



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1998

LEGISLATIVE ASSEMBLY

Tuesday, 20 October 1998

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

## **KIDS HELPING KIDS - 1997 YOUTH CHALLENGES ON THE ENVIRONMENT**

*Statement by Minister for the Environment*

**MRS EDWARDES** (Kingsley - Minister for the Environment) [2.05 pm]: Kids Helping Kids is a group of enthusiastic and dedicated young people who, over the past three years, have galvanised many of their peers into action in the interests of the environment.

Kids Helping Kids and associated groups have undertaken many worthwhile environmental projects in our community. They also run an annual conference on the environment. Each year, that conference prepares a set of challenges to the community, to their peers in schools, and to government at all levels. The messages and challenges which they put forward are important to remind us of the responsibility we hold in managing our environment for the benefit of our young citizens, the next generation.

For this reason, I would like to table the 1997 Youth Challenges on the Environment and the State Government's response to those challenges, which will be formally presented to Kids Helping Kids at its 1998 conference.

[See papers Nos 269 and 270.]

## **LEEWIN-NATURALISTE RIDGE**

*Statement by Minister for Planning*

**MR KIERATH** (Riverton - Minister for Planning) [2.07 pm]: I rise to make a brief ministerial statement on the Leeuwin-Naturaliste ridge statement of planning policy which was finalised after lengthy planning and consultation. This is arguably the most consulted planning document of its type undertaken by the Western Australian Planning Commission.

The ridge area, in many ways, is the playground of the south west, but its attraction has, over the past two decades, brought land use conflicts. After more than four years of investigations and a comprehensive public consultation program by the Western Australian Planning Commission, we have a strong direction and a sound framework. This is prepared under section 5AA of the Town Planning and Development Act, making it more effective than a regional planning strategy because it has statutory force.

The statement of planning policy clearly defines a settlement hierarchy for expected population and tourism growth, defines conservation of the environmental, landscape and heritage values of the ridge, gives greater recognition and protection of agricultural land, enhances a diverse and sustainable tourism industry, provides for development of natural resources such as water, minerals and basic raw materials, and gives more efficient provision of transport and services infrastructure.

The statement will be implemented mainly through the town planning schemes of the two local governments - Busselton and Augusta-Margaret River. It also leaves open the opportunity for a regional planning scheme, should one be necessary.

Mechanisms to allow for the protection of conservation lands, a key issue during public consultation, are explained in the report. More than 3 000 people representing a wide cross-section of the community have been directly involved through consultation in preparing the statement.

During formal advertising of the draft statement, some 1 000 written submissions were received and around 70 oral submissions were heard by a hearings panel. As a result, significant changes were made in what I believe is a balanced approach that takes in economic, social and environmental factors.

Changes include clarification of the role of private property owners in the protection of the area's values, development and subdivision incentives for owners as a credit for maintenance of landscape and conservation values in ridge areas, greater protection of existing or proposed uses including agriculture, tourism, mining resources and environmental and conservation, and selective alterations to the settlement hierarchy where the planning merit had been substantiated.

There has been some concern about the continuation of permitted uses on the ridge. However, I state unequivocally that these uses can continue in accordance with current local town planning schemes.

Finally, I congratulate Simon Holthouse, the Chairman of the WA Planning Commission, the Ministry for Planning, the Shires of Busselton and Augusta-Margaret River, local members of Parliament, and all those who have helped to create the Leeuwin-Naturaliste ridge statement of planning policy.

## **ELECTRONIC COMMERCE**

*Statement by Minister for Services*

**MR BOARD** (Murdoch - Minister for Services) [2.10 pm]: I inform the House of a major breakthrough that will enable Australia to take advantage of the opportunities offered by electronic commerce in the global economy. This breakthrough came at the recent meeting of ministers attending the Australian Procurement and Construction Ministerial Council in Queensland.

I am very pleased to tell members that Australian States and Territories have agreed to support the in-principle guidelines contained in the Framework for National Cooperation on Electronic Commerce for Procurement, a document prepared by the Western Australian Government. This agreement to pursue a standardised approach to electronic commerce removes the threat posed by incompatible standards in different States, averting the sort of problems that plagued the national transport industry earlier this century, when differing rail gauges produced a fractured and unwieldy system.

An agreement of this nature is the envy of many business communities around the world. In North America, in particular, where various States have adopted different standards for e-commerce, there is now a significant push to adopt the uniform standard that has been achieved in Australia. This agreement provides the leadership, which Australian industry is seeking from government, to reduce the barriers of uncertainty and allow industry to pursue the benefits of electronic commerce. It means that any business will be able to deal electronically with any Australian Government - state or federal. The massive market created by government procurement will provide an incentive for businesses to take up e-commerce opportunities.

This historic agreement significantly reduces both the cost and complexity of participation in electronic commerce, even for the smallest of businesses wanting to sell to government. It also opens the door for businesses to deal electronically with each other. The use of Internet trading and electronic commerce will allow Australian business to become a major player in the global electronic marketplace. The opportunity is particularly relevant to Australia because it frees us from the traditional tyranny of distance. I believe Australian, and in particular Western Australian, businesses will thrive on the opportunity to access new overseas markets without incurring the high expenses of establishing extra marketing and sales networks.

Industry experts predict that electronic commerce on the Internet will be worth more than \$300b a year by the end of 1998. The number of people with access to the Internet will rise from 55 million this year to some 550 million three years from now. This significant agreement between the States has paved the way for all Australian businesses to build a national Internet trading base from which to take on the world.

## **VIDEOTAPING PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY**

*Statement by Deputy Speaker*

**THE DEPUTY SPEAKER** (Mr Bloffwitch): I inform the House that Channel Nine has asked for permission to videotape the matter of public interest that will be moved by the member for Midland today. I have agreed that it can tape the proceedings, and I therefore inform members that parts of the debate will be going to air.

## **BILLS - APPROPRIATIONS**

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Native Title (State Provisions) Bill.
2. Western Australian Land Authority Amendment Bill.

**[Questions without notice taken.]**

## **OUTLAW MOTORCYCLE GANGS**

*Matter of Public Interest*

**THE DEPUTY SPEAKER** (Mr Bloffwitch): Today I received a letter within the prescribed time from the member for Midland in the following terms -

That this House expresses grave concern that the war currently being waged on the streets of Perth between rival outlaw motorcycle gangs threatens public safety and holds law enforcement in contempt.

It is further concerned that the flippant public comments by the Premier underline the Government's failure to provide the leadership required to resolve this crisis.

The House notes that outlaw motorcycle gangs are heavily involved in organised crime, including the manufacture and distribution of hard drugs, extortion and standover tactics.

Further we call on the Government to put on record in the House its position on the following questions -

- (1) What is the nature of the threat that outlaw motorcycle gangs pose to the Western Australian community?
- (2) What new budget allocations have the recently formed cabinet subcommittee on crime recommended?
- (3) What is the nature and extent of the involvement and assistance sought from the National Crime Authority?
- (4) What concerns, if any, has the Minister for Police expressed with the failure to charge any of the gang members seen on television assaulting police?
- (5) What progress has been made toward increasing the pathetically low penalties for non-cooperation with National Crime Authority hearings?

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The DEPUTY SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes to the Independent members, should they seek the call.

**MRS ROBERTS** (Midland) [2.53 pm]: I move the motion. There can be no higher priority in this State than the maintenance of law and order. I move today's motion as a matter of public importance because it outlines an issue of the utmost urgency and gravity. At present, open warfare is being waged on the streets of Perth in the midst of our community by rival outlaw motorcycle gangs. This threatens public safety and calls into question the effectiveness of the Government's response to outlaw motorcycle gangs, and the involvement of outlaw motorcycle gangs in organised crime.

The Government has no more important issue currently with which to deal than an effective and ongoing response to the biker warfare and the threat it poses to the Western Australian community. It was to this end that I recently wrote to the Minister for Police offering bipartisan support for legislative changes to enable the ridiculously ineffective penalties for non-cooperation with the National Crime Authority to be expeditiously amended.

I take the opportunity today to differentiate between bikers and outlaw motorcycle gang members. In doing so, I will demonstrate that the principal reason for concern is that outlaw motorcycle gangs are outlaws - as the title suggests, they are outside the law. They are involved in organised crime.

An article by Mr Paul Marr of the New South Wales Police Service, printed in the *Australian Police Journal* of March 1995, points out the difference between bikers and bikies. Mr Paul Marr has completed a lengthy secondment to the Australian Bureau of Criminal Intelligence in Canberra, and, among his other achievements, has represented Australia at the 1993 Outlaw Motorcycle Gang Investigators' Conference in Chicago. Therefore, he comes into this debate with considerable background and intelligence. He states in that article that outlaw motorcycle gangs -

. . . are not the discordant hedonists of the 1970s interested only in bikes, beer and blonds. Rather, they have evolved to become a sophisticated interrelated subculture; at once capable of being bound and destroyed by the outlaw code.

He quotes from a book by Daniel Wolf entitled *The Rebels, A Brotherhood of Outlaw Bikers*, University of Toronto Press, 1991, which states -

"Bikerdom's most famous emblem is the '1%' (one percent) badge, a symbol that represents outlaw motorcycle clubs in general. The 1% badge was created by the Hell's Angels, Gypsy Jokers, Satan's Slaves and several other clubs in the early sixties to symbolise an alliance they formed in order to counteract a common enemy, police harassment. . . . Today, use of the 1% emblem is confined to the elite of outlaw bikers and designates members of hard-core outlaw clubs who are 'capable of taking care of business'."

Marr states also -

Becoming a member of an OMCG is not as simple as having a long antisocial history and a desire to ride a Harley Davidson. Invitations to 'prospect' for an OMCG are made on the basis of invitation only and members do not simply graduate from street or adolescent gangs.

It is not easy to become a member of an OMCG and rules exist to both protect the club from police infiltration and to ensure that applicants are sufficiently 'outlaw'.

He states that there are differences between the various outlaw motorcycle gangs, but some of the likely scenarios for membership include being invited to hang around the club, becoming a virtual slave to existing members, and initiations. Some gangs traditionally require some degradation, some require a demonstration of loyalty, such as an assault on a rival gang member, and some require a wanton act of violence.

He states also that the first outlaw motorcycle gang evolved in the United States and eventually become the Hells Angels, a group widely touted by international law enforcement as the second greatest threat after the Mafia. According to Marr, there are about 50 outlaw motorcycle gangs in Australia, which together number about 120 chapters. The figures that he cites are for 1995, when the membership distribution throughout Australia was approximately 55 per cent in New South Wales, 15 per cent in Victoria, 12 per cent in Western Australia, 10 per cent in Queensland, and lesser amounts in the other States. There is evidence that in the past two or three years, membership in Western Australia has increased quite markedly.

He states also -

Gangs with an identified national hierarchy, control at all levels and the ability to supply illicit goods on demand and those whose members conduct their affairs with the expertise of shrewd commercial investors, who seek professional investment advice and who display unsubstantiated wealth are of the greatest concern to law enforcement agencies. . . . The vast majority of OMCG are criminally recorded and offences cover the whole spectrum of criminal activity. As many of these occurrences are not popularly recorded in the media (or at least not linked to OMCG membership), the general perception of OMCG activity is one shrouded in mystique and most people know little or nothing of their criminal behaviours.

Mr Marr indicates there are three distinct groups: One, those traditionalists keen on a good time; two, those developing a criminal network; and, three, those established in organised crime. Under the heading "Criminality" and the subheading "The Drug Subcultural Nexus", he says -

Illicit drugs are a bountiful exploitative commodity. . . . Many OMCGs have attempted to control the source of drug production by either manufacturing drugs themselves or, alternatively, directing manufacture . . .

He then goes on further to quote Mr D. Wolf and states -

"The final stage in this process would be for the bikers to hire a chemist to make the drugs - usually methamphetamines - in a 'kitchen' (underground laboratory)."

He also notes that such a laboratory could be just a very small room.

Dealing with the kinds of covert surveillance and technology that outlaw motorcycle gangs have available to them, there is no better quote, also from that same paper that Mr Wolf produced, than this example, which refers to a police raid -

"When they swooped down on the building in the early dawn, the police found bear traps in the woods, sensor wires under the driveway, closed circuit television cameras on posts, six guard dogs that had to be tranquillised and an elaborate system of floodlights and burglar alarms . . . Inside, the police found radio scanners, bullet proof vests, baseball bats, a semiautomatic weapon and several rifles that lay by each window. The clubhouse also contained a secret room that could be accessed only by electronically controlled panels. Police estimated the value of the Hell's Angels fortress to be \$500,000."

Dealing with the future of law enforcement, Mr Marr said -

Ten or twenty years ago, participation in the OMCG subculture was largely a lifestyle choice and those police who last had contact with OMCG members then may readily recall the drunken revelries of the seventies and early eighties. What these officers fail to appreciate, however, are the organisational capabilities of the major Australian OMCGs today. The internationalisation of organised crime has no better advocate than the OMCG member.

In the time available to me I will make a brief reference to Operation Panzer and the National Crime Authority activities. Operation Panzer is an investigation of the organised criminal activities of outlaw motorcycle gangs, their members and associates. Task force investigations to date have revealed inter-jurisdictional trafficking of amphetamines and cannabis and some involvement in designer drug distribution. The Panzer challenge involved two people known as A1 and A2, obviously to conceal their identities, and there is quite a story of how those two undercover officers went underground within the Bandidos outlaw motorcycle gang in Victoria.

Dealing with that same NCA operation, I will quote from an article from *The Australian News Network* dated Friday, 29 May 1998, which states -

Det-Insp. Ross Barnett, the chief investigator in the Brisbane NCA office said during the investigation that Otene bought bulk pure amphetamine on behalf of motorcycle gangs.

"Amphetamine is the favored drug of outlaw motorcycle gangs, both for personal use and more importantly, to cut and on-sell to make money," said Det-Insp. Barnett, who is now with the Queensland Crimes Commission.

"Vinall and Maguire had made a business arrangement to provide pure amphetamine to Otene, who had a ready market through the Hells Angels. The only pressure the Angels was putting on them was they wanted to have a continuous supply."

The NCA's Melbourne operations manager, Robert McAllan, said much of the amphetamine produced by the gang at its two Queensland labs ended up in Victoria.

"The bikies were taking a fair slice of the production and Maguire and Vinall both had extensive contacts in the Victorian trucking industry," he said.

I have quoted substantially from that background paper because I think that many people in the community are not aware of, firstly, the difference between the average biker and an outlaw motorcycle gang member and, secondly, the activities in which outlaw motorcycle gangs are involved. Too often people respond to thuggery or violence that is reported in the media, but no-one should make any mistake - these outlaw motorcycle gangs are involved in the most serious organised crime. They are involved in the production and distribution of amphetamines which impacts enormously on our community.

Currently, outlaw motorcycle gang warfare is being waged on the streets of Perth. It has been demonstrated by recent shooting incidents resulting in the incapacitation of one gang member, the death of a rival gang member and injury to another. It is an alarming fact that these shootings were waged in the open on the streets on Perth and put innocent bystanders at risk. The Premier, the Minister for Police and the State Government should acknowledge that outlaw motorcycle gangs are not only a group of hard-living, dope-smoking motorbike-riding thugs whose greatest threat is to each other, but they are a real danger to society through their known involvement in organised crime.

Former Deputy Commissioner Ayton's briefing notes on organised crime in Western Australia dated 10 August 1993 state that a number of well-established outlaw motorcycle groups known as bikies are located in Western Australia. This activity is reported to be on the increase. The groups are involved in the crimes of, firstly, the distribution of narcotic drugs including amphetamines and softer drugs including cannabis, secondly, vehicle and motorcycle theft and interstate transportation of stolen properties and, thirdly, standover tactics and extortion including the takeover of businesses by threats and intimidation.

The notes further state that there is a distinct possibility of two major bikie groups becoming involved in a power struggle for their particular patch of criminal activity. The possibility of a Milperra-type shoot-out is not beyond a possibility. There is clear intelligence of close contact between major outlaw motorcycle gangs in America, the Hells Angels, and the Western Australian group.

The Premier's flippant solutions such as locking gang members in a room or running them out of town are not the answers to a complex and serious issue. The Government must put on record in this House the actions that have been taken as a matter of the utmost urgency and priority to target outlaw motorcycle gangs. Our motion calls on the Government to place on record its position on the following questions -

- (1) What is the nature of the threat that outlaw motorcycle gangs pose to the Western Australian community?
- (2) What new budget allocations have the recent formed cabinet subcommittee on crime recommended?
- (3) What is the nature and extent of the involvement and assistance sought from the National Crime Authority?
- (4) What concerns, if any, has the Minister for Police expressed with the failure to charge any of the gang members seen on television assaulting police?
- (5) What progress has been made towards increasing the pathetically low penalties for non-cooperation with National Crime Authority hearings?

As I said at the outset, there is no more serious issue facing the community of Western Australia. It is not simply a matter of bikies threatening each other within the confines of their own compounds. Shootings are being conducted on the streets. Evidence reveals that the Government was warned in 1993 of the possibility of this kind of occurrence, and that outlaw motorcycle gangs are involved in serious organised crime and the production and distribution of amphetamines and other illicit drugs which affects the whole community, particularly the children of the Western Australian community.

**MR GRAHAM** (Pilbara) [3.10 pm]: Although this is a long motion, it is a simple one and it should not be too difficult for the Government to understand. Firstly, it expresses the concerns of the House at the war being waged on the streets of Perth. That such a war is being waged is indisputable. I expect the Government to support at least that part of the motion, despite any amendments or deletions that may be moved.

Mr Prince: I intend to support paragraphs (1) and (3).

Mr GRAHAM: I am very happy to hear that. I said it was not a difficult motion for the Government to understand. I am concerned that the minister will not deal with the second paragraph. I understand the reason; it is called politics. The Premier's response to this issue was nothing short of disgraceful. I do not use that expression very often in this place. However, there was no need for the Premier to do other than make a statement condemning outlaw motorcycle gangs and calling on the minister to ensure that the Commissioner of Police took the necessary action. The nonsense he has uttered has been nothing short of disgraceful.

I will make some significant points in relation to this matter. It does not involve good, law-abiding citizens of Western Australia, but rather groups of people who, by definition, put themselves outside the law. That is the very purpose of their organisations. That is made clear from the report quoted by the member for Midland from the *Australian Police Journal*. A range of national and international studies make it crystal clear that the people in these outlaw motorcycle gangs have a number of aims, and their primary aim is to put themselves outside the law. They wear a "1%" badge on their leather jackets, denoting that they are the 1 per cent of the population, in their country of residence, who do not respect authority and the law. They are not innocent law-abiding citizens to whom the normal system of keeping the law should apply. Any number of studies and reports - I am happy to direct the minister if he thinks I am not on the right track - clearly show that when outlaw motorcycle gangs organise themselves, as they have in Western Australia, the trafficking in drugs increases significantly and they enter into battles and fights to gain control of the distribution of the drug networks.

Mr Prince: That is not disputed.

Mr GRAHAM: Not disputed? That is what this is about in Western Australia at the moment. Where is the Commissioner of Police - the chief law officer - who should be helping us and defending the community? Where is he?

Mr Prince: He is at an Interpol conference.

Mr GRAHAM: In the middle of a drug war, the Commissioner of Police is with Interpol in Egypt representing someone else. What an absolute disgrace.

The second feature of these motorcycle gangs and their organisation is their propensity for violence, both within their organisations and external to them. The international experience of these organisations is that they use violence to intimidate people and discourage them from taking action against them. They intimidate law officers so that they will not prosecute them. That is exactly what has happened in Western Australia. The commissioner has cut and run -

Mr Prince: Cut it out.

Mr GRAHAM: Cut it out nothing. In the middle of this drug war in Western Australia, the Commissioner of Police has left the State and is in Egypt .

Mr Prince: It was planned months ago.

Mr GRAHAM: I do not care. The minister should have cancelled it because WA has this drug war on its hands. The minister in charge of law and order should have taken that action. The Commissioner of Police should come back and deal with the issue facing this State.

What have these outlaw motorcycle gangs done? I will not go through chapter and verse of the bashings, discovery of weapons, carrying of knives, cutting people, shootings and rape. That has all been covered by the media in a range of places. What did people see on television programs last week? They saw a murder scene - not just someone whose family had been damaged in an accident - and the police who were protecting that murder scene. I am reliably informed that if any police officer at that scene, who may have been controlling traffic nearby and so on, had put one foot on that murder scene, internal action would have been taken against him or her. Murder scenes are closed to allow police to carry out their duties properly and effectively, and to protect the scene from any contamination, damage or interference. After the announcement of the Government's zero tolerance policy, people saw on television programs two motorcycle thugs push police officers out of the way, clearly swear at them, and be granted access to the site. It is absolutely unbelievable that it was allowed to happen. I do not blame the minister for that happening, but I do blame him for doing nothing but ridicule the people who brought it to his attention. The minister should have asked the deputy commissioner to explain why those people were not prosecuted. Any 18-year-old person in the city on a Friday night who behaved in such a way towards a policeman would quickly be placed in the East Perth lockup. There is no question about that. If four or five kids attempted to do that, the police would put them all in paddy wagons. However, because it was a bikie, and a murder scene and these people were emotional - if they do not want to be emotional they should stop shooting each other -

Mr Johnson: One of them was emotional because it was his brother.

Mr GRAHAM: I do not care who it was. If it were my brother in my home who had been shot and I went onto the murder scene, the police would arrest me. It happens every night of the week at domestic disturbances. These were bikies at a murder scene. Government members are unbelievable in their defence of the right of organised criminals to access a murder scene.

Mr Johnson: We are saying that sometimes police officers must use discretion.

Mr GRAHAM: Absolutely, and if a bikie pushes a police officer in the chest, the discretion under zero tolerance means that he will not be arrested. Is that what the Government means by zero tolerance?

Mr Johnson: Now you are making flippant statements.

Mr GRAHAM: Trust me, I am not flippant about this matter in any way, shape or form.

Mr Johnson: You want to blame the police.

Mr GRAHAM: I want to blame the Minister for Police for not calling in these police officers to find out why action was not taken, and then not pursuing the assistant commissioner. Let us now talk about flippancy and what the Government has done to date. That was it; the Government has done absolutely nothing. In the middle of an organised crime drug war, neither the Premier nor the Minister for Police has made a statement to this House about the action the Government is taking.

Mr Prince: What nonsense.

Mr GRAHAM: It is not nonsense.

Mr Prince: I walked into the House last Wednesday morning and made a brief ministerial statement, unrehearsed, and then went out and spoke to the media.

Mr GRAHAM: No legislation has been put forward by this Government, notwithstanding, firstly, that five years ago in 1993 it was told of the need for legislation and, secondly, the Opposition has offered to support any legislation put forward to deal with this matter. However, no legislation has come forward. It is quite extraordinary.

In the United States of America and throughout Europe bikies have organised themselves to run drugs and engage in a range of other criminal activities, and have become extremely wealthy organisations. In Western Australia these clubs have property holdings from the south west to the north west of Western Australia. In nearly every case the club headquarters are in Perth and operations are directed from Perth. It is unbelievable, but, until recently, they have been provided with police escorts to travel the length and breadth of the State. To his credit, Commander John Standing of the northern division of the WA Police Service was one of the first police officers in the State to withdraw that service. Instead of escorting these bikies he searched not only the bikies, but also the 10 cars preceding and the 10 cars following them. Surprise, surprise! He found drugs. Until then, the WA Police Service provided them with police escorts. Can members guess what the police will be doing at tomorrow's funeral? I suspect that the WA police will again provide them with bodyguards. It is unbelievable that the police would even contemplate providing them with any assistance whatever.

Mr Prince: What would you expect the police to do tomorrow?

Mr GRAHAM: I expect the police to arrest them. Assistant Commissioner Atherton posed the question in the newspaper: What does the public want us to do - round them up and interrogate them? I say to the assistant commissioner that that is exactly what we want. Let us not forget that each and every one of them is a suspect in a murder inquiry and is part and parcel to the murder. If that does not give the police powers in Western Australia, I am damned if I know what does!

**MR PRINCE** (Albany - Minister for Police) [3.22 pm]: The Government accepts paragraphs (1) and (3) of the matter of public interest moved by the member for Midland. However, I shall move an amendment prior to finalising my speech on this motion to delete the second and fourth paragraphs and to insert words to the effect that the House endorses and supports the Western Australian Police Service in its actions to control the illegal activities of outlaw motorcycle gangs.

I will endeavour to answer the five questions posed in the motion, and I will speak about some of the matters that have been raised. The background that the member for Midland provided in opening the debate was very interesting. The difference between bikers and outlaw motorcycle gangs is not often understood but should be far better understood. Certainly the number of people involved in outlaw motorcycle gangs in this State is, relatively speaking, small and a disproportionate amount of mayhem flows from them.

Undoubtedly, they are and have been involved in criminal activities for some time. As has been stated, in the formation years of the clubs in the 1960s and 1970s, they were operated more along the lines of beer, sex, blondes and so on. That sort of thing is more inclined to be contrary to public order than anything else. That has not been the case since the early to mid-1980s and some clubs, not necessarily all - perhaps some are not necessarily as developed as others - have followed what has occurred in the United States. It appears that the feud that is presently going on had its origin in members of the Rebels motorcycle gang coming to Western Australia. They had no presence in Western Australia until recently. The Rebels have the largest membership of any club in Australia with 600 to 800 recorded members Australia-wide, including 34 in this State. The Coffin Cheaters have about 70 members in this State, and the Victorian chapter has 60 members. The Club Deroes have 42 recorded members in this State in two chapters. They are the three groups involved in what is occurring at present.

Mrs Roberts: Other groups like the Gypsy Jokers have chapters in Western Australia.

Mr PRINCE: There are connections with the Jokers, although it seems that Gods Garbage is not presently involved as both are much smaller organisations.

Undoubtedly, what is occurring at the moment is an argument over territory, and the Coffin Cheaters and Rebels have formed an alliance to get rid of or take over the Deroes. As alluded to by the members for Pilbara and Midland, that is occurring



because of the illegal activities in which these gangs engage, particularly the manufacture and distribution of methamphetamine, standover tactics and other criminal activities. The Government's concern is extreme. It has backed the police in their attempts to control and stop the activities by the various gangs, particularly the activities arising from the feud.

I gave the House information last Wednesday. Within an hour of the murder being committed, I gave details of that killing.

Mrs Roberts: That was a three minute brief ministerial statement on a particular incident.

Mr PRINCE: Yes, it was. However, it also gave some details of the action undertaken by the police since July. Initially when the feud broke out, the police endeavoured to mediate a resolution that would not include violence. That was not successful and the police rapidly changed their tactics and started to act against all outlaw motorcycle gangs.

Ms MacTiernan: If this feud had not broken out what would have been done about the organised crime aspect of the clubs?

Mr PRINCE: A great deal has been done, and is ongoing.

Ms MacTiernan: Only since July?

Mr PRINCE: No, it has been going on for years. The activity rises and falls somewhat and bursts out into the public space. Many members of these gangs are in gaol at any one time, because they are arrested, charged and successfully convicted of criminal offences. It is not something which has suddenly started. The police have been actively targeting motorcycle gangs for some years. The feud is overlaid upon their illegal activities and arises out of their arguments over territory. As I said last week, as at 23 September, as a result of executing 44 search warrants, 50 unlicensed firearms including pistols, shotguns, rifles and two machine guns, 16 000 rounds of ammunition, 10 sticks of power gel, detonators and other assorted weapons, including not only replica guns but also batons, swords and large baseball bats, drugs, cannabis, ecstasy, amphetamines, LSD and so on have been seized. As late as last week, a number of arrests were made in Mandurah and Kalgoorlie. Yesterday, a man was arrested at Toodyay and charged with possessing drugs and smoking implements and concealing an offensive weapon. This is occurring on a daily basis, and not just because of the feud. That sort of police activity has been going on for some time. Relatively speaking, the police have been effective in controlling some of the illegal activities of these people.

The motion raised a number of questions, particularly about the threat these clubs pose. The threat is posed in a number of ways. One is the mere existence of people who, as the member for Pilbara colourfully described, consider themselves to be "one percenters". They are reverting to an extremely primitive form of tribalism. They say that they are outside of the law; yet by and large they behave themselves, except in some areas. For example, they pay their rates. It is a most perplexing issue.

Mr Graham: That was the nonsense put out in Chicago about Al Capone - by and large he runs a pretty good club! However, his activities were illegal and he was shooting people!

Mr PRINCE: I did not say that.

Mr Graham interjected.

Mr PRINCE: Let me speak.

Mr Graham: They are not law-abiding citizens and do not act as though they are. Stop rationalising them.

Mr PRINCE: I am not.

Mr Graham: You are legitimising them. They are illegitimate, outlaw gangs and you should treat them accordingly. Call the commissioner home.

The DEPUTY SPEAKER: I ask the member for Pilbara to come to order.

Mr PRINCE: They regard themselves as being outside the law; they behave as though it does not exist when it suits them. They are therefore outlaws and should be treated as such at all times. This is a law-abiding society and the rule of law is one of the most important principles that keeps this civilisation together. Therefore, the agencies of this society, most particularly the police, must work within the law, and that is a fact.

Mr Graham interjected.

Mr PRINCE: Will the member let me make my speech?

Mr Marlborough: No.

Mr PRINCE: I noticed that. The first threat those people pose to our society is through their culture and mode of behaviour and their assertion that they are outside the law. They are not, they will not be permitted to be and have not been. They have been harassed, pursued, charged and convicted, and they will continue to be.

With respect to much of their activity, it is difficult for police to bring charges when their code of silence means that information is almost impossible to obtain. I made the point in this place and outside this place last Wednesday, and I will continue to do so: These people have mothers, fathers, siblings, friends and other relatives who are not members of these gangs but who have some knowledge - however imperfect it may be - of what is going on. It is those people who have the ability to speak. They can do it anonymously, and I urge them to do so. The number for Crime Stoppers is 1800 333 000. There are many other ways of making information available, and information leads to arrests.

Mrs Roberts: Waiting for these people to volunteer information will not get you far. It is a bit like asking the Claremont serial rapist to call in.

Mr PRINCE: Information leads to the police being able to target what they are doing to gather evidence of criminal activity and to arrest people and bring them to court.

Clearly the threat of any form of violence in a public place is a great danger to innocent passers by. That is a major concern now. As a result of the MPI being raised today, I asked for and received from the Assistant Commissioner Crime Support, Mr Atherton, a briefing note about the nature of the threat posed by outlaw motorcycle gangs to the Western Australian community. I will refer to some of it and then table it. Apparently the Bureau of Criminal Intelligence has recently completed an official threat assessment. It has been determined that the threat of continued violence involving the use of firearms is high as tension increases between the rival clubs. Consequently, the risk of further violence erupting in a public place, and hence the risk of injury to members of the public, is markedly increased. The code of conduct issue is being dealt with in-house. There is a common community perception about and reluctance to report the activities of the motorcycle gangs for fear of reprisals.

