4.8b." It will not be seen in those figures. However, it will be seen as a social deficit in the pain and suffering occurring in the community.

Looking at those two aspects, government is supposed to be about balancing social needs with the financial capacity of the State, not simply refusing at every moment to look at the social consequences of financial decisions. Unfortunately, what we have in this State is this manic desire to balance the dollars and not to give consideration at all to the social costs and social deficit that has built up.

I cite two other cases. A few days ago a constituent came to see me. Unfortunately, her marriage has broken down and she is seeking custody of one of her children who needs medication. Her former husband's religious views shun the taking of medication. Therefore, the child does not receive this medication. The mother wants to argue her case in the Family Court. Legal aid is not available for her to do that. Therefore, there is no opportunity for her to argue her position, other than do it herself. Although she is an intelligent woman, it is quite a difficult proposition, as we all know, to have to argue those matters in the court.

These are social deficits which I see building up every day of the week. Some people do not see them. Some people who represent electorates with a much higher income base than the electorate I represent do not see it. The Salvation Army is located 300 to 400 yards from my office. I have a good relationship with its officers. I will be out with them on the weekend coordinating the Red Shield appeal in a whole area, and I will do it gladly because in my area of all of the money collected by the Salvation Army - \$36 000 - it gives away \$40 000. It is not given away lightly. These people in the Salvation Army are not bleeding hearts. They are realists who look at life in its rawest form every day and make hard decisions. However, more and more demands are being made to agencies such as the Salvos, Anglicare, Centrecare, and other agencies, every day, every year. The demand is insatiable and it is not because people are ripping off the system. There is no pride involved in somebody going to a local member of Parliament, a financial counsellor or to anybody else and saying, "I am sorry, I am poor. I apologise for being poor. I cannot afford the services." These people lose their dignity. They have to reach to their very base to be able to do that. They do not do it easily, and I see it every day. Every day people come to me and say, "Where is this social dividend? Why is this State Government not looking after us? Why are hospital queues getting longer? Why can we not get access to legal aid? Why are community facilities not available when this State has immense mineral resources, when this State is allegedly doing better than any other State in Australia and when the theoretical economic indicators say we are doing the best?" It does not mean squat to the people I represent who are in that position. They are just words because they do not see it. Their lives are not improving. Their lives are getting harder and harder.

I raise that issue because I hope, over time, the community will punish the Government for not heeding its calls to recognise the social deficit that is being built up by both this and the Australian Government. It is very easy to balance a household budget and it is very easy to balance a state Budget. One simply cuts back. There is no great accounting or economic achievement in that. One simply does not provide the services. The household budget is cut and the children are not fed. That is pretty easy! However, if we have a heart, if we have some compassion, of course we will not do that. What we are seeing now is pretty heartless.

The States have refused to provide money needed for the dental program. The Keating Government - remember that awful Government, the dreadful Keating Government - put \$100m into the dental program because the States refused to put it in. After that money was put in by the Keating Government, the waiting time for pensioners to get dental treatment was two months. The waiting time now for pensioners to receive dental treatment in this country is 22 months! This is the great economic achievement that has occurred! It is pretty easy for us to turn our backs on the weak and the vulnerable because they do not have the financial resources and the political clout to influence the Government. However, collectively they will. Collectively they will punish the Howard Government and collectively they will punish the Court Government in due course. They will get one opportunity and they will use it against the Government when the opportunity arises.

Unfortunately, as opposition politicians, we can sit back and say that that is great because our vote will increase. That



is a very cynical view because we would be sitting silently by for the next two and a half to three years letting that pain continue. I do not intend to sit silently by and allow that pain to continue. I intend to raise this issue at every opportunity I get, both publicly and privately.

Finally, I want to deal with the so-called great achievement of this Government. In his budget speech, the Premier had this to say -

Mr Cunningham: He said there would be a new police station at Lockridge.

Mr BROWN: There is no money for that. There is money, if the Minister knows his own budget, to look at it.

Mr Day: No, there will be a new police station.

Mr BROWN: There is no money in this Budget.

Mr Day: Yes, there is.

Mr BROWN: There is \$1m to look at three police stations.

Mr Day: There is money in this year's Budget for a new police station in Lockridge and it will be built over the next two years, I can assure you.

Mr BROWN: We will deal with that when we get to the estimates.

In his second reading speech the Premier said -

Following this Budget, the State's net debt will be slashed to \$4.8b compared to \$8.3b when this Government took office five years ago.

That is the great achievement. Does that mean that the Government used the State's income over the past five years to pay that debt or does it mean it sold assets to pay the debt? I wish the Premier was here today because I do not know from where he got the figure of \$8.3b debt of five years ago. Every time I asked the Premier what was the State's net debt on 4 February 1993, he replied that he did not know because Treasury calculates that figure only once a year. We know what was the figure on 30 June 1992 and on 30 June 1993 but not on 4 February 1993. I do not know how the Premier got this figure. Was it plucked out of the air?

How was the \$8.3b debt reduced? Was it as a result of the sale of BankWest for \$0.9b, a federal government payment to Western Australia of \$0.2b because it sold the bank, the sale of the Dampier to Bunbury gas pipeline for \$2.4b, or other asset sales - detailed in the Estimates Committees last year - of \$279m? Total asset sales amounted to \$3.78b. The debt figure of \$8.3b less the \$3.78b in asset sales is \$4.8b. This is really intelligent! One must be a genius to do this. We are selling the house to pay the mortgage!

**MR GRILL** (Eyre) [12.53 pm]: In addressing the budget debate I will refer to an article of 15 May written by the chief political writer of *The West Australian*, Anne Burns under the heading "Lucky charm wears thin". It is interesting in the sense that it referred to the "rather charmed life" of the Premier who had not only a charmed life but also a lucky political life. Anne Burns postulated the theory that that charmed life may be coming to an end, but I will not enter into that controversy. However, it was interesting that that line was being put seriously in our major newspaper. Her view was that the medical funding crisis in general would prove to be the nemesis of the Premier. She may be wrong or she may be right.

I believe not just the Premier but we as a State have been economically lucky for a long period. As pointed out by the previous speaker, this Government's weakness lies in the social welfare front. However, according to the budget papers, its strength appears to be on the economic front. If anything the budget papers and the Premier's budget speech smacked a little of smugness and contentedness that we are by and large outstripping the other States and in a relative sense leading the country and all is well.

I am not sure that is the true picture. In her article, Anne Burns suggested that others may not share that view; that is, the retailers. Retail figures indicate that retailers and home buyers are not as happy with the economic outlook as the Premier would have us believe. I am sure you will agree, Mr Speaker, the general retailer and the new home buyer are two significant elements in the community. Figures in both those areas are down.

I am the shadow spokesman for resources. I thought the Budget was interesting from that perspective. In general it shows outlays of \$7.1b, and a growth estimate of 5 per cent, which is a markdown from 6.5 per cent forecast by Treasury last year. Business investment figures - that is, private new capital investment - are revised down from the 13.5 per cent estimate for the coming year to about 8.5 per cent.

According to the budget overview, the Government's capital works program has increased by 24.4 per cent. In the

article written by Mike Nahan in *The West Australian* a few days ago he says the figure is about 6 per cent. Although those figures on the face of it appear fairly good, in many respects they are superficial. The State is becoming more and more reliant on the mining industry and the mining industry is becoming more and more reliant on prices determined overseas which are on the way down. The receipts from mining are increasing. We now produce in rough terms about 50 per cent of the total exports for minerals and petroleum for the whole of Australia. Western Australia is the biggest producer of minerals and petroleum products. However, as we become more reliant on those industries, we become more reliant on the whims of overseas markets. Over the past 30 years in real terms the trend line has been forever downwards.

The employment situation in Western Australia compared with the rest of Australia looks good. The unemployment rate forecast for the coming year is 6.75 per cent - in rough terms 7 per cent. The national figure in round terms is 8 per cent. Therefore, the figure for this State is about 1 per cent better than the national figure. That should not make us smug or contented.

I refer to an article from *The Australian Financial Review* of Tuesday, 19 May. Members will appreciate that the employment situation in Australia has been going bad for a long time.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued below.]

*Sitting suspended from 1.00 to 2.00 pm*

**[Questions without notice taken.]**

**PARLIAMENTARY EDUCATION VIDEO FOOTAGE**

*Statement by Speaker*

**THE SPEAKER** (Mr Strickland): I advise members that a company has been engaged to upgrade the two current parliamentary education videos, which were produced some years ago and are now out of date. As part of the committee section of the video, the presentation of the Select Committee on Perth's Air Quality report will be filmed tomorrow morning. The footage will be taken from both side doors and the Press Gallery, so television cameras will be in the Chamber tomorrow.

**ACTS AMENDMENT (GAMING) BILL**

*Receipt and First Reading*

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

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)**

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)**

*Second Reading - Cognate Debate*

Resumed from an earlier stage of the sitting.

**MR GRILL** (Eyre) [2.34 pm]: Prior to the luncheon suspension I remarked upon unemployment and the budget forecast of an unemployment rate of 6.75 per cent for Western Australia. Although the figure compares well, by about 1 per cent, with the rest of Australia, it by no means ensures that we should be complacent in this State about the level of unemployment.

I turn now to an article in *The Australian Financial Review* of 19 May, on page 5, headed "Jobless surge marks last 30 labour years". Katharine Murphy had the following to say -

A surge in the number of unemployed workers, with Australia's jobless rate now regularly topping 8 per cent, has been the most striking development in the nation's labour market over the past 30 years, according to a new discussion paper from the Economic Research Department of the Reserve Bank.

The bank found that Australia's aggregate unemployment rate had increased from its 1966 level of 1.8 per cent to 8.6 per cent in 1997, with the increase in unemployment rates for full-time male workers contributing five points to the total increase of 6.8 percentage points.

Further -

And increased unemployment for Australian men cannot be explained by a rise in the participation rate, with their participation rates falling over the past 19 years.

The Minister for Resources Development is nodding his head. I am sure he would agree that we cannot be complacent or smug about an unemployment rate of 6.75 per cent - rounded to 7 per cent - in Western Australia.

Mr Barnett: Especially at our age!

Mr GRILL: Especially with our gender and age; the Minister is absolutely correct. We need to work a lot harder in that respect.

Some ominous signs are on the horizon. We rely overwhelmingly on our resources and mineral development, which represent about 73 per cent of the value of commodity exports leaving this State. Agriculture represents about 19 per cent, forestry and fisheries about 2 per cent, and manufacturing and miscellaneous items represent about another 6 per cent. That, in round terms, represents 100 per cent of commodity exports.

Of the minerals for which we have a world reputation regarding the tonnage we export, zircon heads the list at about 46 per cent of the world's supply coming from this State alone. Rutile is 25 per cent; alumina - a huge industry here - is 19 per cent; and ilmenite is 14 per cent; and we produce about 13 per cent of the world's iron ore and 9 per cent of the world's gold. It is an impressive set of figures.

We have had about two decades of sustained growth. Since the recession of 1981-82, this State has grown, and we did not suffer a major recession in 1991-92, as did the rest of Australia, as it hardly touched this State. In fact, it did not touch the goldfields at all. We have had growth sustained by the resource sector. As the Minister would appreciate, the figures indicate that we grew two major industries, which have become our biggest industries, during that period; namely, the goldmining industry, which was virtually non-existent in 1980, and the petroleum industry. They were both born or rejuvenated and grew up during that period. They are the biggest industries in isolation in our State as both are worth more than \$4b per annum.

We have an analogy. We have a lucky Premier according to Anne Burns, a lucky country according to Donald Horne, and I say we have a lucky State because we have been sustained by our burgeoning resource industries during the past 20 years. The highest points of our history have been during periods of mineral boom.

Mr Pental: That naturally flows from your fine years as Minister!

Mr GRILL: With all modesty, it was a contributing factor. I thank the member for South Perth for that comment.

It was not very long ago that we were dependent on the agricultural industry for our wealth. Each year we looked to the skies to see whether we would have good or bad fortune. We did not really have a failed crop in this State, but the fortunes of farmers and the rest of the State rested with the health of the crops. That was the situation 30 years ago. The agricultural industries that make up 19 per cent of our exports are important. They do not represent the be-all and end-all of the economic fortunes of Western Australia as they did in the 1950s, 1960s, and to a large part in the 1970s. The growth forecast for Western Australia has been revised downwards. This Parliament needs to be vigilant about how it looks after the industries that sustain this State. If members look at a macro level - at the Australian economy as a whole - members in this place will realise that Australia's export performance in comparison to its imports is not a pretty picture. The current account deficit this year looks like hitting a record level. The aggregate current account deficit is in excess of \$200b. The value of the Australian dollar is down against major world currencies. That will help some of our exporting industries. However, it makes imports a lot more expensive. We are sucking in imports at an unsustainable rate. It appears that this State is doing well. I suggest that the situation could change.

I heard a very good speech by the Minister for Resources Development at the opening of an educational centre at the Chamber of Mines the other day. After mentioning a range of figures relating to the production of mineral and petroleum wealth in Western Australia, he said that growth appeared to have matured - I think that was the word - and it appeared growth was entirely sustainable. I hope he is right: He may be right.

Mr Barnett: I said in my opinion the industry had grown out of the boom bust cycle.

Mr GRILL: They were the two words I picked up; maturing and sustainability. I do not want to argue with that. However, I do not believe that we can rest on our laurels. A number of factors that made us competitive previously have been less competitive in recent years. A number of them are federal factors. Nonetheless, they have made us less competitive than we should be. Some of these factors are the diesel fuel rebate, and the impost of a tax on the sale of mining tenements. The removal of the tax fuel rebate at a State level for diesel vehicles will not add a great deal to the burden on the mining companies, but is a further impost that must be picked up, as is the gold tax. Added together, they amount to a changing situation, and if that is compounded by the impost that has been placed on the

mining industry by the native title legislation - and whatever one thinks about the native title legislation, a number of people on this side of the House think very highly of the legislation - the truth is that almost the total cost of native title is being borne by the mining companies. Native title in Western Australia is about mining royalties and the right to negotiate and what might be paid in royalties to Aboriginal interests. There can be a positive or negative side to that. If that results for the first time in meaningful jobs being created for Aboriginals and Aboriginal communities, I applaud it. However, if it simply means the selective enrichment of individual Aboriginals at the expense of the rest of the community, as has been the case in some instances, that would be a very considerable problem. The forecast for the mining industry made by the Australian Bureau of Agricultural and Resource Economics at the beginning of this year painted a fairly bright picture for 1998 although it also indicated that 1998 might be the end of the minerals boom. I refer to an article in *The West Australian* on Wednesday, 4 February 1998. The headline reads "Minerals reach tail-end of boom". The article states -

The minerals boom will continue during 1998 but run into a brick wall next year under the weight of falling world prices and the impact of the Asian crisis, the nation's top commodity forecaster predicts.

In its latest commodity outlook, the Australian Bureau of Agricultural and Resource Economics also warns of a fall in exploration activity in Australia against the backdrop of uncertainties caused by gold price shocks and the Asian financial crisis.

That sums up the situation and adds another element to the picture that I am painting. That is why this Parliament should never be complacent about the ability of these resource industries to keep on producing the amazing wealth that they have produced over the past few decades. It does not happen naturally; it happens because of good management and the creation of the right environment. If Governments start destroying that environment, piece by piece, as they have been, especially at the federal level, they will find within a few years that they cannot sustain the type of export performance that just keeps Australia's head above water.

I also refer to Western Australia's downstream processing performance. The Minister is proud of our record - there is reason to be proud of it. However, even that record is now starting to look a little bit tainted. A year or so ago there was a list of big projects - mammoth projects - that were about to get off the ground and were to be financed by fairly buoyant world markets. The truth about Western Australia is that we are price takers and the real price for commodities over the past 30 years has been going downwards steadily. The other truth is that this world, certainly for the foreseeable future, is not running out of resources and resources are becoming more and more available every day. We are adding to reserves, not only in this State or in Australia, but also worldwide day in and day out. That includes petroleum stocks and gas stocks. If one looks at the inventory that was put forward by a company such as Shell the other day, one would appreciate the extent -

The SPEAKER: Order! The member for Maylands has passed between the speaker and the member on his feet. She has breached parliamentary protocol.

Dr Edwards: How do I get out, Mr Speaker?

The SPEAKER: I accept the member's apology.

Mr GRILL: There is room for some doubt in that list of projects. The proposed new trains for the production of LNG with the North West Shelf partners is one of the biggest projects that Australia has ever seen - the biggest project Australia has seen was the initial Goodwyn and Rankin platforms, and the initial LNG trains which were put in place at a cost of approximately \$12m. The current proposal for an extension of that adds up to a lot of money. In that sense the expansion costs will be somewhere between \$6b and \$8.4b. In the recent conference of petroleum and liquefied gas producers in Perth, the Japanese and Korean markets indicated that, for a range of reasons, they were not able to keep the timetable that the North West Shelf partners would have preferred for that project. We do not know to what extent it will slip but we do know that there will be a slippage with that project. Similarly with the Gorgon LNG project, attention was largely focused on Korea and Japan. However, that joint venture project comprising Chevron, Texaco, Shell and Mobil is a bigger project in terms of capital cost; it is about \$9b. It is the biggest project currently on the horizon of Western Australia, and possibly in all of Australia. It was to produce 7 million tonnes of LNG and return about \$2b revenue per annum, but this also will slip. There is some uncertainty about when that project will get off the ground and what might be the staging for it.

Mr Barnett: I do not think it is fair to suggest that Gorgon has necessarily slipped. As the member knows, the Koreans have two projects operating in Qatar, one with Qatar. I think that was a market opportunity which the Gorgon project missed when the partners disagreed among themselves as to how the project should be developed. However, Korea is still talking about 2003, which is about the Gorgon time line.

Mr GRILL: That is reassuring; I am pleased to hear that. However, there is, as I was saying, some uncertainty about the timing of these projects.

Another element that has crept in in the past year or two is that some of the North West Shelf partners have floated the concept of putting a few LNG trains in place in Darwin, using gas coming out of the Timor Sea, and possibly piping gas into the eastern States. They may be flying kites and trying to put pressure on some of their other partners. I have heard a range of scenarios to that effect. However, it is another uncertainty that has come into play.

BHP's Port Hedland hot briquetted iron project is under way with a huge capital expenditure of \$2.45b. The project has suffered an escalation of costs, which is lamentable. However, once again, not just because of the escalation in costs but because of the technology selected, there are a few doubts about that project as well. Many people maintain that a direct reduced iron project of that type using that technology may not be as viable as initially thought by BHP. Once again, there is, at least to some degree, a question mark over that project.

Moving further down the coast - dealing with major projects, not minor projects -

Mr Barnett: Don't forget Onslow Salt; it is the best thing that has happened to Onslow for many years.

Mr GRILL: The Minister has given it a mention so I think we will leave it at that.

A lot of people do not know about the Mineralogy project; the Minister and a few other members do. Although it is on the list of possible big projects that may get off the ground, it does not have a high profile. However, it is a project put forward by a Mr Clive Palmer of Mineralogy Pty Ltd which involves the mining and processing of the Fortescue magnesite deposits. It is a large scale project - ultimately 6 million tonnes per annum of export pellets and 4 to 6 million tonnes of direct reduced iron at a cost of \$1.8b. When last reported, the company indicated that it had subscription agreements amounting to \$380m for the HBI plant and \$600m for a further steel plant. It is a very ambitious project. The Minister may be able to correct me, but it is not progressing at the present time and may well be on the backburner.

The Australian Iron and Steel project - probably misnamed; it is probably the Aussie Steel project - was evolved by a consortium of well known Australians: Sir Russell Madigan, Sir Roderick Carnegie, Dr Ross Garnaut and others. They propose an HBI plant to operate at Cape Lambert. That is a \$1.96m to \$2m investment. It was sold not so long ago to a major Scandinavian engineering group, Kavanagh. However, Kavanagh has indicated that it will not be going ahead with that project unless the Government can come forward with some critical infrastructure. That infrastructure is of a substantial nature and would probably involve the cooperation of other companies that will operate in that area. Unless the Minister can correct me, it would appear as though that project is on the backburner also, at least for the time being or until those infrastructure projects that are concomitant with this one are in place.

Mr Barnett: I do not agree with your assessment of that project. Obviously the market is more difficult than it was 18 months ago. The critical thing for the Aussie project is the joining in of other equity partners, presumably major steel and iron ore producers, and possibly the Chinese.

Mr GRILL: Discounting the fact that they do expect to have a substantial infrastructure -

Mr Barnett: Infrastructure is an issue, as it is in any of these big projects, but it is not a show stopper.

Mr GRILL: I must say to the Minister that I had lunch with David Wait, who had charge of that project, just a few weeks ago before he went to the United States of America. He certainly made it clear to me then that he expected a fairly substantial infusion of infrastructure funds from the Government for that project to get off the ground.

Mr Barnett: In principle that is right. It depends on which site they prefer at the end of the day, and there is also the opportunity to combine infrastructure for that project with the proposed petrochemical plant.

Mr GRILL: Yes, that is true. However, once again, just a slight question mark hangs over that project. There was also a concern that David Wait seems to have left Australia and returned to the United States. I wrote to him and asked whether he might be coming back to Australia to superintend the project but I have not received a reply yet.

Mr Barnett: The point I make is that the Aussie project always had a long way to go in its development and I do not believe that that project in a sense has slipped. I would argue it has progressed quite strongly in the past 12 months with the involvement of Kavanagh. It still has a long way to go.

Mr GRILL: Perhaps we have a slightly different assessment on that project.

Mr Barnett: It was never a lay down misere. It is a project that has developed and continued to develop and I would say it has greater status now than it did 12 months ago.

Mr GRILL: I do not think we are very far apart; I just have a slightly different impression of its timetable and the necessity for the infusion of government infrastructure.

Next is the Mt Gibson project, which is based on the Mt Gibson iron ore deposits. This project would see those iron

ore deposits actually processed around Geraldton, hopefully in the new industrial area at Oakajee, and shipped offshore through the new port. This is another big project of 2.6 million tonnes per annum. I understand that it involves bringing the iron ore down a slurry pipeline. The capital costs are somewhere between \$800m and \$1.1b. The feasibility study commenced in January 1996. It has a planned production commencement in 2001. However, one of the major partners in that project, the Halla Group from Korea, is having severe financial problems as a result of the Asian crisis. Once again, there is a question mark over that project, certainly over the starting time. I think 2001 would now be fairly optimistic.

I mention that project not only because it is a big project but because it is a very important component of the new Oakajee industrial estate. If that new estate is to be viable it needs at least two projects. The Minister has mentioned that on a number of occasions in this House. It requires the An Feng-Kingstream steel project to get off the ground and it requires the Mt Gibson project to get off the ground so that they can use the same industrial area and the same port. It would be a problem for the State if that project slipped back too far.

I must mention the An Feng-Kingstream Resources steel project. The market has marked down this project; its shares should be \$2, but they are now 35c. A big question exists about whether An Feng-Kingstream will raise the funds. I have a history with this project and I am a great supporter of it. It should get off the ground because the basics are right. The Government has allocated \$25m in this Budget for ongoing work on the harbour for which it has responsibility.

It appears that only \$1.9m is estimated to be spent on the project this year. I may have misread the documentation, but if that is true it does not appear that the State is making a full-blooded attempt to get the port off the ground within the timetable the An Feng-Kingstream people indicated to me.

Mr Barnett: I do not have the Budget figures in front of me. However, that money has been spent on the drilling, the seabed and the quarry to test the nature of the rock material so that all the tenderers can prepare their port tenders on that basis. As I said, we expect to have a nominated port developer in place by about August-September this year. If the project is ready to start construction, we will be ready to start on the port. We will not build a port ahead of a steel mill.

Mr GRILL: Is the amount to be spent this year \$1.9m?

Mr Barnett: That is money to be spent on the technical work such as drilling. If we go into a port construction we will be into a different game. Physical construction of the port is unlikely to start this calendar year.

Mr GRILL: The extension of the operation at Wagerup is another major project which will certainly get under way. We had discussions with Alcoa of Australia Ltd a few weeks ago. It is a very impressive company and I wish it luck with the extensions to its project.

I refer now to the Collie coal fired power station. We were told the initial cost of the power station would be \$575m. It appears to have blown out to an estimated final cost of \$831m which is an increase of \$256m.

Mr Barnett: No, it hasn't; the Collie project is exactly on budget. The \$575m is the construction cost. From memory the original total project cost was \$696m or thereabouts, plus a few escalators which take it to the figure you have now. The project is performing on time and on budget.

Mr GRILL: That does not tally with the figures I have. In a letter Dr Eiszle sent to Bill Thomas on 20 February this year he said -

The Base contract price for Collie Power Station is \$575.0 million. This is the price at October 1993. The higher capital expenditure figure as reported in the last State Budget Papers of \$831.1 million includes several other items. These are:

Project management charges and Western Powers own works (for such things as water supply infrastructure)	\$43.3
Contract escalation (due to CPI related increases)	\$84.7
Capitalised interest	\$138.9
Foreign exchange gain	(\$ 10.8)

The figures in that letter from Dr Eiszle speak for themselves. We could take a less generous reading of those figures but on a generous reading it appears to be a "contract escalation" of \$84m.

Mr Barnett: If you check records and press cuttings of the time the contracts were awarded, you will see a series of press cuttings indicate that the total project cost is estimated to be \$696m. The construction cost is \$575m.

Mr GRILL: Another major project in the south west is the Broken Hill Proprietary Co Ltd Beenup project.

Mr Barnett: Don't forget Worsley Alumina Pty Ltd.

Mr GRILL: Worsley and Wagerup are big projects. The alumina industry is something of which we can be very proud. The companies have done a very good job; the projects are pluses.

The Beenup project, one of the biggest mineral sands projects in the world, is performing at half its capacity. It is having problems with its dredges and new technology which are similar to the problems BHP is experiencing with technology at Port Hedland. In the past some companies have been too adventurous with technology and these problems are occurring with the Beenup project. In fact, BHP is having to buy in ilmenite and rutile to meet commitments to overseas customers under contracts it has written on this project. It is not an entirely happy situation.

The Hamersley Iron Pty Ltd hi-smelt project turns iron ore fines into very high grade iron just short of turning it into steel by controlling the amount of phosphorous and carbon within the steel. It is a very interesting project which has been in process for a couple of decades, if we count the initial experimental and development period. It recently had a breakthrough by changing the position of the vessel which holds the process to an upright rather than a sideways position. The company believes it has made a breakthrough and now has a sustainable project. When we met with Hamersley several weeks ago it thought it was now commercially viable. For a long time it thought it would never reach a commercial situation.

The problem is Hamersley will not commercialise the product in Australia or Western Australia; it will take it offshore. The decision not to proceed with the project in the Pilbara, at least in the short term, must have been a great disappointment to the Minister.

A range of projects are progressing, some of which are good. Certainly the Henderson Bay-Jervoise Bay investment of approximately \$200m is a plus. For a long time we thought that investment had been too long delayed. It is now arriving and we congratulate the Government on that.

The recent federal publication of the book *A Sea of Indifference* by the federal committee examining the local government content of Australian projects did not paint the same optimistic picture the Minister painted in this House about local content. If it is the truth, it came as a surprise to me when I read the report to find that local content was calculated, not on the whole project, but on that part of the project that the project manager or developer considered could be manufactured in Australia. If we are talking about a 52 per cent Australian content, that is based upon the amount the developer considers could be constructed in Australia. That might end up being 25 per cent in real terms over the whole project. Some of the figures that I have heard and that the Minister has used about local content might be very much diminished if they were applied to the entire project. That book painted a less than rosy picture about the local content of major projects in Western Australia and Australia generally, and it referred principally to the North West Shelf petroleum projects.

Mr Barnett: Do you appreciate that we are about the only State that has a local content policy, and that the Commonwealth does not have such a policy?

Mr GRILL: Yes, and that book does give this State some accolades in that respect. I am talking now about the whole picture. My remarks are not necessarily a criticism of the Government. I am saying that we have a range of local projects of which we can be very proud and upon which we have prognosticated a certain economic outcome. A number of those projects are more fragile than was originally thought. Some of them may slip with regard to their timetable; others may never get off the ground. I have referred to the macro projects; I have not referred to some of the smaller projects. We cannot simply be smug and content that our economic performance will continue as it has in the past two decades.

Mr Barnett: You will have to agree that I have never made exaggerated or outrageous claims about the number of projects that will go ahead. I have always said it will be about \$20b in investment between 1995 and 2000, and that will be exceeded easily. I have never said that all iron ore projects will come to fruition. I have said that one or two will; and which ones will, I do not know.

Mr GRILL: I concede that. Some of the Minister's predecessors and some of his federal colleagues have made outrageous remarks about projects that will get off the ground. This Minister has not done that, and I congratulate him for that.

These resources projects do not just happen. They are not a natural endowment for Western Australia, apart from the fact that we have a wonderful abundance of minerals. We all need to ensure that they are brought about. If we allow our federal colleagues to impede those projects, we will all suffer, and we will not have the sort of economy of which we can be proud. I have mentioned those factors because a few storm clouds are on the horizon and there is reason for concern, and we need to be vigilant.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [3.12 pm]: I will deal with the selling points which the Government has used in its propaganda on this Budget. I turn for those selling points to the taxpayer funded propaganda; that is, the pamphlet entitled "1998/99 Budget - Securing Our Future". That brochure cost the taxpayers \$170 000. It is full of proposals for government expenditure, but it neglects to mention from where the Government will gain the revenue. Therefore, the taxpayers are informed at their own expense about all the wonderful things that the Government will do, but they are not informed about from where the money will come, which, of course, is from the increased taxes and charges which the Government will impose. That is not a fair or democratic use of taxpayers' funds. The brochure is way over the top at a cost of \$170 000, and it does not provide the unbiased and objective view that one expects from a brochure that is funded by taxpayers' money. Nevertheless, it is instructive, because it indicates what the Government thinks are the positive aspects of its Budget. The two leading claims are on page one.

Mr Board: When you were in government, how did you get your information out to the public?

Mr RIPPER: We did put out information, and I think the then Opposition criticised us at the time, yet this Government is spending more on advertising than is almost any other State Government in the country on a per capita basis. This Government is mentioned in *Business Review Weekly* as being one of the top advertisers in the country, courtesy of the taxpayer. This Government is informing the public at the public's expense and is taking that to an increasingly higher art form. That is not a fair use of taxpayers' money, and it will need to be limited in the future because it provides an incumbent Government with a significant advantage over the competing parties in electoral terms, and it also represents from a taxpayers' point of view a waste of funds when crying needs exist in, for example, the health system.

To return to the propaganda, the two leading claims are that the Government has slashed state debt and that the Government will spend money on education, in particular \$100m for computers in schools. I will deal first with the claim about debt reduction. The Government is trying to promote the view that the reduction in state debt is due to its fantastic financial management. I dispute that. The foundations of this debt reduction are threefold: Enormous growth in revenue, significant asset sales, and what I could call social deficit; in other words, services to the public that should be funded but which are not being funded, and which are reducing the welfare of Western Australian citizens.

I turn now to the first foundation, which is revenue growth. Part of the State Government's revenue growth has been the result of economic growth. We have been blessed in this State with rates of economic growth that have been higher than the national average for many years, including the years before this Government came to power. This Government had the good fortune to come to power at a particular point in the trade cycle; that is, the end of a downturn in the trade cycle and at the beginning of an upturn. I do not think the Government can take credit with any credibility for the economic growth that has flowed from that natural upturn in the trade cycle.

Mr Board: How many major projects were commenced in the last few years of your Government?

Mr RIPPER: That is just the point I am making. When the world and national economies are in recession, the revenue that is available to the State Government will be severely constricted. When the world and national economies start to grow, the State Government will benefit from a revenue increase. However, that is not the only reason that the State Government has benefited from a revenue increase. The State Government has also significantly increased state taxes and charges.

I will run through the increases that the public of Western Australia will experience as a result of this 1998-99 state Budget. I quote from an analysis which the Opposition has done of the direct financial impact on households of the past two state Budgets. In the present Budget, motor vehicle registration has increased by \$55, third party insurance has increased by \$12.55, stamp duty on a motor vehicle licence has increased by \$9.20, public transport fares have increased by \$26, water, sewerage and drainage charges have increased by \$21.40, and stamp duty on household insurance has increased by \$11.50. The total impact is \$136 a year on a family which, for the purposes of the Opposition's analysis, is assumed to own one Holden Commodore car, use average amounts of water, electricity and gas, and buy 10 one zone concession fares and five two zone concession fares each week. That is in addition to an impact on that household from the 1997-98 state Budget of \$236, taking the total impact on that sort of family, which is a fairly representative family in Western Australia, to \$372 a year.

I know that the Government has disputed these figures. The Treasurer has presented alternative calculations to the House, perhaps based on slightly different assumptions. However, even on the Government's figures, the impact of these two Budgets on the average household is approaching \$300 a year. That is one reason the State Government is experiencing the revenue growth and why it is able to claim that debt has been reduced. The total revenue growth, as a result of the Government's fortunate circumstance in assuming office at the beginning of an upturn in the trade cycle and from its imposition of those taxes and charges, is very significant indeed. Taxes and licences on a real per



capita basis have increased by 77 per cent since 1993. Let us be clear about the basis of that. It is a calculation that allows for the increase in population and makes a correction for that. It also allows for and corrects the figures for inflation. Even after making those corrections, which are of advantage to the Government, the revenue from taxes and licences has increased on a real per capita basis by 77 per cent. With that sort of revenue increase, it would be remarkable if the State Government were not able to reduce state debt.

I draw to the attention of the House the second foundation of the reduction in debt; that is, the asset sales. The asset sales raise questions about what has been done with the revenue growth and why there are complaints about hospital waiting lists and poor government services. Analysis of the asset sales indicates that the income from them virtually accounts for the total reduction in state debt. I will run through those asset sales and the funds released from them for reduction of state debt. The State Government Insurance Office was disposed of in April 1994 releasing \$165m; BankWest was sold in December 1995 releasing \$900m; a taxation payment of \$200m was made from the Commonwealth as a result of the sale of BankWest; State Print was disposed of in January 1995 releasing \$4m; the Mt Henry Nursing Home is now being disposed of for \$11.8m; Healthcare Linen was sold in September 1996 releasing \$8.8m; all the Government's passenger vehicles were sold releasing \$78.5m; and a site in Welshpool was sold for \$4m. The Dampier to Bunbury natural gas pipeline has been sold, and \$1.8b of the proceeds of the sale has been applied to debt reduction. The total proceeds from asset sales applied to debt reduction are \$3.172b. It is a very significant sum. That \$3.172b is only a preliminary figure. The Opposition is still ferreting out information on asset sales and the figure may well rise.

Let us consider the net debt of the total public sector and how it has changed since 1993. In 1993 the net debt of the total public sector was \$8.515b, and in 1998-99 it is expected to be \$5.148b. What is the difference? It is a reduction of \$3.367b. On the basis of that reduction, government members claim to be excellent financial managers. However, those figures are very close; the proceeds from asset sales are a minimum of \$3.172b, and the reduction in debt is \$3.367b. The reduction in debt is almost totally accounted for by the proceeds from asset sales applied to debt reduction. That 77 per cent increase in real per capita revenue apparently has not gone towards debt reduction, because the debt reduction is accounted for almost totally by the proceeds of asset sales. When the Treasurer talks about the State becoming debt free in future, if he follows his current strategy it means he will privatise a lot more - perhaps Western Power, AlintaGas and anything else he can lay his hands on - because he has done that in the past to reduce debt. If he stays true to form, his debt free strategy will be a super privatisation strategy, and when he has finished selling assets, on the basis of his form, he will have no capacity to continue to reduce debt.

The privatisation of these assets does not remove the burden on Western Australians to service the debt. The Treasurer has been very fulsome in his claim that this approach to debt, in which the State Government has engaged, has freed Western Australians from a burden. Of course, the public debt has been transformed into a private debt. The private owners of those assets will charge Western Australians for the services they provide. The charges they levy on Western Australians must cover the interest payments on the capital they have borrowed to buy the assets from the State Government, or cover the return they expect on the equity capital they have deployed to buy the assets. Part of the bank fees and the interest charged by BankWest will cover the return on equity demanded by the new owners or the money borrowed in order to buy BankWest. When people insure with the State Government Insurance Office part of the charges will cover the interest paid on the capital borrowed by the new owners to buy it or a return on the equity capital used. The same will happen when people use gas supplied by AlintaGas but transported through the new privately owned pipeline. AlintaGas must pay the commercial charges to the new owners. When people pay taxes to the State Government, some of those taxes will pay for services provided by the hospital linen services or by State Print. Some of those taxes will pay for the use of government vehicles.

