



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE COUNCIL

Tuesday, 9 March 1999

# Legislative Council

Tuesday, 9 March 1999

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

## **BILLS - ASSENT**

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

1. Coal Mines Legislation Amendment and Revival Bill
2. Western Australian Land Authority Amendment Bill
3. Bail Amendment Bill
4. Surveillance Devices Bill
5. Acts Amendment (Land Administration, Mining and Petroleum) Bill
6. Health Amendment Bill
7. Occupational Safety and Health (Validation) Bill
8. Local Government Amendment Bill (No 2)
9. Gas Pipelines Access (Western Australia) Bill
10. Commercial Tenancy (Retail Shops) Agreements Amendment Bill

## **URANIUM MINING INDUSTRY**

### *Petition*

Hon Giz Watson presented the following petition bearing the signatures of 476 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia are concerned about the proposed establishment of a uranium mining industry in Western Australia and its associated health impacts on members of the community.

Your petitioners therefore humbly pray that the Legislative Council will investigate and evaluate the acceptability of a uranium industry measured against the known health hazards for workers in the uranium and associated industries, and on the residents of Western Australia, arising from the establishment of a large number of uranium mines in this state.

And your petitioners as in duty bound, will ever pray.

[See paper No 829.]

## **LOGGING OF OLD-GROWTH FORESTS**

### *Petition*

Hon Max Evans (Minister for Finance) presented the following petition bearing the signatures of 37 persons -

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

We the undersigned residents of Western Australia oppose the logging of old-growth forests in the South-West regions of Western Australia.

Your petitioners therefore respectfully request that the Legislative Council will rule to discontinue the logging of old-growth forests in the South-West regions of Western Australia.

And your petitioners as in duty bound, will ever pray.

[See paper No 830.]

## **HESTER STATE FOREST**

### *Petition*

Hon Jim Scott presented the following petition bearing the signatures of 14 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned, are very concerned at the management practices of the Department of Conservation and Land Management in the Bridgetown Greenbushes Shire.

We request the Legislative Council to -

- a) consider the Department of Conservation and Land Management's current logging proposals for the Hester State Forest are an unacceptable risk to the long term economy and quality of life of the Bridgetown-Greenbushes Shire Community;
- b) call upon the Department of Conservation and Land Management to hold a public workshop open to all of the Bridgetown-Greenbushes Shire Community, to establish and address all of the issues and impacts of logging of the Hester State Forest upon this community, and
- c) call upon the Department of Conservation and Land Management to manage the Hester State Forest in accordance with the wishes of the Bridgetown-Greenbushes Shire Community,

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

[See paper No 831.]

## REGIONAL WESTERN AUSTRALIA, IMPACT OF GOVERNMENT POLICIES

### *Urgency Motion*

**THE PRESIDENT** (Hon George Cash): Members, an urgency motion was presented to my office yesterday. It not being a day prescribed for urgency motions, that motion was disregarded. However, at 5.45 am my office received the following notice. I mention that because I previously received one at 7.15 am. I do not want members to think that just because they arrive at 7.15 am, they win the day. The letter is in the following terms -

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House at its rising adjourn until Friday 24th December 1999 for the purpose of discussing the damaging impact of current State Government policies on regional Western Australia.

Yours sincerely

Tom Stephens, MLC  
Leader of the Opposition in the Legislative Council

In accordance with the standing orders, at least four members will have to rise in their places to indicate their support of the motion.

[At least four members rose in their places.]

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.45 pm]: I move -

That the House at its rising adjourn until Friday, 24 December.

I move this motion for the following reasons: Throughout the regional areas of Western Australia increasingly there are indications of communities in economic distress and under pressure from the consequences of current government policies. These policies have resulted in the downsizing of government agencies, contracting out, privatisation, the cutting of costs, the withdrawal of services, and the loss of infrastructure and community services within regional parts of Western Australia.

It is true that some of the unpopular policies of this Government in the field of privatisation have been headed off in the metropolitan area because of extreme political pressure exerted from some sections of the community. However, unfortunately, there are still people across Western Australia who are seeing their services withdrawn, their infrastructure reduced, their government services lost, and the loss of jobs and the consequent reduction in the economic activity within their towns. All of that adds up to a state of crisis in the bush by itself. However, it is compounded by the fact that the Government is sitting by idly while the private sector is also adjusting the delivery of services across regional Western Australia in the banking and transport industries in ways that are adversely affecting this State and the people of the bush. For instance, I am thinking, in part, of the recent withdrawal of the banking service to the township of Meekatharra. I am thinking also of a change that occurred just last week in the loss of the Skywest Airlines service between the towns of Broome and Derby with replacement by a smaller service through Skipper's charter operation. Then, this week there was the loss of Skywest's operations between Port Hedland and Broome and its connections to Karratha and Exmouth. The intra-connecting services of transport, which provided an important and valued transport network for the regional residents of this

State, have been lost while this Government sits on its hands, does nothing and watches the populations of the regional parts of Western Australia dwindle compared with the dramatic growth that is occurring in the greater metropolitan area of Western Australia.

That greater metropolitan area, which now spreads from Yancheep to Mandurah, has seen a jump in population of nearly 25 000 people in the past calendar year. That is an increase of 1.9 per cent. If we assess what that population means to a State with our demographic trends, there is added to the metropolitan area of Perth a population approximately the same size as our next largest city, Bunbury - in terms of population growth a city the size of Bunbury effectively lands on Perth each year. In regional Western Australia no proportionate growth is occurring in the demographic trends of our State. Instead, we are witnessing the development of the fly in, fly out mentality. As a result, the metropolitan area grows and unfortunately economic activity takes place increasingly at metropolitan Perth airports.

Several members interjected.

The PRESIDENT: Order! It might be the first day back at school, but last term's rules still apply. I am trying to listen to the Leader of the Opposition.

Hon TOM STEPHENS: Increasingly the economic activity of this State is focused on the airports and charter services that connect us with remote bush communities. That activity has very little impact upon the secure and permanent economic activity of remote communities. Instead, the jobs and returns generated are expropriated to the capital city, there is no consequent stabilisation of the population and government services are removed from those towns.

We are also confronted with government policies that are yet to impact upon the quality of education services in remote Western Australia. Teachers work without government support, and one of my colleagues will refer to that in greater detail later in this debate. Those communities also lose health services, nursing support, stability in nursing services and access to the required specialists. Towns such as Carnarvon have lost dental services and some regions have no access to such services as a result of the decision of this Government not to find ways to deliver them.

The patient assisted travel scheme is totally inadequate, which means that our regional community is without access to essential medical services. Police services have been withdrawn from major regional communities because they have no relief or overtime budgets. There is no opportunity for police stations in towns such as Carnarvon and Kununurra to provide around-the-clock services to maintain law and order. Unfortunately government members in those areas have taken their eyes off the ball and have attacked other issues rather than address the need for the backup to the Police Service that was promised when this Government was elected.

The Government has formulated policies that have led the Water Corporation to change its billing services for all Western Australians without doing adequate modelling of the impact on regional communities. Fortunately, as a result of the political pressure imposed in part by our constituents through Labor members of Parliament, who were eventually joined by government backbench members, the average daily unit assessment scheme was removed. That occurred as a result of the work of members such as Hon Ken Travers and Fred Riebeling.

Hon Ken Travers interjected.

Hon TOM STEPHENS: That is correct: It ignored the needs of regional Western Australians. If the Government claims that it did not ignore those needs and that it included them in the modelling, that is a disgrace. It means that it set out deliberately to target those regional Western Australians to ensure they pay even more for their water supply. They already pay an exorbitant price, but this sleight of hand was designed to increase that impost.

My electorate, which covers the vast bulk of regional Western Australia, has witnessed the increasing impact of this Government's policies. The community of Shark Bay-Denham already suffers a cost penalty inflicted by the Water Corporation.

Several members interjected.

Hon TOM STEPHENS: The member states that that is being corrected. That will not be achieved by delivering crippling water bills two to three times higher than those delivered to similar establishments in neighbouring Carnarvon. The Heritage Hotel in Shark Bay-Denham has a water bill that would be crippling by anyone's standards. Carnarvon has a different regime that imposes high charges, but they are nowhere near as high as the cost penalties experienced by those in Shark Bay-Denham. The Water Corporation's costs in that area are now being recovered without regard to the fact that one of the costs of water production is power and that cost has been decreased dramatically by the use of wind generators. That saving is not reflected by a decrease in the cost of water, and nothing on the horizon suggests that the decrease to which that community is entitled will be forthcoming.

I have referred to towns from one end of the State to the other to demonstrate the problems that this Government is causing regional Western Australians. Kununurra has dramatically reduced its cost of power generation by accessing the hydro scheme. Instead of producing a return for the local community or the realisation of Energy Minister Barnett's promises,

major power users are being penalised. The Kununurra Country Club uses in excess of 300 000 units of power per annum. After the loss of the uniform power tariff the club was assured that it would have direct access to the Ord hydro scheme. It would then be able to get a separate direct power supply at a reduced cost. It was promised that the arrangement would come into effect on 1 January this year. Instead, we have seen the smashing of the uniform power tariff and no consequent return to establishments providing vital industry services to the community. This is a large tourist establishment catering for many tourists. It is largely empty for much of the year as a result of the small shoulder on the tourist season dictated by the environment and climatic conditions. This Government has failed to be proactive in extending the tourist season by implementing better marketing and transport support. It has failed to attract the international operators who would generate the flow of tourists through vital regions and to ensure increased economic activity.

This Government sits idly by doing very little in response to the needs of these regional areas. So many things can be done. The Labor Government in the "vast" State of Tasmania has recognised the challenge of looking after regional Tasmanians. It has established telecentres that provide interactive opportunities for people living "vast" distances from Hobart. They can interact with banking services, government agencies and so on. God knows, people in regional Australia increasingly need access to psychiatrists and psychologists as a result of the economic crisis generated by this Government and its federal counterpart.

Several members interjected.

The PRESIDENT: Order! I am battling to hear. I am listening to the Leader of the Opposition.

Hon TOM STEPHENS: This crisis in the bush has led to a terrible increase in suicides. Youth suicide statistics are painful by anyone's standards. This issue demands attention in a whole range of fields. The Government must increase services to ensure those suffering have access to those waging war on their behalf as a result of economic pressures. The Government must also change the economic focus and activity of remote regions to ensure that rural communities can continue to thrive and prosper. They are subjected to an ongoing assault by people currently occupying the Treasury benches. The Minister for Transport and his backbench colleagues, despite protestations, are still pursuing the policy to sell off the essential Westrail infrastructure which belongs to Western Australians. When this policy is implemented, we will see in turn the consequent loss of jobs and its negative impact on the economic activity of regional Western Australia. When will members opposite learn and give up on policies which are causing great pain and punishment to the people of regional, rural and remote Western Australia? These people deserve much better than they receive from this Government. They are entitled, as they participate in the generation of wealth across this State, to participate in the social return and the social benefit promised by this Government at the most recent state election. Instead, these people have experienced only more pain, punishment, hardship and inequity. The Government has not learnt. Many of its policies are impacting badly on regional Western Australia. The time has come to turn this strategy around and to recognise that enough is enough. No more. Give the people of the bush a chance, for goodness' sake!

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [4.01 pm]: I live in a regional area of Western Australia, and I cannot relate the tirade from the Leader of the Opposition in any form to what takes place in regional Western Australia.

Hon Ljiljana Ravlich: You haven't been there!

Hon M.J. CRIDDLE: I have just completed a tour of the south west right out to Kalgoorlie, down to Esperance and back into Perth.

Hon Ljiljana Ravlich interjected.

The PRESIDENT: Order! I am trying to listen. Maybe Hon Ljiljana Ravlich can hear better from her seat than I can hear from the Chair. However, I certainly cannot hear the minister when she interjects.

Hon M.J. CRIDDLE: The tour was very enlightening as I heard the points of view of people of those areas. Sure, difficulties are being experienced in the wool and other industries, and we have a downturn in the steel and iron ore industries; nevertheless, this Government is delivering many services into regional Western Australia.

Regarding the Westrail sale, if members opposite want to end up with only a shell at Westrail, that is fine; if they want to bring it back onto the Government's books, they will have to live with that. However, if they want Westrail to prosper and develop, and to give it the opportunity to transport more goods on rail, they might listen to the propositions the Government is placing before the people of these regions.

Hon Ljiljana Ravlich: How many more workers will be unemployed?

Hon M.J. CRIDDLE: If we expand the business, far more people are likely to be employed in the rail industry.

I now provide some information on the so-called population shrinkage in regional Western Australia. The population in regional Western Australia passed the half million mark last year, and Busselton became the sixth regional area in the State with a population of more than 20 000 people. For the second year running, regional population growth of 2.2 per cent

outstripped the metropolitan area's growth of 1.7 per cent. According to the Australian Bureau of Statistics' July 1998 report, all the State's non-metropolitan regions experienced population growth: The Kimberley had 4.6 per cent; the south west, 3.42 per cent; and the Peel region, 2.98 per cent. These are the three fastest growing regions.

Hon TOM STEPHENS: You're including the Peel region.

Hon M.J. CRIDDLE: I also include areas in the electorate of the Leader of the Opposition. The Government is pouring a lot of money across many portfolios into regional Western Australia, not the least of which into my region, as the Leader of the Opposition would know having recently visited the area.

I now give some examples. The Fisheries Department has four new regional operations in Broome, Carnarvon, Geraldton and Albany, and one in the metropolitan area at Fremantle. Approximately 100 Fisheries staff are employed in regional offices to take care of the great wealth created by our fishing industry. We must recognise that the Government is putting people back out into these areas. The Fisheries budget indicates that more than \$1m was directed to the Gascoyne; \$350 000 to the goldfields-Esperance area; \$370 000 to the Great Southern; and over \$1.5m to the Kimberley. The initiatives in the north include \$120 000 for the Broome aquaculture fisheries research centre, in conjunction with the technical and further education campus; \$45 000 for the barramundi breed stock facility; \$44 000 for demersal fisheries; and \$81 000 for regional program officers. Nearly \$1.5m is directed to the mid west region, with \$237 000 to the Peel region. I could go on. A great deal of money is being spent by Fisheries. The Abrolhos management plan was put in place in December of last year, and other initiatives are being implemented in that area. Fish catch care WA and the national fisheries action program were also put in place.

All members would know that since the Government came into office, the Minister for Primary Industry has insisted that as many Agriculture WA officers as possible from the Perth office be located in regional Western Australia. Therefore, 93 locations around the State are delivering services. It is a great initiative. Some of the capital work programs put in place in the last financial year include Ag West's commitment to fund a number of capital work projects in regional areas, such as the Geraldton regional office. Hon Kim Chance will be pleased to hear that construction of that facility is expected to commence this October. He will also be interested to know that the Merredin research institute is under way, with a practical completion expected in September of this year. A new building is also being constructed in the Northam regional office.

Hon Ken Travers interjected.

Hon M.J. CRIDDLE: Some blokes opposite would not know where some of these places are!

Hon Ken Travers: Kim lobbied for those facilities!

Hon M.J. CRIDDLE: The point is that this Government is putting a great deal of funds into the regional areas.

Hon Ljiljanna Ravlich: Not as much as you're taking out!

The PRESIDENT: Order! The Minister for Transport has the call.

Hon M.J. CRIDDLE: The wealth of this State helps to service all Western Australians. This Government will look after all Western Australians; namely, people in the bush and in the city.

Several members interjected.

The PRESIDENT: Order, members!

Hon M.J. CRIDDLE: In 1998-99, this Government will direct approximately \$680m into roads in Western Australia. In 1992-93, \$370m went into roads, and \$30m was directed to local government and the regional road groups program. In 1998-99, \$137m - over \$100m more - will be directed to local government roads and the regional road groups program, which is part of the initiative between the Western Australian Municipal Association and Main Roads WA. The regional road groups program has prospered since its establishment in May 1995.

The Transform WA package includes the provision of roads into the Meekatharra-Wiluna area, which will be a major boost to transport in the area. The Leinster-Mt Magnet road will go ahead shortly, with the first tender to be let in the near future to build the first 50 kilometres east from Mt Magnet. The Leinster-Agnew road is virtually complete. Also, a road is to be provided from Cervantes to Lancelin, and roadworks are taking place across regional WA which can be only of benefit to the people of the surrounding areas.

The Leader of the Opposition mentioned the airlines and airfreight business in regional Western Australia. Some \$7m has been provided by the regional airports development scheme to this industry since 1994-95, and another \$5m will be provided from 1998 to 2000. That has led to the upgrading of airports across the State, for example at Hyden, Halls Creek and Fitzroy Crossing, and the emergency strip along the road at Nanutarra. Across Western Australia there is a demand for lights and other facilities at the various airports. I was recently at Margaret River, and the work that the Government is doing there under the regional airports development scheme has been welcomed. The Busselton airport is a large development, and we

hope that some air services will go in there in the near future. It was announced recently that the air service will link Perth, Busselton and Margaret River, and that will be of great benefit.

On the maritime side, the Exmouth marina was an initiative of this Government. Bremer Bay has a great facility, with the ramp servicing all the people in that area. There is also the Carnarvon fascine. They are a few of the maritime initiatives which have been put in place by this Government which will benefit people across regional Western Australia. Not only will this assist in generating wealth in all those industries, but it will also assist the tourism industry, which is developing rapidly in Western Australia. The Minister for Tourism is keen to see that continue to develop. The coastal road from Lancelin to Cervantes, and from Northampton into Kalbarri, has been a great initiative to bring people into that region and generate more wealth in the area. The Government has done a great deal for the regional areas of Western Australia and will continue to do so.

**HON NORM KELLY** (East Metropolitan) [4.11 pm]: One of the most damaging state government policies at the moment is that the Government continues to ignore the concerns of people in the south west region of Western Australia on the Regional Forest Agreement process, which has been delayed.

Several members interjected.

The PRESIDENT: Order!

Hon NORM KELLY: From their interjections, members representing country areas are obviously concerned as well. The RFA has been consistently delayed over the last couple of years. When I first came into the Parliament, it was due to be signed in the first half of 1997. Almost two years later the RFA has still not been signed. This is causing concern, not only for individuals in the south west, but also for the forestry industry, which is extremely concerned about how it can invest its funds in the timber industry when it has no certainty of continuity of supply.

To compound the situation, the Government is spending taxpayers' money, not on resolving the conflict, but on exacerbating it by using advertising, such as in today's *The West Australian*. That advertisement probably cost between \$8 000 and \$10 000. Although some members may think it gives the facts, unfortunately it does not. I will deal with this advertisement. Some members have been briefed on the progress of the RFA process up to this point. However, the figures contained in that briefing are misleading and do not present the true situation surrounding this debate. The advertisement on page 8 of today's *The West Australian* indicates that over 200 000 hectares of old-growth forest are protected from logging. However, according to the public consultation paper that was released last year, that figure is incorrect. The figure quoted on page 78 of the consultation paper shows it to be only 183 000 hectares. Therefore, it is wrong on that account.

Hon Greg Smith interjected.

Hon NORM KELLY: I can assure Hon Greg Smith that it gets worse. The second figure that is quoted is that overall more than one million hectares of the State's forest are protected from logging. That figure comes from the Department of Conservation and Land Management's figures dealing with reserves on crown land within the RFA boundary. In total, it adds up to about 1 060 000 hectares. Of that, over 8 000 hectares are lakes and water bodies, which, according to this State Government, are part of the forest estate. There are more than 5 000 hectares of swamps, 57 000 hectares of coastal heath, over 1 000 hectares of Darling Scarp non-forest vegetation, and 10 000 hectares of sand dunes, which is a good forestry resource that should continue to be protected. This is some of the misinformation on how much -

Hon Greg Smith interjected.

The PRESIDENT: Order! I have Hon Greg Smith written down as the next speaker. However, if he continues to interject I will strike him off and go to the next member because I will consider him to have spoken.

Hon NORM KELLY: We have areas of informal reserves which have not been acknowledged by government. By a slash of the minister's pen, these can easily be lost forever as well. It is important that members on all sides question the figures. In the minister's briefing to Liberal Party members, the terminology used when presenting the figures was misleading. The public consultation paper also shows that they are misleading. The advertisement in today's *The West Australian* states that over one million hectares are protected and that the RFA will protect even more. The public consultation paper shows that the RFA may reserve even less of the forest, because the figure provided by the RFA steering committee shows the benchmark as 896 700 hectares. So even the RFA people say that it is less than one million hectares. However, only one of the three approaches put forward in the consultation paper considers going above the one million hectare mark, and that is by less than 1 per cent. Approaches B and C consider a reduction of that benchmark of almost 100 000 hectares. It is misleading to see these misrepresentations appearing in our newspapers.

About \$8 000 or \$10 000 of this advertising budget has been spent simply to coincide with the rally that occurred outside Parliament House today. It is an abuse of the Government's advertising budget to publish these misrepresentations simply to coincide with a public rally. Some members present in this House were outside listening to the voices of that widespread mix of people from our community who are up in arms about the way in which the Government is conducting this process.

For quite a long time the non-answers we have received in this House have indicated what is occurring in the process; people are not getting a fair go in the whole matter. It was made clear years ago, before the Regional Forest Agreement process seriously got under way, that under the scoping agreement a draft RFA should be circulated for public consultation prior to any signing of a final RFA. All groups did not argue about that; they thought it would be a fair part of the process which involves such a contentious issue. It was important that feedback occurred at that stage of the process.

A recommendation of the Standing Committee on Ecologically Sustainable Development sought to ensure some resolution to the conflict in our forestry debate. However, the minister chose to completely ignore the recommendation supporting a draft RFA that was put forward in the committee's report. The minister knows that she is wrong. She was party to an agreement that stated one thing, but she has backtracked on that agreement and has chosen an alternative course.

Other aspects, such as the 30 000 submissions, have also been referred to in this advertisement, yet the people who made those submissions have been unable to obtain any feedback about the totality of those submissions. They have not even been able to obtain a breakdown of the submissions which have been supportive of the RFA and the issues and arguments which were raised. Dissemination of knowledge is being restricted entirely and the process has been quite secretive. No matter how many questions we ask the minister, she is unwilling to give us any feedback. The only answer we receive is, "You can wait until after the RFA is signed and then we will give you the answers." Unfortunately, that will be too late for proper public debate.

I am fearful that an RFA will be signed, the conflicts will not be resolved and those which have been occurring recently in the various blocks in the south west will be compounded. It will not resolve the conflict, but will increase it among all sides.

**HON GREG SMITH** (Mining and Pastoral) [4.22 pm]: I thank the Leader of the Opposition for moving this motion because it gives us an opportunity to let members in the Chamber and those outside know some of the good things that we have done. We have looked after the regional areas reasonably well. We could always do more for regional areas and, being a member representing a regional area, from my point of view, the more we can get, the better. Coming from the Leader of the Opposition, this motion is the ultimate hypocrisy. He mentions the damaging impact of current policies. If he wants to know about the damaging impact of current policies, he should look at the Australian Labor Party's policies which are causing major damage to regional Western Australia. No policy is more damaging than the ALP's policy on native title. In my area, the whole debate on native title has ground to a halt. The ALP's policy on native title has been to stick with what we have rather than change the situation to make it workable. The Leader of the Opposition referred to the "fly in, fly out" nature of work and that people live in the metropolitan area while working in regional areas; but in places like Kalgoorlie this trend is due to the native title situation. It costs approximately \$350 a week to rent a three or four-bedroom brick and tile home in Kalgoorlie. Consequently, it is cheaper for workers to fly in, fly out than to rent a house in Kalgoorlie. ALP policy on the native title debate is destroying regional Western Australia.

Let us look at another ALP policy that will cause major problems in regional Western Australia. I refer to its policy on forests, which supports an immediate moratorium on logging old-growth forests. The ALP wants to stop logging. In the timber industry this will put 5 000 people out of work, because of the multiplier effect. Every person who is put out of work in the timber industry results in a total of 2.5 people being put out of work in that area. The ALP thinks that if one person is put out of work in a sawmill, only that person is affected; but what about the person who is trying to sell tyres in the town, what about the person who works in the delicatessen, and what about the person who owns a frock shop? They are all affected by this policy. The ALP has totally sold out!

Several members interjected.

The PRESIDENT: My job is to allow the Hansard reporters to hear what is going on. Members may amuse themselves by interjecting, but it is extremely rude to people who are trying to do their jobs.

Hon GREG SMITH: Members could not find a policy that was more negative towards regional Western Australia than the ALP's policy. I hope that its policies do not flow on into the mining industry. Once all the conservation groups jump onto the mining industry, they will try to stop mining or they will put a moratorium on goldmining saying, "Just finish the mines we have and that will be it." If the policies of a political party in Western Australia are having a negative impact on regional Western Australia, it is those of the ALP. Its members will agree with that. If members ask the member for Eyre or Hon Mark Nevill about the Labor Party's policy on native title, they will get a response very similar to that which I have stated.

Recently I was in South Hedland. Some of the things the Government has done for regional Western Australia through its recreational facilities fund are brilliant. Nearly every recreational oval in my electorate has been lit.

Hon Kim Chance: Whose fund did you call it?