[See paper No 271.]

Mrs Roberts: Surely part of that organised crime threat is the spread of illicit drugs.

Mr PRINCE: This deals specifically with what is going on now and the physical retaliation.

I offer the member for Midland a confidential briefing on the National Crime Authority's activities. I do that because I have spoken to the officer in charge of the NCA in Perth and I have a message from the national chairman about not wanting any of the details of what the authority is doing made public. I am sure the member understands that to do otherwise could prejudice its activities.

The member is correct in saying that the NCA conducted Operation Panzer as a nationwide coordinated operation into nine nominated gangs. That reference began in June 1995, and it finished in an operational sense in December 1997. All jurisdictions now have a watching brief. The NCA's hearings powers were used during the operation in Western Australia. However, the result of those hearings was debatable. In fact, all gang members brought before the hearings failed to answer any questions. The provisions of the law associated with that impose a penalty of \$1 000 or six months' imprisonment for failure to cooperate and to answer questions. That is in the Western Australian and the national legislation.

As a result of the member for Midland's raising this matter - I thank her for doing so - I had some research undertaken. If we could change the law in this State, I would introduce a Bill immediately, with the member's support - she said she would support it. I am advised that that cannot be done; the national Act must be changed. Under section 109 of the Constitution Act, the national law overrides the state law. I have raised that matter by fax with all the relevant ministers around Australia. The process of implementing that change quickly is under way. I assure the member that I am pushing as hard as I can.

Mrs Roberts: I thank the minister for the copy of the letter he wrote to Senator Vanstone and the rapid response to me. Who has advised that section 109 of the Constitution applies in this instance? It occurs to me that the state Act refers to state law and state references. Perhaps that can be applied independently of the national law. If there were a national reference, the national law would be applied.

Mr PRINCE: The NCA is a national body and people appear before it. Its law in that sense is the national law and the state law operates in conjunction. Where a conflict arises between the two laws, section 109 of the national law overrides the state law. That is the advice I have received from my agency.

Mrs Roberts: Which agency?

Mr PRINCE: The police. It is not something I have made up, but it makes sense, although it is unfortunate. I would like to be able to introduce an amending Bill, but I cannot.

Mrs Roberts: Would you consider having that advice double checked elsewhere?

Mr PRINCE: Of course I will. It has been done only in the last 24 hours. To amend the National Crime Authority Act, all States must agree. I have copies of the federal Act if the member wishes to see it.

With regard to the establishment of an inquiry, the NCA requires a notice of reference. I can sign that and I will be meeting

the local officer in charge of the NCA either tonight or tomorrow. He has the draft papers and the matter is being progressed as fast as it possibly can be. He must obviously deal with those matters.

I have dealt with the threat issue as best I can. The member has asked what new budget allocations the recently formed cabinet subcommittee has recommended. It has met a few times and dealt with a number of matters, but it has not yet recommended any budgetary allocations. That matter will be dealt with in its budget cycle.

The member also asked about the nature and form of involvement and assistance from the NCA. I believe I have answered that in the sense that the NCA has had a reference, which in an operational sense finished in December last year. I am now seeking to reactivate that in this State with the support of all ministers in Australia.

The member asked me what concerns I have expressed about gang members. I spoke with the Commissioner of Police about the issue last week after I saw the television report. As I informed the House in question time last Thursday, he said a car contained a dead body, and the brother of the deceased arrived on the scene. Notwithstanding that these members are the "1 per cent" and consider themselves to be outlaws, I am referring to the brother of the deceased and he was understandably upset. With him was Withnell, who is an associate, colleague, friend or whatever. The police officer stopped them from going into the crime scene and some pushing and shoving occurred. It is important to understand that under the Police Act every police officer is a police constable and every police officer has discretionary power to charge. Nobody can direct them to charge; it is up to them. The commissioner, I or any superior officer in the police command structure could tell an officer to charge the offender. However, he does not have to do that because it is important that the person at the scene exercise discretion. That person chose not to charge. I was not in control of the scene, nor was the member for Midland and nor was anybody else from this place. It is unreasonable for us to criticise, on the basis of a very brief television grab of part of a scene, that the lack of action taken by a police officer was inappropriate. We are not in a position to judge. I backed the officer on the ground at the time.

Mrs Roberts: Do you know whether the officer sought advice from the police officer or someone more senior?

Mr PRINCE: No.

Mrs Roberts: Many police officers to whom I have spoken were as angry as everybody else about that footage and that the bikies were not put in handcuffs.

Mr PRINCE: In almost any other circumstance I can think of I would be saying much the same thing and asking why he was not charged. The person who had not been dead for long was the brother of the man having an altercation with the police officer. His action was understandable. It is up to the officer to choose whether to charge.

Mr Carpenter: Are you saying that the Police Commissioner can tell a policeman to charge someone, and he can refuse? The proposition is utterly ridiculous.

Mr PRINCE: I did not say that. I think I explained the situation concerning penalties. If I could introduce a Bill today I would. However, I understand I cannot do that. I am grateful, on behalf of the Government, for the offer of bipartisan support from the member for Midland; I appreciate that.

*Amendment to Motion*

Mr PRINCE: I move -

To delete the second and fourth paragraphs of the motion and add the following -

The House endorses and supports the Western Australia Police Service in its actions to control the illegal activities of the outlaw motorcycle gangs.

**MR COURT** (Nedlands - Premier) [3.42 pm]: The last thing the community wants is for this issue to be politicised. They want to see strong support provided to the police in this State, who are doing a good job in difficult circumstances. Members opposite have implied in recent weeks that not enough is being done about this matter. The Minister for Police has clearly outlined just what has been taking place.

Mr Carpenter: Do you think enough is being done?

Mr COURT: I will repeat my first comment: The police want cooperative support; not constant carping when they are trying to do an incredibly difficult job. One of the most important things the police need is information.

Mr Carpenter: Do you think enough is being done?

Mr COURT: The police are carrying out their responsibilities in a very responsible way. It is easy for members opposite to be critical, as they are most of the time. The police need information. One of their difficulties -

Several members interjected.

The ACTING SPEAKER (Mr Barron-Sullivan): I remind members, particularly on the left, that all comments should be made through the Chair. Since I have been sitting in the Chair comments have been directed straight to individual members. If members want to hear some debate, they should make slightly fewer interjections.

Mr COURT: The police need information. One of the difficulties in dealing with these people is the code of silence that applies within their organisations. That is only one of the reasons we are keen to get the surveillance legislation through this Parliament. That process has been dragged out until in effect the Opposition was shamed into allowing that legislation to pass.

Mr Kobelke interjected.

Mr COURT: Members opposite want to be critical. The Minister for Police has outlined what has been done by the police. Following the first signs of trouble between the rival motorcycle gangs the Operation Gallipoli task force was established.

Mrs Roberts: When was Operation Gallipoli initiated?

Mr Prince: On 13 July this year.

Mr COURT: The primary objective of that task force is to obtain evidence to identify and charge offenders for incidents relating to that ongoing feud. As the Minister pointed out, the task force has been very active. We need only look at the front page of today's *The West Australian* to see some of the measures being implemented.

The motion referred to flippant comments made by me. I have not made flippant comments. I have expressed anger, which I believe is very much the feeling of the community, about the recent senseless crimes. On the one hand we face the cold, calculating negativity of members opposite typified by their present comments -

Dr Gallop: This is the first contribution to this debate in this Parliament that raises the issue and tries to take it seriously. There was nothing from your side.

Mr COURT: Constant negativity has been evident, even from the interjections in this debate.

Mr Kobelke interjected.

The ACTING SPEAKER: Order, the member for Nollamara. As the Acting Speaker I should not have to raise my voice to be heard in this Chamber. I advise the members for Nollamara and Pilbara that for the remaining minutes of this debate I will keep an eye on how the interjections are made and I ask them to make their interjections through the Chair.

Mr COURT: Rather than members opposite wanting to attribute blame to the Government they should get wholeheartedly behind the police who are acting in difficult circumstances. It is easy to sit there and be critical. Members opposite should support the police rather than constantly carping.

**MR JOHNSON** (Hillarys) [3.48 pm]: Members opposite are well aware of my views on law and order issues. If I had my way I would put a net around all the outlaw bikies, take them to the middle of the desert and leave them there. However, if we did that we would be accused by members opposite of not treating them justly.

Dr Gallop: We should get serious.

Mr JOHNSON: I am trying to.

Dr Gallop: Get on with it then.

Mr JOHNSON: If the Leader of the Opposition has a word to the member for Pilbara I will get on with it. The only way we will deal with outlaw bikies or any organised criminals -

Several members interjected.

The ACTING SPEAKER: I ask that the interjections be kept to a minimum so that we can hear the member on his feet.

Mr JOHNSON: Thank you, Mr Acting Speaker. As I was saying, if police want to take the organised criminals to court, they must have evidence. The Surveillance Devices Bill is before the Parliament.

Mr Graham interjected.

Mr JOHNSON: It has not gone. The member for Pilbara thinks he is the fount of all knowledge. He has got it wrong again. The legislation is still before this House. That legislation should have been fast tracked through this House.

Several members interjected.

Mr JOHNSON: I have only three minutes. I have said only a few words because of the number of interjections and the lack of cooperation from members opposite. They seem to want to interject all the time so that members on this side of the House cannot make sensible comments, which I think I am doing.

Mrs Roberts: Self-praise is no praise at all.

Mr JOHNSON: I will not get it from the other side of the House. That legislation should be put through both Houses and be proclaimed as quickly as possible. The police will not catch those organised criminals by the old-fashioned methods of stalking them, chasing them and trying to overhear what they are saying. The only way that police can do it now is with modern technology; that is, with interception devices and listening devices and all the covert actions that go with them.

Mr Graham interjected.

Mr JOHNSON: I wish the member would cut down on the angry pills he must be taking.

Mr Graham: If the assault happened on an Aussie Rules field, the player would have got six weeks. Those guys did not even get reported. We need a third umpire.

Mr JOHNSON: Members have already had that debate. It has been answered by the Premier and the Minister for Police. I believe their comments were quite reasonable; that is, it is up to the police officers at the scene of the crime whether they take action. I do not know how many times that must be said to the member before it sinks in.

I have one minute left. Bikies are not the only organised criminals in this State. The legislation that is going through this House will cover those and some of the other organised criminals. The sooner the Government gets cooperation from opposition members rather than their opposing some of the clauses in the Bill -

Mrs Roberts: We have not opposed a single clause.

Mr JOHNSON: It has not gone to the vote but members opposite have staggered the process and have raised objections to clauses relating to evidence being found under certain warrants and the foundation of those warrants. Members opposite know what I am saying. They opposed it in this Chamber last week. When it gets to another place, we will see how serious the Opposition is on law and order issues and on trying to reduce crime in this State.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [3.55 pm]: In the face of this major problem in our community, what do we see from the Government? Complacency and comfort with no sense of passion, crisis or urgency on this issue. What are the two facts that have come out from this debate? Firstly, the much heralded cabinet subcommittee has not considered this matter and has not been briefed on it. The Government has not committed any extra funds to fight this major crisis. Secondly, the Commissioner of Police has gone to Egypt.

Amendment put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Shave
Mr Baker	Mrs Edwardes	Mr Masters	Mr Sweetman
Mr Barnett	Mrs Holmes	Mr McNee	Mr Trenorden
Mr Bloffwitch	Mr House	Mr Omodei	Dr Turnbull
Mr Board	Mr Johnson	Mrs Parker	Mrs van de Klashorst
Dr Constable	Mr Kierath	Mr Pental	Mr Wiese
Mr Court	Mr MacLean	Mr Prince	Mr Osborne ( <i>Teller</i> )
Mr Cowan			

Noes (17)

Ms Anwyl	Mr Grill	Mr McGinty	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Ripper	Mr Cunningham ( <i>Teller</i> )
Mr Graham			

Pairs

Mr Strickland	Mr McGowan
Dr Hames	Mr Brown

Amendment thus passed.

*Motion, as Amended*

Question put and passed.

### SESSIONAL ORDERS - TIME MANAGEMENT

**MR BARNETT** (Cottesloe - Leader of the House) [3.59 pm]: In accordance with the sessional order for time management I move -

That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 22 October -

- (1) Friendly Societies (Western Australia) Bill - all remaining stages;
- (2) Friendly Societies (Taxing) Bill - all remaining stages;
- (3) Births, Deaths and Marriages Registration Bill - all remaining stages;
- (4) Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill - all remaining stages;
- (5) Surveillance Devices Bill - all remaining stages;
- (6) Port Authorities Bill - all remaining stages;
- (7) Port Authorities (Consequential Provisions) Bill - all remaining stages; and
- (8) Maritime Fees and Charges (Taxing) Bill - all remaining stages.

Eight Bills are subject to time management this week. However, a number of those Bills will be debated cognately. The Friendly Societies (Western Australia) Bill and the Friendly Societies (Taxing) Bill were introduced in May and should be dealt with cognately as should the Births, Deaths and Marriages Registration Bill and the Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill. Those Bills have been examined in detail by the upper House Standing Committee on Constitutional Affairs. The three Bills in the port authorities legislation are also quite properly being considered cognately; that debate has already begun. The final Bill under time management this week is the Surveillance Devices Bill, which has reached the third reading stage, and debate on it should not take much longer. Although eight Bills are subject to time management this week, in reality only four separate issues are being progressed under the time management sessional order. It is intended that debate will begin on the Western Australian Land Authority Bill on Thursday. It is also proposed that debate will begin on the Titles Validation Amendment Bill on Thursday afternoon. I remind members about the trial of sitting times which applies this week and that the House will sit for two weeks and rise for a one week adjournment before returning for four weeks.

**MR THOMAS** (Cockburn) [4.01 pm]: I am prepared to use the time available in the guillotine debate to argue that we should not have a guillotine because the Parliament needs to discuss some matters. The guillotine being applied in this way means we will not be able to do that. Last week in the Legislative Council, my colleague, Hon Ljiljana Ravlich, asked a question of the minister representing the Minister for Energy about a company which had submitted a tender for the maintenance of diesel engines in remote power stations. The answer to that question was that the successful tenderer in that matter is a company in which Western Power is a 50 per cent shareholder with an American company Brown and Root. Brown and Root has a presence elsewhere in the State with a contract to operate the North West Shelf naval communications station. The Opposition will explore this matter on other occasions, but it wishes to discuss the circumstances whereby this company - which was tendering against Western Australian companies has Western Power as a 50 per cent shareholder.

Mr Barnett: Private members' time is available for the Opposition to raise that.

Mr THOMAS: As the Leader of the House is well aware, private members' time is limited. The Opposition wishes to discuss many matters.

Mr Barnett: What does that have to do with a motion on time management?

Mr THOMAS: The fact is that we have a company with Western Power as a 50 per cent shareholder submitting a tender -

The ACTING SPEAKER (Mr Barron-Sullivan): Order, member for Cockburn! Although the Leader of the House did not raise that as a point of order, I point out that we are dealing with the motion moved by the Leader of the House. The member for Cockburn is not dealing with the substantive motion.

Mr THOMAS: We are debating what the House will discuss this week. If this motion were defeated and the House able to entertain other matters, we could discuss this issue. I argue that this is a matter of significant public importance which the House should be able to debate. A company has submitted a tender to Western Power in competition -

#### *Points of Order*

Mr BARNETT: It is clear that the member is using this debate to discuss an item of private members' business. That is totally inappropriate.

Mr THOMAS: When the Leader of the House moves a motion in the way that he has -

Mr Barnett: Do a grievance on it. Be innovative!

Mr THOMAS: The Leader of the House is aware that grievances are limited. We have three grievance opportunities a week and we on this side of the House wish to raise many matters.

The ACTING SPEAKER: The member for Cockburn is meant to be directing a point of order to the Chair.

Mr THOMAS: That is correct. I was rudely interrupted by the Leader of the House. We have a proposition moved by the Leader of the House which outlines the format for the business of the House for this week. I oppose that and I indicate to the House that I will raise other matters if the motion is defeated. The motion gives me the right to make a wide-ranging and brief contribution outlining the matters of significant importance which the House should be able to discuss. I accept that I should not go into detail but I should be able to canvass the importance of those matters.

The ACTING SPEAKER: There is substance to the point of order and I ask the member for Cockburn to keep his remarks relevant to the motion moved by the Leader of the House, although I will allow him some latitude, as I can see where he is coming from. I ask him to keep as brief as possible his points on the detail of the argument he is putting.

*Debate Resumed*

Mr THOMAS: Western Power, a public authority, has called for tenders for the provision of the services. The matter of significant public importance - without going into the merit - is the fact that that Western Power is accepting and evaluating those tenders. It strikes the Opposition as a matter of deep concern about which the House should satisfy itself. I hope the minister has satisfied himself about this matter. I would like the opportunity to debate this matter with the minister.

Mr Barnett: You should have given a notice of motion today and we could have debated it.

Mr THOMAS: Perhaps we will. By his persistent and troublesome interjections the Leader of the House has shown that he does not understand that private members' time in this Parliament is very limited. We have three grievances a week, six or seven questions a day and a few hours of private members' business. They are our only opportunities to raise matters of concern to us. A number of members on this side of the House wish to raise important matters such as this. This is important because the regulations covering the consolidated revenue fund departments contain prescriptive guidelines for the provision of services, the calling of tenders and so on. The process must be fair and above board. I am sure that you, Mr Acting Speaker, can see the importance of discussing the calling of tenders by a public authority answerable to the minister - and through this minister to the House and this Parliament - for the probity of its affairs. The calling of tenders by such an authority should be on a fair and equal basis. There is no indication that the minister has satisfied himself that proper standards have been observed, as was shown by the bland answer my colleague, Hon Ljiljana Ravlich, received in the other House last week. The Opposition is not confident that it will get the answers to its questions, even with the necessary parliamentary time. Today I received three answers from the Minister for Energy to questions submitted in August. In each case the answer was that there is no answer, and that the ministry is not prepared to divulge the information because it is commercially confidential. One of the questions asked was, "What is the supply policy of AlintaGas?" but we could not be told that because it is commercially confidential.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [4.08 pm]: The Opposition opposes the guillotine motion moved by the Leader of the House. However, I can see why the Government is tempted to resort to the guillotine at this time of the year. There is no doubt that the Government's legislative program for which the Leader of the House is responsible - even if he is not totally in control of it - has developed into a disaster. This began earlier in the year when the Government managed to arrange for this House to debate not one but two abortion law reform Bills. Ever since, the Government's legislative program has been badly delayed.

Mr Barnett: That did not happen of my choosing.

Mr RIPPER: I say that the Leader of the House bears responsibility even though he was not totally in control of matters. Since we spent twice the amount of time necessary debating abortion law reform, the Government's legislative program has been in a mess. The state of that program will worsen as we proceed toward the end of the year. More pressure will be placed on members of this House, especially by the Leader of the House, to push through more legislation as we race towards the end of the parliamentary sittings. Therefore, we can expect to see more draconian guillotines moved as we move through November.

Mr Barnett: Will you keep your word to support the passage of the School Education Bill this year - a commitment you gave in here about a year ago?

Mr RIPPER: I hope that the Bill proceeds through Parliament this year. I certainly have no interest in delaying the School Education Bill, but I have an interest, as does the Opposition, in moving amendments to the Bill. No doubt that point will be debated in the upper House, perhaps debated between the Houses and perhaps even between the Minister and me on

another occasion. I have said to all people involved that we are not seeking to delay the Bill for delay's sake; however, we look for changes, on which we hope agreement has been reached.

Mr Barnett: It has been in Parliament for nearly a year now. It is starting to wear a little thin that the Labor Party is not delaying it.

Mr RIPPER: The Bill was one of the Bills delayed by the abortion law reform problems to which I referred earlier. It would have been debated by the upper House in the first half of the year's sittings if not for the problem with that debate.

Mr Barnett: They sent it off to a committee which did not meet for two months as half of them were trampling around the world.

Mr RIPPER: The Minister wants to distract me to speak about the School Education Bill, and I will humour him for a moment: Sending that legislation to the upper House committee may expedite the Bill's passage. I understand that certain compromises have been reached in the committee, which has the benefit of expert drafting advice and advice from the Minister's offices. This may result in more expeditious processing of the Bill through the upper House than otherwise would have been the case. The Minister complains about the time when the committee was not considering the Bill; however, Parliament was not sitting during that period anyway. It is not as though reference to the committee prevented consideration.

Mr Barnett: To take two months for a committee to meet is rather slow.

Mr RIPPER: It was two months in which Parliament was not sitting. Therefore, if it had not been sent to the committee, it would have sat waiting for Parliament's return. Not much has been lost in that process, and potentially something has been gained.

Let us return to the Government's legislative program, of which the School Education Bill is one part. The program is not proceeding as the Government had hoped it would, mainly as a result of the Government's management of the program, and particularly the way in which abortion was debated in Parliament earlier this year. Unfortunately, this process means we can look forward to more draconian guillotines being imposed as we proceed through the rest of the year's sittings. It is a shame that the rights of members of Parliament and the proper scrutiny of Bills can be jeopardised by the Government's mishandling of its legislative program. The Opposition opposes the motion moved by the Leader of the House.

Question put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Mr Day	Mr Marshall	Mr Shave
Mr Baker	Mrs Edwardes	Mr Masters	Mr Sweetman
Mr Barnett	Mrs Holmes	Mr McNee	Mr Trenorden
Mr Bloffwitch	Mr House	Mr Omodei	Dr Turnbull
Mr Board	Mr Johnson	Mrs Parker	Mrs van de Klashorst
Mr Court	Mr Kierath	Mr Prince	Mr Osborne ( <i>Teller</i> )
Mr Cowan	Mr MacLean		

Noes (19)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Carpenter	Mr Grill	Ms McHale	Mr Thomas
Dr Constable	Mr Kobelke	Mr Pental	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham ( <i>Teller</i> )
Dr Gallop	Mr Marlborough	Mr Ripper	

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Pairs

Mr Strickland	Mr McGowan
Dr Hames	Mr Brown

Question thus passed.

**FRIENDLY SOCIETIES (WESTERN AUSTRALIA) BILL**

*Cognate Debate*

On motion by Mr Prince (Minister for Police), resolved -

That leave be granted for the Friendly Societies (Western Australia) Bill and the Friendly Societies (Taxing) Bill to be considered cognately, and that the Friendly Societies (Western Australia) Bill be considered the principal Bill.



*Second Reading*

Resumed from 21 May.

**MR MCGINTY** (Fremantle) [4.18 pm]: The Opposition is pleased to support this legislation. A considerable part of the history of this very lengthy legislation was outlined by the Minister in his second reading speech, and I will briefly also comment on that history.

It is not intended to take the Bills into Committee to discuss them clause by clause for a very simple reason; namely, the Bills are part of a move towards national uniform regulation of friendly societies within the framework of the existing financial institutions scheme. Each of the other States in Australia has already adopted identical legislation. Western Australia is the last State to do so. The measure is modelled on legislation initially passed by the Victorian Parliament for very sound reasons; that is, unlike Western Australia, friendly societies in Victoria are a significant part of that State's financial system.. Approximately 37 per cent of Australian friendly societies are located in Victoria, and those Victorian friendly societies control approximately 82 per cent of friendly societies' funds in Australia. It made a lot of sense for the legislation which became the model for legislation in other States and Territories, to originate in the State in which friendly societies were so prominent. In Victoria friendly societies control just under \$8b of the gross total assets under the control of friendly societies in Australia, which stood at \$9.7b in the 1995-96 financial year. In Western Australia, by contrast, the industry is less than 1 per cent of the total Australian friendly societies industry, and funds under the control of friendly societies in Western Australia are a relatively meagre \$80m. However, with the importance of the interstate and even international operation of the financial markets, it is important that these matters be regulated at a national level or, at a minimum, be regulated on identical terms with complementary provisions between each State and Territory. This legislation provides for that, and for that reason the Opposition is happy to offer its support for the legislation.

Members will be aware that friendly societies, as originally conceived, operated for some significant period as fraternal organisations providing benefits to their members to meet the contingencies of life in times of difficulty, particularly in times of retirement, sickness, unemployment or death. That is the purpose for which friendly societies were originally formed and got together to offer benefits to their members, similar to the way that trade unions do today. That changed fairly significantly in the 1980s. In the 1980s a number of friendly societies took advantage of favourable taxation treatment under the provisions of the commonwealth Income Tax Assessment Act and entered the field of insurance. That was also a period of fairly unprecedented growth for friendly societies. Today, the main services offered by the friendly societies are life insurance, health insurance, retirement villages, superannuation and funds management.

This legislation continues to treat friendly societies as a separate or discrete part of the financial market, and the Standing Committee of Attorneys General has decided that discrete legislation should be prepared rather than integrating those friendly societies into the Financial Institutions Code. This is made somewhat easier by the fact that the structure and activities of friendly societies are different from those of permanent building societies and credit unions, with which they are sometimes linked and to which they are sometimes likened. The major undertaking of the permanent building societies and credit unions is similar to that of traditional banking; that is, taking deposits and making loans. Friendly societies do not offer those banking products. Some concern has been expressed, particularly with the rapid expansion of friendly societies during the 1980s, about the degree of control, supervision and prudential requirements as they apply to this rapidly expanding sector of the financial market. A working group in the early 1990s identified a number of difficulties with the extent of supervision of friendly societies. These included particularly a clear lack of legislative authority which imposed constraints on the supervision of the friendly societies. There was also seen to be a potential loss of public confidence in individual institutions, which could lead to loss of confidence in the industry as a whole. This was because of the non-uniformity in prudential standards and supervisory practices between the different States, which was seen as a significant inhibitor of the operation and the interstate expansion of friendly societies.

As a result of this legislation, the Financial Institutions Agreement will be amended to incorporate friendly societies, and it will govern the continued operation of the financial institutions and friendly societies schemes. The code, which is attached as an appendix to the legislation members are now considering, cannot be amended without the approval of the ministerial council. In particular, so far as Western Australia is concerned, because of the legislative path it has chosen, the code cannot be amended until it has been through both Houses of the Western Australian Parliament. The other significant constraint on the legislative capacity of the State is that each State and Territory will be under an obligation, as a result of the passage of this legislation - or, more importantly, the agreement at ministerial level - not to submit to Parliament any legislation in relation to friendly societies which will conflict with or negate the operation of this scheme of uniform legislation which will apply throughout the Commonwealth. By these three control mechanisms - the ministerial agreement, the passage of this legislation, and the agreement not to conflict with or negate the uniform legislation - a nationally uniform scheme of regulation will be achieved for friendly societies.

I turn now to look briefly at the key elements of the legislation, more particularly the code which is an appendix to the legislation before the House today. Those limitations or deficiencies I mentioned earlier in relation to the operation of friendly societies, which were recognised and identified earlier in this decade, are each addressed in the legislation before

the House. The legislation incorporates comprehensive provisions for the formation, registration, management and regulation of friendly societies. The standards for directors' duties are similar to Corporations Law standards, in the interests of accountability to members of friendly societies and the public. There is provision for state supervisory authorities, and they will have similar duties and powers to those they currently have for the supervision of permanent building societies and credit unions under the Financial Institutions Code. The functions of the state supervisory authority include the registration, supervision and regulation of societies, the supervision and enforcement of compliance by friendly societies with the code of prudential standards, ensuring that an effective and efficient system of prudential supervision is applied, and the protection of interests of members of societies. The legislation is designed to facilitate easier interstate trading by friendly societies, and it achieves this by ensuring consistency in the supervision practices of each of the state regulatory bodies. One scheme of regulation will be applicable throughout Australia. Also, the code will allow a friendly society registered under the friendly societies legislation of one State to carry on business in another State as a foreign society. That is facilitated by this legislation, provided they obtain the necessary approvals from the state supervising authorities.

In relation to the benefit funds, the minister pointed out in his second reading speech that a friendly society conducts its business activities by establishing separate benefit funds to support the society's contractual obligations to its members. The activities undertaken by friendly societies are fairly diverse, along the lines I have already indicated. However, the administration and organisational infrastructure of a friendly society is financed by its management fund, as distinct from the separate member benefit funds. The existence of benefit funds allows friendly societies to engage in a diverse range of activities because they have an operating structure to legally segregate different activities. It is therefore essential, as this legislation does, to take that structure into account. This legislation contains detailed provisions dealing with the concept of benefit funds as they are set out in the code.

The detailed provisions of the legislation relate to the capacity to terminate a benefit fund, the winding up of a society as a whole, the capacity to restructure a benefit fund, fundraising by friendly societies, investor protections and the requirement for a disclosure document to be prepared and lodged with the state supervisory body for approval before issuing an invitation to persons to apply for benefits in a benefit fund. Further, the regime of civil liability for those involved in the preparation of a disclosure document for misleading and deceptive conduct and for misstatements and omissions in the disclosure documents is also spelt out. The fundraising provisions set out a comprehensive regulatory scheme applicable to those persons who deal in benefits or carry on a business advising on benefits requiring that those who do so hold a security licence under the Corporations Law or a proper authority from a registered friendly society.

One of the significant changes as a result of this legislation relates to the capacity of societies to operate in a manner not traditionally pursued. Traditionally, friendly societies have been formed and operated on the basis of mutuality. This legislation provides the power for friendly societies to demutualise and to issue permanent share capital. Friendly societies will be permitted to issue permanent shares or redeemable preference shares.

The legislation also facilitates mergers between societies and the transfer of engagements, whereby a society may transfer all or part of its assets, liabilities, rights, obligations and so forth to another society. The legislation also includes a procedure for friendly societies to convert to a company structure under the relevant legislation. Penalties are also provided and are broadly consistent with those in the financial institutions code.

The importance of this legislation is that it was prompted by the desire to promote uniformity of legislation for like entities across Australia, and that is something to which no-one could reasonably object. It also flows from the Wallis inquiry into the Australian financial system. The inquiry has considered and made recommendations on the regulatory arrangements affecting the operation of the financial system. Bodies regulated under the financial institutions code, which includes friendly societies, may be transferred to commonwealth regulation on or before 1 July 1999. Again, that move would be supported by the Opposition.

Finally, the secondary legislation - the Friendly Societies (Taxing) Bill - is a very simple piece of legislation designed to ensure compliance with section 46(7) of the Western Australian Constitution Act Amendment Act. That will ensure that where any fee or charge is levied under section 13 of the Friendly Societies (Western Australia) Act, where it may be considered to be a tax, because of the provisions of section 46 of the Constitution it will be levied as tax and therefore avoid any difficulties arising in that regard.

As I have indicated, the Opposition is happy to support this legislation, which is detailed and complex but which will provide national uniformity. Consequently, there is no need to undertake intense, clause-by-clause scrutiny here in Western Australia. We trust that it is correct and appropriate. If no deficiencies have been discovered at the commonwealth level or by any State or Territory in Australia -

Mr Prince: No.