Debt servicing charges do not go away. The debt will be serviced, whether it is in public or private hands. If the debt is in private hands, it will be serviced by the commercial charges levied on Western Australians by the new private owners. Quite a bit of nonsense is talked about the immense benefits to Western Australians from the Government's strategy on debt. I do not oppose efforts to reduce the State Government's debt. Members should not take the wrong slant from my argument; however, I do oppose hyperbole. I oppose claims that cannot be justified for the nature of the strategy and the benefits that are expected to flow from it. In particular, I will not accept the outlandish claims of the State Government that its members are excellent financial managers, when it has only sold assets and applied them to the reduction of debt, while at the same time it has experienced a phenomenal and unprecedented growth in revenue.

Mr Board: You have conveniently forgotten the \$400m we are saving in interest payments on state debt which is going back into the community services. That builds a lot of hospitals, schools and roads. This is not a one-off, it will happen every year and it is a lot of money. You forgot to mention that.

Mr RIPPER: Of course I covered that in my argument. Those are debt servicing costs which are no longer met through the public sector. They are met in the private sector when Western Australians are customers of the new

owners of the private assets. That was the point of the argument that the debt does not go away; it still must be serviced. It is not serviced from state government finances but from the pockets of Western Australians when they bank with BankWest, use gas from AlintaGas or insure with the State Government Insurance Office. Taxes service the debt due to charges by the contractors who own the assets and contract back to the State Government.

The third foundation of the debt reduction strategy is a more unsavoury foundation because it is the social deficits which have been built up - the meanness with which the State Government has approached services to the people of Western Australia; the loss of welfare for Western Australians who are deprived of government services or forced to pay more for those services than they would otherwise expect.

I want to note three areas of social deficit. There has been much debate about waiting lists. One need only mention that 16 000 people are on hospital waiting lists for elective surgery. Many people are suffering, and many are experiencing painful conditions which can be alleviated only by elective surgery. They wait months and months for that treatment. It is not a great financial management strategy which reduces state debt at the expense of increased pain and suffering among our citizens.

The second area to which I wish to draw attention is public transport fares. Since 1993 concession fares on Perth's public transport have increased by between 120 per cent and 180 per cent. Since 1997 adult fares on our public transport have increased by between 50 per cent and 80 per cent.

The third area to consider is school fees. There is great demand for improved facilities in our schools. Parents feel that the Government is not providing the resources necessary for the quality of education they now demand for their children - to the extent that private funding of our government school system now amounts to almost \$43m a year. That amount has been put in by people outside government, particularly parents, to government schools which years ago were assumed to be virtually free. They are not free any more when people are asked, on a private basis, to put in that sort of money. Some of it comes from fundraising, limited sponsorship, and donations but the bulk of it comes from school fees; \$27m of it is school fees. This Government has a policy to increase school fees. Once the School Education Bill is passed, if the Government can have its way, primary school fees will rise from a voluntary \$9 to a compulsory \$60. Therefore, there will be a big impact on families with several children at primary school.

I chose those three areas as examples of social deficit. It is worth noting that in each case it is the poorer people in the community who are affected. It is the poorer people who tend to rely for the most part on the public hospital system and cannot buy their way out of the waiting lists problem. It is the poorer people who need to use public transport, and have been hit by the 120 per cent to 180 per cent increase in concession fares. It is the poorer people trying to support their children's education who will be hit by the increase in school fees. Those are the very foundations of the Government's much vaunted debt reduction strategy. It has experienced a huge growth in revenue - 77 per cent on a real per capita basis; asset sales proceeds which virtually account for the entire reduction in debt, and social deficits - services which should have been provided to the community but which are not being provided, or services which are being provided at a greatly increased cost, with a negative impact on those in the community who are less well off.

I wish to illustrate the problem of social deficit by pointing to the services which have closed in the electorate of Belmont since the election of the State and Federal Liberal Governments. It is instructive to look at what has happened. The services which have closed include the Cloverdale Joblink - a service which helped long term unemployed people return to work; and the Belmont office of Family and Children's Services, which has caused an enormous upsurge in the demand placed on the Lady Gowrie Community Advocacy Service, which is poorly funded and is doing a lot of the work that used to be done by Family and Children's Services. A crisis is brewing in that agency and it needs more funding. I mention also the Belmont Aboriginal Neighbourhood Centre. Many Aboriginal people live in Belmont and their aspiration to have a community centre was finally achieved but it has been closed due to commonwealth government funding cuts. The Cannington Breast Screening Clinic has closed, and we do not know when it will be replaced. The Minister is talking about a tender for a private operator, but it could take months before that service is replaced. Belmont SkillShare has gone, as has Cannington SkillShare. Some services have not closed but they will close soon. The Belmont Child Care Centre is closing at the end of June. A couple of services are under grave threat; they may not close but it looks very much like they are in the Government's gun sights. I think the Minister for Education intends to close the Kewdale Senior High School, and the Cannington Senior High School has been recommended for closure by the Education Department. I hope the Minister will not accept the recommendations regarding the Kewdale and Cannington Senior High Schools. He intends to close some high schools, and they have been recommended for closure. That is an instructive and very significant list of services which my electorate has lost since the election of the State and Federal Liberal Governments.

When I was elected in 1988 one of my priorities was to increase the services available to the Belmont community, because I regarded it as being cut off from many services which other communities had. Some of the progress which was achieved when a Labor Government was in power at both a federal and state level has been cruelly reversed in

the past four to five years. When we return to power we will need to rebuild the services in areas such as Belmont which have been lost as a result of the so-called good financial management of Governments like this Court Government.

I turn now to education spending. This is clearly seen by the Government as a positive in the Budget. It gets the No 2 rating in the taxpayer funded propaganda. The claim is that \$100m will be spent on computers. For government schools, that is \$80m over four years. Therefore, \$20m will be spent on computers for government schools in 1998-99. The computer program is very welcome; it is overdue. We have been behind other States in our plans for the provision of computers. We have been absurdly relying on the donation of second-hand computers to meet the inadequate targets the Government established before this latest initiative. Unfortunately this initiative is a rushed one. I understand that public servants working on the initiative were given very late notice that the Government had money to spend on computers, and they cobbled together a program as quickly as they could. That means there are some dangers, and that the money may not be spent as effectively in an educational sense as it could be.

A pretty common failure of businesses is to buy information technology, but not change their processes sufficiently to match the capacity of the new technology they purchased. To a certain extent, a portion of their investment is wasted. That can happen in education, too. All of these computers going into schools may sit there as white elephants or toys or systems for reward for those students who have performed well. If we are to spend all this money on computers, we must make sure the use of the computers and information technology is properly integrated into the school program. We must develop the curriculum to take account of the advent of the new resources in our schools.

Mr Cowan: It's in the schools now. It is not a new resource.

Mr RIPPER: That is right, but I will give the Deputy Premier an example. The Government has made great play about connecting all schools to the Internet. In most schools there is one terminal in a library or in another room. Computer terminals are not in every room. If we take the number of students in the school and divide that number by the total number of minutes in the school week, on the basis of the present provision we will find each student will be able to access the Internet for very few minutes each week. That is not the integration of information technology into the work of the school. That is a gimmick until it is developed further.

Mr Cowan: That is what part of the funding is for.

Mr RIPPER: I support the initiative to spend \$20m a year on providing computers in all government schools; however, the money allocated to this has been clearly identified as capital. There are recurrent needs which should be funded, and must be met if we are to get the best benefit from this capital investment. I will question the Minister during the Estimates Committee about these other needs which must be provided and funded recurrently.

Mr Cowan: There is a significant cost associated with computers being integrated in schools and that will be part of the capital cost.

Mr RIPPER: Perhaps the Deputy Premier should listen while I finish my argument. I do not want computers to sit in schools as toys or a reward or to be used for a few minutes by any individual students. I want the curriculum to be developed in a way which allows the computers to be integrated into the work of the schools and I want teachers to have the professional development that is required. It is a matter of ensuring teachers have both the computer literacy and the ability to develop relevant teaching strategies to take advantage of information technology.

Mr Cowan: They do that all right.

Mr RIPPER: We have a problem in the teaching work force. The average age of teachers is about 45 years. When we think of those age groups which are most flexible and accepting of computers, we would not choose people in their forties as being the best to work with computers. Those who take to computer technology most easily are teenagers and people in their twenties. We have a group of people who are probably not naturally computer fanatics and we must bring them up to speed in the use of computers and develop their professional teaching strategies so they can take advantage of the advent of this computer technology in schools.

Mr Cowan: You are right about that.

Mr RIPPER: I will deal with the interjections of the Deputy Premier in a minute. We must also provide technical support. It is quite common for computers to break down. There is an immense need for good technical support. Eventually, and not too far into the future, the computers will need to be renewed. The rate of obsolescence in computer technology is very great.

Mr Cowan: The software might have to be.

Mr RIPPER: Both software and hardware tend to get out of date pretty quickly in computing. If we want to do the best by our children, we must provide them with the most up to date equipment. I am not saying that the Government is not doing these things; however, although \$20m is identified as capital, all the other needs are recurrent needs. I am concerned there might not be provision in the Budget for those needs.

In the Estimates Committee process I will question the Minister for Education about where in the Budget the recurrent provision is made for these needs. If it is not made, the community and the Government will not get the best return on the welcome investment in computing technology. The Minister may be able to convince me that all this has been thought about and provided for. However, from what I have heard, the computer initiative was a pretty rushed development; public servants were told that a certain amount of money would be available and were asked to come up with a program pretty quickly. If that is the case, we must have doubts about whether all these things have been thought of and provided for.

The next area I will deal with in the Education budget is the country incentives. I hope the Deputy Premier might be more accepting of my remarks in this area than he was of my comments on the computer technology issue. The enterprise bargaining agreement with teachers included that \$4m to be spent on incentives to encourage teachers to go to the country. Of that, \$2m is provided in this Budget. The last time the Government came up with a country incentives package, it was roundly dismissed by teachers as being totally inadequate.

The Government has gone back to the drawing board; however, I feel some old ideas are waiting to emerge. One is the absurd idea that certain of the benefits paid to teachers in kind should be cashed out and added to their total remuneration; for example, when teachers are transferred from one country town to another, or from the country to the city, the Education Department pays for the removal of their furniture. I understand some in the Education Department think it would be a good idea to add the cash equivalent of that payment to teachers' salaries and expect the teachers to provide for their own furniture removal out of the additional salary. It is a crazy idea because it will increase their income tax burden, and instead of teachers getting the full benefit of the in-kind country incentive, they will get just over half the benefit. I hope the Minister does not support his bureaucrats who see this as an easy way out. I can see that the bureaucrats might like it because they would not have to deal with all the hassles of arranging the removal of teachers' furniture each year.

We have a serious problem in a lot of our country schools, and many teachers face difficulties in those schools. I have just visited Carnarvon. When I went to the Carnarvon Primary School I was told it had had eight principals in nine years. Likewise, the Carnarvon Senior High School had had five principals in two years, and 18 principals over 20 years. There is a real problem in attracting new staff to teach in those schools. Carnarvon Primary School has started each of the past two school years without its full complement of staff. There are problems in other towns. I will quote from a letter from some Newman residents, which was written to my colleague Hon Tom Helm. It states -

We would like to know what is happening in the Education Department, particularly with regard to providing adequate staffing in Newman Schools?

- . Our major concern is that each of the three schools in Newman cannot get staff to fill vacant positions.
- . Our schools are finding it extremely difficult to get relief teachers.
- . Under the new Merit Selection system there is no incentive for teachers to go to the country.
- . Good teachers do not wish to come to Newman for the fear that they will be not able to get a transfer when they wish to leave.

From experience the very common fear is that schools in the country will not be able to attract their fair share of teaching talent. There are a number of sources of this difficulty. In the past, new teachers were sent to a country school as their first appointment. They would have a tour of duty of about two years. If they were competent teachers, they would get both permanency and a transfer back to the city. It is not happening: They are going out to the country and remaining temporary teachers; they are not getting permanency or transfers back to the city. I know that is the result of other staffing problems in the Education Department, but it makes it very difficult for country areas to attract their fair share of the top teaching graduates.

Some of these teachers are sent out to the country without adequate preparation for the difficulties they will face. Carnarvon is a particular example. It has schools with very significant Aboriginal and non-Aboriginal populations. Some of the teachers are not prepared for the cultural circumstances they will face nor do they have the strategies they need to apply in teaching Aboriginal children. One of the Carnarvon councillors pointed out that the department sends new teachers and they spend nine months working out the best strategies to use and the school gets one year's good teaching out of them and then they are off. That has probably been happening in towns like that for years.

Housing is poor for many teachers. We still expect a young teacher to leave his or her family and friends to live in a new town, to take up a new and demanding career and to share a house with someone they have never met before and with whom they might not get on. There are plenty of difficulties in schools where teachers have been forced to share single accommodation and have fallen out, and the principal has had to spend time trying to mediate.

Ms MacTiernan: Imagine being forced to live with some of your parliamentary colleagues!

Mr RIPPER: On both sides!

Ms MacTiernan: I will not share with the other Eric!

Mr RIPPER: I understand.

There are particular problems in respect of administrators, who were able to plan on the basis of a tour of duty in the country with a guaranteed transfer back to the metropolitan area. With the abolition of the priority of transfers over promotions, a number of administrators of country schools have been stranded. Some enjoy a tour of duty in the country, but they want the option to move from country town to country town or back to the metropolitan area. The Equal Opportunity Tribunal and the Government have removed the priority that transfers within a promotion level had over new promotions to positions within that level.

The Deputy Premier will be interested in an example relating to Merredin Senior High School. I had a phone call from the deputy principal of that school, who is in the second year of her tenure there. She was appointed under the old system and she would have been eligible to apply for transfer back to Perth at the end of this year and would have returned at the end of this year or next year. She has left her husband in Perth, so the family is temporarily split. She was prepared to accept that separation from her husband for the two or three years that would have applied under the old system. Now she is trapped; she has no right to transfer back; she must apply for merit transfer to get an equivalent position in Perth.

She has also been caught by a second development; that is, local area education planning in Perth. There is an expectation that many high schools will close and redeployees will need to be found alternative positions, and merit transfers back to Perth have been affected as a result. This teacher is at Merredin, having accepted an appointment on the assumption that she would be able to rejoin her husband in Perth in two or three years, and she now has very little chance of getting back.

That will discourage people from seeking or accepting country appointments. Many people would be prepared to go to the country and would enjoy such a tour of duty. However, they want to know that when the time comes they can rejoin their families or return to Perth when their children reach high school age.

I am concerned about some of the information provided to me during that telephone call. I was advised that the Education Department is still allowing compassionate transfers. I wonder how that can be done when the Equal Opportunity Tribunal has ruled that the transfer system is not to apply. I also wonder where is the line between a compassionate transfer and a transfer for a woman in the situation I have outlined.

I have also heard - I would like to ask the Minister for Education questions about this - that certain metropolitan districts have been quarantined; that is, no-one can come in to take promotional positions in those districts. There is a rumour in the Education Department that such a quarantine applies in the Peel district as a result of local area education planning. If that is the case, that would be outrageous and a very great disadvantage to those in the country who need to finish their tours of duty.

It is not only a matter of the rights of these teachers and the circumstances in which they find themselves; it is also about the quality of country education. In future people will be reluctant to go to the country if these conditions apply. As a result, country towns will not get their fair share of teaching talent and the students will not have fair access to educational opportunities.

It is not as though we do not already have a problem with country education. Country students are already disadvantaged. According to the latest Education Department report, the apparent retention rate for metropolitan students from year 8 to year 12 is 64.8 per cent and the rate for country students is only 44.2 per cent. That is a very significant difference, some of which is accounted for by the fact that students leave the country to study years 11 and 12 in the metropolitan area. However, that would not account for a more than 20 per cent difference.

Mr Baker: What about the trend to move from government to non-government schools?

Mr RIPPER: That could be a factor. The gap is probably not as large as it appears, but it is more than 20 per cent, which represents a significant real gap whatever concessions one makes. The country retention rate is going backwards. In 1993, the rate was 51.2 per cent; it is now 44.2 per cent. Country students are disadvantaged and, on

the basis of retention rates, even more than they were. The situation is likely to get worse unless we can come up with a significant and generous country incentives package in the very near future.

**MS MacTIERNAN** (Armadale) [3.58 pm]: I made some general comments on the Budget earlier today when we were debating the sessional orders dealing with Estimates Committees. I will not repeat those comments, other than to say -

Mr Osborne interjected.

Ms MacTIERNAN: I will say it for the benefit of Lord Osborne, who has heard it only twice today. It is important we understand that, while there has been a very substantial improvement as a result of the move from cash accounting to accrual accounting, the move from program budgeting to output budgeting has been to the detriment of this Parliament and the people we represent. It has ensured that the Opposition does not have the same capacity to scrutinise. Of course, members on this side will take up many of those issues in more detail in the Estimates Committees.

I will now deal with some of the elements of Transform WA and the process of myth making that we have seen with this program and in the Budget. Obviously, Transform WA - or "Transformer" as it is known in the opposition ranks - is incorporated and entrenched in the Budget. We all know that Governments put spins on their programs and funding priorities. However, it gets to a point where a spin is not simply a spin but, I would have to say, an outright lie and certainly a myth. I would like to look at some of the big myths associated with Transform WA. I note that some of the members of this House have succumbed to the myth making of their Minister for Transport. I will quote one of them shortly. The first myth is that the Government needs the new vehicle registration tax because it lost funding. I suggest that the member for Bunbury listen to this because he is one of those who have fallen most gravely into error on this point. I know that the member for Bunbury prides himself as an intellectual. He will be very disappointed to hear that he has erred so gravely.

Shortly before Easter, the Government announced the new vehicle registration tax, which varies between \$47 and \$100 a year. It will fund a \$1.3b road building bonanza. No wonder people in Main Roads call the Minister for Transport "Darth Paver".

Several members interjected.

Ms MacTIERNAN: I certainly pinched that from Main Roads. If Main Roads thinks that the Minister has gone overboard on bitumen, one can imagine what the general public thinks. They would be setting the bar pretty high. If they think the Minister is road obsessed, it is time that government members took some note of it. In his various statements, the Minister for Transport has repeatedly said that all because of that dreadful High Court's decision, we lost our 4¢ a litre fuel levy. I will quote a letter to my local paper, which shows in quite a few column centimetres the Minister thrashing around like a snake with his back broken lashing out at me. I will spare members the gory details, but I will read the last paragraph in which he justifies his transformer program. He states -

Furthermore, as a result of the High Court decision in respect of the State raising funds from fuel, the 4 cents per litre is now 2.5 cents.

This theme has been picked up by none other than the member for Bunbury in the *South Western Times* of 7 May. The article refers to Mr Osborne and reads -

He blamed the decline in Federal Government funding as the reason why the dual carriageway was not completed by 1995.

The State Government tried to accommodate for the decline by implementing a new four cent levy, but the revenue-raising initiative was quashed by a High Court decision which ruled it invalid.

Mr Osborne: They got it the wrong way round!

Ms MacTIERNAN: The member was misquoted! He was misquoted in the same way that the Minister for Transport has no doubt been consistently misquoted.

Mr Osborne: In 1993 when we came into government, we found that the previous Government had made no provision for the Bunbury highway. There was no money in the Budget so we introduced the 4¢ a litre levy.

Ms MacTIERNAN: When was the 4¢ a litre levy introduced?

Mr Osborne: I will take that on notice.

Ms MacTIERNAN: That is right, because it does not stack up with the member's argument.

The 4¢ a litre was not implemented until 1995, so it could not account for the reason the road was not completed by 1995. It is one of the great lies which is perpetrated by members when they are out and about. Even the Premier, who is not normally very careful about what he says -

Mr MacLean: That is not very nice.

Ms MacTIERNAN: After today's performance I can be excused for saying that.

Mr Barron-Sullivan: Do you acknowledge that the Government has made significant progress with the Bunbury highway, which the previous Government did not do over 10 years?

Ms MacTIERNAN: I do not want to get diverted because it is not the point. The point I am trying to make is that the Government has gone out into the community and systematically misled people by trying to justify this highly unpopular vehicle registration tax, which is effectively a poll tax, by blaming the dreadful old High Court - that same one that gave us Mabo.

Mr Baker: The one that you stacked over 10 years.

Ms MacTIERNAN: With conservatives like Gummow - give me a break!

The Government Whip spends a lot of time in the House, probably more than is good for his sanity. He always seems to be very attentive, particularly when government members are speaking. I would have thought that he would listen to some of the debates and some of the statements made by the Government. When the Minister for Resources Development introduced into this place the franchise fees legislation and likewise when the Minister for Transport introduced that same Bill into the other place, they made it very clear in their second reading speeches, which were presumably prepared by a Treasury official who was not out to give a spin or a lie to the community, that other than for some traditional hiccup in funding, there had been no loss to Western Australia because of the High Court ruling.

As you know, Madam Acting Speaker (Ms McHale), the Federal Government stepped into the breach after the High Court ruling and determined that it would collect the money for the States. Obviously because of provisions in the Constitution it could levy only a standard rate around the country and not have state specific levies; it had to strike a range in the middle. It is true that the State lost some money on the fuel levy because it went down to 8.1¢ a litre, so we lost some of the 4¢ a litre. However, we more than made up for that with the gains from alcohol and tobacco levies. As the Premier has said in answers to questions on this matter and as the Minister for Transport said in his second reading speech on the fuel franchise fee legislation, that additional money has been hypothecated over to the road fund so that the road fund has remained constant and the full force and effect of the 4¢ a litre has remained with it. Therefore, that \$1b road building bonanza is being funded by the 4¢ a litre fuel levy. It is still there and still raising money. The vehicle registration tax is on top of that and not instead of it. I suggest that, if the member for Bunbury believes that he was misquoted and that he did not perpetrate those lies in the *South Western Times*, he go back and set the *South Western Times* right.

Mr Osborne: You should read tomorrow's *South Western Times*.

Ms MacTIERNAN: Having read it, he should agree with South West Labor MLC, Bob Thomas -

Mr Osborne interjected.

Ms MacTIERNAN: He got this one right. Myth number one is that the Government has been forced into this program because it lost the levy as a result of the High Court decision.

Mr Barron-Sullivan: Is it a myth that petrol is 1.5¢ cheaper than it has ever been?

Ms MacTIERNAN: That is probably quite correct.

Mr Barron-Sullivan interjected.

Ms MacTIERNAN: That is offset by the fact that tobacco and beer prices have gone up.

Mr Barron-Sullivan: How can that affect the cost of a car?

Ms MacTIERNAN: The cost to families in a global sense has remained constant, if not gone up. In reality, by the third year of the operation of the federal system, we will have made a gain.

The consumers, the voters, and the taxpayers of Western Australia would have contributed more than they previously contributed. We have two programs: We had the billion dollar program that should still be going because the Minister is still getting money from that, and we now have the \$1.3m program.

The next interesting bit is the way this was sold by the Minister. A great deal of anger emerged about the increase

in vehicle registration fees, particularly when people had suffered a hefty 20 per cent increase the year before. I note that the Deputy Premier has been devastated, has got up, hung his head in shame and walked out of this place.

Mr Cowan: I will be back!

Ms MacTIERNAN: It was a very unpopular increase. The Minister for Transport said that all these critics - this dreadful Alannah MacTiernan, this dreadful Peter Newman - should be taken into the gas chambers; they are all wrong because they do not realise the really good thing about this new tax is that it will give us a seven to one benefit - that for every dollar in tax we squeeze out of the vehicle owners they will get back \$7 worth of benefit. That is a pretty interesting concept and people researched it to find from where this statistic came. We finally extracted from Main Roads a series of charts which showed the sorts of things they took into account. There were two forms of benefit, a micro and a macro benefit. The micro benefit involved things such as crashes and vehicle operating costs. The macro benefits were exports, business, employment and tourism - very much the blue sky sort of stuff. We say there is a lot of fancy built into that argument, but we acknowledge it has some validity. We accept that such a tax brings micro and macro benefits, and these are calculated and added up. The chart surprisingly shows a total of 32 programs, only 27 of which meet the seven to one claim. One-third of those programs did not meet a one to one ratio; that is, they were more expensive to implement than the resulting economic benefit. The claimed economic benefit is very large, and ropes in all the blue sky and possible tourism benefits. Even if one factored in all that stuff, the programs still do not deliver more economic benefit than they would cost to construct. This is what the Premier was so hopelessly trying to have a shot at me today about.

Mr Cowan: He would not waste his time. I think he would be looking for a much bigger target than you.

Ms MacTIERNAN: The Deputy Premier should explain to me the Premier's pathetic little performance today.

Mr Cowan: I do not think I have the time or energy to try to explain to you.

Ms MacTIERNAN: The Deputy Premier's defence is that he cannot be bothered and we are not worth the effort; but we will see.

Mr Cowan: I do not think you will ever see.

Ms MacTIERNAN: When the result of our research was revealed, the Minister for Transport jumped up and down: His first line of attack was that we were looking only at micro economic benefits and that we did not understand that there were macro benefits. The Minister did not understand his own charts, because even taking into account and accepting these macro economic benefits, one-third of these programs will cost more to build than they will return in micro or macro benefits put together. When the Minister was shown to have missed the boat on that one, his next line of attack was that the Opposition was opposed to rural roads because they were not of economic benefit. That was not our line. The Opposition acknowledged that there may be good social reasons for building some roads - reasons of regional equity rather than regional development. That justification must be put to the people. The Minister cannot come up with a sham set of figures and say he has strong economic arguments to justify this \$1.3b road program, and when it is shown that he does not have the economic backing for those statements and that his own figures do not support that statement, then cry foul and say that the critics of the program will not look at non-economic arguments. We will look at the arguments, but they have not been put. There was not one effort to put out a press release nor one single statement by the Minister for Transport that sought to give any of these non economic reasons in support of the program. The Minister for Transport was racing around the country with his little flag, trying to create a smokescreen by talking about a seven to one benefit from the new tax. The Opposition exposed that sham, and now the Government is attacking the Opposition for being opposed to regional roads. We made it very clear that that was not the case. We were arguing that the Minister had not given us adequate explanation for this road building program. It certainly is not one that can be justified on economic grounds. If the Minister thinks there are other good reasons, he should give them to members on this side and let us assess them. He should not race around using dodgy statistics which simply do not stack up.

The next myth I will expose is that of this \$1.3b program, nearly \$900m will be spent on improvements to public transport; that is phenomenal. I am not misquoting the Minister. I am reading directly from a letter, not even a report from a newspaper. It stated that I had failed to acknowledge that nearly \$900m in improvement projects for public transport had been committed over the next 10 years. When I read that, I thought I had missed the boat. Something must be going on that we have not heard about.

Mr Cowan: No, you missed the boat a long time ago.

Ms MacTIERNAN: The Deputy Premier's colleague has zero credibility in the community.

Mr Cowan: He is doing very well.



Ms MacTIERNAN: He might be popular with the sheep and might even have a deep and meaningful relationship with them. I will not say anything nasty about the Minister for Transport because, from our point of view, he is our greatest asset. I would be very sad to hear that the report in the most recent Inside Cover was correct, and that poor old Eric was to be put out to pasture in September. As I said, he is very important and useful to us; he is the National Party tail wagging the dog. I understand that Dexter Davies is raring to move off the starter blocks and is waiting for Eric to make that final lap home, but he is making a few deviations on the way.

I was surprised to read in this letter today that we have a \$900m program for public transport. That is phenomenal.

Mr Cowan: Quote it exactly.

Ms MacTIERNAN: It says that I failed to acknowledge nearly \$900m in improvement projects for public transport.

Mr Cowan: "Improvement projects" includes the roads the public transport runs on.

Ms MacTIERNAN: Exactly. That is a novel way of delivering public transport; it is fantastic! The Government is saying it will really improve public transport by improving roads. This little brochure contains a hotline number which I decided to telephone to see if I could glean some information about the costings of the various items amounting to nearly \$900m. When I asked the chap at the other end of the telephone for some costings he said he would send me a brochure. When I said I already had the brochure he said, "If you have the brochure, you know as much as I do." I asked what was the point of having a hotline and he said he did not know. That shows the competence of that department!

It is interesting that the Deputy Premier was aware of this scam.

Mr Cowan: It is not a scam.

Ms MacTIERNAN: Of course it is a scam. Who in his right mind would say that we can attribute to improved transport the cost of building the Mitchell Freeway improvements; the Kwinana Freeway improvements, including the Narrows Bridge widening; the Roe Highway-Kenwick link; the Leach Highway-Shelley Bridge; the Kwinana Freeway bus lane extension - I suppose that could be counted as an initiative - the Roe Highway-Kwinana Freeway to the Fremantle eastern bypass; the Fremantle to Rockingham Highway realignment; the Kwinana Freeway interchanges; the Rockingham to Fremantle transit way; and the Tonkin Highway extension to Albany Highway and Mundijong? It is extraordinary that \$900m worth of road building is being hailed as transport improvements. I find it incredible that someone of the calibre of the Deputy Premier could go along with that nonsense.

Mr Cowan interjected.

Ms MacTIERNAN: It is a sheer embarrassment because the National Party tail is wagging the dog. It is a crime that the Government could build \$900m worth of roads and say that because buses travel on roads the improvements indicated in this brochure are public transport initiatives. It is unbelievable. Some of those roads do not even have buses on them.

Mr Ainsworth: Not yet.

Ms MacTIERNAN: One could say that any road built was a public transport initiative. That is the most scurrilous and pathetic of the three myths the Opposition has revealed today. The reality is that there are almost no public transport initiatives. However, I must concede that one improvement in this list qualifies; that is, the circle bus route, although I do not think it is the right way to go. Do members know how much the hotline said it would cost? Only \$7m of the \$900m will be spent on something we can credibly say is public transport expenditure. It is a joke.

The three great myths exposed here today are: First the Government lost its 4c a litre fuel levy and had to introduce the vehicle registration tax.

Mr Trenorden: You were wrong on that.

Ms MacTIERNAN: The Government got it absolutely wrong. The second is that the \$1.3m road building program can be justified on the 7:1 economic benefit to which, as we demonstrated, 27 of the 32 programs did not meet up. One-third of the programs cost more to build than the even very generous micro and macro economic assumptions about their performance indicated. That gives some idea of the intellectual calibre and foresight of the people running the Transport portfolio in Western Australia. If it were not such a serious matter, blowing so much of the taxpayer's money and doing so much to destroy the amenity of our city it would be rather amusing.

I note again that the Minister for Health and the Premier have sought to dismiss my claims that the only money allocated in the Budget documentation - \$700 000 for the Armadale-Kelmscott Memorial Hospital - basically indicates -

Mr Trenorden: Why don't you want the hospital built?

Ms MacTIERNAN: We do, but we want it as a publicly owned and operated hospital. That is the overwhelming view of the constituents in my electorate, the staff who work at the hospital and the visiting medical officers who service that hospital. Almost no-one in the community supports the idea of a private hospital. To keep the troops calm in the light of this proposed unpopular privatisation the Government keeps saying it is still possible this will be a publicly owned and operated facility.

At the same time the government is also saying that after approximately nine years in the planning, construction of the hospital will commence this coming financial year. The Government cannot have it both ways. It cannot argue that it is seriously contemplating the public sector option when all that is in the Budget for this year is \$700 000. Only \$1m is included in the Budget for next year. For the year after \$12m is allocated. These figures do not appear in the Budget papers; they had to be extracted separately. Somewhere in the Department of Health budget is a figure of \$12m to spend in three years.

That means that if the public option proceeded we would not be able to commence the hospital until 2001. I know that you are very concerned about this, Madam Acting Speaker (Ms McHale), because the hospital is in your area; yet in his speech the Premier made it quite clear that the hospital would be commenced this coming financial year. He has said that on numerous occasions. Judging by the fine detail there is a clear disparity between what is being said and what can be delivered.

The Premier was likewise caught out on the same issue by the member for Burrup in relation to the new prison. He claimed that it is a real possibility the prison will be privately built but then pointed out there is a real possibility that it will remain publicly owned and operated. When the Premier was asked how he explained that no money is in the Budget to build it, he said that the Government was confident that the private sector would win. It has not been seriously contemplated. This has been presented as a sop to the public and as a pretence that the Government will seriously consider the private option. I will continue to fight this proposal to put the operation of the Armadale-Kelmscott Memorial Hospital in the hands of private entrepreneurs, for the many reasons that opposition members have set out in debates in this place.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

[Continued on page 2942.]

## CARNARVON SCHOOLS

### *Grievance*

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [4.32 pm]: My grievance is addressed to the Minister for Education and it concerns schools in Carnarvon. There is a need to stabilise the staffing of and provide special support to these schools. I make these statements following a visit to Carnarvon last week, during which I had the good fortune to visit a number of the schools. One of those was the Carnarvon Primary School, which had significant problems in 1997. It has a high transiency rate of 60 per cent. More than half the students came to the school during the school year and replaced other students who had left. It had a high rate of 140 student suspensions in 1997. The school has suffered \$40 000 worth of damage from vandalism in an 18 month period. I appreciate that the school principal has adopted a number of strategies to overcome these serious historical problems with the school, and they are proving successful. I congratulate the principal on the work he and his staff are doing. Those figures indicate the significant social circumstances confronting teachers at the Carnarvon Primary School.

There is a significant degree of family dysfunction and some evidence in the past of drug abuse among students. There is the omnipresent situation in Carnarvon of a diverse population and some tension between Aboriginal and non-Aboriginal people. The school started the school year without its full complement of staff, and that happened also in 1997. There is obviously a continuing difficulty in attracting teachers to serve at that school. It has had eight different principals in nine years. The new staffing formula introduced by the Education Department and the State Government has resulted in the loss of two staff members. Whereas the deputy principals were apparently largely free from teaching duties in 1997, they are now required to teach in the mornings. There is a shortage of relief teachers in Carnarvon. Only three are available to work in all the schools in that town. At times of peak teacher absence, schools must make do with the staff they have because they cannot get replacement relief teachers. In the third term of 1997 the Carnarvon Primary School had only one day of operation on which the full staff complement was present. That is indicative of the difficulties faced. The Government should consider appointing a pool of relief teachers to work in Carnarvon. Perhaps new appointments could be made, and those people not be attached to particular schools but be available to supplement those already there who want to work on a casual basis.

I also visited the Carnarvon Senior High School. I understand it has had five different principals, including acting

principals, in the past two years and has had 18 different principals, including acting principals, in the past 20 years. As I indicated in the budget debate earlier today, there is a problem with teachers arriving in Carnarvon who are not prepared for the circumstances they will face in educating Aboriginal children. It would be of benefit to Aboriginal and non-Aboriginal children in the school if teachers were given better preparation for the circumstances they will face. Not enough people with relevant teaching experience are being sent to Carnarvon. The town clearly has difficulty attracting teachers - as do many country towns - and the schools must accept the appointments made, even though some of the people do not have the experience and preparation necessary for the difficult circumstances they will face. They may be new teachers, separated from their friends and families, perhaps sharing accommodation, who must not only start a difficult year in a challenging career but also must start their career in a school that is probably more difficult and has a more challenging environment than many others in the State.

The staffing formula does not make enough allowance for the circumstances faced in a town such as Carnarvon. There is a sharp socioeconomic divide in the town, it is an ethnically diverse town and, unfortunately, it has a history of some tension between Aboriginal and non-Aboriginal people. This tension can flow into the school environment from time to time. The schools need special consideration not only for staffing, but also for support from people other than teachers. I am advised, for example, that for some time last year a full time student welfare officer was based in the town to deal with truancy. This year no full time student welfare officer is based in the town. I am prepared to be corrected if the Minister says otherwise, but a town such as Carnarvon needs a full time student welfare officer.

I am also told there is a community program which aims to deal with truancy and to persuade chronic truants to return to school. The program aims to deal with youth and family problems. I am advised that it is called the Best Start program, and it is based at Mungullah Village. I am also advised that funding for that program is expected to finish in September. When I asked about interagency cooperation in the town, I was advised that Family and Children's Services has a huge caseload and is under pressure. It is clear that the schools need not only special staffing support, but also special arrangements in the community to support their work. Family and Children's Services in Carnarvon and community programs, especially those working with the Aboriginal community, need to be well resourced, and the Education Department must have a full time student welfare officer in Carnarvon.

I would like the Minister for Education to seek from the Education Department a special report on the needs of Carnarvon schools. He should commission that report and examine it with a view to providing additional resources to support the work of Carnarvon teachers who are facing a difficult set of circumstances.

**MR BARNETT** (Cottesloe - Minister for Education) [4.39 pm]: I thank the member for his comments and his genuine interest in schools and the children in Carnarvon. The member for Ningaloo, also has contacted me about some of the situations in the schools and he has been dealing with the Education Department. Without doubt there are some very difficult circumstances with respect to students in the schools, particularly Aboriginal students, and also problems of staffing and turnover of staff. I have visited Carnarvon schools on a couple of occasions, once to open the new School of the Air building. I have visited the high school, had some contact with primary school principals and have made a brief visit to one of the schools.