Hon GREG SMITH: It is the community sporting and recreation facilities fund.

Hon Kim Chance: Which Government started that? It was a Labor Government fund; you have simply continued it.

Hon GREG SMITH: Every region now has an oval that is lit.



Several members interjected.

The PRESIDENT: Order, members! I ask members to have some regard for other people who must work in this Chamber.

Hon GREG SMITH: The member for Pilbara, Larry Graham, is the president of the South Hedland Police and Citizens Youth Centre. A cheque was presented in final payment for airconditioning the PCYC hall. Larry Graham admitted that since we had been in government we had done a fairly good job in South Hedland and Port Hedland with the Port Hedland enhancement scheme. As the president of the PCYC he congratulated us on the job we had done providing funds and infrastructure for South Hedland and Port Hedland.

We have had to rebuild hospitals. When we came to government, some hospitals in the Mining and Pastoral Region were appalling. We have rebuilt the Broome hospital; the Port Hedland hospital has been refurbished and a new roof has been completed; and the Exmouth hospital has been almost rebuilt. We have rebuilt the Kununurra and Halls Creek police stations and no doubt there are others. I believe that we will build more roads in regional Western Australia than any other Government. I do not think any other Government has had a plan to put as much bitumen in the bush as we currently have.

Hon Kim Chance: Roads that go nowhere.

Hon GREG SMITH: None of these roads goes nowhere; they are all part of a plan. People have been asking for the Mt Magnet-Leinster road forever. People might say that the Gascoyne Junction road is a road to nowhere and that if we bitumenise the road from Carnarvon to Gascoyne Junction it will be a road to nowhere. However, we have a longer term plan than that. Hopefully one day we will have a bitumen road that will hook up with the Great Northern Highway and maybe one will go to Woodie Woodie. Hopefully one day we will have the outback highway going from Kalgoorlie to Alice Springs and there will be another road from Port Hedland which will end up at Alice Springs.

Hon Ken Travers: So people will be able to drive to Perth to get their health care.

Hon GREG SMITH: I am glad Hon Ken Travers raised the question of health. There are now telecentres which are equipped with telehealth; therefore, people with a dermatological problem, for example, can go to their local telecentre and access telehealth. In Exmouth, for example, a specialist can examine someone's complaint and advise a local doctor what samples should be taken - skin scrapes, blood tests and so on - and when those samples are sent to Perth, the complaint can be diagnosed by the specialist. Those are the sorts of things only dreamt about years ago.

Kalgoorlie is another place in which the Government is making progress. It will support the establishment of a prospectors' hall of fame, and \$12m has been allocated for that purpose.

Motion lapsed, pursuant to standing orders.

## AMENDMENTS TO BILLS

### *Statement by President*

**THE PRESIDENT** (Hon George Cash): It became apparent during the latter part of last year's sittings that non-government members wanted to amend major pieces of legislation in ways that did not sit comfortably with the rules governing amendments and the application of those rules to the amendments in question. A number of amendments were either not moved or were ruled out of order when they were. I decided at the conclusion of last year's sittings that the question of relevancy of amendments would be referred to the Standing Orders Committee for its consideration. I now inform the House that I will do that. Members who have a view on the issue may either write to the committee or discuss their views with a member of the committee. I hope that the Standing Orders Committee will report to the House as soon as possible.

## NATIVE TITLE (STATE PROVISIONS) BILL

### *Bill Laid Aside*

Message from the Assembly received and read notifying that it had laid aside the Native Title (State Provisions) Bill 1998.

## SPENT CONVICTIONS (ACT AMENDMENT) REGULATIONS (No 3) 1998

### *Motion for Disallowance*

Pursuant to Standing Order No 152(b), the following motion by Hon J.A. Scott was moved pro forma -

That schedule 3, item 11(f) of the Spent Convictions (Act Amendment) Regulations (No 3) 1998, published in the *Gazette* on 9 October 1998, and tabled in the Legislative Council on 20 October 1998, under the Spent Convictions Act 1988, be and is hereby disallowed.

**HON J.A. SCOTT** (South Metropolitan) [4.32 pm]: First, I will read to the House the definition of a spent conviction, which was an appendix to the thirty-eighth report of the Joint Standing Committee on Delegated Legislation -

The Spent Convictions Act 1988 is legislation relating to the collection, use and disclosure of old conviction information for the state of Western Australia. The aim of this legislation is to prevent discrimination on the basis of old convictions once a suitable time period has passed and an appropriate order or certificate has been granted. Should a certificate or order have been issued pursuant to the Act, then the applicant is under no obligation to disclose the spent conviction to (ASVS) officers or ACC staff at the present time.

This relates to the Anti-Corruption Commission. It continues -

Part VIIC of the Crimes Act 1914 provides for similar legislation in respect of Commonwealth and Territory offences. An individual whose conviction is protected by this section of the Act does not have to disclose that conviction to any person unless an exclusion under Division 6 of Part VIIC of the Act applies.

A spent conviction for a Commonwealth or Territory offence is one which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 year (5 year for child offenders) waiting period; and
- a statutory or regulatory exclusion does not apply.

The Spent Convictions Act provides, and I quote from the thirty-fourth report of the Joint Standing Committee on Delegated Legislation -

that it is unlawful to access criminal records which contain spent convictions. It is also unlawful to ask a person about their spent convictions or to make an assessment of a person by having regard to any spent convictions a person may have.

This is one of my concerns about the current set of regulations and the regulation before the House today. I am mostly concerned at the constant erosion of the provisions of the Spent Convictions Act by regulations exempting certain departments, which, if it continues, will render the Act meaningless. The Act is intended to give persons with spent convictions some protection in matters such as seeking employment, and those matters should not be held against them. I am concerned that the wide dissemination of information to a number of different departments, through regulations, is not the proper way to go in this regard, despite its being allowed by the Act. In my opinion that was an error in the original Act. It works in effect as a Henry VIII section.

A number of exemptions have already been made for the Parole Board, the Supervised Release Review Board and the Offender Management Division of the Ministry of Justice. The thirty-fourth report of the Joint Standing Committee on Delegated Legislation closely examined these exemptions and expressed a number of concerns. The committee put forward a number of concerns in its report, and I believe they relate very much to the current regulation before the House.

Together with the Joint Standing Committee on Delegated Legislation, I accept that those bodies had valid reasons for seeking access to spent conviction records, but, like the committee, I am concerned about the manner in which the exemptions have been made. I refer to page 2 of the thirty-fourth report at which it is stated -

The Committee notes that the Parole Board and the Supervised Release Review Board have already been granted exceptions from the operation of Division 4 of Part 3 of the *Spent Convictions Act 1988*. The Committee initially queried the need for the Offender Management Division of the Ministry of Justice to obtain access to information on spent convictions given that the Parole Board and Supervised Release Review Board are already included in the exceptions from the operation of Division 4 of Part 3 of the *Spent Convictions Act 1988*. The Committee also expressed concerns at the manner in which further exceptions to the *Spent Convictions Act 1988* are made by way of regulation.

The report continued in paragraph 2.3 -

During the course of the hearing, evidence was given as to the procedure by which spent conviction records have been provided to the Ministry of Justice. This raised a serious concern as to the manner in which spent convictions had been supplied to the Offender Management Division of the Ministry of Justice prior to the Amendment Regulation coming into effect.

There had been perceived breaches in the system prior to that regulation being passed. The information was being handed to people who did not have a right to it. The problem is caused by a Henry VIII clause which allows the Act to be amended by regulation. On page 6 paragraph 5.1 reads -

The second concern of the Committee was the manner in which a regulation altered the *Spent Convictions Act 1988*.

I ask you, Mr President, to bear with me because it relates also to the regulations in front of us. It continues -

The Amendment Regulation was made pursuant to section 16 of the *Spent Convictions Act 1988* which provides as follows:

**"Further exceptions**

16. (1) Regulations may be made under section 33 -

- (a) amending this Act by inserting a Schedule or Schedules making provision for exceptions to this Part; or
- (b) amending any such Schedule.

By that power exceptions are to be made that enable certain departments to be exempted from observing the provisions of the Act. The committee had moved a disallowance but it was withdrawn. Clearly there were strong reasons for the committee feeling that the departments involved in that investigation - the offender management division in particular - should be allowed to have that regulation passed. The thirty-fourth report stated on page 7 -

While the Committee accepts that the Amendment Regulations are within power, the Committee questions the effectiveness of the preservation of the original intent of Parliament in enacting the *Spent Convictions Act 1988* when the Act allows for exclusion from the scheme to be prescribed by regulation. It is the opinion of the Committee that, because the granting of exclusions from the Act goes to the very core of the intent in enacting the *Spent Convictions Act 1988*, such exclusions are more appropriately included within the Act itself, and only subject to amendment by amendment to the Act.

I should not disagree with that because I am a member of the committee, but I felt very strongly it was the case. That is why I am today moving the disallowance. The report went on to refer to this set of regulations -

The Committee currently has before it a regulation providing yet another exception to the *Spent Convictions Act 1988*. The Committee expresses concern that the ability to add to the categories of exception by way of regulation erodes the purpose for which the *Spent Convictions Act 1988* was enacted. If additional categories of exception are to be added, the Committee would prefer to see this done by way of amendment to the Act itself so that the merits of the amendment can be debated in Parliament.

I very much agree with those sentiments. The recommendations of the committee set out on page 9 read -

- 7.1 For the reasons given above, the Committee recognises the need for the Offender Management Division of the Ministry of Justice to have access to spent convictions information. The Committee accepts that the Amendment Regulation is within power. For these reasons the Committee has resolved to withdraw the disallowance motion.
- 7.2 The Committee wishes to express its concern at the lack of formal procedures in place for the sharing of criminal records information prior to the *gazettal* of the Amendment Regulation. The Committee believes that information may have been provided to the Ministry of Justice in breach of the *Spent Convictions Act 1988*. The Committee does not propose to pursue this matter further as it is outside the Committee's terms of reference. **However, the Committee believes that this matter warrants further investigation.**

I understand that no action has been taken. I would be interested to know whether the Minister for Justice has taken any action. However, that is getting away from the basis of today's debate.

What concerns me more about the latest set of regulations, particularly the one we are discussing today, is that the exemptions asked for are different. The purpose is directly in opposition to the intent of the Bill. In this case the purpose of the regulation is to allow the Anti-Corruption Commission, under the Spent Convictions Act, to use the data to decide whether it will employ someone. I understand that the minister does not believe that the regulation gives that power. However, the regulation itself reads -

Schedule 3 to the *Spent Convictions Act 1988*\* is amended by inserting after item 10 in the table to clause 1 the following item -

- 11. A person -
  - (a) appointed as or being considered for appointment as a member of the Anti-Corruption Commission under section 5 of the *Anti-Corruption Commission Act 1998*;
  - (b) appointed as or being considered for appointment as an officer or employee of the Anti-Corruption Commission under section 6 of the *Anti-Corruption Commission Act 1998*;

- (c) seconded or considered for secondment under section 7 of the *Anti-Corruption Commission Act 1998*;
- (d) appointed as or being considered for appointment under section 8 of the *Anti-Corruption Commission Act 1998*;
- (e) appointed as or being considered for appointment under section 9 of the *Anti-Corruption Commission Act 1998*;
- (f) engaged or considered for engagement under section 10 of the *Anti-Corruption Commission Act 1998*.

Clearly these regulations are for employment purposes, secondment purposes and such-like. As a result of the evidence given to the committee, the committee expressed its concerns about how these records might be used and on whom. The thirty-eighth report on page 5 at paragraph 4.1 reads -

The Committee reiterates the comments it made in the 34th report.

'While the Committee accepts that the Amendment Regulations are within its power, the Committee questions the effectiveness of the preservation of the original intent of Parliament in enacting the *Spent Convictions Act 1998* when the Act allows for exclusion from the scheme to be prescribed by regulation. It is the opinion of the Committee that, because the granting of exclusions from the Act goes to the very core of the intent in enacting the *Spent Convictions Act 1998*, such exclusions are more appropriately within the Act itself, and only subject to amendment by amendment to the Act.

Paragraph 4.4 reads -

The committee was concerned at the wide range of people covered by the Amendment Regulations including:

- members and persons being considered for appointment as members of the Commission;
- officers, employees and persons being considered for appointment as officers and employees of the Commission;
- public servants seconded, or considered for secondment, to the Commission;
- special investigators or persons being considered for appointment as special investigators for the Commission;
- contract staff or persons being considered for appointment as contract staff of the Commission; and
- service providers or persons being considered for engagement as service providers.

The Delegated Legislation Committee's concerns were put to Mr Charlwood, who said -

If I have inferred that that is all we will use it for [ie screening special investigators], I apologise. The example I gave was for an investigator but it is important that the commission look at all its staff, particularly those it employs as permanent staff or contract staff, including service providers, because of the sort of information to which those people are likely to have access. Engaging an accountant to look at an individual's assets relating to allegations that he has received corrupt payments involves that person having access to a range of confidential information. It is appropriate that these people be vetted properly. Support staff within the Anti-Corruption Commission equally have access to a range of confidential information. It cannot be any other way; these people prepare transcripts, type reports and file papers. Although there are levels of document security within the commission, those people have access to that type of information. These people's backgrounds need to be properly vetted.

It was clear that the ACC intended a wide use of the power, and that included vetting anybody who was employed, contracted or seconded by the commission. I do not understand how the minister believes that this regulation is not relevant.

Hon Peter Foss interjected.

Hon J.A. SCOTT: From our discussion prior to this debate, that is what I understood the minister to mean. The intention of the commission was that it would include all people, even those who changed light bulbs.

The committee's second area of concern was who, out of the wide range of persons potentially covered by the Act amendment regulations, would be subject to review; in particular, would everyone who applied for a position at the commission be checked for spent convictions? In response, Mr Charlwood stated -

We only conduct these checks on candidates who have been through the selection process and rated by the selection panel as suitable for appointment. For example, in our last round of advertising for investigators we had more than

40 applicants, only 10 were interviewed and only six were considered suitable. The probity checks were done only on that final six.

The problem is that I do not believe the regulation prevents the commission from investigating all applicants. Other members of the committee had the same concerns. While internal procedures existed, on the admission of Mr Charlwood, they were certainly not foolproof and information could be misused. Mr Charlwood was not saying that was the likely scenario, but it was a possibility.

The committee's third area of concern related to the retention of spent convictions information once it had been collated. Mr Charlwood was asked what happened to the information gathered on unsuccessful applicants. He stated that that information was held on files with restricted access. However, Mr Thompson accepted the proposition of one of the committee members that if the commission were granted an exemption under the Act, state information would also be contained in those personal files. The report quoted a number of statements which reiterated that point.

The committee's fourth area of concern was the potential for the ACC to use the information that it had obtained for a purpose beyond that of assessing people for positions within the commission. The committee posed a number of questions in that regard. The chairman asked what use the ACC made of the spent convictions information, and whether it could use that information in any other form as part of its investigative work, even having obtained it as an assessment of a person's suitability for employment. Mr Charlwood's answer was -

The simple answer is no. The way the regulation is couched restricts the use of the information to those people being considered for appointment to those roles. We do not use it for any other purpose.

The chairman said, "It does not. Could it?" Mr Charlwood's response was -

If someone wanted to misuse the information, it is possible although the restricted access to the information restrict that possibility. The commission and all its staff are very aware of the need to comply with the legislation under which it operates, both its Act and any other legislation it operates under. The commission takes great pains to ensure compliance with that legislation. It would be easy for me to say it could never happen but that may be an unrealistic answer. In my view, the controls the commission has in place internally would prevent it from happening.

The committee had a range of concerns about the security and use of information once it was in the hands of the ACC. I also have wider concerns about the gradual erosion of the power of the Act by various departments with access to this information. A number of departments now have in place regulations that enable them to access this information. However, this regulation is the worst example because it directly relates to whether the ACC employs someone. I understand the ACC's point of view that it wants a high level of security on a lot of its information. The issue is whether should this should occur by regulation. I do not believe that it should, because this continual erosion negates the effect of the Act; we will eventually come to a point at which the entire thrust of the Act will be lost and we might as well not have a Spent Convictions Act. The purpose of the Act is to enable people who have not committed terribly serious crimes, or who have committed crimes in their youth etc, to get on with their lives. They have a long wait; 10 years is not a short period. We must be careful how such information is used. This House should always properly scrutinise these issues, and that cannot always happen when changes are made through the avenue of regulation. I am not entirely happy with the assurances given that the information will always be properly used.

**HON PETER FOSS** (East Metropolitan - Minister for Justice) [4.58 pm]: I am rather taken by Hon Jim Scott's statement that the regulation is contrary to the spirit of the Act, because this regulation is pursuant to the Act. The Act contemplates that there be regulations to make exceptions. It does not contemplate that the Act be amended; although that may be something to be said about the Act. It may be a proper legislative intent which could be carried into effect by this House amending the Act. If we do not like the idea of excepting by regulation, we are disagreeing with a resolution of an enactment of this House. If Hon Jim Scott thinks it is wrong, the proper way to deal with that is to move to amend the Act. His comments are more about the Act and what he thinks of it rather than about the regulation, which I believe is strictly within the intent of the Act which is to allow for the fact that occasions will arise in which the general intentions of the Spent Convictions Act are not appropriate and therefore specific exceptions should apply.

**[Questions without notice taken.]**

Hon PETER FOSS: I do not believe anyone can say that the regulations are contrary to the spirit of the legislation. One may disagree with the spirit of the legislation, but the regulations are entirely in accordance with the intent of the legislation that exceptions can be granted. I suppose that if a regulation were to except absolutely everything in one go, that could be said to be contrary to the intent of the legislation, but that is certainly not the case with this regulation.

I ask members to look at schedule 3, which is in part an insertion that has been made by the Parliament legislatively and in part insertions that have been made pursuant to regulations, to see the general logic behind it. Clause 1 of schedule 3 states -

The persons specified in the first column of the table to this clause are excepted from the provisions of Part 3 specified in the second column in respect of all spent convictions.

The persons who are excepted include the Parole Board. Obviously the Parole Board needs to know what convictions people have. The Supervised Release Review Board also needs to have that information. Persons who are being considered for appointment as a justice of the peace are also excepted. It would be rather strange if I could not know about a person's convictions before deciding whether to appoint that person to such a position. A serious prior conviction is not absolutely disqualifying, but it is a matter that I must take into account before making a recommendation to His Excellency about whether a person should be appointed. Similarly, in the case of persons being considered for appointment as constables, special constables and prison officers, it is clear that a criminal history may be an important consideration. In the case of persons being considered for employment under the Gold Corporation Act, perhaps that can be limited to offences of dishonesty, because Gold Corporation employees have a fair amount of access to an easily removable and very valuable substance. A similar situation exists with regard to casino employees, because a real concern was expressed when the casino legislation went through the Parliament about the capacity for criminal elements to use casinos to launder money. That is of considerable concern. Other exceptions are persons applying to be licensed as security agents and security officers under the Security and Related Activities (Control) Act, and persons applying for the issue of a licence under the Firearms Act. It would be important to know before deciding whether to give a person a firearms licence whether that person had committed an offence with regard to the misuse of a firearm. Another important exception is persons employed in the offender management division of the Ministry of Justice. I do not know whether that exception is absolutely necessary. We probably can already do that. It is quite clear why we need the exceptions with regard to the protection of children.

The report of the committee is very good. The committee made the useful recommendation that when the Act is reviewed next year, the legislation should be amended to incorporate express limitations on the use of spent convictions information collected by agencies that are granted exceptions under the Act; and a prohibition on the distribution of spent convictions information to other agencies. That is probably inherent in the Act, but it would not hurt if that were expressed in the Act.

The committee stated also that it has a reservation about the ability to add to the categories. I accept that the committee has that reservation, but that is a reservation about the Act rather than about this regulation. Recommendation 5.1 states -

The Committee notes that the Act clearly permits amendments to be made to Schedule 3 of the Act by means of regulations and that the Amendment Regulations are within power. The Committee also recognises the case for the Commission to have access to spent convictions information for the purposes of appointing suitable persons to positions within the Commission.

Firstly, it recognises that it is within the power and, secondly, that there is a case for a commission. It has been carefully looked at by the Joint Standing Committee on Delegated Legislation, which decided not to recommend to either House that the delegated legislation be disallowed. That is a very good reason, in itself, for not disallowing it. Hon Jim Scott raised his concern about how this will happen. I am somewhat surprised because, when we originally dealt with the legislation covering the Anti-Corruption Commission, a concern was raised in this House that the people involved in that body should not be policemen. Members did not think the Anti-Corruption Commission should employ Western Australian policemen. They felt that was a disqualifying factor. Hon Jim Scott may not have been here when a number of things were raised about various royal commission reports from around Australia, and the police committee report here. Although it was not confined to them, members opposite expressed concern that the commission should not employ a Western Australian policeman to be involved in the investigations of other Western Australian policemen. That matter related to employment and is not necessarily an adverse factor in terms of moral character and fitness. It had to do with risk perception and the real concern that it was difficult for a policeman to investigate a fellow policeman. A very clear view was expressed in this House that a policeman could not investigate other policemen, and that people who had a conviction, especially for corrupt or dishonest behaviour, should not be in the commission. First, it would not be sensible and, secondly, from the point of view of the perception of risk and possible temptation, people who have convictions should not be put in this position.

Mr Charlwood made the point that many people have access to the processes and the papers of the commission. This House went to considerable care to ensure there was a degree of secrecy about what the Anti-Corruption Commission was doing, for two reasons. First, by its very nature, corruption is extremely hard to find. Often investigations must be carried out secretly and without warning. Secondly, we did not believe people should be condemned by public accusations. It is very easy to make an accusation; it is somewhat more difficult to sustain it, and sometimes the accusation is totally without foundation and is based purely on rumour. That did not mean the ACC should not have the power to see whether there was any substance to the accusation, or that people should be prevented from making accusations in which they genuinely believed, and having them investigated. We did not believe a person's character should be destroyed publicly purely because an investigation was taking place or even because certain preliminary views had been formed by the Anti-Corruption Commission.

We have seen some cases recently in the Supreme Court which have born on some of those decisions by this Parliament and which have upheld the logic behind them. Yet we are suggesting that the Anti-Corruption Commission should function in

this manner, without having the capacity to judge whether a finding of a court that a person was guilty of certain offences should be taken into account when deciding whether to appoint that person as the holder of a responsible position. The regulations deal with varying degrees of involvement. The disallowance motion deals with only one of them; that is, regulation 11(f) which talks about being engaged or being considered for engagement under section 10 of the Anti-Corruption Commission Act 1988. I assume the member accepts, albeit reluctantly, it is appropriate for members of the commission, officers or employees under section 6, seconded persons under section 7 and appointments under sections 8 or 9. Hon Jim Scott is objecting to section 10. He talked about people changing light bulbs. I doubt that section 10 deals with people who are employed to do that.

Hon N.D. Griffiths: Electricians deal with light bulbs, and section 10 deals with other things.

Hon PETER FOSS: They do not in my house. I do not know what they do in the member's. I get on a ladder and change them.

Hon N.D. Griffiths: You are very clever.

Hon PETER FOSS: I can even change fluorescent tubes.

Hon J.A. Scott: How many of you does it need?

Hon PETER FOSS: It needs me and a member of my family to hold the bottom of the ladder. I digress. The section states that the commission may engage any suitable person or body to provide the commission with information, advice or other services of a professional, technical or managerial nature on such terms as the commission and the person or body agree. I assume Hon Nick Griffiths is suggesting that the changing of a light bulb is of a technical nature. That is interesting.

Hon N.D. Griffiths: It can be.

Hon PETER FOSS: I would accept that if one needed to change a light fitting, it possibly would apply. If we wanted to get an electrician in to do things that under the Act are not permitted to be done by an ordinary person, it might apply then. Generally we can see the sorts of things which are referred to, and they require a check. Officers are given extended access to documents, and to a certain degree it is up to the judgment of the commission. If we try to prescribe all the possibilities, we will get it wrong. That is one reason Parliament decided this should be done by regulation. If we get too prescriptive in an Act of Parliament, we can guarantee that the first instance that comes along will not fit into that prescription. When a body, such as the Anti-Corruption Commission, perceives a security risk and is taking on somebody, it must know whether the person should be given access under any of those sections, including section 10, and it is appropriate that it has the capacity to check the background of that person. Whether it does is a matter of judgment on its part, not ours. We must get out of the habit of trying to tie up everything in red tape. If we were to do that in the way that is being suggested here, this State would not move.

Occasionally we must take into account the people to whom we have given the most amazing responsibility. We have given the Anti-Corruption Commission incredibly broad powers. We trust it with our reputations. We also trust it to have an appropriate policy about deciding to check on whether a person has a criminal record. If we are to tie this up, perhaps we should go through the entire Act and constrain everything the Anti-Corruption Commission does on a daily basis.

Hon J.A. Scott: What happens to the information? Where does it go?