Mr McGINTY: It is therefore inappropriate to spend many hours in this Parliament scrutinising it. The Opposition is happy to indicate its broad support for the legislation for the reasons given.

**MR BLOFFWITCH** (Geraldton) [4.35 pm]: It is with a great deal of pleasure that I support this uniform legislation. I declare an interest because I am a director of a large friendly society - it has 5 000 members throughout Australia and New Zealand. It is a trading cooperative and is registered under the 1903 Friendly Societies Act. Several cooperatives are registered under that Act, including the Fremantle Fishermen's Co-op Society Ltd and Swan Taxis Co-op Ltd.

Most societies registered under the Act in the early days because the responsibilities and the obligations of directors and shareholders in setting up such a group covered about 11 pages. The Act passed in the 1950s was a lot more explicit about the duties and responsibilities of directors. One need not be very smart to conclude that most people would prefer to deal with a smaller Act. Most societies are covered by the Corporations Law because all cooperatives at one stage or another form companies or subcompanies. As directors we are now covered by the Corporations Law and the Friendly Societies (Western Australia) Act.

I am very pleased that the legislation will now be uniform. Instead of being registered - as is the society of which I am a director - in every other State as a foreign company and allowing others to trade, as a result of this legislation such societies will be able to register as a cooperative in each State. Given the trade agreements with New Zealand, it will be interesting to see whether the same arrangement will apply. I do not expect the minister to be able to clarify that, but I will pursue it. Not many people in Australia are aware that we have very strong trading agreements with New Zealand. Any New Zealand company can set up in Australia and sell goods, and because it is certified in New Zealand it is also certified in Australia. I became aware of these arrangements after being involved in the New Zealand market with the trading cooperative.

I am pleased that many of the anomalies we have experienced over the years will be sorted out by this legislation. I wish it well and I hope it is passed without amendment. I am sure all directors of friendly societies in Western Australia see nothing but benefits resulting from this legislation.

**MR PRINCE** (Albany - Minister for Police) [4.38 pm]: I thank members for their support. The member for Fremantle gave an exposition of the background to this legislation. The member for Geraldton might be a little confused because the registrar of friendly societies is also the registrar of cooperatives. The Cooperative and Provident Societies Act was also passed in 1903. The member is a director of a cooperative, because there are only 11 friendly societies in this State: The Australian Natives Association; the Ancient Order of Foresters; the Boulder United Friendly Society; the HBF Friendly Society; the Home Owners Friendly Society; the Independent Order of Odd Fellows; the Independent Order of Rechabites; Manchester Unity Independent Order of Odd Fellows Friendly Society of WA; the Protestant Alliance Friendly Society; the United Ancient Order of Druids; and the Victoria Park and Districts United Friendly Societies Council. I suspect that a little confusion has arisen regarding the body to which the member for Geraldton referred. However, I endorse his remarks on cooperatives, having had a fair amount to do with some of them when I was practising as a lawyer. I thank members for their assistance on this matter.

Question put and passed.

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

### **FRIENDLY SOCIETIES (TAXING) BILL**

*Second Reading*

Resumed from 21 May.

Question put and passed.

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

### **BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL**

*Cognate Debate*

On motion by Mrs van de Klashorst (Parliamentary Secretary), resolved -

That leave be granted for the Births, Deaths and Marriages Registration Bill and the Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill to be considered cognately and that the Births, Deaths and Marriages Registration Bill be considered the principal Bill.

*Second Reading*

Resumed from 16 June.

**MR MCGINTY** (Fremantle) [4.42 pm]: The Opposition is pleased to give its support to these two Bills. The legislation is in common with that which has been passed by a majority of States throughout Australia. Comparable legislation, based initially on the South Australian model, has also been passed in New South Wales, Victoria and the Northern Territory. This legislation will bring Western Australia into conformity with the core provisions of the legislation, with some variations to accommodate local requirements.

Firstly the Bill makes a number of improvements to the registration of births, deaths and marriages which meet with the support of the Opposition and, I believe, the broader community. Members will recall that from time to time over the past few years a measure of controversy has existed where members of ethnic communities - I include the Irish - have sought to register the names of their children with stresses common to those cultures which could not be accommodated within our present system of registration. As I read this legislation it will provide far greater choice in the naming of a child, therefore far greater capacity by the registrar on the birth of a child. That will accommodate the traditional and religious naming procedures of all ethnic groups. I hope that comes to fruition as it is close to the heart of many parents. As a State, through our registration procedures, we should be big enough to accommodate the variety of concerns.

Secondly, in a similar light, the issue has been raised of the existing statutory requirement that children of the same parents be registered with the common surname. This legislation abolishes that requirement and will provide for greater freedom of choice in the naming of a child by enabling parents to register different surnames in future. That degree of flexibility is important to some people and should be accommodated.

It is also pleasing to note that with the increased use of technology, computerised registration and generation of certificates will enable further electronic access to the collection and registration of information. The Bill provides for the minister responsible for the Births, Deaths and Marriages Registration Act to have the power to enter into arrangements with ministers from other States regarding the way in which that information can be collated, processed and, if necessary, exchanged. This is important in a time of high mobility between States and Territories where the tyranny of distance no longer applies. It is therefore important that a common registration system exist with a high degree of cooperation between the States and Territories.

The Bill also overcomes another problem with the registration procedure. There is now a formal requirement on hospitals or other people attending the birth of a child who are responsible for the professional care of the mother at the birth to notify the registrar of a birth. This formal requirement replaces the existing informal arrangements that were performed on an annual basis in cooperation with the Health Department. The present system relies on notification of a birth by a parent. The matching of the notification, generally speaking by the hospital, doctor or nurse, should ensure a far higher degree of accuracy or compatibility in the notification and the registration of births.

The other matter I am pleased has been dealt with in this legislation is that the Bill provides the registrar with greater scope to record parentage details in the register. That is not able to be done now. Sufficient evidence must be received by the registrar regarding the authenticity of information. However, in the view of the Parliamentary Secretary, which view I share, the present legislation's provisions for positively identifying parentage is unnecessarily restrictive and out of date with modern technology, such as DNA or blood testing. Also the present legislation does not reflect in the registration proceedings the findings of a court concerning the parentage of a child. All the new scientific advancements and decisions of courts concerning parentage are matters that the registrar can take into account in registering the details of the birth of a child and the paternity.

This Bill will provide the Registrar General with greater scope for receiving and registering information about a birth from a person other than the parent of the child. The existing legislation provides that the registrar is required to register all births in the State, but that is not possible unless a registration statement is received from a parent. Where a parent does not provide a registration statement, no birth can be registered. That is obviously a shortcoming with the existing legislation. The scope for the registrar to take into account information from people other than the parents of a child should enable a number of problems which have occurred with births not being registered in the past, and to the extent that they might occur today, to be overcome.

This Bill makes provision for the repeal of the Registration of Identity of Persons Act. That Act was passed in 1976 to give some means of identity to persons born in Western Australia whose birth had not been or could not be registered in the normal way. The Parliamentary Secretary in her second reading speech told us that only one application had been made under the provisions of the Act. With the improved registration provisions enabling the registrar to take into account a range of circumstances in the future which were not able to be taken into account in the past the purposes of the Registration of Identity of Persons Act, which did not provide a birth certificate but some sort of identity for those people, will be met by the provisions of the Bill. It renders redundant the Registration of Identity of Persons Act. Opposition members support its repeal in subordinate legislation which we are cogently debating today. The Bill also recognises that both parents are equally responsible for registering the birth of a child. It goes on to make provision for the registrar to accept a birth registration statement signed by only one parent where the registrar is satisfied that it is not practicable to obtain the signature of both parents. Again, there is a degree of flexibility and a commonsense approach reflecting the equal rights of both parents in respect of the birth of a child and its registration.

In legislation of this nature it is also important to do away with the concept of illegitimacy. The existing legislation refers to this concept. We are witnessing a significant change in social patterns in this regard. An article in a newspaper of the past weekend indicated that there was a significant decline in the number of people who were getting formally married. The number of people choosing to live together in a common law marriage or de facto relationship is dramatically increasing

at the expense of the more traditional, formal marriage arrangements. This legislation accepts that change in social patterns and makes provision for the recording of parentage information, including marriage details where the parents marry after the birth of a child, but it makes no reference to the concept of illegitimacy. That is an important step forward so far as registration is concerned.

The Bill makes provision for the registration of the death of a person who dies outside Australia but who is domiciled or normally resident in Western Australia or who leaves property in this State. The provision is intended to provide the next of kin with easy access to a death certificate which may not be readily available from other countries where the death may have occurred. Again, it is a positive step forward to deal with a situation which one would not expect to occur every day but when it does occur can present particular difficulties for the family involved. The Bill makes provision for the repeal of legislation relating to the change of names. The new provisions reflect the current procedures in Western Australia for the change of names of adults and children. A significant change to the existing legislation is the recognition of a person's right to assume a name under common law. Again, that change is for the better.

The Bill also makes provision for the maintenance of a closed register. It is to guarantee confidentiality and privacy to people in respect of the registration of their details. At the same time - this is a theme throughout the legislation - there is a balance between stating an objective, such as confidentiality and privacy, and allowing in certain circumstances a measure of access to the register or the information contained on it. The legislation gives the registrar a discretion in determining access to the register and takes into consideration the nature of the applicant's interest, the sensitivity of the information, the proposed use of information and other factors. Although the Bill expressly makes provision for the confidentiality and the security of that information and for privacy, it makes provision for legitimate access to the registrar. Those are the key elements of this legislation. I believe that the legislation should have the support of both sides of the House. I commend the legislation to the House.

**MR RIEBELING** (Burrup) [4.56 pm]: I support the Bills before the House. The smaller of the two Bills relates to quite significant changes to who can register births. I hope when the Parliamentary Secretary replies we might discover the true reasons for allowing third parties to register births. I understand the avoidance of information relating to illegitimacy is covered in the legislation. A lot of people do not understand the need for certificates to be of a meticulous nature. However, the certificates are important in that they form the foundation of the legal system under which our State operates. An important function of government is to keep accurate records of births, deaths, marriages and other information of which the Registrar General is custodian.

Our State has an outstanding Registrar General's office, which is headed by Mr Stockins. He is the head of the Commonwealth Games Federation and did an outstanding job at the recent Commonwealth Games. For some time the office has had difficulty in dealing with birth certificates of indigenous people who were not properly registered at birth. This legislation attempts to cover that. I do not quite understand how that is done. In her second reading speech, the Parliamentary Secretary mentioned that such a registration had occurred only once in the past year or so.

I live in an area with a large Aboriginal population and I am at a loss to understand why it has occurred only once in the past year. It is possibly because the Aboriginal community may not know about the process that must be undertaken to register those births. When I was working in the Narrogin court, people came in endeavouring to obtain birth certificates - for drivers' licences and for the settling of deceased estates and the like - only to find that that person was not registered. I cannot remember what we used to do about those, but no doubt they were registered in some manner. It will be all the better if that process is made easier. I know people who, because they are slack, do not correctly register births. A relatively good cross-reference system is now in place whereby the hospitals and the parents notify the authorities. It is the responsibility of the parents to register the birth. In days gone by the degree of cross-referencing of the information was not as great as it is now.

I presume the reference to the ability of a third party to register a birth refers to the notification of the birth by doctors and hospitals. This piece of legislation will probably be a success if it means that more people comply with the rules.

The dealing with certificates and the like which emanate from the Registrar General's office is another issue and one with which I am sure the Registrar General and the staff at that office grapple. On an almost daily basis people come into my office and try to convince me that I should certify photocopies of certified copies. The unfortunate thing is that a number of government agencies will readily accept a certified copy of a certified copy, which is really a nonsense certificate. However, government offices being what they are, if it has written on it "certified copy" and the rule states it be a certified copy, it would be accepted even if it were certified by someone who does not have the capacity to certify such certificates. I think that those sorts of problems are taking a considerable amount of funds from the Registrar General's budget, and hence the State's budget as well.

The change of names regulations come from the 1923, 1909 and 1975 legislation and are pieces of legislation which, if put together, should be amended. They should be considered every now and again to ensure they keep up with modern trends and the like. I know of a genuine desire in that office to respond to the needs of the Western Australian community. I welcome these pieces of legislation in the knowledge that that is a genuine attempt to make this department more responsive

to the needs of the community and to change legislation which will enable registration of births, deaths and marriages to occur in the most efficient and appropriate manner. I look forward to entering into debate in the committee stage when we will debate a couple of my concerns. I am sure that the Parliamentary Secretary will be able to allay a couple of my fears about these two pieces of legislation.

**MR GRAHAM** (Pilbara) [5.05 pm]: I was amazed when I entered State Parliament to find a statute on the statute books which restricted people from naming their children according to their wants and desires. I was previously unaware that that was the case. I thought it was everybody's right to name their children as they want. It was brought to my attention in my first term in Parliament in about 1990 that the Registration of Births, Deaths and Marriages Act restricted Muslim people from naming their children according to their faith. While that might not sound like the kind of thing that the member for Pilbara would immediately jump on board and take on as an issue, a large and excellent Muslim Christmas-Cocos Islander community is located in Port Hedland. It was those people who came to me expressing their concerns.

I approached the previous Government and sought from the then minister an undertaking to change the Act. I think it went to Cabinet in March 1991. When the Opposition was in government, I had some say in the drafting of what was to be a new Act of Parliament to loosen the prescriptive clause of the Registration of Births, Death and Marriages Act to allow Muslim people to name their children the way they want. When the change of Government occurred in 1993 this unfortunately was not one of the Government's priorities. I am not being particularly politically critical of the Government; a change of priorities always occurs when the incoming Government determines its priorities. The changes I sought were relatively minor and could have been dealt with by both Houses of Parliament in a very short period. I disagreed with the way that the Government handled it and I made no secret of that at the time. It was an interesting process. I made a freedom of information application to get the current Government's draft legislation and it was refused. I could probably speak for a day or two on the machinations and the wonderful things that happened in that process whereby at one stage I was able to name the file, the folio number and the page number only to be told that those files did not seem to be there and did not exist. I was advised that they formed part of an advice to the minister and therefore even if they could be found, I could not have them. When they were found, I was officially told that I could not have them. We appealed that decision and lost.

It is interesting that, every year when Parliament resumed, I would ask the same questions of the Attorney General as follows -

- (1) Has drafting commenced for legislation affecting the registration of birth, deaths and marriages, particularly to allow children of Muslim families to name their children in accordance with their religious beliefs?
- (2) If so, when will the legislation be introduced into Parliament?
- (3) If no -
  - (a) why not;
  - (b) when will drafting commence?

At the start of every year I would receive an answer stating that the Attorney General had provided the following reply: First, yes, the Government was redrafting the legislation; second, it would be introduced in the spring session; and that the third part was not applicable. At the end of each year I was told that the legislative timetable meant that the Government had been unable to deal with the measure in that year, but it would be dealt with as a matter of priority in the following year. That has taken place in almost every year of the current Government.

A complication arose because somewhere along the way a national ministerial conference was held and, for some reason, the Western Australian minister agreed to pass our rights across to the national committee to determine what would apply in each State. We could then have a say in the complementary legislation. That process significantly slowed down the changes I sought.

In early 1996, being delayed and frustrated by the Government's inaction on a small piece of legislation, I drafted a private member's Bill which I attempted to introduce to Parliament. However, I was told by the Government that it would not support the Bill because a national overhaul was taking place, and that it was not appropriate to change a state Act during such a process. It begs the question: Why did I go to that effort to change an Act of Parliament on a relatively simple matter? I did so for a very practical reason; namely, the existing legislation was having a direct effect on people in my electorate. A devout Muslim family in Port Hedland had a daughter but had chosen not to register her birth as they would not register that birth in any way other than in accordance with their faith.

The new legislation will allow that to happen. It is a fundamental human right to be able to name one's children according to one's religious views. I will not name the people involved. However, that child walked into my office with her parents a few months ago. The Asian parents were to take a holiday to Malaysia or Indonesia. They were unable to travel because their daughter had no passport, and she could not obtain a passport or be included on a parent's passport because she had

no birth certificate. She could not get a birth certificate because the Act still had not been changed. Without going through the matter chapter and verse, we had to undertake an extraordinary process. In cooperation with the then federal member for Kalgoorlie, Graeme Campbell, through contacting federal and state agencies, permission was gained for the child to be placed on an Australian passport. An interesting anecdote was that no-one disputes that the child was as claimed. Liberal senator Alan Eggleston was the general practitioner in charge of the birth.

Mr Baker: A very good senator.

Mr GRAHAM: I do not know that I would go that far. Therefore, we had direct and impeccable evidence about the identity of the baby. Despite that, it took months of battling the bureaucracy for these people to obtain a passport for their child.

Mrs van de Klashorst: How old is the child?

Mr GRAHAM: About four years old.

Mrs van de Klashorst: Is she still not registered?

Mr GRAHAM: She is not registered. That is the point of my speech. I reached an accommodation with the state department which held off prosecutions and fines knowing that the legislation was to be changed. This legislation has taken eight or nine years to reach this stage. I am very happy that it has finally reached Parliament. I have not looked at other parts of the legislation in which, frankly, I have no interest. Nevertheless, I am told by my colleagues that they are worthy of support, and I am happy to offer my support.

The Bills will enable people from Port Hedland and elsewhere of Muslim and a range of races and backgrounds other than European to register their children's births in accordance with their beliefs. I could, but will not, spell out some of the other difficulties which Aboriginal people in remote areas face in dealing with the registration of their births. Again, I am advised by my colleagues that these Bills will remove most, if not all, of those difficulties. On that basis, I am happy for the legislation to proceed.

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [5.17 pm]: I completely agree with the member for Pilbara that this Bill is very important, especially to migrants. I give an example relating to my name of van de Klashorst: Banks and many other organisations want to render my name strung together, to be out of sequence or to drop the van de and have only Klashorst. Computer buffs tell me that it would be easier for computers if I changed my name.

Mr Graham: Change the computer!

Mrs van de KLASHORST: Exactly; my answer is that I am a human being, and the computer is a machine. I understand the concerns of people who want to register their child in a chosen name. I completely agree with people having a choice in how they undertake this process. It is extremely important. I am pleased that the Bill will make this change possible. I hope the young lady aged four years to whom the member for Pilbara referred will be able to have her birth registered, as that will be needed before she starts school.

The member for Burrup raised a couple of questions, such as why we are to let a third party register a birth. I am sure he is aware that hospitals and doctors at the end of each year must send in a return to the Registrar General's Office, which in turn checks through the records to see that every child has been registered. That is a cumbersome method which causes problems. People often move from the town of their birth. The Bill allows hospitals to immediately send records to the Registrar General's Office, which can pick up immediately whether a child is registered. As soon as that information is provided from a hospital, the Registrar General can immediately followed up on the matter. The Registrar General recently told me that people do not, or forget to, register 600 births a year. Many of these cases are picked up when children attend school, where it is necessary to provide a birth certificate. Parents then realise that they have not registered their child. The Bill will help deal with that situation.

The member for Burrup also asked how the Registrar General's Office would avoid including a reference to illegitimacy. A birth can be registered under one or two names of parents. Couples can provide one or two surnames. After a while, the provision of either one or two names will mean that the taint of illegitimacy will fade away - it will not be mentioned. A person may register in only one name if desired; the Bill allows that to happen naturally - that word has almost dropped from the vocabulary of most people in Western Australia.

Indigenous people will receive the same type of birth certificate as anyone else in the State. I checked on the level of Aboriginal knowledge about this matter with the Registrar General. He told me that the education clinics, schools and hospitals teach these women about registration of births. The information is passed around in the schools and education clinics. The member for Burrup also asked whether the Bill would make it easier for people to comply with the rules. That is the objective of the Bill. I agree that we must respond to the needs of the community and introduce up-to-date legislation, especially with the new millennium approaching.

I covered most of the Bill in my second reading speech and any other queries will be covered in the third reading. This Bill

also covers the registration of deaths but it gives people a choice in registering the birth of a child and allows people of our multicultural society to register their children. That is the main thrust of the Bill. It opens up the whole area to allow ethnic names. I thank the Opposition for supporting the Bill.

Question put and passed.

Bill read a second time.

*Committee*

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs van de Klashorst (Parliamentary Secretary) in charge of the Bill.

**Clauses 1 to 7 put and passed.**

**Clause 8: Delegation -**

Mr RIEBELING: This clause deals with the delegation of the functions of the registrar. I presume that the Registrar General and the district registrars will be able to perform registrations and issue certificates throughout the State. How, in essence, does the system adopted under this legislation differ from the current situation?

Mrs van de KLASHORST: As it is a computerised system, it will no longer be necessary for the State to be split into districts.

Mr RIEBELING: That was what I feared in reading the legislation. I need to be convinced that services to country areas such as Roebourne will not be diminished by the installation of the new program. I am concerned about areas such as Roebourne and Carnarvon with relatively high Aboriginal populations. I appreciate what the Parliamentary Secretary said about the education programs but in many Aboriginal communities people will not grab a form, fill it out and post it unless there is a physical presence at the court. That sort of thing does not happen in Aboriginal communities. I do not know what percentage of mail is returned to sender from Roebourne but it is high because people do not pick up their mail. I am worried that the access of people in regional areas to these services may be reduced to some extent.

Mrs van de KLASHORST: There will be a transition to one register. The various districts will come online gradually so people can help those in the bush. I appreciate the member's concern as I was in Kununurra last week and I realise its isolation. The different districts will be linked online to the register and the people in the country areas will have just as much access to the information as people in Perth.

Mr RIEBELING: I gather that the Registrar General's Office will have a computer program that will link all the courts and that a person in the country will be able to type in Billy Bloggs' name and date of birth and extract a certificate of birth direct from the computer system at the same cost and speed as if he were in the Perth office.

Mrs van de KLASHORST: When everything is in place and the transition is finished, a person will be able to go to a court and obtain a birth certificate on the spot anywhere in Western Australia. It will make it easier for everyone in Western Australia to get access to the register.

**Clause put and passed.**

**Clause 9 put and passed.**

**Clause 10: Execution of documents -**

Mr RIEBELING: I have a problem with the authenticity of a lot of documents around at the moment. This clause authorises the registrar to issue a certificate bearing his signature and seal, and for the courts to accept the document as being properly issued unless the contrary is proved. I am concerned that most commonwealth departments do not know what they are looking at. People come to my office daily requiring me to certify documents because a federal officer has advised them to obtain the signature of a justice of the peace. I have had to inform these people that the only person who can do that is the Registrar General. If that occurs with other JPs it must be occurring hundreds of times each day, and the resultant loss of revenue to the Registrar General's Office must amount to thousands of dollars a day. Can the registrar educate agencies and organisations such as the passport office, the Department of Immigration and Multicultural Affairs and the banks which require certified copies of documents about those documents? Most people would not have the original document, yet they are convinced that because a document is old and ripped it must be the original - even when the birth certificate is dated 20 years after their birth - and, unfortunately, many agencies which require those documents think the same.

Mrs van de KLASHORST: Agencies such as the passport office and banks are aware of this problem, and they check to ensure that people have the correct certification. The special paper used in the production of these certificates provides some security. This is uniform legislation which is mirrored in the other States, so they would all be aware of the problems and the safeguards.



Mr RIEBELING: I am referring to those agencies which the Parliamentary Secretary says check the documentation. The passport office and the Department of Immigration and Multicultural Affairs are the prime offenders. The courts are used to dealing with legal documents and know what to look for, and will refuse to accept a document which is not what it purports to be. However, officials who regularly deal with passport applications and the like do not know what they are looking at, and that is a problem. I do not know how we deal with people who should know better who turn a blind eye for expediency.

No doubt computer systems will make certificates more accessible, but will they become cheaper? If certificates were available for \$5 or \$6, rather than \$27, people might obtain the correct certificate and there would not be a problem.

Mrs van de KLASHORST: The cost is equivalent to that which is charged in the other States, and the idea of a reduction in price has not been addressed.

**Clause put and passed.**

**Clause 11 put and passed.**

**Clause 12: Notification of births -**

Mr RIEBELING: The philosophy that used to prevail was to encourage people to register births rather than to beat them into submission with a heavy penalty. The penalty of \$1 000 that is proposed represents a substantial increase over the previous penalty of \$10.

Mrs van de KLASHORST: The penalty of \$1 000 is in line with that in the other States, and the Registrar General has advised me that it has been years since anyone was prosecuted. The prime objective is to register everyone and the registrar's office goes out of its way to ensure that occurs, and that will continue.

Mr RIEBELING: I am pleased. However, recently a young woman advised me that she was fined \$10 for failing to notify the registrar of the birth of her child. The young woman and the father of her child separated due to domestic violence. The form was completed shortly before they separated. She intended to register the child in her name and after about a year they got back together. It was one of those fluid relationships. However, she was fined \$10 for failing to register the birth within the time period, whatever that was. What will be the automatic penalty from now on for failing to register within the prescribed time? Is it in line with the eastern States?

Mrs van de KLASHORST: The member for Burrup is referring to a late registration fee for someone who was supposed to register on time and was fined \$10 for not doing so. As I said before, the Registrar General and his office will do everything possible to ensure people register.

Mr Riebeling: Yes, but what will the fine be?

Mrs van de KLASHORST: There will be a late registration fee of \$10 after 12 months.

Mr Riebeling: It stays the same?

Mrs van de KLASHORST: Yes.

**Clause put and passed.**

**Clause 13: Cases in which registration of birth is required or authorized -**

Mr McGINTY: I wish to deal with two issues in this clause. Given the definition of a stillbirth in an earlier clause, will a late term abortion need to be registered as a birth under the provisions of this Bill?

Mrs van de KLASHORST: No, the registration would not be required under those circumstances.

Mr McGinty: Why is that?

Mrs van de KLASHORST: A late term abortion would not have reached the required time for registration of birth. What does the member mean by a late term abortion?

Mr McGINTY: In the definition clause, "birth" is defined as the expulsion or extraction of a child from its mother. "Child" is then defined and includes a stillborn child. A stillborn child is defined as a child of at least 20 weeks' gestation that exhibits no sign of respiration, heartbeat or other sign of life immediately after birth. One of the issues that we spent considerable time dealing with in the first half of this year was the vexed problem of late term abortions at more than 20 weeks' gestation. Although it was agreed that they would be small in number, it would appear that in the way this clause is phrased, if a legal abortion were to be performed under the law we passed earlier this year of a child of at least 20 weeks' gestation, that child would exhibit no sign of respiration, heartbeat or other sign of life immediately after birth. That situation may be caught by this definition. It seems, generally speaking, to fall within the limits of the definitions contained in this Bill. There must be something else in the legislation which would either mean that an abortion is not a birth or that the removal of foetal matter is not a child. I do not see where that is in the legislation.

Mrs van de KLASHORST: It is not the intent in the legislation to include abortions. As the legislation is mirrored on the federal legislation, I suppose we will have to check it out.

Mr McGinty: We have unique abortion legislation, as you will recall from the debate earlier this year.

Mrs van de KLASHORST: Yes.

Mr McGinty: Perhaps that was not taken into account. I am not sure how to handle it if there is some validity in the point I am raising.

Mrs van de KLASHORST: The information I received is that if a person wished to register, he or she could. However, the Registrar General's Office would not be seeking that registration, because that was not the intent of the legislation, as long as the abortion is beyond 20 weeks and the body at least 400 grams at birth and exhibits no sign of respiration, heartbeat or other sign of life immediately after birth.

Mr McGinty: I am assuming those would be the circumstances. You will recall during the debate there was the suggestion that it would be a relatively small number each year.

Mrs van de KLASHORST: Yes, a handful or less.

Mr McGinty: Or less than that.

Mrs van de KLASHORST: Yes. It is not the intent of the legislation; however, a person would not be refused if he or she wanted to register the birth.

Mr McGinty: That would create the problem to which I am alluding. Has this legislation been through the upper House?

Mrs van de KLASHORST: Yes, and it has been passed with one amendment.

Mr McGinty: It would appear to me to be inappropriate to register an abortion at birth.

Mrs van de KLASHORST: That is right, because the person who had the abortion, obviously did not want the child otherwise she would not have aborted; or there may have been some specific medical defect which would have caused the parents to seek an abortion, because late term abortions are only for medical defects or life saving situations.

Mr McGinty: Is there a problem then under clause 54 on third party access to records of late term abortions? I am just trying to see the totality of the picture in front of us.

Mrs van de KLASHORST: As there is a register, the parents would have access to it if they so desired. According to the way this is written, I doubt if it could be refused.

Mr McGINTY: I am a little uneasy about that matter. However, I raise another issue of more general interest. The Registrar General may be able to advise through the Parliamentary Secretary whether unregistered births are still occurring in Western Australia. Do they relate particularly to the Aboriginal community in the remote parts of the State? This was an issue some time ago. Can the Parliamentary Secretary give us a description of the current state of play and how these provisions in clause 13(1) might address that, if there is a problem?

Mrs van de KLASHORST: I summed up in the second reading speech that about 600 out of approximately 28 000 births a year are not registered. Under normal processes, many of these 600 births are picked up when the children go to school and need birth certificates or if there is another reason for a child requiring a birth certificate. They are checked up and registered at that time. It is a problem. It is part of actively seeking people and getting them to register births. Once a year, hospitals send the Health Department a list of all hospital births. That is why we had registration or notification by the hospital. After a year, people have often moved, possibly interstate, and some cannot be traced, but a large percentage of the 600 are being picked up.

Mr McGinty: Whose births would still remain unregistered as a result of the passage of this legislation?

Mrs van de KLASHORST: There will always be a few. Some people just forget. They are so excited about the birth - people leave hospital early these days - and they rush off and forget. They intend to register the birth, but they are busy with the baby and so on and it does not happen. Some of our indigenous people find it difficult to register. Officers are working hard with clinics and schools and are handing out information so that people realise that they should register at birth.

**Clause put and passed.**

**Clause 14 put and passed.**

**Clause 15: Responsibility to have birth registered -**

Mr RIEBELING: Clause 15 relates to who is obliged to register a birth. The new easier-to-read legislation - I do not know

who drafted it - contains the term "foundling". I had to ask what a foundling was. It sounds more like a fish than a person. The vast majority of people would not know what a foundling was. Presumably, it is someone who is left on the steps of a hospital.

Mrs van de Klashorst: Or a church.

Mr RIEBELING: Or in a rubbish bin, or on my doorstep. There appears to be an obligation on the finder of the foundling to register the birth.

Mrs van de Klashorst: No, that is not meant. Whoever ends up with the long-term care of the child, such as Family and Children's Services or a welfare agency, would have to register it. If one found a child on one's doorstep, one would be unlikely to end up with the long-term care of it; it would be handed over to the authorities or to a welfare agency.

Mr RIEBELING: In a year or so, the mother might turn up and say, "I had a breakdown; where is baby X?" Has baby X been registered as young Jimmy Foundling? Does the foundling go straight away to an adoptive parent who then names the child, or is there a registration gap in which someone is allowed time to claim the child? Clause 15(3)(b) gives the registrar power to register the child if he is satisfied that -

the child's parents are unable or unlikely to lodge a birth registration statement.