A number of programs have been introduced, some of which have succeeded and others have not lived up to expectation. The member for Ningaloo was with me at the time I visited the Carnarvon schools. One of the saddest things I have seen in visiting schools over the past three years was some young Aboriginal children who had suffered severe brain damage as a result of alcoholism amongst their mothers during their pregnancies. Those children have great limitations and I was very impressed with the program to assist in teaching them some life skills. The challenge is immense.

The member for Belmont mentioned a number of specific problems, and I will comment on them. Carnarvon Primary School has an extremely high transiency rate. It has a unique set of problems. The current principal, Mr Bruce Roper, is in his second year at the school. As the member for Belmont indicated, he has introduced some programs, one of which is called the positive incentives program. He is gaining the support of Aboriginal parents and is taking on a tough problem. That school has been, and continues to be, subjected to acts of vandalism on a large scale and the principal continues to face some difficult problems.

The problems of attracting and retaining staff have been recognised by the Education Department and the Government. The member may recall in the recent State Budget that we allocated \$13.9m over the next four years as a special country incentives package to try to deal with the exact problem the member raised, to try to improve conditions and remuneration, to get teachers not just to go into remote locations or schools or locations which are seen not to be highly desirable, but to stay there. We are envisaging contracts of appointment where teachers agree to go to these places for three or four years or whatever it might be. I hope that will prove to be successful.

The member also mentioned the shortage of relief teachers in country areas. It is a fact that in the city there is a ready

pool of relief teachers who can be brought in to replace staff members who may be on leave or ill, or to provide supplementary programs. That is not easily done in Carnarvon.

In an attempt to solve that problem, we are trying to develop career paths, particularly for Aboriginal education workers so they can progressively gain levels of a teaching qualification - it may be a different qualification path than for conventional teaching - to help fill that void. The member also referred to the high number of principals. Again it is correct to say that is a turnover issue at Carnarvon Senior High School. However, the current principal, John Dunning, has been in the position for two years. The member may not be aware that he worked in that school for the previous 10 years. He is providing a level of stability. I think the member for Ningaloo will agree with me when I say that, from my observations, he is also providing leadership amongst the primary school principals. Primary schools are working closely with the high school in trying to address some of the problems.

There is a group, comprising about 12 students, or perhaps a few more, in year 8 at the high school who are proving particularly difficult. Although only a relatively limited number of students are involved, they are causing a great deal of difficulty and stress for teachers in the school. I am aware of the issue. The acting district director, Ron Chamberlain, is working with schools in that area. The member for Belmont concluded by suggesting that a report be done. That would perhaps imply there is a neglect or a lack of effort, and I do not think that was intended by the member. If he is interested, I am happy for the Education Department to meet with him and give its assessment of the programs. I would love to be able to say that we can solve this instantly overnight, but I doubt we can. If necessary, we are prepared to put some extra resources into the area.

I am particularly interested in the school camp facilities in Carnarvon. Although the facilities are quite good, they have not been used. Effectively the camp has been closed and currently is looked after on a care and maintenance basis.

Mr Ripper: It would be a great venue at which to provide programs for alienated students or those who are difficult.

Mr BARNETT: I requested members of the community to look at the issue. That is being headed by the principal of the high school, John Dunning. There are a number of suggestions for the use of those buildings, including programs such as those mentioned by the member for Belmont. We are also looking at the prospect of having a residential school during weekdays for Aboriginal children in the town and perhaps using the facilities, in part, to help improve professional development and give more support to teachers in the area. Although it is no longer in great demand - in fact, it was rarely used for school camps - that facility can be used to try to run some special programs.

Under the gecko program, groups of children - not all Aboriginal - are taken out of class and given intensive support and encouragement. An attempt is then made to blend them back into the classroom. It is relatively labour intensive, almost one to one, when dealing with some of these kids. I thank the member for his interest. If he would like further discussions, I am happy to arrange that. The member for Ningaloo is also involved in the process.

#### **GRAND BOULEVARD-BOAS AVENUE, JOONDALUP - TRAFFIC LIGHTS**

##### *Grievance*

**MR BAKER** (Joondalup) [4.45 pm]: My grievance is to the Minister representing the Minister for Transport and relates to the urgent need for the installation of traffic lights at the intersection of Grand Boulevard and Boas Avenue in Joondalup. This intersection is located in the heart of the Joondalup central business district and is used primarily by motorists accessing the CBD area, which includes various banks, shopping centres, professional office suites, a courthouse complex, the police station and in the very near future the six screen cinema complex which is located near the intersection. Both roads are dual carriageways. The western side of Boas Avenue has a 30 degree slope up to the intersection of Grand Boulevard. On both sides of the crossroad in Boas Avenue there are stop signs, requiring motorists to stop and give way at this intersection. Unfortunately, this does not occur. The fact that people have not complied with the stop signs has contributed to the high incidence of motor vehicle accidents at this intersection.

When this matter was first raised with me - in fact, I nearly had an accident there the other day - I wrote to the technical services section at the Wanneroo City Council and expressed my concern about the rise in the incidence of traffic accidents at this intersection due to the increase in traffic flow, as the CBD takes off, so to speak. I also wrote to the Department of Transport seeking the crash statistics for this intersection, and I congratulate the department for its quick response to my request. The statistics for motor vehicle accidents at this intersection have been kept since October 1993. It is interesting to note that since October 1993 there have been 32 accidents, of which 99 per cent were right-angled accidents; 14 were classed by the department as major accidents; and 11 were classed as minor. I am not sure what is meant by those two terms. Eleven of the occupants of the vehicles involved in the accidents required hospitalisation. Up to the end of April 1998, six accidents have been recorded and there have been five unrecorded accidents since then.

My concern is that these statistics refer to only recorded accidents. In many cases the motorists involved in accidents do not bother reporting the incidents, for many reasons; for example, they may believe they are not under a duty to do so under the reporting provisions of the Road Traffic Act, or a motorist may be drunk and may be concerned about being apprehended for a drink driving or alcohol related offence. The statistics indicate an increasing trend. In 1993 there was one accident; in 1994, there were two; in 1995, there were seven; in 1997, there were eight; and to the end of April this year there have been six. I am aware of another six since then. I suppose it stands to reason that the substantial increase in the number of accidents has gone hand in hand with the general growth and economic development of the Joondalup city area, particularly the CBD. In turn, that has resulted in a tenfold increase in the volume of traffic using this intersection since December 1995.

The problem will be further exacerbated in late November-early December this year when the six screen cinema will open. This complex is located some 400 metres to the west of the intersection along Boas Avenue. The opening is less than six months away. The cinema complex will result in a very substantial increase in the traffic flow through the intersection, particularly at night. A further exacerbating factor which will come into play late in the year 2000 is the extension of the Mitchell Freeway from its present termination at Ocean Reef Road through to Hodges Drive, which connects to Grand Boulevard.

These two factors cause me to have very grave concerns for the safety of people using this intersection. I have personally attended two of the six unreported motor vehicle accidents at the intersection since the end of April this year. It was not a pretty sight. On both occasions I watched as the jaws of life were used to cut the occupants of the vehicles free. On one occasion I witnessed staff from the Joondalup Health Campus use a mobile life support unit to keep a passenger alive prior to transportation to the local hospital. The community of Joondalup is genuinely concerned that, unless something is done in the very near future, a fatal accident may occur at the intersection.

I have made several representations to the City of Wanneroo and also to the Department of Transport. I have tabled a series of petitions in the House containing hundreds of signatures. I have been advised that the lights will probably be restored in the first six months of 1999. My concern is that that is just too far away. I would like to see the installation date brought forward. I understand that normally a planning process is commenced when the green light is given, so to speak, for the installation of lights, and I understand that that process can take more than six months. However, I thought it might be possible to bring the installation date forward.

Pending the installation of the lights I have suggested to the City of Wanneroo and the Department of Transport that some remedial interim measures can be taken. One such measure could involve continuing the median strip in the middle of Grand Boulevard to prevent vehicles travelling along Boas Avenue going through the intersection. Another suggestion is to erect warning signs; but then again, if there are stop signs, what more can be done? A stop sign requires motorists facing it to stop and give way rather than merely give way.

I ask the Minister to give this matter his urgent attention. I understand there may have been some recent developments. I certainly hope so. I have been asked to report back to my business constituents early this evening with an update.

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [4.52 pm]: I thank the member for Joondalup for his concern about traffic safety at the intersection of Boas Avenue and Grand Boulevard, Joondalup. When I asked my chief of staff to obtain some notes from the Minister for Transport in relation to traffic lights he was told to tell the Minister that they are red, orange and green. Obviously somebody in the Minister's office has a sense of humour. I sent a message back indicating that if more information was not forthcoming, a little sojourn to Widgiemooltha or the Simpson Desert might sharpen their focus a bit. It was amazing the cooperation my office received as a result of that. It is good to see somebody has a sense of humour.

Most members would be aware that Joondalup is a rapidly expanding residential and commercial section of the metropolitan area. Rapid growth of this nature often places increased pressure on the road network, and this is the case with the intersection of Boas Avenue and Grand Boulevard in Joondalup. The member for Joondalup has shown continued concern for the safety of this and other locations in the area for some time. Earlier this year he tabled a petition with several hundred signatures calling for the installation of the traffic lights at the earliest possible time. He has been active in his electorate and has canvassed the views of the local people and the business community on the most appropriate treatment for this increasingly hazardous intersection.

The Minister for Transport's office has informed me that Main Roads Western Australia is aware of the increasing accident pattern at this intersection. Main Roads has listed the intersection for the installation of traffic signals in March of next year to address this problem. The signals will include exclusive pedestrian "Walk/ Don't Walk" signals and audio/tactile facilities for people with sensory impairments. On the member for Joondalup's initiative a representative from his office and a Main Roads representative met within the past two weeks to inspect the intersection and discuss the possibility of advancing the timing for the signal installation. As a result of that meeting

and traffic crash data indicating a continued accident trend the proposed installation date has now been brought forward to October or November this year.

The Minister and I, as the Minister representing the Minister for Transport in this House, welcome the member for Joondalup's efforts and concern with issues affecting the safety of people in his electorate. I am sure the installation of these signals will greatly assist the management of traffic within this major growing commercial centre. The member for Joondalup told the House that he had attended a number of accidents. Nothing disturbs a person more than seeing people in distress and mangled vehicles and the panic that goes with rescuing people from such accidents. I know that the City of Wanneroo has been involved in some of the road works in the Wanneroo Council area and I am sure that the member will acknowledge the efforts of the new commissioners, who are doing a good job at Wanneroo.

Mr Baker: They are doing a very good job.

Mr OMODEI: With the cinema complex coming on stream and the Mitchell Freeway extension there will be continued pressure in that area. The House is seeing an example of a good local member responding to his constituents in a fairly forceful way.

Mr Thomas: I don't think even you believe that.

Mr OMODEI: The member for Joondalup is one of the better members in this place and he has always been very forceful in dealing with matters concerning his constituents. That concern, combined with the concerns of the business sector, cannot be ignored. This is an example of a local member working with his government Ministers and with the local government to achieve a good outcome for his electorate, and he is to be congratulated.

### **BURGLARY - POLICE OFFICER'S SON**

#### *Grievance*

**MR CARPENTER** (Willagee) [4.58 pm]: My grievance is directed to the Minister for Police and is on behalf of a constituent of mine, Mrs Gay Senini of Kardinya. In a nutshell, the grievance concerns the fact that Mrs Senini's house was broken into one day last year. When Mrs Senini arrived home she saw that there was a male figure inside the house. That male figure came out of the house and ran past her. She got a close look at the person and, she believes, has subsequently identified him as the son of a local police officer. Mrs Senini has been assured by the Police Service that she has identified the wrong man.

Mrs Senini first came to my office in October of last year. It is now eight months since she came to tell me what had occurred. At that time, I urged her to go through the correct procedures of an internal investigation or inquiry in the Police Service and the Ombudsman's office. Mrs Senini has done all of that but has had no satisfaction from these offices. She is still adamant that she knows exactly who broke into her house because she had a clear and uninterrupted view of him as he went past within a few feet of her. She subsequently identified him at the local shop; he is a local resident. She has seen him on numerous occasions. She knows who he is and she now knows that his father is a policeman. Mrs Senini is concerned that her case is not being investigated as it should because this young teenager is the son of a local policeman. The father is providing his son with an alibi.

I now provide some detail: The offence took place on Monday, 25 August 1997 when Mrs Senini and her teenage son Michael arrived home at approximately 11.00 am in broad daylight. Her son noticed that a front window was broken, and saw a male person in the house. Mrs Senini was standing by her car when the person left the house via the broken window and ran up the driveway passing within metres of her. Mrs Senini said that she had a clear view of the person noting his features and his clothing.

She reported the event to the Hilton Police Station, and a policeman attended the scene and advised her to contact the police immediately if she ever saw the person again. On Thursday, 28 August - three days later - she received a phone call from a detective at the Fremantle Police Station who took the same details as she previously had given to the officers from Hilton, and also asked her to contact the police if she saw the person again.

On Saturday, 13 September - about three weeks later - she saw the perpetrator in a group of boys at the local shop at 15:30 in clear daylight. She telephoned the Hilton Police Station shortly after the sighting and gave the officer the information and the description and names of the boys with the alleged offender. She knew their friends. The events subsequently follow in some detail in her correspondence.

Mrs Senini was contacted by internal affairs in relation to her assertion that the offender is a person known to her. They had the matter investigated. A Detective Van Niewenburg visited Mrs Senini at her home on 30 October 1997. When Mrs Senini informed the detective of the name of the alleged offender, she was informed that the boy was a policeman's son. The information obviously concerned her greatly and she requested that the matter be investigated

fully. Since that time, an investigation was conducted by internal affairs which has dragged on for some time. She was interviewed by Detective Van Niewenburg in October, and it is now May. Therefore, seven months have elapsed since that interview.

Her complaint to the Ombudsman occurred since she visited my office, as I suggested that as a possible avenue to try to find some satisfaction. The Ombudsman told Mrs Senini that he could not investigate while the Police Service internal investigation was still ongoing. She has now been told by internal affairs that the policeman's son could not have been the perpetrator of the crime as he was with his father, the policeman, at the time the house was broken into. This is despite the fact that Mrs Senini is adamant that she recognised the boy breaking into her house. She believes that this policeman is giving his son a false alibi. My understanding is that internal affairs have informed Mrs Senini that no further action will be taken on the case. That is the latest information I received when I spoke to her last night.

Several matters of grave concern arise in relation to this matter, not the least of which is Mrs Senini's assertion to me in my office that since she identified and gave a name and a face to the offender, she and her son - mainly her young son Michael - have been intimidated by the offender who broke into their house. Members should bear in mind that this lad is part of a group of teenagers who live in the area and frequent the same places, including the local shop, as her son. She said that her son has been intimidated by the policeman's son and his friend, and that they treat her in a contemptuous way. They make it clear to her that they know that the son of the policeman will never be prosecuted for what he has done. In fact, they mock her when they see her at the local shop.

I wrote to the Minister for Police on this matter in December, and received a confirmation of receipt of my letter in January, and a follow up letter in March. Bearing in mind the lapse of time since the first contact, I urge the Minister to address the matter seriously and have it investigated.

**MR DAY** (Darling Range - Minister for Police) [5.07 pm]: I thank the member for Willagee for some notice of the grievance so I could obtain the relevant background information. Like many of these complaints, it has a history. I was not going to mention the name of the lady concerned, but I will do so as the member has already identified her.

Mrs Senini wrote to the Commissioner of Police on 13 October last year expressing concerns, particularly about her perceived delay in the investigation into the complaint of alleged burglary and offences in her home. She detailed a whole chronology of events for a month or so after the alleged break and enter offence. I cannot see anywhere in the letter where she referred to the possibility of the alleged offender being the son of a police officer. I do not think that the suggestion was known to Mrs Senini at the time. She received a response to her letter a week later from the staff officer to the command of the metropolitan region on 20 October 1997.

As the member for Willagee said, he wrote to me on 11 December 1997 expressing his concern in support of Mrs Senini. His letter included the suggestion that the alleged offender was the son of a police officer. As the member for Willagee explained, this information concerned Mrs Senini greatly, and she saw this as the reason for Fremantle police not acting appropriately in investigating the complaint.

That letter was referred to the Police Service, and Mrs Senini received a separate response to that letter. She received a letter dated 7 November 1997 from the superintendent of the Fremantle region, Superintendent Doug McCaffery, in which he gave an explanation for the delay in the investigation. In short, the officer given the task of the inquiry was required to take some leave following that time and engaged in some court appearances which led to some delay. I do not contend that that is acceptable or desirable, and I will draw it to the attention of the Police Service. However, there was an explanation for some delay in the investigation. It was explained to her in November that the offence was still being actively investigated.

The member for Willagee, as he said, received a response from me in March in which I stated that because of concerns about a police officer's son being involved, a further inquiry was being conducted by the internal investigation unit of the Police Service. As a result of that inquiry, a superintendent of the internal investigation unit wrote to Mrs Senini dated April of this year in which it was acknowledged that some delay occurred in the investigation of the burglary, but that this was as a result of leave the officer needed to take in October 1997 and his court commitments.

Regarding the concern about her son being allegedly harassed by the son of a police officer, or by other people, the response read as follows -

Regarding the matter of threats to your son the inquiry has found that the officers concerned failed to act correctly upon receipt of your complaint. I can only express my regret that this has occurred and advise you that the relevant details will be brought to the attention of their supervising officers for the appropriate action to be administered.

I have discussed that with the assistant commissioner for professional standards, and I am advised that it essentially means that the concern about the alleged offender being the son of a police officer meant the matter should have been referred to the internal investigation unit either to investigate the concerns or to oversee the investigation by the Fremantle district police. The allegation that the son of a police officer has been involved in harassing the son of Mrs Senini has not been substantiated. The letter from the superintendent states that the matter has been assessed by the State Ombudsman and states further -

If however, you are not satisfied with the outcome, and wish to raise matters which you believe have not been taken into account, you may contact the Ombudsman who will consider whether to make further inquiries or to conduct his own investigation into your complaint.

Indeed, that is the case: If Mrs Senini is still not satisfied with the investigation by the Police Service, she can take the matter to the Ombudsman for further investigation. She can also refer the matter to the Anti-Corruption Commission if there is any suggestion that there has been some collusion within the Police Service to cover up the alleged involvement of the son of a police officer. As I said, the allegation that the son of a police officer has been involved has not been substantiated, even though it is accepted she may have genuine concerns about the case.

Mr Carpenter: Isn't the problem here that the offence is now nine months old? This woman says she can clearly identify the person who committed the offence, knows exactly who he is, knows where he lives, has been to his house, sees him all the time, yet the police will not act.

Mr DAY: It is not a matter of the police not acting. There has been an internal investigation into this matter and that has also been assessed by the Ombudsman. In a letter to the Commissioner of Police dated 21 April 1998, the Ombudsman said that the matter appears to have been adequately investigated and accordingly no action on his part is required at this time. However, Mrs Senini has the ability to go back to the Ombudsman if she wishes. It is not that the matter has not been investigated; it has been investigated and the allegation of the son of a police officer being the offender has not been substantiated, bearing in mind that for any case to go before a court there should be more than reasonable suspicion.

Mr Carpenter: How about positive identification?

Mr DAY: If she can provide some positive identification and if there is corroborating evidence that would be likely to convince a court that somebody is guilty then, obviously, further action can be taken.

### **TELSTRA BUFFER ZONE, LANDSDALE**

#### *Grievance*

**MR MacLEAN** (Wanneroo) [5.14 pm]: My grievance is to the Minister for Water Resources who obviously has his own reply. I gave the Department a choice of two issues for this grievance and I look forward to the Minister's comprehensive reply because it is his decision.

The area in question is known as the Telstra buffer zone in Landsdale and consists of an 800 metre strip of land between Gnangara Road and the Hepburn Avenue extension. Telstra said of the buffer that any change of zoning of the land is at the statutory discretion of the relevant authority; so it is not interested in it. It has also said that because of the current land zoning, which is rural, it does not have a requirement for a buffer. The area is also classed as a priority 2 ground water source protection area. The fact that the Telstra buffer area and the ground water protection area correspond is a coincidence, if one believes in such things!

The Environmental Protection Authority did not think that development of the area was acceptable as it is located in a priority 2 ground water area. The area was classified priority 2 because there were no bores west of Alexander Drive; the ground water flows to the wells east of Alexander Drive. Unfortunately, ground water in this area flows from east to west, not west to east. Consequently, the EPA has shot itself firmly in the foot.

The Water and Rivers Commission also objects to the risk associated with urban development such as the application of fertilisers, pesticides and other chemicals on gardens. What the Water and Rivers Commission fails to point out is that many of the uses in the area are commercial market gardening. These include turf farms and flower gardens which use commercial quantities of fertilisers, pesticides and chemicals on their gardens.

The Water and Rivers Commission also raised the issue of the inappropriate disposal of solid or liquid waste on site. It did not mention that urbanised land would have deep sewerage, nor did it mention that under the current use, owners can and do use chicken waste and urea as fertilisers.

Another comment from the Department of Environmental Protection and the Water and Rivers Commission is that secondary to the ground water protection issue is the potential for the area to contain contaminated sites. My question



to the Minister for Water Resources is: If a priority 2 area contains a contaminated site, why is it a priority 2 ground water area?

The impact or non-impact of this priority 2 control area is so lopsided that a church and community development applied for on lot 152 on the southern border will not be supported even though lot 70 is already a church and community development. As we can all see clearly, this area should not be a priority 2 control area. The only alternatives left to the Minister is that he either lift the priority 2 control area or close down the current uses.

I highlight some of the points I raised. The Environmental Protection Authority does not support development of this area because it is located in a priority 2 ground water protection area. It is classified as a priority 2 ground water protection area because although no bores exist west of Alexander Drive, the ground water flows to the wells east of Alexander Drive. Unfortunately, the EPA failed to consult the aquifer maps which show clearly the water flows from east to west, not from west to east. Therefore, those bores would not be affected by the priority 2 standing of this area.

The Water and Rivers Commission also objected to urbanisation because of the risks from fertilisers, pesticides and other chemicals being placed on gardens. What it failed to recognise was that the land uses of the area include commercial turf farms, market gardens and flower gardens. These businesses use commercial quantities of fertilisers, pesticides and chemicals on their gardens.

The Water and Rivers Commission also pointed out the inappropriate disposal of solid and liquid waste. It failed to mention that all urbanised areas will have deep sewerage. It failed to mention further that an urbanised area would be seweraged. It also failed to mention that under current uses, the landowners can and do use chicken waste and urea as fertiliser.

Comments secondary to the ground water protection issue that the area would contain contaminated sites begs the question why the area would be a priority 2 ground water area if it contained contaminated sites. Either the DEP, the EPA and the Water and Rivers Commission have got their assessments wrong or they are allowing ground water areas to be contaminated. That means that they are totally irresponsible.

There are two options open to the Minister: The first is to lift the priority 2 ground water control area zoning of this land or to remove it by closing down the current uses. If the Minister allows the current uses to continue, the Minister will be in conflict with the EPA and the Waters and Rivers Commission. If the current uses are not removed without urbanisation, then who will pay?

**DR HAMES** (Yokine - Minister for Housing) [5.20 pm]: Mr Acting Speaker -

Mr Carpenter: Resign! He has got you! Hand in your badge!

Dr HAMES: I do not have a badge, unfortunately.

I apologise to the member for Wanneroo for not being here for the start of his speech. I thought we were starting at 5.15 pm; if the Whip had kept things in proper order, I would have been right on time! Conveniently, I was in a meeting with the Minister for Planning and had the opportunity to discuss this issue with him. The Minister for Planning strongly supports the position that has been taken by the Water and Rivers Commission and the Ministry of Planning, which is in many ways leading the charge on what is happening in this area.

Two things need to be remembered about this land: Firstly, in 1973 - 25 years ago - this area was included in the Mirrabooka underground water pollution control area. Therefore, people who bought properties in that area would have known many years ago that this was an underground water pollution control area. One of the problems we have had with this area and also the Gnangara and Jandakot water mounds is that not only the previous Government, but also past Governments, have not done enough to protect our underground water supplies.

The ACTING SPEAKER: Order, members! The Minister is having difficulty responding to this grievance because several members are having conversations. Please allow the Minister to be heard.

Dr HAMES: The report of the Select Committee on Metropolitan Development and Groundwater, which was chaired by the member for Jandakot, brought matters to a head and led to all Governments paying much closer attention to what should be done to protect that underground water. One strong point that emerged from the select committee's trip to America was that once underground water has been polluted, it is very difficult to reduce that pollution. Therefore, Governments should do everything possible to protect underground water supplies.

It is true that inappropriate practices have been allowed to continue in not just this area but other areas on the Gnangara water mound of which the member is aware, such as the piggery operation. However, it is not reasonable to argue that because practices are taking place in this area that may be polluting the underground water, we should

change the zoning to allow other practices that may also cause pollution. We want to decrease the risk of pollution by those people who are currently operating in this area. This area is zoned rural. The only thing that we are taking away from the people in this area is the potential for them to subdivide and make a dollar out of their land. That was always only a potential for them, and a very risky potential, if that is why they bought that land. That land has been included in the underground water protection area since 1973.

I can understand the difficulties faced by the member for Wanneroo, because I am sure that people in that area have put a lot of pressure on him, as the local member, to do something about the situation. In the past I have been contacted by people from the Landsdale area. It is only recently that the people who want subdivision to proceed have gained the ascendancy in numbers. Prior to this time, the majority of this land was owned by people of ethnic origin, many of them Italian, who wanted to keep that land zoned for horticultural use and farming and did not want residential development. They fought very hard for many years against residential development, and the Wanneroo City Council supported them in that endeavour. That is why they have rejected until recently all attempts to change some of those other areas to residential.

Priority 2 areas can go down to a minimum of 2 hectares, or roughly 5 acres. It is quite reasonable that the people who are on those 5 acre lots be allowed to stay there and continue their current practices. There is nothing wrong with people who own a large area of land in a part of the State that is getting closer and closer to the city wanting to have the zoning changed so that they can make a quid out of their land. However, the first problem is that this land is over a priority 2 ground water area.

The second problem is that this land is within a Telstra buffer zone. There have been some arguments about whether that buffer zone is reasonable, whether it should be reduced, and whether it should be allowed to be there at all. The member for Wanneroo has made some comments to me privately about the Minister for Planning's attitude that the only thing that is preventing the Ministry for Planning from allowing subdivision is that this land is a priority 2 ground water area. However, the Minister said in my recent conversation with him that even if it were not a priority 2 area, the ministry would reject rezoning of this area to urban because of the Telstra buffer. The Minister told me that he would be happy to take people to look at the buffer and at the range of Telstra facilities on that site. Telstra bought that site when that area was zoned rural, and it has no problems with that rural zoning. However, it would severely disrupt the operations of Telstra on that site if residential development were allowed to take place.

I appreciate that the member for Wanneroo is doing his best to represent the concerns of his constituents, but unfortunately we cannot allow urban development in that area.

The ACTING SPEAKER (Mr Sweetman): Grievances noted.

## MILLENNIUM BUG

### *Personal Explanation by Minister for Health*

**MR PRINCE** (Albany - Minister for Health) [5.28 pm]: I stated in question time today, in answer to a question put to me by the member for Fremantle, that a sum of \$40m had been provided in the Budget to address the year 2000 issue in the Health portfolio. I had been incorrectly informed, by a usually reliable source, that that was the case. There is no provision for a specific sum of money, and the Premier has asked all Ministers to deal with the year 2000 problem within their portfolio allocations. The Health Department will make provision to address the millennium bug issue, and funds will be allocated as actions are identified. The exact sum of money that will ultimately be allocated to the issue will obviously be known as we go along. My advice is that the Health Department does not have conclusive costings for the millennium bug issue at this stage. However, the Health Department has identified a broad span of equipment that is affected by the issue, and it is being dealt with on a systematic basis, with patient care being the priority issue. The key areas that are being addressed are biomedical equipment, information systems, building systems and supply of goods and services.

## FREEDOM OF INFORMATION AMENDMENT BILL

### *Suspension of Standing Orders*

On motion by Mr Kobelke, resolved with an absolute majority -

That so much of the standing orders be suspended as is necessary to allow the Freedom of Information Amendment Bill to be introduced without notice and to proceed up to and including the motion for the second reading at this sitting.

### *Introduction and First Reading*

Bill introduced, on motion by Mr Kobelke, and read a first time.

*Second Reading*

**MR KOBELKE** (Nollamara) [5.30 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to make a very simple change to the Freedom of Information Act by removing two words from schedule 1, clause 5(1)(b) and inserting two words in their place. However, the implications of the change are of some consequence because they will help to maintain the integrity and workability of the Freedom of Information Act. We could countenance many other changes, but I am genuinely hopeful that in restricting the amendment to such a small change I will have some chance of gaining the support of the Government, and the amendment will be carried thereby ensuring the integrity and workability of the Act.

The Freedom of Information Act was introduced by the previous Labor Government and certainly was a major piece of legislation for this State. While it was considered to be a very good piece of legislation, and an advance over similar legislation in other States, it contains some flaws. Clause 5(1)(b) of schedule 1 is one of those flaws, and it was not recognised until recently that it opened up many exemptions which I do not believe were the intention when the Act was first drafted.

First I will comment briefly on the structure of the Act, because my later comments will become technical and relate to a few words. Members need to understand the context in which those words sit. The Freedom of Information Act gives members of the public a right of access to government documents through the processes contained in it. However, because particular documents, for various reasons - in the public interest and because of personal matters - should not be released, many exemptions from access under freedom of information are contained in schedule 1 of the Act. When a person makes an application under freedom of information the agency to which the application is made may seek to deny access or the presentation of the documents and, in doing so, must make a case in accordance with the exemptions contained in schedule 1.

I will now talk about the specifics of the Bill relating to clause 5 of schedule 1. Later I will outline with an example why it is important to make this change. First, I will outline why it is important that we make what seems to be a minor technical change to the FOI Act. I acknowledge that I will draw heavily on two annual reports of the Commissioner for Freedom of Information who has summed up the issue very well and presented cogent argument for the change I promote. Later I will quote her view in support of the change in the form which this amending Bill contains.

Clause 5(1)(b) of schedule 1 of the Act provides exemption for matter if its disclosure could reasonably be expected to reveal the investigation of any contravention or possible contravention of the law in a particular case, whether or not any prosecution or disciplinary proceedings have resulted. In Australia that provision is unique to the Western Australian FOI legislation. In other jurisdictions, the exemption is more often for matter which if disclosed would reasonably be expected to prejudice such an investigation. Where the exemption is for matter which could prejudice an investigation, it can be successfully claimed only where it can be shown that some damage to the investigation may follow the disclosure of the document. However, where the criterion is merely that it will reveal the investigation, the exemption is far more wide reaching.

At the time of the 1995-96 report of the Commissioner for Freedom of Information, two decisions had been made by the Supreme Court of Western Australia dealing with the application and effect of clause 5(1)(b), in particular the construction of the words "reveal the investigation". In *Manly v Ministry of Premier and Cabinet*, 15 June 1995, Library No 950310, Mr Justice Owen said -

I think the clause is aimed at the specifics of the investigation, and not at the mere fact that there is or has been an investigation . . . A document is not exempt from disclosure simply because it would reveal the fact of the investigation. It must reveal something about the content of the investigation.

His Honour considered that the coverage of the clause should not be tested by looking at the document in isolation, but must be considered in the light of the surrounding circumstances and what else is known to the parties and the public. His Honour considered that if the material is already in the public arena it could not properly be said that disclosure of the document would reveal the investigation.

More recently, Mr Justice Anderson in *Police Force of Western Australia v Kelly and Smith*, 30 April 1996, Library No 960227 said -

. . . documents which reveal that there is an investigation, the identity of the person being investigated and generally the subject matter of the investigation probably would satisfy the requirement stipulated by Owen J that the document "must reveal something about the content of the investigation"

His Honour also considered that "reveal" did not mean exclusively reveal or reveal for the first time. His Honour's view was that clause 5(1)(b) covers all matter that of itself would reveal the things referred to, without regard to what other material may reveal those things; when that other material became known; how much of it is already known to the applicant; or the stage the investigation has reached. These issues are not relevant to that determination.

Therefore, it has been said that "reveal the investigation" simply means to let a person have any information even though he or she already has it. That was not, I believe, the original intent of the wording of the Act. The decision in *Kelly and Smith* confirms that the exemption provided by clause 5(1)(b) is extremely broad in its application, in that refusal of access to documents relating to an investigation need not involve any consideration of the effect of disclosure, in particular, whether the disclosure would cause any harm to either the particular investigation or the broader public interest in maintaining the ability of agencies to conduct effective investigations into contraventions or possible contraventions of the law. It appears that the document need only contain information about an investigation in order to be exempt.

It would appear from the decision in *Kelly and Smith* that, contrary to the rationale underlying the FOI Act, under clause 5(1)(b) exemption can be made out for documents the disclosure of which could cause no harm and the non-disclosure of which could not otherwise be justified. Accordingly, it seems that, even if, for example, the information in question has been extensively published, if the matter has been extensively aired in open court, or if the investigation was conducted a hundred years ago and none of those involved remain alive, the document will be exempt if the particular agency chooses to claim exemption under clause 5(1)(b), regardless of the fact that no harm would be caused by disclosure.

His Honour recognised, however, that in certain instances, there may be no need for any secrecy whatever and there may be good public interest reasons to give public access to the documents or to give the applicant access to the documents, and that the requirements of section 21 must be considered by agencies in making a decision whether to exercise that discretion where a document contains personal information about the access applicant. Consideration of the effects of disclosure, therefore, will clearly be relevant to an agency's decision whether to exercise its discretion to give access to an exempt document. The agency has a discretion under section 23(1) whether to allow access to the documents to the public or a particular individual, even though technically exempt.

The exemption clauses in schedule 1 to the FOI Act and the various related provisions elsewhere in the FOI Act are each clearly designed to protect certain public interests by enabling agencies to withhold from disclosure documents which, if disclosed, could demonstrably harm that particular public interest. The exemption provided by clause 5(1)(b) appears to be the only one - other than those concerning types of information for which there is a well-established rationale for non-disclosure of any material of that kind, for example, legal professional privilege and trade secrets - that does not require any such consideration to establish the exemption. It sits incongruously in a scheme of exemptions which are clearly designed to protect identifiable public interests from harm which may be expected to follow from disclosure.

The 1996-97 annual report from the Commissioner for Freedom of Information stated -

In my last Annual Report I highlighted the potentially broad scope of the exemption in clause 5(1)(b) and indicated I would be monitoring its use. Although the data provided to me by agencies do not specify the particular sub-clause relied upon to deny access, based on the matters that have come before me as complaints, my impression is that the use of the exemption in clause 5(1)(b) has increased.

It is also my understanding from people to whom I have spoken that the Government is receiving advice from Crown Law which is being fed through to a range of government agencies that they can use clause 5(1)(b) to avoid the FOI Act. That is totally contrary to the spirit and purpose of the legislation.

I will cite some examples from the commissioner's 1996-97 report. She found that there were exemptions under clause 5(1)(b) following the High Court decision of the *Police Force of Western Australia v Kelly and Smith* which took account of that determination and which included the following matters -

- . documents which . . . relate to an investigation of a complaint under the *Equal Opportunity Act 1984*, where the access applicant was not a party to the proceedings;
- . documents containing matter relating to an agency's investigation into a possible breach of the *Gas Standards Regulations 1983*;
- . documents relating to an investigation under the *Public Sector Management Act 1994*;
- . accident report file into the death of a passenger in a motor vehicle accident sought by the employer's indemnity insurer;

- . matter consisting of names and other identifying information of persons interviewed in relation to an investigation under the *Public Sector Management Act 1994*;
- . documents relating to an investigation by a local authority into an alleged breach of the *Dog Act 1976* . . .

The way clause 5(1)(b) is being used as an exemption is that, for example, if someone makes a complaint about a dog, he can be denied access to the provisions of the FOI Act. That involves a potential breach of the law - a minor law - and on that basis there could be an investigation and the applicant has no rights of access to information about the incident. That was clearly not the intention of this legislation, but that is how it is being applied by some agencies.

Like the commissioner in her report, I accept that there is a compelling public interest in the non-disclosure of documents associated with investigations by law enforcement authorities. I concur with the comments of His Honour Judge Anderson in *Police Force of Western Australia v Kelly and Smith* when he said -

It is not difficult to imagine cases in which it would be highly detrimental to good government and inimical to the administration of law enforcement to disclose that a particular criminal investigation is contemplated, has been started or has been completed. It is notorious that many investigations, particularly of large scale criminality, are multi-faceted, lengthy and sensitive and involve considerable personal risk to the officers engaged in them. No doubt it would be highly prejudicial to the practical success of many such investigations to allow or require the fact of them to be disclosed.