Hon PETER FOSS: We should deal with it in the Act. As is mentioned in the report, we are conducting a broad review of this legislation. It was not without critics when it was brought into this place. To talk about the whole tenor is wrong. We have only to look at the wide range of employment contracts that happen daily and to ask how many are impacted on by these exceptions. I could not guess that number; however, I am prepared to bet it is a very low percentage of the total number of employment contracts made in Western Australia in a year. I warrant it would be less than 1 per cent. We are dealing with a very restricted number of employment contracts.

It illustrates the inherent contradiction in an Act such as the Spent Convictions Act. It is not an open and shut piece of legislation although there are very good public policy reasons for saying that when a person has paid his debt to society, generally speaking the matter should be put aside and forgotten. I agree with that. That is the general policy position. However, very few policy positions come without a "but". There are occasions when that occurs, and they are of a kind and quality that we could have considered at the time the legislation was passed. Obviously, we do not expect the Anti-Corruption Commission to allow in people who are corrupt. I suppose it is still not beyond possibility that people will fake it. We have all seen movies where people get into a highly secure position by disguising themselves as electricians or plumbers.

Hon N.D. Griffiths: Or Attorneys General.

Hon PETER FOSS: I do not know that that has ever been done; that would be hard. It is not beyond possibility that they could be assumed to be electricians and that their background is not checked; that can still happen. It is up to the ACC to have the appropriate security on the door to keep out people. It might be said in this case that there could be security on the

doors and they could just not let anybody in. The fact is that in many cases they will have to let people in and somebody may have to stand by them to ensure that they do not rummage their way through files they should not be rummaging through.

However, it is absolutely necessary to have the benefit of checking people who will be employed on an extended contract to find out whether they can be reasonably left alone. We do not want a commissar system within the ACC so that anybody who is working there has another person directly looking over their shoulder to check that they are doing the right thing. Therefore I support the recommendation of the committee in this case. The suggestions it has made are useful ones which will be passed on to the committee reviewing the Act.

Hon J.A. Scott interjected.

Hon PETER FOSS: The two suggestions by the committee at the end of the report are good suggestions. It is probably implicit but, if I am wrong in that, it would be a good idea if it were made explicit that people who gain information for one purpose are not to use it for another and must ensure that they look after it so that it is not broadcast anywhere. It is a good point and I do not see that anybody would have any objection to it. I will pass it on to the committee which is reviewing the Spent Convictions Act on a broad basis. Public input into that matter will come from a broad range of people. There is no doubt that all the pressure for the contrary view in this legislation, once it was enacted, has come forward. We must make certain that those people who gain exemptions are given an opportunity to be heard and are called upon to explain again the necessity for a spent conviction. That will give us a much more balanced view. Often it is not until legislation such as this is implemented that some of the knots emerge and we can see where the balance might more readily be placed. I do not for one moment think that the balance is necessarily correct nor do I believe the legislation, as it is framed, has covered all the possibilities in order to have the balance properly addressed. I oppose the motion.

**HON N.D. GRIFFITHS** (East Metropolitan) [5.54 pm]: I have listened to what Hon Jim Scott and the Minister for Justice have had to say. First, I will deal briefly with the minister's remarks. I note he made reference to the fact that the Joint Standing Committee on Delegated Legislation did not express support for disallowing the regulation and that that was a good reason not to proceed to disallow. I look forward to the minister adopting a similar line of logic when the committee next recommends the disallowance of a piece of delegated legislation that his Government has embraced.

The House should be indebted to Hon Jim Scott for giving notice of the motion to disallow a discrete part of the legislation and today formally moving the motion and speaking to it. In doing so, he has brought to the House's attention the difficulties that arise from sections 16 and 33 and the third schedule of the Spent Convictions Act. This State will be well served if the minister causes his public servants and those conducting the review to act speedily on the committee's suggestions as set out in the report. I trust that this is one occasion - it will be the first - when he will act speedily to produce the result.

The Spent Convictions Act sets out a rigorous procedure for a person to arrive at a situation where his or her conviction is spent. I note that convictions can now be spent under the Sentencing Act on the day a finding of guilt is made, or shortly after. That is a welcome innovation. However, the Spent Convictions Act relates basically to convictions of a minor nature and then it deals with serious convictions. For convictions of a minor nature the waiting period is 10 years. For more serious convictions the waiting period is 10 years and then an application is made to a District Court judge. A section of the Act then refers to serious offences for which one cannot receive a spent conviction. Given what I believe is a rigorous regime in any event, I query whether there is much of a case at all for any exception to spent convictions. If an offence is minor, 10 years should be enough. If there is a public policy reason why it should be longer than 10 years, let us hear it when we are dealing with the Act down the track, hopefully in the not too distant future. If the matter is serious and comes before a District Court judge, it is a matter of discretion, although relevant criteria are set out. I note we are dealing with a part of a regulation which exempts people who can be termed service providers; that is, people who enter into contracts of a particular nature with the ACC, from the operations of the Spent Convictions Act. Reference is made in the committee's report to the ACC wishing to treat all persons who are part of the organisation in the same way. Therefore, from the ACC's point of view investigators, contractors, those above and those in between in the general scheme of things should have their spent convictions disclosed. I note that when reference is made to the third schedule of the Spent Convictions Act, bodies similar to the ACC are categorised as exceptions for similar purposes. Therefore, there is no inconsistency in the way Western Australia is governed in having part of the regulation stand with the rest of the legislation. Notwithstanding that, Mr President, I emphasise again that although the Australian Labor Party opposes the motion moved by Hon Jim Scott, we do so with a sense of gratitude for his raising the matter in the way that he has and we ask the House to take note that we want to do something about the spent convictions regime being undermined. The sooner the recommendation of the Delegated Legislation Committee is implemented, the better off we all will be.

*Sitting suspended from 6.00 to 7.30 pm*

**HON NORM KELLY** (East Metropolitan) [7.30 pm]: The disallowance motion presents a potential conflict between the need to ensure that the integrity of and public confidence in watchdog authorities such as the Anti-Corruption Commission are maintained, and that the intent of the Spent Convictions Act is maintained. We must remember why the Spent Convictions Act came into being. It was introduced so as not to unduly penalise people who are deemed worthy of having



their convictions spent. I appreciate the minister's comments that we must allow bodies such as the ACC to look into the past records of job applicants, but we must ensure that by allowing bodies to delve into spent convictions we do not unduly or unfairly penalise people for certain past actions. We must ensure that the penalties do not exceed those given originally. The Spent Convictions Act contains adequate limitations for how people can have their convictions spent. If it is for a minor offence, a person must wait for 10 years before he can write to the Commissioner of Police to have that conviction spent. If it is for a more serious conviction, the application must go to the District Court where a judge must decide upon that application. We already have that process of scrutiny to ensure that only those people who should have their convictions spent, do so.

I appreciate that Hon Jim Scott has looked at the valid reasons why, in the first few parts of that regulation, commissioners, investigative officers and staff of the ACC should be exempt from this Act. The member put forward a valid argument for disallowing or potentially disallowing schedule 3 item 11(f) of the regulations. Although the minister has already spoken, I would like to hear through interjection whether he believes that those activities which are central to the investigative powers of the ACC are those contained within section 10 or whether they may be within section 9 of the Anti-Corruption Commission Act. On the advice that I have received from his office - although I asked for it a couple of weeks ago, I did not receive it until this morning - it is considered that computer specialists, financial specialists, document examiners and lawyers would be those persons considered under section 10. From my reading of the Act, those people still come under section 9, so there may not be a need to include section 10 under these regulations.

Some of the arguments that have been put to me involved people contracted to provide services such as cleaning or refilling water bottles - the mundane tasks that occur in any office and not tasks specific to the ACC. The people doing that work would seem to be caught by these regulations. I would be extremely concerned if that were the case. From my reading of the regulations, that is not the intent. If these people were then denied the opportunity of employment because of that, that penalty would be far in excess of the risks that would be faced by the ACC.

Hon Peter Foss: The ACC has discretion in the matter as well. It holds the highest responsibility already and on the rumours I hear it is expected to do terrible things to people. We must keep in mind to whom we give the power.

Hon NORM KELLY: When we look at the powers of the ACC, we must ensure that the public integrity and the confidence to which I referred are maintained or expanded by the ACC. They must also be maintained by the work of this Parliament in not only giving powers to the ACC, but also in ensuring that those powers are adhered to and the ACC does not go further than those powers allow. That is the reason a parliamentary committee is looking into the workings of the ACC.

Another problem with these regulations is that they have been in power for five months. In a way it subverts the scrutiny of Parliament or any other organisation - this is not just specific to these regulations - to allow these powers which are not disallowable until five months later. I would be interested to know whether these powers have been acted upon within this five-month period and, if so, to what extent.

Hon Peter Foss: I do not think they would tell me.

Hon NORM KELLY: Perhaps the parliamentary committee would want to look at it. In June last year the thirty-fourth report of the Joint Standing Committee on Delegated Legislation raised exemptions to the Spent Convictions Act as an issue needing further consideration. A few months after that the regulations were gazetted which provided further exemptions. It seems as though the ACC has ignored the issue in having regulations gazetted to increase its powers.

The Delegated Legislation Committee's sixteenth report considered regulation making powers and better methods of implementing regulations. The report included reference to impact statements and consultation prior to gazettal of the legislation. That is probably the best way for these regulations to be handled. It would have been simple for the minister to tell the committee that these were further exemptions the Government wanted gazetted and that it would like the committee to consider them before gazettal. That would have avoided the problem we have with disallowance motions being on the books for a few months and a decision being made five months after they have been gazetted. That would enhance the procedures that we have in -

Hon Peter Foss interjected.

Hon NORM KELLY: I realise that that is not the procedure. However, if these powers were acted upon and the regulations were disallowed, the ACC could have been using powers that Parliament decided it should not have. It would be better and more credible if those powers were decided prior to gazettal. I know that is not how the legislation works at the moment, but it is a long time since the committee's sixteenth report was tabled and we are still awaiting action.

There is a danger that people will be unfairly penalised at any time we look at exemptions to the Spent Convictions Act. People might have been found guilty of offences that have since been wiped from the Statutes and as a result suffer a further penalty. The whole idea of spent convictions is to enable people to get on with their lives and to ensure that they are not penalised for offences they may have committed years earlier. It is a concern that the number of these exemptions is increasing.

I would prefer more specific wording in the regulations prescribing clearly that they relate directly to the investigative powers of the ACC rather than the generality of section 10.

Hon Peter Foss interjected.

The PRESIDENT: Order! The member is trying to conclude his contribution.

Hon NORM KELLY: That is my main concern. The minister's staff showed specifically in the papers provided to me today what areas these regulations should cover. Those specifics should be included in the regulations rather than in the general context.

**HON J.A. SCOTT** (South Metropolitan) [7.44 pm]: I thank members who have contributed to this debate. Clearly there is some agreement about the difficulty in determining the point at which we allow scrutiny of records of people who have spent convictions. The minister pointed out that he would not like to see an overly bureaucratic system, that the Parliament is trying to make decisions about issues of which it has little understanding, and that we could end up with bureaucratic laws if everything comes back to this place. However, there is a reverse situation in that some people have been convicted of offences that many would regard as not causing an agency a problem, in this case the ACC. Someone who was convicted of smoking marijuana at 19 years of age and some 10 years later has never committed another offence could be working for a company that contracts to the ACC. That company may be told that that employee does not fit the bill because of the spent conviction. That person may then be viewed with some suspicion by his or her employer even though his or her debt to society has been paid. We want those people out of the corrections system and into the system we all enjoy in having ordinary jobs. This is a balancing act and there are better ways to achieve our aims than those proposed in the Act and these regulations. I will not go into that at this stage because it is getting away from answering the minister's points.

The minister endorsed a number of the committee's recommendations on spent convictions in its thirty-eighth report. However, once again the minister has not reassured members that he is convinced that these changes should be addressed. He has stated that he is happy with these recommendations and that they have some merit.

Hon Peter Foss interjected.

Hon J.A. SCOTT: That is the case. I suppose the minister was moderately enthusiastic, so I should be happy in that regard.

Hon N.D. Griffiths: He is moderate in his enthusiasm.

Hon J.A. SCOTT: Yes.

Hon Peter Foss interjected.

Hon J.A. SCOTT: That is a fair comment. I am pleased that the minister feels there is room for improvement, probably in the Act rather than the regulations. I have raised this issue not because I necessarily want to win the argument or to get the votes but because I want to ensure that the departments involved realise the Parliament's concern about the extent of the release of spent conviction information. Considerable concern has been expressed in the past that information has been released inappropriately. I would like to know whether that issue will be addressed in the review.

Hon Peter Foss: I do not think it was any problem, but we will make certain.

Hon J.A. SCOTT: It was a breach of the Act.

Hon Peter Foss: I do not think that is correct.

Hon N.D. Griffiths: It is correct.

Hon J.A. SCOTT: The Ministry of Justice should not be breaching Acts.

Hon Peter Foss: I do not think it was. There is a difference of opinion - my advice is that it was not doing so.

Hon J.A. SCOTT: The minister might look at that matter carefully to ensure that proper procedures are put in place so such things do not happen again. Hon Nick Griffiths pointed out the long-term difficulty of having a conviction made a spent conviction. He felt that it should lead, without exception, to a complete wiping out of a person's debt to society. I agree with him.

Hon Peter Foss: If that were the case, the court might be more reluctant to grant a spent conviction.

Hon J.A. SCOTT: That may be so. However, room may exist for categories to apply, whereby a court could, at the time of handing down sentences, apply a time limit so the conviction becomes spent automatically, rather than by application. Of course, that would be on the proviso that no other unlawful behaviour is exhibited. However, that is moving off this point.

Hon Nick Griffiths also felt that this was a very worthy subject to be raised in this place, even though he and his party will not vote for my motion. I understand that position because the ACC has valid reasons for wanting to retain access to the

records. I certainly hope that the ACC manages that information carefully - I am sure it will. Parliament's job is to try to keep an eye on such matters and to point out shortcomings in legislation and to identify potential misuses of information.

I thank Hon Norm Kelly for raising the issue of better regulation making. The Joint Standing Committee on Delegated Legislation has outlined to the Attorney General a few times that it was keen to see a new Act in place covering delegated or subsidiary legislation. This should put in place a process to make it more difficult to initiate a regulation. This would involve scrutiny and input from many people, particularly key stakeholders, and would result in better legislation than that currently made in this State.

Hon Peter Foss: In America, where they use that process, they do not allow the process of disallowance.

Hon J.A. SCOTT: If a huge amount of scrutiny and participation is involved in the development of the regulation, one will end up with stronger regulations. Given Parliament's inability to keep an eye on every regulation and detail that is passed, one may be prepared to lose the power to disallow to achieve such a process. The regulations, the subject of the motion before the Chair, are too wide in scope and application. I ask the House to support my disallowance motion.

Question put and negatived.

### STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

#### *Report on the Friendly Societies (Western Australia) Bill 1998 and the Friendly Societies (Taxing) Bill 1998 - Government's Response*

Hon Peter Foss (Attorney General) was granted leave to table the Government's response to the report of the Standing Committee on Constitutional Affairs on the Friendly Societies (Western Australia) Bill and the Friendly Societies (Taxing) Bill.

[See paper No 843.]

### LOCAL GOVERNMENT (QUALIFICATION OF MUNICIPAL OFFICERS) AMENDMENT REGULATIONS

#### *Disallowance Motion*

Motion moved pro forma on 8 December 1998.

Motion, by leave, withdrawn by Hon Kim Chance.

### TITLES VALIDATION AMENDMENT BILL

#### *Message*

Message from the Assembly received and read notifying that it had disagreed to the amendment made by the Council for the reason set forth in the schedule annexed.

### ACTS AMENDMENT (CRIMINAL PROCEDURE) BILL

#### *Second Reading*

Resumed from 29 October 1998.

**HON N.D. GRIFFITHS** (East Metropolitan) [7.58 pm]: The Australian Labor Party supports this short but important Bill. First, it will create a new offence under the Criminal Code which will have a relationship to amendments to the Justices Act. This is the primary part of the Bill. The new offence relates to a person who knowingly makes or swears a complaint under the Justices Act which in any material particular is to his knowledge. That offence is welcomed. It is very serious for someone to make or swear a complaint in a material particular to that person's knowledge. I would like the question of not mere negligence, but also recklessness explored in due course. When the proposed changes to the Justices Act come into fruition, I am concerned that injustices may result from negligent conduct.

Mere negligence should not be the subject of criminal sanction. However, this is a significant area. Reckless conduct should be examined to determine whether that should be the subject of criminal sanction. I say that because of the changes proposed in the Bill with respect to what will occur under the Justices Act. The provisions are short. In essence, they will enable a Court of Petty Sessions to hear and determine summons matters for simple offences in the absence of a defendant. It can now hear matters in the absence of a defendant, but the change is that when the court does so, it may take as proved an allegation in the summons served on the defendant with respect to the complaint.

This has potential benefits to the administration of justice in Western Australia. It has the potential to decrease cost, inconvenience and waiting periods for people who have an interest in having their cases heard. Waiting lists in our courts continue to be a real problem. However, it also has the potential to cause injustice because, regrettably, some people do not

front up, and without any formal proof on the basis of averment, people will be found guilty and penalised. However, people should front up to court. The reality is that if a good reason exists for their not fronting up, what has taken place, in my experience, can be set aside quite simply. The Justices Act procedures in that regard are efficient, and delay does not occur in that area. If it does, it should not. Concern has been expressed that people who do not front up to court will suffer. There is that safeguard to which I have referred. The benefits to our community and the inherent reasonableness of what is proposed outweigh any inconvenience that these measures may cause.

This is a short Bill. The third area proposes to amend other Acts consequent upon the proposed changes to the Justices Act. Some commentators have raised their concern that the Bill reverses the onus of proof in some way. People are given the opportunity to be heard; they know what the allegations are. If they have a reasonable excuse, the matter can be set aside. The fact that people do not turn up and cause great delays hurts the state of justice in our society. Therefore, when I listen to that argument I give it consideration, but at the end of the day it does not bear water. For those reasons, I reiterate that the Australian Labor Party supports the Bill.

**HON HELEN HODGSON** (North Metropolitan) [8.04 pm]: The Australian Democrats also support this Bill. Some provisions in the Bill initially caused us some concern because we felt they needed further consideration. Basically, the reasons for this Bill have been outlined in the second reading speech and in Hon Nick Griffiths' comments. One problem that this Bill is trying to address is the backlog in local court matters. This can be exacerbated when defendants fail to turn up to either plead guilty or defend actions. This wastes court resources and the time of witnesses. Police witnesses particularly have other duties that they could be performing. Currently, if a defendant does not show after receiving a summons, the court has the power to continue with an ex parte hearing in his absence. The defendant is made aware of this because the writ served on him makes reference to the relevant section of the Justices Act, which is section 54. However, sworn affidavits are still required to verify that all the facts alleged in the complaint are true and accurate. Therefore, the amendments in this short but significant legislation will remove the need for officers to swear affidavits in these situations.

When one considers a procedure which is likely to have an impact on the rules of natural justice when a person appears before the courts, one likes to closely consider its effect and whether it impinges unduly on that person's rights. In this case, this procedure is available for simple offences only. Basically, the judge can take the facts sworn in the complaint that is filed as being proved, so the court can convict on the basis of the sworn complaint. However, two safeguards exist in this new streamlined system, the first of which is that under existing section 136A there is already a mechanism to set aside the decision of a judge which is made in the absence of a defendant. Therefore, if a defendant has a genuine reason for being unable to attend the court, he can within a reasonable period, which I think is within 21 days of the judgment, apply to the court to have that decision set aside.

A new safeguard in this legislation provides that an offence is created when any person swears a false complaint. The penalty for that offence is fairly severe, being up to seven years imprisonment. That is appropriate, because when somebody knowingly signs a false complaint to convict another person, that is a serious action. Today's news headlines show how serious false complaints can be in certain circumstances.

Hon N.D. Griffiths: When it referred to the Attorney General, it was correct.

Hon HELEN HODGSON: No, I was referring to the other page one article relating to some of Hon Nick Griffiths' colleagues.

Hon N.D. Griffiths: Hon Helen Hodgson misled some members of the House.

Hon HELEN HODGSON: The Democrats support this Bill. However, further procedural issues should be considered if the true purpose is to conserve police resources. When a defendant does not turn up to court, the witnesses, including the police witnesses, often have to wait around for a substantial time before they are excused for the day. There must be a way to organise matters so that one knows whether the case will proceed by way of the streamlined procedure or whether the witness will be needed. The police officer can then return to other duties.

The Democrats have considered the possible implications of this Bill for justice in this State with respect to the potential to deny a person his right to be heard. We have considered the safeguards in the legislation, and taking those into account, we support the Bill.

**HON GIZ WATSON** (North Metropolitan) [8.10 pm]: I do not propose to contribute at length to the debate because we have heard some very good arguments from the Australian Labor Party and the Democrats on this Bill. I have examined the Bill, and the Greens WA believe that on balance this is a reasonable Bill and will support it.

**HON PETER FOSS** (East Metropolitan - Attorney General) [8.10 pm]: As all speakers have pointed out, the important section is section 136A of the Justices Act, which provides that persons who were unable to attend a hearing have the right to explain why they did not turn up and to have the matter set aside; and if they did turn up, they are entitled to have the evidence proved against them, so section 136A would not apply.

The point raised by Hon Helen Hodgson is really a matter of process. I imagine that the courts will list a matter for hearing. If the person pleads guilty, the court will deal with the matter on a plea of guilty. If the person pleads not guilty, the court will list the matter to be heard and call witnesses. If no plea is made, and if the person does not turn up, the court will hear the matter in the person's absence, using this section. If the person does turn up, the court will fix a date for a substantial hearing and do much the same things that it does currently for written documents.

Hon Nick Griffiths raised the interesting question of what would be done if the statement were negligent or reckless. Negligence would not be a ground for bringing any form of criminal action. The question of recklessness is interesting, because one of the big problems in any litigation is the possibility of relitigating through another method. A person who was convicted might wish to relitigate the matter by alleging that the person was reckless in making the complaint. That would not necessarily mean it would be sustained, but it would give the person another opportunity to go through the facts.

Hon N.D. Griffiths: Would that be if the person had been acquitted and wanted to have a go at the person who had made the complaint?

Hon PETER FOSS: Yes. It is very similar to the situation of perjury. It is a question in those circumstances of saying that if the person made the statement knowing that it was not correct, there should be a penalty. It would not be appropriate to include recklessness, because if we had recklessness to such a degree, a person could probably be prosecuted for knowing that the statement was wrong.

Hon N.D. Griffiths: Had you considered that issue before this evening?

Hon PETER FOSS: No. I did look at how far we should go. I had not looked at recklessness. I had certainly disregarded any form of negligence. I think that would be inappropriate.

Hon N.D. Griffiths: So do I.

Hon PETER FOSS: It is appropriate as it is. It is closer to the situation with regard to perjury, and that is how it should be. I thank all members for their support and commend the Bill to the House.

Question put and passed.

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

### **FRIENDLY SOCIETIES (WESTERN AUSTRALIA) BILL**

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

#### *Cognate Debate*

On motion by Hon Peter Foss (Attorney General), resolved -

That leave be granted for the Friendly Societies (Western Australia) Bill and the Friendly Societies (Taxing) Bill to be debated cognately.

#### *Second Reading*

Resumed from 20 October 1998.

**HON N.D. GRIFFITHS** (East Metropolitan) [8.13 pm]: It should come as no surprise that the Australian Labor Party supports these two Bills, as it has at all times. In saying that, I am very mindful of the good work that has been done by the Legislative Council Standing Committee on Constitutional Affairs. I note the very proper concerns raised by my colleague Hon Tom Helm in his well considered part of the report of that committee. I understand from Hon Tom Helm that if he is so minded later this evening, he may make a few comments on that issue. I look forward to his contribution, because his work on that committee, and the work of the committee as a whole, has been very worthwhile. The concerns raised by Hon Tom Helm are a message to government that it is the role of government and of members of Parliament generally, and of the Opposition in particular, whoever the Opposition may be from time to time - and those opposite will be in opposition again in due course - to look at the general good of the community. In doing so, we need to be mindful of the fact that if we cause undue discomfort to certain small groups in the community, we may affect the general good of the community.

These Bills are like many Bills that are presented to us; namely, the bigger the Bill, the fewer the words that will be said. Notwithstanding that, I point out to the House the very well thumbed pages of the document I have in front of me. Before I deal with the body of the Bill, I will make some brief observations. Some of the matters that I will raise have been raised in the report of the committee, and I note the Government's response to that report. These are now matters of record. I am very concerned, as I think all members should be, that we have once again an example of the Government's priorities. I note from the document entitled "Progress of Bills Introduced into the Parliament of W.A." that in the previous session of this Parliament, these Bills were introduced into the other place on 20 May 1998, were second read on 21 May 1998, and were

eventually dealt with through all stages on 20 October 1998. That says something about how the Government handles its legislative program. I acknowledge matters of prorogation and the like, but these Bills were non-contentious and remain non-contentious, yet the Government did not get on with the job of handling its legislative program with regard to these matters.