At the end of 60 days will the registrar say that they are unlikely to register? What time frame will be in place?

Mrs van de KLASHORST: In the case of a foundling, the child would be taken to Family and Children's Services, which would handle the matter. Normally, it would pick a Christian name or a given name, not a surname. Obviously, people would be looking for the person who gave birth to the child. If she could not be found, the child would be put out for adoption and registered under the adoptee's name.

Mr Riebeling: Would the welfare officer select the name?

Mrs van de KLASHORST: Just the first name. It would not necessarily be the registered name; that would be up to the adoptive parents. It is usual for the name that Family and Children's Services picks to be changed and for the adoptive parents to pick the child's name. People would not be able to call the child "Boy" or "Girl". They would need a name. People usually love children when they have them.

Ms McHALE: Clause 15(3) states that the registrar may accept a birth registration statement from just one parent. What are the parameters of that discretion? There are several "for instances", but I am thinking about a woman who used artificial insemination or donor insemination. Many women do that. What would be the registrar's position in a case involving donor insemination?

Mrs van de KLASHORST: With donor insemination, the woman who gives birth to the child decides how she registers the child, and the registrar would accept that.

Mr RIEBELING: In relation to the question, which was not answered, about -

Mrs van de Klashorst: Foundlings?

Mr RIEBELING: No. I have finished with foundlings; the Parliamentary Secretary has covered that matter very well. Clause 15(3)(b) states -

The child's parents are unable or unlikely to lodge . . .

Is there a set time when registration would occur without the parents providing that information? Is it 60 days?

Mrs van de KLASHORST: Depending on the circumstances, there would be a further time after the 60 days. It is covered in clause 16(2), which states -

The Registrar must accept a birth registration statement even though it is lodged after the end of the 60 day period.

Mr RIEBELING: As to the acceptance of a birth registration statement - this matter might be covered in the next clause - is there provision to reject stupid names? For example, under the old legislation, the Registrar General had power to change silly names that were registered by drunken parents.

Mrs van de Klashorst: Obscene names or something like that?

Mr RIEBELING: Yes. My father once mentioned a fellow by the name of VD Carrier. He thought that the name was eminently changeable. Does that power still exist?

Mrs van de KLASHORST: On page 4, clause 4 states -

**"prohibited name"** means a name that, in the opinion of the Registrar -

- (a) is obscene or offensive;
- (b) could not practicably be established by repute or usage . . .

**Clause put and passed.**

*Sitting suspended from 6.00 to 7.30 pm*

**Clauses 16 and 17 put and passed.**

**Clause 18: Registration of parentage details -**

Ms McHALE: I think I understand the intention of this clause but perhaps the Parliamentary Secretary could clarify this: Under clause 18(b) one parent can make an application. If one parent makes an application, can she or he put the other parent's name on it without the other parent's consent or is that covered in clause 18(a), which provides for a joint application? I am querying whether by deception one parent could include, perhaps falsely, the name of the other parent. What protections are there for that not to happen?

Mrs van de KLASHORST: A parent must have the other parent's consent. That will stop people putting false names on the register.

**Clause put and passed.**

**Clause 19: Addition of details after birth registration -**

Mr RIEBELING: This clause covers the type of changed circumstances of the young lady of whom I spoke earlier: There may be a de facto relationship from which a child is born; after its birth the couple may have separated; the child may then be registered without the father's details; at a later stage the couple may be reconciled. Does this clause allow the child to be reregistered in the father's name if that is what the parents choose?

Mrs van de KLASHORST: Yes, the birth registration can be updated.

Mr RIEBELING: Is there a time limit for the alteration of that information?

Mrs van de Klashorst: No.

Mr RIEBELING: It can be done until the child is of a certain age?

Mrs van de KLASHORST: There is no time limit; it can be done at any time. If the child is over 12 years old, the child must consent to the change of name.

**Clause put and passed.**

**Clauses 20 and 21 put and passed.**

**Clause 22: Name of child -**

Mr McGINTY: Will the Parliamentary Secretary draw my attention to the clause which gives the Registrar General power to decline to register a name? What are the circumstances in which he would exercise that power?

Mrs van de KLASHORST: Clause 4 gives the definition of prohibited name. A name may be prohibited if it is obscene or offensive or for other reasons as listed.

Mr McGinty: What are the sorts of instances when the registrar has refused to register? Does the clause represent a departure from that?

Mrs van de KLASHORST: The registrar informs me that he cannot recall any incidents but there have been incidents where a change of name has been refused.

Mr McGinty: There was an incident of some candidates in the recent federal election in New South Wales who changed their name by deed poll. Is that the sort of situation this clause covers?

Mrs van de KLASHORST: Yes.

Mr McGinty: So our Registrar General, notwithstanding national uniformity, would be somewhat stricter than his New South Wales counterpart. Is that correct?

Mrs van de KLASHORST: He would have to make up his own mind on that question.

**Clause put and passed.**

**Clause 23: Given names can be changed once within a year of birth -**

Mr RIEBELING: I presume this clause allows for mistakes in registration to be rectified - perhaps the father registered a name and misspelt the Christian name or caused some other minor defect in the name - rather than the ability on a whim to chop and change the child's name in the first year. Will the Parliamentary Secretary give some guidance on the purpose of clause 23?

Mrs van de KLASHORST: The Registrar General tells me that the Act has always contained this sort of provision which allows for the correction of errors made when somebody has perhaps rushed in on the way home from the birth and registered the name with errors.

**Clause put and passed.**

**Clauses 24 to 72 put and passed.**

**Schedule put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Mrs van de Klashorst (Parliamentary Secretary), and passed.

**ACTS REPEAL AND AMENDMENT (BIRTHS, DEATHS AND MARRIAGES REGISTRATION) BILL**

*Second Reading*

Resumed from 16 June.

Question put and passed.

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

**PORT AUTHORITIES BILL**

*Second Reading - Cognate Debate*

Resumed from 15 October.

**MR RIEBELING** (Burrup) [7.44 pm]: I was some way into my contribution when the Bills were last before the House. I see that I have 16 minutes in which to speak, which is plenty of time. I was not sure how long the House must put up with my comments.

Mr Prince: It is called Alzheimer's.

Mr RIEBELING: It seems that I must repeat my earlier comments because members opposite need their memories refreshed.

I am concerned about the agenda behind these Bills. As I spelt out in earlier comments, this Government has a propensity, no matter how efficient a port authority may be, to change the structure of the authority if the Government perceives that the unions involved have too much power. The last time we debated this matter, the members for Bunbury and Geraldton interjected at great length about how good it was that the destruction of the unions was part of the intention of the legislation.

Mr Osborne: That is not quite what we said. You have excited me again. We said that the priority loyalty of the work force should be to the port, not the MUA.

Mr RIEBELING: The primary focus of workers' loyalty should be to their families and workmates, as well as to their employer by ensuring they work for the betterment of the organisation.

P & O operated out of the Dampier Port Authority wharf since its public inception. This wharf was not designed for general cargo. The MOFF wharf, as it is known, was designed for a specific heavy lift; namely, the lifting of a cryogenic convertor, which is a heavy part of the refrigeration process in the liquefaction chain on the North West Shelf. That equipment required an entire ship to bring it out from the United States. This delicate and heavy equipment contains 1 500 kilometres of copper tubing. That wharf was designed specifically to pick up that instrument and, consequently, the wharf is short and has grave limitations when it comes to handling general cargo.

P & O stevedores at the wharf had to adjust their method of working to ensure they were efficient enough to attract business

to the wharf. This was done successfully, especially for the offshore oil and gas industry as it services large rigs. The time spent with boats tied up to the wharves is very expensive indeed with this type of business. Far from being inflexible, the workers developed practices by which ships with general cargo were loaded and unloaded as quickly as possible no matter the time of day. A 24-hour service was provided at that port.

In November last year I outlined in this place my fears that the then Minister for Transport, despite engaging in the process of tender selection, had decided months prior to that process that Western Stevedores Dampier was to be granted the exclusive operation of that port. The minister made it clear that the tender process was a sham, which has since proved to be the case. We ended up with a stevedoring company which had no track record taking over from a company which had numerous testimonials from user groups regarding its efficiency, flexibility and safety record. Every aspect of the P & O stevedoring operation received high praise from private industry, which presumably is interested firstly in bottom-line profit and then running a safe workplace. The vast majority of employers have those two main emphases. I hope most also want a happy work force. Many of these companies achieved all that. Some of them felt that the inexperience and workplace practices of the new unproven company meant it would not be as successful as the company that had operated from the Dampier public wharf for a number of years and had created that industry. This legislation allows the process used at the Dampier wharf to spread more rapidly throughout other wharves. This Government, along with the Federal Government, is hellbent on breaking the Seamen's Union of Australia and the maritime workers under whatever process it can. The previous Minister for Transport thought he was relatively clever in achieving what he did in Dampier, without the industrial disputation that occurred in the eastern States when changes were attempted to be made rather more brutally than occurred in Western Australia. However, the Government's being somewhat smarter does not mean its intention is any different from the intention of the federal authorities.

In the Dampier situation the work force has been requested to join the Maritime Union of Australia, and the organisational structure of the union within the Dampier organisation has been removed. These people are members of the union and, I am pleased to say, some of the employers are the old employees who were deemed not to be efficient enough to run the wharf previously. It is disappointing that some of the organisers of the original structure of the wharf have in some way been blacklisted in the Pilbara region and they are finding it impossible to gain employment, although they are very efficient workers, because they are somehow tied to a workplace that the Government decided was not efficient. In my view the Government should acknowledge the pioneering work done in that region. If the Government were genuine, it would acknowledge that the previous company was efficient and that Western Stevedores Dampier, to which the Government gave exclusive operational rights, could not succeed in a competitive environment. At the end of the day, Western Stevedores told the Government it could not survive unless it had exclusive operational use of the wharf. On the other hand, P & O Australia Ltd was happy to compete for the business because it was a better operator and knew that the users of the wharf would remain loyal to it and use its labour and expertise even if the cost was slightly higher. P & O was not afraid of the competition.

Ms MacTiernan: The extraordinary thing is that no-one on the Government's side has been able to give any justification for taking away the active competition and inserting a monopoly.

Mr RIEBELING: The only reason I have ever heard for that action is that Western Stevedores could not survive unless the competition was removed. The previous minister had a commitment to ensuring that Western Stevedores survived.

Ms MacTiernan interjected.

Mr RIEBELING: The original company had some linkages to the Buckeridge Group of Companies but that was removed in some share transaction that left the current owners in charge of the operation of the wharf. I understand Mr Buckeridge is no longer an active part of the company.

Ms MacTiernan: It is more accurate to say that his name no longer appears on the document.

Mr RIEBELING: That is right. The stevedoring company that the users of the wharf wished to use was removed in the name of efficiency, but the Government has given no indication of how successful the new company has been or whether more product has been shifted across the wharf. The annual report next year will probably show less productivity on the wharf under the new operators. There are various reasons for that, but I can guarantee that the volume of product moved across the wharf will be lower. The Government went through an absolute sham to remove P & O from the wharf. A year ago the Opposition knew the tender process was not genuine and it said so in this place. Everything the Opposition said and every claim it made in November has come to pass. If members opposite had checked the references I read in this place from various companies about P & O, they would have found that all the references were current and real. Companies genuinely regarded P & O as flexible, efficient and cooperative, and as an operation that enhanced their ability to compete internationally with its work practices and adaptability to the changing environment. As I said previously, that environment was designed for nothing other than one specific heavy lift. The wharf was not designed for general cargo. For the next five years Western Stevedores Dampier will operate that wharf. One of the competition agencies indicated that it thought a tender process once every five years was competition - serial competition.

Ms MacTiernan: It made some profound miscalculations and errors of fact in making the judgment, one of which was that Port Hedland was a realistic competitor. The rig tender operators I spoke to said that was absolute nonsense.

Mr RIEBELING: In my view the tender process was corrupted because before it started a successful tenderer had been selected, and the Government then worked out why Western Stevedores Dampier should gain that work. Quite clearly, P & O has been prohibited from competing. This Government crows about its support for competition and it creates competition wherever possible, except in a situation where the company it wanted to succeed was not doing well because it did not have the skills, expertise and knowledge that its competitors had. Therefore, the Government wiped out the competition and put a less efficient operation into place, and it hopes that in the next five years that operator will become as efficient as the operation it replaced. That type of action will be repeated throughout the State unless the union movement, especially, starts to grapple with this Government's real agenda.

**MR OSBORNE** (Bunbury) [8.00 pm]: It has been remarked by the member for Burrup and others that the member for Geraldton and I took a significant, if informal, part in the debate on this legislation last week. I take the opportunity to make a few remarks about the recent issue that has arisen with respect to the Bunbury port; that is, the contracting out of services process initiated by the Bunbury Port Authority. I make these comments with the intention of setting the record straight on my response to that process and the Government's position and its responsibilities to not only the people who work on the wharf, but also to the producers who use the wharf as an essential component of their business operations.

A range of options are open to the people who work on the wharf in Bunbury today. In recent weeks the maritime union has been quoted in the newspaper. Mr Buck has commented publicly in the local media. The effect of the comments he made is that a crisis has arisen and the workers at the port are faced with a take it or leave it situation. That is not the case. In all instances where this Government has sought to examine the contracting out of services from the public sector to the private sector, a full range of options has been open to people who may or may not be affected by those changes. That has been the case in this instance as well. The truth is that the workers on the Bunbury port have four options open to them. They can submit a bid for the contract of services which will be examined by the port authority. I understand that the port authority is prepared to make a significant amount of money available to the workers at the Bunbury port to enable them to make their own tender submission to it.

Ms MacTiernan: You are a socialist after all. You are postulating socialist control of the Bunbury port.

Mr OSBORNE: No, not at all. The Bunbury Port Authority is controlled by the board of the Bunbury port. One of the comments that Mr Buck made in our local media was to question the capability of the Bunbury Port Authority to manage the contracting process and the port. On behalf of the members of the authority, I take exception to those comments because no group of people such as John Willinge, the chairman, Louis Tuia, the deputy chairman - who has served 21 years on the Bunbury port - John Sullivan and Neville Eastman has a greater capability to manage an enterprise such as the Bunbury Port Authority. These people are not incapable; they form a local board which has the authority to manage the Bunbury port in the way that will best benefit the local community and the people who work there. They carry out those duties in an exemplary fashion. When Terry Buck made a comment in the local paper that cast aspersions on the capabilities of these people, he ignored the great debt that the people of Bunbury owe to them.

Ms MacTiernan: Are you talking about the wharf workers?

Mr OSBORNE: No; I am talking about the board of the port authority that Terry Buck criticised in the local media when he said he did not believe it had the expertise to run the port properly.

Ms MacTiernan: Do you think that the board was happy about going out to tender or do you think, if you read closely the announcement of its decision, that it felt it was compelled to do it because of government policy?

Mr OSBORNE: It is not compelled to do anything. At the end of the day, the board runs the port. The minister has discussed the matter with the board and it has agreed. Let us remember that the board has not been told to do this nor is it bound to do it. The board has been asked to examine the position and that is what it intends to do. The board has been asked to look at the tendering out of services to ascertain whether they can be done in a better way. The board agrees this is a perfectly reasonable course of action. At the end of the day it is up to the board to decide what it will do. If, on a fair examination of the facts, the board found that the tendering out of services did not give it a better outcome, it is not bound to proceed in that direction. Indeed, I would be very surprised if, against all the principles of economic sanity, this Government thought it could force the board to take that action. The board is not being told to do anything. It has made a decision in its own right and the decision at the moment is that it will examine the prospect of the tendering out of services.

At the outset I spoke about the range of options available if the Bunbury Port Authority decided to go down the road of contracting out. In the first instance the port authority workers are being encouraged to make their own submissions and the authority will give them financial assistance to do so. That is the first option that they can explore. If that course of action is unsuccessful, and the port authority decides contracting out is the way to go, the workers can transfer to a new employer. They can either take voluntary redundancies or stay with the port authority. In common with all public sector

employees when these processes take place, a full range of options is available to the people who are currently employed in the public sector; they can go to a new employer, they can stay where they are in the public sector or they can take redundancy payments and do something different. This case is no different from any other; the workers have a full range of options.

Ms MacTiernan: Have you looked at what would happen to the incomes of these port workers if they took redeployment? Have you any idea?

Mr OSBORNE: We must let the workers do that, because they are the ones who make the decisions in their own best interests. They can stay with the authority, they can go to a new employer or they can take redundancy. No-one is forcing these workers to do one thing or the other.

I reiterate that it is an assessment only. In common with the Government, the Bunbury Port Authority has a responsibility to make an assessment and determine if a better option is available for this work to be done. We have a responsibility to discharge on behalf of the producers and consumers who use the port and who rely on the port for the wellbeing of their businesses. As a government, we also have a responsibility to the taxpayers of Western Australia.

The other comment I make is that when the member for Geraldton and I spoke last week, the philosophical divide between the Opposition and this side of the Chamber could not have been plainer. I have made a similar statement before. It seems to me that the Opposition believes that the Public Service was established to provide employment for the members of the union movement. We do not see it that way at all. We believe that the Public Service was established to provide services to the public. As a government, we have a responsibility to ensure those services are provided as effectively as possible. If we can find a better way to provide those services, surely we have a responsibility to the people who are paying the bills to ensure that we pursue the best course of action.

The second point I make is that the Opposition always proposes the myth that if we privatise or contract out "jobs will be lost." That is a simple fallacy. The fact is jobs are not lost to the economy; they move from one sector of the economy to another. They move from the public sector to the private sector, but the jobs themselves do not disappear.

Ms MacTiernan: When Westrail's track maintenance was privatised, a massive number of jobs in country areas disappeared. The seven teams in Northam went down to three.

Mr OSBORNE: Let me put this proposition to the member: If she examines the conduct of a public enterprise and finds that the work can be done by 50 people when previously it was done by 200, the taxpayers are owed a responsibility -

Ms MacTiernan: No, they are simply not doing the job. They are cutting back on the service which is -

Mr OSBORNE: When a responsibility is owed to the taxpayer, what is one supposed to do? Are 200 people to be kept on the payroll, standing around using their time ineffectively and wasting Government and taxpayers' resources? In part, it is a rhetorical question. The fact is that we all have a responsibility to the people who are paying the bills - in this case the taxpayer - to get the job done as cheaply and effectively as possible. If people are working ineffectively, no fair and reasonable person would say that that should continue.

Public sector employees have always had a choice: They can stay where they are, go to a new employer, or take redundancy. As I said in an interjection last week, I do not have a philosophical objection to people being unionised or working cooperatively. However, I do have a problem with people working in an enterprise having a loyalty to someone other than their employer. If their primary loyalty is to a union rather than their employer, I have a distinct problem. Government enterprises are not the playthings, private fiefdom or milch cow of the union movement - they belong to those who have paid for the service to be established.

The most important responsibility in respect of ports is to the producers. As a former farmer and a member representing the south west region, which has a large number of primary producers including miners, foresters and agriculturists, I am very aware that producers live or die on a day-by-day basis, according to how well they manage their costs and the profits they make from the sale of their produce. If those profits are jeopardised by inefficiency or sabotage on the wharves, or if their costs are being pushed out of control by inefficiencies, we all have a responsibility to do the right thing on behalf of those consumers.

The Bunbury Port Authority is undertaking the contracting out process responsibly. It is not certain that it will happen; the authority has simply decided to examine the concept. If it finds that the work can be done more efficiently, it has a responsibility to pursue that course of action. If it ultimately does go down that path, the workforce at the port will have a full range of options open to it, including staying with the port authority, taking a redundancy payment or moving to a new non-government employer.

**MR MARLBOROUGH (Peel) [8.13 pm]:** No wonder we have just seen a massive swing back to the Labor Party in the recent federal election. The member for Bunbury has provided us with a weak imitation of his federal colleague Peter Reith. They think that by uttering the words, everyone will believe them to be true. The member for Bunbury said that government



workers need not fear for their jobs; the Government is simply asking that they be efficient. He also pointed out that government services are not the plaything of the union movement to provide it with membership; they are established to provide an adequate service to the community.

During this Government's term in office, workers have been machine gunned down as they have come out of the trenches, despite the fact that they have wanted to show that they are capable of competing with the private sector. The Government does not care that nurses have agreed to changes in their rosters, that school cleaners and teachers have agreed to massive changes in the education system, or that lecturers in the TAFE system have agreed to major changes that have provided savings. It has not cared that a person was a port authority worker, drove buses for Transperth or worked in a power station providing energy for this State. Whenever workers employed by this Government over the past four years have agreed to major industrial changes that the Government has said are necessary to make industry more efficient, and in making it more efficient they have been in a position not only to provide a better service to the community but also to compete with private enterprise, at the end of the process it did not matter that they could achieve those goals or that those actions would result in millions of dollars being handed back to the Government in savings. It also did not matter that in implementing those efficiencies they could provide the same or a better service, because behind the Government's intention, driven by a very sick ideology, was a desire to ensure that it got out of those enterprises as rapidly as possible and handed them over to the private sector.

That sick ideology has resulted in revolution. No Australian, regardless of his politics, would support what Peter Reith did with the waterside workers of Australia. At the end of that process - during which he was willing to send retired Special Air Service officers to the Middle East to be trained, to come back and climb over the ramparts on the wharf and take over the cranes if need be -

Mr Omodei: Don't get too carried away. It was the Hawke Government that brought in the Army to break the pilots' strike.

Mr MARLBOROUGH: I am not getting carried away. These events have been judged in the past few weeks by the Australian people, and 51.7 per cent of them have told the Howard Government, which supports the same principles this Government supports, that they no longer want those policies to be pursued. I am more than happy for this Government to continue on in this way because it brings political benefits to the Labor Party. I would have loved to see images of Peter Reith popping up everywhere during the election campaign - it was the best thing the Labor Party had going for it at the federal level. However, we should not get carried away by the influence of the individual.

We have heard from the member for Bunbury today and on the wharves over the past four years an ideological commitment on the part of this Government to replace workers regardless of how efficient they are. I and the Labor Party believe that when government workers can bring about the efficiencies that are required in the modern industrial society, they should be supported in their job opportunities. Under this Government we have seen the undermining of job security, and that has led to a shaky economy. People are afraid to spend a dollar. In fact, some lending authorities in Australia will not finance the purchase of homes and vehicles.

Mr Prince: It has happened across all western economies and we have caused it. My, we are powerful!

Mr MARLBOROUGH: The minister should not scurry away; he should sit down and I will debate with him. He is the loser from Albany. We know his moral standards.

Several members interjected.

Mr MARLBOROUGH: There he goes - scurrying away! He is like a rat deserting a sinking ship - he cannot get down the rope quickly enough.

Mr MacLean interjected.

Mr MARLBOROUGH: The member for Wanneroo cannot get over the fact that his doctor mate was in gaol because he was a crook and the bloke he took over from, Wayne Smith, was gaoled for it. They were all found guilty before a tame royal commission ever took place.

Mr MacLean: You use the privilege of this place to defame and rubbish people. You don't have the guts to say things outside. You have no credibility in this place, so why don't you sit down?

Mr MARLBOROUGH: Having seen his mates in gaol because they were crooks, the member for Wanneroo now wants to rewrite history. The truth of the matter is that they were in gaol; it was not me.

Mr MacLean interjected.

The ACTING SPEAKER (Mr Sweetman): Order, member for Wanneroo.

Mr MARLBOROUGH: It was not I who removed the former Attorney General from her position. In fact, the day after we rose in 1996 the Premier called a press conference and said that the Attorney General had been removed from her position as Attorney General because of the damage caused by Wanneroo Inc. The Premier had that view.

*Point of Order*

Mr OMODEI: I know that the second reading debate allows for general debate. However, we are discussing the Port Authorities and the Port Authorities (Consequential Provisions) Bills. I suspect that we are not sticking to the legislation.

The ACTING SPEAKER: I am glad the Minister cleared that up. We are debating the Port Authorities Bill. The member for Peel has the floor.

*Debate Resumed*

Mr MARLBOROUGH: I am also more than happy to engage the member for Wanneroo, who wants to rewrite history about his crooked mates who spent time in gaol.

The reality is that this Government has never worried about efficiencies in the Government work force being the measure by which government departments provide services to the community. That philosophy is evident in the port authorities more than in any other area. The Government has parachuted onto boards of port authorities its political hacks - usually broken-down farmers - members of the National Party and a few scattered Liberal members.

Mr Trenorden: They cannot be broken-down hacks if they are members of the National Party; they are superb people!

Mr MARLBOROUGH: Most of the hacks are in here. It is interesting to note in the Bill what authority the boards will have and to whom they will be answerable. The track record shows that as soon as the previous Minister picked up the phone and advised them to go along a path - the Buckeridge scenario in Fremantle with Stateships was a classic situation - they were willing to comply with the Minister. This Bill does not provide for the Minister to be able to influence a board in that way. What the public saw with both Buckeridge and Stateships and subsequently -

Mr Trenorden: No wonder you are choking when you talk garbage like that.

Mr MARLBOROUGH: What does the member think happened?

Mr Trenorden: The Minister has no ability to direct boards.

Mr MARLBOROUGH: The member should read the appropriate report. It may be his version of events but it is not the version of events in the report. It is clear that the Minister had major input into how the Stateships board determined its actions.

Mr Trenorden: Did the board tell you that?

Mr MARLBOROUGH: The board is simply a political hack of the Government.

Mr Trenorden: Did the board tell you it took direction?

Mr MARLBOROUGH: The influence the Minister had over the boards is obvious in the report. Buckeridge was one thing; but it is notable that the Fremantle Port Authority board did not comment to the contrary in response to Peter Reith's national attack on waterside workers around Australia. Why did he attack them?

Mr Trenorden: Are you happy to say outside this House that the board took direction?

Mr MARLBOROUGH: The member for Northam is never backward in coming forward in this House.

Mr Trenorden: The last member for Northam is dead.

Mr MARLBOROUGH: I mean the member for Avon. We have known for a number of years that he is dead from the neck up. He comes in here and someone pulls his strings, so he bobs up and down accordingly.

The ACTING SPEAKER: Order, member for Peel.

Mr Trenorden: He is not hurting me. He is the only member with no credibility.

Mr MARLBOROUGH: I have no problem living with my credibility.

Mr Trenorden: You could parachute out of a snake's backside.

Mr MARLBOROUGH: That is one of my old sayings; it is not even new. It is so old it is not worth responding to. The member for Avon can say what he likes. The proof of what occurred was before every Australian. The involvement of the Government through its Minister and the acquiescence of the Fremantle Port Authority board was obvious to everyone. Anyone who wanted to see how Australians reacted to that regime needed only to be in Fremantle on any night that dispute was underway. I have lived in Fremantle since 1963 except for seven years when I was in the Pilbara. I saw people on that picket line night after night whom I had not expected to see on a picket line.

People were there whom I have known for many years in the Fremantle community and whom I would not have naturally

suggested were Labor voters or even union supporters. However, they were there because they recognised that the Government was willing to go to any length to crush Australian workers using the military if it had to in this State. In this case it amounted to massive overuse and misuse of the Police Force. The outcome was that Australians could see that waterside workers were being attacked not for their inefficiencies, although that was the message government members wanted to paint. There was plenty of evidence to show that major breakthroughs in making the waterside more efficient had occurred over a long period.

Simply because a group of workers were members of the trade union movement, the Government tried to paint them as un-Australian, thereby suggesting to the community that they were not meeting the demands of the community; they were doing everything within their power, because they were un-Australian, to break down the standards required for moving goods and services across the Fremantle wharf. Behind all of that was one issue only; that is, through the madness that drives the likes of the Peter Reiths of this world and the skewed logic of the member for Bunbury, an issue about workers wanting to be members of a trade union movement.

That was all. As companies can choose to be members of the Chamber of Commerce and Industry, workers on the wharf in Fremantle wanted to be members of the trade union movement. That was their only crime; it had nothing to do with inefficiencies. We know that because the court determined it. The court of the land, in this democracy, analysed the processes of government at both the federal and state levels, had the opportunity of analysing the role of the unions and, more important, the court had the opportunity of determining whether Australian workers were right or wrong and it found in favour of Australian workers and the organisation that represents them. The court made the Government look stupid and, if it had any soul, shameful of what it had attempted to do. It had attempted to ostracise a group of Australians simply because they were members of a union. Once they were members of that union, the Government did not care what it said about those people to denigrate them in the eyes of the community. Unfortunately, we do not see any evidence in this Bill that that is likely to change. We see evidence of a minister being able to continue to handpick the board. The ministers of this Government will continue to do what they have done for the past four or five years. Under the Local Government Act, the minister has some say in selecting people but at least that Act requires those people to have some experience and expertise in local government. Nothing in this Act requires that a person selected by the minister to serve on the board of a port authority needs some experience in running ports, shipping or transport. It deliberately does not say that.

Mr Omodei: I hate to tell you but the question of the executive administration being chosen by the minister under the Local Government Act has been deregulated so people do not need experience.

Mr MARLBOROUGH: I know that. However, within the Local Government Act the minister has the ability to select a committee process and the people selected by the minister must have experience in local government. Correct me if I am wrong, but I think the Act says at least one of them can be nominated by the local government authority. The Local Government Act recognises that when dealing with taxpayers' money, the administration of that money and a board which can create its own charges - like the port authority - the minister can put in place a board to oversee certain aspects but the Act guides the minister on the sort of people he can appoint. That is not so in this Act. It does not give the minister any guidelines. Having been through four years of the types of boards this Government has put in place in Western Australia, the Opposition is concerned that these people will be handpicked hacks of the Government, broken-down cockies, ex-members of the Liberal Party parachuted in to do as the minister directs.

Despite the national embarrassment suffered by this Government because of the role of the Fremantle Port Authority in the waterside workers dispute, I did not see a board member be anything but supportive of the Government's position. I did not hear an independent voice of an elected board member say that the Fremantle port is an efficient port. Just before the dispute, ministers such as the Deputy Premier came into this Parliament and told us that the waterside was running efficiently. Before Peter Reith decided to attack that section of the Australian workforce, the Deputy Premier said the ports in Western Australian were running efficiently. There had been massive gains in productivity. The Government was proud of what had been achieved in that area. That is the sort of thing said by the leader of the National Party, the Deputy Premier. That was ignored when Peter Reith, the Federal Minister for Industrial Relations, deemed that it should because he was going to single out a branch of the Australian work force and slaughter it in whatever way possible. He brought out the machine guns and the hand-grenades, he did backyard deals with ex-members of the Special Air Service and paid the air fares to send them overseas to the Middle East to be trained in the latest techniques. He was going to use them on the waterside at Fremantle. Overnight the State Government, like lemmings to a cliff edge, ran to be part of the attack.