However, an investigation concerning an alleged dog attack; an investigation into employee grievances; an investigation concerning the suitability of gas appliances; an investigation concerning medical practitioners; or an investigation involving petty offences are not necessarily the kinds of matters that raise the kinds of concerns referred to by His Honour, nor that the public interest requires for any other reason to be exempt from disclosure in every case.

The broad scope of exemption in clause 5(1)(b) after the decision in *Police Force of Western Australia v Kelly and Smith* means that the access rights of Western Australians under the Act are severely limited when compared with the rights that exist under FOI legislation in other jurisdictions in Australia and the exercise of those rights, at least in this State, is very much subject to the discretionary whims of agencies as to whether access will be granted or withheld, rather than whether there is a real need to maintain complete secrecy in the particular case.

The exemption in clause 5(1)(b) is unique. Other FOI legislation in Australia requires that there be some "prejudice" to an investigation in order to establish grounds for exemption. That is, they are consistent with the rationale behind freedom of information that disclosure of documents should be shown to be reasonably expected to have some harmful effect on the public interest before access is denied.

The history of the application of the law enforcement exemptions in other jurisdictions does not indicate any reason to believe that an exemption based on a reasonable expectation of "prejudice" to an investigation is insufficient to protect the type of documents worthy of protection from disclosure. Rather, it appears that the exemptions in other FOI legislation are sufficient to protect current investigations and those that are merely dormant, not closed.

The Information Commissioner stated in her report -

. . . I consider the exemption in clause 5(1)(b) should be amended to bring it into line with the equivalent provisions in other jurisdictions.

The commissioner went on to make further recommendations in relation to how other States' legislation limits their respective law enforcement exemptions. Although I believe that these recommendations have merit and I hope they will be taken up, they are not taken up in this amending Bill. I have not done so because I wish to see this amendment succeed. To widen the scope even slightly might mean the Government believed it was going too far and in raising a range of other issues would not support this Bill. For that purpose I have kept the amendments to the extremely limited form in which they appear in the Bill. The Government may wish to go further and take up these and other matters. I would certainly welcome its doing that provided that the extension of matters in the Bill was not used as an excuse to delay or postpone its passage through the Parliament. The amendments contained in this Bill are crucial to the integrity of the Freedom of Information Act. It is a matter of urgency to ensure that we shut off this loophole which is being used by some agencies to avoid the clear intent of the Freedom of Information Act.

I will outline briefly a case in which I made an application under the Freedom of Information Act, which highlights why it is so important that we pass this amending Bill. My application has not been handled in accordance with the principles of the Act. Although I must accept that according to the letter of the law in clause 5(1)(b) as it now stands the procedures that have been followed are legal, they are certainly against the spirit and the intent of the Act. I will recount quickly something of the matters that led to my application under the Freedom of Information Act. The

WorkSafe Western Australia Commissioner, Mr Neil Bartholomaeus, made statements which appeared to enter directly into the political arena. Those statements involve the member for Armadale, who took issue because she felt, quite rightly, that Mr Bartholomaeus had contravened administrative instruction 728 when he embarked on political debate as a public servant. Following that there was some discussion that the matter would be looked into by the Premier as the principal employing officer. Freedom of Information Act applications were made by the member for Armadale and myself to the Premier, seeking access to all of the documents relating to that incident. We found that a whole range of steps were taken to try to thwart those Freedom of Information Act applications.

I will not go through the whole matter blow by blow. The first incident that I mention is that the matter was not dealt with within the time required under the Act. An extension of time was sought, which simply delayed the process. The response came back that section 31 of the Act applied. Section 31 enables an agency to deny access without admitting that a document even exists. Under section 31 an agency does not have to confirm or deny the existence of a document but can simply say that if it did exist, then it would be exempt under clauses 1, 2 or 5 of schedule 1 of the Act. We are dealing with an amendment to clause 5 of schedule 1. Therefore, it can be a trigger for using section 31 of the Act. The Premier said that there was a report into this complaint. Then when the Freedom of Information Act application was made, officials said they would not even deny or accept that any such documents existed and they could do that because clause 5(1)(b) was applicable.

On 11 November 1997 in this place the Premier claimed that he did not have to release those documents because they were exempted under the Freedom of Information Act. That was a genuine claim, but the Premier made it sound as though that was the way the Act should work. Clearly that is not the way the Act should work. It is simply a legal loophole to use clause 5(1)(b) to try to avoid the proper procedures available under the Freedom of Information Act. Despite the Premier saying that the document was not available under the Freedom of Information Act, he said that he would be gracious enough to table two of the documents, which he did. So two of the documents which we were told under the Freedom of Information Act would be neither denied nor accepted as existing were tabled. Those documents opened up more questions than they answered. It appears that Mr Bartholomaeus had adopted two different positions on this issue. In the first place he wrote a letter either to the Premier or the Premier's department. Paul Schapper, the chief executive, wrote -

Mr Bartholomaeus has now indicated that he cannot recall making the reported statement . . .

Further on in the letter he wrote -

Previous correspondence by Mr Bartholomaeus -

The first letter from Mr Bartholomaeus -

- questioned the currency of Administrative Instruction 728.

In other words, Mr Bartholomaeus' first response was, "I do not have to comply with that administrative instruction because it does not exist." When it was pointed out to him that it did exist and that he was required to comply with it, he wrote a second letter. Paul Schapper wrote further -

The correspondence of 25 October 1996 received from Mr Bartholomaeus has rescinded his previous advice dated 22 October 1996 whereby he stated that he was "fairly reported". With much explanation -

I emphasise "much explanation" -

- Mr Bartholomaeus has explained his comments within the context of broader issues of regulations for demolition safety.

When people are trying to investigate whether the Premier is upholding the standards which he claims are required, we have a public servant responsible to him for his employment telling two different stories. Because I cannot obtain the information, I cannot tell whether there is a lie there. When a person says one thing in a letter and then rescinds it and says something quite different to explain his potential breach of an administrative law, it should be explained. However, the Premier does not want that to come into the light of day. Again people would clearly be suspicious of what is meant by someone changing his position when explaining what he did or did not do. He has gone from a position where he seemed to be able to remember it to one where he could no longer recall it. That matter goes to good government in this State and is one of the fundamental reasons for the establishment of the Freedom of Information Act.

We find that the Government is saying that it wants to claim an exemption because under section 31 it does not want to acknowledge the existence of any such document, but, if it does exist, an investigation is involved and therefore the disclosure of any information would reveal an investigation. The point comes down to the amendments in this Bill. What the wording should be is "prejudice an investigation". If an ongoing investigation has importance for the

upholding of the law and possible prosecution, there could clearly be grounds for saying that the information should not be revealed. However, what we have here is not even an investigation under the Public Sector Management Act because that Act requires certain procedures to be followed under section 81. It is clear from this letter that those procedures were never initiated and so there was no formal investigation. There was simply a written report for the Premier. However, that is called an investigation for the purposes of the Act. Because there is a potential breach of a regulation under an administrative law, that is a potential breach of the law. We are not talking about a major crime or major investigation; we are simply talking about a written report on a potential minor incident and breach of a regulation, yet under clause 5(1)(b) of schedule 1 as it currently stands, the Government is allowed to totally avoid the requirements of the Freedom of Information Act. That strikes at its integrity and the capacity of the Freedom of Information Act to work.

It is important to have this amendment so that the Freedom of Information Act is available to people in this State and so that the Government is made accountable and standards can be improved in this State. Without that access to information, we will find a continuation of these situations occurring, which not only leave a bad taste in the mouth but also bring into disrepute the whole function of government, when the Government is not willing to open up the books on a minor matter which has already been concluded and show that the right thing has been done. With this amendment in place, a decision would be made on whether revealing such documents would prejudice an investigation, which clearly we would not want to do. The wording should not be so broad ranging as to cover simply revealing an investigation, which has been interpreted by our Supreme Court as providing any information which relates to an investigation, even if most or all of it is publicly known. I do not believe that was the intent of the Act when it was drafted and put through this place. Therefore, this amendment will correct that so that the provisions will work in accordance with the intention and the purpose of the Act.

Debate adjourned, on motion by Mr Osborne.

*Sitting suspended from 6.00 to 7.30 pm*

### **THIRD WAVE INDUSTRIAL RELATIONS LEGISLATION ADVERTISING**

#### *Motion*

**MR KOBELKE** (Nollamara) [7.31 pm]: I move -

That this House, following the determination of the Australian Broadcasting Authority on the Government's political advertising for its Third Wave Industrial Relations Legislation -

- (a) finds that the Premier misled the House on the nature and extent of the indemnity granted by his Government to Perth television stations;
- (b) expresses concern about the quality of management and legal advice which led to the creation of a large liability for the State of Western Australia; and
- (c) calls on the Premier to have the Liberal Party repay to consolidated revenue the full cost of this political advertising.

I need to briefly go through matters relating to the industrial relations legislation and the advertising so that people can make sense of the items contained within the motion. Members are well aware that last year the Government moved its third wave of industrial relations legislation. That legislation was very contentious politically. From the Opposition's perspective and I think from the perspective of a majority of Western Australians, it was not needed nor wanted. It was rushed through the Parliament prior to the change in the composition of the other place. The Government lost whatever public sympathy there may have been initially for its push with this legislation. Subsequently it felt it was necessary to do a political sell on its legislation. It saw as one of its strong points the offer of a secret ballot prior to any industrial action by a union or group of unionists. In about April 1997, the Government began running a television advertising campaign that was set at various times to cost \$300 000 or more. The advertising was clearly political. The issue of the government's third wave industrial legislation had filled the newspapers, the television stations, and the radio stations for quite some days, if not weeks and month. It was clearly a highly political issue and the Government set out to use television, radio and newspaper advertising to try to establish a political position on what was a major controversy in our community. Political advertising should be paid for by the political party involved, whether it be the Liberal Party, the National Party or both of them. It was political advertising, and political advertising should be paid by political parties, not by the taxpayers of this State. My concerns about the advertising and its political nature also ran with my concern about the copy that was being used. One television advertisement I saw was clearly untruthful according to my knowledge of the Bill. I thought there was a good case for claiming that the television advertisement was false and misleading. It suggested or told viewers that workers would be given a right to a secret ballot under the legislation. The legislation clearly established no such

right. The legislation was a series of requirements in order to try to frustrate people upholding their rights and taking industrial action. It contained no element of rights for workers at all. In that respect the advertisement was totally false and misleading.

I wrote to the Federation of the Commercial Television Stations on 22 April drawing its attention to the nature of the television advertising paid for by the taxpayers and instigated by the Court Government. I should make it clear that I was aware that it was not possible for me to prove that the advertising was false and misleading under the Trade Practices Act because the case law which I looked at then indicated that it had to involve trade and commerce. Where groups or organisations on the periphery of trade and commerce had attempted actions under the Trade Practices Act, the cases had fallen over because they were not defined as being in trade and commerce. It was unlikely that government advertising would be defined as such. It may be but it would be a difficult test case and I did not have the money to mount a case of that nature against the Government. I try to make a practice of not suggesting actions on which I am not willing and able to follow through. While some government people have suggested that I threatened that legal action would be taken, if they go back and check the record they will find I said no such thing. I simply pointed out in my letters and in my other comments that I thought the advertising was false and misleading and therefore a Government with any moral fibre, a Government which was in any way upholding the truth, could not continue with it, and the bad name of this Government would also be carried over to advertisers who continued to run false and misleading advertising. As a result of that complaint, the Government withdrew one or more of the advertisements and had them rewritten, and on legal advice resubmitted the advertisements.

The Government claims that it did that to try to soothe the nerves of the television stations or some other excuse, and will not admit the advertisements were false and misleading. This is very strong evidence, from my perspective, that there was a major fault with the facts contained in the advertising. That was just the start of the problem. The remade advertisements were submitted to the television stations, which, now being a little apprehensive about continuing that political advertising for the Government, sought further advice. On the basis of that advice, they realised that political advertising must conform with certain requirements under the Broadcasting Services Act. That requirement is that if the advertisement involved what is called a "political matter" - I will refer to that as purely political advertising - there is a requirement for a tag to be placed at the end of the advertisement indicating the person who will accept responsibility for the advertisement. It is more specific than that, but I will leave it in those general terms. Those specific requirements are referred to in the Act as the "required particulars". These advertisements did not carry the tag; in other words they did not have the required particulars for political advertising as required by the Broadcasting Services Act. The television stations with sound legal advice went back to the Government and advised it that it was political advertising, and they would be very happy to carry it, but that the advertisements required the tag at the end of them disclosing those required particulars. The Government refused to do that, which is quite understandable, because it was caught using taxpayers' money for party political advertising. Everyone knew that, but the Government had to keep up that charade by not putting a tag at the end of the advertisement. The addition of a tag would be an admission by the Government of its wasting of taxpayers' money. Despite television stations wanting their business and wishing to conform with the law, and being aware of what the law was, the Government tried to con them into accepting that the advertising was not political. The Government rolled out some sort of quasi legal advice suggesting that they should not worry, that it was not a political matter, and that they should run the advertisements.

The television stations are commercial enterprises and they must make judgments based on sound business and legal advice on how to conduct their affairs. They had sound legal advice. They were not about to throw that out the window because of some political ideology or whim. They are about the proper management of the television stations. Their advice was sound and proper and has been proven so, yet government advice to the contrary was found to have no substance at all. The problem we have in this area is that the Government never releases its legal advice. We do not know whether the legal advice really is of very poor quality and suspect, or whether it is just the Government's representation of that legal advice. I can only make the assumption that the Premier and the Minister are accurately reflecting what the legal advice given to them was in the statements they made in this place.

As a result of that, a new avenue was suggested to try to circumvent this legal impasse of the Government not wishing to put a tag at the end of the advertisement, which would acknowledge political advertising, and the television stations wishing to comply with the law and not run political advertising without the required particulars at the end of it. Someone came up with the bright idea - I do not know who - that an indemnity should be offered so that the television stations could run the advertising and if legal action were taken against them by the Australian Broadcasting Authority or someone else the Government would pick up the tab. It would pay whatever legal costs accrued to the television stations if they had broken the law. A question asked in the debate on this matter last year was: Was the indemnity offered for the advertisements already run illegally, or as an enticement to continue running them? That matter was never clarified by the statements made by the Premier and the Minister in this place. We heard conflicting statements. However, people will be aware that if the indemnity was granted with the express intention of



encouraging the television stations to break the law, an offence of enticing television stations to break the law was committed by the Government. This Government was so hellbent on using taxpayers' money for political advertising it gave no consideration to meeting the requirements of the law.

In that earlier debate the Premier tried to indicate that the indemnity was just an ordinary surety and therefore was not caught by the requirements of the Treasurer's Instructions. That meant special approval was necessary for an indemnity or surety - I will not go into the legal definition of the two terms - if it was out of the ordinary. We find from the Auditor General's recent report that that was the case. His report clearly outlined that it was not a normal indemnity or surety; it was an extraordinary one. I will return in a little while to take that up as the first point of the motion because in their statements on the matter the Premier and the Minister misled the House.

I made a formal complaint to the Australian Broadcasting Authority because the advertisements appeared to be clearly in contravention of the Broadcasting Services Act. In recent weeks the Australian Broadcasting Authority determined as follows -

#### CONCLUSION

- 6.1 Given the identifiable level of political debate on the issue of the 'pre-strike ballot', the ABA has determined that there was a substantial relationship between the predominant subject of the advertisements and the level of concurrent public debate.
- 6.2 Accordingly, the ABA concludes that the broadcast of the advertisements did constitute a broadcast of political matter.
- 6.3 No evidence has been presented to the ABA that the advertisements were accompanied by the required particulars.
- 6.4 Therefore, the ABA concludes that as the advertisements in question constituted political matter without the accompanying required particulars, the broadcast of those advertisements on TVW Enterprises Ltd (TVW 7), Swan Television and Radio Broadcasters Pty Ltd (STW 9) and Network 10 (Perth) Ltd (NEW 10) amounted to a breach of the license conditions set down at Schedule 2, Part 2, Clause 4(2) of the BSA.

Paragraph 8 titled "DECISION" reads -

I, Lesley Osborne, Acting Director Program Services Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, am satisfied that TVW Enterprises Ltd (TVW 7), Swan Television and Radio Broadcasters Pty Ltd (STW 9) and Network 10 (Perth) Ltd (NEW 10), breached clause 4(2), of Part 2 of Schedule 2 of the Broadcasting Services Act 1992 by broadcasting 'political matter' without attaching the 'required particulars' to the advertisement.

The ABA, a properly constituted federal authority, determined that, on a matter instigated by this Government, the TV stations had broken the law. It said clearly that they breached clause 4(2) of schedule 2 of the Broadcasting Services Act 1992. They were found to have broken the law in carrying out this Government's advertising in the way they did. The so-called legal advice to the Government referred to in this House has been shown to be wrong.

Does the Premier accept the determination of the ABA or is he seeking to challenge it?

Mr Court: I will read out parts of the determination of the ABA.

Mr KOBELKE: It is a simple question. Does he accept it?

Mr Court: I will read out parts of the determination.

Mr KOBELKE: Is the Premier not accepting it?

Mr Court: Let me give my speech on it.

Mr KOBELKE: The Premier never does. He gets up and waffles on and does not address the issue. A determination by a properly constituted federal authority says he was involved in breaking the law. Does he accept that, or will he take action to challenge it? The Premier has lost his tongue; he has gone quiet. That is something we are used to. Does he have his car engine running so that he can jump in it and speed away? When journalists ask him pertinent questions that he should be able to answer he gets in his car and drives away.

Mr Court: When have I ever done that?

Mr KOBELKE: I have not been following his movements for the past week or two, but he is seen regularly on

television making a dash for it. He is now here sitting in his seat as Premier in this Parliament and I am asking him a simple question.

Mr Court: Tell me when I have once hopped in a car and not answered questions.

Mr KOBELKE: Does the Premier accept the determination of the ABA or is he seeking to challenge it as would be his right? What is the position of the Premier and his Government? This Premier always ducks the issues. He accepts no responsibility for his Government. This is a no care, no responsibility Government. This Premier simply cannot take on the crucial issues for good government in this State. He will sit mute and not be willing to give a simple answer on a determination which is quite damning of his Government.

Mr Court: Do you want to knock me around the head or debate the issue?

Mr KOBELKE: I am asking the Premier to answer a simple question.

Mr Court: Let me get up and answer.

Mr KOBELKE: He never does give an answer when he gets up. Will the Premier give an undertaking when he stands up to say whether he accepts the decision fully?

Mr Court: Do you want to debate the matter or keep knocking me around the head? You can do that all day.

Mr KOBELKE: He does himself a great disservice by not being willing to take an interjection in this place.

Mr Court: Sit down, and I will stand up.

Mr KOBELKE: When the Premier stands up he does not address the issues. We have done this for five years. We ask a simple, direct question for which he has responsibility and he refuses to answer.

What was behind Global Dance? Was he trying to get dancing instructions so that he could learn fancy steps and get out of here quicker?

Mr Court: If that was the plan, it did not work.

Mr KOBELKE: It certainly did not. This Premier will not accept responsibility for decisions made by him and his Government.

Mrs Roberts: He has mastered the quickstep.

Mr KOBELKE: He has mastered the quickstep of trying to get away from the issues for which he should accept responsibility. The Premier will not accept responsibility for anything his Government does if it comes too close to him. If it is something which any decent Minister would accept as a responsibility and it starts to go bad, the Premier does not want to know about it. He refuses to accept the responsibility that the oath of office requires him to accept. It requires him to address issues of substance relating to his ministerial responsibility. This Premier runs for cover and is simply not up to addressing the issues.

We all know the Australian Broadcasting Authority, through its proper powers and deliberations on this issue, has found a breach of the law as a consequence of the actions of this Premier's Government. It has been implicated totally in the advertising under which these television stations breached the law. The Premier is so weak and totally incompetent that he cannot give a simple answer to indicate whether he accepts the ABA's decision or will challenge it in some way. He has the right to challenge it, although he might be wasting taxpayers' money on lawyers. The Premier will not give a simple yes or no answer. That is the quality of leadership in the current Government.

Mr Trenorden: How long must we listen to this?

Mr KOBELKE: I can go on day after day as long as this State has such a weak and ineffectual Premier who cannot answer simple questions about matters for which he should accept responsibility.

I refer now to the indemnity. The indemnity was offered when it was not clear whether it covered the advertisements that had already been run and had broken the law, or whether it was an enticement to the television stations to run the advertisements again and further break the law. If the second option is the case, this Government is also complicit in breaking the law, in that it set out to encourage the television stations to break the law. That is the conclusion to be drawn if the indemnity were offered for that purpose, but the situation is not clear from the conflicting answers given.

The Premier suggested it was an ordinary surety, which the Government allows lower level officers to issue. However, it was not an ordinary surety. The ordinary sureties or warranties offered for advertising on television or in newspapers had been signed for all television stations except one. This was an extraordinary surety, and that is

the determination of the Auditor General. I draw attention to the Auditor General's report on ministerial portfolios issued in April 1998. At page 46, under the heading "Other Significant Issues" the following statement is made -

The following 'non-standard' indemnity was issued on April 29, 1997 by a senior Departmental officer to commercial television stations:

The indemnity was as follows -

On behalf of the Western Australian Government this Department undertakes to indemnify all metropolitan and regional commercial television stations in respect of all legal action taken against such television stations in relation to or arising from the screening of the Western Australian Government's campaign concerning its industrial changes.

I quote further from the Auditor General's report -

This indemnity was provided following a request from an organisation on behalf of the television stations. The standard warranty and indemnity form which is required by media outlets when placing such advertisements had not been provided and consequently the 'non-standard' indemnity was provided. After the issue of the 'non-standard' indemnity, a standard indemnity was also provided.

The Department received legal advice prior to offering the 'non-standard' indemnity which could not identify any possibility of legal claims under this 'non-standard' indemnity.

However, this matter raises the following control and risk issues:

- the issue of 'non-standard' indemnities at the request of third parties;
- the authority to issue indemnities by departmental officers; and
- the procedures in place to approve such indemnities without requesting industry specialist advice.

It was recommended that:

- comprehensive advice be sought where 'non-standard' indemnities and other arrangements are provided, particularly when dealing with issues having particular sensitivities; and
- all indemnities which are abnormal or extraordinary in nature should be approved in advance by the Accountable Officer and the Treasurer.

I do not think the Auditor General leaves much doubt about the matter. I said to the Premier in this place last year that no way in the world could it be considered a standard indemnity. It was an abnormal, extraordinary indemnity which was offered for special purposes, and which came close to possible criminal action and breach of the law. A very special indemnity was given and the Auditor General makes that absolutely clear.

The Premier did not say that. He was caught up in the tangled web of deception, running an advertising campaign which the ABA has now determined could involve penalties of up to \$200 000 a day for each television station. Potentially the penalties could have been millions of dollars, although that was not likely. The Government said it would cover all legal action, and the Premier would have this House believe it was a standard indemnity. There was nothing standard about that indemnity.

I refer to a statement made by the Premier in this House on Tuesday, 9 September 1997 and recorded in *Hansard* at page 5865. When referring to the Treasurer's Instruction 821 and circular to Ministers 44/94, he said -

These requirements do not apply to the common type of indemnities that are excluded from the operation of the instruction; however, any surety falling outside the instruction, which creates a material contingent liability for an agency, is required to be disclosed in the agency's annual report. The Crown Solicitor's Office advised that the indemnity of the Department of Productivity and Labour Relations was incidental to the contract for the broadcast of the advertisements; therefore, Treasurer's Instruction 821 did not apply. The Crown Solicitor's Office has also advised that there was no exposure to the Government in giving the indemnity.

Clearly, the legal advice was either misrepresented or was very poor advice, because a determination has been made in the Australian Broadcasting Authority against the Government, with potential fines or other penalties on the television stations, the cost of which the Government would have to meet on the basis of the indemnity provided. The Minister for Labour Relations went further on 16 September 1997 when he said -

The indemnity offered was far less than the general indemnity demanded in a normally placed advertisement, and that is why it was offered.

Mr Kierath: I have a letter from the Auditor General backing that up.

Mr KOBELKE: The Minister might like to table it.

Mr Kierath: I will table it.

Mr KOBELKE: Given that the Minister's legal advice is so poor, he should either tell the truth about the advice or sack his legal adviser. On 10 September 1997 the Minister for Labour Relations said in this place -

I repeat for the benefit of members opposite, because they seem to have some difficulty in understanding it, that these requirements do not apply to those common types of indemnities that are excluded from the operation of the instruction. Clearly the instruction does not relate to this indemnity in any way, shape or form, and I am amazed that even this desperate Opposition would attempt to latch that in.

We see both the Premier and the Minister trying to create this charade, this totally false impression that this indemnity was somehow normal and did not amount to anything. The Auditor General has put paid to that by making it absolutely clear that it is a non-standard, extraordinary indemnity. The Premier and this Government have misled the House, as stated in the first paragraph of this motion. They have tried to get away with covering up their waste of taxpayers' money on party political advertising, suggesting that the indemnity is a standard one. Clearly it is not. The Government has been implicit in misleading the House either through its direct intention or on the basis of poor legal advice.

That brings me to the second paragraph in the motion. We cannot have a Government that spends millions of dollars of taxpayers' money, as it did for the Mabo legislation, or puts at risk millions of dollars of taxpayers' money on legal advice that simply does not stand up. Because we do not see the legal advice, the dilemma for us is to know whether this Government is totally misrepresenting and deceiving this House when it states what its legal advice is, or whether its legal advice is so appallingly bad that it has the Government making wrong decisions time after time.

Mr Kierath: I will table the summary.

Mr KOBELKE: The Minister says that he will table a summary. Who will accept a summary tabled by this Minister as having any representation of the truth as found in a legal document? That is an absolute joke from this Minister for Labour Relations! His credibility is such that people outside this House do not believe what he says, let alone believe some concocted document that purports to represent legal advice. It is absolute nonsense.

We have a problem with the administration of government when it states that it is acting on legal advice and time and again that legal advice is found to be appallingly wrong. That has been the case in this instance in the way the Government has presented it to us. The Premier was not willing to say that he accepted the determination of the ABA. I ask the Premier whether he accepts the recommendations and findings of the Auditor General in his report No 1.

Mr Court: I cannot wait to get up and answer your question. In the first words I say, I will answer it.

Mr KOBELKE: I ask the Minister to answer yes or no. Does he accept that finding of the Auditor General?

Mr Cowan: He has just told you what he wants to do. Why don't you sit down? Nobody is listening to you.

Mr KOBELKE: The Premier does not answer the question. He misleads the House daily.

Mr Cowan: You bore the pants off this House.

Mr KOBELKE: I will give an example which occurred just a few weeks ago.

Mr Trenorden: You never have any substance.

Mr KOBELKE: The Premier was answering questions from the Leader of the Opposition about the status of health funding between the State and the Commonwealth. The request by the Leader of the Opposition was whether the Premier would table figures to support the Premier's position that the Commonwealth has reduced its payments to health and the State has increased its share. The Premier said, "Yes; here they are." He placed on the Table of the House a piece of paper that gave no such figures.

Mr Court: We provided an extensive briefing.

Mr KOBELKE: The Premier misled the House then as he is attempting to do now. This Premier has no regard for the truth. He thinks the truth is a toy to be played with; that it is all about presentation through the media. This is at the heart of this issue: The Premier is quite prepared to spend and put at risk hundreds of thousands, if not millions, of dollars of taxpayers' money to create the image he wants. That image is as false as the Premier's

undertaking that he will get up and answer my question. I will apologise to the Premier if, when he speaks in this debate, he gives a direct yes or no answer to the two questions I have asked him.

Mr Cowan: Why don't you apologise to the House now?

Mr KOBELKE: The first question is this: Does the Premier accept the determination of the Australian Broadcasting Authority? Secondly, if he does not, will he be specific as to why he does not and the action he has taken to try to have that determination overturned?

Mr Court: Who will be the judge as to whether you give an apology?

Mr KOBELKE: That is pretty simple. I ask the Premier whether he will give a simple yes or no.

Mr Court: I said that if you sit down, I will get up and answer.

Mr KOBELKE: I will apologise if the Premier is willing to give an unequivocal answer as to whether or not he accepts the determination of the ABA. I am also asking the Premier to say simply yes or no as to whether he accepts the determination of the Auditor General that this is a non-standard indemnity. That is what I said to the Premier last year.

This Government is quite willing to waste hundreds of thousands of dollars of taxpayers' money trying to promote its political position. This is clearly political advertising. The definition of political advertising creates some difficulties. There can be times when a Government can run advertising that can be seen as right and proper for public information, which is not political advertising. An example given in the determination is bus timetables. If advertisements were placed about bus timetables, in a normal situation they would not be classed as political advertising.

Mr Court: The determination says that, while the ads are running, if bus timetables become an issue, it becomes a political matter. It is the most absurd thing I have ever heard.

Mr KOBELKE: The Premier finds this a subject of mirth. He is such a lightweight that he cannot address the issues. This Premier is a joke, and members of the public in this State are coming to realise it. When I am out in the community people ask me who is behind the Premier pulling his strings.

Mr Court: It's Charlie; it's Charlie!

Mr KOBELKE: When we ask the Premier a question, he cannot answer it. He is always the same on talkback radio programs. When asked a simple question in some area within his ministerial responsibility, the Premier will tell the caller to leave a telephone number and he will try to find out the answer. People then telephone me and tell me they cannot get an answer out of the Premier. That is exactly what we are finding here tonight. Surely the Premier should make an effort to answer simple questions about matters that are clearly within his responsibility, of which he has had clear notice and which are issues of some importance; but, no, we have a Premier who simply does not want to accept responsibility, and he is not willing to go on the record.

Many other complex matters, including the problems of corruption in this State, people not feeling safe in their homes, the escalating number of burglaries and people dying because they cannot get into hospitals, basically all return to the same issue - the Premier is not a leader; he cannot answer questions; he is not willing to accept the responsibility of addressing the fundamental issues that face this State today. That is why myriad problems are besetting our community, and the Premier is making no inroads in solving them. That has been reflected time and time again. We have a very clear example of it here this evening. This is a matter that comes to the credibility and management style of this Government and to its willingness to try to manage issues so that this State can progress. We have a Premier who sits with his mouth buttoned, not willing to answer a simple question from me on the key issues involved. If ordinary people were in the Public Gallery today, they would see this Premier for the disgrace he is.

**MR COURT** (Nedlands - Premier) [8.08 pm]: At the beginning of my speech I say that I accept the determination of the Australian Broadcasting Authority, but I think parts of that determination are bordering on the absurd, and I will explain why. I now want my apology.

Dr Gallop: I think that little "but" will render it ineffective.

Mr COURT: Earlier I asked who would adjudicate on whether I get the apology.

Mr Kobelke: Just answer the question.

Mr COURT: I have just done that.

Mr Kobelke: I was distracted for a moment by another member.

Mr COURT: When the member for Nollamara stops speaking, he does not listen to anybody else. I gave the answer in less than a minute.

Mr Kobelke: If you are willing to answer it, then do so.

Mr COURT: I have just done that.

Mr Kobelke: Yes, but with the word "but" in it.

Mr COURT: I did not qualify it.

Mr Kobelke: You are the butt of everyone's joke, Premier. Just drop the "but" and give us a straight answer. Leave the word "but" out of it.

Mr COURT: I cannot get much straighter than what I said. The member was not listening, so that is his problem.

I want just to run through this issue. The member will be having second thoughts about this sort of determination by the tribunal. As regards indemnities, the Auditor General made a report, after which some correspondence covered the question of the standard indemnity. The Minister will comment on that when he speaks. The Auditor General did not look at the question of whether the network standard terms and conditions would have applied in any event. If members look at Channel 9's standard general advertising conditions, for example, they will see that those conditions are that any booking placed by a client will constitute consent by the client to be bound by those conditions. The conditions include an indemnity. When the Minister provided this and the other indemnities to the Auditor General, the Auditor General wrote back saying that he agreed that those warranties and indemnities appeared more extensive than those supplied at the request of the television stations. It is quite interesting that some comment was made, yet when the standard indemnities were provided, they caused a rethink on the issue.

The member for Nollamara made some comment about the State possibly being liable for the payment of huge fines or costs. Crown counsel has consistently advised that the indemnity offered by Department of Productivity and Labour Relations was neither capable of being nor could be construed as providing that the Government was indemnifying the television station in respect of penalties for committing criminal offences. The member keeps repeating that point but it has been made clear that is not the case.

Paragraph (b) of the member's motion expresses concern about the quality of management and legal advice which lead to the creation of a large liability for the State of Western Australia. That suggests that there is an existing liability under the indemnity. That is simply not the case. There is no evidence in the Australian Broadcasting Authority's ruling or anywhere else which would justify his being able to say that. Nothing in the ruling says that a liability is associated with it. On crown counsel's advice, there was never even any contingent liability under the Broadcasting Services Act. The press reports about the Government's liability were wrong. The Minister will explain why.

Paragraph (c) of the member's motion calls on the Premier to have the Liberal Party repay to consolidated revenue the full cost of this political advertising. To say that this was party political advertising -

Mr Kobelke: It clearly was.

Mr COURT: There is a big difference between political matter and party political advertising. If it were party political advertising, one would have to put something in about a party, I would have thought.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The difficulty with the ruling and the one which I believe makes a large part of it absurd is what the ABA calls "political matter". The ABA has given the term "political matter" such a broad interpretation -

Dr Gallop: This is the "but"!

Mr COURT: The "but" is provided in the ruling. I will explain. Under this ruling one could pick any government advertising and have it classified as political matter. Paragraph 7.1 of the ruling reads -

The ABA acknowledges that the strict application of the test for 'political matter' could well result in one advertisement sometimes requiring a tag and sometimes not, depending on the ebb and flow of public discussion.

Dr Gallop: That is reasonable.

Mr COURT: Reasonable! I will read it again. It reads -

. . . could well result in one advertisement sometimes requiring a tag and sometimes not, depending on the ebb and flow of public discussion.

We therefore have an ebb and flow meter which shows that public discussion is getting up to the point where it is political matter. Who makes a determination on that? What an absolute nonsense. It continues -

This has obvious administrative implications for individual broadcasting stations, as well as the advertising clearance system provided by the Federation of Australian Commercial Television Stations.

I agree with the authority; to have someone make that judgment is an impossible situation. I would like to know who are the people who can make that judgment.

Several members interjected.

The SPEAKER: Order! Members will have an opportunity to join in the debate at a later stage but too many people are interjecting across the Chamber.

Mr COURT: Paragraph 7.2 reads -

The ABA also considers that there are issues where debate is virtually continuous, but which periodically flare up to a very high level of public discussion. The issue of industrial relations is an example in this regard. The ABA is of the view that, in deciding whether or not a particular advertisement should carry the 'required particulars', in some cases the preferred approach may be for licensees to assess the subject of the advertisement in terms of its likelihood of becoming a political issue. In this way the advertisement would be tagged from the outset, in anticipation of surges in the intensity of debate on those issues.

Again, we will have people making judgments about surges which will take place on particular issues. We could not even run occupational safety and health advertisements under these rulings.

Paragraph 7.3 reads -

The industry should remain aware, however, of the environment in which material is broadcast. Some issues may become unexpectedly political, which may require any matter (that is broadcast at the request of another person) to carry a tag on subsequent screenings. For example, an agency may place an advertisement relating to the availability of bus timetables. Ordinarily this would not be a 'political' issue. However, if the subject of timetable availability became a subject of substantial public debate (in response, for example, to various events which occurred due to a lack of knowledge about bus times) then the advertisement would be considered to be 'political matter' and would be required to carry the 'required particulars'.

It is absolutely absurd that even when it comes to bus timetables, they can be construed in some circumstances as political matter. I suggest that the broadcasting tribunal or whoever makes these determinations would be pretty busy determining what is political matter. If the members opposite were in government, they would have a view similar to ours. The sort of determination that has been made renders it virtually impossible for someone to decide what is political matter and what is not. We reject the motion of the member for Nollamara.

**MR KIERATH** (Riverton - Minister for Labour Relations) [8.19 pm]: In a few moments I will discuss how the Opposition has again muddied the water by confusing two issues.

Mr Court: I did not receive an apology.

Mr KIERATH: The Premier did not get his apology. He answered the question from the member for Nollamara, yet no apology has been made. The member for Nollamara makes the challenge, the Premier gives the answer and the member for Nollamara refuses to apologise. Now members know his standards in this House. The member for Nollamara has been saying that members should accept the Australian Broadcasting Authority ruling in its entirety and it comes down to the last paragraph which says -

Given the difficulties that licensees may have in determining whether an advertisement is 'political . . .

Mr Kobelke: That is not the last paragraph.

Mr KIERATH: It is the last paragraph under the heading "Action". The member for Nollamara wants to distort the point. It says underneath Action on the ABA letterhead -

Mr Kobelke interjected.