The Bills arrived here on 20 October and were sent off to the committee pursuant to a certain standing order, with which those opposite are very familiar. Of course, the House carries on its business in accordance with the standing orders. Following the committee's report, the Bills could have been dealt with quite easily before Christmas. It is very unlikely that they will occupy much time today, although the debate may carry over into tomorrow. Frankly, there is no good reason for their not having been dealt with before the House rose, other than the Government's sense of priorities. I make that observation because some people affected by these Bills have expressed concern about the delay. I place on the record the fact that the delay is due to the Government's conduct and to no-one else's. Having made that observation about delay, I had better get on and talk about the Bill, otherwise one of my colleagues opposite might suggest I am delaying the Bill!

When I first saw that Bill I reacted fairly quickly and sought a briefing. I suppose some may take a very painful approach to legislation of this size and read it from cover to cover; however, I prefer to have somebody give me a perspective on it and to walk me through it to some degree. Following the briefing, and certainly well before the matter came on for debate in the Legislative Assembly, the Australian Labor Party resolved to agree to the measures. I was told that these were urgent matters, and my conduct towards them has been on that basis.

Irrespective of what some members might think, because the Opposition is supporting the Government, simple arithmetic tells us that these Bills will be passed. The new regime - that is, to have friendly societies regulated as part of a national scheme presided over by the Australian Financial Institutions Commission as the national coordinating body - will not last long. It is the desire of the Government and, as I understand it, other jurisdictions, to transfer the regulation of friendly societies to the Commonwealth, and have it controlled by the Australian Prudential Regulation Authority. I have been advised that the objective is to have that position in place - I do not know whether it will occur - by 1 July of this year, the commencement of the next financial year.

If matters go according to plan, here we are on 9 March legislating for a regulatory regime which will be superseded by 1 July 1999. That matter was raised in the report of the committee, and I note the Government's response to that report. I gather from that response that there is concern that if we do not get on and pass the proposal to have this regulation presided over by the Australian Prudential Regulation Authority, there is a risk that it may not come to pass. I certainly trust that there is no real risk to the Commonwealth's having control of this area because if that were the case, it would be regrettable.

I will make some brief observations about the legislation without going through it in great detail. We are acting as a House of Review. The legislation has been before a committee. We have had the Government's response and, as I pointed out through the progress of other Bills, it has been dealt with in the other place where various observations have been made. I note that in the not too distant future Hon Tom Helm will make some pertinent comments. I am eagerly waiting to hear what he has to say.

We are talking about model legislation here, about being part of national uniform regulation within the framework of a national financial institutions scheme which currently regulates building societies and credit unions. That will replace the Friendly Societies Act 1894, which is old and quaint. In terms of regulation and the law dealing with friendly societies, that Act does not reflect current practices set out in the Corporations Law; for example, it has no provisions covering winding up of incorporated bodies, penalties are low, and the language is arguably not user-friendly. I enjoy reading it, but it is rather old-fashioned and somewhat quaint. This Bill seeks to have Western Australia catch up with the rest of Australia. I note that Tasmania adopted the scheme in 1997, and it operated from February 1998. Other Australian jurisdictions adopted the scheme in late 1996. Consultation has taken place. From the observations in the committee's report, it seems that the major players in the friendly societies' area of activity are supportive of what is taking place. We will replace a state regulator, the Registrar of Cooperatives and Financial Institutions, who may be keen to get rid of this responsibility and hand it over to a nationally-orientated body, albeit perhaps for only a few months. Most of the Bill comprises the code; in fact, the Bill contains 374 pages, and the code which is an appendix to it commences on page 17.

That was developed by Victoria as a result of agreement between the jurisdictions, and quite properly so, because the total assets of the friendly societies industry in all its manifestations are in the region of \$9b. Western Australian friendly societies are said to have assets of less than 1 per cent of the Australian total, with only about \$78m under management and more than 80 per cent of the industry concentrated in Victoria. In that regard there is a degree of competition with insurance companies. Thus, with the Victorian interest, what is in the code is by and large appropriate. There are some matters peculiar to friendly societies relating to benefit funds. I do not know when the forthcoming commonwealth regime will come into play. I trust the minister when he replies will advise the current position to the committee. Is there still a reasonable likelihood - I cannot see how - that it may occur by July of this year? In any event, the matter has been substantially canvassed in the various ways that I referred to earlier. The Australian Labor Party supports the legislation but notes the matters properly raised by Hon Tom Helm in his dissenting report.

**HON HELEN HODGSON** (North Metropolitan) [8.33 pm]: The Australian Democrats also had the opportunity to look at this Bill. As always with legislation of this type, the Bill before us is short; consisting of only 17 pages. The bulk of the detail of the legislation is in fact included in the schedule, which will be incorporated as uniform legislation.

Hon N.D. Griffiths: Did you read it?

Hon HELEN HODGSON: Yes, I have read not only the clauses of the Bill, but also the schedule. That is where some of my concerns lie. A concern has been raised previously in this place that one of the problems with uniform legislation presented to us in this format is that there is little we can do about the detail of the scheme. We can look only at the clauses that adopt that scheme. Although we may raise concerns about the scheme, it is basically a case of take it or leave it. That means that although there are issues that I wish to raise - I will raise at least one in the committee stage - we do not have much power to do anything about them.

Basically, we are happy with the structure of the legislation. It will bring friendly societies into line with financial institutions. According to my notes, the first friendly societies legislation was enacted in the United Kingdom in 1793. At that stage I am sure they never contemplated that they would be considered a financial institution because historically the purpose of friendly societies was to provide to members social benefits and a means of pooling their resources so that, in the event of their needing some form of assistance, an insurance-type fund was available for them. Therefore, the purposes of societies have expanded from mutual relief and the maintenance of members in sickness, old age and infirmity. Although it has expanded, it does not technically include banking products. However, we are now having to consider regulation of the industry because of the way in which financial markets operate. They do not just look at banking products as financial instruments. We are not dealing here with hybrid derivatives and those types of instruments now floating around on the financial markets. However, friendly societies have dealt extensively with insurance policies; and insurance policies are seen by many people as a form of investment, given the structures that are currently available.

I return to the purposes of friendly societies. The type of services they now provide include health funds, investment products, superannuation, unit trusts, deposit taking facilities, loans, insurance, financial advice, pharmacies, holiday facilities, scholarships, retirement villages, hostels, nursing homes and education funds. Therefore, they are extensively involved in providing services to the community. Their sizes and membership numbers vary widely. However, they are not as prominent in Western Australia as they are in some other States. I gather that in Western Australia there are two specially authorised societies and nine traditional societies. I got that information from the Australian Friendly Societies Association 1998 annual report. By good fortune or coincidence, or maybe someone was sitting on it, although I do not know why that would happen, the Australian Financial Institutions Commission report was tabled today. I had the opportunity to flick through that report before this legislation was brought in. There is no reason why someone would sit on it; it is just a coincidence in the timing of the recess. I note that the State in which the bulk of friendly societies operate is Victoria, which has 81 per cent of the assets held by friendly societies. I was curious whether the small numbers in Western Australia were correct, however, it appears that friendly societies in Western Australia are not a major part of the scene compared with other States.

Currently, the societies in Western Australia are registered and run under the provisions of the Friendly Societies Act 1894. One hundred years later the Attorneys General of each State agreed to create a uniform scheme and to move, as we are now doing, along the same lines as reforms of credit unions and building societies. I therefore endorse the comment of Hon Nick Griffiths that at this stage we are the only State that has not passed this legislation. In that context I was interested to read the minority report of Hon Tom Helm. He pointed out that there will be a further reform in six months or so and queried the need to go ahead now with this series of changes. I took that on board seriously to find out exactly why we were making these changes. In fact, I asked the Attorney General last year in this place for the reasons. It was indicated at that stage that, firstly, it was not certain whether the transfer to the Commonwealth would go ahead and, secondly, it was important first to have the system in Western Australia in line with the other States. I will be interested to hear, in the Attorney General's response to the second reading debate, whether there is any update to that answer.

Hon Peter Foss interjected.

Hon HELEN HODGSON: The response was tabled today, therefore, it is intended to move towards the federal system. I am also well aware that friendly societies in Western Australia are asking for this legislation. They believe it is important to be acting under the same rules as everybody else. For those reasons, although I took on board the comments of Hon Tom Helm, especially given the time that it takes to draft legislation to do things such as transfer systems from one jurisdiction to another, I believed a further hiatus was possible and it was more important to deal with the matter and get some certainty in the situation. Therefore, under the Wallis report it looks like we will be moving to establish an Australian prudential regulation authority and bring the friendly societies in under that umbrella. The Wallis inquiry recommended the transfer of responsibility for registration and corporate governance to the Commonwealth, disclosure regulation under the Corporations Law and surveillance by the commonwealth body, and prudential regulation by the federal body of those societies that provide exempt products under the Life Insurance Act. I will be interested to see the legislation providing for the transfer of powers.

The Democrats have also considered the schedule to the Act and found that it is similar to the Corporations Law. It ensures that investors will be protected to the extent that it is possible, except where the Corporations Law is inconsistent with the traditional operations of friendly societies. It also draws from financial institutions legislation. Given the problems that can arise when investors' funds are not properly managed, it is important to find a balance in ensuring we do not have too many collapses that affect investors and result in the loss of their life savings. Therefore, I am in favour of a certain amount of corporate governance to ensure that investors' funds are safeguarded and that they have some recourse.

The national body supports the legislation and indicates that some consultation took place. Its report raises concerns about costs, but it appears willing to go along with the regime and is not very concerned about it.

During the committee stage I will ask the Attorney General for more detail about part 13 of the schedule, which deals with reviewable decisions. A whole series of decisions is specifically made non-reviewable. I have yet to be satisfied that a reason exists for these decisions not to be reviewable and that that reason is consistent with the general duty principles of open review of administrative decisions. Some of these are drastic powers, such as the power under section 45 to suspend the operations of a friendly society. The special investigations powers under part 10 of the Act are apparently exempt from judicial review. I have some concerns and I look forward to hearing more about that during the committee stage.

Given my reservation about that issue, which as I said earlier is referred to in the appendix and we can do nothing about it without rejecting the whole package, I support the principle of the Bill.

**HON TOM HELM** (Mining and Pastoral) [8.45 pm]: When this matter came before the Standing Committee on Constitutional Affairs it looked like a simple case of uniform legislation. It was logical and reasonable and members of the committee felt it would be dealt with quickly. That was the case until witnesses pointed out complications and that both financial and accounting obligations would be imposed on friendly societies that they had never previously faced. In addition, witnesses - including two government experts - pointed out forcefully that we could be allowing eastern States friendly societies to take over Western Australian societies more easily. The legislation was based on the Victorian scheme because it had the majority of friendly societies, but it would allow that to happen. In commercial and commonsense terms, that would be fine. However, if one were a supporter of state rights - I am not - alarm bells might ring about another Western Australian institution being taken over by either an eastern States friendly society or a multinational firm. That was a concern.

We were then told about a friendly society that did not make any profit. It was perhaps the closest thing to a communist organisation in this State. The friendly society involved a pharmacy. The benefits accrued by members of the society went back into the pharmacy to increase the stock available to customers and to enhance the pharmacy itself - to improve its appearance and bring it up to modern standards. I thought that once again we as a State would lose out.

Everything has a price, but why can we not accommodate what must be done in respect of uniform legislation? I have demonstrated in this place my strong support for uniformity. I am an Australian first and a Western Australian second. As far as possible, I would like the same terms of reference, laws and rules applied to me no matter where I go in Australia. Of course, that comes at a price. I thought that if that were the aim, I could live with it. I have never tabled a minority report; it is not something done gung-ho.

Hon Peter Foss: Especially if you are a supporter of state rights.

Hon TOM HELM: Such a person would probably feel more at ease. However, I do not believe that I have a reputation as a supporter of this State's rights to the bitter end.

Hon N.D. Griffiths: You are acquiring one.

Hon TOM HELM: Given that my party strongly supported these measures in the caucus room, I was at odds with my colleagues. I felt somewhat relaxed because the party had not heard the witnesses who appeared before the committee. I went back to the party and made these observations, but I did not win the argument. I was faced with either resigning from the Labor Party or supporting the Bills, but it is obviously not as simple as that. I do not feel unhappy, because the Labor Party nominated me to the committee.

I like to think that I have made as big a contribution as I can on that committee, and I have enjoyed being a member. I believe that if it came to an issue about which I felt strongly and on which I wanted the support of the party, I would get it. In this case, because of the uniform nature of what we were being asked to consider, I must take into account that my comrades have been extensively advised from a different point of view. I know that a friendly society approached those Labor members who have responsibility for the carriage of finance Bills in the party system, and I accept that.

Those witnesses directly involved in friendly societies were somewhat comforted by advice in the report relating to reporting procedures. The report states -

... the comment made by Mr Ryan regarding the presentation of the disclosure document using a word processor and presented on "A4" paper. The Committee believes that compliance with the disclosure requirements in this



manner would alleviate some concern expressed by smaller societies regarding the financial problems with presenting disclosure documents.

There may be a cost that they may not have to face if, on 1 July, legislation were put through this House that would not mirror the Victorian legislation, but be an exact copy. I am not sure whether what we are doing now will give a Western Australian title and is Victorian legislation being mirrored. We have since found from the Government's response, which we received today, that that will not be possible. We will not be able to provide an A4 document that will cover the disclosure requirements that the building societies will be part of. It is very untidy for the legislation to contain the schedule that will contain the regulations that our building societies must deal with. It was suggested - I do not think I am speaking out of turn - in the committee that one of the reasons that the Bill contained such a large schedule was that there were concerns held in other States. As this matter went from Victoria to be considered by the other States, concerns had to be addressed. Bits and pieces were added to the legislation to accommodate these concerns. Because Western Australia is the last State to adopt this legislation, there is no room to consider any concerns that we might have; we will not consider them. That is a shame.

Hon Peter Foss: That is not correct.

Hon TOM HELM: I want the Attorney General to respond. I am being somewhat provocative because I question whether I have misunderstood what I have been told, whether what I have been told is incorrect or whether I have just misunderstood the thrust of what has been expected of both the building societies and members of Parliament. I will not be making much of a contribution during the committee stage, but I hope that the issues I raise now will be addressed by the Attorney General. We reported that the friendly societies could be accommodated to some extent beyond that which is in the Government's response. This report was tabled in November last year. The committee commented that it was taking a helluva long time to reach the House and the committee. Then today we received the Government's response. The response could be read into the second reading speech.

Hon Peter Foss: It is our first day back.

Hon TOM HELM: I see. The Attorney General sometimes gets up my nose. He may have gone overseas; he may have gone into hibernation for the summer; he might not have been available, but those who are concerned with these matters would have appreciated a response. I am not blaming him personally, but he might have given us the Government's response to that report a little earlier than this afternoon.

Hon N.D. Griffiths: They had a month before we rose. We were here until almost Christmas.

Hon TOM HELM: It does not matter. It is a priority on the Notice Paper. I am not criticising the report, but it is not fair for us to be expected to make a considered response if we must deal with the Bill now.

Hon Peter Foss: I might have raised it at a later stage when I first tabled this Bill in the House in the hope of raising some comment. Unfortunately, most people do not do anything until a matter comes through as legislation.

Hon TOM HELM: I do not think the Attorney General will find that I am one of those people. I go to briefings and try to learn as much as I can because I realise my limitations.

The PRESIDENT: Members, let us return to the second reading debate.

Hon TOM HELM: The Government's response states that the Friendly Societies Act 1894 does not allow for merges with brethren bodies in other States. The benefit that the Government suggests will be brought about by this uniform legislation is to allow brethren bodies in other States to amalgamate with those in our State. It is a loss; it could be good or bad, but it is nothing that we want to go to the wall about. These matters must be taken into consideration. It is a bit silly to do this when people are not necessarily opposing what must be done just for the sake of opposing it. In fact, the Government must be aware that the Labor Party supports this legislation, as it has stated it on many occasions. There is no need to antagonise people by giving them information at the last minute and asking them to consider it and make their contribution to these matters.

The Government goes through the formulas that are presented in the Bill and states that one of the other benefits will be that people will be able to rely more upon friendly societies, which therefore could increase their revenue and be more competitive with insurance companies, banks and building societies. However, at the back of our minds we must still remember that those people who belong to the friendly society that is part of a chemist shop set up will find that it will no longer be able to do what it must do because it will cost too much.

Hon Peter Foss: That is dealt with.

Hon TOM HELM: That will be fine. I hope the Attorney General will be able to advise us what will happen if the Bills do not proceed - a matter which is contained in the response but is beyond my understanding. I do not resile from what I said as the author of a minority report on a three-man committee. I retained the respect of my colleagues, Hon Ray Halligan

and Hon Murray Nixon, and we are continuing to work together; there is no animosity. On the evidence I received from the witnesses before the committee, I could not accept the report presented to the House. I obviously respect the group of people who appointed me and who advised this House that I was an appropriate person to serve on the committee. I hope to continue to sit on the committee. My minority report and my concerns about the lack of information, the length of time provided for consideration of this matter and the unclear downside of this proposed uniform legislation must be recorded.

**HON PETER FOSS** (East Metropolitan - Attorney General) [8.58 pm]: I have been very keen to see that the State has some ability to contribute to uniform legislation. We have consistently refused to adopt template legislation in this State. When I was Minister for Fair Trading, rather than having uniform legislation I suggested we have legislation which is consistent; in other words, legislation which provides that the essential matters are there and that people can move from State to State without being more regulated in Western Australia. We can at least have a situation in Western Australia where we conform to the national norm.

To get people to contribute at an early stage, I have continuously given the House information about what is coming up. In June 1997 I tabled a proposed national friendly societies legislation, which was the Victorian Act. Before the Attorneys General had agreed to uniform legislation, Victoria passed its legislation, mainly because it was a very urgent matter. Everyone else had been expressing some concern at the length of the Victorian legislation.

Other speakers have said today that this is heavy legislation. It is. It is a heck of a lot of legislation for a very small industry in this State. It was certainly expressed by most Attorneys General, other than by Hon Jan Wade, that we could do with something slimmer. Nevertheless, Victoria went ahead and passed the measure and I tabled it in the House as soon as we decided to proceed with uniform legislation.

A problem is that we still have no mechanism in place to debate such legislation. No-one does anything about the matter until it comes to the House as legislation. The reason we move slowly with both Houses is that we have a process to undertake the examination of uniform legislation. A committee of the other House takes its role seriously in attempting to contribute to uniform legislation at an early stage. We had a reference to that committee from this House when we were not able to proceed to complete the second reading stage of the legislation. Both processes are important. However, we do not have a process which is sufficiently sharp and with a sense of imminence to prompt people to act.

Like Hon Helen Hodgson, I would have liked to contribute at an earlier stage. Dealing with this legislation was harder than usual such measures as Victoria passed it before we agreed to make it uniform. I do not know where Hon Tom Helm's suggestion comes from: It was not a matter of changing the legislation as it progressed to conform to people's views, as it went through the Victoria Parliament before we agreed to make it uniform. All other States have adopted the legislation as a template. Western Australia is the only State to have killed a few trees to pass legislation. We think it is important that people in Western Australia can obtain a copy of the measure if they wish to know our legislation. Members of Parliament can ask for a copy at the Bills and Papers Office.

Hon Helen Hodgson: One can get it through the web site, and not need to kill a tree!

Hon PETER FOSS: That is true. Importantly, many people do not have such access. The measure is here, and it is our legislation which we get to see. I remember that we did not have a copy of the original financial institutions legislation when we passed it. Most members did not have a copy of the Western Australian Bill, and those who had a copy did not have a copy of the Queensland Bill we were adopting. It was a pretty hopeless debate, which was not helped by the fact it was held at two or three o'clock in the morning. Those who experienced that debate are keen to see legislation when we consider uniform legislation. Therefore, we are doing well!

I would like a system whereby members can talk about uniform legislation. I have no problem with that at all. It is a matter of generating public interest. Members of Parliament cannot decide on a matter unless members of the public are equally interested in taking the legislation seriously. If we simply put a measure before a committee, often no-one turns up as people do not regard that committee to be part of the legislative process. However, when the Bill comes through, people say, "Hang on - it will be law next week!" We then start to hear from people. For various reasons, people do not act until they feel the last minute has arrived. A useful aspect of having two Houses of Parliament is that at least some people work out something is happening when a measure reaches the second House. They are then prepared to make a contribution.

I do not apologise for the time it has taken for this measure to progress through Parliament. Such legislation has been hammered through before, and rules have been implemented so people can have the opportunity to contribute.

Hon Tom Helm raised definite problems. However, the downside of not adopting this measure is great. This legislation will take friendly societies from being minor financial institutions - which they would be doomed to remain if not for this measure - to become something bigger and of benefit to the people of Western Australia. Friendly societies are a valid form of financial institution. They can play a bigger role in Western Australia, although not necessarily to the extent of the industry in Victoria.

The other concern was that the Wallis inquiry and the recommended changes are predicated on uniformity. Serious legal

questions would arise if Western Australia were not in that process. The same problems arose when the Australian Securities and Investments Commission legislation was before the House. Western Australia does not have the capacity to do something different. This process is predicated on friendly societies legislation being in place. It would be difficult and ill-advised for WA not to be part of that system.

I will know more accurately where we stand on the Wallis inquiry after a couple of meetings: The Standing Committee of Attorneys General is meeting in April, as are the responsible ministerial council and the Australian Financial Institutions Commission. This legislation is to be overseen by FINCOM, SCOAG is the main means by which Attorneys General discuss these issues and MINCO is dealing with the Wallis inquiry. When SCOAG meets in April, I will have a better idea of the timetable for this measure. My experience with the Commonwealth is that legislation bubbles away, and then, bang! the measure flies through at high speed. Time management in both Houses of the Commonwealth Parliament seems to be rigorous. Once a measure hits the legislative rail, it passes quickly to the stoppers at the other end. Things happen quickly once the timetable is announced.

I understand that a separate situation was to apply for non-benefit societies, but not for large and small societies. I will follow up that matter in the committee stage, when my adviser will be with me.

Question put and passed.

Bills read a second time.

### *Friendly Societies (Western Australia) Bill*

#### *Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

#### **Clause 1: Short title -**

Hon PETER FOSS: I confirm that non-benefit societies will be registered as companies under the corporations legislation. They will be required to comply with the National Health Act when giving medical benefits, but they will not be treated as friendly societies. Therefore, they will be able to give those benefits as a health benefit.

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

#### **Clauses 2 to 24 put and passed.**

#### **Appendix -**

#### **Clauses 1 to 446 put and passed.**

#### **Clause 447 -**

Hon HELEN HODGSON: As I indicated in the second reading debate, I am concerned about this clause. Under the scheme of the Act, an Australian Financial Institutions Commission appeals tribunal has the ability to review most of the decisions until one reaches this clause, under which it seems that most of them are excluded from review. I read the Bill to ascertain what these decisions are, and it refers to the temporary variation of standards, enforcement powers, special meetings and inquiries, the power to suspend operations of the friendly society, the power to appoint an administrator, levies, the power to control advertising, the power to declare permanent shares, the power to transfer the assets, I gather, to another society, all of the special investigations powers, and a broad intervention power. Although the action may be taken in the interests of the people investing in the friendly society, a number of those decisions have such broad-ranging implications that there should be the right to review. I am curious to know why the code has been drafted in such a way that it completely excludes the right of review in such broad-ranging circumstances.

Hon PETER FOSS: We must distinguish here between the right of review and the right of appeal. Review is a creature of statute, and it gives an opportunity for a decision to be made again by a review tribunal; in other words, to substitute its view and opinion for those of the body which has made the decision. The court has inherent power to review under its equitable jurisdiction because all corporation matters come under the equitable jurisdiction of the court. If somebody wishes to appeal on the basis that a decision was wrongly made, he can do that. However, some of these decisions need to be made urgently for the benefit of the members or because of the standards to be imposed in that area. It is not appropriate to confer a statutory right to re-decide a matter that has been decided. The difference between the two is that in those areas in which it does not matter whether the case is spun out and somebody else can reconsider and re-decide it de novo, they can stay in. In those cases in which it is necessary, either because it is important for that corporation or for the general standards and administration of the scheme, those should not be reviewable but only appealable. Obviously people are not encouraged to appeal. It is much harder to appeal than it is to merely review. For a review, one need only say, "Look at this. I think it should have been a different decision. Make a different decision."

Hon HELEN HODGSON: I note that the difference between review and appeal is the difference between the case going to the AFIC tribunal and to the courts. I am pleased that there is no intention to try to overturn the inherent jurisdiction of the courts. However, the court procedure is far more lengthy and time-consuming than that of a tribunal. Part 10 of the Bill deals with special investigations. Under clause 413 the investigator may require the officer of the friendly society to produce all documents of the society and other documents relating to affairs of the society as are in the custody or under the control of the officer. When I worked at the tax office there was a history of litigation over what happens when an investigator has those broad-ranging powers to seize documents, the circumstances in which they should be exercised, and the natural justice mechanisms that need to be followed, etc. To require a court process to be initiated to deal with some of those concerns is rather inappropriate; the tribunal process would be more appropriate in that situation. We are limiting the ease of review of administrative decisions by saying that that can be done only through court processes. Basically I am opposed to that principle.