At the end of that process it deserved all of the acrimony it received. It may not have received that acrimony at a state level so much because of the state of the media in Western Australia with only one daily newspaper. However, nationally the thing that undermined the Howard Government in the eyes of Australians more than any other issue was the role of a Liberal Government in singling out Australian workers and turning them into the pariahs of our society. When people who are far more au fait with the processes of elections than I have time to mull over the recent federal election, the 51.7 per cent vote for the Labor Party and the claiming back of over 30 seats, the actions of Peter Reith, John Howard and the Premier of Western Australia in trying to single out a group of Australian workers and treat them in that way will be prominent in the view of the Australians who decided to return to Labor.

I would have thought any Government at a state level, having gone through that exercise, having seen how badly burnt it was, would have at least recognised the problems it created for itself and written an Act to minimise the chance of those things happening again. I do not know whether he will stick to it; however, John Howard on his re-election said that he would be an entirely different Prime Minister from what he was in his first three years. He said he had learnt from his mistakes. He will head in a direction of apologising to the Aboriginal people, a step he was not willing to take before. He will treat the issue of reconciliation in a fair and just way and he will provide the social dividend.

Mr Omodei: You agree with that, obviously.

Mr MARLBOROUGH: I agree with anybody who is willing to admit he was wrong and to head in another direction.

Mr Omodei: Kim Beazley did that as well with the capital gains tax.

Mr MARLBOROUGH: We can all make political mistakes. What we do not all do in making political mistakes is set out to destroy one sector of the community. That is what this Government has done for four years with the previous Minister for Labour Relations. Look at the Government's track record. It has sent people out with flamethrowers. The Kieraths and Reiths of this world were the Liberal Governments' flamethrowers. The member for Wanneroo carries on about my role with Wanneroo Inc. At the end of the day, about half a dozen people were burnt in Wanneroo Inc. Reith and Kierath went out to slaughter a nation. They wanted to burn everything within their path. Where are they today? Members should think about why neither one has the industrial relations portfolio. It is because smart political heads have recognised that Australians will soon tell us that they are sick of those practices, that we can be as tough as we like with a flamethrower in our hand, but if we burn their uncle, their aunty or their dad, they will not vote for us. The Liberals sent out their flamethrowers, and neither of those Ministers now has the industrial relations portfolio.

Already the new state Minister for Labour Relations has been quoted in *The West Australian* as saying that she wants to revisit whether state government workers will be employed simply on the basis of signing a workplace agreement. That is a magnificent start for the new minister. She has recognised that, at the very least, Australians want choice. Why would people want a Government that simply dictates that people will be employed under one agreement or another? People do not want that. I am not saying that the new Minister for Labour Relations is doing that because she is a better person than the previous incumbent in that portfolio; rather, she is looking at the insecurity that has been created by the Reiths and the Kieraths of this world.

People are now apprehensive about applying for a mortgage or borrowing money to buy a new car or a washing machine. They do not know how long they will be able to hold on to their jobs. Many people who approach their bank managers for a home loan have financial circumstances that are marginal. The bank manager will ask them, first, what is their income; secondly, how much deposit they can put down on a new home; and, thirdly, the length of their job contract. If these people tell the bank manager that they are on a state government workplace agreement, the loan will not be approved because the applicants have no job security. The bank managers, as money lenders, will say that the track record of people on workplace agreements in government employment is such that these people are very dodgy prospects, and for that reason the bank managers cannot go along with the application for funds.

We are seeing changes in both the state and federal industrial relations portfolios, because the capitalist process to which those opposite adhere is telling them that they have gone overboard, that it is time to bring back the flamethrowers and put them in their kennels. Reith and the member for Riverton are now in their kennels, where they belong. Until those opposite start writing legislation covering port authorities that allows ministers to be tethered, to be controlled, under this parliamentary system and not be allowed to select political hacks who will simply dance to their tune, we on this side of the House will never be convinced that this is all about a genuine attempt at simple reform. The track record of this Government is really bad in this area, and it has a long way to go before it will convince us and the public that it intends to do anything else. Some time in the very near future, those opposite will single out Australian waterside workers, attack them, denigrate them and make them be seen as a leprosy in society that must be removed.

**MR AINSWORTH** (Roe) [8.43 pm]: The previous speaker made some accusations about some people appointed by this Government to the boards of port authorities and some other organisations. I find the claims he is making to be totally amazing. We almost have a sense of *deja vu*: I heard similar claims made when his party was in government and a new general manager was appointed to the Esperance Port Authority, a person who, to my knowledge, had no industrial relations background or experience with the running of ports before; yet, despite comments made by a few people that this person was a Labor hack - that was a very unkind and untrue statement - he has proved to be an outstanding general manager of the Esperance Port Authority. He is still there and is recognised as being a leader in his field. Likewise, members of the board of that authority are not broken-down cockies and political hacks.

The long-standing chairman of the board who retired a couple of years ago was an eminent businessman in this State and has served the whole of the nation well, both as an international level sportsman in three different sports, and a highly successful businessman. He is still a great asset to the community. He was succeeded by a businessperson who, likewise, was highly successful and certainly would not be regarded as a government hack. In fact, his grandfather was a Labor

politician. It strikes me as strange that this sort of claim should be made with regard to this port authority in my electorate. I am sure the other members of the board of that port authority would take extreme exception to being called government hacks or broken-down cockies, or any of the other various names with which the member for Peel has labelled these people.

Let us look at the industrial relations record of the Esperance Port Authority. Esperance has led the way in port reform, without strikes or coercion of its work force. It has shown what can be done by cooperation. We now have an integrated labour force there, with members still, in the main, belonging to the Western Australian branch of the Maritime Union of Australia; however, they are port authority employees and work as part of a work force team. They most definitely would not come under the category mentioned by the member for Peel.

Ms MacTiernan: You are just very lucky not to have one of the right-wing IR port authorities in Esperance.

Mr AINSWORTH: The new appointments to the board of the port authority - there have been some changes to the membership within the tenure of the recently retired Minister for Transport - have absolutely nothing to do with politics, but everything to do with the calibre of the people being put forward by the community as potential nominees for membership of the board. They have been appointed purely on merit. The running of that port authority, the way in which it operates and the success it has achieved and continues to achieve, in light of some quite difficult economic circumstances that it has been through in recent times, show that those sorts of appointments to which the member for Peel alluded have for some strange reason not applied to the port of Esperance. Why the port of Esperance should be singled out as not being part of this terrible cronyism and nepotism alluded to by the member for Peel, I cannot understand. I am sure that the same rules apply to all ports in this State; that is, the appointment of people to the boards has been based on merit and not because of any political opportunism by the previous minister.

Ms MacTiernan: There are some very solid performers on the Esperance Port Authority. He also indicated that they do not believe that the contracting out of services would be appropriate for Esperance. Do you agree with them?

Mr AINSWORTH: That may well be the case, but it could be because of the excellent industrial situation at that port and the practices that have already been put in place. My concern is that by generalising in this very inappropriate way, the member for Peel has by implication indirectly impugned the integrity of not only the previous Minister for Transport - I am sure he could take that because he was appointed to public office and that goes with the territory; but it does not go with the territory of a volunteer acting in the best interests of the district - but also outstanding members of the community. I reject that suggestion wholeheartedly. If I had more knowledge of the make-up of the other port authority boards and the nature of their individual chairmen, I am sure I would say the same thing about them as well.

**MR OMODEI** (Warren-Blackwood - Minister for Local Government) [8.50 pm]: I understand that the second reading debate can be a general debate on the issue. The second reading debate on these Bills was certainly very general and wide ranging and not too specific to the legislation. I remind members that the Port Authorities Bill is about the modernisation of port legislation. The functions of the port authorities have been expressed clearly, as have the roles, powers and obligations of the boards, together with their relationship to the minister and the Government. Similarly, the legislation has spelt out in clear terms the role and responsibilities of the minister and the accountability arrangements.

I will refer to a few matters in the second reading debate.

Ms MacTiernan: Does that mean you will not answer any of the questions but will just regurgitate the second reading speech?

Mr OMODEI: Give me time! I have been talking for only one minute!

The port authorities will no longer be agents of the Crown. That means that the port authorities will be put on a more equal footing with the private sector. New and innovative planning and building provisions have been developed, which will allow the port authorities to undertake port works and to develop port facilities without the formal approval of local governments. Port authorities will no longer be bound by the Public Sector Management Act, except insofar as the Port Authorities Bill expressly states that they are.

As part of the accountability requirements, the port authorities will be obliged to submit annual strategic development plans and statements of corporate intent for the approval of the Minister for Transport, with the concurrence of the Treasurer, and to table them in the Parliament.

Transport has been fairly active in developing this Bill and has provided the main interface between the port authorities and Treasury, the Public Sector Management Office, the Ministry for Planning, the Department of Local Government, the Native Title Unit of the Ministry of the Premier and Cabinet, the Office of the Auditor General, the Public Sector Standards Commission, the Department of Productivity and Labour Relations and the Department of Land Administration.

All the port authorities have participated in the development of the legislation, in person or in writing. Transport has replied in writing to every issue that has been raised by port authorities during the development of the legislation. The Bill has been

subject to legal scrutiny. Port authorities have used three private legal firms to examine matters in the legislation, and lawyers from the Crown Solicitor's Office, the Department of Land Administration and parliamentary counsel have also provided opinions. This process means that the provisions of the Bill are soundly based and will work in practice.

In the process of consultation, agreement has been reached with the relevant parties about all the key policies and details of the legislation. For example, written agreement from the Minister for Planning and the Department of Local Government has been obtained for the new arrangements that have been developed for planning approvals and building. The requirements of the port authorities have been accommodated in the process. All the major players support the legislation.

The Port Authorities (Consequential Provisions) Bill is straightforward legislation, as I mentioned in the second reading speech. The provisions are of a technical nature and are mainly to amend references to existing port authorities Acts and other Acts. The port authorities legislation also includes the Maritime Fees and Charges (Taxing) Bill.

The member for Armadale supported the underlying principles of the Bill and ministerial direction. However, she raised the issue of parliamentary scrutiny of port authorities. The port authorities must lodge with the Parliament annual statements and statements of corporate intent, subject to the approval of the minister and the Treasurer, and the minister will have the power to direct ports.

The member for Armadale also referred to the Government embarking on an industrial relations campaign and taking on the Maritime Union of Australia. The Bill requires the establishment of minimum staff management standards and the establishment of a code of conduct. Both of those matters will be subject to the scrutiny of the Commissioner for Public Sector Standards. The port authorities will also need to act in a commercial manner and will have more autonomy, and the minister will need to lodge in the Parliament any directions that are given.

Exclusive licensing will be permitted only with the minister's approval, and the minister can give approval only if it is in the public interest. Short-term licensing and contracts provide serial competition at natural monopolies, so we will see at least some competition.

The member for Cockburn talked about the Government acting illegally, and about accountability. The ports will be required to comply with the Corporations Law and the Financial Administration and Audit Act, and to lodge in the Parliament annual reports and statements of corporate intent. The member for Cockburn referred to a railway line through a park in Fremantle and Victoria Quay. That is a rather vague issue, and I do not know what he is talking about. However, if such a case did arise, all the normal safety requirements for railway lines would apply. The member for Cockburn referred also to the proposed port at Naval Base and to the Fremantle-Rockingham Industrial Area Regional Strategy report. He said that the planning was to be determined and was awaiting the port plans, and that a second port plan was not necessary and it would be a scab port. The second port will provide competition for the Fremantle Port Authority. The MUA currently has a monopoly on the work force and the provision of labour which cuts across the management capability of the Fremantle Port Authority, so when that proposal materialises it will certainly introduce competition.

By the time the member for Burrup made his contribution to the debate, the debate was deteriorating and getting away from the provisions of the Bill. The member for Burrup referred to matters that had occurred in ports around the country and about the philosophy of the Opposition as much as anything else. He talked mainly about the activities at the Dampier port, including the activities of Western Stevedores, and about its being hellbent on breaking the Seamen's Union. I remind members that the Bill will modernise the legislation and that checks and balances are in place on all these matters.

The member for Bunbury talked about the competence of the Bunbury Port Authority in examining the issue of tendering. The member for Peel strayed a fair way from the legislation and talked about the Government's handing over of the ports to the private sector, and about Labor's 51.7 per cent result in the federal election. I remind the member for Peel that John Howard won that election with a goods and services tax as part of a tax reform package.

Ms MacTiernan: He would not have won had we had the fairness clause!

Mr OMODEI: We would not have had many Labor Governments in Western Australia had we gone straight on the percentage vote. I can recall that the coalition lost a couple of elections and had a greater percentage of the vote than the Labor Party.

The member for Peel talked extensively about the Fremantle wharf and the activities of the unions. The member for Roe talked about the Esperance port and the competence of its board.

I thank members for their contributions. This is the Transport Minister's legislation, and I do not profess to be an expert on this legislation. A number of amendments will be moved by the member for Armadale and myself during the Committee stage, and I expect the legislation to be supported, as the Opposition appeared to indicate that.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

**Clause 1: Short title -**

Ms MacTIERNAN: The Opposition supports the Government's overall direction of commercialisation, which still retains for the Government a degree of control over port authorities. The Opposition also supports the principle of a different standard of accountability and mechanism for accountability for these newly commercialised bodies. However, when we analyse the detail of the provisions that allegedly provide greater accountability, we see in many instances less accountability. Therefore, the Opposition will introduce a series of amendments to deal with the issues of accountability and transparency.

The Opposition is also concerned about the direction of port policy which in this State has been subordinated to an industrial relations agenda. The Opposition will introduce amendments that will seek to obviate that problem, so that the newly commercialised ports will focus on the efficient delivery of services to customers and not on industrial relations agendas that have nothing to do with the efficiency of the ports.

**Clause put and passed.****Clause 2: Commencement -**

Ms MacTIERNAN: Is a single commencement date or different commencement dates for different port authorities proposed? What arrangements will be made in relation to the chief executive officers under this new structure - for example, will all CEO positions become vacant? Is it anticipated that ports will come on stream on different dates, and what transitional arrangements will take into account the changed structures and responsibilities?

Mr OMODEI: A uniform date is proposed for the startup time, and staff will be retained in the initial stages.

**Clause put and passed.****Clause 3: Definitions -**

Ms MacTIERNAN: I move -

Page 2, after line 16 - To insert the following -

**"commercially sensitive nature"** means, in respect of a matter, information which would compromise the competitiveness or commercial operations of a third party not being related to, or a subsidiary of, the port authority;

A later provision in the Bill will give the Government power to remove from a report information that is of a commercially sensitive nature. The Opposition does not disagree with that principle. However, we have seen from bitter experience that the Government uses the concept of commercial confidentiality in circumstances in which it is totally inappropriate. Unfortunately, the Government has a tendency to use commercial confidentiality as a smokescreen for things that do not have a commercial nature, but are matters that the Government feels are an embarrassment.

This amendment will ensure that an exemption or deletion of material of a commercially sensitive nature relates to material that is commercial in nature. For example, the financial arrangements that a port user might have in an arrangement with the port authority and any information about the commercial details of a contract between a port authority and one of its customers would be commercially sensitive and would be exempt. Although I do not think these things should be exempt, the Opposition is giving ground here and would be prepared to allow exemptions for the arrangements between a private provider of port services and the port authority. The Opposition is seeking to incorporate into the legislation the principle that information that is commercially sensitive is exempt; however, we want a definition of what is commercially sensitive, so the clause cannot be used to delete information that may simply be embarrassing to the Government, and the banner of commercial sensitivity can be thrown up.

Mr RIEBELING: I would like to emphasise the importance of this amendment to the openness of the process. The Opposition believes that there should be an ability for commercially sensitive material to be kept secret. However, the current practice of this department and this Government is that everything is deemed to be commercially sensitive, therefore we are not allowed to look at what they are doing. The definition in this amendment enables transparency to be created and allows real protection of information that is commercially sensitive to the degree that competitors would gain an advantage if they knew the actual cost of operation. It is a genuine attempt to create a better Bill. I encourage the minister to accede to the amendment.

Mr OMODEI: Clause 64(3) permits a port authority to request the minister to delete an issue which is of a commercially sensitive nature from the statement of corporate intent before it is laid before the Parliament. If the Government accepts the

member for Armadale's amendment, it will prohibit the minister from exercising a discretion on commercially sensitive information relating to the operations of the port authority or its subsidiary. As the member for Burrup acknowledged, that would place the port authority at a competitive disadvantage to its competitors. Therefore, it is unacceptable to us. Competition to a port authority by any subsidiary or contractor would place that port authority at a competitive disadvantage. On that basis the Government is not prepared to accept the amendment.

Ms MacTiernan: Could the minister give an example of what he is talking about? Is he referring to information on the port's own charges?

Mr OMODEI: I am referring to anything of a commercial nature - lease agreements, tenders and things of that nature.

Ms MacTIERNAN: With respect, if one looks at the definition of our amendment, it will not prevent information of that type being deleted. Our proposed definition would mean that if company X leased the property from a port authority or provided services by way of a contract to a port authority, it is then a third party and entitled to protection; and information relating to the arrangements with that party would fall within our definition of commercially sensitive.

Mr Omodei: I am told that if company X was a subsidiary of the port authority, it would not be protected under the legislation, as it is now. Any commercial information would have to be released.

Ms MacTIERNAN: And so it should be. The port authority cannot race around creating subsidiaries so that it can then disguise or hide information. That is not an appropriate use of the concept of commercial sensitivity. It is a government agency, albeit a commercialised agency, subject to ministerial direction, dealing with publicly owned assets. Our real concern about this is that a whole range of information about the port authority and about its charges and practices will be removed totally from scrutiny by an overly generous definition of the notion of what is commercially sensitive. It makes a nonsense of the whole concept of any sort of accountability.

The key accountability document that we are now talking about, on which this whole Bill is predicated, is the statement of corporate intent. The statement of corporate intent lies at the centre of the enhanced accountability that we will have. However, what do we find? We find in several places that the minister is able to delete from the statement of corporate intent any reference to material which he deems, undefined, is commercially sensitive. That can mean that what we get in the statement of corporate intent is similar to what we got in the last budget papers - a whole collection of meaningless gobbledegook that does not allow any analysis whatsoever.

What we are trying to do is recognise that there are legitimate areas of commercial confidentiality that relate to third parties - private enterprises that are dealing with the port authorities - and they require some protection from public scrutiny under the ways in which we operate at the moment. We accept that. However, we are saying that we are not going to sign off on an open-ended definition of "commercially sensitive" that enables the minister to remove anything that he likes from the key document of accountability. It makes it an absolute nonsense, and we simply could not support it. As I said, the only example that has come back to us is where the port authority sets up a small subsidiary which does business with that port authority. Under this amendment that subsidiary's information would have to be made public. So it should be; it is not a private organisation. The subsidiary is a publicly owned asset and its affairs should be subject to public scrutiny.

Mr RIEBELING: I reiterate what the member for Armadale has so clearly put on record. The minister's example is exactly what we are trying to get to the bottom of. We think that publicly owned instrumentalities and bodies should be able to be scrutinised. For the life of me I cannot see why the minister would want a subsidiary to have the ability to hide what it is doing in the commercial world. Quite clearly, the private sector will want some contracts to remain confidential. However, dealings with public entities, such as whatever the port authority may wish to create by way of a trading arm, should be open to as much scrutiny as possible to avoid any allegations of impropriety. We are giving the Government a vehicle to do that and the minister should take the opportunity to accede to our amendment so that a more open system can be implemented.

Mr OMODEI: It appears as though the Opposition wants to render the port authorities uncompetitive. If we pass this amendment, no subsidiary of the authority would be able to compete with other parties. Contrary to what the member for Armadale said, the Minister cannot delete a copy of the statement of corporate intent. Clause 64(3) provides -

A board may request the Minister to delete from the copy of a statement of corporate intent that is to be laid before the Parliament a matter that is of a commercially sensitive nature, and the Minister may, despite subsection (2), comply with the request.

If the Opposition wants to render port authorities uncompetitive the Government is not in favour of that.

Ms MacTIERNAN: It is true that the request must come from the port authorities. However, as we have observed, a close relationship exists between a port authority and the minister who appoints the members of its board. Therefore the point still stands. In any event, even if the request emanates from the port authority itself that does not in any way justify the organisation not being subject to substantial scrutiny. The Opposition is not saying the organisation cannot act commercially or competitively. However, we must ensure that when we are talking about commercially sensitive information we are



talking about just that. How will we scrutinise these organisations if anything that relates to their competitiveness is not open for examination?

Surely one of the key indicators of performance of a port authority is the costs and charges it levies on its customers. Based on this open-ended definition of "commercially sensitive" we could delete from the statement of corporate intent all reference to any charges. How then would we, as a Parliament responsible for the examination and scrutiny of government agencies, be able to examine and report on their performance? We have not adopted a corporatised model nor have we decided not to privatise the port authorities; yet, if we do not accept this amendment, we have provided the opportunity to have all the instruments of scrutiny basically nullified.

Mr OMODEI: In the end, the Opposition must make up its mind whether it wants port authorities to be competitive. If commercially confidential information were released to competitors it would not be long before the port authority was in trouble.

Fees and charges are subject to regulation, therefore subject to the scrutiny of the Joint Standing Committee on Delegated Legislation.

Ms MacTiernan: How do they scrutinise the port authority?

Mr OMODEI: Fees and charges are subject to regulation which makes them subject to scrutiny by that joint standing committee.

Mr RIEBELING: I do not quite understand how a regulation committee which is in place to examine regulations can scrutinise the operation of a port authority's subsidiary.

Mr Omodei: We are not talking about the subsidiary; we are talking about port authority fees and charges referred to by the member for Armadale.

Mr RIEBELING: We are talking about our amendment that seeks to provide that if a subsidiary is an entity attached to the port authority its operations should be scrutinised. I understood the minister to say the Joint Standing Committee on Delegated Legislation scrutinises the operations of those bodies.

Mr OMODEI: The member for Armadale raised the matter of fees and charges not being subject to scrutiny. I responded that fees and charges were subject to regulation and therefore subject to scrutiny by the Joint Standing Committee on Delegated Legislation.

Mr RIEBELING: I am concerned about scrutiny of subsidiary companies owned by a port authority. How do we scrutinise them if we allow contracts entered into by those bodies to remain confidential? What ability does this Parliament, the purpose of which is to control the operation of government bodies, have to scrutinise their operations if it has no opportunity of knowing what they are doing?

Ms MacTIERNAN: I am not sure how familiar the minister is with the terms of reference of the Joint Standing Committee on Delegated Legislation. I do not know whether the member for Burrup has been on that committee. It is my understanding that its terms of reference are to examine whether the regulations are ultra vires the Act rather than to examine the merit of the regulations in an overall sense. I do not know whether we can get some advice on this. Although those charges would come before the delegated legislation committee, given its terms of reference, there would be no scrutiny of them.

The issue of fees and charges is one example, but that is not the core of our criticism and it is not all we are aiming at here. We are concerned that the internal affairs of the port authority that do not relate to its interaction with customers or service providers will be confidential. It could be anything. It could be the chief executive officer's salary or, as the member for Burrup said, subsidiary companies being created to evade scrutiny. They could be squirrelling away money. A range of things could be done.

As the Opposition says, there is an overuse by the Government of this notion. It is probably not the first Government to overuse the notion of commercial confidentiality. The Royal Commission into Commercial Activities of Government and Other Matters was established, in part, because of the overuse of that concept. Unfortunately we do not seem to have learnt the lessons of the royal commission and we continue to hide behind a smokescreen of commercial sensitivity. Clear parameters to this concept should be that it relates only to arrangements that impact on independent third parties; not that it allows subsidiaries to be knocked together in order to prevent parliamentary scrutiny.

Mr OMODEI: Ultimately we want to commercialise ports. That means subsidiaries will be created and some information will be commercially confidential. Port authorities must table annual reports as would any subsidiary company. That is the accountability measure.

Amendment put and a division taken with the following result -

## Ayes (15)

Ms Anwyl	Mr Grill	Mr McGinty	Mr Thomas
Mr Brown	Mr Kobelke	Mr Riebeling	Ms Warnock
Mr Carpenter	Ms MacTiernan	Mr Ripper	Mr Cunningham ( <i>Teller</i> )
Mr Graham	Mr Marlborough	Mrs Roberts	

## Noes (27)

Mr Ainsworth	Mr Day	Mr Masters	Mr Trenorden
Mr Barnett	Mrs Edwardes	Mr McNee	Mr Tubby
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Minson	Dr Turnbull
Mr Board	Mrs Holmes	Mr Omodei	Mrs van de Klashorst
Dr Constable	Mr House	Mrs Parker	Mr Wiese
Mr Court	Mr MacLean	Mr Prince	Mr Osborne ( <i>Teller</i> )
Mr Cowan	Mr Marshall	Mr Sweetman	

## Pairs

Dr Gallop	Mr Strickland
Mr McGowan	Dr Hames
Dr Edwards	Mr Kierath

**Amendment thus negated.**

Mr OMODEI: I move -

Page 4, line 11 - To insert before "over" the word "in,".

The amendment is required to bring pipes which are attached to the shore but suspended over navigable waters within the definition of a maritime structure.

I move -

Page 5, line 13 - To delete "114" and substitute "115".

This amendment is required to rectify a minor drafting error.

**Amendments put and passed.****Clause, as amended, put and passed.****Clause 4 put and passed.****Clause 5: Port authorities are not agents of the Crown -**

Ms MacTIERNAN: A view appears to be held that the Government will escape responsibility in the event of a port authority failure because the port authorities are no longer agents of the Crown. I want to clarify the intent of this provision. I am not opposed to the general principle of removing a commercialised entity from the protection that is given to the Crown. I am concerned about an overly optimistic view that appears to be held of what such a provision might mean in overall governmental liability. What would happen if a port authority became bankrupt, which is a possibility, or at least racked up large volumes of debt which it was not able to pay off and it became insolvent? That is not an altogether fanciful scenario particularly if courts are built for industrial relations purposes and not for proper commercial purposes.

Mr Omodei interjected.

Ms MacTIERNAN: If the minister tells us he will not build this fantasy port, we will desist. Aside from that, some port authorities, one in particular, are in difficulty. Notwithstanding this provision, given that the port authority is ultimately under the direction of the minister, it appears that there would be every possibility that an action could be mounted by a creditor against the Government for compensation. I want the Government to make it clear what it thinks is the consequence of this over and above that it does not excuse the port authorities from various obligations to comply with various Acts. The issue is whether the Government is of the view that this provision will exempt or protect it from liability being attached to it in the event of the failure of any of these port authorities. I do not think that will happen because at the end of the day the buck stops with the minister who has the power to override the board, and who has the responsibility to supervise the conduct of the board. If things go wrong, it would appear that the minister has the sort of culpability that we see under the Corporations Law; the sort of culpability for allowing an operation to trade while insolvent.

Mr OMODEI: I understand the member has already had advice, but the advice that I have is that there -

Ms MacTiernan: Are you saying that I have discussed this?

Mr OMODEI: No, the member said she has been briefed.

Ms MacTiernan: Yes, and the impression I got was that a view is held that this clause does more than it appears to do.

Mr OMODEI: The advice that I have been given is that because the port authorities will no longer be agents of the Crown, the State will therefore have no legal responsibility to support a port authority in the unlikely event of bankruptcy, except to the extent of any existing or future guarantees that were issued. The port authorities will still be public bodies that are owned by and subject to the direction of the Crown. That may create a perception of government liability. This clause will not prevent any Government, of course, from choosing to support a port, but legally there would be no such requirement once port authorities were no longer agents of the Crown. These provisions are similar to those that are incorporated in the Water Corporation Act.

Ms MacTIERNAN: I do not have any difficulty with the clause as it stands, but I do not believe it has the consequences that the minister or his legal advisers are ascribing to it. It is true that I raised this point with the legal advisers but merely because they said that they did not see it as a problem is certainly no reason for us not to raise it here. The minister is opting for the commercialisation path and we are supporting him in that. We are not talking about a corporatised entity. It is really important to get clear the difference between a corporatised and a commercial entity. The difference is that with commercialisation, at the end of the day the overriding control remains with the minister. The minister has power to direct. It is a fundamentally different situation from that of a corporatised entity. Quite frankly, I am concerned about the quality of advice the minister is receiving on this point. I want to know whether the minister has advice about the different impacts of corporatisation and commercialisation on ultimate government responsibility. As I put it to the minister, the Corporations Law talks about the responsibility of directors. Directors who allow a company to trade while insolvent are liable to the creditors for the debts incurred during that period. The minister might argue that the directors of the board under this legislation are the direct equivalents of the directors who are found under the Corporations Law. That is clearly nonsense. Under the Corporations Law no person is standing on top of the board of directors directing them to do this or that. To give an example, let us take the port of Wyndham. Say the minister, for whatever reason, decided that he wanted to promote the growing of hemp in the area of Wyndham and he told the Wyndham Port Authority that it must carry out extensive renovation to the port to allow hemp shipments to go out. The Wyndham Port Authority would be directed by the minister to do that. It might go bust. It is not a totally unlikely or impossible scenario. Is the minister seriously saying that in those circumstances the directors would be found liable, that the blame would stop with the port authority, and that the creditors would not have recourse to the Government? It is absolute pixie land. Quite frankly, I want to see the advice given here and to get an analysis from the minister of how he could possibly state that a director under the Corporations Law is the equivalent of a director under this Bill when every director under this Bill is subject to the direction of a minister. It is the most patently stupid thing I have ever heard. The minister must understand that because he has that overriding capacity he has the overriding responsibility. We must go into this question a little closer because obviously it will impact on the degree of scrutiny that we must give these organisations. We cannot have them going off and committing themselves to all sorts of debt levels if at the end of the day the taxpayer of this State is to be culpable. Nothing has been said to allay our fears, other than a misunderstanding of the relationship of the directors to the decision.

Mr OMODEI: Obviously the member for Armadale has different legal advice from that which has been provided by Transport. She raised hypothetical cases. One could probably think of a whole lot of others. In the end I daresay that they will be all tested by a court of law and that will give the result. I have been given that advice. The member can bring up as many hypothetical cases as she wishes, but until one occurs in the unlikely event of a bankruptcy, except to the extent of any existing or future guarantees issued, the port authorities will still be public bodies which are owned by the State and subject to the direction of the Crown. Although it may create the perception that the Government is liable, that is the present situation. The clause would not prevent any Government from choosing to support a port but legally there would be no such requirement once a port authority was no longer an agent of the Crown.

Ms MacTIERNAN: The minister is just repeating it. The minister is a minister of the Crown. The minister receives advice.

Mr Omodei: Which is obviously different from yours.