Mr KIERATH: The member for Nollamara is prepared to quote certain parts but does not want the House to be told about the key part of the recommendation. Talk about double standards! The ABA is the ultimate authority of broadcasting matters in Australia. I will read it again -

Given the difficulties that licensees may have in determining whether an advertisement is 'political matter' the ABA is satisfied with the action taken, and proposed, by the licensees and as such, on this occasion, the ABA does not intend to take further action with regard to this matter.

The ABA document says that no further action is required. The member for Nollamara has tried to muddy the waters. There are two simple issues here: The indemnity and the ABA ruling. The member for Nollamara has made sure that no advertising by any Government in this country can occur while public debate is going on. When the Australian Labor Party was last in power it was the largest user of advertising for policies - not legislation but policies. That has been forgotten in all this muddying of the waters by the member for Nollamara. The advertising in question was about legislation passed by both Houses of Parliament in this State. It was not about party policies, but legislation. Even if I were in opposition and this mob were in government I would reckon that every Government had an obligation to advertise, inform and educate the public on legislation that the Government introduces and amends, if that affects people. The issue of bus timetables is a classic. Nobody could determine anything according to the narrow interpretation of the Opposition. Section 7.3 of the attachment states -

The industry should remain aware, however, of the environment in which material is broadcast.

Members need to bear in mind that these advertisements are produced some time before they appear; space needs to be booked and it depends when airtime is available. Some issues may become unexpectedly political. That might require any matter that is broadcast at the request of another to carry a tag on subsequent screenings - for example the bus timetables. Any law in this country that says the advertising of bus timetables is a political matter which should not be broadcast is fundamentally a stupid law. The ruling continues -

Ordinarily this would not be a 'political' issue. However, if the subject of timetable availability became a subject of substantial public debate (in response, for example, to various events which occurred due to a lack of knowledge about bus times) . . .

That would suit the member for Nollamara; it is the sort of thing he would run. He would not have the first clue about bus timetables. He would run a motion in this House and through that make it a political matter.

Mr Kobelke: No, it does not work that way.

Mr KIERATH: Of course it does. It is about matters being issues of substantial public debate. If the member for Nollamara makes a statement in here and the newspaper prints that statement, it becomes a public debate. The legislation provides that the advertisement would then be considered to be a political matter and would be required to carry the necessary particulars.

Here we have the absurd situation of bus timetables, information about which most customers would want: If the timetables have been advertised and the member for Nollamara starts a public debate, perhaps because the buses are not running on time, suddenly we cannot broadcast those advertisements because it has become a political matter. One day when the member for Nollamara is not in this place he will reflect on the ramifications of that sort of restriction.

I remind the Australian Labor Party of things it did when it was last in government which it could not do today. It released a disability policy titled "Fair Go for Everyone" with the member for Belmont's photograph on page one when he was the Minister for Disability Services. That sort of document would be outlawed under this ruling. The WA Advantage -

Dr Gallop interjected.

Mr KIERATH: If a Government tried to do it electronically -

Dr Gallop: We did not, did we?

Mr KIERATH: What is this? It is a video. It even has the member for Bassendean's face on it when he was the Secretary of the Trades and Labor Council. The Labor Government did not publish only the Minister of the day, Hon Gavan Troy, it published its good mate, Clive Brown, who was Secretary of the TLC at the time.

Mr Osborne: Just a bit of campaigning.

Mr KIERATH: It is unbelievable stuff! The Labor Government released the WA Advantage document, which got onto television. It went on and became the Social Advantage. The document entitled the Social Advantage is the



most disgraceful piece. It later became Labor Party policy. The Labor Government began the policy on public money and continued it as party policy. The Labor Government did all the softening up and preparation on the public purse and then took it over politically afterwards. That is fascinating; but it gets better. I have a document titled "Putting Families First". If this law had been applied to the Labor Government, this document would not have been allowed. Here is a photograph of Peter Dowding. Do members opposite remember him? He was the person to whom all Labor Party members signed allegiance, I think in November and who was axed a few months later; four months later they knifed him in the back.

Mr Carpenter: What about Barry MacKinnon?

The SPEAKER: Order! There is too much interjection.

Mr KIERATH: The Liberal Party members did not sign their names swearing allegiance to Barry MacKinnon. When the jury is out on political advertising the Australian Labor Party will be the hardest hit of all. It will not be able to say anything. While there is breath in my body I will be the one who complains about any advertising a Labor Government runs; that is guaranteed.

The Federal Government is just starting to understand the difficulty of this legislation. I will be so bold as to say that whoever drafted the legislation intended this to apply to a period before an election. They did not intend that this should apply in between times. That is my interpretation. When members read the legislation they will find that that is the intention.

If someone had complained about the gun law advertisements the advertisements would have been off television. They were the subject of immense public debate and a lot of heat in the community with different points of view. I thought the ALP was in favour of gun laws. It is finding out now that a whole lot of legislation has come off air as a result of this decision. The group who, when in government, used government advertising more than anyone else will definitely suffer as a result of this.

Opposition members interjected.

Mr KIERATH: I can table more examples of Labor Government advertising but that would take up my time and I have more points to make

Several members interjected.

The SPEAKER: Order, members!

Mr KIERATH: I do not want to take questions at the moment. As I said, there were two issues: The issue of the indemnity and the issue of the Australian Broadcasting Authority decision. I wish to deal with the issue of the indemnity.

Mr Marlborough interjected.

The SPEAKER: Order! I formally call the member for Peel to order.

Mr KIERATH: In giving the details of the indemnity, which I am happy to table, the letter I sent to the Auditor General included a copy of the standard indemnities that the media outlets in this State require. I offer those for tabling and when I met with the Auditor General I pointed them out and pointed out the indemnity of the Government at the time. When I am finished reading from the letter I will table it. The Auditor General replied as follows -

Thank you for your November 11 letter and the attached copies of the warranties and indemnities for the various media outlets in Western Australia. I agree that these warranties and indemnities appear more extensive than that supplied at the request of the TV stations. I will bear this in mind when I consider the overall audit conclusions in relation to this issue.

Dr Gallop: All that shows is that you are stupid as well as having a slightly evil intent.

Mr KIERATH: It shows that standard indemnities are far wider than the indemnity that we offered.

Dr Gallop: Your intentions were bad but your delivery was wrong. That is all that shows.

Mr KIERATH: The Premier actually read out what the Auditor General then said, that he did not believe those standard indemnities were in place. The Premier read out a clause of that indemnity that says when an advertisement is placed with one of the channels, the indemnity is invoked. That is the key: If an advertisement is placed, one agrees to abide by the conditions of that indemnity which includes an indemnity at that particular time. I table that letter from the Auditor General.

Dr Gallop: Tabled on your legal advice.

Mr KIERATH: I am coming to that. One of the problems with this is that, because somebody got their facts wrong in the first place, many media reports -

Mr Marlborough: We won the case.

Mr KIERATH: No, if anything was won, it was a decision from the ABA. I read from a summary provided by the Department of Productivity and Labour Relations to me in response to the legal issues, because there is a long established tradition in this place that Crown Law will not have its opinions published.

Dr Gallop: Do you know that Joseph Stalin also made a summary of Russian history that was not too good!

The SPEAKER: Order, members.

Mr KIERATH: This document was prepared by the department and verified by a Crown Law officer as an accurate summary of the opinion. I am happy to table this but I want to read something from it just to put it in the picture. On 29 April 1997 the Department of Productivity and Labour Relations offered an indemnity to all metropolitan, regional and commercial television stations. The indemnity was offered to the television stations to allay their concerns following lobbying by the member for Nollamara. The member had previously contacted the Federation of Australian Commercial Television Stations complaining that the advertisements breached the Trade Practices Act. Under the heading "Newspaper Reports" the response stated -

The headline of *The West Australian* of 29 August 1997 read:

*"State faced \$8m fines over TV ads".*

Therein lies part of the problem with this matter. The response continued -

On 10 September 1997 *The West Australian* reported:

*"the indemnities would have exposed WA taxpayers to fines of up to \$8 million a day".*

Under the heading of "Legal Status" the response states -

There is no way that the Government can indemnify against any fine resulting from a breach of statute law.

Therefore, the headline stating that the State faced up to \$8m in fines was incorrect. I took that matter up with the editor at the time. No indemnity could apply over fines incurred by somebody for a breach of the Act. In its summary, the response states further -

Consequently, the Government cannot indemnify television stations against breaches of the Broadcasting Services Act.

The indemnity offered was against civil (not criminal) legal action for any losses incurred by stations screening the advertisements.

As I said at the time, that was the key, because even if they were misleading, it was almost impossible for anybody to suffer any loss as a result of them. The advice continues -

There is no offence under the Broadcasting Service Act, or any Act, providing for penalties of \$2m a day for a television station wrongly publishing political advertisements.

Therefore the basis of those headlines is wrong. There is no offence incurring a \$2m fine anywhere in any Statute law.

Mr Marlborough: Are you still reading from that?

Mr KIERATH: Yes. The response continues -

Only sections 139 and 140 of the Broadcasting Services Act create specific licencing offences, but the highest penalty under those sections is \$220,000.

Not \$2m a day. I suppose somebody got the "2" right, but happened to miss out a few decimal points along the way.

That document summarises all the issues associated with the indemnity and states clearly that the indemnity offered was far less than the standard indemnity.

Mr Riebeling: Who was the author of that summary?

Mr KIERATH: I have given that information. If the member for Burrup was not listening, I do not intend to repeat myself when I have only 10 minutes left.

Mr Kobelke: You did not tell us the nature of it.

Mr KIERATH: I said it was done by the Department of Productivity and Labour Relations.

Dr Gallop: It was an interpretation of an interpretation.

Mr KIERATH: No. I said it was produced by the department, and it was checked and ticked off by Crown Law for its authenticity and accuracy. I cannot do any more than that.

Mr Riebeling: Yes, you can.

Mr KIERATH: No, I cannot, because Crown Law will not allow me to table legal advice. If it were up to me, I would have happily tabled it. I tabled a summary produced by Crown Law, which is more than members opposite ever did when they were in government. They never produced authorised summaries of crown law advice. We now have an ABA ruling that clearly puts a different complexion on running -

Mr Kobelke: It is not legal advice. It is headed "Response to press reports on government advertising"!

Mr KIERATH: The member is showing his stupidity again. I said it was a summary of the legal advice and the events that surrounded the issue of the indemnity. It has a number of headings, including background. It gives the background, because we know the member for Nollamara would find it difficult to understand if we did not put it on the same piece of paper. I went through all the legal issues on the non-standard indemnity. It is all there, and, as I said, it was verified by Crown Law.

Mr Marlborough interjected.

Mr KIERATH: I am losing my voice in having to yell out over some of the interjections. We now have an ABA ruling that has changed the face of political advertising, because the definition of political matter is now so narrow that virtually all forms of advertising will be classed as political matter. When members opposite were in government, they used to advertise on issues of policy. In this case, we advertised on issues of legislation that had been passed. We think that is fair enough. We think that Governments of all political persuasions have an obligation to inform and educate people on legislation that they pass. Would any member of the Opposition say that a Government should not inform and educate people on legislation that it passes?

Several members interjected.

Mr KIERATH: I rest my case.

Mr Riebeling: Did you write this? Tell us if you did. You wrote it, did you not?

Dr Gallop: It says at the top "The Minister for Labour Relations has prepared the following response". It is his own legal advice!

Mr Kobelke: Was this before or after you bombed out of your legal course?

Mr KIERATH: Members opposite can laugh all they like. The fact is that I have done what members opposite never did when in government. They never tabled in this House summaries of any legal advice that they received, but I have done that on a number of occasions, going right back to my first lot of industrial relations legislation.

To get back to the issue, the ABA has now said that if any matter that is being advertised by any Government becomes the subject of public debate and controversy, it becomes a political matter and should carry a tag. As I said, I do not believe that was the intention of the Act, but I accept that it is there. I have highlighted to my federal colleagues that it is there and that it now causes a great deal of difficulty. As I said earlier, I believe that was intended to apply to advertising in the lead up to an election. I think people on both sides of this House would agree that in that situation, such advertising should cease. When we went to the election last time, once we had issued the writs, a special group of people comprising senior public servants took control of all government advertising and determined whether -

Mr Marlborough: That was because they could not trust you!

Mr KIERATH: No. It has been a longstanding policy. They decided which advertising would be allowed. If they thought it was running a political campaign, they would not allow it, but if they thought it was advertising ordinary government services, they would allow it. This ruling from the ABA basically closes the lid on the public advertising of any issue that has any controversy.

Dr Gallop: Rubbish!

Mr KIERATH: It does, and it gets worse, because it actually acknowledged the point that I have made when it said that licensees may have difficulties in determining whether an advertisement is political matter. That is the key point. Licensees will not be able to make such a determination. The ABA has now realised that that is almost impossible for a broadcaster to determine, and the ABA has said that it will attempt to produce guidelines. I will welcome those guidelines, because once we have them we will know exactly what we are dealing with. We will know whether an advertisement fits within that definition.

Dr Gallop interjected.

The SPEAKER: Order!

Mr KIERATH: I look forward to the issue of those guidelines.

Mr Marlborough interjected.

The SPEAKER: Order! Members, quite bluntly, there is just far too much interjection. It is developing into a farce. It cannot continue, and I intend to formally call people to order in very quick time if I have to.

Mr KIERATH: While the ABA did make a ruling which I believe will change forever the nature of political advertising in this country, it said that no further action would be taken against the party concerned. That is contained in the documents that it produced.

Mr Riebeling interjected.

The SPEAKER: Order! I formally call the member for Burrup to order for the first time.

Mr KIERATH: Two issues were involved. The first issue is the indemnity, and I have outlined clearly to this House that the indemnity offered was far less than the standard indemnity; and I think I have backed that up with other documentation. I ask the Opposition to read that documentation and digest it. The second issue is the ABA ruling, which I predict will ultimately require legislative change because I do not think any legislative Chamber in this country wishes to prevent Governments from advertising legislation and major issues of public information, no matter what controversy may arise. The ABA, in giving the example of bus timetables, showed us just how absurd those definitions are.

We have more than adequately explained our position on this matter, and we oppose the motion.

[See papers Nos 1419 and 1420.]

**DR GALLOP** (Victoria Park - Leader of the Opposition) [8.49 pm]: I support the motion moved by the member for Nollamara. In listening to the response of the Premier and the Minister for Labour Relations on this matter, and on other matters in recent days, I am reminded of a certain aspect of Russian political history. Members will recall that during the Russian revolution, Lenin was the dominant figure in Russian politics. However, after he passed away, there was a battle for power within the Bolshevik party, and Stalin emerged as the dominant player within the Bolshevik party and eventually became the dominant influence in Soviet politics.

His great political enemy at the time was Leon Trotsky who had played a role in the Russian Revolution. When Stalin came to the dictatorship situation, he had to erase all memory of his political enemy Trotsky. We all recall that famous before and after political photograph taken during the Russian Revolution showing Lenin giving an address, with Trotsky beside him. When Stalin took over he had to erase Trotsky's image from the photograph. Stalin had to remove his political enemy from the historical record.

This Government has had to remove all the facts from the matter, because, if the facts are the subject of debate, without question the member for Nollamara has won in respect of the two significant issues he raised in his motion, first, related to the determination of the Australian Broadcasting Authority and, secondly, to the findings of the Auditor General. The first part dealt with whether the advertising was political. The member for Nollamara won on that issue because he raised it when the first advertisement appeared. It became clear to all concerned that we were dealing with political advertising; therefore, the Government had to put in place an indemnity. The fact that the Government issued the indemnity was a clear indication that it knew it had a problem with the advertising.

The question of whether that advertising was political is a difficult issue. However, under Australian legislation a body has been set up to determine such matters. It is called the Australian Broadcasting Authority. When the authority examined this matter it came to a simple conclusion: TVW 7, Swan Television, Radio Broadcasters STW 9 and Network Ten Perth breached clause 4(2) of part 2 of schedule 2 of the Broadcasting Services Act 1992 by broadcasting a political matter without attaching the required particulars to the advertising. Therefore, the member

for Nollamara made a claim that it was political advertising and that was contested by the Government, but it had a guilty feeling that it may be political so it issued an indemnity. However, when it was tested by the authority, which under Australian law has the job to consider such matters, it was found to be political. Game, set and match to the member for Nollamara. Without question, he has established that issue. It is an important question because in Western Australian politics today there is public debate about the amount of money being spent on what we believe to be political advertising.

The Premier and the Minister do not seem to understand that the determination by the Australian Broadcasting Authority backs up our view that much of the advertising by the Government goes beyond the acceptable levels of provision of information into the area of political propaganda. Therefore, we will tell the people of Western Australia that this money should not be spent by the Government; it is money that could most properly be utilised in other areas, particularly our struggling health system and community safety.

Another issue raised was the impact of that type of political propaganda, carried out and funded from taxpayers' money by the State and the implications that has for our democratic society. The member for Nollamara raised an important issue, and as it was finally determined by the Australian Broadcasting Authority the points he made were confirmed by the findings of the authority. The Government now has a problem: A reputable authority in this nation has agreed with the Opposition in Western Australia that we have here a case study in political advertising. The question is how the Government of Western Australia responds to that finding. Does it say that perhaps this is an issue; perhaps it needs to reflect on what it is doing; perhaps it needs to define these matters more clearly; perhaps it needs to ensure that when it spends taxpayers' money it does not go beyond the line between information and propaganda?

The Government's response is to mock the finding of the ABA. It snubbed its nose at the authority; it says that the finding was ludicrous, ridiculous and absurd. That was the attitude of the Government to the accountability issue of political advertising. The Government snubs its nose and says that it will continue to do this despite what the authority says. The Government can do that. We have no way to stop it, as the Premier and Minister implied. But, for sure, we will hold the Government accountable for doing that. We will take the debate about political advertising into the public arena and point out to the people of Western Australia that a proportion of the \$30m spent every year should be spent on nurses' wages, and on the waiting list reduction strategy in public hospitals.

If the Minister wants to go on snubbing his nose at the ABA, not recognising that this is a political issue, he should feel free to do so. In exchange we will take the issue into the public arena for debate; we will test his priorities and go to the people on the issue. The first issue raised by the member for Nollamara was political advertising. He won that argument. He has been backed up by the ABA, and rather than receiving a rational response from the Government, in its typical arrogant and out of touch way, it snubs its nose at the authority and works on uninhibited, spending taxpayers' money on causes which are not appropriate for a State Government.

The second issue raised by the member for Nollamara was the indemnity. He argued in this Parliament and in the public arena that this was not an ordinary indemnity; it was an extraordinary indemnity. It was an abnormal indemnity; a different indemnity. When the member for Nollamara brought the issue to Parliament the Premier, in answering the question I put to him, specifically denied that it was an extraordinary indemnity that would fall under the requirements of Treasurer's Instruction 821 and circular to Ministers 44/94. The Premier said that it was not that type of indemnity; it was a standard indemnity which was incidental to another function, such as the purchase of a good or service. For example, a contract where the purchaser indemnifies the supplier of software against any unauthorised use of the software, or a contract for advertising in which the advertiser indemnifies the publisher against legal action arising from the publication of an advertisement. He said that those indemnities were issued all the time.

Again, this is a matter of fact. Who is right? Is it the member for Nollamara or the Premier in his answer in this place? Just as the question of whether it was political advertising was a matter of fact, the question of whether this was an extraordinary indemnity is also a matter of fact. Game, set and match to the member for Nollamara.

One need go no further than the Auditor General's report on the question of the indemnity. The Auditor General said that the indemnity issued by the Department of Productivity and Labour Relations raises control and risk issues such as the issue of non-standard indemnities at the request of third parties; the authority to issue indemnities by departmental officers; and the procedures in place to approve such indemnities without requesting industry specialist advice. They were the control and risk issues that the Auditor General said were raised. He then went on to indicate -

all indemnities which are abnormal or extraordinary in nature should be approved in advance by the Accountable Officer and the Treasurer.

It is clear that it was the Auditor General's view that this was a non-standard indemnity that required special care in

its issue. Therefore, systems should have been in place for the public of Western Australia in the form of checks and balances to protect our public interest. That was precisely what the Premier and the Minister denied in this Parliament. The member for Nollamara was right again in respect of this issue.

Then we came to the absurd conclusion by the Minister for Labour Relations that this indemnity, because it was "less than a normal indemnity issued under normal advertising protocols", did not matter anyway. One can reach one of two conclusions: First, the Government intended to do something that it did not do - that is always possible when it comes to the sorts of things the Minister for Labour Relations does - or, second, the advice he received that it was less than the normal indemnity is faulty. However one looks at it, it is not pertinent to the argument he has raised about the indemnity question being either normal or abnormal. The issue is that it was abnormal and that has been established by the Auditor General in his report to this Parliament. Even in relation to this issue of the indemnity, rather than the Government's coming into this place and accepting that the Auditor General has made a report on the issue, reflecting upon that report and adjusting its practices accordingly, it denies that the Auditor General said what he said. The Government has ignored the report and come up with its own version of events. Once again this Government is trying to rewrite history in order to back up its own version of the argument

This is becoming an all too common practice. The most recent example of the Government's doing this is the Global Dance issue. On the basis of evidence presented to it, the Public Accounts and Expenditure Review Committee came to a conclusion about what happened and then made recommendations to the Government. The Government contested the facts and then did not agree with the recommendations. What form of accountability is that? In other words, the Government has again been held to account by a body appointed to inquire into what happens in the executive arm of government. When it reported, the Government snubbed its nose at the body and said it would go on regardless. That is what it has done in relation to Global Dance and the Auditor General's report on the indemnity.

This is not a small issue: Political advertising and the distinction between proper provision of information and political propaganda on behalf of the political party in government is an important question. It was regarded as important by the Royal Commission into Commercial Activities of Government and Other Matters. That body saw the potential for the State to control its citizens through the use of taxpayers' money and expressed a clear view that there should be a process within government to prevent that happening.

The Opposition and the people of Western Australia are saying that it is not only a question of democracy: It is a question of priorities in government expenditure. Money spent on political advertising could be spent on our struggling health system.

This is an important issue and the Government was put to the test. The first test was whether it was political advertising. The answer is yes. The evidence supporting that answer was contained in the report of the Australian Broadcasting Authority. The second test was whether it was an abnormal indemnity which therefore carried risks for the taxpayers of Western Australia that required proper checks and balances to be in place. The answer was yes. The evidence supporting that answer was contained in the report of the Auditor General of Western Australia. So, it is an important issue of accountability. However, the Government's response is to ignore the findings of those bodies that have been set up to enforce accountability and to work on as though nothing has happened.

I congratulate the member for Nollamara, just as I congratulate the member for Pilbara in relation to the Global Dance issue for they have beavered away on these issues. They have been careful to ascertain the facts. They have consulted the relevant authorities about the law. They have referred the facts to the proper authorities and the conclusions have been delivered. The test now is how the Government responds. The Government's response was to thumb its nose and move on as though nothing had happened.

If that is the way government in Western Australia is to be conducted today, the taxpayers' dollars are at risk. It also means that our democratic system will not function as it should in the relationship between the Executive and the Parliament and the relationship between the Government and the people.

I congratulate the member for Nollamara. I have a great deal of pleasure in supporting his motion, which I believe puts the proper arguments about the Premier's misleading this Parliament and about the accountability requirements that should be met in Western Australia today. They have not been met and that is a very sad reflection on the priorities of this Premier, on his standards and on the governance of Western Australia today.

**MS ANWYL** (Kalgoorlie) [9.08 pm]: I support the motion. It has been interesting to listen to the comments of both the Premier and the Minister for Labour Relations. Essentially the message from them has been: What is all the fuss about? No harm was done. The Minister for Labour Relations interjected earlier by saying that when members on this side find out what we have done they will not thank us. That is an interesting attitude.

We are debating accountability. It is interesting to note that the amount lost as a result of this exercise appears to have been in the range of \$200 000. We must remember that in the context of Western Australian families that are

doing it tough at the moment as a result of increasing taxes and charges in last year's Budget and this most recent Budget, \$200 000 could go a long way to dealing with poverty relief and sorting out some of the messes that the Minister for Labour Relations has created in this State. This Government's response that no harm was done is not good enough.

It is very important to look at the conclusion reached by the Australian Broadcasting Authority. The important issue in this debate, apart from accountability, is that a very clear political debate was under way about the pre-strike ballot legislation when this advertising was put forward by the Court Government. The purpose of the pre-strike ballot advertising was not to educate the public: It was to sell the Minister for Labour Relations' political message on the issue. That was clearly stated in point 6.1 of the ABA's conclusion. That is why it is a complete furphy to talk about how we will now be unable to advertise bus timetables or anything else. If the Minister for Labour Relations were able to understand the ABA's decision, he might recognise the difference between an issue where there is a significant level of political debate and an issue where there is not and where education can be an end in itself.

The other very curious comment we heard from the Premier and the Minister for Labour Relations was that the advertisement was political, but not party political. It is an odd concept to draw some distinction between those notions. The ABA finding was that the advertisement should have been tagged from the outset. What does the Minister understand to be the concept of tagging?

Mr Kierath: Have you read the definition of "political matter"? It does not say party political. Don't try to turn it around the other way.

Ms ANWYL: Is the Minister saying that tagging has nothing to do with party politics?

Mr Kierath: The finding of the ABA was that it may well have been political matter, but it does not say party political matter.

Ms ANWYL: What is the difference in this instance? The tagging required in this instance would have been to say that it was authorised for the purposes of the Liberal Party.

Mr Kierath: No. It could have been authorised by the Department of Productivity and Labour Relations, or by me as Minister.

Ms ANWYL: The Minister is simply wrong.

Mr Kierath: I was keen to authorise it - don't you know that?

Ms ANWYL: The Minister is keen to authorise all sorts of things which are clearly wrong, so that does not surprise me. He does not seem to understand the legal implications of the willingness to authorise everything which suits his political agenda.

The document tabled in Parliament tonight is fascinating. In response to my interjections about tabling crown law advice, the Minister said, "Wait for it - I'm about to do it!" What did he table? A document headed "Response to Press Reports on Government Television Advertising of Labor Relations Reforms". The document says that "The Minister for Labour Relations has prepared the following response to press reports". This document tabled is the Minister's interpretation of another interpretation. It can hardly have any status as legal advice at all. To suggest that somehow we can derive some comfort from this legal advice -

Dr Gallop: It is very post-modern.

Ms ANWYL: Maybe the law teaching the Minister undertook was post-modern. Yet again, the Minister failed to table crown law advice.

Mr Kierath: It contains the crown law advice, and additional material as well.

Ms ANWYL: Which part is the crown law advice? Finding No 6 says that there is no way the Government can indemnify against any fine resulting from a breach of Statute law.

Mr Kierath: That is part of the crown law advice.

Ms ANWYL: Why not table that part of the advice?

Mr Kierath: You only indemnify against civil losses, not against sections of an Act. You would know that from your legal studies.

Ms ANWYL: I am glad that that comment is on the record. This is where the Minister's understanding of the law is fatally flawed. The idea of an indemnity is to protect the other party from possible legal ramifications.

Mr Kierath: You cannot indemnify anyone against a fine.

Ms ANWYL: The point is that if there is a fine, the Government is responsible for its payment.

Mr Kierath: It is about civil losses. Suffering a loss is not a fine. You should know that.

Ms ANWYL: What does the Minister think a fine is?

Mr Kierath: You do not know that and you practice as a lawyer. Did you practice as a lawyer?

Ms ANWYL: I do not practice now, as the Minister well knows. That is not the issue here. All the Minister will table in Parliament is his ramshackle version of events. We do not know whether the crown law advice exists. Presumably, it was given to the Minister at some stage. He will not give us any whiff of what it contained. We get a potted summary from the Minister when he clearly does not understand the idea of an indemnity.

I refer the Minister back to the Auditor General's report in which he says that there is a great need for approval to be given by the Treasurer and by the accountable officer of all indemnities which are abnormal or extraordinary in nature. Will that be done in future? The Minister is not listening, and the Treasurer has left the House. That is how seriously they take this debate.

Mr Kierath: I tabled the other stuff which said that standard indemnities when lodging an advertisement are far wider than the indemnity in question.

Ms ANWYL: The Minister tabled his version of events.

Mr Kierath: Another lot of papers were tabled on standard indemnities from all media outlets.

Ms ANWYL: We are talking about non-standard indemnities - that is the point.

Mr Riebeling: The other indemnities are far wider than this one.

Ms ANWYL: I am talking about the Auditor General's report.

Mr Kierath: You do not want to hear the legal advice -

Dr Gallop: What is the Minister's definition of "far wider"? The number of subjects dealt with, or the depth of potential risk?

Mr Kierath: The indemnity is far wider than the narrow area of the indemnity we gave.

Dr Gallop: It is about the number of issues it dealt with, not the standard of risk.

Mr Kierath: It includes not only those issues, but a far wider indemnity.

Ms ANWYL: Why not table that portion of the advice?

Mr Kierath: You're a lawyer; you can read it for yourself.

Ms ANWYL: Where? It is not in front of me! I want to know what Crown Law advised the Minister regarding the extent of the Government's indemnity.

Mr Kierath: In the document you have a summary and the key points of the advice.

Ms ANWYL: For heaven's sake! I have a document which says that the Minister for Labour Relations has prepared the following response!

Mr Kierath: It is from the crown law advice, and checked by Crown Law as being an accurate representation and summary.

Ms ANWYL: The Minister will not disclose the content of the legal advice. If one sees a lawyer, one does not ask the man down the deli for his interpretation so one need not see the barrister's opinion. That is the sort of status the Minister has in relation to the law. The matter before the House is simple: If members understand that the public want transparency in government actions, and they accept that the Australian Broadcasting Authority is impartial and its ruling proper, as the Premier accepted in a round-about fashion, and if members accept - they need not be Einstein to do so - that a high level of political debate surrounded the pre-strike ballot provisions, they must vote in favour of the motion before the House.

It is important to note the moneys spent on these issues, as the public is keen to know further detail. The Transform WA advertising package is in the vicinity of \$400 000. Is that right, Treasurer?



Mr Court: I think the budget is around that figure.

Ms ANWYL: We have an estimate of overall government advertising spending in the vicinity of \$30m, and \$200 000 was spent on advertisements which did not make it to air. Having spent the last two days at a conference dealing largely with poverty relief issues, I heard an almost universal call for some last minute bailout assistance for families suffering from poverty. Western Australians doing it tough are aghast that such sums are spent on a process to sell a particular ideological line on industrial relations. I urge members to support the motion.

**MR KOBELKE** (Nollamara) [9.18 pm]: It is a sad day for this Parliament when a Premier and a senior Minister, in the face of determinations by independent authorities, are simply not willing to speak the truth.

*Point of Order*

Mr COWAN: I think most members know the rules in this place. Members are not allowed to impugn the integrity of individual members. That was done by the claim by the member on his feet. I ask him to withdraw from that pursuit.

Mrs ROBERTS: I put it to you, Mr Acting Speaker, that there is no point of order. This is a matter of robust debate, and the Deputy Premier is being unduly sensitive in attempting to protect both the Premier and the Minister

Mr KOBELKE: I draw attention to the substantive motion before the House. It states that the Premier misled the House on the nature and extent of the indemnity granted by his Government to Perth television stations. Clearly, the motion indicates that the Premier has not told the truth in this place. Therefore, it is appropriate that I make a statement to that effect.

The ACTING SPEAKER (Mr Sweetman): I will allow the member to continue, but the Deputy Premier made the point that the member needs to be careful and circumspect when referring to members of this Chamber.

*Debate Resumed*

Mr KOBELKE: Parliament is being held in contempt by the Premier and Minister for Labour Relations. I need not say much but repeat briefly statements made by the Premier and the Minister. The words from their own mouths condemn them for failing to tell the truth. I will also address important issues for which they must accept responsibility. I ask the Premier to give simple, direct answers to two questions: Did he accept the determination of the Australian Broadcasting Authority? He got up and said yes, but it is an absolutely absurd position. That is total gobbledegook. The Premier is telling people that if they judge a law to be absurd, they should break it. Where is his respect for the law of this country? He is telling people to break the law if they do not like it. That is what he is telling this House; he is holding this House in total contempt. I did not think I would see the day when a Premier of this State would have such contempt for this House and for the laws of this nation. He would not give a direct answer to whether he accepted or rejected a determination by a properly informed authority; and, if he rejected it, what action he intended to take. He used his doublespeak gobbledegook to say yes, but it is an absolutely absurd position of yes but no. What sort of weak leadership is that? Secondly, I asked the Premier to tell us whether he is saying he accepted the determination of the Auditor General. Well, Premier?

Mr Court: Does the member now want me to get up and speak again?

Mr KOBELKE: Yes or no?

Mr Court: No, the member asked me a series of questions and I got up and answered them.

Mr KOBELKE: No is the answer. The Premier said no. He does not accept the Auditor General's determination on this issue. It has taken a while, but finally he has said it. He does not accept the Auditor General, who is a fair umpire. We even had the Minister for Labour Relations crowing about a letter he sent to the Auditor General in which he tried to advise him on the matter, as he has the right to do, and the Auditor General came back saying, "Thank you for your advice." Some time later, the Auditor General brought down his determination totally rejecting the advice he received from the Minister; the decision is clearly there in his report to this Parliament. The Premier and the Minister do not want to face up to the truth. They want to twist and change the truth, and say things that are not true, because they do not want to accept responsibility for their actions. The Minister continues to say that the indemnity offered was less than that offered in the standard forms. The Minister does not know much about law; however, I thought he would have worked out that the number of squiggles on a bit of paper does not represent the extent of the actual legal contract or obligation. The fact that the formal standard warranties or indemnities fill a page or two and go into fine detail often means that the indemnity or warranty is limited. However, the letter from his department is short and open-ended: All legal action. The Minister seems to think the number of words on a page somehow gives evidence to the strength of the indemnity; that is the level of gobbledegook employed by this Minister. The Minister offers a summary of the legislation. He says he cannot give us the legal advice, but he will

give a summary approved by Crown Law. He read from a bit of paper headed "Response to press reports on government television advertising of labour relations reforms" as follows -

The Minister for Labour Relations has prepared the following response to press reports about the Government's television advertising of labour relations reform. The response takes into account and is consistent with the advice the Minister for Labour Relations and the Department of Productivity and Labour Relations have received from Crown Solicitor's Office.

In my view the Minister misled the House. In no way can one construe that as a summary of legal advice; it is absolute nonsense. The Minister also quoted from a page headed "Action", but he did not point out that this page from the Australian Broadcasting Authority was not part of its determination. I do not know what status it has. It was not signed off by any officer of the authority. As yet the ABA have not made a determination on what follow-up action will flow from its determination. I am still awaiting formal advice about what action the authority will take. One officer said to me that it was a possibility that the ABA may wish to refer the matter to the Commonwealth Director of Public Prosecutions. It may make a decision to do nothing, as is its right. The Minister again misled the House by quoting from an action page as if it were part of a decision. It was not and it is not signed off by any responsible officer of the broadcasting authority.

Finally, I believe that the use of \$200 000 or \$300 000 of taxpayers' money for political advertising for the purposes of the Liberty Party is corrupt action. If this Government will not address the matter and will not get the funds from the resources of the Liberal or National Party to repay consolidated revenue the taxpayers' money that has been wasted, that is a clear sign of corruption by this Government, and it will not go away. This Government has no option but to address this issue and repay the money, or it will go down as a corrupt Government.

Question put and a division taken with the following result -

Ayes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Graham  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough

Mr McGinty  
Mr McGowan  
Ms McHale  
Mr Riebeling

Mr Ripper  
Mrs Roberts  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (27)

Mr Ainsworth  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court

Mr Cowan  
Mr Day  
Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Johnson

Mr Kierath  
Mr MacLean  
Mr Marshall  
Mr Masters  
Mr Minson  
Mr Omodei  
Mrs Parker

Mr Pandal  
Mr Prince  
Mr Shave  
Mr Tubby  
Dr Turnbull  
Mr Wiese  
Mr Osborne (*Teller*)

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Pairs

Mr Thomas  
Mr Grill

Mr Barnett  
Mr Bloffwitch

Question thus negatived.

**SELECT COMMITTEE INTO CARAVAN PARKS**

*Motion*

**MR BROWN** (Bassendean) [9.30 pm]: I move -

- (1) That a select committee be appointed to investigate and report on -
  - (a) ways to preserve the Western Australian lifestyle that enables the average family to enjoy a low cost caravan or camping holiday;
  - (b) ways to preserve existing caravan parks;
  - (c) the treatment of permanent and other tenants where caravan parks are sold or earmarked for sale for other purposes;

- (d) land that may be exclusively used for caravan parks; and
  - (e) the mechanisms that should be available for caravan parks to be owned and/or operated by tenant co-operatives or entities.
- (2) That the committee have power to call for persons or papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.
  - (3) That the committee present its final report by 1 November 1998.

This motion seeks to establish a select committee to investigate and report on a range of issues concerning caravan parks and camping grounds in Western Australia. I move this motion because recently development proposals have caused caravan parks to be sold to developers, consequently putting an end to the opportunity for Western Australian families to enjoy low cost holidays at prime locations along the coast.