Hon PETER FOSS: It must be understood that we are not limiting the power of review; we are creating a power of review which does not include these decisions. That is slightly different because the power of review is created by statute; it does not exist at law. It is a significant decision to take regulatory decision making out of the hands of the regulator, the person whose responsibility it is to answer for the health and quality of the regulation, and to put it in the hands of a tribunal which does not have to answer for anything. I am not sure that a court review is more expensive because the information that a lawyer receives is certainly no less for an administrative review than it is for a court review. However, it is certainly more difficult to prove a case in a court, and we say it should be. The inherent jurisdiction to control the use of powers under the Act exists. However, we are not conferring a right of review in those cases in which it has been decided that matters should move quickly and decisively to protect the health and general regulatory regime. The people who most frequently use the review procedure are the shonky ones who will try everything until the last possible moment to stop these things from happening. We can bet that they will be the ones who will go straight for a review. We are trying to give a broad power of review. The reason that attention is drawn to them in this way is that we have said that every other decision is reviewable. I suppose we could have put it the other way around and listed all the decisions that are reviewable, and it would have been impressive in its breadth. We have done it by listing all the decisions that are not reviewable. That highlights it more effectively and probably hides the breadth of the power of review. It is a very broad power of review. I believe the logic behind the decisions that will be excluded is good. We need to keep in mind that the idea behind this is to try to avoid severe losses to people who are caught in the system, particularly when fraud occurs, and it is usually necessary at that stage to move decisively.

**Clause put and passed.**

**Clauses 448 to 493 put and passed.**

**Schedule A put and passed.**

**Title put and passed.**

*Friendly Societies (Taxing) Bill*

*Committee*

Bill passed through Committee without debate.

**FRIENDLY SOCIETIES (WESTERN AUSTRALIA) BILL**

**FRIENDLY SOCIETIES (TAXING) BILL**

*Report*

Bills reported, without amendment, and the report adopted.

*Third Reading*

Bills read a third time, on motion by Hon Peter Foss (Attorney General), and passed.

**JURIES AMENDMENT BILL**

*Second Reading*

Resumed from 22 October 1998.

**HON N.D. GRIFFITHS** (East Metropolitan) [9.23 pm]: This Bill has the support of the Australian Labor Party, although not in every particular, and at the committee stage I will point out in greater detail where we disagree. This Bill seeks to modify matters with regard to the selection, election and supervision of juries and make substantial changes to jury confidentiality. It proposes to affect the operation of juries in a number of ways. Firstly, it proposes to increase the maximum age of jurors from 65 to 70 years, for the quite proper reason of increasing the participation in the justice system

of persons aged between 65 and 70 years who have great experience of life and are in a position to contribute. It should be noted that those persons will be given an automatic right to be excluded from jury service and will not need to give any reasons.

The Bill deals also with the issue of suspended prison sentences. Currently, persons who have served part of a sentence of imprisonment are disqualified from serving on juries for a period of five years from the end of their sentence. No provision has been made until now for the disqualification of people who have been sentenced to a suspended prison sentence. The Sentencing Act introduced the notion of suspended prison sentences in its current form, and the Bill provides that persons who have been sentenced to a suspended prison sentence will be ineligible for jury service for a period of five years from the end of such a sentence.

The Bill deals also with the issue of peremptory challenges. Section 38 of the Juries Act provides that eight jurors may be challenged, except where there is a joint trial, and that the various co-accused may have six challenges. The Bill proposes to limit that to five challenges if the trial is to take place outside of the metropolitan area, and to three challenges if it is to take place in Perth. The right to challenge is very important. The Australian Labor Party is very mindful of the disparity of resources between the prosecution on the one hand and most defendants on the other. The first Director of Public Prosecutions in Western Australia, who has now moved on to other things, has said on more than one occasion that he holds all of the resources and that the resources of the State and of the prosecution are infinite. Frankly, the resources that are open to most accused persons are very few, and in a climate of declining legal aid resources, they are becoming even fewer. The Australian Labor Party believes that the current system with regard to peremptory challenges should remain, and it is determined to resist any attempt to diminish the right of an accused person to have a fair go in our criminal justice system.

I restate that the prosecution, notwithstanding what some ill-informed people in the media say, holds all the aces. For the most part, it calls experienced witnesses before the court to attest to matters of fact. The average accused person, particularly one who is innocent, is inexperienced and nervous. The prosecution has the benefit of well-rehearsed witnesses who have given evidence on many occasions - I refer here to police officers, and I am not criticising police officers in saying that - and of knowing that so-and-so has done something by way of a transgression in the past. I reiterate: The prosecution holds all the aces and has so much going for it in our criminal justice system that to restrict the number of challenges in the way that is proposed is to our mind inappropriate. If that is to occur, further consideration should be given to it. I will not go to particularities, but to drop the number of jurors from eight to five in the country and, more to the point, eight to three in the city is just untenable. It will provide a real risk of a radical transformation of how the results of trials are effected in Western Australia. In fact, it will take from the system that degree of participation to which accused people are entitled, albeit in a negative way, by challenging somebody's right to participate in that jury.

The Bill proposes to provide for what may be a more efficient system of updating the jurors book, and that is welcome. I note the proposition that the right on the part of the Crown to stand aside jurors is to be disposed of. I suggest that the Attorney General give some consideration to that, noting the view of the Australian Labor Party on peremptory challenges. I do not know the view of the other parties on those matters, but no doubt, in due course, they will let them be known. Something may need to be done in the committee stage, depending on what happens to a particular clause, but I will not go into that now. The Bill deals with the sheriff having a capacity to use a computer for jury selection, and that is a fair enough.

Most of the Bill deals with the issue of jury confidentiality. The proposed method is to create a number of offences and then to provide for exceptions; that is, certain areas to do with jury confidentiality give rise to prohibitions and then exceptions are listed. The proposals in the Bill are an improvement. They differ from what has been proposed by the Australian, as distinct from the state, Law Reform Commission in a number of particulars; however, I note that this change is an improvement. Let us see how it works and then build on that.

The exceptions for the most part are pretty unexceptional and quite appropriate. The prohibitions on protected information, which is defined, on not soliciting or obtaining protected information, on publication and on certain areas of disclosure are properly the subject of regulation. If needed, any further comment on those matters can be dealt with in the committee stage. I conclude by reiterating that the Australian Labor Party supports the Bill. I have noted one area about which we have concerns.

**HON GIZ WATSON** (North Metropolitan) [9.33 pm]: The objective of the Bill is to enhance the operation of jury system. It is the key issue. We must make a decision whether the reasonable objective of increasing the efficiency of the jury system and the courts is balanced with due procedural and justice considerations. I refer to the increase in the age limit of persons for eligibility for service as jurors from 65 to 70 years. I do not oppose that, but I am interested in the response of the Attorney General as to where that initiative has come from. On balance, allowing people over 65 years to be eligible to serve on juries is a reasonable proposition. My only concern relates to the rate of change in our community, our society, over the past 50 years. There is a huge discrepancy between how life is now and how it was 50 years ago. Many people aged 70-plus years of age are coming from quite a difficult world view than that which younger people hold today. I am not saying that should make the older members of our society ineligible to be on a jury; I am just pointing out that potentially -

Hon Peter Foss: This is the national year of seniors.

Hon GIZ WATSON: That is why I have come down, on balance, in support of this initiative and to acknowledge that people can excuse themselves from jury duty without having to provide a reason for that.

Hon Derrick Tomlinson interjected.

Hon GIZ WATSON: I am simply raising the issue that that might be a matter to consider. The amendment covering jury integrity is reasonable. People with suspended sentences should not be eligible to serve as jurors. The confidentiality of deliberations is also a reasonable proposition, as is jury selection by computer. That is a reasonable procedural change to streamline the operation of the jury system. I share the reservations of Hon Nick Griffiths relating to peremptory challenges and I certainly share his concerns in terms of country towns. My experience of being called up for jury service in Albany was interesting. On that occasion almost the full quota of jurors was rejected before the jury was selected. That is probably not unusual in some country cases.

Hon Peter Foss: The Minister for Police was not acting for one of the parties, was he?

Hon GIZ WATSON: The defence lawyer on that occasion is now the Minister for Police. I might add, he did not select me! Therefore, I share the concerns raised by Hon Nick Griffiths.

I am also interested to hear if any amendments are proposed to the Bill and I will consider the arguments if amendments are presented to us. With those reservations and comments, the Greens (WA) support the Bill. However, I retain the option of supporting any amendments that might be presented.

**HON HELEN HODGSON** (North Metropolitan) [9.41 pm]: After having looked at the various measures in this Bill, the Australian Democrats on the whole support it but again with a reservation in the area of peremptory challenges. The whole jury system is one that we must do our best to maintain, and we must maintain its integrity. Basically, if people commit a crime against society, it should be society that decides whether they have in fact committed a crime and they should be tried by a jury of their peers. On the whole, the amendments put forward today do not interfere with that basic premise and are aimed at streamlining the jury system. None of them are controversial in their own right except for perhaps the one on peremptory challenges. The aim is to ensure a more efficient selection and notification process.

The first amendment referred to by Hon Giz Watson relates to the upper age limit of citizens entitled to sit on juries. By raising the age to 70 we acknowledge that there are people between the ages of 65 and 70 who are still capable and willing to serve society by sitting on a jury. However, at the same time we must acknowledge that there are people at that age who have retired from their business or professional career and have decided that they want to spend their time in a certain way. They may have minor health matters, do not feel capable of spending time on a jury or may believe that they are too out of touch with what is occurring these days. The Australian Democrats accept that if they are between the ages of 65 and 70 years, they should be able to excuse themselves but should have the opportunity of participating if they so choose. Mature members of Western Australia have much to contribute with the experience that they have gained in their lives and they can help to make juries more representative of the cross-section of the whole community.

The second set of amendments concern the more efficient serving of notices to potential jurors by the use of computers and the electoral roll. In the past 12 months we made amendments to the Act for the selection of jurors by computer ballot. This Bill primarily refers to the way in which the computer selection should occur and the method by which the names should be selected from the electoral roll. Currently, computers can be used only in circuit courts, which does not include the Supreme Court. The proposed changes will allow the computer selection to apply also to Supreme Court trials. There are changes to the way in which the summons to attend for jury duty may be served so that delivery can be either in person, to the address in the jurors book or to the person's address on the Electoral Commissioner's roll. Again, given that the electoral roll is supposedly kept up to date by a program of regular door knocking, it is much better than the jurors book. Because of the regular surveying that occurs, it is probably one of the most accurate ways of recording a person's residential address. That is a proper change to be making.

The amendments that have caused the most discussion, both in legal circles and in this Chamber tonight, involve the issue of peremptory challenges during the selection process. The changes seek to limit challenges to three in the metropolitan area and five in regional areas. The second reading speech indicates that this is necessary because in rural areas there is a stronger likelihood of a potential juror knowing somebody associated with the trial - either the victim, the alleged perpetrator, the legal team or somebody in their family. That is borne out by the comments that Hon Giz Watson made earlier about her experience. However, many lawyers to whom I have spoken indicate that the same problem arises in the metropolitan area. Perth, let us face it, is still a relatively small city in population size. It has pockets of areas where people tend to know each other very well. For example, residents of Fremantle keep telling us that it is very much a village atmosphere in that area. Therefore, the chances of knowing somebody if one is called to a trial in Freo is probably greater than if one is called to the central Supreme Court. These issues must be taken into account. I have been told by lawyers working in the metropolitan area that it is not uncommon to find second and third cousins called to jury duty.

Hon Peter Foss: You can still exclude them.

Hon HELEN HODGSON: Yes, they can be excluded; however, the peremptory challenges are being limited by this legislation.

I agree with the reservations of Hon Nick Griffiths on whether this Bill will limit the rights of the defendant as opposed to the prosecutor. A Supplementary Notice Paper was issued in my name on Monday, 7 December. I suggested a compromise of five challenges for both metropolitan and non-metropolitan trials; however, I note that Hon Nick Griffiths has reservations about reducing it to that level. After listening to his comments, I re-read the Bill and I believe that deleting the clause will not deal with the situation he raised. The current situation is biased in favour of the prosecution because prosecutors for the Crown have peremptory challenges of eight jurors and the right to pray for an order to stand four jurors aside, whereas other parties to the criminal trial may challenge peremptorily eight jurors, except when there are more defendants than one and they increase to six. Therefore, a situation already exists where the system is biased in favour of the prosecution. My concern is that if we vote against this clause we will be maintaining an injustice in favour of the prosecution, as the legislation currently stands. My proposal would provide five challenges each, which is at least equal to the prosecution's challenges but not the number that exists currently. I ask Hon Nick Griffiths whether he intends to move an amendment to the clause or vote against the clause, because that will make a difference to the way in which the matter will proceed in the committee stage of the Bill.

Hon Peter Foss: This Bill proposes to take away the set asides.

Hon HELEN HODGSON: Yes, it takes away the set asides; however, it also reduces the number of challenges to three in the metropolitan area and five in regional areas.

Hon Peter Foss: It is not a quid pro quo.

Hon HELEN HODGSON: That is exactly what I am pointing out. If the matter were not addressed, there would still be the set asides, which is an inequity in favour of the prosecution. That is why I ask the Australian Labor Party if it intends to move an amendment, vote against it or accept the clause, because to simply vote against the proposed amendment will in fact perpetuate the injustice that exists. That is something we must address in the committee stage.

The last point I make refers to the new clause dealing with the confidentiality of jury deliberations and the identity of jurors. This will create offences to disclose, solicit, obtain or publish information that will identify or is likely to identify a person as being or having been a juror. There is an obvious reason for this clause. Fortunately, trials in Western Australia have not yet reached the stage that some trials have in the United States where it is not uncommon, from my watching the media coverage after a controversial trial, for the jurors to file out of the court and the media immediately to poll them as to which way each of them voted. As a result, the story about all the deliberations in the jury room are all over the first, second or third page of the print media within a couple of days. In Western Australia we have not yet gone quite down the path of some of the United States cases, but this is a measure to prevent us from reaching that point. The Bill provides some exceptions by which information may be disclosed and circumstances in which it will be lawful. It is important to protect not only the privacy of individuals on the jury but also some of the details of the case and the deliberations in the jury room.

Some issues should not be splashed all over the front page. A relevant issue is the appeal process. If a high-profile case has received considerable publicity in the jury deliberations, it will affect the impartiality of subsequent hearings necessary to determine whether there is a valid appeal. The Bill promotes a more efficient running of our court system while maintaining its integrity. In common with the Australian Labor Party and the Greens, we query the challenges. I am sure we will be able to resolve that in Committee. Generally, the Democrats support the principles behind most of the Bill.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [9.51 pm]: I will intrude into one discrete area about which I wrote to the Attorney General on 9 February. I raised with him an article in the *North West Telegraph* of 30 December last year which discussed a report indicating that Aboriginal people are under-represented on juries in Australia. That report was commissioned by the South Australian division of the state Department of Aboriginal Affairs to examine whether the composition of juries mattered in relation to Aboriginal people. One of the authors of the report, Dr Mark Israel, is reported to have said that Aboriginal people are less likely to feel that the justice system is legitimate if Aboriginal people do not play a role in the jury and sentencing side of the system.

Clearly that study examined the South Australian justice system. However, it seems most probable that the findings of that report would be replicated by any analysis of the Western Australian situation. As we well know, the WA Aboriginal population is over-represented in the judicial system and in our prisons. Obviously the under-representation of Aboriginal people on juries does not help this situation and could be a contributory factor to that statistic. I am not suggesting for a moment that Aboriginal jurors would be or should be any more sympathetic to Aboriginal defendants than Caucasian jurors would be sympathetic to Caucasian defendants. Essentially there is the proposition that Aboriginal jurors provide a broadening of the experience of juries, particularly in areas of Western Australia where Aboriginal people make up a significant proportion of the population and in turn make up a significant proportion of people appearing before the courts.

In the light of the report, I asked the Attorney General what consideration he has given to this issue and what steps he is proposing to take to ensure that under-representation of Aboriginal people in Western Australia's jury system is minimised. I point out the relevance of this issue to the Kimberley region where the recently released statistics by the Australian Bureau of Statistics for 1996 indicate the indigenous population for that region is now 51 per cent. A few days later I wrote to the Western Australian Electoral Commissioner, Dr Evans, and drew his attention to the same issue, particularly because, as we have been told, the jury book is drawn down by the electoral roll. I have been concerned about the fact that, increasingly, the electoral roll in Western Australia does not reflect the Aboriginal population of this State.

Since the federal coalition took office, it has dismantled the voter education program for Aboriginal people to promote electoral education and enrolment activity. Increasingly, the Aboriginal population is staying away from electoral enrolment. The Electoral Commissioner replies -

In respect of the Western Australian jury system, in April each year the Western Australian Electoral Commission provides the Sheriff's Office with a list of potential jurors for the Perth district and each of the eleven country jury districts. The jury lists are created in accordance with the provisions of the *Juries Act 1957*, and remain in force for a twelve-month period commencing on 1 July each year.

We are being told with this amendment that this situation would be altered insofar as the residential and postal addresses to which jury summonses could be sent would be upgraded with current information from the electoral roll. Dr Evans also says -

The number of potential jurors to be included in each district list is prescribed, as is the area from which the individuals are to be drawn, generally within a specified radius of the court house. Ineligible persons (for example, exempt occupations, Members of Parliament, Justices of the Peace, etc.) are purged from the pool of potential jurors. Finally, district jury lists are created by a computer-generated random selection from the electors comprising each district pool.

Clearly, the number of Aboriginal jurors should be proportional to their representation in the wider community. It is my understanding that in jury districts such as Derby or Kununurra, there are significant numbers of Aboriginal people issued with notices to attend jury service.

He refers to Aboriginal participation in the electoral system on the electoral roll and makes it clear that there is evidence to suggest that the level of under-enrolment among Aboriginal people is higher than in other sections of the community. He continues -

This is also the case with a number of other groups including people from non-English speaking backgrounds and people with disabilities.

That will obviously impact on the representation in the jury system of those people in the community. He lists some of the limited effort under the resources of the Electoral Commission aimed at promoting electoral enrolment activity.

That reality concerns me. Coupled with that reality is news that the Federal Government progressed through the federal Senate, I understand as recently as last week, a return to the process whereby in the future the electoral roll can be accessed only by claimants who are successful in securing witnesses to their claim cards in the old categories of justice of the peace, commissioner of declarations and those other restrictive categories that were included in the witnessing provisions, as members will recall, in controversial legislation and disputes over these legislative issues in this State from 1977 until about 1982.

A little while ago, Hon Simon O'Brien passed around the Chamber a newspaper piece from 21 February 1977 which interested everybody else in this House by virtue of the fact that it showed photographs and biographies of some of the previous members. The little piece that triggered my attention was the reference to the Kimberley seat at that time and the activities of the five Liberal lawyers sent to the Kimberley to prevent Aborigines from participating in the vote when Ernie Bridge first stood for Parliament. That in turn triggered a Court of Disputed Returns at which I supported people involved in the presentation of evidence and which overturned the result. A bitter campaign was waged over the remaining five years. This was to promote the participation of the Aboriginal people in the electoral process of the State, despite the opposition of the then coalition Government to this process. This attitude is being revisited by the Federal Government. It is re-establishing the demand that claimants must use justices of the peace and commissioner of declarations to be placed on the electoral roll.

Debate adjourned, pursuant to standing orders.

#### **ADJOURNMENT OF THE HOUSE**

**HON M.J. CRIDDLE** (Agricultural - Acting Leader of the House) [10.00 pm]: I move -

That the House do now adjourn.



*Regional Buying Compact - Adjournment Debate*

**HON TOM HELM** (Mining and Pastoral) [10.01 pm]: I bring to the attention of the House a question I asked during question time regarding the Department of Contract and Management Services' regional buying compact. This question was in some loose way connected to the debate in the urgency motion on attitudes to regional development. The Government was criticised for its lack of service provision, and for promises made, to the regions. I asked a question because my attention was drawn to a type of pea and thimble trick taking place - this is like chase the lady: "Now you see it - now you don't."

The interesting "Regional Buying Compact" was published in 1997 and promised many things to give a fair go to the bush. It followed the ALP philosophy of allowing the consideration of a regional tenderer which may be \$5 000 or \$10 000 higher than a tenderer from a non-regional source. We should congratulate the Government for, and welcome, that philosophy. A major difference has emerged which was brought to my attention by a number of contractors.

I was asked to attend a Chamber of Commerce and Industry meeting in Albany on this matter; namely, contracts being given out only in large amounts which are beyond the ability of smaller regional contractors. For example, hypothetically, if an extensive program were established in the north of the State to build shelters for schools, major capital expenditure would not be involved. It may be a contract for around \$10 000. If one were offering five of those school shelters contracts in a country town, they would be attractive for local industry which could compete reasonably well. However, if the shelters were all let in one contract, with five shelters for five schools at one price, the people one was trying to attract would be cut out. In the era of economic rationalism, some long-term advantage may accrue for the taxpayer in such an arrangement. Such a policy is one reason for our country towns suffering badly. Of course, one cannot blame the State Government to any great extent for banks leaving country towns, or for the withdrawal of commonwealth services -

Hon Barry House: It never stopped you before!

Hon TOM HELM: That is rather an insult! I have never done that without evidence. No matter how hard I try, I cannot blame the State Government for banks leaving country towns. Nevertheless, privatisation, contracting out and all such policies have affected our towns greatly. We must recognise the problems faced in country towns. This Government expressed a view in 1997 that it would address that problem. The Labor Party philosophy was similar, but was not as good as the one proposed by the coalition Government in 1997. That "Regional Buying Compact" also outlined provision to review the affects of the Government's policy and philosophy in the regions as these matters progressed. In the accompanying press release, the minister suggested that the need for a slice of the \$4b budget for goods, services and construction to be spent in regional areas must be recognised. The release read -

Certainly, the aim of the new compact is to ensure we generate positive benefits for all regional areas.

That is a reasonable aim. It continues -

The policy would also be monitored closely during the next 12 months to determine if a greater proportion of government work was being awarded to regional suppliers.

I am not aware of any evidence to suggest that that monitoring has taken place, or that benefits have accrued from this change in policy. It is a good policy. Undoubtedly, if it were put in place, benefit would arise which could be easily monitored and recorded. This could be used to promote the Government's philosophy in this area. Contractors are advising me that they are being placed out of the market. People like BGC Pty Ltd and the Geraldton Building Co Pty Ltd receive the work. I would rather have the latter company than Buckeridge's mob. However, those are examples of firms which can handle the more expensive contracts comprising a bundle of smaller contracts.

A diminution of local content should not occur. I raise the matter in Parliament because contractors are reluctant to whinge about unfair practices by this Government. If one continues to tender for work, one repeatedly meets the same people. If one is seen to be a whinger and not complying with set conditions, one will not receive any more work in the government field. I am anxious not to chase up the individual cases of contractors who feel they have been treated unfairly, particularly those from the regions. In fact, they encouraged me not to do that. I do not intend to jeopardise their future by relaying individual cases of this process.

I am sorry to keep the House to explain a difficult and complicated matter. It is a pea and thimble trick: "Now you see it - now you don't."

Question put and passed.

*House adjourned at 10.09 pm*

---

**QUESTIONS ON NOTICE**

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

**GOVERNMENT DEPARTMENTS AND AGENCIES**

*Expenditure Estimates*

35. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

Will the Minister for Housing provide for each agency and department, within the Minister's portfolio responsibilities, the estimated current expenditure levels to date, and over the forward estimate period of the current budget statements for:

- (a) testing both equipment and procedures for Millennium Bug policy compliance;
- (b) replacing or purchasing equipment as part of agency strategies to avoid or control the Millennium Bug issue; and
- (c) adjusting or developing new procedures for the delivery of existing services?

Hon MAX EVANS replied:

- (a)-(c) Current expenditure levels \$3 714 017 and estimated expenditure is \$2 850 000.

**WESTERN POWER GRANT**

186. Hon MARK NEVILL to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) In reference to answer to question on notice 23 asked in the Estimates Committee hearing, what was the reason for the failure to confirm the grant to Western Power of \$70 653?
- (2) Has the grant now been confirmed?
- (3) For what purposes was the grant made?
- (4) Were those purposes achieved?

Hon M.J. CRIDDLE replied:

- (1) A grant of \$603,180 was issued to Western Power on 24 March 1997 for essential services - repairs and maintenance. The last statement provided by Western Power as at 4 September 1997 showed a balance of \$70,653. An income and expenditure statement accounting for the balance has been requested from Western Power.
- (2) This grant will be acquitted upon receipt of financial statements.
- (3) The purpose of this grant was to fund the cost of providing a repair and maintenance service to power supplies in selected remote communities.
- (4) The income and expenditure statement provided shows that work had been carried out as per the budget totalling \$532,527.00.

**INTERNATIONAL INVESTIGATION AGENCY**

318. Hon TOM HELM to the Minister for Transport:

- (1) Can the Minister explain why no search or checking was undertaken into the credentials and licensing of the International Investigations Agency Pty Ltd ("IIA") until January 12, 1998 when they had already been appointed by the Commissioner for Main Roads?
- (2) Can the Minister confirm that the question of the status of IIA and its personnel as licensed investigators, was not checked until queries were made of the department by a journalist?