Ms MacTIERNAN: I am talking about logic. Just think about this from first principles. The minister need not have done a law degree but need just think about it. He must be prepared to make up his own mind about this. At the end of the day he is receiving advice. How could it possibly be the case that the Government were not liable when at the end of the day the Government had the power to direct the entire operation? How could the responsibility stop with the directors of the board when the directors of the board were subject to the direction of the minister? One has only to think about it to realise that what the minister has been mouthing is just silly. It simply will not work. The minister talks about creating a perception. It will be more than creating a perception because this notion of responsibility goes with power. If a board does not have ultimate authority, if it cannot determine its own destiny, if it is ultimately at the direction of the minister, that minister has responsibility. The responsibility will go up the line. This is important because it goes to the question of the degree of

scrutiny that we will need to give these agencies. It goes to the question of the exposure of the taxpayers to the results of the decisions of port authorities. As I say, it is far more than simply a perception. One cannot have control without any responsibility. The minister is asking us to believe that under the law of the land we would contemplate a situation where the minister could go around making decisions left, right and centre, and directing port authorities, and yet at the end of the day the buck did not stop with the minister. That is the way that the Government would like things to operate, and it would like the chief executive officers to take the rap, but at the end of the day that will not be how it works. If a port authority became insolvent or acquired debt that it was unable to pay, there is no doubt that under the commercialised structure that is in place, the Government would have ultimate responsibility for meeting those debts. I am very concerned that the Government is moving on a false premise. As I say, it is not simply that the Government may ultimately be proved wrong, as the minister is saying; it really goes to the question of what provisions we need to insert to provide proper scrutiny.

Mr RIEBELING: I am concerned about the minister's response. In one breath he says that the removal of the privileges of the Crown will mean that the State is not liable, yet he next claims it may want to pick it up if it feels like it! Ultimately, which Government would allow a port to fall over? Would it be acceptable for a Government to allow its trading arm to go bankrupt - even if it were the Wyndham port, which is probably the least viable port in the State now that the meatworks are no longer based in town? What would happen? The Government would be required to open another entity. It is nonsense to say that the State is not liable for the entity; it has responsibility to the people of Western Australia to ensure that the service continues to operate. Even in the most basic operation of the State, the people of WA demand that the ports at Derby, Broome, Dampier, Albany, Esperance or wherever will remain open. They are not like bus stations or wheatbelt train stops, minister.

Mr Omodei: Derby was closed for a long time.

Mr RIEBELING: It was closed when the *Koolinda* blocked the port's passage when it broke its hull in the mud flats. It was closed only until the ship was removed. Is the minister saying that the ports' viability is under threat? With the loss of Stateships, maybe ports are under some threat. When the minister closed Stateships, he said that the services to the ports would be enhanced and all would be well. Perhaps that is not what the minister meant.

This provision of the Bill should be removed as it gives a false impression, as did the minister's explanation. He cannot say that the State is not liable, yet it may pay the debts and be liable. One does not operate in shades of grey with liability of the State - one is either liable or not liable. This provision means nothing and should be removed.

Mr OMODEI: The ports of Wyndham, Derby and Broome are not port authorities as they operate as government facilities under the Marine and Harbours Act.

Ms MacTiernan: It was an example.

Mr OMODEI: The member spoke about port authorities; they are not port authorities, but operate under the Marine and Harbours Act. Some ports such as Broome are viable. Derby would also be viable since Western Metals Ltd went into the area. The Government has capacity to pick up any debts. My advice is that the directors have a duty to act commercially; therefore, they are responsible.

Ms MacTiernan: What happens if the minister directs them? Does the minister not have overarching powers?

Mr OMODEI: It is getting complicated.

Ms MacTiernan: It is pretty simple. You are not corporatising, but commercialising.

Mr OMODEI: It depends upon the issue involved, how the authority is directed and when it is directed, and a range of other considerations.

Mr Riebeling: Does the minister have the power to direct?

Mr OMODEI: Yes, but he or she must lodge that direction in Parliament.

#### **Clause put and passed.**

#### **Clause 6: Port authority and officers are not part of public sector -**

Ms MacTIERNAN: This provision will take employees of the port authorities from within the application of the Public Sector Management Act. It is an interesting development, particularly given that we refer to a commercialised, not a corporatised, entity. The Public Sector Management Act was introduced, partly, following the Royal Commission into Commercial Activities of Government and Other Matters as it was considered that the former Act covered about only 20 per cent of all public sector employees; therefore, it was decided that an Act of more general application was required. Since introducing that Act, we have seen the Government at almost every opportunity try to reverse the process and return to the previous situation. The Public Sector Management Act covers an ever-decreasing number of public sector workers. What is the rationale for this development? It is a commercialised, not a corporatised, entity. The operation will still be subject

to the minister. We still have all sorts of tie-ins to the Commissioner for Public Sector Standards in this measure, so why take this matter out of the full force of the Act?

Also, how will this change affect the accountability of CEOs? For example, will we have the right to know the salaries and conditions of the senior staff of port authorities under these arrangements? Under the Public Sector Management Act, their salaries and remuneration packages are subject to the Salaries and Allowances Tribunal. That will no longer be the case. I seek some clarification about the mechanism which will determine the salaries of CEO and officers.

Mr OMODEI: Clause 14(2) refers to the port authority chief executive officer; it reads -

The powers -

- (a) to appoint and remove the chief executive officer; and
- (b) subject to the *Salaries and Allowances Act 1975*, to fix and alter the terms of condition of service of the chief executive officer, . . .

Port authority employees will be removed from the provisions of the Public Sector Management Act to limit government liability for employees of the commercial entity, and to give the commercial entity maximum flexibility regarding the commercialisation of that authority.

**Clause put and passed.**

**Clauses 7 to 9 put and passed.**

**Clause 10: Remuneration of directors -**

Ms MacTIERNAN: I am interested in the phrasing of this provision. It deals with the remuneration of directors and contemplates that different directors on the same board may be paid different amounts of money. It states -

A director is to be paid out of the funds of the port authority such remuneration and allowances as are determined in the case of that director by the Minister.

It would appear to contemplate, for example, that if the minister appointed someone such as Russell Allen, he might pay him \$400 an hour, and if he appointed some other person who was not a lawyer, he might pay him substantially less. There is a real difficulty with paying directors differential rates.

Mr Omodei: Yes, that is correct.

Ms MacTIERNAN: Is the minister contemplating paying them different rates?

Mr Omodei: Could be.

Ms MacTIERNAN: That is a very unfortunate development and I would like clarification.

Mr Prince: You may well find a person of great experience who wants to serve but does not want significant remuneration because of the nature of his or her income. It can work both ways.

Ms MacTIERNAN: I would be interested to know whether that is the case with the current port authorities and whether the directors are paid at the same rate. I note that there does not seem to be any provision for the remuneration to be listed in the annual report. I seek to deal with that by an amendment to clause 69. I would like a justification to be given by the minister for the differential payment of directors, and to know whether that practice is in vogue in the port authorities at the moment or in any other government agencies.

Mr OMODEI: The usual practice with boards of directors is that they are not all paid the same amount, and the remuneration depends on their experience. The Minister for Police said by interjection that someone with specific expertise may not want to be paid the same as another member of the board. The Government is commercialising port authorities and bringing them into line with this.

Ms MacTiernan: The minister is making the decision.

Mr OMODEI: Obviously the minister is making the decision. What happens in other cases with other companies? From time to time they pay different directors' fees. The member is not suggesting every company pays exactly the same remuneration to directors.

Ms MacTiernan: In each company, do each of the directors receive the same remuneration?

Mr OMODEI: I understand it varies from company to company.

Ms MacTiernan: What is the situation with port authorities at the moment? For example, do the other members of the port authority receive the same remuneration as Russell Allen?

Mr OMODEI: I think they do, but I am not sure.

Ms MacTIERNAN: At the moment they get the same, but the Government is contemplating a change?

Mr OMODEI: That can be clarified at a later stage.

Ms MacTIERNAN: Given that the minister has said he will provide further information on this clause, can the clause be suspended until that information is provided?

Mr Omodei: Why not pass the clause and I will provide the information later. Another clause deals with remuneration.

Mr RIEBELING: I understand the minister will provide the information on this clause. The minister may want to skip past this clause and then provide information that may impact on the debate. It is highly inappropriate to move past clause 10.

Mr Omodei: You have an amendment to clause 69 that refers to that very matter.

Ms MacTIERNAN: No, that is about disclosure. This clause deals with the principle of differential payment.

Mr RIEBELING: In response to a question from the member for Armadale, the minister said he would provide the information. It related to this clause and, therefore, it is inappropriate to move on, even if the minister wants to, because the minister has undertaken to provide that information.

Ms MacTIERNAN: I would prefer to leave this clause until we receive the information requested.

Mr Omodei: It will not make any difference to the outcome of the clause.

Ms MacTIERNAN: I will move an amendment, given that the minister is not prepared to defer this clause.

The DEPUTY CHAIRMAN (Ms McHale): The member can move to postpone this clause until after another clause or until after all the other clauses have been dealt with.

Ms MacTIERNAN: I get the impression from the minister that he is not prepared to support that postponement.

Mr Omodei: Commonsense dictates that we pass this clause and I will provide the information.

Ms MacTIERNAN: The information is relevant to whether the Opposition supports the clause. I move -

That further consideration of the clause be postponed.

**Question put and negatived.**

Ms MacTIERNAN: I move -

Page 8, lines 20 and 21 - To delete the words "in the case of that director".

The current practice in respect of government boards and port authority boards is to have a standard rate of remuneration for directors. It is a dangerous precedent to set to allow the minister to discriminate between different board members. That would have a destabilising effect on board membership and would allow the Government to play favourites. We know people have probably been asking the Government for increased remuneration, particularly members of the legal profession, but it is inappropriate. Everyone who participates on a board has a contribution to make. This clause suggests that there is an A team and a B team on boards, and that is unacceptable. The thrust of the amendment is to remove the provision that allows discrimination between different board members.

**Progress reported.**

*House adjourned at 10.12 pm*

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**QUESTIONS ON NOTICE**

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

STATE FINANCE

*Taxes and Charges*

47. Dr GALLOP to the Minister for Resources Development; Energy; Education:

In relation to all the portfolio areas for which the Minister has responsibility -

- (a) what fees and charges have been increased in the context of the 1998/99 Budget and the announcements made immediately prior to the Budget;
- (b) what is the rate of increase for each of these in dollar and percentage terms;
- (c) what is the estimated total additional revenue each of these increases is expected to raise;
- (d) are there any other increases in fees and charges proposed for the financial year 1998/99; and
- (e) if so, what are the details of these other increases?

Mr BARNETT replied:

Department of Resources Development

- (a) None.
- (b)-(e) Not applicable.

Office of Energy

- (a) The following fees and charges have been approved for increase during the 1998/99 financial year:
  - Electrical Worker's Licences;
  - Electrical Contractor's Licences;
  - In-House Electrical Licences; and
  - Gas Fitters Licences.
- (b) The rates of the increases detailed below are, respectively:
  - From \$16 per annum to \$22 per annum effective from 1 January 1999 (an increase of \$6 per annum or 37.5%);
  - From \$230 per annum to \$256 per annum effective from 1 January 1999 (an increase of \$26 per annum or 11.3%);
  - From \$115 per annum to \$128 per annum effective from 1 January 1999 (an increase of \$13 per annum or 11.3%);
  - and
  - From \$16 per annum to \$22 per annum effective from 1 January 1999 (an increase of \$6 per annum or 37.5%).
- (c) Estimated total additional revenue from these fee increases on a full year basis is, respectively:
  - \$19 326
  - \$72 826
  - \$2 665
  - \$18 660
- (d) There are no further proposed increases in fees and charges during the 1998/99 financial year.
- (e) Not applicable.

Western Power

- (a) An up-front meter installation fee of \$794 has been approved for those business customers opting for the R1 time of use tariff. The fee has been approved on the basis that the incremental cost of the meter is similar to that for residential SmartPower customers, who pay a similar fee.
- (b) Previously, there was no up-front R1 meter installation fee.
- (c) Given that the normal level of R1 applications is around 1000 per annum, it is expected that the fee will raise revenue of approximately \$794 000 per annum. Western Power is still assessing the timing of the introduction of the fee, and if any exemptions should apply.

- (d) No.  
 (e) Not applicable.

## AlintaGas

## (a)-(b) Residential and Business

Kalgoorlie: Residential (KA1) and Business (KA2) prices will increase on 1 July 1998 by 1.26%. Residential from 5.12 cents/unit to 5.18 cents/unit. Supply Charge from 18.43 cents/day to 18.66 cents/day. Business from 4.56 cents/unit to 4.62 cents/unit. Supply Charge from 18.43 cents/day to 18.66 cents/day.

Albany (LPG) - Residential and Business: Albany Residential and Business (A4) prices will increase by 10% on completion of the Albany LPG conversion. This is expected to be March 1999. 0-100 units/day will increase from 5.77 cents/unit to 6.35 cents/unit. Over 100 units/day will increase from 5.31 cents/unit to 5.84 cents/unit. Supply charge will increase from 7.92 cents/day to 8.71 cents/day.

- (c) Additional revenue from AlintaGas price increases in Albany and Kalgoorlie-Boulder totals \$41 000 (\$4 000 for Kalgoorlie-Boulder and \$37 000 for Albany).  
 (d) No other increases in fees and charges are currently proposed for 1998/99.  
 (e) Not applicable.

## Curriculum Council

## (a) The following fees and charges have been increased:

<i>For the Tertiary Entrance Examinations</i>		From	To
(i)	Change of Entry fee	\$25	\$30
	Late Entry fee	\$25	\$30
(ii)	Private Candidates	\$25	\$30
(iii)	Overseas/interstate assessments	\$15	\$20
(iv)	Out of State Supervision	\$130	\$150

## (b) The rate of increase of each is:

(i)	Change of Entry fee	\$ 5	20%
	Late Entry fee	\$ 5	20%
(ii)	Private Candidates	\$ 5	20%
(iii)	Overseas/interstate assessment	\$ 5	33%
(iv)	Out of State Supervision	\$20	15%

It should be noted that, with the exception of the charge for Private Candidates, the other fees have not risen in the last six years.

- (c) The additional revenue raised is only expected to be approximately \$2 000 due to the limited demand for these services.  
 (d) No other increases in fees and charges are proposed for the financial year 1998/99.  
 (e) Not applicable.

## Education Department of Western Australia

## (a) The following fees and charges have been increased:

	From	To
Agricultural Schools		
Board, Accommodation and Laundry	\$5 700	\$5 900
Camp Schools		
School Groups:		
- Child (Student)	\$26	\$27
- Adult	\$34	\$35
Other Groups:		
- Other Child	\$26	\$27
- Other Adult	\$57	\$59
- Bed and Breakfast	\$28.50	\$30
Swimming Classes		
Vacational Swimming:		
- Child	\$21	\$22
- Family	\$58	\$60
Swimming Teacher Training	\$145	\$155
Senior Colleges:		
WA Universities Foundation Program	\$8 500	\$9 200



TEE Course	\$8 500	\$9 200
18 Week Bridging Course	\$4 300	\$4 500
15 Week Bridging Course	\$3 750	\$3 850
8 Week Bridging Course	\$2 300	\$2 350

(b)	The rate of increase of each is:	
	Agricultural Schools	
	Board, Accommodation and Laundry	\$200.00      3.51%
	Camp Schools	
	School Groups:	
	- Child (Student)	\$ 1.00      3.85%
	- Adult	\$ 1.00      2.94%
	Other Groups:	
	- Other Child	\$ 1.00      3.85%
	- Other Adult	\$ 2.00      3.51%
	- Bed and Breakfast	\$ 1.50      5.26%
	Swimming Classes	
	Vacational Swimming:	
	- Child	\$ 1.00      4.76%
	- Family	\$ 2.00      3.45%
	Swimming Teacher Training	\$10.00      6.9%
	Senior Colleges:	
	WA Universities Foundation Program	\$700.00      8.24%
	TEE Course	\$700.00      8.24%
	18 Week Bridging Course	\$200.00      4.65%
	15 Week Bridging Course	\$100.00      2.67%
	8 Week Bridging Course	\$ 50.00      2.17%
(c)	Agricultural Schools	\$ 44,000
	Swimming Classes	\$ 76,000
	Camp Schools	\$ 26,000
	Senior Colleges	\$159,000
	Total:	\$305,000

(d) No.

(e) Not applicable.

#### Department of Education Services

- (a) Boarding fees in Residential Colleges increased from \$6,000 to \$6,200 per annum for calendar year 1999.
- (b) The increase is \$200 per annum and in percentage terms represents 3.3 per cent. However, part of this increase will be off-set by the \$100 increase to the Boarding Away from Home Allowance recently announced by the State Government.
- (c) Total additional revenue is estimated at \$93,000.
- (d) No.
- (e) Not applicable.

#### STATE FINANCE

##### *Taxes and Charges*

54. Dr GALLOP to the Minister for Health:

In relation to all the portfolio areas for which the Minister has responsibility -

- (a) what fees and charges have been increased in the context of the 1998/99 Budget and the announcements made immediately prior to the Budget;
- (b) what is the rate of increase for each of these in dollar and percentage terms;
- (c) what is the estimated total additional revenue each of these increases is expected to raise;
- (d) are there any other increases in fees and charges proposed for the financial year 1998/99; and
- (e) if so, what are the details of these other increases?

Mr DAY replied:

Health Department

(a)-(c) Details contained in the following table:

	\$	% change	Full year impact \$'000
HOSPITAL FEES (i)			
Private Single room	8	2.2	144
Private Shared room	3	1.4	204
Compensable Inpatients	(12)	(2.2)	(114)
Compensable Same Day	(8)	(1.8)	(4)
Ineligible Inpatients	67	11.5	144
MVIT Patients (ii)	-	-	680
			1,054
(i) Implementation expected in June 1998			
(ii) Restructured fee previously based on Compensable rate			
OTHER FEES			
Radiation Safety Fees (iii)	various	3.0	11.5
Freedom of Information Fee (iv)	30	-	6
			12.1
(iii) Implementation expected 1 July 1998			
(iv) New Fee introduced.			
TOTAL HOSPITAL AND OTHER FEES			1,066.5

(d) No.

(e) Not applicable.

Healthway

(a) Nil.

(b)-(c) Not applicable.

(d) No.

(e) Not applicable.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Staff and Programs*

88. Mr GRAHAM to the Minister for Resources Development; Energy; Education:

What are -

(a) the numbers of departmental staff in departments under the Minister's control located in the following towns -

- (i) Port Hedland;
- (ii) South Hedland;
- (iii) Tom Price;

- (iv) Paraburdo;
- (v) Telfer;
- (vi) Marble Bar;
- (vii) Nullagine;
- (viii) Karratha;
- (ix) Halls Creek;
- (x) Wiluna;
- (xi) Dampier;
- (xii) Roebourne; and
- (xiii) Wickham;

- (b) the classifications of those staff;
- (c) the programs currently being funded in the towns listed in (a), in the departments under the Minister's control?

Mr BARNETT replied:

Department of Resources Development

- (a) Port Hedland - Nil  
 South Hedland - Nil  
 Tom Price - Nil  
 Paraburdo - Nil  
 Telfer - Nil  
 Marble Bar - Nil  
 Nullagine - Nil  
 Karratha - One  
 Halls Creek - Nil  
 Wiluna - Nil  
 Dampier - Nil  
 Roebourne - Nil  
 Wickham - Nil
- (b) Level 7.
- (c) The Department of Resources Development is not funding any specific programs in Karratha. In line with its Corporate objectives, the Department has budgeted for a range of activities associated with planning, promotion and coordination of resources development in the region.

Office of Energy

- (a) 1 officer in Karratha.
- (b) Level 5.
- (c) This officer performs mines electrical inspections in the region and other regulatory investigations of electrical installations as well as attendance at electrical incidents/accidents when required.

AlintaGas

- (a) AlintaGas does not have any employees in these towns.
- (b)-(c) Not applicable.

Western Power

- (a) Western Power staff employed at the following towns are as follows:
 

<ul style="list-style-type: none"> <li>(i) Port Hedland</li> <li>(ii) South Hedland</li> <li>(iii) Tom Price</li> <li>(iv) Paraburdo</li> <li>(v) Telfer</li> <li>(vi) Marble Bar</li> <li>(vii) Nullagine</li> <li>(viii) Karratha</li> <li>(ix) Halls Creek</li> <li>(x) Wiluna</li> <li>(xi) Dampier</li> <li>(xii) Roebourne</li> <li>(xiii) Wickham</li> </ul>	<ul style="list-style-type: none"> <li>22 positions, 3 vacant</li> <li>Nil - included with Port Hedland</li> <li>Nil - managed by Hamersley Iron</li> <li>Nil - managed by Hamersley Iron</li> <li>Nil - contract staff</li> <li>Nil - contract staff</li> <li>Nil - contract staff</li> <li>22 positions, 2 vacant</li> <li>Nil - contract staff</li> <li>Nil - contract staff</li> <li>Nil - managed by Hamersley Iron</li> <li>Nil - included with Karratha</li> <li>Nil - managed by Robe River Iron Association</li> </ul>
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- (b) Staff (non contract) employed by Western Power in the towns above work within the Pilbara Power Division of Western Power and are classified as follows:

Port Hedland	Karratha
Manager Pilbara Power	Network Manager - vacant
Marketing and Sales Manager	Management Accountant
Customer Services Supervisor	District Superintendent
Customer Services Officers (2)	Customer Service Officer
Project Officer (Marketing)	Project Officer (Marketing) - vacant
District Superintendent	Works Coordinator
Project Officer (Operations) - vacant	Line Person (6)
Works Coordinator	Operations Assistant
Line Persons (8, 2 vacant)	NW Controllers (5)
Engineering Officer	Engineering Officers (2)
Mechanic	Project Officer (Operations)
Human Resources Officer	
Receptionist (contracted)	
Secretary (contracted - part time)	

- (c) Programs currently being funded by Western Power in the Karratha and Port Hedland areas are:

Normal system maintenance;  
Supervisory Control and Data Acquisition system upgrade;  
Various system extensions funded by customers.

#### Department of Education Services

- (a) Nil.  
(b)-(c) Not applicable.

#### Curriculum Council

- (a) Nil.  
(b)-(c) Not applicable.

#### Education Department of WA

(a)	(i)	Port Hedland	54
	(ii)	South Hedland	207
	(iii)	Tom Price	107
	(iv)	Paraburdoo	61
	(v)	Telfer	0
	(vi)	Marble Bar	16
	(vii)	Nullagine	15
	(viii)	Karratha	209
	(ix)	Halls Creek	44
	(x)	Wiluna	19
	(xi)	Dampier	22
	(xii)	Roebourne	34
	(xiii)	Wickham	67
(b)	(i)	Port Hedland Education Act	1xL5 4xL3 6xL2 18xL1
		Ministerial Officers	3xL2 4xL1
		Teacher Aides	3xL4 1xL2 1xL1
		Aboriginal Education Workers	3xL3 1xL1
		Gardeners	2xL3
		Cleaners	1xL3 4xL2 2xL1
	(ii)	South Hedland Education Act	1xL6 2xL5 3xL4 13xL3 24xL2 45xL1/2 41xL1 1x Untrained
		Public Service	1xL4
		Ministerial Officers	4xL2 19xL1

	Home Economics Assistants	2xL3
	Teacher Aides	2xL5
		6xL4
		1xL3
		1xL2
		8xL1
	Aboriginal Education Workers	3xL4
		7xL3
		1xL2
		2xL1
	Bus Warden	1xL1
	Gardeners	1xL5
		3xL3
		1xL2
	Cleaners	3xL3
		4xL2
		7xL1
(iii)	Tom Price Education Act	1xL6
		2xL5
		2xL4
		8xL3
		16xL2
		19xL1/2
		17xL1
	Ministerial Officers	1xL3
		1xL2
		9xL1
	Cleaners	2xL3
		5xL2
		7xL1
	Teacher Aides	1xL4
		3xL2
		9xL1
	Home Economics Assistant	1xL3
	Gardeners	3xL3
(iv)	Paraburdoo Education Act	1xL5
		1xL4
		2xL3
		8xL2
		22xL1/2
		8xL1
	Ministerial Officers	1xL2
		6xL1
	Teacher Aides	1xL4
		2xL2
		3xL1
	Cleaners	1xL4
		1xL2
		2xL1
	Home Economics Assistant	1xL3
	Gardener	1xL3
(v)	Telfer	Nil
(vi)	Marble Bar Education Act	1xL3
		4xL2
		2xL1
	Ministerial Officers	1xL2
		1xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	1xL3
		2xL1
	Gardener	1xL3
	Cleaner	1xL2
	Child Care Worker	1xL1
(vii)	Nullagine Education Act	2xL3
		5xL1
	Ministerial Officers	1xL2
		1xL1

	Teacher Aides	3xL1
	Aboriginal Education Worker	1xL1
	Gardener	1xL3
	Cleaner	1xL2
(viii)	Karratha Education Act	1xL6 2xL5 3xL4 14xL3 22xL2 46xL1/2 24xL1
	School Psychologists	6
	Principal Consultant	1
	Public Service	1xL9 3xL7 6xL5 1xL4 4xL2 2xL1
	Teacher Aides	2xL5 2xL4 4xL3 1xL2 6xL1
	Ministerial Officers	4xL2 16xL1
	Aboriginal Education Workers	2xL3 1xL1
	Gardeners	2xL5 3xL3 1xL2 1xL1
	Home Economics Assistants	2xL3
	Cleaners	1xL4 3xL3 16xL2 6xL1
(ix)	Halls Creek Education Act	1xL5 1xL4 2xL3 10xL2 11xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	2xL3 2xL2 3xL1 2xL2 2xL1
	Ministerial Officers	2xL2 2xL1
	Home Economics Assistant	1xL3
	Canteen Supervisor	1xL1
	Technical Officer	1xL1
	Gardener	1xL3
	Cleaners	3xL2
(x)	Wiluna Education Act	1xL4 2xL2 6xL1
	Ministerial Officers	1xL2 2xL1
	Teacher Aides	1xL1
	Aboriginal Education Workers	1xL2 1xL1
	Gardener	1xL3
	Cleaners	1xL3 1xL2 1xL1
(xi)	Dampier Education Act	1xL4 4xL2 6xL1

	Ministerial Officers	1xL2 1xL1
	Teacher Aides	2xL1
	Gardener	1xL3
	Cleaners	5xL2
	Kitchen hand	1xL2
(xii)	Roebourne Education Act	1xL4 1xL3 4xL2 9xL1
	Ministerial Officers	2xL2 1xL1
	Teacher Aides	5xL1
	Aboriginal Education Workers	2xL3 3xL2 2xL1
	Gardener	1xL3
	Cleaners	1xL3 2xL1
(xiii)	Wickham Education Act	1xL5 1xL4 1xL3 5xL2 25xL1/2 10xL1
	Ministerial Officers	1xL3 5xL1
	Teacher Aides	1xL2 4xL1
	Aboriginal Education Workers	2xL3
	Cleaners	1xL4 5xL2 2xL1
	Home Economics Assistant	1xL3
	Gardeners	1xL5 1xL2

Description

Education Act: Those employed under the Education Act, 1928. Includes Principals, Deputy Principals, Heads of Department, and classroom Teachers. It also includes School Psychologists and Principal Consultants although these have been listed separately in the answer.

Public Service: Employed under the Public Sector Management Act, 1994. Includes clerical and administrative staff in central and district offices, and high school Registrars.

Ministerial Officers: Those employed under the Education Department's Ministerial Officers Salaries and Allowances Award and relevant Enterprise Bargaining Agreements. This includes primary school Registrars, library and laboratory assistants, and school clerical staff. Their conditions are similar to public servants except for:

- 1) An ordinary work week of 32.5 hours
- 2) They do not work during school holidays

Other positions as described in the answer.

(c) The programs being funded by the Education Department in the towns listed in (a) are as follows:

Port Hedland: Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Technology Focus School, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

South Hedland: Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Graphics Calculators, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Tom Price: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Graphics Calculators, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Paraburdoo: Priority Country Area Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Marble Bar: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Nullagine: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Karratha: Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Technology Focus School, Graphics Calculators, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Halls Creek: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, Translating/Interpreting, Languages Other Than English.

Wiluna: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, Translating/Interpreting.

Dampier: Retention and Participation Program, Internet in the Curriculum, Technology Focus School, Library Automation, English as a Second Language, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Roebourne: Commonwealth Literacy Program, Retention and Participation Program, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English.

Wickham: Priority Country Area Program, Commonwealth Literacy Program, Retention and Participation Program, Vacation Swimming, Internet in the Curriculum, Library Automation, English as a Second Dialect, Translating/Interpreting, Languages Other Than English (Roebourne Education Project).

NB: Telfer School Closed in 1995.

#### WOMEN'S INTERESTS

##### *Health Information Services*

163. Ms WARNOCK to the Minister for Health:

In relation to the Government Two Year Plan for Women (1996-1998) -

- (a) has the Government maintained, as promised, health information services for women including a free call service to women affected by alcohol and drugs;
- (b) if not, will the Government re-introduce this service; and
- (c) if not, why not?

Mr DAY replied:

- (a) The Government has maintained and further expanded the Alcohol and Drug Information Service, which is a 24 hour telephone service with 1800 number access, specialising in advice on alcohol and drug issues. This service is available to women and has a special line for parents seeking help and information.
- (b)-(c) Not applicable.

#### EDUCATION DEPARTMENT

##### *Consultants*

169. Mr RIPPER to the Minister for Education:

- (1) Have outside consultants been appointed to assist the Education Department in the preparation of consultation reports in the local area education planning process?
- (2) Which consultants have been appointed?
- (3) How much will the consultants be paid?
- (4) What process was followed in the Education Department's engagement of these consultants?



Mr BARNETT replied:

- (1) Yes.
- (2) Precision Information and Meta Ink.
- (3) The quotes from the consultants totalled \$6,900.
- (4) The consultants were selected by following the policy No 001 on the purchase of Goods and Services as detailed in the Financial Administration and Audit Act (FAAA), and relevant State Supply Commission guidelines.

UNDERGROUND POWER

*Edmonds Cove, Safety Bay*

351. Mr McGOWAN to the Minister for Energy:

- (1) Why is it that the residences at 2 Edmonds Cove, Safety Bay do not have underground power when all of the other residences in the street have underground power?
- (2) What is the cost of converting these units to underground power?
- (3) What are Western Power's policies in relation to underground power connection and why are some residences provided with this at no cost while others appear to have to pay?

Mr BARNETT replied:

I am advised by Western Power Corporation:

- (1) A request was made by the developer for Lot 2 to have a bulk supply from the existing overhead system in Ray Road. Western Power only supplied overhead power to the boundary. All the units in Lot 2 Edmonds Cove do have underground power but they are supplied by a customer owned reticulation system.
- (2) \$1 694 (this is to supply the entire lot which includes several residences).
- (3) Underground power is mandatory in new subdivisions and the costs are met by the developer. In older/existing subdivisions underground power is put in at the request of the developer or owner of the land and they are charged accordingly. No residences are provided with underground power at no cost.