It is my belief and that of many people who enjoy caravan parks and camping grounds that low cost holidays for Western Australian families will become a thing of the past unless we take some steps now to ensure that areas of land for caravan parks are preserved. It is important to consider the way this State is developing and the inevitable pressures for potential closures of more caravan parks on prime locations. That will be caused, first, by the increasing population in Western Australia and the demand for more sites for development projects along the coast and second, by tourism growth intrastate, interstate and internationally.

The state planning strategy produced by the Western Australian Planning Commission indicates that the potential level of growth in Western Australia is anticipated to continue increasing at the rate of 1.3 per cent per annum over the next 30 years. In that period Perth is expected to grow to a population of 2 million and account for 71 per cent of the State's total population. It also predicts that rapid growth will occur in the south west corner of the State, a preferred holiday destination for many Western Australians. As a result of the increasing population and the increasing tourism trends, the level of tourism will likewise increase.

In the past few years caravan parks have been sold for other developments. People with on-site vans who regularly use them each year for low cost holidays are being denied this opportunity. Members will probably be aware that the Ledge Point Caravan Park has been sold to developers. In approving that development the Shire of Gingin indicated that it did not approve of the removal of the tourism zoning. However, the developers have in turn appealed to the Minister for Planning to remove the tourism zoning from the park so that it can be used for ordinary residential or other development purposes.

Mr Omodei: It would have been zoned under the shire's town planning scheme.

Mr BROWN: That is right. The Shire of Gingin said the site must be used for tourism, but the developers have appealed to the Minister for Planning to overturn that decision. Exactly what the Minister for Planning will decide on that matter remains to be seen. However, it is interesting to note that when it comes to a battle between developers and ordinary people who are simply caravan owners or temporary residents of a park, the developers frequently stand in far more powerful and influential positions than the caravan owners.

Concerns have also been raised by the Caravan Industry Association of Western Australia about the possibility of new sites being found for caravan parks where parks are closed in expanding areas. An article that appeared in *The West Australian* on 28 April 1998 reads -

A caravan industry spokesman has blamed the reluctance of local governments to grant approval to new caravan parks for a growing shortage of sites near prime tourist destinations.

Caravan Industry Australia WA president David Holland said the problem was most acute near Busselton, where four caravan parks had been sold and redeveloped into holiday resorts in the past five years. A fifth was earmarked for a similar fate.

Further on the article reads -

Mr Holland said local governments were often not allowing new caravan parks to be developed on cheaper, rural land near popular coastal destinations - despite having the power to grant zoning approval.

This was partly because of an outdated perception of caravan parks as attracting undesirable tenants and a failure to appreciate their flow-on benefits to rural economies.

"Councils are allowing all these major resort developments on the sites of old caravan parks, like the Green Acres in Dunsborough, but when people in the industry have applied for caravan development approval on suitable land they are being knocked back," he said.

"But the beaches at some of these places are for all West Australians, not just the few people lucky enough to live there.

"And the right for families to be able to holiday in some of these places ought not be left just to the local community to decide."

The caravan industry has raised concerns about the possibility of ordinary Western Australian families being denied access to lower cost holidays if this trend continues. It is of concern not only to the industry, but also to the many hundreds of people who have owned on-site vans for many years and who rent them out. People have grown-up, as they might like to put it, in caravan park communities, which tend to provide great opportunities for families and others to have low cost holidays.

A letter from one of the people at Ledge Point who will lose his site when that park is developed reads -

As I have been part of a Caravan Park "community" for the last 10 years at Ledge Point I have seen things at the park which you don't see in any other holiday situations. The families in Caravan Parks are closer, they play together, they stay together. A Caravan Park provides a friendly and safe environment for children to play. They interact with other children, while the parents interact amongst other parents. There is an abundance of activities in the simplest of Caravan Parks, as Caravan Parks are mostly within walking distance to the beach, families can swim, fish, play cricket and other beach activities all at low costs. The family unit is under enormous pressure in Australia of breaking down. The best way to strengthen the unit is to protect the factors that help heal Australian families.

I have received many items of correspondence, from people at Ledge Point and other concerned families, about what will happen to caravan parks and camping areas if development continues unabated, these parks are eventually sold off and little opportunity is provided for low cost holidays, particularly on the coast.

It is also a fact that camping has become more restricted recently. It is no longer permissible to camp in a number of shire locations. People need special approval and they must camp at sites specifically set aside, such as in caravan parks and recognised camping areas. With the loss of caravan parks and the refusal to establish new parks, there is every chance that unless decisions are made now, these facilities for families will disappear.

Why establish a select committee? It should be done for a number of reasons. Firstly, this is not a matter that falls within one portfolio responsibility. It falls across a range of portfolio responsibilities.

Mr Osborne: Do they have caravan parks in Norway?

Mr BROWN: I do not have a clue about what is in Norway. Certainly, this matter falls across a range of portfolio responsibilities. Obviously, the regulation of caravan parks falls under the portfolio of the Minister for Local Government, and local governments have a considerable say in the designation of sites, particularly new sites. It falls under the portfolio of Environment, if a new site is to be established and there are environmental considerations. There is a question of land allocation and, therefore, the Minister for Lands and the Department of Land Administration are involved. It also falls under various planning regulations. In order to deal with all these issues in a holistic way, a mechanism is required that enables consideration of planning, land availability, local government and environmental issues. It also requires consideration of the competing interests. Clearly, the owners of existing parks would not be keen on having more restrictive title imposed on their properties retrospectively. Those interests must be considered. The interests of caravan owners who have on-site vans or who travel around the State must also be considered. It is of particular importance to many seniors in the community, because they are constantly on the move and they use caravans and camping vehicles to travel around the State, particularly up and down the coast as the seasons change. Many vested interests are involved in this issue. In some ways those interests compete with each other, but they have some common interests.

I would like the select committee to look holistically at this issue, to identify what needs to be done now, and to make recommendations for the Government to consider ensuring access to caravan parks and camping areas well into the future. This matter cannot be dealt with on a piecemeal basis. The Government cannot deal just with the situation at Ledge Point today because in six months' time it will affect another community, and six months later it will affect yet another community. If the population predictions for Western Australia are realised or if the intrastate and interstate tourism numbers reach expectation, there will be greater pressure on the provision of caravan parks and camping areas, as the land becomes more valuable and the opportunities to sell the land for higher priced accommodation become very attractive indeed.

This is a quality of life issue. I raise it because many families on middle and lower incomes are significantly affected by the provisions for caravan parks. I do not want Western Australia to reach the stage at which ordinary families on middle and lower incomes cannot enjoy low cost holidays in prime locations in this State. That would be a

backward step. A select committee would provide an opportunity for members to consider in a bipartisan way the measures that should be taken now to ensure Western Australia does not become a State in which only the well-heeled people can enjoy a holiday at some of the prime locations.

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [9.47 pm]: The member for Bassendean, in moving for a select committee to be established to inquire into caravan parks and their tenure, has rightly identified that the subject covers a number of portfolios, including local government which is responsible for the licensing and regulation of caravan parks. Of course, a number of local governments own caravan parks.

The issue also involves the Department of Land Administration, as many parks are on reserves and the release of land would be the responsibility of the Minister for Lands. The Planning portfolio is involved by virtue of the district and regional planning schemes, and the Minister for the Environment is involved from an environmental aspect and because of the responsibility of the Department of Conservation and Land Management to control camping grounds and some land on which parks are located. In addition, the Minister for Fair Trading is involved through the Residential Tenancies Act, which sets out the rights of owners and tenants under residential tenancy agreements. In the case of the sale of a caravan park the Act sets out the rights of tenure and the required treatment of tenants.

In 1995 the Government introduced the first Caravan Parks and Camping Grounds Act, which came into operation in July 1997. It amended the Residential Tenancies Act of 1987 and clarified the residential tenancy laws that apply to tenancies in caravan parks and camping grounds, excluding those used for holiday purposes. It was important legislation that was supported by the caravan industry of Western Australia.

As the member for Bassendean said, living in a caravan or on a caravan site is a quality of life issue, and many people have retired to those facilities. Although I have some sympathy for the argument put forward, the Government is not prepared to support the motion for the establishment of a select committee. It has not been demonstrated that a critical situation has yet been reached, although the Gingin caravan park and Greenacres caravan park at Dunsborough are being converted to other types of holiday tenure. That is in the hands of the local governments in their preparation of the district schemes and, of course, the land must be appropriately zoned. First, the land must be freehold in order to be converted to other types of tenure.

Local government authorities already own a number of caravan parks through freehold title or because they are on some kind of government reserve. Of course, it is far more complicated to release reserve lands for some type of development. Some form of approval via the local government authority and the State Planning Commission would be required. Under the regional planning scheme the planning commission as well as the other controlling government bodies must be involved.

Local government authorities must identify the areas they want to keep as caravan parks. They have the capacity to place covenants on titles to keep caravan parks under certain tenure. This whole issue has been going on for a number of years. In 1986 the previous Labor Government looked at the matter and decided that no more leasehold caravan parks on Crown land or reserve land should be converted to freehold, particularly those facilities on prime coastal and tourist locations around the State. That decision was made to preserve and maintain the current level of tourism accommodation. Things have changed slightly. In some cases ad hoc approval was given to strata title caravan parks, but that practice has been discontinued. Of course, the Caravan Parks and Camping Grounds Act controls the types of caravans, annexes and transportable homes people can have in caravan parks. It also gives far more flexibility for people to live in caravan parks for longer periods.

The member for Bassendean is saying that some people are being disadvantaged where caravan parks are rezoned for residential or holiday accommodation, thus losing the caravan park status of that area of land. Again, local government authorities must identify those places. If they want to keep them as caravan parks, they have control to do so under the town planning scheme. It is within their power to set the tenure of that land and to control the zoning through that process. At the same time not all the parks will be sold off for another tenure. The Department of Conservation and Land Management, as a government instrumentality, controls camping grounds and activities outside caravan parks. As the member quite rightly says, councils that are experiencing the loss of caravan parks to developers or other types of holiday accommodation should be talking to the Department of Land Administration about the possibility of identifying and releasing similar land, even if it is government land, for the purpose of caravan parks. Once land is appropriately zoned, it will be very difficult for the Government to restrict the owner of that land from developing it.

As I have said, basically the issue rests with the local government authority which sets its town planning scheme and decides what it intends to do with the land. If the land is zoned for redevelopment, it will be very difficult to change that zoning. The alternative is very simple: The council can amend the town planning scheme so that it will not allow that to happen, if that is what it wants to do. Once the land has been rezoned there are various appeal rights. If it is zoned for residential use or holiday accommodation, the owner has the right to develop that land.

I am not of the view that the number of caravan parks going out to the private sector and other tenure represents a crisis. Obviously I am aware of the two I have already mentioned. In those cases, the Gingin and Busselton shires must make up their minds about what they want to do to ensure adequate land is available to create further caravan parks if they are being lost to other kinds of tenure.

I shall give some background on this issue. In 1993 Cabinet approved a policy which encouraged the private sector ownership of caravan parks developed on Crown land, by extending the security of tenure, including freehold land, subject to certain conditions. The policy provides for safeguards on titles to ensure that strategically located sites continue to be available to the wider community. I understand the reason for that, and the freeholding of some caravan parks enabled the owners to have the collateral or the tenure of the properties to improve the parks. In the past many caravan parks have not been highly capitalised because of the tenure of the land.

The Land Administration Act which was proclaimed in March 1998 provides for the creation of a memorial on the title to protect the future use of the land and is seen as the most appropriate mechanism to guarantee the ongoing use of Crown land for caravan purposes. The provisions of the Transfer of Land Amendment Act make it possible to register a restrictive covenant in favour of the local government authority, provided the landowner consents. I think that is the tricky bit. If the landowner has land that may be rezoned for another purpose, he or she is not likely to agree to a covenant.

As I have mentioned, the control and use of privately owned caravan parks continues to be by way of town planning schemes and other legislation administered by the local government authorities. Local government authorities must look closely at this matter. If caravan parks are being turned over to other kinds of holiday accommodation and developments, local government authorities must look to the various government departments - whether it be the Department of Conservation and Land Management or the Department of Land Administration - to seek appropriate sites for caravan parks and to have them identified and set aside with, if they want to protect them in the long term, the appropriate restrictive covenants for that purpose.

**MR MASTERS** (Vasse) [9.57 pm]: It is a fair bet that not many members in this place have camped out for as many days and weeks in any year as I have. I have spent many days and nights camping throughout Western Australia, including staying in caravan parks. As I am the member for Vasse, where a large number of caravan parks and camping grounds are located, this issue is close to my heart and I commend the member for Bassendean for having raised it in this place.

At first glance it seems to be something of a problem. As the member has said, in Busselton in recent years three or four caravan parks have been converted from low priced, caravan or camping accommodation to something that is significantly more expensive and, by definition, more exclusive. That may be not only chalet developments which are not too expensive, but also resorts of one form or another including \$1m-plus developments where the accommodation costs per night are well into three figures.

Having said that, it is somewhat simplistic, and in reality wrong, to say that all caravan parks will go this way. It is important to understand what is happening in the urban areas in Busselton and Dunsborough. It is not as though these caravan parks are converting to more expensive uses just because the owners think it is a good idea at the time. Rates are basically driving some of this high value freehold land to development so that they give greater returns to the owners. Some 20 years ago - even 10 years ago - some of the freehold caravan park owners may well have been quite content to make fairly modest incomes in exchange for being the owner/manager of a caravan park next to Geographe Bay, for example. As the member for Bassendean said, the lifestyle is rather idyllic, whether it be at Geographe Bay, on the water's edge at Lancelin or wherever. The reality is that the south west corner of Western Australia in particular and to a lesser degree the areas between Perth and Geraldton are experiencing increased pressure. I keep reminding members and Ministers in this place that Vasse is the fastest growing rural electorate in Western Australia and also the most populous. In yesterday's news reports the town of Busselton was acknowledged as the fastest growing municipality in Australia.

Mr McGowan: In rural Australia?

Mr MASTERS: No, the growth rate applies to the whole of Australia. Until recently we were second only to Hervey Bay in Queensland. The high growth rates are forcing up land prices. As land values go up, so do shire rates. Prime waterfront caravan parks along the edge of Geographe Bay a few years ago might have had shire rates assessed at a few thousand dollars. Today I guess the annual rates payable amount to several tens of thousands of dollars. The pressure will not go away, short of a major recession, which I imagine no-one wants. Therefore, we must come to grips with the fact that land prices will continue to rise. Because we live in a free society where the owners of land are able to choose - as the Minister has just said - to do a number of things within land use planning constraints, we must expect that the owners of those caravan parks will be able to choose whether to retain their current use of the land or to develop it further.

Before members think that the pressure to convert to more high value, tourist developments will take all of the caravan parks in the Vasse area down that route, I advise that that is virtually impossible for a number of reasons. Some caravan parks are privately owned and their owners have chosen for whatever reason to retain the use of the land as a caravan park. I refer members to the Mandalay Caravan Park, which only two years ago was judged the premier caravanning and camping park in Western Australia. Clive and Margaret Johnson, the proprietors and operators, have chosen to retain their lifestyle at that caravan park. I commend them for that. I urge people to go down there and spend their hard earned dollars in my electorate having an enjoyable holiday.

As well as private freehold caravan parks, a number of caravan parks, for example, in the Busselton townsite, the Margaret River townsite and Augusta townsite, are owned by the respective shires of Busselton and Augusta-Margaret River. I seriously doubt whether those caravan parks will ever be turned over to the sorts of high value, exclusive resorts or developments which the member for Bassendean is concerned will drive people from their low cost caravan or camping holidays. I commend the Shire of Busselton for the three sections of the Kookaburra Caravan Park which it has maintained and which is only some 200 metres from the edge of Geographe Bay. I commend the Shire of Augusta-Margaret River for its continued maintenance and operation of both the Turner and the Flinders Bay caravan parks. For the foreseeable future those caravan parks will stay as they are, as low cost caravanning and camping holiday opportunities.

It is also important to remember that the Crown through its various agencies controls a number of caravan parks, which I can never see being converted to freehold. In particular, in my electorate and areas to the south, the Department of Conservation and Land Management is a major land manager. It owns caravan parks which it leases to private contractors. Some are situated at Hamelin Bay near Augusta and at Yallingup. I do not think that one could find a more exclusive area than Yallingup. The average privately owned block is valued at probably at \$300 000 or \$400 000, yet the Yallingup Caravan Park is a low cost accommodation facility. That is under CALM's control. I do not believe that situation will change. CALM is also developing the Warncliff Mill site at Margaret River. It is somewhat controversial because it is seen as being in competition with private caravan parks in the town site. Nonetheless, the principle has merit, if it is developed a little more carefully. Something about which not even the private sector is complaining is in the Leeuwin Naturaliste National Park, roughly halfway between Margaret River and Augusta, where CALM has developed the Conto's Beach Caravan Park facility and camping ground.

There are many opportunities for wild camping in the south west of the State, partly on shire land but to a very significant degree on land controlled by CALM - for example, state forest.

It is also important to remember that there are very many new caravan park proposals. Dunsborough Lakes Holiday and Caravan Park is up and running. I commend Herbie Schaal for the quality of the development there. There is a controversial proposal to replace Greenacres Beachfront Caravan Park in Dunsborough. The Fleetwood organisation is trying to get shire approval for a caravan park in the Quindalup area near Dunsborough. I know of two other proposals in the Busselton and Capel Shires.

The ball is in the court of local government to make sure that if the right proposal comes forward on the right piece of land, local government runs with the opportunity and assists private enterprise to create those low cost caravan and camping holidays about which the member for Bassendean is concerned. Another issue that local government needs to consider is the possibility of offering rate relief to freehold caravan parks in high value areas, for example, along the shoreline of Geographe Bay, as a way of keeping down owners' costs so that they are not forced to go into more expensive developments. I have confidence that local government can cope with the demands placed on it by the pressures of higher quality and higher value tourism. I hope that the Department of Land Administration does not freehold any more crown reserves than are currently being used for caravan parks. Instead, I hope areas are retained as crown reserves so that the caravan park use also will be retained.

Overall low cost caravanning and camping holidays are not at any serious risk in Western Australia. Certainly, there will be some changes to the caravan parks and camping grounds that exist in the State, especially in the south west, but the low cost lifestyle which is so correctly and strongly supported by the member for Bassendean is not under threat and, therefore, I must reluctantly oppose the creation of the select committee.

**MR BROWN** (Bassendean) [10.09 pm]: I am naturally disappointed that the Government has seen fit to reject this proposal, which was put up in good faith and in the best interests of families in Western Australia. I do not want to prolong the debate, but I wish to raise a couple of matters that have been alluded to in the course of the debate. First, the question was raised about the capacity of local government to deal with this matter. We all know that local government is subject to local pressures; that is, pressure from its residents and its rate base. Therefore, influences on a local government can lead it to either close caravan parks for local considerations or refuse to allow new caravan parks. While it is fair to say that the local authority has a responsibility to its local residents, it is a state government responsibility to look at these facilities on a statewide basis. Hence, while I believe that local government endeavours to "do the right thing" in most instances, all local government, whether it is local government on the coast or in the

interior, is subject to local pressures, as are its councillors. Therefore, situations may develop whereby caravan parks are lost. That may not be in the public interest, but the parks will be lost as a result of local pressure. I hoped that the creation of this select committee would result in recommendations which would ensure that caravan areas, not necessarily existing parks, would be set aside in perpetuity.

The second matter I raised in my original address related to the complexity of the matter. I do not, and nor would I, advocate that one should retrospectively place some restrictive zoning on private caravan park owners or owners of land. Such a proposal would be unreasonable in the extreme. Therefore, I acknowledge that people who own parks are entitled to use their parks in ways that are permitted under the legislation. They are permitted to seek a rezoning of those parks. As our population expands we will see the pressures that have been referred to come upon private owners. The inducement to seek to change the zoning of that land to enable it to become residential or for high cost tourist use will eventually potentially be too great to refuse. Government, in the public interest, has a role to play to ensure that these or similar sites remain available for general community use. In saying that, I am not saying that retrospectively we should change the zoning of such sites. However, if it is likely that such sites will be lost because they are privately owned, it would be appropriate for the Government to search for alternative sites. Investigations should be made by the appropriate authorities, including the departments of planning and the environment, to establish those sites that were viable and to potentially set aside in perpetuity those sites for caravan use whether they be publicly or privately owned. That would then guarantee an opportunity for ordinary Western Australian citizens to have a holiday by the coast and to enjoy that low cost relief.

Another matter that has been raised is the very genuine issue that some private owners may well be forced to look at redeveloping or selling their sites because of the increase in local council rates. There is no doubt that that has had an influence on a number of decisions as owners are faced with higher and higher rate increases as a consequence of the land being revalued. That matter could have been considered by the select committee and some far reaching recommendations could have been brought down.

A committee of this nature would have given us the opportunity to do some planning - to look to the future and cast our net forward over the next 5, 10, 15 or 20 years. Proposals could have been put forward today to ensure that those who are in positions of power tomorrow and in the next 10 and 20 years in this Parliament do not rue the day that we lost this opportunity. This opportunity will come to us only once. Once the land has been zoned for other purposes and developed, it will be lost. The opportunity will be lost to families of Western Australia to have low cost holidays. Indeed, as one of the people who wrote to me pointed out, if families have to continue to travel further and further away from the city or regional centres, those holidays and opportunities will be lost to many ordinary families in Western Australia. That will impact very significantly on the lifestyle that many of us have enjoyed in this State.

I am disappointed, to say the least, that the Government has not agreed to this select committee. It would not have been an expensive committee: Very limited travel would have been necessary and it would have enabled all the departments and agencies and the various interested parties to participate fully and meaningfully. This committee could have made a significant contribution to future lifestyles in Western Australia.

Question put and a division taken with the following result -

Ayes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Graham  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough

Mr McGinty  
Mr McGowan  
Ms McHale  
Mr Riebeling

Mr Ripper  
Mrs Roberts  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (26)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Bradshaw  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Marshall

Mr Masters  
Mr Minson  
Mr Omodei  
Mrs Parker  
Mr Pental  
Mr Prince

Mr Shave  
Mr Sweetman  
Mr Tubby  
Dr Turnbull  
Mr Wiese  
Mr Osborne (*Teller*)

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Pairs

Mr Thomas  
Mr Grill

Mr Barnett  
Mr Bloffwitch

Question thus negatived.



**APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)****APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)***Second Reading - Cognate Debate*

Resumed from an earlier stage of the sitting.

**MR CUNNINGHAM** (Girrawheen) [10.20 pm]: My contribution to the budget debate will highlight both the negative and positives sides of the allocated \$226m to some of Perth's neglected suburbs through the urban renewal program. The New Living program is an extension of the Homeswest development program in suburbs such as Kwinana and Lockridge, and now extending to Balga, Girrawheen, Koondoola, Westminster, Coolbellup, Karawara, and - I am pleased to tell the member for Thornlie that I took this out of the Premier's notes - Langford and Armadale. I do know Langford is in that allocation.

Dr Hames: Why don't you check with the shadow Minister for Housing before you make any comments?

Mr CUNNINGHAM: The shadow Minister for Housing and I are in constant contact on this issue. It is an extremely welcome project. One needs to be very careful when explaining the downside - and there is a downside - to this unique urban renewal program in that we do not deliver a negative message to the good and caring people of the suburb of Balga. The residents of Balga have made a magnificent contribution over many years to junior sport, seniors, schools, the churches, the arts and to the wider community against incredible pressures and adversities.

Balga's housing problems are the product of ill-conceived planning by Liberal Governments in the 1960s; no-one denies that. Even members on the government side would agree with that. That ill-conceived planning has resulted in a minority of the area living in ghetto-like conditions in 1998. This is a damning indictment of the Homeswest mentality of the early 1960s.

The importance of urban renewal for Balga has struck a very raw nerve. The good residents of Balga have risen en masse to oppose the ghetto mentality born and bred in the 1960s. Two recent meetings in Balga were attended by over 300 concerned people. At each of those meetings there was total opposition to the Homeswest new living project and the refurbishment of blocks of flats that have been described as ghettos. These are five blocks of three storey flats housing 292 residents.

The residents firmly believe - and I and the member for Nollamara totally agree - that the demolition of these five blocks of flats described as ghettos by the residents of Balga must be a part of the Homeswest initiative in their development of a new north. This demolition must be done. There can be no compromise whatsoever.

Balga has a most wonderful community spirit with caring, decent and honest people who believe they are entitled to purchase Homeswest properties at a reasonable price. They believe that following major refurbishment of their homes and major improvements to community amenities and upgrading by urban beautification, that they can live in peace. This is the crux of the matter - to live in peace. The people of Balga rightfully want their suburb to have equal standing with neighbouring suburbs, such as Girraween and Koondoola, which do not have any of these three storey blocks of flats. The people of Balga are convinced, and I believe rightly so, that the crime rate and negative image will only disappear with the demolition of the ghetto style three storey flats in those five complexes.

The local police and the Minister for Police have been extremely supportive and have given the Balga redevelopment action committee great encouragement and support. The committee is grateful and has asked me to express to this House its appreciation for the way that Inspector Hales of the Mirrabooka Police Station and Sergeant Hyde of the Nollamara Police Station have conducted community policing in their areas.

In 1997 there were 13 798 police calls in the Mirrabooka district - that is a lot of calls - as follows: Westminster had 169; Nollamara 1 913; Balcatta 2 661; Mirrabooka 2 839 and Balga 6 216. From January 1 this year to March 21 there have been 2 337 police call-outs in Balga itself. That is an amazing amount. These figures were given to me by a member of the action committee who got them directly from the police. I believe the figures to be correct.

Dr Hames: What do you put the reason for these call-outs down to?

Mr CUNNINGHAM: The Minister will see what I am putting the reason for these call outs down to. I will come to that. The Balga community action group has been one of the most wonderful ginger groups - that is the word used - in the redevelopment of the new north. They have called on the Premier and the Minister for Housing. The Minister for Housing will see a delegation over the next few weeks from this committee. I know that he will be only too happy to meet this committee. The member for Nollamara and I will organise that with him at a later stage. They called on, naturally, two members of Parliament - the member for Nollamara and me. They gave us the one, two, three. They told us where we should stand up and be counted and what we should be doing, and I do not blame them.

Dr Hames: They told you where you had better stand!

Mr CUNNINGHAM: That too, but I am buying it totally, because those five offending blocks of flats are a blight on Balga, and we need to do something about them. If we are decent members of Parliament, we cannot look the other way and ignore the plight of those people, and I do not intend to do that.

The residents have formed seven working action groups. Mrs Kaye Cooke, the Balga action group spokesperson, informed the recent meeting that the people of Balga will demand the highest standard in this upgrade. They will never accept a solution that will not solve Balga's long term social problems. Mrs Kaye Cooke said that Balga will not remain the suburb about which people can make negative comments in the twenty-first century, and rightly so. Both Kaye Cooke and her co-convenor, Colin Cross, have instilled self esteem into the people of Balga, and they should be congratulated and applauded by the wider community.

Those same people have also told me of the problems at a 48 unit block of flats in Hunt Place, which borders on Rochester Circle and Wanneroo Road. That block of flats should have been bulldozed six or seven years ago, most likely even when we were in government, because it is a disgraceful and unsightly indictment of the community of Balga. I do not believe any refurbishment will ever change the image of that disgraceful ghetto, because that is all it is. It is a ghetto that has given me and my staff no end of trouble. Every problem that one can imagine has been experienced at this block of flats over many years. That ghetto is Western Australia's answer to the projects in New York City. It is an absolute disgrace.

It is my duty as a member of this House to express the concerns of my constituents, particularly the wishes of a small number of residents of Balga who have a problem with these three-storey blocks of flats. It may be only a small number of people, but they are enough to make sure that people like me and the member for Nollamara make every endeavour to ensure that these flats are demolished. The member for Nollamara and I will be extremely happy to support the fight for the demolition of these blocks of ghettos. I believe that the people of Koondoola and Girrawheen are extremely excited and positive about the redevelopment that is about to take place, so why spoil that whole concept for the sake of five blocks of flats? I agree with my friend the member for Peel that the redevelopment is a great concept. I do not disagree with what the Government is doing in that area.

Dr Hames: We have agreed to look at it again, but if you had looked at the picture in *The West Australian* of the shadow Minister for Housing standing in front of an identical block of flats, you would have seen the swimming pool, the shade cloth and the barbeque, and the privately owned flats, which are a credit to that community.

Mr CUNNINGHAM: There is an easy answer to that. That was great for Kwinana, but Kwinana has never had the same problems.

Dr Hames: Come on!

Mr CUNNINGHAM: It has never had the same problems as Balga.

Dr Hames: Yes it has.

Mr CUNNINGHAM: The member for Peel and I realise that we are fortunate that the McCusker-Satterley group will redevelop our communities. It is because of the initiative and expertise of that group that Kwinana's urban renewal has been a sensational success. There is no doubt about that. I was fortunate to spend some time in Kwinana to inspect the redevelopment, and I left the suburb extremely impressed by the dedication and enterprise of the developer. I am not having a beef about the concept. I believe it is excellent. However, we cannot allow these ghettos to stay in Balga. They must be demolished completely - not one or two, but all five blocks.

Tonight I have given the Minister for Police a bouquet. I know there must be something to even the score; I believe it is called a brickbat. The brickbat must come. I have brought to the attention of the Minister the serious problem that the good people of Girrawheen and I are experiencing at Summerfield Shopping Centre. Every shopkeeper at Summerfield Shopping Centre has been in my office on a daily basis over the past two weeks to complain about what is happening at that shopping centre. Shopkeepers, seniors and many concerned members of the community have been continually browbeaten, bullied, goaded and intimidated by an extremely small number of youths in the area. These youths are strangers to me. They come every few months, stay for a few weeks, and then go back to wherever they come from, which is somewhere in the country.

I wrote to the Minister about this matter on 1 April and expressed my great concern about that situation. At this stage I have not heard from the Minister for Police. The Minister must act swiftly on this issue, because it is an explosive situation. Everyone in that shopping centre knows that the shopping centre management - Chesterton International - approached me in late March and graciously offered me a vacant shop in which the police could set up a shopfront. I urge the Minister to consider this generous offer from the centre management, which will have an immediate impact on this extremely serious problem that I believe - some people may say this is an exaggeration - may become life

threatening. The shopping centre management has approached me, and I have approached the Minister, but I have heard nothing from the Minister's office about that shopfront in Summerfield Shopping Centre.

At a time when the public education school system is under constant funding threats, I am proud to enthusiastically support the innovative education programs in which the schools in my electorate are involved. Despite funding cuts, these schools constantly strive to give their students every positive educational opportunity. In a diverse multicultural community such as Girrawheen the schools have had to meet many demands. Girrawheen Senior High School has continually implemented programs such as its enterprise day, which encourages and nurtures students to take their ideas and interests beyond a dream into a viable, profitable business - a business that contributes to our community, and gives young people the means to make their dreams a reality. Many young people have succeeded because of enterprise day.

Balga Senior High School's acting principal Lois Di Giulo; Warwick Senior High School's principal Brian Walters, and Girrawheen Senior High School's principal Lesley Street are living examples of hardworking, diligent educators. They are living proof of the high standard that can be set in our state school system. Warwick Senior High School has introduced a highly successful active learning program which specialises in individualised learning. It is the same story with Balga Senior High School, which has continually strived to provide its students with specialised innovative learning programs.

Although I will always defend the state schools in my electorate, I must praise the fine work which private schools such as Mercy College, under the leadership of principal Barry Harvey, and the innovative program of Emmanuel Christian College, under the leadership of Pedro Cruz. These schools have continually provided quality education, despite receiving only crumbs from state funding.

My esteemed colleague, the member for Thornlie, expressed strongly her grave concerns for the lack of funding in this Budget for school chaplains. As the member for Thornlie rightly pointed out, school chaplains deal with the spiritual and physical wellbeing of students. Chaplains deal with drug abuse, grief, sickness, death, divorce and many other social and health issues. Many young people face a variety of serious problems that my generation and, dare I say, Madam Acting Speaker (Mrs Holmes), your generation did not face. I admit that I am about 30 years older than you, Madam Acting Speaker, so naturally I can get away with that remark. Perhaps I should make that 20 years older! Young people must be given every opportunity to ask for advice, to seek help to deal with any concerns or problems, and most importantly to have someone to talk to. Chaplains are necessary in all schools.

I am appalled by the token funding increase from \$90 000 to \$150 000 for the provision of school chaplains. There are 65 state high schools in the metropolitan area, and \$150 000 spread over 65 state metropolitan schools equates to \$2 307 for each metropolitan high school each year; that is, \$44 a week for a school chaplain.

Dr Hames: What funding was provided during your years in government?

Mr CUNNINGHAM: I will get that figure for the Minister!

Adding the metropolitan state high schools' funding to the funding for country state high schools, the total is \$156 000. The figure becomes even worse, because \$970 is provided for each country high school, which represents a pitiful \$18 a week for each school for a chaplain. It is time this State Government delivered on its promise to pay a social dividend. One way to fulfil that promise is to provide essential funds for school chaplains and school educational programs such as those I have mentioned. The State Government has a duty, a moral responsibility, to provide our young people and their educators with the resources they need so that we can reap the social dividend of giving our youth every opportunity to be caring, compassionate, contributing members of our community. Until we do that we will continue to have a massive problem in this so-called state of excitement.

**MR McGINTY** (Fremantle) [10.48 pm]: I address my comments in this budget debate to the Health portfolio. It is the biggest single item in the Budget, and therefore warrants some detailed scrutiny. The total Health budget for the coming financial year 1998-99 has increased by \$90m to \$1.6b. That figure includes the provision of just over \$95m for capital works during the year. The Government states that this a 5.8 per cent nominal increase in health funding and a 3 per cent real increase.

Of particular relevance to the state hospitals is the allocation of \$1.323b for recurrent hospital expenditure. This is an increase of some \$62m on the figure for the current financial year 1997-98 and represents a 4.9 per cent nominal increase. One of the great difficulties that the Health budget presents is the extent to which the hospitals have run themselves into debt this year. The Government has indicated that it will not provide any supplementary funding. Therefore, the increases provided in the Budget, particularly in hospital funding, will do no more than enable the hospitals to repay the debts they have run up during the previous financial year.

On 7 April, Health Minister Kevin Prince said that metropolitan hospitals had blown their budgets by \$60m and the

Health Department expected an end of financial year deficit for hospitals in the metropolitan area of \$55m. We have not seen any adjustment to that figure since the debate in which the Minister made those concessions and that should cause considerable concern. If the recurrent hospital expenditure has increased by \$62m and we are expected to be \$55m in deficit by the end of the year, that represents an increase of only \$7m to provide for increased activity, inflation, the ageing population and so on.

It should also be noted that the projected \$55m deficit for the metropolitan hospitals came after a \$30m bail out in November last year. One of the features of Health budgets in recent years has been the annual bail out. Insufficient funding is provided in the Budget and a bail out has been necessary in the ensuing year.

Partly because of the deficit that has been run up by the hospitals during the current financial year and partly because of the totally inadequate provision made in the Budget, I confidently predict that once again we will need a supplementary budget provision to bail out the hospitals. All the words from the Minister for Health saying that no more money is available will come to nothing when the hospitals are faced with the stark reality of what lies before them.

One of the particular pressures in our hospital system at the moment is, of course, the problem facing our nurses. Tomorrow's edition of *The West Australian* makes the case for the nurses and against the Government as clear as anyone could make it. Under the heading "Nurses deserve more recognition", the editorial states -

It has taken South Australia to show WA the way with its pay dispute with nurses.

It then goes on to observe -

In WA, the Court Government's response to the nurses' industrial action is to threaten to take them to the Australian Industrial Relations Commission. It has refused to budge from its 6 per cent increase over two years. Health Minister Kevin Prince says he has asked Premier Richard Court whether there is more money available. He has been told there is not and has accepted that position meekly. That is a cop-out.

Of course it is a cop-out. What we have is an ineffectual Minister, who I predict will be coming under increasing pressure from within the hospitals arena and in the media because he has failed the basic duty of any Minister; that is, to go in to bat in Cabinet and the party room on behalf of the constituency he represents or the portfolio he holds. It is fine for the Health Minister to use grandiloquent phrases and to mouth words, but the harsh reality in any honest assessment of his performance is that he has failed to bring home the bacon for the Health portfolio. Increasingly the media will be extremely critical of the Minister for as long as he holds that portfolio. I predict that the solution to the hospital funding crisis, the nurses dispute, the waiting list problem and every other element of the crisis affecting our hospitals will be resolved when the existing Minister for Health is removed from the portfolio. One need to look only at what happened in the Education portfolio. It was necessary that the former Minister for Education, Norman Moore, be removed from that position before any sense of balance and proper achievement could be restored. It is clear that the present Minister for Health is delivering nothing to his portfolio and he is increasingly being rejected by every observer and commentator as someone who is not making a worthwhile contribution to the health interests of this State.