Hon M.J. CRIDDLE replied:

- (1)-(2) The Commissioner of Main Roads has advised that the engagement of International Investigations Agency (IIA) was undertaken as a matter of urgency in order to commence a timely investigation into the alleged leaking of an internal document to parties external to Main Roads. Prior to their engagement, the proprietors of IIA were interviewed by relevant internal officers to ascertain their expertise and experience. In deciding to engage IIA, consideration was given to reference details provided at that interview. However, as there was a need to commence

the investigation immediately, no formal searching or checking into the credentials of IIA was undertaken at that time.

#### WATER RESOURCES, YALGOO

331. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

- (1) What is the range of nitrate analysis (in parts per million) of the Yalgoo town water supply?
- (2) What is the minimum level of nitrates (in parts per million) recommended for water supplies for human consumption in Yalgoo?

Hon MAX EVANS replied:

- (1) Since March 1988 the concentration of nitrate in the Yalgoo town water supply has ranged from 77-98 mg/L (ppm).
- (2) The 1996 Australian Drinking Water Guidelines state:

Based on health considerations, the guideline value of 50mg-NO<sub>3</sub>/L (as nitrate) has been set to protect bottle-fed infants under 3 months of age. Up to 100mg-NO<sub>3</sub>/L can be safely consumed by adults and children over 3 months of age.

Where a water supply has between 50 and 100mg-NO<sub>3</sub>/L nitrate, active measures are required to ensure that those caring for infants are aware of the need to use alternative water sources in making up bottle feeds for babies under 3 months of age.

The Water Corporation has an exemption from the Health Department for compliance with the nitrate guidelines at Yalgoo. The Health Department advises nursing mothers to use alternative water sources when making up bottle feed for babies under 3 months of age.

#### WATER RESOURCES, MULAN COMMUNITY

333. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

Further to question on notice 984 of November 5, 1996 -

- (1) What action has been taken?
- (2) What was the cost?
- (3) What further work is required?

Hon MAX EVANS replied:

- (1) Four bores were drilled in December 1996. Bores 2/96, 3/96 and 4/96 were abandoned because of high salinity. Bore 1/96 with a TDS of 940 mg/l and a chloride level of 245 mg/l met drinking water quality guidelines and was suitable for connection to the scheme. Tank refurbishment was completed by March 1997. A detailed scheme review was completed in July 1997.
- (2)

Investigative Drilling	\$32.5K
Tank Refurbishment	\$33K
- (3) The further works were detailed in the scheme review. The Water Corporation had sought funds within the ATSI program, but at the time responsibility for the infrastructure program was transferred to Ove Arup and Partners, the Contracted State Program Manager.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Land Sales over \$500 000*

363. Hon MARK NEVILL to the Leader of the House representing the Government:

Can the Government provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by Government departments and agencies in their portfolio areas, since January 1, 1993, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;

- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

**The answer was tabled. [See paper No 833.]**

*PINUS RADIATA PLANTINGS*

384. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

On page 20 of the Department of Conservation and Land Management's Annual Report for 1997/98, it states that "1 2138 hectares of P.radiata have been replanted". Would the Minister for the Environment provide figures for the following -

- (a) how many of these hectares were planted in the winter of 1997; and
- (b) how many were planted in the winter of 1998?

Hon MAX EVANS replied:

- (a)-(b) The tree planting season straddles two financial year reporting periods. Because of the large areas involved, it is not possible to report accurately on work in progress as at 30 June each year. It has been the practice for several years to report the areas of trees planted for the calendar year preceding the end of the financial year covered by the report. That is, in the 1997/98 report, areas planted in winter 1997 are reported. Thus, all of the planting areas shown in the 1997/98 annual report refer to areas planted in the winter of 1997. I will ensure that this is made clear in subsequent departmental annual reports.

*COCKBURN SOUND INDUSTRIAL DEVELOPMENTS - ENVIRONMENTAL ASSESSMENT*

499. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

The Department of Commerce and Trade *Jervoise Bay Newsletter* dated July 1998 states that a new harbour design has been referred to the Environmental Protection Authority ("EPA") -

- (1) Is the Minister for the Environment aware of the significant community concern over the proposed developments in Cockburn Sound?
- (2) When will the design and environmental details of the new harbour proposal be released to the public for assessment and comment?
- (3) Will the Minister release the findings of the EPA's Strategic Environmental Assessment in time for the public to use them in the environmental assessment?
- (4) Will the Minister release the proceedings of the series of workshops the EPA held on proposed industrial developments within Cockburn Sound in time for the public to use them in the environmental assessment?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The Department of Commerce and Trade's (DCT's) newsletter dated July 1998 outlined the major design changes made to the proposal. Additional environmental information was provided to the EPA by DCT in its Response to Submissions on the Public Environmental Review. This was released to the public at the same time as the EPA's assessment report on the proposal.
- (3) The EPA's Strategic Environmental Advice on the Marine Environment of Cockburn Sound was released at the same time as the EPA's assessment report on DCT's Industrial Infrastructure and Harbour Development, Jervoise Bay. The EPA held a public meeting at the Cockburn Civic Centre on 5 November 1998 to present the findings of the Strategic Environmental Advice.
- (4) The report of the workshops is included as Appendix 1 of the EPA's Strategic Assessment Advice on the Marine Environment of Cockburn Sound.

*CONSULTANTS - CAPITAL CITY COMMITTEE*

549. Hon KEN TRAVERS to the Leader of the House representing the Premier:

In reference to the "Report on Consultants Engaged by Government for the Six Months ended 31 December 1997", page 1, under the heading "Capital City Committee", what was the hourly fee paid to the following companies and individuals for the consultancy contract -

- (a) Evans & Peck Management; and
- (b) Forbes & Fitzhardinge Woodland?

Hon N.F. MOORE replied:

- (a) The contract did not provide for an hourly fee. The contract cost was \$4 975.00.
- (b) The contract did not provide for an hourly fee. The contract cost was \$22 761.70.

#### BGC CONSTRUCTION AND HOMESTYLE PTY LTD - DETAILS OF CONTRACTS

571. Hon KEN TRAVERS to the Minister for Transport:

- (1) Have any agencies or departments under the Minister's control awarded any contracts to BGC Construction or Homestyle Pty Ltd since July 1, 1996?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the contract number;
  - (b) the date it was awarded;
  - (c) the project the contract was awarded for;
  - (d) the cost of the contract;
  - (e) if the contract has been completed, the final cost of the contract; and
  - (f) the names of any other companies who tendered for the contract?

Hon M.J. CRIDDLE replied:

Department of Transport

- (1) Yes. Contract awarded to BGC Construction.
- (2)
  - (a) Contract No E178.
  - (b) 3 July 1998.
  - (c) Exmouth Boat Harbour - Design and Construction of Wastewater Treatment Plant.
  - (d) \$56 695.00
  - (e) Not yet completed.
  - (f) Andrew Brown & Co and ACME.

#### ENVIRONMENT, FUNDING

622. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

- (1) What has the combined Environmental Protection Authority ("EPA") and the Department of Environment Protection ("DEP") funding appropriation been for the years -
  - (a) 1990/91;
  - (b) 1991/92;
  - (c) 1992/93;
  - (d) 1993/94;
  - (e) 1994/95;
  - (f) 1995/96;
  - (g) 1996/97;
  - (h) 1997/98; and
  - (i) 1998/99?
- (2) How many officers were/are employed in the DEP in the same years?
- (3) How many officers left the DEP during each of the same years?

Hon MAX EVANS replied:

- (1) The combined funding appropriation for the Environmental Protection Authority (EPA) and the Department of Environmental Protection (DEP) for the following years, has been:

	Recurrent (\$,000s)	Capital (\$,000s)	Supplementary Funding (\$,000s)
(a) 1990/91	8733	-	134
(b) 1991/92	8389	-	306
(c) 1992/93	10929	-	-
(d) 1993/94	10656	136	332
(e) 1994/95	12612	2996	185
(f) 1995/96	12990	3058	734
(g) 1996/97	16467	1213	1985
(h) 1997/98	16747	799	1338
(i) 1998/99	24597	1059	-

Source document for Recurrent and Capital figures - Treasury Budget Papers. Source for Supplementary Funding figures - 1990/91 to 1996/97, verbal from Treasury Budget Management Division. 1997/98 - DEP submission.

(2) The number of staff employed by the EPA and DEP for the corresponding years, are as follows:

(a)	1990/91	151	
(b)	1991/92	142	
(c)	1992/93	141	(approved full-time equivalents)
(d)	1993/94	144	
(e)	1994/95	175	)
(f)	1995/96	173	)
(g)	1996/97	224	) actual staff employed
(h)	1997/98	235	)
(i)	1998/99	238	)

Source for (a) to (d) - End of year reports to Public Service Commission; this figure is the average number of staff employed during the year. Source for (e) to (i) - End of year payroll reports, representing the number of staff actually employed on the last pay date of the financial year.

(3) The numbers of officers who have left the DEP since 1990/91 are listed below. Due to gaps in available data from the old Personnel Management Information System, unfortunately it is not possible to retrieve information about staff departures, for 1992/93 and 1993/94.

(a)	1990/91	14	
(b)	1991/92	10	
(c)	1992/93	(not available)	
(d)	1993/94	(not available)	
(e)	1994/95	12	
(f)	1995/96	17	
(g)	1996/97	19 cessations	(plus 13 fixed term contract expiry)
(h)	1997/98	27 cessations	(plus 17 fixed term contract expiry)
(i)	1998/99	7 cessations (to 20/11/98)	(plus 5 fixed term contract expiry)

Source for (a) to (d) - End of year reports to Public Service Commission. Source for (e) to (h) - End of year payroll reports.

DEPARTMENT OF ENVIRONMENTAL PROTECTION, STAFF

629. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

Further to question on notice 407 of October 15, 1998 -

- (1) Given that there was a reduction in funding for the Department of Environmental Protection (“DEP”) between the years 1996/97 and 1997/98 while there was also an increase in full-time staff, where were cost efficiencies or cutbacks made to enable this funding reduction to take place?
- (2) Of the 18 (average full-time equivalent) extra personnel employed by the DEP between 1996/97 and 1997/98, what occupations were they employed in?

Hon MAX EVANS replied:

- (1) The difference in funding between 1996/97 and 1997/98 reflects the department’s productivity gains which were achieved in response to the Government’s targets. The resultant cost efficiencies were spread across each of the agency’s outputs. It should be noted that the net effect on the department’s bottom line funding was a marginal impact of \$140,000.
- (2) The 18 additional personnel employed by the DEP between 1996/97 and 1997/98 were employed in the following positions:

	FTE
Administrative Officer (Pollution Prevention)	1.0
Pollution Report Officer (Pollution Prevention)	1.0
Administrative Assistant (Pollution Prevention)	0.4
(Part-time employees increasing their hours worked - Pollution Prevention)	0.6
Assistant Director (Greenhouse)	1.0
Assistant Director (Contracted Environmental Impact Assessments)	1.0
Administrative Assistant (Environmental Systems)	1.0
Environmental Officer (Air Quality)	1.0

Assistant Director (Air Quality Management)	1.0
Manager (Catchment Management)	1.0
Customer Service Officer (Waste Management)	1.0
2 Inspectors (Liquid Waste)	2.0
Manager (Chemicals Hazardous Waste)	1.0
Manager (Advisory Council on Waste Management)	1.0
Co-ordinator (Waste Management Education Programs)	1.0
2 Administrative Officers (EPA Support)	2.0
Senior Budget Officer	1.0
Total	18.0

ENVIRONMENTAL PROTECTION AUTHORITY, DRAFT BULLETIN 98

631. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) How many drafts of the Environmental Protection Authority's Bulletin 908, Industrial Infrastructure and Harbour Development, Jervoise Bay were produced prior to the final copy being made public?
- (2) Will the Minister for the Environment table a copy of each of these drafts?

Hon MAX EVANS replied:

- (1) The Environmental Protection Authority does not provide draft advice and its final advice was submitted to me in accordance with Section 44(3) of the Environmental Protection Act. The report and recommendations (Bulletin 908) submitted by the EPA to me as the Minister for the Environment, was released to the public on 30 October 1998.
- (2) [See paper No 837.]

FINA WORLD SWIMMING CHAMPIONSHIPS

660. Hon KEN TRAVERS to the Minister for Tourism:

With regards to the 8th FINA World Swimming Championships held in Perth in January of this year -

How much funding was contributed by -

- (a) the State Government;
- (b) the Federal Government; and
- (c) the private sector?

Hon N.F. MOORE replied:

- (a) \$5,252,942 which included \$2,508,119 to upgrade and refurbish Challenge Stadium.
- (b) \$260,000.
- (c) Technically no private sector funding as such was received. However a number of commercial organisations provided sponsorships in cash or in-kind or purchased rights or paid commissions. The total contribution was \$14,734,337.

GOVERNMENT CONTRACTS

680. Hon KEN TRAVERS to the Minister for Transport:

- (1) Have any agencies or departments under the Minister's control awarded any contracts to the following companies since July 1, 1996 -
  - (a) Malavoca Pty Ltd; and
  - (b) Hanscom Holdings?
- (2) If yes, can the Minister provide the following details of those contracts -
  - (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon M.J. CRIDDLE replied:

Main Roads Western Australia

- (1) (a) Yes.
- (b) No.
- (2) (a) Malavoca.
- (b) 378/96.
- (c) 23 January 1997.
- (d) Intersection modification on Great Eastern Highway - Lyle Street, Redcliffe.
- (e) \$232 535.
- (f) \$241 212 estimated.
- (g) CSR Limited, Highway Construction Pty Ltd (Public Tender).

And

- (2) (a) Malavoca.
- (b) Plant Hire 030769.
- (c) 11 July 1997.
- (d) Emergency repairs to road north of Nanutarra Bridge on the North West Coastal Highway.
- (e) Hourly rate of \$220.
- (f) \$33 360.
- (g) NRW Pty Ltd (two contractors invited to tender).

And

- (2) (a) Malavoca.
- (b) Plant Hire GSR 1332 Rel2.
- (c) 7 March 1998.
- (d) Cut to fill pit rehabilitation.
- (e) Hourly rate \$225, estimate \$28 000.
- (f) \$20 915.
- (g) Carbone Brothers, G & J Kelly (three contractors invited to tender).

And

- (2) (a) Malavoca.
- (b) Plant Hire SWR 3232.
- (c) 24 July 1998.
- (d) Cut to fill road base.
- (e) Hourly rate of \$195, estimate \$17 140.
- (f) \$34 495.
- (g) Goldfields Contracting (10 contractors invited to tender).

#### OROYA TAILINGS DAM

685. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated January 24, 1994 departmental reference L14/67 (72409) signed by Andrew Baker addressed to Mr S Kean -

- (1) Is the statement and response "1c) This has been done twice. Firstly, 28 January 1993 then again on 6 December 1993" truthful and correct?
- (2) If not, can the Minister for the Environment explain why?
- (3) Is the statement "9) There have been two inspections of the Oroya facility in the last 12 months and on neither occasion did officers of this department see evidence of water seeping through the walls of the tailings dam" truthful and correct?
- (4) If not, can the Minister explain why?

Hon MAX EVANS replied:

- (1) The Minister is advised by the Department of Environmental Protection (DEP) that when Mr Andrew Baker made this statement and response he believed it to be truthful and correct.
- (2) Not applicable.
- (3) The Minister is advised by the DEP that when Mr Baker made this statement and response he believed it to be truthful and correct.
- (4) Not applicable.



## OROYA TAILINGS DAM

686. Hon TOM HELM to the Minister for Finance representing the Minister for the Environment:

I refer to a letter dated December 13, 1993 departmental reference L14/67 (71004) signed by Andrew Baker and addressed to Mr S Kean -

- (1) Is the statement and response "My inspection was undertaken on a day following two days of reasonably heavy rain in the area and surface water was seen to be lying in many areas. This surface water could not be construed to be an outbreak of groundwater or seepage" truthful and correct?
- (2) If not, can the Minister for the Environment explain why?
- (3) Is the statement "Both videos provided by your company indicate that they were taken either during or after periods of rainfall in the area" truthful and correct
- (4) If not, can the Minister explain why?
- (5) Can the Minister advise why the officer considered "it unlikely that there is a breach of the Oroya tailings dam wall"?
- (6) If not, can the Minister explain why?

Hon MAX EVANS replied:

- (1) The Minister is advised by the Department of Environmental Protection (DEP) that when Mr Baker made the statement and response that it was correct and a true indication of what he saw.
- (2) Not applicable.
- (3) The Minister is advised by the DEP that when Mr Baker made this statement he believed it to be truthful and correct.
- (4) Not applicable.
- (5) The Minister is advised by the DEP that the officer observed the location where alleged leakage through the wall of the Oroya tailings dam, with constant flow through a rock wall that had been placed as waste, was occurring. The general geological drainage in the immediate area between the Oroya tailings dam and the Goldconda tailings dam was from the south to the north with a generally easterly preferred flow. The waste material through which the water flow was observed by the officer to be occurring was located between the two tailings dams and due to its high transmissivity relative to the two dam walls, was considered to provide a preferred flow channel for water draining from the western and north western sides of the tailings facility, which then presented itself to view at that location.
- (6) Not applicable.

## WESTERN POWER, MR WARNER'S FEE

687. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

In relation to Mr Ian Warner's directorship of the board of Western Power Corporation -

- (1) What is the purpose of Mr Warner's instruction that his fee be paid to Jackson McDonald?
- (2) When were these instructions provided by Mr Warner?
- (3) How much has been paid to Jackson McDonald since Mr Warner's appointment as a result of these instructions?
- (4) Is tax deducted from the fee before it is paid to Mr Warner?
- (5) If not, why not?

Hon N.F. MOORE replied:

The hon member has been provided with answers to these same issues raised in his question No 537. Mr Warner is issued with a Group Certificate as is done for all directors and each clears their liability with the Australian Taxation Office.

## TOURISM COMMISSION, CHIEF EXECUTIVE OFFICER'S REMUNERATION

703. Hon KEN TRAVERS to the Minister for Tourism:

- (1) What was the actual salary paid to the CEO of the Western Australian Tourism Commission for 1998?

- (2) What other benefits or entitlements will the CEO receive in 1998?
- (3) What is the total remuneration package for the CEO in 1998
- (4) Is the CEO entitled to use a corporate credit card?
- (5) If yes to (4) above, what has been the total credit provided for this year?

Hon N.F. MOORE replied:

- (1) For the financial year ended 30 June 1998, the salary paid to the CEO of the Western Australian Tourism Commission was \$167,652.
- (2) During the year ended 30 June 1998, the CEO received the following benefits as per his contract of employment:
  - . Motor vehicle valued at \$1,732 per annum and approved by the Office of the Auditor General under Treasurer's Instruction 952 for Annual Report purposes.
  - . Telephone allowance - cost to WATC \$250 per annum.
- (3) See answer to (1) and (2)
- (4) The CEO is entitled to use a corporate credit card but does not do so.
- (5) Not applicable.

#### EDUCATION SUPPORT SCHOOLS

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

- (1) How many Education Support Schools are there in Western Australia and where are they located?
- (2) Which schools receive recurrent funding from the Disability Services Commission for -
  - (a) physiotherapy services;
  - (b) occupational therapy services; and
  - (c) speech therapy services,as a part of the school's normal budget?
- (3) Which schools receive recurrent funding from the Health Department of Western Australia for -
  - (a) physiotherapy services;
  - (b) occupational therapy services; and
  - (c) speech therapy services,as a part of the school's normal budget?
- (4) Which schools receive funding for -
  - (a) physiotherapy services;
  - (b) occupational therapy services; and
  - (c) speech therapy services,but are required to apply for the grant each year?
- (5) What is the reason for the disparity of funding for physiotherapy, occupational therapy and speech therapy services between city and country Education Support Schools?
- (6) What action will the Government take to ensure that all schools are treated equally and equitably?

710. Hon N.F. MOORE replied:

- (1) Education Support Schools

There are 13 education support schools in Western Australia.

Education Support School	Suburb
Buckland Hill	Mosman Park
Burbridge School	Koondoola
Carson Street School	East Victoria Park
Castlereagh School	Willetton
College Row School	Bunbury
Durham Road School	Bayswater
Gladys Newton School	Balga

Holland Street School  
 Kenwick School  
 Kim Beazley School  
 Malibu School  
 South Kensington School  
 Sir David Brand School

Geraldton  
 Kenwick  
 White Gum Valley  
 Rockingham  
 South Kensington  
 Coolbinia

#### Primary Education Support Centres

There are 30 primary education support centres in Western Australia.

Primary Education Support Centre	Suburb
Avonvale	Northam
Beldon	Beldon
Canning Vale	Canning Vale
Casia	Hedland
Cloverdale	Cloverdale
Creaney	Creaney
East Victoria Park	East Victoria Park
Gwynne Park	Armadale
Jandakot	Jandakot
Joondalup	Joondalup
Kalamunda	Kalamunda
Karratha	Karratha
Koorana	Koorana
Koorilla	Koorilla
Langford	Langford
Leda	Leda
Maddington	Maddington
Merriwa	Merriwa
Montrose	Montrose
Mount Hawthorn	Mount Hawthorn
North Beach	North Beach
North Mandurah	North Mandurah
O'Connor	O'Connor
Riverside	Riverside
Rockingham	Rockingham
South Ballajura	South Ballajura
South Bunbury	South Bunbury
Spencer Park	Albany
Westminister	Westminster
Wirrabirra	Wirrabirra

#### Secondary Education Support Centres

There are 12 secondary education support centres in Western Australia.

Secondary Education Support Centre	Suburb
Albany	Albany
Armadale	Armadale
Belridge	Belridge
Cannington	Cannington
Cyril Jackson	Ashfield
Eastern Goldfields	Kalgoorlie
Kalamunda	Kalamunda
Leeming	Leeming
Mandurah	Mandurah
Mirrabooka	Mirrabooka
Newton Moore	Bunbury
Rockingham	Rockingham

(2) The Minister for Disability Services has advised -

None. The Disability Services Commission does not directly fund schools. However, it does fund three non-government agencies to provide these services. Therapy Focus is funded to provide therapy services to children attending full-time pre-primary at education support schools and children in years 1 to 12 in government and non-government schools in the metropolitan area. Rocky Bay is funded to provide therapy services to children attending schools within the Peel education district. The Cerebral Palsy Association is funded to provide therapy services to its clients in schools.

(3) The Minister for Health has advised -

(a) The College Row School in Bunbury receives recurrent funding from the Health Department of Western Australia for physiotherapy services.

- (b) No schools receive recurrent funding from the Health Department of Western Australia for occupational therapy services.
- (c) No schools receive recurrent funding from the Health Department of Western Australia for speech therapy services.
- (4) None.
- (5)-(6) There is no funding disparity between city and country education support schools and centres for these services because location is not a factor. I am advised that the Health Department does not generally fund physiotherapy, occupational therapy and speech therapy services for education support schools. The recurrent funding to the College Row School in Bunbury for physiotherapy services is an historic anomaly. The Disability Services Commission will continue to fund therapy services for school children with disabilities on a population and individual basis. Distance is considered in the allocation of the school grant by the Education Department, with country facilities allocated additional funding according to their isolation.

#### WESTERN POWER, BOARD MEMBERS' REMUNERATION

715. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

In regards to the Western Power Corporation Board, how much was paid to the following members in the last two financial years -

- (a) Mrs Carol Devitt;  
 (b) Mr Malcolm MacPherson;  
 (c) Mr Daniel Smetana;  
 (d) Mr Hector Stebbins; and  
 (e) Mr Ian Warner?

Hon N.F. MOORE replied:

The honourable member may not be aware that Western Power reports this information in its annual report. The amount paid to directors in the last two financial years were:

- (a) \$ 65 449  
 (b) \$152 710  
 (c) \$ 65 411  
 (d) \$ 55 626  
 (e) \$ 65 449

#### JARRAH, CONSERVATION RESERVES

718. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

In the State of the Environment Report 1998, it is stated on page 112 that the current area (all tenures) of Jarrah (mixed with Marri and Tingle) is 1 813 600 hectares, of which 377 800 hectares are in existing and proposed conservation reserves -

Will the Minister for the Environment confirm that the area in conservation reserves amounts to 20.8 per cent of the remaining forest of this type?

Hon MAX EVANS replied:

The figures relate to the area of jarrah forest ecosystems assessed by the Commonwealth and State governments for the purpose of negotiating a Regional Forest Agreement for the south-west forest region. The area in either gazetted reserves, or formal reserves proposed in the Forest Management Plan (1994-2003), is 20.8% of the total area of these ecosystems. Another 159 100 hectares (8.8%) is contained in informal reserves.

#### FORMER MINISTER FOR TRANSPORT, TRIP TO EUROPE

726. Hon MARK NEVILL to the Minister for Transport:

Will the Minister table a copy of the previous Minister's itinerary of his trip to Europe to inspect new buses?