WESTERN POWER

*Cherry Pickers Tender*

587. Mr THOMAS to the Minister for Energy:

- (1) Has Western Power recently sought tenders for ten cherry pickers?
- (2) Were these purchased by open competitive tender?
- (3) Was the successful tenderer selected on the basis of the lowest price?
- (4) If not, what was the criteria the successful tender was selected on?
- (5) If yes to (3), what was the successful price?
- (6) Were any manufactures of cherry pickers induced to set up manufacturing facilities in Western Australia with the understanding that they would get Western Power business?

Mr BARNETT replied:

I am advised:

- (1)-(2) Yes.
- (3) Price was only one component of the assessment.
- (4) The least cost to Western Power.
- (5) Not applicable.
- (6) No.

## RESOURCES DEVELOPMENT

*Local Content of Projects*

637. Mr BROWN to the Minister for Resources Development:

- (1) Further to question 3783 of 1998, concerning the State's local content policy, will the Minister release for public consumption the following information -
  - (a) the expected total cost of each major resource project; and
  - (b) the estimated total value of the work for each project that may be carried out in -
    - (i) Western Australia; and
    - (ii) Australia other than Western Australia?
- (2) Will the Minister provide, in respect of each resource project, the total value of contracts allocated to -
  - (a) companies in Western Australia;
  - (b) companies in Australia other than Western Australia; and
  - (c) companies in other countries?
- (3) If not, why not?
- (4) Does the Government have this type of information?
- (5) If not, will the Government take steps to try to obtain this type of information?
- (6) If not, why not?

Mr BARNETT replied:

- (1) (a) Yes. This information is available in "Prospect" (a publication of the Department of Resources Development).
- (b) No. Premature release of this information may jeopardise the competitive tendering process.
- (2) (a)-(c) No.
- (3) Apart from the project information contained in "Prospect", all contractual information is "commercial-in-confidence" between the parties involved.
- (4) The Government (through Department of Resources Development) maintains a project database which contains the information that is reported to it.
- (5) The Government can obtain the relevant information directly from the project developers if necessary for Government decisions and policy making.
- (6) See (3) above.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Compliance with Section 175ZE of the Electoral Act*

663. Mr RIEBELING to the Minister for Local Government; Disability Services:

- (1) Which public agencies within the Minister's portfolios are required to comply with section 175ZE ("the section") of the Electoral Act 1907?
- (2) Which of those agencies included the required statement in their annual report?
- (3) Which of those agencies did not include the required statement in their annual report?
- (4) In respect of those agencies which did not include the required statement, will the Minister require the agencies to amend their annual report to include the required statement?
- (5) In the case of those agencies which did not include the required statement, why did they not include it?
- (6) What is the amount of expenditure incurred by or on behalf of each such agency in relation to the matters set out in the section 175ZE -

- (a) in the 1996-97 reporting period;
  - (b) in the 1997-98 reporting period; and
  - (c) in the current reporting period to date?
- (7) What is the name and address of each advertising agency, market research organisation, polling organisation and direct mail organisation on which expenditure has been incurred since 1 July 1996 by or on behalf of each agency?
  - (8) When was that expenditure incurred?
  - (9) What was the value of the expenditure incurred in each case?
  - (10) What is the nature and content of the advertising, market research, polling or direct mail services provided by each agency and organisation on each occasion?
  - (11) What was the name of the officer incurring each item of expenditure?
  - (12) What was the name of the certifying officer in relation to each item of expenditure?
  - (13) What is the name of the principal officer in each agency responsible for ensuring that the statement required under section 175ZE is included in the agency's annual report?

Mr OMODEI replied:

- (1) Department of Local Government  
Keep Australia Beautiful Council  
Disability Services Commission  
Metropolitan Cemeteries Board  
Fremantle Cemetery Board
- (2) Department of Local Government
- (3) Keep Australia Beautiful Council  
Disability Services Commission  
Metropolitan Cemeteries Board  
Fremantle Cemetery Board

(4),(6)-(12)

Section 175ZE of the Electoral Act requires that all public agencies publish annually information on expenditure on advertising, market research, polling, direct mail and media advertising. This section came into force in October 1996 and has only operated since then. The Western Australian Treasury was advised a number of months ago by the Western Australian Electoral Commission of this requirement which was then noted in the instructions to agencies for the preparation of Annual Reports. In the Political Finance Report 1997, tabled 12 August 1998, the Electoral Commissioner recommended:

That section 175ZE of the Electoral Act 1907 regarding reporting on electoral expenditure by public agencies be moved to a more appropriate piece of legislation such as the Financial Administration and Audit Act 1985.

The Government intends to give early and favourable consideration to this, and bring forward the necessary amendments to the Electoral Act. All agencies in my portfolio are now aware of the requirement to meet the provisions of section 175ZE of the Electoral Act, and henceforth will be providing the appropriate information. However, I am not prepared for agencies to devote the considerable resources necessary to retrospectively prepare this report, and in particular to provide the level of detail requested. If the member has a question in relation to a specific advertising contract I will endeavour to provide the information.

- (5) Not aware of specific requirement to do so.
- (13) Department of Local Government - Mr Ross Earnshaw  
Keep Australia Beautiful Council - Ms Peta Monley  
Disability Services Commission - Mr John Knowles  
Metropolitan Cemeteries Board - Ms Barbara Norman  
Fremantle Cemetery Board - Mr W Tritton

GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

690. Mr KOBELKE to the Minister for the Environment; Labour Relations:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?

- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mrs EDWARDES replied:

Perth Zoo:

- (1)-(2) The Zoo has adopted a procedure for requesting Police Clearance for successful applicants for positions, permanent and temporary over 3 months, also for contractors working on site where relevant, i.e. cleaning contractors, security, etc.
- (3) \$12.00.
- (4) All contractors meet their own costs where clearances are requested.
- (5) There is no written policy document.

WorkSafe Western Australia

- (1) WorkSafe Western Australia does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

Department of Environmental Protection:

- (1) The Department of Environmental Protection does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

Department of Productivity and Labour Relations:

- (1) DOPLAR does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

WorkCover WA

- (1) WorkCover WA does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

Department of Conservation and Land Management:

- (1) The Department of Conservation and Land Management does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

Commissioner for Workplace Agreements:

- (1) The Commissioner for Workplace Agreements does not have a policy on criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

Department of the Registrar, Western Australian Industrial Relations Commission:

- (1) The Department of the Registrar, Western Australian Industrial Relations Commission does not have a policy of criminal record screening of employees or prospective employees.
- (2)-(5) Not applicable.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

695. Mr KOBELKE to the Minister for Local Government; Disability Services:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?
- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mr OMODEI replied:

For the Keep Australia Beautiful Council:

- (1) The Agency has an unwritten policy.
- (2) The position of "Captain Cleanup".
- (3) \$12.00
- (4) The employing agency meets the cost.
- (5) Not applicable.

Metropolitan Cemeteries Board:

- (1) No.
- (2)-(5) Not applicable.

Disability Services Commission:

- (1) Disability Services Commission (DSC).
- (2) - All permanent, temporary and casual employees  
- Contract staff  
- Redeployees from other agencies  
- Officers on secondment from other agencies  
- Volunteers  
- Students on placement  
- Support persons
- (3) Cost is \$12.00 per individual.
- (4) The DSC meets the cost of all clearances within Western Australia.
- (5) Copy of policy is set out below -

DISABILITY SERVICES COMMISSION  
POLICY STATEMENT  
EMPLOYMENT OF PEOPLE WITH

CRIMINAL CONVICTIONS

INTRODUCTION

The Disability Services Commission (DSC) has a duty of care to people with disabilities throughout Western Australia. In carrying out this duty of care, the DSC requires all employees and recommended applicants for positions to undergo a comprehensive criminal records check.

Under the Spent Conviction Act 1988, Spent Conviction Regulation 1992, the DSC is exempt from the provisions of Part 3, Section 18 and Division 4. This means that the DSC will have access to spent convictions which fall into one of the categories specified in the Criminal Code, indicated below:

- (i) Chapter XXII (offences against morality);
- (ii) Chapter XXVIII (homicide, suicide, concealment of birth);
- (iii) Chapter XXIX (offences endangering life or health);
- (iv) Chapter XXX (assaults);
- (v) Chapter XXXIA (sexual assaults);
- (vi) Chapter XXXIII (offences against liberty);
- (vii) Section 343 (child stealing);
- (viii) Section 344 (desertion of children).

The DSC will ensure it takes every step necessary to reduce the risk of individuals being employed who may pose a threat to clients of the DSC or employed by agencies funded by the DSC.

To this end, the DSC:

reserves the right to judge an individual's suitability for employment or promotion based on the relevance of any conviction to the job in question.

requires applicants to provide details of any conviction recorded against them prior to an offer of employment or recommendation for promotion being made.

requires a criminal record check to be obtained before any offer of appointment or promotion can be made. Where such a check reveals a conviction or convictions which would make an individual undesirable as an employee in the opinion of the DSC, that person will not be eligible for employment or promotion. The decision not to appoint a person on the basis of their criminal records is delegated to the Director of the area in question in consultation with the Manager Human Resources.

requires any employee who is charged and/or convicted of a criminal offence, must as soon as practicable, advise the Director of that area of the offence or offences. Failure to do so may result in disciplinary action.

in determining whether a person's conviction will deem them to be ineligible for employment (appointment or promotion), the DSC will base the decision to accept or reject the applicant on

the relevance of the offence to the duties undertaken  
 recency and single conviction may be taken into consideration  
 the nature and severity of the offence  
 whether the offence was committed as an adult or juvenile  
 general character since the offence was committed

will treat employees fairly and will not discriminate against a person on the grounds of a spent conviction in the selection process for a position or in the terms and conditions on which employment is offered. However, there are exceptions where spent convictions for certain offences can be taken into account in order to protect the clients of the DSC.

will apply the principles of natural justice in all decisions taken, however the overriding consideration will always be in relation to the safety and wellbeing of clients of the DSC.

will state in all advertisements, JDF's and recruitment documents, that appointment or promotion is subject to a satisfactory police clearance, as determined by the DSC.

shall deem the applicant ineligible for employment, where the conviction, spent or otherwise, is considered to threaten the establishment of trust between the DSC and the applicant.

obtain subsequent police clearances for all employees upon completion of every 5 years of service.

will distribute and publicise this policy statement throughout the organisation and elsewhere as is appropriate.

provide a grievance procedure for the resolution of complaints.

will ensure all decision making processes embody the ethical principles contained in the Western Australian Public Sector Code of Ethics.

#### APPLICATION

This policy applies to:

all recommended applicants for temporary, permanent or casual positions, including recommended applicants who are existing officers of the DSC and not currently working in the functions list.

contract staff, including staff contracted to provide temporary services from private agencies.  
 redeployees (internal and external)  
 officers seconded from other agencies  
 trainees  
 existing staff seeking a transfer  
 volunteers  
 students on placement  
 support persons (on behalf of the DSC clients)

The only exemption to the checking process is where there is a genuine need to urgently fill a position using contracted staff. In such cases, the applicant can commence employment prior to the outcome of the criminal record check being known. However, the initial appointment should not exceed two weeks with the recommended

applicant closely supervised during that period. A police clearance must be fully completed before extending the appointment.

Fremantle Cemetery Board

- (1) No.
- (2)-(5) Not applicable.

Department of Local Government:

- (1) No.
- (2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

697. Mr KOBELKE to the Minister representing the Minister for Finance:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?
- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department  
Valuer General's Office  
Government Employees Superannuation Board

- (1) The above agencies have no policy on criminal record screening.
- (2)-(5) Not applicable.

Insurance Commission of Western Australia

- (1) No. The Insurance Commission's Standard Application for Employment Form, however, requires each applicant to answer the question:-

*"Convictions" - have you ever been convicted of any offence in any Court, or are you currently the subject of any charge pending before any Court? Yes or No. If yes, please give details (A criminal record does not necessarily disqualify an applicant. If rejection of your application is considered solely because of a criminal record, you will be given the opportunity to discuss the matter fully before a final decision is made).*

I declare the above statements to be true in all respects. I acknowledge that any statement which is found to be false or deliberately misleading will make me, if employed, liable for dismissal.....Date.....Signature

If the prospective employee answers in the affirmative, the Insurance Commission would require the person to provide a police clearance to confirm the nature, and other details, of the conviction and its relevance to employment within the Insurance Commission.

- (2) Not applicable to the Insurance Commission of WA, refer to the answer to Part (1)
- (3) No criminal screening costs incurred by the Insurance Commission.
- (4) If the screening process identifies a previous criminal conviction then the cost of obtaining the police clearance would be borne by the prospective employee.
- (5) Not applicable to the Insurance Commission of WA.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

700. Mr KOBELKE to the Minister representing the Minister for Mines:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?
- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mr BARNETT replied:

- (1) All applicants for advertised positions in the Department of Minerals and Energy (DME) are required to declare on the 'application for advertised vacancy' any convictions and provide details. Whilst there is no formal policy in DME's Code of Conduct, it is stated on the application form how the department deals with each case. In effect it is the practice of the department to consider the nature of any conviction and its relevance to the position in question in making a final decision. In addition, the Chemistry Centre requires all successful applicants to provide a police clearance.
- (2) All categories or classes of potential employees are required to complete the declaration concerning convictions on the 'application for advertised vacancy'.
- (3) No cost to DME.
- (4) All successful applicants in the Chemistry Centre require police clearances and the cost (approximately \$16) is met by the applicant in all cases.
- (5) Not applicable - applies only on standard 'application for advertised vacancy' form.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

701. Mr KOBELKE to the Minister for Police; Emergency Services:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?
- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mr PRINCE replied:

*Police:*

- (1) The Western Australia Police Service has a Policy on criminal record screening of employees and prospective employees. The intent and purpose of the policy is to ensure the organisational integrity of the Western Australia Police Service is maintained by subjecting employees and prospective employees to integrity checks as a pre-requisite to appointment.
- (2) All prospective employees and employees being promoted/appointed to a higher level/rank within the Western Australia Police Service are subject to an integrity check.
- (3)-(4) As internal resources are used for criminal record screening there is no direct cost to the Western Australia Police Service or prospective employees.



(5) No.

*Emergency Services:*

- (1)-(2) Although no formal written policy exists, the Fire & Rescue Service conducts a federal policy clearance check for its trainee firefighters as part of the recruitment process.
- (3) \$25.
- (4) The employing agency.
- (5) No formal written policy exists.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Criminal Record Screening of Employees*

707. Mr KOBELKE to the Parliamentary Secretary to the Minister for Sport and Recreation:

- (1) Which agencies within the Minister's portfolios have a policy on criminal record screening of employees or prospective employees?
- (2) In each agency that has a policy on criminal record screening, which categories or classes of employees, other workers or prospective workers are required to submit to criminal record screening?
- (3) For each such agency, what is the cost of criminal record screening per individual?
- (4) In which cases is the cost of criminal record screening met by the worker, prospective employee or the employing agency?
- (5) Will the Minister table a copy of each such policy document?

Mr MARSHALL replied:

MINISTRY OF SPORT AND RECREATION and  
RECREATION CAMPS AND RESERVES BOARD

- (1) Whilst the Ministry and the Board do not have a formal policy on criminal record screen of employees or prospective employees, successful applicants are required to complete a Certification of Personal Details prior to employment. [See paper No 268.]

Appropriate follow up is undertaken where an employee declares any previous convictions. The certification asks relevant questions about prior criminal convictions and provides for dismissal if information is found to be false or misleading.

- (2)-(5) Not applicable

WESTERN AUSTRALIAN INSTITUTE OF SPORT

- (1) WAIS does not have a formal policy on criminal record screening of employees or prospective employees. However, prospective employees are asked if they have a criminal record during the interview process.

- (2)-(5) Not applicable.

WESTERN AUSTRALIAN SPORTS CENTRE TRUST

- (1) The Western Australian Sports Centre Trust does not have a formal policy on criminal record screening of employees or prospective employees. However, on its application form, applicants are asked if they have any convictions for any offences or are currently the subject of any charge pending before any court.

- (2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Act of Grace Payments*

841. Mr BROWN to the Minister representing the Minister for Finance:

- (1) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?

- (2) Who were such payments made to?
- (3) What was the amount of each payment?
- (4) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?

- (5) What was the amount of each payment?
- (6) Who was each payment to be made to?
- (7) What was the purpose of each payment?
- (8) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?

- (9) How many such payments were approved?
- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department

- (1) (a) Yes.  
(b) No.
- (2)-(3) Mrs V Manning \$172.75  
Ms A M Lucanus \$1,443.75
- (4) (a)-(b) No.
- (5)-(7) Not applicable.
- (8) (a)-(b) No.
- (9)-(13) Not applicable.

Valuer General's Office  
Insurance Commission of Western Australia  
Government Employees Superannuation Board

- (1)-(13) No act of grace payments were approved in the 1996/97 or 1997/98 financial years.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Act of Grace Payments*

843. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?

- (2) Who were such payments made to?
- (3) What was the amount of each payment?
- (4) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?

- (5) What was the amount of each payment?
- (6) Who was each payment to be made to?
- (7) What was the purpose of each payment?
- (8) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?

- (9) How many such payments were approved?
- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

Office of Racing, Gaming and Liquor  
 WA Greyhound Racing Authority  
 Burswood Park Board  
 Totalisator Agency Board  
 Lotteries Commission

- (1) No.
- (2)-(3) Not applicable.
- (4) No.
- (5)-(7) Not applicable.
- (8) No.
- (9)-(13) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Act of Grace Payments*

844. Mr BROWN to the Minister representing the Minister for Mines:

- (1) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?

- (2) Who were such payments made to?
- (3) What was the amount of each payment?
- (4) In the -
- (a) 1996-97 financial year; and  
(b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?

- (5) What was the amount of each payment?
- (6) Who was each payment to be made to?
- (7) What was the purpose of each payment?
- (8) In the -
- (a) 1996-97 financial year; and  
(b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?

- (9) How many such payments were approved?
- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mr BARNETT replied:

- (1) No.
- (2)-(3) Not applicable.
- (4) No.
- (5)-(7) Not applicable.
- (8) No.
- (9)-(13) Not applicable.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Act of Grace Payments*

848. Mr BROWN to the Minister representing the Attorney General:

- (1) In the -
- (a) 1996-97 financial year; and  
(b) 1997-98 financial year

did the Attorney General approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Attorney General's control?

- (2) Who were such payments made to?
- (3) What was the amount of each payment?
- (4) In the -
- (a) 1996-97 financial year; and  
(b) 1997-98 financial year

did the Attorney General seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Attorney General's control?

- (5) What was the amount of each payment?
- (6) Who was each payment to be made to?
- (7) What was the purpose of each payment?
- (8) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial year

did the Attorney General seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Attorney General's control?

- (9) How many such payments were approved?
- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) (a)-(b) Yes.
- (2)-(3) Act of Grace Payments up to a maximum of \$2,000 were as follows:

Astill, PM	1,200.00
Baker, J	1,068.00
Blake, RK	355.00
Boubin, C	800.00
Chapman, PR	180.00
Dawson, S	240.00
Eades, DR	40.00
Fawcett, G	45.00
Gibbs, BD	96.00
Gregory, J	45.00
Hutchings, M	40.00
Jones, HA	750.00
Lang, JD	67.50
Lauder, M	402.00
Martin, A	265.00
McKay, G	1,200.00
McQueen, J	100.00
Moore, RJ	79.90
Moore, RS	522.00
Morris, JV	1,000.00
Nicholls, GD	150.00
Papalia, E	63.00
Theisinger, N	350.00
Smith, J	710.00
Unity Christian School	58.00

- (4) (a) No.  
(b) Yes.
- (5) \$10,050.00.
- (6) C Bloubin.
- (7) The purpose of this payment was because Bloubin was incorrectly arrested – three hours in custody due to the loss of summons by Court Registry staff.
- (8) (a)-(b) Yes.
- (9) 16.

(10) 12.

(11)-(13)

Act of Grace Payments over \$50,000 were made in the 1997/98 financial year as follows:

\$80,472 *WA Prison Officer's Union*: Payment towards legal costs incurred by Union arising from an incident at the Central Law Courts in November 1991.

\$400,000 *WA Prison Officer's Union*: Payment towards legal costs incurred by Union on behalf of Prison Officers and public servants arising from an incident at Casuarina Prison in September 1992.

\$110,000 *Civil Service Association*: Payment towards legal costs incurred by Union on behalf of public servants arising from an incident at Casuarina Prison in September 1992.

\$160,000 *HEANEY, J*: Compensation relating to criminal charges which were subsequently acquitted.

\$33,502.50 *COE, G and CLOUGH, G*: "Dietrich Application" for cost of trial

\$111,200 *SIMCOCK, P*: "Dietrich Application" for cost of trial

\$137,360 *CUTRI, C*: "Dietrich Application" for cost of trial

\$15,921.50 *BRUSH, B*: "Dietrich Application" for cost of trial

\$1,565 *JOHNS, R*: "Dietrich Application" for cost of trial

\$25,000 *BARBOUR, M*: Exgratia payment for Criminal Injuries Compensation

\$53,493.81 *MICKELBERG, R*: Exgratia payment to present his appeal

\$150,000 *O'NEILL, A*: Exgratia payment for Criminal Injuries Compensation

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Act of Grace Payments*

849. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?

(2) Who were such payments made to?

(3) What was the amount of each payment?

(4) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?

(5) What was the amount of each payment?

(6) Who was each payment to be made to?

(7) What was the purpose of each payment?

(8) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?

(9) How many such payments were approved?

- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mr BRADSHAW replied:

WESTERN AUSTRALIAN TOURISM COMMISSION and  
THE ROTTNEST ISLAND AUTHORITY

- (1)-(3) The Western Australian Tourism Commission and the Rottneest Island Authority have not sought approval from the Minister, or made any payments, in respect to "act of grace payments", relating to either the 1996/97 or 1997/98 financial years.
- (4)-(13) The Western Australian Tourism Commission and the Rottneest Island Authority have not requested the Minister for Tourism to seek approval from either the Treasurer or Governor to make any "act of grace payments" to support any payments made by the WATC or RIA in respect to the 1996/1997 and 1997/1998 financial years.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Act of Grace Payments*

850. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial yeardid the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?
- (2) Who were such payments made to?
- (3) What was the amount of each payment?
- (4) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial yeardid the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?
- (5) What was the amount of each payment?
- (6) Who was each payment to be made to?
- (7) What was the purpose of each payment?
- (8) In the -
  - (a) 1996-97 financial year; and
  - (b) 1997-98 financial yeardid the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?
- (9) How many such payments were approved?
- (10) How many such payments were made?
- (11) What was the amount of each payment?
- (12) To whom was each payment made?
- (13) What was the reason or purpose of each payment being made?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1-13) I refer the member to my answer to Question on Notice 848.

GOVERNMENT DEPARTMENTS AND AGENCIES

*Act of Grace Payments*

851. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister approve any act of grace payments up to a maximum of \$2,000 from any department or agency under the Minister's control?

(2) Who were such payments made to?

(3) What was the amount of each payment?

(4) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister seek the Treasurer's approval for any act of grace payments between the amount of \$2,000 and \$50,000 from any department or agency under the Minister's control?

(5) What was the amount of each payment?

(6) Who was each payment to be made to?

(7) What was the purpose of each payment?

(8) In the -

- (a) 1996-97 financial year; and
- (b) 1997-98 financial year

did the Minister seek approval from the Treasurer and/or Governor to make any act of grace payments over \$50,000 from any department or agency under the Minister's control?

(9) How many such payments were approved?

(10) How many such payments were made?

(11) What was the amount of each payment?

(12) To whom was each payment made?

(13) What was the reason or purpose of each payment being made?

Mr MARSHALL replied:

(1) (a)-(b) No.

(2)-(3) Not applicable.

(4) (a)-(b) No.

(5)-(7) Not applicable.

(8) (a)-(b) No.

(9)(13) Not applicable.

ALINTAGAS AND WESTERN POWER, PURCHASING/SUPPLY POLICIES

869. Mr THOMAS to the Minister for Energy:

(1) Will the Minister table the purchasing/supply policy of AlintaGas and Western Power?



(2) If no, why not?

Mr BARNETT replied:

I am advised:

Western Power

- (1) Western Power is not prepared to have its purchasing/supply policy tabled.
- (2) The policy contains commercially sensitive information.

AlintaGas

- (1) No.
- (2) Section 31 of the Gas Corporation Act 1994 requires the corporation to act in accordance with prudent commercial principles. AlintaGas considers that publishing the Corporation's purchasing policies would be contrary to normal commercial practice and could result in commercial damage to the corporation or, at the very least, put it at a commercial disadvantage to its competitors. It is therefore of the opinion that to table such policies in Parliament would not accord with prudent commercial principles.

#### RITALIN FUNDING

905. Mr McGINTY to the Minister for Health:

- (1) Has the Health Department advised public hospitals that specific funding for the provision of Ritalin to child patients with ADHD will no longer be available?
- (2) Is this action consistent with the NHMRC recommendation in its 1996 report on ADHD- "While the response of most children is similar for both *methylphenidate* and *dexamphetamine*, the efficacy and side effects are not identical. Some children may respond better to one than the other. Therefore children should have equal access to whichever drug is necessary for their optimal treatment."?
- (3) What are the costs of each drug to the patient?
- (4) Will the Minister reconsider this policy?

Mr DAY replied:

- (1) Hospitals were advised in January 1997 that funding was not available for the provision of Ritalin to new patients. There is provision for exceptional cases.
- (2) A drug for the treatment of ADHD (dexamphetamine) is available to patients through the PBS and the National Pharmaceutical Advisory Committee considers this drug to be the cheapest, safest and most effective drug for treating ADHD in the majority of patients. The NH&MRC recommended that Ritalin be included on the PBS and this is supported by Western Australia. However, until the Commonwealth agrees to this, the Health Department maintains that it is the responsibility of prescribing clinicians to give careful consideration to the need to prescribe the more expensive drug that is not available to patients through PBS. The provision for exceptional cases ensures optimal treatment for children.
- (3) For people not covered by pensioner or Health Care Cards, the cost at community pharmacies for Ritalin is around \$70 per pack of 100 and dexamphetamine is \$15.55 per pack of 100.
- (4) The policy will be reconsidered when the report of the recently convened expert group of psychiatrists is available. This is expected early next year.

#### KUNUNURRA YOUTH PROJECT FUNDING

908. Mr KOBELKE to the Minister for Employment and Training:

With reference to the July 1998 issue of the Department of Training's glossy magazine *Training WA* which stated that the "Kununurra Youth project received \$147,753 for the establishment of a facility to be used to train and provide work experience in the hospitality industry..." I ask the Minister -

- (a) is the Kununurra Youth project to be funded and if so, when will the funding be made available; and
- (b) if the minister is not approving funding for this worthwhile project, then why did his Department's glossy magazine claim that it had been funded?

Mr KIERATH replied:

- (a) No, the Kununurra Youth Services will not receive funding for the project indicated.
- (b) The application for funding for \$147 753 for the establishment of a training facility was unsuccessful as the proposal did not meet the established selection criteria. The inclusion of this information in the Department's magazine was an error due to there being two applications from the same organisation. The second proposal to operate an employment/enterprise service in Kununurra was funded to the amount of \$82 000.

#### TUNA FARMS, ESPERANCE BAY

911. Dr EDWARDS to the Minister for Fisheries:

- (1) Given that the Fisheries WA document on the Esperance tuna farm proposal states "Although recreational activities such as boating, fishing and diving are popular in Esperance Bay, the proposed sites are not located in major areas of recreational activity" why have sites 2 and 3 been withdrawn?
- (2) What was the nature of the community opposition to the location of sites 2 and 3?
- (3) Does the Minister consider that the Fisheries document has shown itself to be inadequate in relation to identification of recreational areas?
- (4) If not, why not?
- (5) What are the ranges of the major shark predators in the Esperance region?
- (6) Given that the distance between site 1 and the now discarded site 2 is about one kilometre, why has site 1 not been withdrawn?
- (7) In relation to the concept of establishing tuna farms in the Esperance Bay, what studies have or will be undertaken in relation to associated shark activity?
- (8) If no such studies are intended why is this acceptable in an area of significant recreational activity?
- (9) Will studies be undertaken into the composition of the benthic fauna within the proposed tuna farm areas?
- (10) If not, why not?
- (11) Given the potential for nutrient loading will any studies be undertaken to determine nutrient output from tuna?
- (12) If not, why not?
- (13) Given the potential for nutrient loading, will any studies be undertaken to determine the potential impact of nutrient loads on the benthic flora and fauna in the vicinity of any proposed sites for tuna farming?
- (14) If not, why not?
- (15) What are the qualitative impacts of physico-chemical changes in the areas immediately adjacent to pontoons used for tuna farming in South Australia?
- (16) What are the quantitative impacts of physico-chemical changes in the areas immediately adjacent to pontoons used for tuna farming in South Australia?
- (17) Given that the report titled "A Proposal for the Establishment of Southern Bluefin Tuna farming at Three sites in Esperance Bay" prepared by the Fisheries Department states that expected physico-chemical changes in the areas immediately adjacent to the pontoons to be used in Esperance will be less severe than those in South Australia, what studies have, or will be undertaken to verify this assumption?
- (18) If no such studies are intended to verify the above assumption, does the Minister consider this to be credible science?

Mr HOUSE replied:

- (1)-(18) The member's question refers to a proposal for tuna farming on sites in Esperance Bay put forward by Fisheries Western Australia. This proposal is currently being assessed by the Executive Director of Fisheries in accordance with the Ministerial Policy Guidelines published for the assessment of pearling and aquaculture applications in coastal waters of Western Australia. These Guidelines require the Executive Director of Fisheries to consult with all relevant Government Agencies, representative interest groups and the broader community and take into account any issues raised, including the environmental issues raised in the member's question. The member should note

that any proposal for tuna farming at Esperance cannot proceed without the approval of the Environmental Protection Authority. If the member wishes, I will also arrange for the Executive Director for Fisheries and relevant staff to provide the member with a full briefing at her convenience.

PATHOLOGY SERVICES, BUNBURY

919. Mr McGINTY to the Minister for Health:

- (1) Was there a tendering process for the delivery of Diagnostic Pathology Services for the South West Health Campus in Bunbury?
- (2) If not, why not?
- (3) If so, what are the details of the involvement of local pathology service providers in the tendering process?
- (4) What is the future direction of the Pathcentre Laboratory (State Health Laboratory) in Bunbury?

Mr DAY replied:

- (1) No.
- (2) The complexity of internal arrangements of the requirements of a pathology service has required detailed analysis of all potential options for delivery of pathology services on site.
- (3) Not applicable.
- (4) The most appropriate option for the laboratory in Bunbury is yet to be decided.