Given that this is the largest area of state expenditure, it is unfortunate that we have such an ineffectual Minister, described in this morning's edition of *The West Australian* as someone who has perpetrated a cop-out in respect of his ministerial responsibilities. That is negligent. In the workforce that would be an offence worthy of dismissal and that is what *The West Australian* is saying about the Minister for Health.

The editorial further states -

For 18 months, Mr Prince has been trotting out the simplistic message that there is no more money in the kitty. What he really means is that Cabinet has made a decision on its priorities and they do not include sufficient resources for health.

As a result, WA's nurses will be the lowest paid in mainland Australia. Is this the social dividend promised by Mr Court?

Those of us who were here during the debate yesterday when about 100 nurses packed the public gallery know that they feel let down and betrayed and that the Government does not place any value on the work they perform. That was evidenced by the inept performance of both the Premier and the Health Minister during that debate.

The editorial goes on to state -

The Court Government must realise this situation is not acceptable and that the nurses have strong public support for their position.

I make yet another prediction: The Government will be forced to back down; it will not win this dispute with the nurses; the nurses will emerge victorious over the Government and they will be offered far more than the miserly 6 per cent currently on the table. The writing is on the wall and it is plain for all to see. Why the Health Minister and the Premier as the Treasurer of this State want to go on denying life saving and life restoring surgery to the people of this State when they are faced with the inevitability that they will have to concede to the demands of the nurses escapes any logical analysis.

The editorial further states -

Mr Court is also wrong to claim, as he did on Tuesday on radio, that the nurses were using patients as pawns in their pay dispute. In truth, the State Government is using nurses as pawns in his Government's dispute with the Howard Government over the Medicare agreement . . .

Both the Court and Howard governments have trouble accepting that there is little benefit in boasting Budget surpluses if essential services are left short of funding.

One of the more bizarre elements of the debate in this House yesterday was the Premier's bubbling with enthusiasm about his \$24m surplus. He boasted about the wonderful surplus, but he did not convince anyone - certainly not the nurses in the gallery or members on this side of the House - that that was such a great achievement. What does one then do with that pot of money? Is it used for a worthwhile purpose or does the Premier simply gloat about it? In many senses, I am sorry to use *The West Australian* as my source in my current comments. However, one need only look at *The West Australian* cartoon of tomorrow morning, 21 May, to appreciate the prevailing view. The Treasurer has boasted about his great surplus, but it should be used for some worthwhile social purposes, like paying nurses or reducing the hospital waiting list. No-one admires the Government for having a surplus without doing something worthwhile with it. The surplus could be put to no greater use than fixing the problems in the government hospital system with nurses' wages, developing a waiting list strategy and the like. There is no benefit in a surplus for surplus' sake, although the Treasurer thinks there is.

In the cartoon in *The West Australian*, a patient is lying in bed asking a rhetorical question: "Will you use the surplus to help us and the nurses?" The flippant response from the Treasurer is, "I will use it to put flowers on your grave." The sad part is that it rings true. There is no point in retaining a surplus for surplus' sake. It must be used for a purpose. That was the point outlined in the newspaper today. Little benefit is derived in having a budget surplus if essential services are left short of funding. The editorial in tomorrow's *The West Australian* reads -

The fact that nurses have felt the need to resort to strikes in pursuit of their demand is regrettable. It was not a decision taken lightly - the fact that they have left picket lines to attend emergencies demonstrates their commitment to their profession.

But they cannot bank commitment.

Nurses' base salaries are lower than teachers' and police officers', yet they are the backbone of the public hospital service, as are the police in maintaining law and order and teachers in educating our children.

They are, more often than not, university educated. They are also in demand. The fact that WA routinely has to import nurses from interstate and overseas is an indication of their poor status and remuneration.

And with an aging population in WA, that situation will only worsen.

I hope we will see the Treasurer listen to what was put eloquently in *The West Australian*. The Treasurer should not arrogantly show a measure of contempt for public opinion, nurses and hospitals in this State and turn his back on demonstrable need.

I thought that about one month ago, when it was revealed that two Western Australians died following the cancellation of their elective surgery because of the conditions to be rectified, it would have sparked an enormous outcry in the community and force additional funding to be allocated. It did, but the outcry was not sustained. Whether the extent of the crisis in the health care and hospital system has reached the point that people are becoming blasé about it, I do not know. People maybe say, "We know it is a crisis - what, another Western Australian citizen dies as a result of the problem?" It seems that several times a week photo stories appear in the media explaining the enormous health, physical and psychological consequences of this Government's not providing enough funding for people who are now denied surgery in our hospitals. Maybe a complacency is creeping into the general population about the degraded state of our hospitals, health care system and human life itself.

One thing is for sure: Blame for this situation must be sheeted home to the Treasurer and Health Minister, who have underfunded our hospitals and presided over what *The West Australian* described as a cop out.

We have seen an escalation in the number of people waiting for surgery which flies in the face of the promise to do two things to our hospital waiting lists. The first was to halve the waiting list in our hospitals by now. An election promise was made two years ago to achieve that goal in two years. The reality is that waiting lists have increased by 50 per cent, not reduced by 50 per cent as promised.

The other interesting promise in the Liberal Party policy at the last election was that every person on the waiting list would be treated within the acceptable time for their condition. All patients waiting for surgery are divided into three categories: First, urgent cases must be operated upon within one month. At the moment, nearly one person in five who has an urgent condition - that is, one that cannot wait - waits longer than the prescribed time for that condition. That is a clear breach of the election promise.

People with semi-urgent conditions have a maximum waiting time of 90 days. However, we have 22 per cent of people with semi-urgent conditions on the waiting list in public hospitals for longer than the 90 days prescribed.

I now indicate the real scandal in all this crisis: We had 16 089 people on our waiting list in Western Australia as at 30 April 1998, and 14 545 people were classified as routine; namely, that their condition required an operation within 12 months. However, more than one in three of those people have been waiting for their surgery for more than 12 months.

I have produced in the House and to the Health Minister some of the tragic cases in which people have been left desperate, sometimes suicidal, generally in pain and deprived of the sort of life they would like to lead, because of this reality. This is particularly affecting pensioners, those on low incomes and battlers. When 34 per cent, or more than one in three people, in this State of the 14 545 people waiting for routine surgery are waiting for more than a year, surely alarm bells start ringing for everybody in the community - they should certainly be ringing for the Treasurer and Minister.

Nevertheless, we get a callous indifference. The Treasurer would rather trumpet his surplus for no apparent purpose; it is certainly for no useful social agenda such as nurses' salary increases or reducing hospital waiting lists. He has a surplus. Well, good on him, but he has it wrong if he does not use it for something useful like paying nurses' salaries.

The same applies in dental care. An answer to a question provided on Wednesday, 6 May in this House revealed that the number of people awaiting dental care at public clinics and through the Perth Dental Hospital had risen in the past nine months from 10 200 to 11 000 people. In addition - this is particularly important to people in remote parts of the State without a local dental clinic servicing their needs - a further 2 200 people are awaiting care through the country dental care subsidy scheme. This program offers dental care to people who cannot readily access dental assistance through private dental practitioners paid by the State. They are scattered around the major regional centres of Western Australia, in places like Geraldton, Kalgoorlie, Bunbury and Busselton.

For those people in the remoter parts of the State, the State has a scheme where it pays private dentists to do the dental work for the low income earners. By low income earners, I am talking about a family which has an income of less than \$22 000 a year. I am not talking about middle income people, I am talking about people who are desperately poor. In the past nine months the number of low income earners in the remote parts of the State waiting for state provided dental care has jumped from 500 to 2 200; a jump of 1 700 people. Do we see any sign of interest or inclination to do anything from the Treasurer who has this great surplus about which he wants to go on boasting? Unfortunately we do not. The Minister for Health has already been described as a cop-out, and that is what he has done on this very important issue.

The other issue I will touch on is what has been happening within the Health Department and in our public hospitals. The Health Department's annual report from last year - the last annual report tabled here - showed some quite amazing figures with respect to staffing in the Health Department. It showed that while the number of patients treated increased, the number of doctors and nurses declined, the number of hotel service staff and maintenance staff declined quite dramatically; but surprise, the number of bureaucrats and administrators rose through the roof. The Health Department's report for 1996-97, which contains the most recently available figures, when compared with 1995-96, shows that the number of medical staff fell from 1 486 to 1 281, a reduction of 205 medical staff in our hospitals during the year. The number of nursing staff fell from 8 750 to 8 453, a reduction of about 300 nursing staff. The number of administration staff rose from 3 862 to 4 378, an increase of approximately 500. The reduction in the number of nurses and doctors was made up for by an increase in the number of Health Department administration staff in our hospitals. That was at a time when the number of procedures undertaken or admissions into our public hospitals had risen quite considerably. Public hospital operations during 1995-96 totalled 108 000, and that figure increased in 1996-97 to 122 000. We have seen an enormous increase in the level of activity, but a decline in the number of people who are providing the care - the doctors and the nurses - and at the same time a big increase in the number of bureaucrats.

The department has it all wrong. The Minister needs to take control of his own department and ask why this is so, because there is no simple answer, other than that we are becoming dominated by bureaucrats, and the people at the coalface - the care givers - are being very much neglected in this process. The Estimates Committees will be sitting next week and I hope we will be able to bring out a lot of information about the health system.

Although the formation of the Metropolitan Health Services Board to replace the Hospitals Board at each of the metropolitan hospitals was given guarded support by the Opposition when it was introduced in June or July of last year, it is now starting to show some very worrying trends. That body is making decisions about the health care delivery and particularly the structure of hospital services in the metropolitan area. It does so under a veil of secrecy, and in a way that separates the Health Department, which would normally be the source of information about what is happening with health, but which now says that it is not its decision, it is the responsibility of the Metropolitan Health Services Board. We have a real problem with accountability with this new body. From what I have been able to glean, members of the public would be appalled to hear some of the issues discussed. Some of that information has been presented in this board, but withheld from the public. The Metropolitan Health Services Board must be more public, accountable, and open about what it is doing and more willing to provide information than it has been.

Having said that generally about the delivery of hospital services in the metropolitan area, I put the Minister on notice that when it comes to the Estimates Committee dealing with health - that is the first cab off the rank on Tuesday of next week - I will be expecting him to explain number of issues. In particular, I would like some answers about the difficult issue of the budgetary position of each health service in the State. This State has about 100 health services, generally focused on a hospital, as well as certain community health facilities. I will be asking the Minister about the allocation for each health service for the year which is coming to an end, and the projected outturn for those services. If the metropolitan hospitals have blown their budgets by a projected \$55m, as the Minister told us less than a month ago, where has it occurred; what has happened in each of those hospitals; and what economy measures have been introduced in each of those hospitals in order to rein in the deficit? I want to know about ward closures and the limits that have been imposed on elective surgery, because people who come to my electorate office tell me that they cannot get a category 2 or category 3 elective surgery operation. The only surgery that is taking place in most of our metropolitan hospitals are category 1 or the urgent category of elective surgery. We have not heard the Minister for Health come to the Parliament and say that the financial position confronting our hospitals is so desperate that they cannot afford to do this surgery. I would have thought there was sufficient public interest to warrant a good Minister saying exactly that. We will want the Minister to provide that sort of detail because the public has a right to know, when the biggest area of expenditure in the Budget, namely health, is blowing apart to the extent that it has.

I will also be asking the Minister about the plans that have been considered by the Metropolitan Health Services Board for rationalising health services in the metropolitan area. We have seen an example of that in recent days over the debate about the future of the King Edward Memorial Hospital for Women. We know that being prepared is a plan or an options paper raising questions relating to the future of the Royal Perth Hospital and the Shenton Park annexe and proposing significant changes for Fremantle Hospital. King Edward Memorial Hospital for Women is on the list for no longer continuing at its current site. The member for Churchlands knew what was going on; however, the Minister obviously did not and the question was asked. We need to know these things. The secrecy that currently surrounds these matters is not in anyone's interests. What will happen with cardiac services? There has been some debate that the service at either Royal Perth Hospital or Sir Charles Gairdner Hospital will be shut, so that we retain a government service north and south of the river, but not services competing with each other. The Minister has been remarkably quiet on these issues. I have already indicated the staffing level question.

This year's Budget does not contain staffing figures. It is one of those figures that has disappeared from the Budget. What the Treasurer trumpets as a more informative Budget, a Budget that delivers more to the people in terms of accountability, in fact is more secretive. We cannot compare this year's Budget with last year's Budget. The staffing figures have disappeared and a number of other changes of that nature have occurred. I will ask the Minister to explain the figures I provided to the House today and whether the trends for increases in administrative staff and decreases in medical and nursing staff are expected to continue.

I will ask the Minister to provide the details of contracts entered into for the provision of services at each hospital, the nature of services and their value. Similarly I will ask for information on the sale of hospital assets. The Minister got himself into a real muddle over this matter recently when he said he had special Treasury approval to use hospital asset sale proceeds for recurrent purposes. Of course he had nothing of the sort. He was misleading the media when he said he had that. The Premier was asked to table the approval but he has not done so because no such approval exists.

We will also ask for details of all assets that have been disposed of. We will ask the Minister to explain into which capital works that money has now found its way or whether it has been used for recurrent purposes, like the \$11m from the sale of the Hospital Laundry and Linen Service. That money has not found its way into capital works and

was never intended for that. It has been used for recurrent purposes. We will pursue that policy and seek information on the revenue from those asset sales.

We will seek details from the Minister on all beds and wards closed at each hospital. It has not received any great attention but on the day the nurses lifted their ban at Royal Perth Hospital, for financial reasons, the hospital had to close a ward to compensate for the fact that the nurses were no longer closing down beds and therefore effecting cost savings for the Government.

Publicity has been drawn to the 36-bed ward at Osborne Park Hospital that was shut to pay for the newly privatised Joondalup Hospital. The notorious closed ward at Fremantle Hospital was opened by the Minister for Health and immediately locked as he left the hospital because there was not enough money to pay for it to operate. Similar situations exist at most other hospitals where significant assets lie idle. The public has a right to know about those matters.

The other issue of great importance is the budgetary allocation for each health service for the coming financial year compared with the financial year just gone. In many areas throughout the State, particularly country areas, there is great concern that reductions will occur in funding allocations to hospitals in the location of either newly collocated or privatised hospitals. This is particularly the case in the south west of the State.

There is concern that hospitals in the surrounding areas of the newly privatised Peel Hospital will be bled to provide funds for that hospital. It is not apparent to me how the money can be found in a Budget that contains very modest increases in health expenditure to properly fund all hospitals at their current level. That is what we saw when the Joondalup hospital opened, particularly at Osborne Park Hospital which had to shut its 36 bed surgical ward as well as reduce a range of other services in order to syphon off patients and money to the new Joondalup Hospital. It was not, as was said publicly, an addition to the health services in the north metropolitan area. Not one cent of extra money was provided for the new Joondalup Hospital; it was all taken from existing hospital services. A rundown occurred in the provision of existing services in order to prop up the new services.

There is concern that the new facility at Bunbury will be paid for by reductions in the hospital budgets in the surrounding areas. I attended a public meeting in Collie only a month ago where concern was expressed that the funding allocation for the Collie Hospital would be reduced to pay for expanded services, although interestingly not for many more beds at the new Bunbury Regional Hospital. We will want to know what is happening to the budgets for each of the hospitals in the areas surrounding the Bunbury region and similarly the new facility in Mandurah. Will new money be provided or will it be done at the expense of nearby hospitals? We have already seen the running down of the Pinjarra Hospital because of money being syphoned off for the new Mandurah Hospital. That is emerging as a trend. I am concerned about the surrounding areas of Bunbury and Mandurah. The Minister has made no explanation about whether that is the model he intends to follow.

I will also ask about the weighted cost of performing surgery in each of the specialties listed in *Teaching Hospital Elective Surgery News* so that we can properly tell what it costs to deal with the patients on the waiting list. We will ask why the blow-out has occurred in the dental care waiting lists and what are the Minister's strategies to reduce it. We will also ask him for details of the country patients' dental subsidy scheme and why it has blown out.

We will ask what will be the role of the Alcohol and Drug Authority and the administrative framework into which it is proposed to be slotted and why. We will ask the Minister how nurses' salaries have been provided for in the Budget and how he intends to fund the inevitable further increase.

One of the lack of transparencies in this Budget is the failure to provide forward estimates on capital works. We will ask the Minister to provide information on the \$95m capital works budgeted for the coming financial year and the years immediately ahead.

One of the Budget targets is to double the rate of child immunisation. We will be asking the Minister how he intends to achieve that, particularly given the decision he made to deny the availability of a new and improved child immunisation formula which was very popular and dramatically increased immunisation rates. For financial reasons the Minister withdrew the vaccine with a consequent drop in the number of children vaccinated. We will test the Minister's sincerity and ask how he will achieve the doubling of the number of fully immunised children from 42 per cent in Western Australia to his projected 90 per cent.

We will ask the Minister about legal compensation for medically acquired hepatitis C patients. Is it his intention to properly compensate those people who acquired hepatitis C through the Red Cross Blood Transfusion Service or the state hospital system? How does he intend to compensate the people who are increasingly recognised as having at least a legal claim? Will the Minister accept his moral responsibility and compensate the cancer sufferers, haemophiliacs and the like, who may not have a legal claim to compensation based on negligence by the Red Cross Blood Transfusion Service?



My impression is that the availability of services in mental health have run down, as indicated by the proposed closure of Whitby Falls Hostel, the reduction in weekend services for child and adolescent health services at Stubbs Terrace or the removal of the 24 hour service from the South East Metropolitan Child and Adolescent Health areas. We will ask the Minister to explain whether there has been any improvement in the provision of adolescent and child psychiatric care.

We will also be looking at the future of Lemnos Hospital and the introduction of fees for home and community care services traditionally provided free of charge.

I wanted to spend a little time identifying those issues so that the Minister and his department were on notice. They are the key issues to which we will be seeking answers. I think the Deputy Premier said in this place earlier that if members wanted to raise issues during the Estimates Committees some advance notice would enable the answers to be more forthcoming. The Minister for Health is now on notice and I look forward to those questions being adequately answered next Tuesday.

**MR GRAHAM** (Pilbara) [11.30 pm] This is the fifth Budget of the Court Liberal Government and, coincidentally, it is also the fifth change of format in the budget papers. It is interesting when going through the budget papers to try to work out and track events in the electorate or events in a portfolio area year by year. In the decade I have been a member of this place, no other Government and no other system has muddied the waters more than the Court Government has. Quite amazingly, it has done so under the veil of increased accountability and openness in government. Sir Humphrey would be proud of the processes that have been introduced. It is not reasonable for the Government every year to change the process by which it reports the expenditure of government. Nonetheless, the Government has done it. This year particularly, the Government has done it, from its point of view, with glaring success.

It is an absurdity to produce a set of budget papers for members of Parliament and the public that do not contain any program statements. Traditionally these program statements have outlined where the money will be spent, rather than detailed the number of dollars that will be spent. In the past you, Mr Acting Speaker (Mr Baker), as the member for Joondalup, could go through the program statements and see where every dollar would be spent in your electorate. As member for Pilbara, I could go through the program statements to check where every dollar would be spent in my electorate and how each program would affect my electorate. I am not able to do that this year.

I was able to obtain from Treasury a good CD-ROM that explained how the budget papers work. I put that in my computer and obtained a wonderful presentation on how the budget papers work. However, that CD-ROM did not explain how I could ascertain the expenditure in my electorate. Subsequent telephone calls to Treasury officials - some current and some retired - seeking an explanation about the distribution of expenditure in my electorate, were unsuccessful. Nobody was able to tell me how to find it. Two points arise from that: First, it is deceitful government and, secondly, if the Government is fair dinkum about releasing CD-ROMs, the budget papers should be released to members of Parliament on CD-ROMs with a decent search engine that allows them to work through the budget papers. I look forward to that, and I have written to the Under Treasurer suggesting that the Government take that initiative.

Last year I claimed that the Court Government was the biggest taxer in the history of this State, notwithstanding its considerable claims that it had made a number of major economic arrangements with the delivery of government surpluses and reduction of debt and unemployment. At the start of my speech last year I explained how the 1993 Access Economics report proved that the 1996-97 Budget was not an outstandingly good budget. Equally, it was not an outstandingly bad budget, but it fell within the range predicted by Access Economics as the middle of the road range for Western Australia. It was described in 1993 as a no policy option. In other words, if nobody did anything in Western Australia, it would arrive at its current position. The same applies this year, but I will not go through the statistics and the key indicators.

I have great joy in pointing out to the Court Government - I have done it every year it has been in office - that it makes a great noise. Its measure of the performance of Western Australia is the gross state product, which this year is estimated to grow by 5 per cent. The Government's reports indicate that over the decade of the previous Labor Government the GSP was 11.1 per cent, which is double the rate achieved under this Government. However, this Government is claiming that it has achieved an economic miracle during its term of government. It is not substantiated by the evidence. The economic claims the Government makes about the way forward for Western Australia and each major economic indicator it draws down to show the benefits and the good government it has put in place in the past five Budgets, are underwritten by tax increases. This is a big taxing Government by any yardstick. I am not alone in saying that. Some luminaries, such as the Institute of Public Affairs and the Chamber of Commerce and Industry of Western Australia, agree with me. The reduction in debt has been underpinned by tax increases and asset sales. The reduction in deficits has been underpinned by tax increases and special levies. I will demonstrate what that means and what has happened.

In 1996-97 the gross revenue of the State Government was \$6.2b. In 1997-98 that rose to \$7.04b. In 1998-99, in this year's Budget, it has grown to \$7.441b. These figures are from the budget papers brought down by the Government. That is an increase of approximately 20 per cent or \$1.241b in additional revenue for the State Government. That does not include the proceeds from the sale of the pipeline. If that figure is included, the amount is doubled. Where has the money come from? It must come from somewhere, it cannot be invented. I say it has come from increased taxes and charges, and so do the Institute of Public Affairs, the Chamber of Commerce and Industry, and the budget papers. The Opposition has computed that the impost on the average household over the time of this Government has increased by 77 per cent.

I will make some particular points on this Budget. Stamp duty on general insurance policies for home and contents will increase from 5 per cent of the premium to 8 per cent. Stamp duty on property transfers has increased on average by about 12.5 per cent. That is for the sale of the family home. The Government has also removed the benefit of excluding chattels before calculating the stamp duty. That is a hidden and stealthy tax that will hit every house sale in Western Australia. Motor vehicle licence fees will rise by just over 20 per cent. A number of diesel concessions are also being removed, but the sneaky part of that budget initiative was contained in the fine print. It was not in the Treasurer's announcement. Those licence fees will now be indexed to the consumer price index rate. This stealthy tax is hidden away in the system and it bites away at the average household.

I will give one of the best examples I have seen of the way this Government sets out to tax people and organisations. The Port Hedland Port Authority is a statutory authority that runs the port in Port Hedland. One does not have to be real smart to work that one out. It is not like the Merredin port authority, which is a drinking club! Let us compare the figures for the last three years of the former Labor Government; that is, 1990-91, 1991-92, and 1992-93. The return required to the State Government from the Port Hedland Port Authority in each of those years was \$200 000; that is, a total of \$600 000. In 1993-94, when the change of government occurred and the present Liberal Government came to power, the return to the State Government was \$200 000; in 1994-95 it was \$593 000; and in 1995-96 it was \$816 000 - a total of \$1.609m from a country port authority, incidentally one that the Minister for Transport says must become more competitive. The return to this Government in this area has gone up by 300 per cent in three years. It is unbelievable that a small country port authority should have that impost placed on it by the Government from one direction, yet from another direction the Minister for Transport, who is imposing these charges, is telling the port authority that it must get more efficient and more effective. That is nonsense. This is a big taxing Government.

While on the subject, there is a little figure in the budget papers for tax equivalent receipts from government trading enterprises. In 1997-98, an amount of \$167.736m went into the coffers from GTEs from tax equivalent receipts. In 1998-99, the figure is \$235.601m, an increase of nearly \$68m. Not one cent of that goes back to local government authorities that have those enterprises located within their boundaries and cannot rate them because of the State Government. Western Power, AlintaGas, the port authorities and all those sorts of government instrumentalities, situated in local government authority boundaries, that use local government services and impose a cost on local government, cannot be rated by the local government authority because of the State Government.

Can members imagine what would happen if the Federal Government applied that tax regime to GTEs in Western Australia and said that it would keep the money? The Commonwealth has the ability to do that. I suspect we would have unanimity in politics that that would not be an appropriate course of action for the Federal Government to take; however, the State Government is doing that in its own backyard, and at great cost to local government. Many of the places where it is happening are loosely called marginal local government authorities; that is, their ability to rate is severely restricted and their ability to obtain income from other sources is next to nil.

When we take that rate equivalent regime in conjunction with the Government's actions, through agreement Acts, in restricting the ability of local governments to rate only on the unimproved value, or a figure put in place by the State Government, we again see the tandem action of this Government restricting growth in local government, removing revenue from local government and shifting more and more of its costs onto local government. I will give an example: The BHP hot briquetted iron plant in Port Hedland has in the agreement Act a provision for five payments of \$70 000 per annum to the Port Hedland Town Council. Obviously the cost is against the local council, with the benefits from the BHP group over five years being \$350 000. If the council were able to rate land other than at the unimproved value, and struck a rate of, say, 2 per cent, that project would mean \$40m a year to the Port Hedland Town Council. I ask members to consider what the response of the State Government would be if a Federal Government ever imposed a tax system like that on the States. We would have absolute chaos. The Minister for Resources Development says that when those things occur, the money goes into consolidated revenue; the royalties are picked up by consolidated revenue. To get that money back into the regions, councils must make application to government for expenditure out of consolidated revenue and, of course, that will be approved because the local government authorities will put up logical cases and the money will flow back to the region.

Iron ore and petroleum royalties out of the Pilbara this year are estimated in the Budget to be around \$445m. No-one knows what it costs to run the Pilbara, other than the figures that were produced when I ran the Pilbara 21 study. We required government departments to provide information on those costs. That is the only study which I know of which has been done in this area. In 1990-91 those costs were \$32m. For the sake of my argument, let us assume it has gone up by a multiple of four, for whatever reason. It may be that the Government is spending more, or that costs have increased, or population growth, or a whole range of things. With a multiple of four, it costs the State Government \$128m to run the Pilbara, yet the Pilbara produces \$445.5m which goes into the State Government coffers. Members may argue that all the money should not be going back to the region that produces it because the region with the natural resources will then be better off than any other.

Let us look at what the Government says about the Pilbara, particularly in the area of health. It is not a bad starting point if we want to assess a community. We need not look at the economic development and how productive people in the Pilbara are. We know that from previous studies. They are three or four times more productive than their counterparts in other country areas and between five and six times more productive than those in the city. I am not using figures I have plucked out of the air or manipulated in any way; these figures were included in the submission of Western Australia to the Commonwealth Grants Commission review in 1998. They are the most up to date figures that can be quoted, and I stress that they are the official government figures being submitted to the Federal Government.

Let us see how we stack up in terms of general practitioners. On a ranking of one to 10, the statistics relating to the distribution of general practitioners per 100 000 population indicate that of the 10 lowest statistical divisions in Australia, the Pilbara is the second lowest. In the rest of the State - the statistics are not broken down specifically for the Pilbara - there are 15.9 specialist medical practitioners per 100 000 population, the lowest in Australia. We have the most centralised medical specialist system in Australia. Let us look at the impact of Aborigines on the services that are provided. We find that in 1993 the infant mortality rate for Aboriginal people - we must bear in mind that the Kimberley and the Pilbara have the highest number of Aborigines per thousand head of population - was 16.1 per thousand, compared with a rate for non-Aboriginal people of 4.2 per thousand. The infant mortality rate is four times higher for Aborigines than it is for non-Aboriginal people. Age specific hospitalisation rates for infants and young children were three times higher for Aboriginal than non-Aboriginal children. The percentage of babies born with low birth weights was 12.1 per cent for Aboriginal women compared with five per cent for non-Aboriginal women.

The health status of older Aboriginal children has been considerably worse than for their non-Aboriginal counterparts. In addition, they are more susceptible to chronic infections, such as gastroenteritis and respiratory, ear and eye infections. We have that little snapshot of health statistics. Given that it is the Government's argument to the Federal Government on why it should get more funds, we cannot come away with the view that because the Pilbara has natural resources and produces the wealth, it is travelling better than the rest of the State with the delivery of government services. All those indicators tell us that it is travelling worse.

In the indicators is what is called aged standardised hospitalisation rates for alcohol caused injuries. Based on the preamble of this document, lifestyle influences and working conditions for people living in remote areas lead to their having a greater demand for various community health services. I will go through the headings, but the lowest hospitalisation rate is one and the highest is 10. The statistics cover Western Australia. For road injuries the Pilbara rates seven out of 10; for machine injuries eight out of 10; for attempted suicides five out of 10; for assaults eight out of 10; for falls eight out of 10; for the loose description of other injuries seven out of 10. It is interesting that in each of those cases where we rate seven, eight or nine out of 10 the regions that beat the Pilbara are the Kimberley and the goldfields. The statistics also show that they are the regions that receive less per head of population of preventive funding from the Government than any other regions in the State. When the comparison is made nationally, they are at the bottom of the list.

Incidentally and ironically this Government report accurately recognises the problems and makes recommendations to the Federal Government that those matters need addressing and that the way they need to be addressed is through a commitment of funds by the Federal Government to the State Government. It is ironic because the State Government does not spend the money there. The Federal Government should not and will not agree, and I assume - this was for the Grants Commission funding and there has been no announcement - we did not get the money. I also assume we did not get the money because people in Canberra understood that the State Government, even though it put up the argument, does not do what it should do. The proposition for the State Government is quite simple - do it and it will get the money. The politics of this are that the Federal Government used to fund things like this in the form of tied grants. It would say to the State Government, "If you are to fund remote communities to do those things, we will check and ensure that you have done them. When you have done them, we will pay you. If you have not done them, we will take the money back. If we cannot take the money back, we will reduce your general purpose grant." This Liberal Government has complained about the tied grants imposing an obligation on the State to carry

out the purpose for the funding. Ironically this is the very process that the State uses on non-government service deliverers in the bush. The Government says, "If you do not do what we say, you will not get funded again." It is a simple proposition.

I used health because it is a relatively simple process and the document lays it out in a way in which I could present easily the problems of the north west and equate them to government funding. The problems are the same whether one talks about the police, water, roads or education. The problems are that the central bureaucracy in Western Australia sets a rigid per capita formula for funding of organisations. It then tries to adjust it for various factors. However, the people who are adjusting it for the factors do not understand what they are. I will give an example: One government department funded two people. It set out their job description and put a component into the job that they would service Port Hedland, Marble Bar and Nullagine and it put a component into the job for travelling. There was no travel allowance or any of that type of thing. Because of the way the job tasks were set out, the people spend all their working time travelling. When do they do the job? That question begs an answer and I have yet to get one.

I want to turn some of the initiatives in the Budget. The Budget is quite false in a number of ways. The first is in the propaganda that goes with the Budget. There is quite an extraordinary amount of re-announcement. I will just use these examples in the Pilbara region budget pamphlet put out by the Government of Western Australia: Key initiatives involve the construction of a new primary school at Port Hedland at a cost of \$6.7m. I have congratulated the Minister for Education on making that great decision, but he made it 18 months ago. The school is nearly finished and the children are moving in in a couple of weeks. It does not need to be announced and it is not a key initiative. Some \$2.3m is allocated to improve living conditions in the Jiggalong community. This is the third Budget in which that has been announced. There is \$8.5m for the construction of the Ripon Hills road in the East Pilbara shire. This is the second Budget in which that has been announced. Another key initiative is to continue work on design and construction of a permanent visitors centre in the Karijini National Park. That was funded by the Federal Government three years ago and is a joint federal-state initiative. The money has been sitting in a trust account and now appears in the state Budget as a state initiative. Another initiative is continuing involvement in the Pilbara heavy industry estates at Bedari and Maitland. That money was announced five years ago at \$500 000 a year for six years with a total cost of \$3m. The Minister for Health is getting a bit of a run late at night, but I will ask how it will cost \$3.2m over three years to complete the north west health plan with \$850 000 allocated in this year to commence implementing it before the plan is completed. That will be a beauty. I want to ask about that one.

One of the things I wanted to highlight was the way in which in the blurb put out by the Government things are dressed up to look like something they are not. The same document refers to infrastructure and planning. The Western Australian Planning Commission and the Ministry for Planning will spend up to \$5.4m - the document then goes right through the list. However, in the Pilbara, at which this pamphlet is aimed, that \$5.4m is in fact \$55 000 to complete the Port Hedland area planning strategy. Therefore, what is headed up with a big highlight as \$5.4m in fact is \$55 000. Those are the kinds of shenanigans that Governments can get up to when nobody is watching.

I compare the roadworks press releases published between the 1997 and 1998 Budgets. I have run out of time but it is a good read. The same four roads with the same four amounts were announced this year as they were last year. Two of them have already been opened. I have spoken to the Minister over one of them being already worn out. However, they are announced in the budget papers as new initiatives. We wonder sometimes why people get cynical about politicians.

There are no program statements in the budget papers, therefore I cannot work things out on other than the Treasurer's press release of 30 April 1998 which says -

Budget focus on Pilbara needs

One of the points raised under Family and Children's Services is the expenditure of \$112 500 for ongoing support for homeless people in Port Hedland. This seemed to me to be a great initiative but it is not new. The key phrase is "ongoing support". I looked at it because I did not know about it and prior to the Budget I had, rhetorically speaking, given the Minister for Aboriginal Affairs a flogging about the lack of performance by the Government on homeless people in Port Hedland. I thought that maybe I had done something. However, I had not and I do not claim that I did.

I refer to a press release issued in August 1997 the Minister for Family and Children's Services -

The new support service for homeless families and individuals will be established in Hedland, Family and Children's Services Minister Rhonda Parker announced today.

Mrs Parker said \$112 500 would be allocated each year until December 31, 1999.

Then there is an obvious quote from the Minister -

The service will operate in the Port and South Hedland areas and will be appropriate and relevant to Aboriginal culture.

That was in August 1997. It was announced by the Treasurer as an initiative in the Budget in April 1998. However, where did the funds come from? The first release was 12 August 1997. There must have been a bit of flak flying because the state Minister announced it as a state initiative. However on 22 August 1997 the following press release was issued -

Services for homeless families and single adults throughout Western Australia will improve as a result of government funding to establish a new service, Family and Children's Services Minister Rhonda Parker and federal Family and Children's Services Minister Judi Moylan said today.

Family and Children's Services will provide \$70 000 for the service which will help organisations in the Supported Accommodation and Assistance Program (SAAP) to implement new standards.

It goes on and ends with -

Family and Children's Services has issued a request for proposals from non-profit organisations or local authorities to run the service.

Again, we find that what was touted initially as a state government initiative is not. It is a joint state and federal government initiative. I have described the fringe dweller problem in Port Hedland. Most people in the north west, and certainly the local authorities agree with me, that it is the biggest single social problem in the town.

I checked to see what happened with this funding, bearing in mind it started and was available by way of media comment in 1997. I am told that that press release in August was some six months after the first round of advertisements were put in place in March 1997.

The Bloodwood Tree Organisation in Port Hedland is a longstanding Aboriginal organisation with some credibility and standing. I understand it was the only applicant for funding to deal with problems related to homeless people. The group was using the services of other organisations: The Western Desert Aboriginal Corporation sobering up shelter and the Pakala patrol, an Aboriginal patrol that tours the streets. They put together a funding proposal with those organisations. They were rejected because, according to the State Government and the Minister in particular, the 1996 audited financial statements of Bloodwood Tree showed a net cash deficit of \$13 828.50.

It is quite ironic that they were rejected on that ground because attached to their financial statements was a statement from the Aboriginal and Torres Strait Islander Commission proving that they overran that level of funding because they were owed over \$20 000 by the Aboriginal Hostels Association. So, although they were technically \$13 000 in debt, the State Government, which rejected their funding, owed them \$20 000. They in fact had a profit of \$7 000. It is on that basis they were rejected by the State Government to deal with the biggest social issue in Port Hedland.

That matter was the subject of much negotiation and correspondence between Bloodwood Tree and the State Government. The decision went to the Minister in late November or early December 1997. It sat with the Minister until 16 February 1998 - three months on. Bear in mind that the Minister announced in August 1997 that the service would operate in Port Hedland areas and would be appropriate and relevant to Aboriginal culture, but rejected the only Aboriginal group who attempted to deal with the problem.