Hon M.J. CRIDDLE replied:

My predecessor tabled the itinerary and supporting documentation regarding his overseas visit to inspect new buses during Question Time in the Legislative Council on Tuesday, 23 June 1998.

#### ESPERANCE POWER STATION

728. Hon GIZ WATSON to the Leader of the House representing the Minister for Energy:

In respect of the Esperance power generation site -

- (1) What is the current mix (by percentage) of fuels/oils being used as a power source at this power station?
- (2) Has the proportions of waste oil (by percentage) been increased since the original licence was granted?
- (3) If so, can the Minister for the Environment provide details of the yearly increases?
- (4) What methods are used for monitoring airborne emissions?

Hon N.F. MOORE replied:

- (1) The percentage of treated/diesel waste lube oil (TWLO) at Esperance Power Station varies depending on the availability of TWLO. The average percentage for the period from January to October 1998 was 15.6%. The remaining 84.4% was diesel.
- (2)-(3) The Department of Environmental Protection Site Licence does not specify the fuel type to be used. The percentage of TWLO used has varied between 3.4% and 23% since the Site Licence was first granted on 30 December 1997.
- (4) The DEP Site Licence for the Esperance Power Station stipulates conditions to limit the emission to "dark smoke". Dark smoke is defined as smoke that is darker than Shade 2 as shown on the Australian Miniature Smoke Chart (AS 3543 1989). Western Power complies with the Licence conditions for the quarterly reporting of emissions.

#### REGIONAL FOREST AGREEMENT, DRAFT

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

In response to a question without notice asked on June 18, 1997, the Minister for the Environment stated that "Commonwealth and Western Australia have agreed to define a cooperative environmental impact assessment of the draft regional forest agreement ("RFA")". Recent comments from the Minister for the Environment suggest that there will not be a draft RFA, which is also contrary to the Scoping Agreement -

- (1) When was the decision made that there would not be a draft RFA?
- (2) Who made that decision?
- (3) Why has there been an apparent change in policy in regard to an environmental impact statement?
- (4) Is the Minister aware that the Federal Minister for Forestry and Conservation has strongly criticised the New South Wales Government for breaching its RFA Scoping Agreement?
- (5) Will this apparent conflict of views between the Commonwealth and Western Australia jeopardise the progress of an RFA, or possible draft RFA?

Hon MAX EVANS replied:

- (1)-(5) When the Scoping Agreement was developed in 1996 the exact form of the RFA public consultation process had not been determined. In June 1997 when a 'Question Without Notice' was answered on this topic, the term "draft RFA" was used in a generic sense. The State and Commonwealth governments have a consistent, agreed position that there will not be a "draft RFA" for public comment. Public comment was sought in May 1998 on a public consultation paper which outlined a range of approaches to the development of a Comprehensive, Adequate and Representative forest reserve system. Comments received in response to this paper will be incorporated in the final Regional Forest Agreement. This is the same process as applied in RFAs in Tasmania, East Gippsland and Central Highlands. There has never been a conflict of views on this matter between the State and Commonwealth governments.

#### NATIONAL PARKS AND CONSERVATION AND NATURE RESERVES

743. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

- (1) How many national parks, conservation reserves or nature reserves are there in Western Australia?
- (2) How many of these have management plans in place?
- (3) Which ones are they?
- (4) Are there any national parks, conservation reserves or nature reserves managed by the local indigenous people?
- (5) If yes, which ones?

Hon MAX EVANS replied:

- (1) 63 National Parks, 24 Conservation Park Reserves, 1 169 Nature Reserves, 6 Marine Parks, 1 Marine Nature Reserve, 24 miscellaneous (5g) reserves with 'conservation' in purpose.

(2)-(3) Approved management plans -

National Parks (13) Cape Range Shannon-D'Entrecasteaux Fitzgerald River John Forrest Karijini Leeuwin-Naturaliste Lesueur Nambung Purnululu Walpole-Nornalup West Cape Howe Yalgorup Yanchep	Nature Reserves (12) Mooradung Shire of Wyalkatchem Shires of York and Northam Forrestdale Lake Benger Swamp Dampier Archipelago Coomallo Two Peoples Bay Wanjarri Wanagarren Nilgen Southern Beekeepers	Conservation Parks (2) Lane Poole Leschenault Peninsula
---	--	---

Marine parks (3) Ningaloo Marmion Shark Bay	Marine Nature Reserves (1) Hamelin Pool	Regional Parks (1) Canning River
--	--	-------------------------------------

Other reserves (2)  
Matilda Bay  
Shoalwater Islands

Final plans in preparation

National Parks (4) Serpentine Stirling Range Porongurup Range Francois Peron	Nature Reserves (25) Esperance Lakes - - Lake Warden - Mullet Lake - Shark Lake - Woody Lake - Pink Lake Lake Muir/Unicup - Bokarup Cobertup Cowerup Galamup Kodjinup Kulunilup Mordalup Noobijup Lake Muir Pindicup Pinticup Quindinup Unicup Yarnup Muiron Islands Milyu Pelican Point Alfred Cove Zuytdorp Bernier and Dorre Islands	Conservation Parks (1) Shell Beach
--	--	---------------------------------------

Marine Parks (2) Shoalwater Islands Swan Estuary Bundegi	Other Reserves (3) Monkey Mia Jurabi
---	--

Draft plans in preparation

National Parks (2) Millstream-Chichester Shannon-D'Entrecasteaux	Nature Reserves (3) Rowles Lagoon Lower Ord Parry Lagoons	Regional Parks (6) Beeliar Yellagonga Herdsman Woodman Point Jandakot Rockingham Lakes
--	--	--

Marine Parks (1)  
Rowley Shoals

Regional management plans have been approved and gazetted for:

South Coast Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above).

National Parks (10) Cape Arid Cape Le Grand Eucla	plus 148 Nature Reserves
--	--------------------------

Frank Hann  
Hassell  
Peak Charles  
Stokes  
Torndirrup  
Waychinicup  
William Bay

Goldfields Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above).

National Parks (2)	plus 19 Nature Reserves
Boorabbin	
Goongarrie	

Swan Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above).

National Parks (8)	Conservation Parks (8)	plus 124 Nature Reserves
Avon Valley	Boyagarring	
Gooseberry Hill	Dale	
Greenmount	Erskine	
Kalamunda	Gooralong	
Lesmurdie Falls	Leschenaultia	
Moore River	Lupton	
Neerabup	Wandoo	
Walyunga	Unnamed	

Central Forest Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above.)

National Parks (2)	plus 53 Nature Reserves
Scott	
Tuart Forest	

Southern Forest Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above.)

National Parks (6)	plus 50 Nature Reserves
Beedelup	
Brockman	
Gloucester	
Mount Frankland	
Sir James Mitchell	
Warren	

Draft regional management plans are in preparation for:

Kimberley Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above).

National Parks (6)	Conservation Parks (3)	plus 12 Nature Reserves
Drysdale River	Brooking Gorge	
Geikie Gorge	Devonian Reef	
Hidden Valley	Geikie Gorge	
Tunnel Creek		
Windjana Gorge		
Wolfe Creek Crater		

Wheatbelt Region (includes the following areas that are not already covered by specific area management plans approved or in preparation listed above).

594 Nature Reserves.

- (4)-(5) National Parks, Conservation Parks and Nature Reserves as defined under the CALM Act are vested in the National Parks and Nature Conservation Authority (NPNCA) and are managed by the Department of Conservation and Land Management. The management plans for Purnululu National Park and Karijini National Park provide for a Park Council comprising equal representation from CALM and traditional Aboriginal owners. A similar arrangement is proposed for Millstream-Chichester National Park.

#### NATIONAL HERITAGE TRUST FUNDS, LAND PURCHASE

744. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:
- (1) Has the Department of Conservation and Land Management (CALM) purchased any land for inclusion into the conservation estate with National Heritage Trust funds?

- (2) If yes -
- (a) what areas have been purchased;
  - (b) how many hectares is each area; and
  - (c) how much did each area cost?
- (3) What areas have CALM nominated for purchase as conservation areas under National Heritage Trust funding?
- (4) How much money has CALM received from the National Heritage Trust fund for the purchase of land for inclusion into the conservation estate or the National Reserve System Program?

Hon MAX EVANS replied:

- (1) The Commonwealth Government, through the Natural Heritage Trust, has contributed towards the purchase of lands for inclusion in the conservation estate by providing a proportion of the purchase money.
- (2) (a)-(c) The areas bought, their size in hectares and their total purchase price are as follows:
- | Area bought   | Size (ha) | Total Purchase Price |
|---|-----------|----------------------|
| Part Sussex Location 2650<br>(Southern Ironstone Community)                 | 12.5      | \$46 000             |
| Part Williams Location 15435 (adjoining<br>North Tarin Rock Nature Reserve) | about 726 | \$79 200             |
| Part Melbourne Location 163, Moora<br>(York Gum/Wandoo Woodland, Moora)     | about 160 | \$80 000             |
- (3) Fourteen areas have been nominated for purchase with a contribution of funds from the Natural Heritage Trust. Because negotiations for purchase are still continuing, the locations of these areas are regarded as commercially confidential.
- (4) 1997/98 - \$866 631  
1998-99 - \$900 666

The funds are received by the Department when it enters into legal agreements with the landowners concerned.

#### NATIONAL PARKS AND CONSERVATION RESERVES, ENTRANCE FEES

745. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

For each national park or conservation reserve where entrance fees are charged will the Minister for the Environment provide the details of the annual income from these fees for each year from 1993?

**The answer was tabled. [See paper No 838.]**

#### CALM, BLUE GUM SHARE FARMING TENDERS

749. Hon BOB THOMAS to the Minister for Finance representing the Minister for the Environment:
- (1) Has the Department of Conservation and Land Management (CALM) called for tenders for the purchase of its blue gum share farming interests?
  - (2) If yes, when were tenders called and what was the exact nature of the tender?
  - (3) How many tenders were received, and who were they from and who was successful?
  - (4) Were tenders recalled?
  - (5) If yes, what was the reason for the recall and on how many occasions did this occur?
  - (6) What was the total sale price for the share farming interests?
  - (7) What was the total cost to CALM to develop the asset which was sold by CALM?
  - (8) What is CALM's estimated or actual profit on the sale?

Hon MAX EVANS replied:

- (1) The Department of Conservation and Land Management called for public Expressions of Interest (EOI) in the purchase of wood resources from Western Australian plantations and regrowth forests. These wood resources included blue gum sharefarming interests.
- (2) The EOI was called on 11 September 1997. It included Eucalyptus globulus planted by CALM on private land in



sharefarming agreements with farmers in the Bunbury, Manjimup and Albany cells. Proponents had the option of indicating an interest in purchasing either plantations, logs or woodchips. They also had a chance to nominate the preferred option of purchasing either at the stump or a delivered price. The EOI included the option for CALM to proceed directly to sale.

- (3) 5 EOI were received for the Albany resource. The Albany Plantation Forest Company of Australia (APFL) submitted the superior proposal for the resource. The proposal from APFL has been accepted. The other EOI were received from Bunnings Forest Products Pty Ltd, Boral Timber Tasmania, Pacific Forest Corporation Limited and Integrated Tree Cropping Pty Ltd. 5 EOI were received for each of the Manjimup and Bunbury resource. As the EOI process has not yet been completed for these resources, it is not appropriate to advise the names of the respondents.
- (4) No.
- (5) The total sale price of sharefarming interests at Albany will depend on the future sale price of logs which will be determined by an index linked to the market price of bluegum chips applying at the time of harvest and sale. The sale price of the assignment of some of these timber sharefarming agreements will be \$2,575,090. The total sale price of the Manjimup and Bunbury resources is not yet known.
- (6) CALM does not use a historical cost method to determine the asset value of Eucalyptus globulus plantations. It is not possible to accurately determine actual expenditure incurred on each plantation over the past ten years as data has not always been separately recorded. For the first time, in the 1997/98 Annual Report, CALM has placed a value on forests based on a market value and net present value method.
- (7) CALM does not determine its profit on the basis of an individual asset sale alone. Plantations bring in profit in two ways, firstly by their actual growth in timber value, secondly by the difference between their sale value and accumulated asset value. It will be possible to advise of the change in asset value at the end of this financial year, however this will not reflect the entire profit generated from the timber share farms. It is not possible to accurately construct the historical cost data for these properties to determine profit generated.

#### NORTHBRIDGE TUNNEL, STEEL QUALITY

752. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to the construction of the Northbridge tunnel -

- (1) Is the Minister aware that steel products imported from South Africa and used on the tunnel walls are considered sub-standard by sectors of the industry?
- (2) Will the Minister advise if the use of sub-standard material has partly contributed to the recent leakage?

Hon M.J. CRIDDLE replied:

- (1) I am not, nor is Main Roads, aware of any problems with the quality of the steel being used in the construction of the Northbridge Tunnel. All steel has been demonstrated, by extensive testing, as meeting the appropriate standards. If the Hon Member has any information that indicates otherwise I would like to be advised.
- (2) As I have previously advised, the leakage was due to ground seepage after rain.

#### ELECTORATE OFFICES, COMPUTER SUPPORT SERVICES

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

In relation to the tender to supply computer support services to electorate offices -

- (1) When will the successful tenderer(s) be announced?
- (2) Can the Premier give an assurance that this work will be carried out by a private, independent, organisation with no connection to a Government agency?

Hon N.F. MOORE replied:

- (1) The successful tenderers were announced by the Department of Contract and Management Services as follows :  
Request for Tender 29198 17 July 1998  
Request for Tender 70798 29 December 1998
- (2) Under the proposed arrangements support will be provided by computer professionals employed by private sector organisations. As was previously the case, the Ministry of the Premier and Cabinet will continue to be responsible for service delivery.

OMEX SITE, BELLEVUE

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

With regards to the rehabilitation of the Omex site -

- (1) Is the Minister for the Environment aware that the level of assessment set for the Containment Wall Project at the Omex Site in Bellevue was set at a level of Informal Review with Public Advice?
- (2) If not, why not?
- (3) If yes, did the Minister mislead Parliament in the response to question without notice 505 on November 24, where the Minister stated that "During the CER for the construction of the containment wall, meetings were held fortnightly"?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) Parliamentary Question 505 related to the frequency of meetings of the Consultative Committee and the response confirmed that during times of high activity and community interest, fortnightly meetings were held. However, the level of assessment was inadvertently referred to as a CER rather than informal review with public advice. This error is regretted.

FAMILY AND CHILDREN'S SERVICES, FEES POLICY

758. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Does the Department of Family and Children Services have a policy on the waiving of fees for indigenous people seeking information under the *Freedom of Information Act* relating to the forced separation of Aboriginal and Torres Strait Islanders from their families?
- (2) If not, will the Minister for Family and Children's Services consider developing such a policy?

Hon M.J. CRIDDLE replied:

- (1)-(2) No fees are charged in respect of people seeking information about themselves.

FAMILY AND CHILDREN'S SERVICES, RECORDS RELATING TO INDIGENOUS FAMILIES

760. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services:

What steps has the Minister for Family and Children's Services taken to ensure that records relating to the separation of indigenous children from their families are -

- (a) preserved; and
- (b) indexed so as to allow easy access for the indigenous person?

Hon M.J. CRIDDLE replied:

- (a) The Family Information Records Bureau (FIRB) has been established within Family and Children's Services with the task of preserving records relating to the separation of indigenous people from their families. The Premier issued an instruction to all government agencies requiring that all relevant records be retained and managed appropriately. The preservation aspects of FIRB's role are being advised by a steering committee comprising experts in the field of records management, including the Public Records Office. The Bureau is currently negotiating with over 55 government and private agencies known to hold relevant records, to establish protocols and standards for the preservation and appropriate access to these records. Over 800,000 records have been preserved to date, using CD-ROM imaging technology. This number will be increased significantly in the next two years.
- (b) A contract for the development of a computerised records index is currently being specified and work on the database will commence in early 1999. This database will enable rapid searching of all known records. FIRB will provide a single point of contact service for individuals seeking information about their families.

KEMERTON INDUSTRIAL PARK

762. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:

I refer to the Industry Plan 2030 for the Kemerton Industrial Park and surrounds and ask -

- (1) Has the Department of Environmental Protection (DEP) identified the vegetation complexes in the Kemerton Industrial Park and surrounds as having significant importance in terms of biodiversity for the now poorly represented flora of the Swan Coastal Plain?
- (2) If yes, does the DEP support the development of heavy industry in areas currently zoned as buffer zone for Kemerton Industrial Park where vegetation complexes comprise an important resource of biodiversity for the Swan Coastal Plain?

Hon MAX EVANS replied:

- (1) The Environmental Protection Authority (EPA) has recommended to the WA Planning Commission in EPA Bulletin 902 that "prior to finalisation of the structure plan a vegetation survey should be conducted in the Kemerton area, on advice of the EPA, to determine the extent of regionally significant vegetation". The Department of Resources Development (DRD) has appointed a consultant to undertake a vegetation survey of parts of the Kemerton Study area.
- (2) The EPA has advised that the Structure Plan should be modified to protect vegetation of regional significance pending the outcome of the vegetation survey in the Kemerton area.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

769. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) Have any agencies or departments under the Minister for Planning's control awarded any contracts to Direct Drainage or Georgiou Corporation since July 1, 1996 -
- (2) If yes, can the Minister provide the following details of those contracts-
  - (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon PETER FOSS replied:

- (1) Yes.
- (2) East Perth Redevelopment Authority
  - (a) Direct Drainage
  - (b)
    - (i) S001-09
    - (ii) S006-01
  - (c)
    - (i) 20.8.96
    - (ii) 26.3.97
  - (d)
    - (i) Haig Park South Cove
    - (ii) Quadrant subdivision civil works
  - (e)
    - (i) \$1 569,456
    - (ii) \$839 542
  - (f)
    - (i) \$1 570 001
    - (ii) \$859 357
  - (g)
    - (i) Ertech Pty Ltd  
Soil and Garden Suppliers  
Boral Contracting  
Boulderston/Clough  
Simto
    - (ii) WA Gravel & Paving Pty Ltd  
Wesville Contractors  
Ertech Pty Ltd  
Malovoca Pty Ltd

Subiaco Redevelopment Authority

- (a) Direct Drainage

- (b) (i) MP200-14  
(ii) MP200-24
- (c) (i) 26.3.97  
(ii) 18.5.98
- (d) (i) Subiaco Gardens Subdivision  
(ii) Harborne Street Extension
- (e) (i) \$3 166 178  
(ii) \$1 358 440
- (f) (i) \$3 609 002 (including scope changes to accommodate related works)  
(ii) \$1 265 077
- (g) (i) Ertech Pty Ltd  
Brierly Contractors  
WA Gravel & Paving Pty Ltd  
DM Drainage & Construction Pty Ltd  
RJ Vincent & Co  
Multiplex Constructions Pty Ltd  
Malavoca Pty Ltd  
  
(ii) WA Gravel & Paving Pty Ltd  
Malavoca Pty Ltd  
Brierly Contractors  
RJ Vincent & Co

## GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

770. Hon KEN TRAVERS to the Minister for Transport:

- (1) Have any agencies or departments under the Minister's control awarded any contracts to Direct Drainage or Georgiou Corporation since July 1, 1996 -
- (2) If yes, can the Minister provide the following details of those contracts-
  - (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon M.J. CRIDDLE replied:

- (1) Yes, Westrail.
- (2) (a) Direct Drainage (WA) Pty Ltd.  
(b) SO 11401.  
(c) 20 October 1997.  
(d) Road works at Westrail's Forrestfield marshalling yard.  
(e) \$39 860.  
(f) \$40 040.  
(g) Tenders were not called because the work was carried out in conjunction with works being undertaken by the Company for the Water Corporation.

## WESTERN POWER, WIND POWER GENERATION

782. Hon GIZ WATSON to the Leader of the House representing the Minister for Energy:

In relation to the development of wind power in Western Australia -

- (1) What is the current annual production of wind generated electricity by Western Power?
- (2) Is any other electricity supplied to Western Power from independently owned wind generators?
- (3) If so, how much?
- (4) When did Western Power, or the relevant authority, begin generating wind power in Western Australia?
- (5) What has been the annual increases in wind generated electricity since wind power has been established?
- (6) Are there any current plans to further utilise wind power for electricity generation in Western Australia?

Hon N.F. MOORE replied:

- (1) The current annual production of wind generated electrical power is approximately 7 000 000 kWh.
- (2) The overwhelming majority of wind generated electricity comes from Western Power's own turbines. Small contributions are received from individual turbines installed at various locations.
  - 30kW Westwind at the Westwind premises in Kewdale
  - 30kW Westwind at the Steeldale factory in southern Armadale
  - 30kW Westwind at Denham owned by the Water Corporation
  - 2 x 10kW Westwind at the Nyungar Community in the Swan Valley
  - A 30kW Westwind was owned and operated by the Water Corporation at Woodman's Point but it is in the process of relocation to Fairbridge outside Pinjarra.
- (3) These installations collectively contribute less than 20 000 kWh per annum.
- (4) The State Electricity Commission of Western Australia (SECWA) began experimenting with wind turbines in 1972, erecting its first machine at South Fremantle.
- (5) SECWA continued its experimental work with a series of turbines of 30kW or smaller at South Fremantle and Rottne Island. The significant advance was the installation in 1987 of Australia's first wind park at Esperance. As part of SECWA's continuing experimentation, the park used six 60kW Westwind turbines. Connected to Esperance's regional diesel grid, the installation was intended to study the integration of wind into a diesel grid. In 1993, SECWA installed Australia's first commercial wind park in Esperance. The nine Vestas V27 turbines gave a total capacity of 2.25MW. This installation was also, until this year, Australia's largest wind park and met approximately 12 percent of the Esperance region's electricity demand. In 1998, Western Power installed an Enercon 230kW turbine at Denham. This regional diesel grid has been transformed into a world leading wind/diesel hybrid system in which wind is expected to meet 20 percent of the region's electricity demand. The installation of another two 230kW turbines at Denham was the subject of an application for a Federal Showcase grant which has been very well received.
- (6) Western Power currently has no plans for the further utilisation of wind power for electricity generation. However, with the likely imposition by Federal Government of a mandated 2 percent of demand being met from new renewable resources, wind power is likely to become very important for Western Power. After landfill gas, of which there is a limited supply, wind is currently the most mature and the most economic of renewable energy technologies. Consequently, Western Power has put in place a programme to monitor the wind resource at prospective locations around the State and is actively examining the feasibility of installing a 20MW grid connected wind farm at Albany.

#### UNDERWOOD FARM, LAND CLEARING

783. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:

I refer to the proposal to clear 870 hectares of bushland on the Underwood Farm adjoining the Mt Lesueur National Park -

- (1) Did the appeal period to which the EPA's report was subject close on June 19, 1998?
- (2) How many appeals were lodged?
- (3) Has a determination been made in relation to these appeals?
- (4) If not, when will a determination be made?

Hon MAX EVANS replied:

- (1) Yes.
- (2) One.
- (3)-(4) Yes on the 22 December 1998.

#### ALBANY, SECONDARY EDUCATION REVIEW

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

- (1) Have the secondary education review options for Albany been forwarded to the EDWA Senior Executive?
- (2) Why were they not discussed with the reference group which drafted the initial proposals?
- (3) Has there been a second reference group established without the knowledge of the initial group?

- (4) What is the process which was followed for the secondary education review in Albany, especially in reference to the process whereby the final recommendations from Albany were forwarded to EDWA central office?
- (5) When will the options be made available for public comment?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The Local Area Education Planning (LAEP) process specifies roles for the Drafting Committee and for the Consultative Committee. The proposals do not have to be referred back to the Drafting Committee, however, most of the members of the Drafting Committee, including representatives of the WA Council of State School Organisations (WACSSO), Parent's and Citizens Associations, State School Teachers Union (SSTU) and affected schools' Principals, staff and students were also members of the Consultative Committee. In preparing this Local Area Education plan the Consultative Committee considered the LAEP Principles and Planning Indicators, the results of the Albany Secondary Education Review (ASER), the response of the Education Department's Senior Executive to the Draft Local Area Education Plan and the subsequent community feedback.
- (3) No.
- (4) A review of secondary education in Albany commenced several years ago. This review, the Albany Secondary Education Review, was subsumed by the Local Area Education Planning process in April 1998. The process laid out by the Education Department of WA (EDWA) was followed in Albany in the following way:
- The Albany Secondary Education Review Group drafted a set of possible options early in 1998. The Local Area Education Planning (LAEP) Drafting Committee considered these options and made amendments as a result of feedback from various community groups. Once the Drafting Committee completed the drafting stage, the LAEP Consultative Committee was formed. The primary purpose of this committee was to coordinate the consultation process with the wider community. This consultation process began on 3 July 1998 and concluded on 10 August 1998. At the end of this consultation process, the committee unanimously endorsed one option, which was then forwarded to the Senior Executive of the Education Department for consideration.
- (5) The options were made widely available for public comment during the consultation process. There will be further opportunity for the community to explore the implications of the recommended option in 1999.