SWAN DISTRICTS HOSPITAL, WAITING LIST

922. Mrs ROBERTS to the Minister for the Health:

- (1) What are the current waiting times at the Swan Districts Hospital for each of the following surgical areas -
  - (a) general surgery;
  - (b) ophthalmology;
  - (c) orthopaedics;
  - (d) plastic surgery;
  - (e) urology;
  - (f) vascular surgery;
  - (g) gynaecology; and
  - (h) other?
- (2) How many people are waiting for surgery in each of the above categories?

Mr DAY replied:

- (1) As at 30 September 1998 the waiting times for each of the following surgical categories at Swan Districts Hospital were :

Median Waiting Times	(Days)
(a) general surgery;	113
(b) ophthalmology;	132
(c) orthopaedics;	86
(d) plastic surgery;	Nil
(e) urology;	43
(f) vascular surgery;	135
(g) gynaecology; and	56
(h) other	112

- (2) As at 30 September 1998 the number of cases waiting for the following surgical categories at Swan Districts Hospital were :

Cases Waiting	
(a) general surgery;	484
(b) ophthalmology;	161
(c) orthopaedics;	224
(d) plastic surgery;	nil
(e) urology;	54
(f) vascular surgery;	77
(g) gynaecology; and	198
(h) other	266

## OLD GROWTH FORESTS

926. Dr EDWARDS to the Minister for Heritage:

- (1) On what basis has the Heritage Council refused to assess or register old growth forests referred to it by the National Trust and other bodies?
- (2) Will the Minister table a copy of the relevant advice?

Mr KIERATH replied:

- (1) Legal opinion provided by the Crown Solicitor's Office which has determined that the Old Growth Forests do not come within the ambit of the Heritage Act and, therefore, cannot be considered by the Heritage Council for entry in the Register of Heritage Places. The National Trust has not referred old growth forests to the Heritage Council of Western Australia for consideration. A number of other bodies and individuals have.
- (2) No. It is subject to legal privilege.

## CLACKLINE-TOODYAY RAIL LINE

927. Ms McHALE to the Minister for Heritage:

- (1) Is the Minister aware of the Management Plan for the disused railway line which runs from Clackline to Toodyay?
- (2) Does the Minister support the proposal that the line stay in public ownership?
- (3) Does the Minister support it being converted into a heritage trail?

Mr KIERATH replied:

- (1) The Heritage Council of Western Australia is aware of the Management Plan.
- (2)-(3) The proposed designation as a heritage trail should be determined after an assessment of its cultural heritage value has been completed. Ownership and accessibility issues would be considered as part of that process.

## ART DECO STYLE HOTELS

937. Dr EDWARDS to the Minister for Heritage:

- (1) How many Art Deco style hotels are still in Perth?
- (2) How many Art Deco style hotels are listed in the State Registrar of Heritage?
- (3) How many buildings by William G Bennett are still in Perth?
- (4) What is the policy of the Heritage Council on preserving historical buildings?

Mr KIERATH replied:

- (1) The Heritage Council of Western Australia has recorded five.
- (2) Two.
- (3) The Heritage Council of Western Australia has recorded three.
- (4) Policy is in accordance with the Heritage of Western Australia Act 1990 and is guided by the Burra Charter.

## FORESHORE RESERVE, HEIGHT RESTRICTIONS ON BUILDINGS

938. Dr EDWARDS to the Minister for Planning:

- (1) What are the rules and regulations on the maximum height of hotel/motels close to the river?
- (2) What provisions are made so that the foreshore reserve will remain in public usage?

Mr KIERATH replied:

- (1) It is assumed the question refers to the Swan River. There are no specific State planning rules or regulations governing the maximum height of hotels/motels close to the river. Local government schemes may incorporate controls. Applications for the development of hotels/motels are considered on their merits and the height of the building when viewed in the context of the surrounding development may be a relevant consideration.

- (2) The foreshore to the Swan River is reserved for Parks and Recreation in the Metropolitan Region Scheme. The purpose of the reservation is to secure public ownership and use.

DENTAL TREATMENT, COUNTRY PATIENT SUBSIDY SCHEME

951. Dr CONSTABLE to the Minister for Health:

With respect to the country patient subsidy scheme for dental treatment, in each of the last five years -

- (a) how many patients received treatment;  
 (b) what was the average waiting time for treatment;  
 (c) what funding was allocated to the scheme;  
 (d) what was the source of the funding; and  
 (e) what were the eligibility criteria?

Mr DAY replied:

Data for patient courses of emergency or general care are:-

- |     |         |  |
|-----|---------|--|
| (a) | 1993/94 | 7829   |
|     | 1994/95 | 11881  |
|     | 1995/96 | 13226  |
|     | 1996/97 | 13477  |
|     | 1997/98 | 7914   |
| (b) | 1993/94 | 20 weeks   |
|     | 1994/95 | 6 weeks  |
|     | 1995/96 | 12 weeks   |
|     | 1996/97 | 6 weeks  |
|     | 1997/98 | 26 weeks   |
| (c) | 1993/94 | \$1,285,000  |
|     | 1994/95 | \$1,956,300  |
|     | 1995/96 | \$2,673,800  |
|     | 1996/97 | \$2,631,200  |
|     | 1997/98 | \$1,404,000  |
|     | 1998/99 | \$1,235,000  |
| (d) | 1993/94 | State Funding  |
|     | 1994/95 | State/Commonwealth Funding   |
|     | 1995/96 | State/Commonwealth Funding   |
|     | 1996/97 | State/Commonwealth Funding   |
|     | 1997/98 | State/Commonwealth Funding   |
|     | 1998/99 | State Funding  |
| (e) | 1993/94 | State Eligibility Criteria persons on a full or near full pension or benefit.                                |
|     | 1994/95 | Combination of State and Commonwealth Dental Health Program (CDHP) eligibility criteria.                     |
|     |         | State eligibility criteria for non-CDHP items of treatment. CDHP items of treatment available to holders of: |
|     |         | Pensioner Concession Card  |
|     |         | Health Benefits Card   |
|     |         | Health Care Card   |
|     |         | Commonwealth Seniors Health Card   |
|     | 1995/96 | As for 1994/95.  |
|     | 1996/97 | As for 1994/95.  |
|     | 1997/98 | As for 1994/95 while CDHP operated and then reverted to State criteria as for 1993/94.                       |
|     | 1998/99 | State criteria as for 1993/94.   |

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME

*Married Women*

954. Dr CONSTABLE to the Minister representing the Minister for Finance:

How many married women with living spouses are -

- (a) contributing members; and  
 (b) pensioners,

in the Western Australian Government Employees Superannuation Scheme?

Mr COURT replied:

The Minister for Finance has provided the following response:

- (a) The requested information cannot be provided, as records of the marital status of contributing members are not kept by the Government Employees Superannuation Board.
- (b) Reliable data cannot be provided as the marital status of pensioners held on the Government Employees Superannuation Board's computer system reflects their status only at retirement. Pensioners are not required to notify the Board of a change in marital status.

MINISTER FOR PRIMARY INDUSTRY, INTERSTATE AND OVERSEAS TRIPS

1040. Mr RIEBELING to the Minister for Primary Industry:

- (1) In relation to overseas and interstate trips undertaken by the Minister this calendar year, how many -
  - (a) interstate; and
  - (b) overseas trips,
 has the Minister taken?
- (2) For each trip what was the Minister's destination and the purpose of the trip?

Mr HOUSE replied:

- (1)-(2) The information sought by the member will be provided as part of the process that this Government put in place to inform the Parliament and the public of travel undertaken by Ministers, Ministerial Staff and Departmental Officers. Information is prepared on a quarterly basis by the Ministry of Premier and Cabinet and tabled by the Premier.

**QUESTIONS WITHOUT NOTICE**

PERTH FORESHORE REDEVELOPMENT

**240. Dr GALLOP to the Premier:**

I refer to the planned foreshore redevelopment unveiled last Sunday and ask -

- (1) Why has the cost of stage 1 blown out from the \$4.5m approved in this year's budget to an estimated \$18m?
- (2) Has provision been made for the additional \$13.5m? From what source has it been allocated and who approved the allocation?
- (3) How can the Premier announce a completion date for stage 1 when the project is yet to receive cabinet approval and the outcome of the six week consultation stage is unknown?

**Mr COURT replied:**

- (1)-(3) I will just go back a little in history on this project. In October 1994 we released an overall master plan for the city called Perth - a City for People. It outlined the projects we wanted to have done within that master plan. We have been working through that proposal one project at a time. Our proposal for the Barrack Square redevelopment was to build the bell tower with some associated landscape works. We had a master plan, called for expressions of interest and a firm was chosen to do that work. There were six expressions of interest of which four were short listed. A selection panel of four comprised Shane Crockett from the WA Tourism Commission, Dr Frank Pitman from Cairns, Professor Laurie Hegvold, the head of the school of architecture at Curtin University, and Bill Marmion from the Ministry of the Premier and Cabinet. That panel then chose Hames Sharley to do that design work. They returned with a proposal comprising an eight stage development. We have said that we would like it to be broken into two stages, the first one being -

Dr Gallop: Who is "we"?

Mr COURT: We have a capital city committee and I am talking as the Government. We want to do it in two stages. The first stage covers the bell tower, the upgrading of the landscaped areas, and the rebuilding of the jetty structures, which is the most expensive component of the proposal. The second phase will occur after the Northbridge Tunnel is completed. That involves the sinking of Riverside Drive, which was one of the features of the original plan, and a pool and beach

complex. We envisage that the funding for that will be a shared cost with the Perth City Council. I have had two briefings on these matters with the Perth City Council, which is also implementing works involving the upgrading of the Esplanade. We have liaised with the council on both of those projects. Funding was put aside for the bell tower and its surrounds. The completion of the jetties will be funded out of the capital city budget. There is about \$24m in that budget for works associated with the capital city.

Mr Riebeling: Who makes those decisions, you or Cabinet?

Mr COURT: In relation to how the funding is spent? The capital city committee makes an allocation for the projects being done.

Mr Kobelke: So, it is not done by Cabinet?

Mr COURT: I ask the member just to let me finish the answer. For example, one of the projects was the eastern gateway. We spent nearly \$4m in upgrading the eastern gateway, which is the entrance to the Leader of the Opposition's electorate.

Ms MacTiernan: It is not so important what people who live in the community think; as long as we look nice and fresh for tourists, that is all that matters!

Mr COURT: I think the entrance into our city is one of the finest entries into a city in the world, and I think it is something of which we should be proud.

Ms MacTiernan: It is a pity -

Dr Gallop interjected.

Mr COURT: Did the member for Armadale say it is hideous?

Ms MacTiernan: No. I said it is a pity that you are masking a lot of things that are happening out in the suburbs.

Dr Gallop: Premier, do you ever go into the suburbs? You drive from Nedlands to St George's Terrace, have a look at the Swan River and go home again.

Mr COURT: In answer to the question, we are doing a similar project in Kalgoorlie - the prospectors' and miners' hall of fame - to which the State Government is making a significant contribution. Does the Leader of the Opposition think that is a worthwhile project?

Several members interjected.

Dr Gallop: Premier, how can you announce a completion date for stage 1 when you do not have cabinet approval for it and the outcome of the results are unknown?

Mr COURT: We want the bell tower finished by the announced completion date to ring in 2000. I will give the House some of the history of the bells.

Dr Gallop: Don't! We have had enough.

Mr COURT: The Leader of the Opposition asked the question. The bells were gifted to this State in 1988. A formal handing over ceremony was held at Council House. The bells ended up in a paddock. They were a significant gift to this State. It is a historic set of bells and the Government has decided to assist in having it properly housed. This bell tower will be a major feature and attraction and a focal point for the redevelopment of the Barrack Square area.

It does not matter what initiative the Government announces these days, the Leader of the Opposition knocks it. The Government is proud of what it is doing in the city, in Mandurah, Bunbury, Busselton, Kalgoorlie, Carnarvon and Geraldton. The Government is working on projects around the State. The House should never forget that when we came into Government, this city was not in good shape. St Georges Terrace was covered with hoardings. We asked the property owners to pull the hoardings down and put in parks while they were waiting to redevelop sites. When the Opposition was in power, it was government by paralysis. It could not make the decisions to get these things done. The Government is proud of what it is doing in the city, and in the regions, and it looks forward to inviting the Leader of the Opposition to the opening of these projects.

## POVERTY

### **241. Mr JOHNSON to the Minister for Family and Children's Services:**

Saturday, 17 October, was the International Day for the Eradication of Poverty. Yesterday, the inter-church group on poverty released its progress document entitled "A Charter for Hope". What is the State Government's view of the best way to respond to poverty in Western Australia?

**Mrs PARKER replied:**

The Task Force on Poverty commissioned a survey of community attitude towards and awareness of poverty. It is interesting to note that the survey confirmed that the community saw job creation as the main solution to poverty. The State Government has one of the best records in job creation in the country. In its document "A Charter For Hope," the inter-church working party commended the Government of Western Australia for its performance and success in job creation. The unemployment rate is 7.2 per cent - consistently one of the lowest in the country. The youth unemployment rate is significantly and consistently the lowest. Since 1993, more than 152 000 new jobs have been created in this State. Job creation is vital in responding to the problems of poverty in our community.

The Government also has a commitment to respond to the crises in which people find themselves. As a result of that commitment, 16 supported accommodation services have been established in the State in the past two financial years at a cost of more than \$2m. The Government now funds a network of 52 financial counselling services around the State. These services can support and skill people in dealing not only with their present crisis but also with long-term financial planning. Some 88 per cent of people interviewed in the community attitudes survey identified job creation as a major solution to poverty. The Government's policy and performance is consistent with that.

## PERTH FORESHORE REDEVELOPMENT

**242. Dr GALLOP to the Premier:**

Is the Premier aware that the Deputy Leader of the Liberal Party publicly expressed doubts about the Premier's plan to erect an 80-metre spire on the Swan River foreshore? Is the Premier concerned that his obsession with monuments is not shared by his deputy and leadership rival? Have any other ministers expressed doubts about this project?

**Mr COURT replied:**

I just explained to the Leader of the Opposition the process of choosing people to develop these designs. A number of ministers who are aware of what is taking place on the design front are on our capital city committee. We ask for public comment to receive feedback. The general designs of the buildings that will replace the existing buildings on the jetty structures will be similar in design to the building that was recently built on the South Perth jetty; that is, turn of the century buildings typical of what was in that area. The architects have made a conscious decision to design a bell tower which shows off what we do well in this State - the metals we make and our design and construction expertise. If members of the Opposition are interested, I will ask the architects to brief members on the proposal and explain the reasons behind that design. Whether or not the Deputy Leader of the Liberal Party or other ministers agree with the design is a matter of personal taste. No doubt we will receive a lot of comment about it over the next six weeks.

I will return to the original point; that is, that the Opposition had an opportunity when in government to do things but it did not. It had master plans, but did not implement them. We are implementing projects right around the State and are proud of them.

## PERTH FORESHORE REDEVELOPMENT

**243. Dr GALLOP to the Premier:**

As a supplementary question, will the final plan for the foreshore be subject to Cabinet approval?

**Mr COURT replied:**

When the final proposals are in place, it will come to Cabinet for approval.

Dr Gallop: Do you still work on the unanimity principle?

Mr COURT: Yes. We accept the concept of collective responsibility.

## COUNTRY EDUCATION INCENTIVE PACKAGE

**244. Mr SWEETMAN to the Minister for Education:**

I refer to the Government's announcement yesterday that \$27m will be spent over the next three and a half years to attract and retain quality teachers to our rural and remote schools through a country incentives package. Many schools in my electorate are difficult to staff. They often experience a high turnover of staff and predominantly have young, inexperienced teachers on staff, when a blend of experience and youth in the teaching work force would be desirable; for example, Meekatharra District High School has had a staff turnover rate of 75 per cent this year and took on nine new graduates out of a staff of 20. Can the minister briefly outline the country incentives package and how it may apply to schools in the electorate of Ningaloo?



**Mr BARNETT replied:**

I thank the member for Ningaloo for the question. His electorate covers an area similar to other parts of the State in which high turnover of staff in schools has been a major problem. I have visited about 150 country schools in the past three years and the most frequent issues raised with me are the turnover of staff positions, teacher housing and remuneration for teaching in remote areas. The package of incentives announced yesterday will apply to all schools in the Ningaloo electorate. The member said that Meekatharra District High School had experienced a 75 per cent staff turnover this year. I will cite figures for other schools: Carnarvon Primary School, 25 per cent turnover; Cue Primary School, 48 per cent turnover; Yalgoo, 167 per cent turnover; and Mt Magnet District High School, 57 per cent turnover. Children will not receive a good education with such a rate of staff turnover. This package provides a strong incentive for teachers to agree to go to an area for a three-year period. They will be rewarded with permanency if they are new, young teachers. Experienced teachers - we want to attract experienced teachers to the areas - who go to an area for three years will retain their substantive position in Perth. They will have no loss of employment opportunity in that way. In addition to permanency, there will be substantial financial rewards. Typically, for example, a teacher accepting a three-year agreement to teach at Meekatharra District High School will receive an additional \$10 881 a year, after tax. There are substantial permanency incentives and assistance with bonus transfer points. In addition, together with the Minister for Housing, I am taking steps to ensure that teacher housing throughout the State will be substantially improved.

## POLICE COMMISSIONER - ATTENDANCE AT CONFERENCE IN EGYPT

**245. Mrs ROBERTS to the Minister for Police:**

- (1) How does the minister justify the Commissioner for Police's flying out of Perth to Egypt while outlaw motorcycle gang warfare is being waged on the streets of Perth?
- (2) Did he approve the commissioner's trip to Egypt?
- (3) Does he now agree that the commissioner should be recalled?
- (4) If not, why not?
- (5) If so, when will he recall him?

**Mr PRINCE replied:**

- (1)-(5) The Commissioner for Police flew out last Saturday morning to Egypt where the latest meeting of Interpol is being held, of which the Western Australia Police Service is a member and the commissioner is one of the few from Australia who was invited to attend. It is a very important meeting for him to attend.

Mr Graham: Was he invited in his own right?

Mr PRINCE: He was invited as commissioner.

Mr Graham: Was he sent a specific invitation as the Commissioner of Police of the Western Australia Police Service?

Mr PRINCE: I have not seen the invitation so I cannot give a detailed answer. I understand he was invited as Commissioner of the Western Australia Police Service.

Mrs Roberts: I think you will find that the Australian Federal Police Commissioner was invited.

Mr PRINCE: He is going to a meeting with Interpol, which is an extremely important thing to do, particularly as outlaw motorcycle gangs, which are a significant problem, have international connections. Other jurisdictions facing the same problem have dealt with them in many different ways and it is entirely appropriate that he should go to such an important conference.

I approved his going and I will not recall him because his attendance is appropriate. The Police Service is operating extremely well in containing the motorcycle gang situation. It is using the best intelligence information. I welcome the bipartisan approach that was more or less agreed between us, I think by correspondence today. It is a great step in the right direction.

The Police Service is not one person; it is many. I am sure it is in the very capable hands of the deputy commissioner and the rest of the executive team.

## POLICE COMMISSIONER - ATTENDANCE AT CONFERENCE IN EGYPT

**246. Mrs ROBERTS to the Minister of Police:**

Is it not the case that another State's police commissioner could have represented the Australian Federal Police Commissioner at the Interpol conference?

**Mr PRINCE replied:**

Perhaps he could have. However, our commissioner was invited and it is a great credit to him and to the Western Australia Police Service. I entirely support his attendance. I am sure that when he comes back our knowledge will be enhanced as a result of it.

## TELSTRA SALE

**247. Mr BAKER to the Deputy Premier:**

With regard to the Federal Government's failed Telstra (Sale) Amendment Bill, in what circumstances will the Deputy Premier support the sale of the Federal Government's remaining interest in Telstra?

**Mr COWAN replied:**

I have not changed my view about the proposed sale of any further portion of Telstra; that is, in the first instance, some safeguards should be provided to all consumers of telecommunications services. The Federal Government should indicate that it intends to amend the Telecommunications Act to ensure that all necessary safeguards are put in place and that they govern all carriers, not necessarily only Telstra.

With respect to this nation's capacity to have a modern, up-to-date telecommunications service, it would be appropriate that the proceeds from any further sale of Telstra were directed specifically at improving the quality of infrastructure and services, particularly to regional Australia. In that sense, the universal service obligations that are supposed to prevail at the moment have not served the purpose that many people expected of them.

In addition, in many instances, the rules and standards that were set by Telstra, in particular for repairs and maintenance in the more remote areas of Western Australia, are not met. As to the comment that I made prior to the election, I listened carefully to everything that was said during the federal election campaign, and I have not changed my mind. We should not sell any more than 49 per cent of Telstra. Any proceeds from the sale of Telstra should go to improving services and infrastructure, particularly in regional Australia, and there must be changes to the Act which set rules and standards that provide some support for consumers and are capable of delivering a better service to regional Western Australians.

## ARGYLE DIAMONDS CASE

**248. Mrs ROBERTS to the Minister for Police:**

The Australian Federal Police report into the Argyle Diamonds affair, which was tabled in June 1996, included a recommendation that the transcript of Sergeant Gwilliam's evidence and Western Australia Police Service investigation records relating to the alleged seizure of an AFP information report from Lindsay Roddan's house by Gwilliam be referred to the Assistant Commissioner, Professional Standards, for further investigation to determine whether proceedings should be commenced against Sergeant Gwilliam. Will the minister explain to the House why it took the WA Police Service more than two years to act on that recommendation?

**Mr PRINCE replied:**

I take it that the member is referring to the evidence that is now the subject of the perjury charge.

Mrs Roberts: I am talking about recommendation No 86 of the report.

Mr PRINCE: That has nothing to do with the perjury charge that is presently before the court. I am being careful because one matter is before the court.

Mrs Roberts: Are you saying that no action is being taken?

Mr PRINCE: No. I just want to know whether the question has anything to do with the perjury charge, which is sub judice. The member would not want us to prejudice the trial.

Mrs Roberts: No.

Mr PRINCE: Right. This is to do with the earlier matter in the inquiry back in, I think, 1993-94. A complaint was then made and it was acted upon by now Assistant Commissioner Mackaay.

Mrs Roberts: The recommendation was made in a report dated June 1996.

Mr PRINCE: That is right.

Mrs Roberts: Based on what you have said, no action appears to have been taken.

Mr PRINCE: No, action has been taken. It has been in the hands of Assistant Commissioner Jack Mackaay since then, but there have also been other matters pending which the Director of Public Prosecutions stopped two weeks ago, and of course Mr Gwilliam has been charged with perjury arising out of earlier court proceedings. On the basis that that charge is now before the courts, it is not right, proper or appropriate to comment.

Mrs Roberts: What is the point of having a report and recommendations if no action is taken?

Mr PRINCE: Publicly, the member should not say anything about Gwilliam when he is before the courts on a serious charge in relation to something else, because that might just prejudice his trial. The matter has been before Assistant Commissioner Mackaay, it has been inquired into and he is dealing with it. Other recommendations that have caused changes in standard operating procedure have been put into place.

Mrs Roberts: I am not talking about Gwilliam's guilt or innocence, I am talking about the management of the Police Service.

Mr PRINCE: Recommendations that can be implemented have been implemented or are in the process of being implemented. I will check on exactly the implementation of that recommendation and get back to the member as soon as I have the information.

#### ANTI-CORRUPTION COMMISSION

**249. Dr GALLOP to the Premier:**

- (1) Has the Premier sought an explanation from the Anti-Corruption Commission over its inept handling of the allegations against six drug squad officers, four of whom have now been reinstated?
- (2) If so, how does the ACC account for its mistakes?
- (3) Does the Premier have concerns about the ACC's performance in this matter?
- (4) Does the Premier believe that the ACC should apologise to those four police officers for the treatment they received?

**Mr COURT replied:**

(1)-(4) The Leader of the Opposition is now expecting me to get involved in the operations of the ACC.

Dr Gallop: You are responsible to this Parliament for its performance. The ACC must account to you, Premier.

Mr COURT: No. The ACC accounts to a committee of this House.

Dr Gallop interjected.

The DEPUTY SPEAKER: The Leader of the Opposition has asked the question. He must listen to the answer.

Mr COURT: This is a new interpretation of the independence of the Anti-Corruption Commission. This Parliament agreed to the establishment of the Anti-Corruption Commission as an independent body. This Parliament also agreed to the establishment of a joint committee of the Parliament. The Leader of the Opposition's question relates to exactly the sort of work that committee is and should be doing.

#### ANTI-CORRUPTION COMMISSION

**250. Dr GALLOP to the Premier:**

As a supplementary question, will the Premier explain to the House why the head of the Anti-Corruption Commission chose to write to him about the matters that were raised by Mr John Quigley if the head of the ACC does not account to the Premier for his performance?

**Mr COURT replied:**

The chairman can write to me. I am sure he has written to the Leader of the Opposition.

Dr Gallop: He has not.

Mr COURT: On anything?

Dr Gallop: He has written on some things but not that matter.

Several members interjected.

The DEPUTY SPEAKER: The Leader of the Opposition will come to order.

## DISABLED PEOPLE, EMPLOYMENT

**251. Dr TURNBULL to the Minister for Employment and Training:**

Will the minister inform the House of any new programs specifically aimed at enhancing the employment of disabled people?

**Mr KIERATH replied:**

Recently I launched a marvellous program at Edith Cowan University called "EmployAbility WA". It is a web site designed to provide WA employers with a staff selection process for the recruitment of people with disabilities. It was attended by the member for Willagee. I am sure that he agrees with me that the program is a terrific example of an educational institution working with employers for the benefit of employers, employees and disabled people. Educational institutions have broadened their roles and the launch of this web site is a fundamental community service being offered by the special employment office at Edith Cowan University. I am impressed by the vision and the energy that has gone into the program. I am also impressed by how quickly employers have taken advantage of the information. I pay tribute to Ros Casey, the special employment placement officer at ECU, Chris Clark and the whole team who have worked so hard to make this a reality. It points to the fact that people with disabilities are a resource which employers underutilise.

The issue is not only for disabled people but for employers, because in a survey that was conducted by comparing people with disabilities with able people, 90 per cent rated average or better on the job, 98 per cent rated average or better in work safety, 85 per cent rated average or better in attendance, and there was a 72 per cent higher annual retention rate. That means substantial savings of millions of dollars in recruitment and training costs. This is very strong evidence that people with disabilities make valuable employees. The web site is part of the answer by convincing employers of the fact. I congratulate the University of Western Australia, Murdoch University, and the cities of Wanneroo and Canning for being involved in the program.

## BARTHOLOMAEUS PRESS RELEASE

**252. Mr KOBELKE to the Minister for Employment and Training:**

I refer to the conflict in the statement by the WorkSafe chief, Neil Bartholomaeus, and that of the minister over the role of minister's press secretary in the issuing of the media statement by Mr Bartholomaeus on 26 June 1997, and the impact such conflicting statements have had on the minister's credibility in his current portfolio and the credibility of his press secretary.

- (1) Will the minister confirm the claim he made in this place last week that he did not approve the press release or discuss it with anyone before it was issued?
- (2) Did the minister's press secretary suggest a change to the press release to the effect that the six-month ban on receiving safety complaints be reviewed and not automatically lifted after six months, as alleged by Mr Bartholomaeus?
- (3) If so, who authorised the minister's press secretary to suggest a change in WorkSafe policy?
- (4) If not, what changes were suggested by the minister's press secretary?
- (5) Will the minister confirm that he supported the six-month ban announced by Mr Bartholomaeus in his press release dated 26 June 1997?

**Mr KIERATH replied:**

For a start, that question is almost a ministerial statement on its own, but I will try to answer it. Hopefully it will be recorded as five questions, not one.

- (1) Yes; I would not have made the statement last week unless it was true.
- (2) My press secretary did have a conversation with Mr Bartholomaeus on the day. He is clear that he made no suggestion about changes to the press release or gave any indication that it had ministerial approval.
- (3)-(4) Not applicable.
- (5) As I have told the House before, at no time was the press release, and therefore the policy, given to me for my approval before its public announcement or release; however, Mr Bartholomaeus would no doubt have been publicly castigated had he taken no action in response to the act of thuggery.

Dr Gallop: You wouldn't even support him.

Mr KIERATH: I supported him after he made the comment. At my next meeting with him, I sought his assurance that there would be no breaches of the Act, and he gave me those assurances. Then I said that I supported his actions. Three unionists - Tony Alexander Lovett, Rene Ernest Jacob and Clinton John Reynolds - were tried and found guilty in May 1998.

Mr Malone, stipendiary magistrate, commented that the actions of the protesters, in particular those of Mr Lovett, were at one point forceful and at all times demonstrative and, therefore, could and, in fact, did give people concern as to their personal welfare; that, in summary, the actions of the unionists were not, in his view, part of a protest, but the irresponsible and thoughtless actions of people trying needlessly to intimidate, annoy or frighten others; and that the trespass of the defendants went beyond a mere matter of compensation and warranted the imposition of the criminal law. The question of who did, or did not, see a piece of paper or change a couple of words is irrelevant and pales into insignificance compared with the criminal behaviour of a few thugs.

The simple fact is that Mr Bartholomaeus has not, as the Leader of the Opposition falsely claims, broken any law. Our legal advice has confirmed that the policy announced by Mr Bartholomaeus was lawful, whether it is implemented or not, and nothing in the Saunders report has suggested the policy was unlawful. The fact is, thanks largely to the efforts of Mr Bartholomaeus and WorkSafe, that workers now have safer workplaces in this State than they had in the past. I am disappointed that the Leader of the Opposition can sound most outraged at cases of home invasion, but refuses to condemn his union mates when they illegally invade premises and terrify the occupants. Once again, it shows the disgraceful double standards of this Labor Party.

#### GEOGRAPHE BAY CRAB FISHING

**253. Mr MASTERS to the Minister for Fisheries:**

In November 1996, the Minister implemented a review of the inshore crab fishing in Western Australia, which included the activities of commercial crab fishers in Geographe Bay. I understand that Fisheries WA has now completed a report on the review. When will this review report be made available to the public; in particular, will it be made public prior to the 13 November closure date for submissions on the Minister's proposed restrictions on commercial crab fishing in Geographe Bay?

**Mr HOUSE replied:**

At any given time Fisheries WA updates the relevant information and knowledge of any fishery. That is done by a combination of methods, including returns from fishermen or scientific evidence that is gathered. At any time information can be being added to any of that which we already hold to make judgments about whether we must adjust the effort in a fishery. The fishery to which the member referred is currently the subject of some public debate and, as he rightly pointed out, a review. The public comment period ends on 13 November 1998. That is a proper process with public involvement. If the member wants to be fully briefed on the information available in Fisheries WA, I am happy to have it made available to him.

The DEPUTY SPEAKER: We had only 10 questions today in approximately 40 minutes. The length of questions and answers was far too long. I ask every member, when writing the question or considering the response, to remember it is not a statement, but a question. Let us make questions and answers short and see whether in the next few days a few more questions can be asked and answered.

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