There were conferences and discussions and it was further advertised inviting people to a meeting of community groups in Port Hedland, because everybody in the north understands that something must be done about this issue. I say "everybody in the north" because the Minister for Aboriginal Affairs does not understand that. I have raised the issue with him in here on a number of occasions. I have debated with him publicly on it and he has yet to commit one dollar to the problem in the biggest town in the north west. He insists on wanting to tell me about Jiggalong and other places in the north west. I am not interested in those places in this context. I am interested in the fringe dweller problem in Port Hedland. He is not aware of it but the other people who are involved in these matters are.

One of the meetings that was held went through the issue chapter and verse. The Bloodwood Tree group put in another tender for \$1 125 000 to run the service for homeless people, bearing in mind again that the Minister has made exactly that amount available each year until 31 December 1999. The process now has taken 15 months from when the Minister's department first privately sought input and received applications from Bloodwood Tree. I made a telephone call this evening to check before I gave this speech. There is still not one cent of that money allocated to any organisation in Port Hedland, notwithstanding the fact that Bloodwood Tree has dealt with and acquitted every concern raised with it by Family and Children's Services.

That is quite unacceptable, given that the money from the Federal Government is sitting there. The obstacle is not the approval of the Federal Government. The obstacle is the approval of the Minister for Family and Children's

Services. If the Minister has a problem with Bloodwood Tree - she may, I do not know; she may be privy to information to which I am not - she should reject its funding and tell it why she has done so, and instruct her department to find someone who will introduce the service. The service is needed, because these people have no homes. They are itinerant people who come into town and are homeless. As I have said in other debates in this place, that does not mean they are living in a boarding house and have no fixed address. It means they are living in drains, culverts and on the sides of roads. They are the poorest people in this country, yet the money to fix the problem is sitting in the State Government's coffers.

The Minister will not, for whatever reason, approve the funding. It is not as though we are competing for the funding with other towns which have similar problems. That is not the case at all, as the Minister made clear in her press release in 1997, when she said the service would operate in Port Hedland and South Hedland. The Minister has clearly identified the problem, or her department has for her, and she has clearly allocated funding for it, as the Treasurer reiterated in the budget release, yet the funds are not getting to the people who can deal with the problem. I intend to raise that matter with the Minister.

I turn now to another matter. In November 1996, Transport Minister Eric Charlton said in a press release that tenders would be called early in the new year for the construction and sealing of the remaining section of the Karijini-Tom Price Road and works would be completed by December 1997. Guess what was happening in 1996? We were in the run up to a state election, and local authorities and the like were saying, "We have heard all this before. You turn up and promise this and that. Convince us." The Minister for Transport said also that he inspected the road during a visit to the area in October and had discussions with the Shires of Ashburton and East Pilbara and the Town of Port Hedland, and that he confirmed to the council representatives that the road would be completed as promised; that is, constructed and sealed by December 1997. Okay, that is not bad. I will put that away and look at that a bit later to see where we are going with that.

The Treasurer's press release for the 1997 Budget indicates that funding is not a problem. It states that \$15.4m has been allocated for the ongoing construction and sealing of the 75 kilometre Karijini east-west link between Great Northern Highway and the Marandoo access road. Beauty! We are on track. We have done well.

In November 1997, the Minister for Transport said in a ministerial media statement that -

A new 74 km road through the Karijini National Park in the Pilbara, officially opened today by Transport Minister Eric Charlton, is expected to provide a major boost for tourism in the region by improving access to the natural attraction, as well as providing an east-west link for industry between Tom Price and Paraburdoo.

The press release goes on to outline how it was funded and who did it all. Beauty! We have the road. Eric has opened it. We are all happy.

I went for a drive down that road a couple of months after it had been opened, and it had potholes, it was torn open in places, and it had loose shoulders. It was a dog's breakfast. I took some photos, and I wrote to the Minister. The media got on to me because it knew that I was going out there, and it asked me what I thought of the road. I said it was a disgrace. I am not sure why it is a disgrace, but it is a disgrace. That road will be one of the most well travelled roads in the north, and I hope it lasts through the tourist season.

In a media statement in January, the Transport Minister called on me to apologise to Main Roads' workers because of what I had said. He said also that the road was not due for the final seal until the end of this year; that is, 1998. I wonder where the money went.

Debate adjourned, on motion by Mrs Roberts.

*House adjourned at 12.15 am (Thursday)*

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### QUESTIONS ON NOTICE

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

#### POLICE OFFICERS - SICK AND STRESS LEAVE

2894. Mr PENDAL to the Minister for Police:

- (1) How many days of sick and stress leave have been taken by Police personnel in each of the past four years?
- (2) How many days of sick and stress leave were taken by Police personnel in earlier comparable periods?
- (3) If such figures are not available, how does the Department measure the economic and personnel losses involved in sickness and stress leave?

Mr DAY replied:

Year	Total Sick Leave Days	Total Police Personnel	Average No Sick Leave Days
(1) 1996-97	39379	4897	8.00
1995-96	33758	4621	7.30
1994-95	28251	4508	6.26
1993-94	27059	4395	6.15

Sick leave includes days taken for reason of accident, injury, illness and stress.

In order to facilitate the recovery of an officer on leave due to accident, injury, illness or stress, the Western Australia Police Service developed the Rehabilitation Review Board, early this year. The Board, which is co-ordinated by the Health and Welfare Branch, expedites the officers' return to work.

- (2) 1992-930            28476            1993 Annual Report
- 1991-92            27664            1992 Annual Report
- (3) Not applicable.

#### RAE ROAD-SEABROOK AVENUE INTERSECTION, ROCKINGHAM - CROSSWALK ATTENDANTS

2945. Mr McGOWAN to the Minister for Police:

- (1) Will the Government be installing crosswalk attendants at the intersection of Rae Road and Seabrook Avenue, Rockingham?
- (2) If not, why not?
- (3) Will the Government be installing a type A or type B crossing at this intersection?
- (4) Why has the Government decided on that type of crossing?
- (5) When will the crossing be installed and be operational?
- (6) Does the Government recognise the need of this particular area?

Mr DAY replied:

- (1) A Traffic Warden has been approved for this location.
- (2) Not applicable.
- (3) Type 'A'.
- (4) The Crossing at this location did not meet the School Crossing and Road Safety Committee Warrant Criteria for a Type 'A' Crossing. A traffic warden has been appointed, however, due to the high traffic flow at this location.
- (5) A further review of this Crossing is being undertaken by Main Roads WA and the Western Australia Police Service (WAPS) School Crossing Section. It is expected that the Crossing will be operational early in this school semester.

- (6) The Government recognises the safety needs of all school-aged children in Western Australia, irrespective of the area in which they attend school.

#### ARMED ROBBERIES

2968. Mr RIEBELING to the Minister for Police:

- (1) In relation to armed robbery, is Western Australia now ranked No.2 as having the second worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?
- (2) If yes, was Western Australia ranked 5th in 1993?

Mr DAY replied:

- (1) Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission).
- (2) Yes. However, it is likely that this increase is due, at least in part, to the Coalition Government's crime prevention initiatives, such as the property engraving scheme, and the *Pawnbrokers and Secondhand Dealers Act 1994*, which have reduced the ability of burglars to convert stolen goods into cash. The corollary is that armed robbery has become a more attractive method by which criminals may obtain money. This is supported by figures included in the Western Australia Police Service *Annual Report 1996/97* which show that burglaries have been reduced by 3.7% since 1994/95. The Government will soon be introducing the Weapons Bill 1998, which will in part give police greater powers to deal with the problem of weapons (other than firearms) in the community.

#### DRIVING CAUSING DEATH

2969. Mr RIEBELING to the Minister for Police:

In relation to driving causing death, is Western Australia ranked No 2 as having the second worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?

Mr DAY replied:

Yes, according to the 1995 data which was included in the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission). However, according to 1996 data which was included in the *Report on Government Services 1998*, the rate of this crime in Western Australia decreased by 28% while the Australian average increased by 5.5%.

#### POLICE PROPERTIES - SALE

3108. Mrs ROBERTS to the Minister for Police:

- (1) During 1997, which police properties were sold?
- (2) What sale price was achieved for each of the properties?
- (3) Where was the revenue directed?

Mr DAY replied:

- |         |                                    |             |
|---------|------------------------------------|-------------|
| (1)-(2) | 71 Nollamara Avenue, Nollamara     | \$ 160,000  |
|         | 12736 Valentine Avenue, Dianella   | \$ 250,000  |
|         | Lot 1980 Forrest Street, Fremantle | \$1,360,000 |
- (3) Revenue received from the sale of the Nollamara and Dianella properties was directed to the Consolidated Fund. Revenue received for the sale of Lot 1980 Forrest Street, Fremantle was divided up proportionally between Western Australia Police Service and the Department of Transport.

#### POLICE OFFICERS - TESTING

3263. Mrs ROBERTS to the Minister for Police:

- (1) Under what circumstances are police officers subject to each of the following procedures -



- (a) DNA testing;
  - (b) finger printing;
  - (c) random drug and alcohol testing?
- (2) Under what circumstance are other citizens subject to each of the following procedures -
- (a) DNA testing;
  - (b) finger printing;
  - (c) random drug and alcohol testing?
- (3) What are the reasons for any differences between the way police officers and other citizens are treated with regard to each of the following procedures -
- (a) DNA testing;
  - (b) finger printing;
  - (c) random drug and alcohol testing?

Mr DAY replied:

- (1) (a) Police officers charged with a criminal offence where DNA testing may provide evidence are required to provide a sample for DNA analysis.
- (b) Police officers and members of the public arrested and charged with an offence are required to provide fingerprints. Police applicants are required to provide fingerprints prior to induction into the Western Australia Police Service. This procedure confirms identification and eliminates the implication of an officer's fingerprints which may be found at a scene of crime for legitimate reasons.
- (c) Police officers, whether on or off duty are subject to random breath (alcohol) testing when driving a motor vehicle. Random drug testing legislation or policy does not exist although it is the subject of future strategies.
- (2) (a) Members of the public are subject to the same standards as police officers.
- (b) See (1)(b).
- (c) Members of the public are subject to random alcohol breath testing if stopped by a police officer when driving a motor vehicle. Currently legislation does not exist to allow for random drug testing.
- (3) (a) Not applicable.
- (b) Refer (1) (b).

#### MINISTER'S FAMILY

##### *Government Credit Card Issue*

3338. Mr RIPPER to the Minister for Police; Emergency Services:

- (1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?
- (2) If yes, who was the card issued to and for what purpose?

Mr DAY replied:

- (1) No.
- (2) Not applicable.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Staff, Vehicles, Mobile Phones and Government Credit Cards*

3398. Mr RIPPER to the Minister for Local Government; Disability Services;

With respect to the Minister's Office -

- (a) Will the Minister indicate for each staff person working in the Minister's office as at 1 March 1998 the following details;

- (i) name
  - (ii) level; and
  - (iii) type of employment contract;
- (b) how many vehicles are attached to the office and what are the names of the staff to which they are allocated;
  - (c) how many mobile phones are available at the Minister's office and to which staff are they allocated; and
  - (d) how many Government credit cards have been authorised for use in the Ministerial Office and to which officers have they been allocated?

Mr OMODEI replied:

- (a) As at 1 March 1998, the following staff were employed:

(i)	(ii)	(iii)
John Kime	A/Level 8	Permanent public servant
Steven Tweedie	Level 7	Term of Government contract
Ann Ellis Young	Level 7	Permanent public servant
Hugh Ryan	Level 6	Term of Government contract - shared with Minister for Finance
Janice Fletcher	Level 5	Permanent public servant
Joanne Heron	Level 3	Permanent public servant
Lyn Neal	Level 3	Term of Minister contract
Sharon Mitchell	A/Level 3	Permanent public servant
Kathy Robertson	Level 2	Permanent public servant

The following information is provided on vehicles, mobile phones and credit cards:

(b)	(c)	(d)
4	5	5
John Kime	John Kime	John Kime 2
Steven Tweedie	Steven Tweedie	Steven Tweedie 1
Ann Ellis Young	Ann Ellis Young	Ann Ellis Young 1
Hugh Ryan	Hugh Ryan	Janice Fletcher 1
	1 spare analogue not allocated	

#### ROCKINGHAM POLICE STATION

##### *Construction*

3518. Mr McGOWAN to the Minister for Police:

- (1) When will the new Rockingham Police Station commence construction?
- (2) When will it be completed?
- (3) Where will it be located?
- (4) What will it cost?
- (5) How many officers will it accommodate?
- (6) Will it involve the construction of a new courthouse as well?
- (7) If not, why not?

Mr DAY replied:

- (1) It is anticipated that construction of the new Rockingham Police Station will commence in October 1998. Brief preparation for this project is being finalised.
- (2) Completion is planned for June 1999.
- (3) Within the Rockingham City Centre Precinct at a site on the corner of Whitfield and Leghorn Streets.
- (4) Estimated cost is \$2,600,000.
- (5) 39 sworn and 3 unsworn officers.

- (6) No.
- (7) Construction of a Justice Complex, which includes a new courthouse, is programmed to start in 1999 adjacent to the Police Station.

POLICE SERVICE'S BUDGET

3568. Mrs ROBERTS to the Minister for Police:

With respect to the Police Service's 1997-98 Budget how much money has so far been paid to -

- (a) Forensic Behavioural Investigative Services International; and
- (b) the Australian Federal Police?

Mr DAY replied:

- (a) \$ 45,258.
- (b) \$152,880.

POLICE SERVICE'S BUDGET

3569. Mrs ROBERTS to the Minister for Police:

- (1) What was the Police Service's operating budget for 1996-97 excluding capital expenditure?
- (2) What is the Police Service's operating Budget for 1997-98 excluding capital expenditure?

Mr DAY replied:

- |     |         |             |
|-----|---------|-------------|
| (1) | 1996-97 | \$345.799m. |
| (2) | 1997-98 | \$369.201m. |

POLICE SERVICE'S INVESTIGATION OF MINISTRY OF JUSTICE

3584. Mr BROWN to the Minister for Police:

- (1) In 1994 did the Police Service establish a task force to investigate certain matters in the Ministry of Justice?
- (2) If not, did the Police Service establish a mechanism to investigate certain matters in the Ministry of Justice?
- (3) What was that mechanism?
- (4) Did the Police Service have occasion to remove files from the then office of the investigations unit in the Ministry of Justice?
- (5) Were files removed?
- (6) What was the nature of the files removed?
- (7) Did the Police Service, on removing the files, provided a receipt or any acknowledgment to the Ministry of Justice about the nature of the files removed?
- (8) If not, why not?
- (9) Were any of the files removed subsequently returned to the Ministry of Justice?
- (10) If so, when?

Mr DAY replied:

- (1) Yes.
- (2)-(3) Not applicable.
- (4)-(5) Yes.
- (6) The files related to the roof extraction of a prisoner.

- (7) Yes.
- (8) Not applicable.
- (9) Yes.
- (10) The files were returned to the Ministry of Justice as soon as practicable in the course of the investigation, exact dates unknown.

BUSHPLAN

3663. Mr PENDAL to the Minister for the Environment:

- (1) What progress has been made on the Government's 'Bushplan' for Perth's metropolitan nature reserve system?
- (2) Will the 'Bushplan' be released to the public?
- (3) If yes, when?
- (4) If not, why not?

Mrs EDWARDES replied:

- (1) Perth's Bushplan is at an advanced stage and is in the process of being finalised by the Western Australian Planning Commission, Environmental Protection Authority, National Parks and Nature Conservation Authority, and the Water and Rivers Commission.
- (2) Yes.
- (3) Expected to be later this year.
- (4) Not applicable.

TRAVEL COSTS OF DEPARTMENTAL OFFICIALS

3686. Mr CARPENTER to the Minister for Employment and Training:

In relation to the recently tabled report of interstate and overseas travel details -

- (1) Will the Minister provide a breakdown of the following costs incurred by department officials -
  - (a) A. Marshall to Singapore from 1 May to 3 May, 1997 at a cost of \$5,850;
  - (b) J. Wallace to Singapore from 1 May to 3 May, 1997 at a cost of \$4,575?

Mrs EDWARDES replied:

(a)	A Marshall to Singapore 1 May 1997 to 3 May 1997	
	The Asia Workshop - Fees (First attendee)	A\$4450.00
	Air fares	940.40
	Accommodation	460.00
	Total	A\$5850.40
(b)	J Wallace to Singapore 1 May 1997 to 3 May 1997	
	The Asia Workshop - Fees (Second attendee)	A\$3175.00
	Air fares	940.40
	Accommodation	460.00
	Total	A\$4575.40

DEPARTMENT OF TRAINING'S CONTRACTS

3694. Mr RIEBELING to the Minister for Employment and Training:

In relation to training contracts outsourced by the Department of Training -

- (a) in how many cases has overpayment occurred;
- (b) what was the total amount overpaid to contractors for the calender years 1996 and 1997;

- (c) what steps is the department taking to retrieve this money; and
- (d) to date, what amounts have been repaid?

Mrs EDWARDES replied:

- (a) Overpayments were identified for 29 courses.
- (b) Overpayments were:
 

1996	\$10,174.
1997	\$90,846.
- (c) The Department has commenced action to recover the money. All providers have been contacted. Public providers have been offered the option to repay by recouping from future payments. Private providers have been offered the options of direct repayment or recouping from future payments.
- (d) To date an amount of \$38,134 has been recovered. It is anticipated that recovery action will be completed by 30 June 1998.

### QUESTIONS WITHOUT NOTICE

#### KING EDWARD MEMORIAL HOSPITAL FOR WOMEN SALE

**1170. Dr GALLOP to the Premier:**

Will the Premier give an unconditional guarantee to this House that his Government will not close King Edward Memorial Hospital for Women and sell off the Subiaco site to private developers?

**Mr COURT replied:**

We will not sell off King Edward Memorial Hospital. With regard to King Edward, as with all hospitals, long range planning is taking place. Had the Leader of the Opposition asked what would happen to King Edward Hospital in 15 to 20 years' time, I could not tell him. However, the Leader of the Opposition asked about the position of this Government. I do not envisage that anything will happen there for a good 10 years. The planning studies that have come back have shown that there will be a shift in demand for services into places such as Joondalup. While the Leader of the Opposition is running on an issue like this, we are positively building those facilities out where the market is, because that is part of our strategy of ensuring that a range of services is delivered where the people are so that they do not have to come into Perth.

Mr Ripper: Does this guarantee have an expiry date; if so, what is the expiry date?

Mr COURT: It is a guarantee -

Mr Shave: That will last until well after you have gone.

Mr COURT: Yes. I think I can say confidently it is a guarantee that will last for long after the member for Belmont leaves this Parliament.

#### ROYAL PERTH AND FREMANTLE HOSPITALS CLOSURE

**1171. Dr GALLOP to the Premier:**

I ask a supplementary question. Will the Premier also guarantee that there will be no move to close Royal Perth and Fremantle Hospitals?

The SPEAKER: Order! It is a very obtuse supplementary.

**Mr COURT replied:**

The Government has no intention of closing Royal Perth and Fremantle Hospitals.

Dr Gallop: You should talk to the Metropolitan Health Services Board, because it is a bit ahead of you on these issues.

Mr COURT: As I have said, it is the Government's policy to provide new hospital facilities in areas such as Armadale.

Dr Gallop: To replace existing facilities or add to them?

Mr COURT: In some cases it will provide services that are delivered in the city.

Dr Gallop: So there is a policy?

Mr COURT: Tricky! We believe that instead of people in Armadale having to spend an hour on a train to come to Royal Perth Hospital, they should receive the service there.

#### NEW LIVING PROJECT

##### **1172. Mr BAKER to the Minister for Housing:**

I refer to the editorial in yesterday's *The West Australian* about the state coalition Government's \$226m New Living project and ask: Has the project received any accolades from any other sources of interest?

##### **Dr HAMES replied:**

I thank the member for some notice of this question.

Before I respond to the question I welcome members of the Commission of Elders from Aboriginal communities all over Western Australia, who are in the Speaker's Gallery at the moment.

[Applause.]

Dr HAMES: The Government has certainly been pleased with the positive comments received about the New Living program.

Mr Marlborough: You have not had more positive publicity in the past 12 years and you have been living off it for the last three days. That is not bad.

Dr HAMES: Not only has the member for Peel spoken about this, but also other members of the Opposition, and certainly members of the Government and the broad community, have strongly supported the New Living program. It is an innovative step. There have been concerns about the starting time in some areas.

Mr Ripper: Will you return the favour and praise the Labor Government's redevelopment program in Belmont?

Dr HAMES: The raw sewage running down the streets that the Water Corporation is fixing?

Mr Ripper: I am talking about the Homeswest program. Do you want to praise that?

Dr HAMES: I would be happy to do so if I were aware of it. Perhaps I need to check that.

I am aware of a tremendous project being implemented in the electorates of the Leader and Deputy Leader of the Opposition, as part of the New Living program. The five regions announced as part of the expansion are Karawara, Coolbellup, Langford, Armadale, and the group of Koondoola, Girrawheen, Balga and Westminster. The latter area is represented by the Opposition Whip. These are the major projects. The Government is also expanding beyond that to the ring of houses around Perth and Fremantle that are 50 or 60 years old. There will be many versions of the same program to upgrade the standard of Homeswest houses, the streets and the parks through the whole region. It is a tremendous program.

A number of prizes have been won by the Kwinana New Living project, including first prize from the Master Builders Association for apartment renovation for the Kingston condominiums. These buildings are similar to the flats in Balga.

Mr Kobelke: Will you demolish the flats in Balga?

Dr HAMES: That will be looked into. Meetings have been held and the Government has said that it will look at this again as a separate issue.

The Kwinana project also won first prize for innovation in reticulation from the Landscape Industries Association. It was a finalist in the award for excellence in urban development by the Urban Development Institute of Australia. It won an award for outstanding community activities from the Australia Day Council for the "New Kwinana Australia Day in the Park".

It was also a finalist in the international award for redevelopment and urban renewal in 1997. The project has won a number of awards. The support received for this project from both sides of the House is warranted, and it will go from strength to strength.

## HOSPITAL FUNDING BY THE FEDERAL GOVERNMENT

**1173. Dr GALLOP to the Premier:**

Does the Premier agree with the demand by the Minister for Health that the Federal Government return some of its projected \$2.7b budget surplus to the people of Western Australia for additional hospital funding?

**Mr COURT replied:**

The proposition the Government has put to the Federal Government is that the \$30m, which is the final contribution in the three year program to help the Federal Government get back into surplus, should have been forgone. The whole idea was for this Government to contribute two lots of \$60m and a third lot of \$30m to assist the Federal Government get back into surplus. Now that the Federal Government has reached its target of going back into surplus, it should forgo the cut that we agreed to, because we agreed to it on the basis that it was to help that Government get back into surplus. It is just commonsense to take that approach.

## NURSES' SALARIES

**1174. Dr GALLOP to the Premier:**

As a supplementary question, is it also commonsense, therefore, that some of the Premier's \$24.5m surplus should go into the nurses' salary package?

**Mr COURT replied:**

As the Leader of the Opposition knows, our Budget is a balanced one. There is a big difference between \$24m and \$2.8b. If there is a requirement in different areas of government for additional funding, and we can find it - as we have done in the past with Health - it would be put in that area. We are trying to win a battle with the Federal Government to get a better health funding deal. Instead of supporting that move, all members opposite do is ask why we do not grab some money from here, there and everywhere.

Dr Gallop: Always excuses!

Mr COURT: No excuses! We are very proud of our financial record. We have the runs on the board.

## TRANSFORM WA PROGRAM

**1175. Mr MASTERS to the Premier:**

Can the Premier inform the House if the member for Armadale is accurate in her claim that Transform WA is funding roads that will provide no economic benefit to the people of Western Australia?

**Mr COURT replied:**

Members opposite find it easy to criticise this program. They say that instead of spending money in this area we should have placed it in other areas, and so on. A recent article in *The Kalgoorlie Miner* reported that the member said it was unacceptable to slug "ordinary battlers" in order to fund roads which would provide no economic benefit to Western Australia. Reference was made to a number of roads in outback Western Australia.

Ms MacTiernan interjected.

The SPEAKER: Order! Sometimes Ministers allow interjections. However, the Premier wants to proceed with his answer.

Ms MacTiernan interjected.

The SPEAKER: Order! I formally call the member for Armadale to order for the first time.

Ms MacTiernan: I will sue! Like the Fremantle Port Authority I will go down the road to Freehills and get the taxpayers to pay for the litigation.

Mr COURT: The Outback Highway for which the Government has promised \$25m, the Mt Magnet to Leinster road, and the goldfields highway from Kalgoorlie to Leonora are among the roads to which the member for Armadale referred. It is all very well to say that those roads should not proceed -

Several members interjected.

The SPEAKER: Order! The Premier has allowed the interjections to be heard, and that is part of the build up to his

response, and so on. In my view, that is reasonable, but it is not reasonable for three or four other members to join in the interjections at the same time.

Mr COURT: If the member for Armadale wants to sue me she will have to sue the member for Eyre as well, because in the same newspaper in another recent article headed "MacTiernan led astray on road funding: Grill", the member for Eyre said that if that policy was in place -

Ms MacTiernan interjected.

The SPEAKER: Order! The problem is that not only is the member for Armadale interjecting incessantly but also referring to members by name.

Mr COURT: The article states that the member for Eyre said -

If that policy was in place, the bulk of road funding would be spent in Sydney and Victoria and funding for a few major highways in capital cities.

The article goes on to say -

"(In deciding to fund roads) there will also be questions of services and equity and regional development and other factors," . . .

Dr Gallop: Tell that to Western Power, to your Minister for Energy, in terms of the uniform tariff.

Mr COURT: The Mt Magnet to Leinster road might not mean much to those opposite, but it means a lot to the people who are trying to service a growing gold and nickel industry out of centres such as Geraldton. If the member for Armadale travelled on the roads these people must use, I do not think she would make the sorts of comments she does. Those opposite talk about economic benefit. Over the next 10 years investment of \$2b is expected in the resources sector in the region that is being serviced by the two new roads.

Ms MacTiernan: Someone had better tell Main Roads because that didn't show up in its figures.

Mr COURT: The member is not saying too much about the extension to Tonkin and Roe Highways because they happen to help her electorate. Sure, there are not a lot of votes out there.

Ms MacTiernan: We are talking about how you are funding the roads. You have a regressive tax. You have missed the whole point.

Mr Carpenter interjected.

The SPEAKER: Order! I formally call the member for Willagee to order for the first time.

Mr COURT: I will be waiting for the writ.

## MILLENNIUM BUG

### *Health Sector*

#### **1176. Mr McGINTY to the Minister for Health:**

I refer to the report by the Auditor General on the public health sector tabled today, and I ask -

- (1) What action has the Minister taken to ensure the Health Department and our public hospitals are protected from the so-called millennium bug?
- (2) How does the Minister intend to pay the \$103m which the Health Department estimates it will cost to ensure compliance for itself and its hospitals?
- (3) Will supplementary funding be provided for this purpose, or will our hospitals have to fund this action out of their meagre budgets?

#### **Mr PRINCE replied:**

- (1)-(3) The report of the Auditor General has brought a number of items to light which are always of use in refining the system in the Health Department and the health system generally. One matter raised in his report is the activity to address the year 2000 bug problem. His estimate for this activity is about \$103m. To deal with this matter \$40m has already been allocated in the Budget for the next financial year. Much of the equipment in health systems around Australia is common, particularly the software. The arrangement between the States is this: Rather than duplicate the work on similar equipment in different



States - obviously that would be silly - we will do parts of it in each State and share the information. Unfortunately it has taken some time to get the cooperative arrangement going, but it is underway now. I anticipate, expect and, indeed, demand that the problem insofar as it ever can be identified and resolved will be, and long before it must be done; namely, December next year.

#### DAMPIER TO BUNBURY NATURAL GAS PIPELINE

##### *Auditor General's Report*

#### **1177. Mr SWEETMAN to the Minister for Resources Development:**

I refer the Minister to the special report of the Auditor General tabled in the Parliament today, covering the sale of the Dampier to Bunbury natural gas pipeline. Did the Auditor General find anything to suggest the process undertaken by the Government was in any way improper or without the appropriate checks and balances expected for the sale of such a major state asset?

#### **Mr BARNETT replied:**

I thank the member for this question. As this issue of the sale of the pipeline attracted a great deal of attention within both the media and this House, I wondered whether the Opposition would seize the opportunity to ask a question about it. During the debate on the pipeline sale legislation, a clause, which the Government agreed to, was included to have the Auditor General review the sale process, and it is quite proper that he should. That report was tabled today. To put the matter on the public record, I will read to members the four very brief overall findings -

Overall, the sale was a significant commercial transaction with appropriate checks and balances in place to protect the Government and Western Australian taxpayers.

The obligations, duties and liabilities imposed on the State were regular and consistent with such an asset sale transaction.

No guarantees were issued, and while seven indemnities were granted this was an understandable course of action in the circumstances.

The warranties given by AlintaGas are not unusual in an asset sale of this kind, with circumstances covered by the warranties not having arisen in the past.

That was an impeccable sale process with a great result for Western Australian taxpayers.

#### MARTIN, MR GRAEME

#### **1178. Mrs ROBERTS to the Minister for Emergency Services:**

Some notice of this question has been given. I refer to the compensation claim by firefighter Graeme Martin, who sustained horrific injuries, including the loss of a leg, fighting a blaze at Valencia Vineyards in Caversham on 28 January 1995 and ask -

- (1) Why did it take six months, two chamber summonses and the threat of a third before Mr Martin's lawyers were given the Fire and Rescue Service's evidence?
- (2) Does the Minister acknowledge that Mr Martin's injuries were the worst sustained by any firefighter in this State in the course of fighting a fire?
- (3) Is the Minister aware that Mr Martin no longer receives any remuneration or recompense for his ongoing medical expenses?
- (4) Will the Minister honour the commitment of his predecessor, the member for Wagin, to provide Mr Martin and his family with the full backing of this Government?
- (5) Will the Minister agree to make an ex gratia payment to Mr Martin in acknowledgement of his ongoing suffering, his adverse financial circumstances and his selfless and heroic efforts of 28 January 1995?
- (6) If not, why not?

The SPEAKER: I take it that that is not a matter before the courts and therefore that it is not subjudice.

Mrs Roberts: No, the questions I have asked do not constitute subjudice.

**Mr DAY replied:**

I thank the member for some notice of this question. I take this opportunity to acknowledge the serious risks and dangers that both career and volunteer firefighters face in Western Australia. It is a potentially dangerous job and on occasions it can have tragic consequences. In recent years a number of volunteer firefighters have been killed. Thankfully, no career firefighters have been killed in the history of the Western Australian Fire and Rescue Service. The matter is before the District Court at the moment, but I am happy to provide general information.

- (1) In respect of the time taken to bring the matter before the court, this case has involved a significant range of complexities that have delayed both parties. I am advised that about 300 documents representing thousands of pages of potential evidence need to be considered. The District Court has been satisfied with the progress that has been made so far. Some extensions have been requested and granted. The case is not proceeding at the moment because the parties are waiting for Mr Martin's legal advisers to brief his counsel before the case can proceed.

Mr Kobelke: Are you going to be part of the solution or part of the problem? Are you going to solve it?

Mr DAY: Does the member want to hear the answer or does he want to get involved in subjudice?

Mr Kobelke: I am asking you to think about someone who has served this State well. You do not seem to have regard for his position. This is disgraceful.

Several members interjected.

The SPEAKER: There are far too many unnecessary interjections. Perhaps the Minister will move on to the answer.

Mr DAY: The member for Nollamara should be aware of the subjudice rule although he does not appear to be at present. I will continue.

- (2) Yes, I agree that the injuries were serious, but I will not get involved in a comparison with any other injuries. That is a subjective judgment. Another firefighter was also seriously injured during that incident.
- (3) Yes, I understand that Mr Martin has exhausted all his entitlements under the Workers' Compensation and Rehabilitation Act 1981.
- (4) I am advised that the previous Minister for Emergency Services together with the then Chief Executive Officer of the Fire and Rescue Service visited Mr Martin in hospital after the accident and told him that the service would look after him until he could return to duties, and that any reasonable assistance that could be provided by the State or the Fire and Rescue Service would be provided. I am also advised that the Fire and Rescue Service provided employment to Mr Martin for six months after the accident when he returned to work on modified duties. He could not continue with the duties provided and has remained off work since 1995.

Mrs Roberts interjected.

The SPEAKER: Order, member for Midland!

Mrs Roberts interjected.

The SPEAKER: Order! I formally call to order for the first time the member for Midland.

Mr DAY: In addition, the Fire and Rescue Service has continued to provide offers of employment to Mr Martin and those offers remain.

- (5)-(6) As to the question of the possibility of some ex gratia payment, it would obviously be premature to comment on that before the court case is concluded. We need to give the court the time and the ability to consider this matter in the appropriate way.

#### PORK INDUSTRY DOWNTURN

#### 1179. Mr TRENORDEN to the Minister for Primary Industry:

The West Australia pork industry has experienced a very severe downturn. Can the Minister outline to the House why this downturn is occurring and what the Government is presently doing to assist the industry?

#### Mr HOUSE replied:

The pork industry in Western Australia is very important. It is no longer a subsidiary industry to agriculture; in fact, it is a main industry in its own right and is worth something like \$75m to \$100m at the farm gate. It employs about

900 people in Western Australia. It is probably facing the most difficult time that it has ever faced in its history. We have had a group of people working with executive members of the West Australian Pig Producers Association to see if we can find a way to alleviate some of those problems. Most of the problems revolve around the importation of pig meat into this country, which has been allowed under some of the arrangements as a result of the General Agreement on Tariffs and Trade. Although there are provisions in those arrangements to stop the importation of products that are intended to be dumped in this country or that are subsidised by those countries which export to this country, the Federal Government does not appear to have taken the appropriate action to alleviate the problems that are appearing in the pig industry across Australia, not just in Western Australia.

I have written to the federal Minister for Primary Industries and Energy, Hon John Anderson, on a number of occasions to point out to him the consequences of his actions if he allows the continued importation of foreign pig meat into this country without some restriction. I am sorry to advise the House that he has taken no notice of that representation. As a consequence, we have an industry that is not only in severe decline but is also receiving less than half the price for its product that it was receiving some months ago. That price was not on a high but only just above a sustainable level for the industry. It is absolutely essential that the Federal Government take some positive action to stop the importation of pig meat into this country and to revisit those GATT arrangements for this industry, to make sure that this industry can get back on its feet.

Mr Marlborough interjected.

Mr HOUSE: I take the interjection because, as the member for Peel has rightly said, other industries are just as badly affected. I do not think that either this Federal Government or the Federal Government before it looked at the depth of subsidies to some of those industries associated with agriculture. Although Federal Governments have looked at direct subsidies, they have not looked at indirect subsidies. An example is the indirect subsidies to the transportation of grain, which obviously is used extensively in the pig industry, in such countries as Canada. If we allow this to continue, we will decimate a number of agricultural industries on which we have worked extremely hard to build up. To allow this situation to continue is not sustainable. The Federal Government must act, and act quickly.

#### GAS BUSES

##### **1180. Ms MacTIERNAN to the Premier:**

Yesterday during the debate on the bus contract the Premier told this House that the Government's decision to purchase diesel powered rather than gas powered buses was based on the fact that the manufacturers of gas powered buses would not provide a reliability guarantee. He said that the manufacturer will give a warranty on its original-equipment gas buses, but not give a guarantee on reliability. Is it not true that -

- (a) the tender documents did not ask for such a guarantee; and
- (b) the Department of Transport did not raise the need for such a guarantee with the selected tenderers such as Renault?

**Mr COURT replied:**

(a)-(b) I am advised by the Minister that the answer to the member's questions -

Mrs Roberts: You are now trying to dissociate yourself from his answer, like the Minister for Local Government.

Mr COURT: If the member wants to ask the Minister for Transport, she should do so. The answer is no.

Ms MacTiernan: No what?

Mr COURT: Does the member want me to read out her question?

Ms MacTiernan: Are you saying that it is not true?

Mr COURT: Clause 12, "Selection Criteria", of the request for Tender 3350/97 for "The Ownership and Management of the Transperth Bus Fleet" stated that "the criteria to be used in the evaluation will include the following, where relevant". I now quote the relevant parts of clause 12(h) of the request for tender. The following criteria were clearly listed as specific to bus supply only -

- (i) Outright purchase price for each bus type;
- (ii) Compliance with technical specification for buses;
- (iii) References which establish the reliability of buses offered. (i.e. durability and longevity of buses including engines and transmissions and downtimes as a result of breakdowns);

(Reliability of service is important and evidence of successful urban operation using the buses offered should be provided. Reliability of company products of a similar construction and in similar service will also be considered as evidence.)

(iv) Warranties and warranty periods.

In regard to service reliability, Transport supplemented evidence offered by the tenderers in their bids with its own experience with those products in service in the Transperth fleet. If the member requires this information, the Government is happy to provide it.

Ms MacTiernan: I have a supplementary question!

The SPEAKER: Question time has finished.

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