#### SCRIVENER ROAD, SERPENTINE

785. Hon TOM STEPHENS to the Minister for Transport:

I refer to the proposed extractive industry in Firms Road, Serpentine -

- (1) Does the Minister endorse the proposal that large trucks exit the project using Scrivener Road to the South West Highway?
- (2) How many trucks does he envisage will use this road each week?
- (3) How many vehicles currently use the road per week?
- (4) Is this road adequate to cope with the proposed heavy haulage load?
- (5) What advice has the Minister received concerning the potential danger owing to the bends in the road?

Hon M.J. CRIDDLE replied:

- (1)-(5) Scrivener Road is a local road under the care, control and management of the Shire of Serpentine-Jarrahdale and as such they are in the best position to provide information on its current use. Licensed heavy vehicles can use any road 'as of right.' Main Roads issues permits for oversize or over mass vehicles on specific application by operators. No such permits have been issued for Scrivener Road nor would they before discussion with the Council. I understand there is concern in the Community regarding a development in the area which has the potential to increase traffic on Scrivener Road. The decision to allow this development to occur is, I believe, the subject of a court hearing and until that is resolved further comment on the merits or otherwise of the proposal is premature.

#### RESOURCES DEVELOPMENT, ROYALTIES

786. Hon BOB THOMAS to the Minister for Mines:

What is the rate at which the following royalties are struck in Western Australia -

- (a) Iron ore;
- (b) Petroleum;
- (c) Alumina;
- (d) Diamonds;
- (e) Mineral sands;
- (f) Nickel;
- (g) Gold; and
- (h) other?

Hon N.F. MOORE replied:

Commodity	Royalty Rates Struck under the Mining Act	Royalty Calculation Base
Iron Ore	Beneficiated ore 5% Fine ore 5.625% Lump Ore 7.5%	Sales Value
Alumina	7.5% of the equivalent bauxite value	Sales Value
Diamonds	7.5%	Sales Value
Mineral Sands (excluding ilmenite feedstock)	5%	Sales Value
Nickel	2.5%	Sales Value
Gold	1.25% phasing up to 2.5% by 1/7/2005	Production Value
Other: Industrial Minerals Coal, Talc etc	Varying rates, usually 30 cents or 50 cents	Production tonnage
Base Metals, Tin, Tantalite, Lithium, Silver etc	2.5%, 5%, 7.5%	Sales value depending on the product
Petroleum	5% to 12.5%	Wellhead value depending on legislation and type of production licence

Agreement Acts Royalty Rates Struck for each Agreement Act  
(various commodities)

If further information is required, contact should be made with the Royalties Branch, Department of Minerals and Energy.

#### WATER RESOURCES, SEPTIC POLLUTION AT PREVELLY

787. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for Water Resources:

- (1) Is it correct that septic pollution of ground water resources is occurring within Prevelly Townsite in the Shire of Augusta/Margaret River?
- (2) What is the source of pollution and which organisms are involved?
- (3) What is the degree of virulence of the organisms involved with respect to humans?
- (4) How long has the septic pollution of ground water resources been ongoing?
- (5) When was the occurrence of septic pollution first noticed by local and/or State authorities?
- (6) What measures were taken to stop the pollution from occurring?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Preliminary groundwater samples indicate the contamination is likely to be from septic tanks. The organisms detected were thermal tolerant coliforms and E-Coli.
- (3) I am advised through the office of the Minister for Health that the presence of E-coli is an indicator that the contamination is either of animal or human origin. If the contamination is of human origin, it signals the potential for contamination with other organisms which could give rise to conditions such as gastroenteritis. The virulence depends on the organism involved and may range from mild to serious.

- (4) Unknown, refer to question 5.
- (5) First noticed by the then Water Authority of Western Australia approximately five years ago.
- (6) No measure taken to resolve septic tank discharge to date. However, the Government recognises some contamination is occurring and has addressed the problem by providing a reticulated water supply.

WATER RESOURCES, SEPTIC POLLUTION

788. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for Water Resources:

- (1) Is the causation of septic pollution of ground water an offence under the provisions of legislation for the protection of ground water resources and which Acts contain provisions in this regard?
- (2) Has the Water Corporation been granted exemption from complying with the provisions contained in such Acts?
- (3) How many other townsites between Mandurah and Albany, along the coast, suffer groundwater pollution from septic systems?
- (4) What is the total number of townsites between Mandurah and Albany, west of the Albany Highway, which experience groundwater pollution from septic systems?
- (5) How many of these townsites have been/or are to be provided with infill sewerage connections in the same region west of the Albany Highway -
  - (a) before 1993;
  - (b) since 1993;
  - (c) in the current financial year; and
  - (d) in the next financial year?
- (6) Can the Minister for Water Resources please list the townsites for each of the categories (a) through to (d) above?

Hon MAX EVANS replied:

- (1) No not under the Water Resources legislation.
- (2) No.
- (3) One, the groundwater beneath Prevelly Townsite suffers from some level of groundwater contamination.
- (4) One.
  - (a) Not applicable.
  - (b) 20 towns from 1 July 1994 to 30 June 1998.
  - (c) Two.
  - (d) Eight.
- (6)
  - (a) Not applicable.
  - (b) Albany, Augusta, Binningup, Boddington, Bridgetown, Bunbury, Busselton, Capel, Collie, Dardanup, Eaton, Harvey, Kojonup, Mandurah, Manjimup, Margaret River, Mt Barker, Pemberton, Pinjarra and Waroona.
  - (c) Australind and Walpole.
  - (d) Denmark, Mt Barker, Bunbury, Busselton, Donnybrook, Pemberton, Ravenswood and Waroona.

WATER RESOURCES, SEPTIC POLLUTION AT PREVELLY

789. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for Health:

- (1) Does the Health Department of the Shire of Augusta - Margaret River keep statistical or other records of the type of diseases and their degree of impact upon, and the rate of distribution amongst the permanent residents of Prevelly Townsite or those who temporarily occupy dwellings which are available to the general public as tourist accommodation?
- (2) If not, why not?
- (3) Does the Shire of Augusta/Margaret River make regular inspections of the degree of pollution of ground water used in dwellings which are available as tourist accommodation?
- (4) If not, why not?
- (5) Would the Minister for Health table any such data available to him?
- (6) If not, why not?



- (7) Is it correct that in some areas of the Prevelly Townsite the septic systems have been allowed to be installed within a distance of 30 metres of a ground water supply, the water of which is used for domestic purposes?
- (8) Which authority issued these licences, when were they issued, for what reasons or purposes were they issued and what are the conditions contained in such licences?
- (9) Is it correct that this practice is still allowed to continue?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Health Department of Western Australia provides the Shire of Augusta-Margaret River Health Section with copies of all notifications of infectious diseases occurring within their district which require local government follow-up. This information details the nature of the disease, and the name and permanent address of the person affected. This information is provided to investigate likely sources of infection.
- (2) Not applicable.
- (3) No.
- (4) The Shire of Augusta-Margaret River does not undertake these inspections but has:
- advised consumers that any untreated drinking water should be chlorinated or boiled.
  - promoted the provision of reticulated water to the Prevelly townsite.
  - been actively working to ensure the provision of infill sewerage to the townsite.
- (5) I have no information to table.
- (6) Not applicable.
- (7) The appropriate regulations require that a 30 metre separation from the septic tank disposal field (i.e. the septic tank and the leach drain) to any bore which is used for drinking water purposes. This is a Shire responsibility when assessing plans and approval of the use of septic tanks systems. The Health Department of Western Australia understands that in the past there may have been instances where the 30 metre setback may not have been observed. The Health Department of Western Australian has been advised that the Shire of Augusta-Margaret River have ensured the requirement has been met in recent years.
- (8) There are no licences issued as such. Plans for onsite septic systems are approved by the Shire and inspections are carried out by environmental health officers as the building progresses taking into consideration soil conditions and other relevant factors.
- (9) No.

#### WESTERN POWER, SPONSORSHIP OF WESTERN WARRIORS

793. Hon KEN TRAVERS to the Leader of the House representing the Minister for Energy:

- (1) How much will Western Power contribute in 1998/99 in sponsorship to the Western Warriors cricket team?
- (2) How much will Western Power spend on its Western Warriors energy saving television advertisements in 1998/99?

Hon N.F. MOORE replied:

I am advised:

- (1)-(2) This information is commercially confidential.

#### LEADER OF THE HOUSE, OVERSEAS TRAVEL

795. Hon KEN TRAVERS to the Leader of the House representing the Government:

In regards to the Minister's overseas travel since January 1, 1998, can the Minister state -

- (a) the destination; and  
(b) the dates of travel?

Hon N.F. MOORE replied:

- (a)-(b) Quarterly reports detailing overseas and interstate travel undertaken by Ministers and government officials are regularly tabled in Parliament.

WA SPORT CENTRE TRUST, HOSPITALITY SUITE AT WORLD SWIMMING CHAMPIONSHIPS

800. Hon KEN TRAVERS to the Minister for Sport and Recreation:

What was the total cost of the Western Australian Sport Centre Trust's hospitality suite at this year's World Swimming Championships?

Hon N.F. MOORE replied:

The WA Sports Centre Trust did not have a hospitality suite at the 8<sup>th</sup> World Swimming Championships.

ATTORNEY GENERAL, DARWIN TRIP

801. Hon KEN TRAVERS to the Attorney General:

With reference to the Attorney General's answer to question 581 of November 24, 1998, regarding a visit to Calais with the Premier -

- (1) When was this visit to Calais made?
- (2) What was the purpose of the trip?
- (3) Did any of the Attorney General's staff accompany him on the trip?
- (4) If yes, who?
- (5) What was the cost of the trip?
- (6) Will the Attorney General table an itinerary and report of the trip?
- (7) If not, why not?

Hon PETER FOSS replied:

My answer to Question Without Notice 581 was reported incorrectly. The trip on which I accompanied the Premier was to Darwin to attend a Coalition of Australian Governments (COAG) meeting, not Calais as was reported in *Hansard*. On that basis, the following information is now provided:

- (1) 18-19 August 1994.
- (2) To attend COAG meeting of 19 August 1994 and the official opening of the Northern Territory House of Parliament.
- (3) No.
- (4) Not applicable.
- (5) This has already been reported.
- (6) No.
- (7) See (2).

NARROWS BRIDGE AND KWINANA FREEWAY UPGRADE

802. Hon KEN TRAVERS to the Minister for Transport:

I refer to the Minister's predecessor's failure to adequately answer question 1549 of May 21, 1998 -

- (1) Will the Minister now table the documentation concerning the calculation by AUSTROADS and Main Roads which came to the conclusion that in relation to the Narrows Bridge widening and improvements to the Kwinana Freeway, every dollar invested will return \$34 to the community, which was promulgated in the Transform WA *Bringing the Pieces Together* document?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) An information sheet on Benefit Cost Ratios is attached. The BCR for the Kwinana Freeway improvements, including the Narrows Bridge is 6.3. This BCR does not take account of benefits related to public transport or private travel time savings. The BCR of 34 in the Transform WA brochure does not relate to the entire project but relates to the section from Thomas Road to Folly Road which was originally to be constructed at a lower standard. The much higher standard of amenity now includes:

the duplication of the Narrows Bridge  
 a dual use path on western side of Narrows Bridge  
 two exclusive bus-lanes from Perth to South Street  
 reversible bus-lane Mt Henry Bridge  
 interchanges at Berrigan Drive, Forrest Road, Russell Road, Rowley Road, and Anketell Road in lieu of  
 traffic signals  
 park and ride stations  
 an interchange at Thomas Road  
 an upgraded Safety Bay Road

This higher standard has increased costs significantly over the basic proposal and thus reduced the BCR. Nevertheless, a BCR of 6.3 provides a very significant benefit to the community.

(2) Not applicable.

[See paper No 853.]

#### GOVERNMENT ADVERTISING, NON-CAMPAIGN

804. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

With regards to the Department of Contract and Management Services contract No 235A1996 for the supply of non-campaign advertising -

- (1) Under what circumstances can a Government department or agency get an exemption from this contract and utilise the services of a different company to book non-campaign advertising space?
- (2) Are exemptions required in writing to the State Supply Commission?
- (3) Were any exemptions granted in regard to this contract in the following periods -
  - (a) July 1, 1996 to June 30 1997;
  - (b) July 1, 1997 to June 30, 1998;
  - (c) July 1, 1998 to December 11, 1998?
- (4) Have any complaints been lodged with the Contract Manager in regard to this contract in the following periods -
  - (a) July 1, 1996 to June 30, 1997;
  - (b) July 1, 1997 to June 30, 1998;
  - (c) July 1, 1998 to December 11, 1998?
- (5) If yes, how many for each period?

Hon MAX EVANS replied:

I am advised as at 13 January 1999 that:

#### CONTRACT AND MANAGEMENT SERVICES

- (1) Approval to purchase outside a mandatory common use contract (CUC) may be granted if:  
 it can be demonstrated that a preferable arrangement is available outside of the mandatory CUC; or  
 a purchase under the terms and conditions of the Regional Buying Compact results in an arrangement that is preferable to the mandatory CUC.  
 This approval may not be granted if it breaches the conditions of the contract to an extent that imposes significant penalties on government or jeopardises the CUC arrangement. A public authority can purchase outside a mandatory CUC if an emergency situation exists that threatens life, property or equipment. In this instance, approval must be granted by the public authority's accountable officer or authority and justified (at a later date) to the State Supply Commission or its delegate.
- (2) Yes.
- (3) To determine precisely if there were any formal exemptions in relation to this contract would involve an extensive search of State Supply Commission records and be extremely time-consuming. However, preliminary reviews of the Commission's files indicate that during the period July 1996 to December 1998 there have been few, if any, such exemptions granted.
- (4)-(5) July 1, 1996 to June 30, 1997 - 3 complaints lodged  
 July 1, 1997 to June 30, 1998 - 10 complaints lodged  
 July 1, 1998 to Dec 11, 1998 - 3 complaints lodged

## GOVERNMENT ADVERTISING, CAMPAIGN

805. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

With regards to the Department of Contract and Management Services contract No 175A1996 for the supply of Campaign Advertising -

- (1) Under what circumstances can a government department or agency get an exemption from this contract and utilise the services of a different company to book campaign advertising space?
- (2) Are exemptions required in writing to the State Supply Commission?
- (3) Were any exemptions granted in regard to this contract in the following periods -
  - (a) July 1, 1996 to June 30 1997;
  - (b) July 1, 1997 to June 30, 1998;
  - (c) July 1, 1998 to December 11, 1998?
- (4) Have any complaints been lodged with the Contract Manager in regard to this contract in the following periods -
  - (a) July 1, 1996 to June 30, 1997;
  - (b) July 1, 1997 to June 30, 1998;
  - (c) July 1, 1998 to December 11, 1998?
- (5) If yes, how many for each period?

Hon MAX EVANS replied:

I am advised as at 13 January 1999 that:

## CONTRACT AND MANAGEMENT SERVICES

- (1) Approval to purchase outside a mandatory common use contract (CUC) may be granted if:
 

it can be demonstrated that a preferable arrangement is available outside of the mandatory CUC; or

a purchase under the terms and conditions of the Regional Buying Compact results in an arrangement that is preferable to the mandatory CUC.

This approval may not be granted if it breaches the conditions of the contract to an extent that imposes significant penalties on government or jeopardises the CUC arrangement. A public authority can purchase outside a mandatory CUC if an emergency situation exists that threatens life, property or equipment. In this instance, approval must be granted by the public authority's accountable officer or authority and justified (at a later date) to the State Supply Commission or its delegate.
- (2) Yes.
- (3) To determine precisely if there were any formal exemptions in relation to this contract would involve an extensive search of State Supply Commission records and be extremely time-consuming. However, preliminary reviews of the Commission's files indicate that during the period July 1996 to December 1998 there have been few, if any, such exemptions granted.
- (4)-(5) July 1, 1996 to June 30, 1997 - 1 complaint lodged  
 July 1, 1997 to June 30, 1998 - nil complaints lodged  
 July 1, 1998 to Dec 11, 1998 - nil complaints lodged

## EDUCATION, ANNUAL REPORTS

809. Hon KEN TRAVERS to the Leader of the House representing the Minister for Education:

- (1) Have the following 1997/98 annual reports been produced, or have contracts been awarded for their printing -
  - (a) Curriculum Council; and
  - (b) Education Department of Western Australia?
- (2) If yes, for each report can the Minister for Education state -
  - (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of-
    - (i) artwork;
    - (ii) publication;

- (iii) distribution; and
- (iv) writing?

- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
- (a) what services were provided by contractors; and
  - (b) at what cost?

Hon N.F. MOORE replied:

Education Department of Western Australia

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

Curriculum Council

- (1) Yes.
- (2)
- (a) Swift Print and Copy Service.
  - (b) 1 250
  - (c)
    - (i) Artwork for cover - \$296. Other artwork done by Curriculum Council staff.
    - (ii) \$2 526
    - (iii) Postage approximately \$1 000
    - (iv) The writing and word processing were done by Curriculum Council staff as part of normal duties.
- (3) No.
- (4)
- (a) Cover design and artwork.
  - (b) \$296

#### GOVERNMENT DEPARTMENTS AND AGENCIES, ANNUAL REPORTS

810. Hon KEN TRAVERS to the Leader of the House representing the Minister for Regional Development:

- (1) Have the following 1997/98 annual reports been produced, or have contracts been awarded for their printing -
- (a) Peel Development Commission;
  - (b) Pilbara Development Commission;
  - (c) South West Development Commission; and
  - (d) Wheatbelt Development Commission?
- (2) If yes, for each report can the Minister for Regional Development state -
- (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
- (a) what services were provided by contractors; and
  - (b) at what cost?

Hon N.F. MOORE replied:

Peel Development Commission

- (1) Yes.
- (2)
- (a) Mandurah Graphics.
  - (b) 500.
  - (c)
    - (i) \$4 400
    - (ii) \$4 018
    - (iii) \$228
    - (iv) The Report was written in house.
- (3) No.

- (4) (a) Design, layout, negative preparation typesetting and printing.  
(b) \$8 418.

Pilbara Development Commission

- (1) Yes.
- (2) (a) Bounce Innovations has been awarded the printing contract.  
(b) 300.  
(c) (i) \$820  
(ii) \$2 526  
(iii) \$250  
(iv) The Report was written in house.
- (3) No.
- (4) (a) Design and print management.  
(b) \$3 346

South West Development Commission

- (1) Yes.
- (2) (a) Dynamic Print, Bunbury  
(b) 350.  
(c) (i) \$3 000  
(ii) \$4 670  
(iii) \$200  
(iv) The Report was written in house.
- (3) No.
- (4) (a) Design, print management and printing.  
(b) \$7 670.

Wheatbelt Development Commission

- (1) The Wheatbelt Development Commission's 1997-98 Annual Report contract is being processed.
- (2) (a) Touchstone Colour.  
(b) 500.  
(c) (i) \$4 762  
(ii) \$3 050  
(iii) \$400 approximately.  
(iv) The Report was written in house.
- (3) No.
- (4) (a) Pre-press and printing.  
(b) \$7 812.

RECREATION CAMPS AND RESERVES ANNUAL REPORT

811. Hon KEN TRAVERS to the Minister for Sport and Recreation:

- (1) Has the 1997/98 Recreation Camps and Reserves annual report been produced, or has a contract been awarded for its printing?
- (2) If yes, can the Minister state -
  - (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
  - (a) what services were provided by contractors; and
  - (b) at what cost?

Hon N.F. MOORE replied:

- (1) Yes, it has been produced.
- (2)
  - (a) PK Print.
  - (b) 270
  - (c)
    - (i) produced in-house
    - (ii) \$3 525.
    - (iii)-(iv) undertaken in-house
- (3) No.
- (4)
  - (a) Printing.
  - (b) \$3 525

#### ROTTNEST ISLAND AUTHORITY, ANNUAL REPORT

813. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Has the 1997/98 Rottnest Island Authority annual report been produced, or has a contract been awarded for its printing?
- (2) If yes, can the Minister state -
  - (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
  - (a) what services were provided by contractors; and
  - (b) at what cost?

Hon N.F. MOORE replied:

- (1) Yes, it has been produced.
- (2)
  - (a) The Sands Group.
  - (b) 300
  - (c)
    - (i) \$ 4 898
    - (ii) \$10 499
    - (iii)-(iv) in-house costs only
- (3) No. See (2)(a).
- (4)
  - (a) The design and printing were provided by contractors.
  - (b) \$15 397.

#### CENTRAL METROPOLITAN COLLEGE OF TAFE, ANNUAL REPORT

816. Hon KEN TRAVERS to the Leader of the House representing the Minister for Employment and Training:

- (1) Has the 1997/98 Central Metropolitan College of TAFE annual report been produced, or has a contract been awarded for its printing?
- (2) If yes, can the Minister for Employment and Training state -
  - (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?

- (4) If not -
- (a) what services were provided by contractors; and
  - (b) at what cost?

**The answer was tabled. [See paper No 834.]**

PLANNING, ANNUAL REPORTS

817. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) Have the following 1997/98 annual reports been produced, or have contracts been awarded for their printing -
- (a) Ministry for Planning; and
  - (b) Western Australian Planning Commission?
- (2) If yes, for each report can the Minister for Planning state -
- (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
- (a) what services were provided by contractors; and
  - (b) at what cost?

**The answer was tabled. [See paper No 840.]**

GOVERNMENT DEPARTMENTS AND AGENCIES, ANNUAL REPORTS

819. Hon KEN TRAVERS to the Minister for the Arts:

- (1) Have the following 1997/98 annual reports been produced, or have contracts been awarded for their printing -
- (a) Library and Information Service of Western Australia; and
  - (b) Art Gallery of Western Australia?
- (2) If yes, for each report can the Minister state -
- (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
- (a) what services were provided by contractors; and
  - (b) at what cost?

Hon PETER FOSS replied:

- (1) (a)-(b) Yes.

Art Gallery of Western  
Australia

Library and Information  
Service of Western Australia

- |  |  |
|--|--|
| <p>(2) (a) Frank Daniels Pty Ltd<br/>(b) 400 copies<br/>(c) (i) Nil<br/>(ii) \$4350<br/>(iii) Estimated \$400<br/>(iv) Secretarial and copy and editing at \$5,700</p> | <p>(a) Optima Press<br/>(b) 500 copies<br/>(c) (i) Nil<br/>(ii) \$6,330<br/>(iii) \$180<br/>(iv) Nil</p> |
|--|--|



- |     |   |   |
|-----|---|---|
| (3) | No.   | No.   |
| (4) | (a)-(b) Printing and binding (\$4,350)<br>Secretarial (\$5,000)<br>Copy editing (\$700) | (a)-(b) Formatting text (\$1096)<br>Printing (\$6330) |

MINISTRY OF JUSTICE, ANNUAL REPORT

820. Hon KEN TRAVERS to the Minister for Justice:

- (1) Has the 1997/98 Ministry of Justice annual report been produced, or has a contract been awarded for its printing?
- (2) If yes, can the Minister state -
  - (a) the name of the printer;
  - (b) how many copies have been, or will be, printed; and
  - (c) the cost of -
    - (i) artwork;
    - (ii) publication;
    - (iii) distribution; and
    - (iv) writing?
- (3) Was the 1997/98 annual report produced wholly within the department or agency?
- (4) If not -
  - (a) what services were provided by contractors; and
  - (b) at what cost?

Hon PETER FOSS replied:

- (1) Yes.
- (2) (a) Advance Press Pty Ltd.  
(b) 900  
(c) (i) \$14,839 [photographer (\$2,659), graphic designer (\$9,390), reprographics (\$2,790 - quote only)]  
(ii) \$8,729 [printer (\$6,615), Internet publication (\$2,114)]  
(iii) \$1,152  
(iv) \$4,600
- (3) No.
- (4) (a)-(b)
 

Writing	-	\$4,600
Photography		\$2,659
Graphic Design	-	\$9,390
Reprographics	-	\$2,790 (quote only)
Printing/internet publication		\$8,729
Distribution		\$1,152

BUNBURY, REVENUE FROM SPEED AND RED LIGHT CAMERAS

821. Hon KEN TRAVERS to the Minister for Transport:

- (1) How much revenue from speed and red-light cameras was collected in and around Greater Bunbury in 1997/98?
- (2) How much revenue from speed and red-light cameras is expected to be collected in and around Greater Bunbury in -
  - (a) 1998/99;
  - (b) 1999/2000; and
  - (c) 2000/2001?
- (3) How much of this revenue is put specifically back into improving both roads and road safety in Greater Bunbury?

Hon M.J. CRIDDLE replied:

- (1) There is one speed camera located in Bunbury and there are no red-light cameras. The amount of revenue actually collected from the camera located in Bunbury is not readily available from existing sources. The number of infringements issued for speeding from the camera located in Bunbury for the period 1 July 1997 to 30 June 1998 was 4 239.
- (2) This information is not readily available from existing sources.
- (3) One third of the money generated by red-light and speed cameras goes to the Road Trauma Trust Fund which is

used to fund programs aimed at reducing road trauma. Road safety programs are delivered at a State and regional level. The specific amount used to improve road safety in Greater Bunbury is not readily available from existing sources. Roads are funded from a separate budget.

GOVERNMENT DEPARTMENTS AND AGENCIES, ANNUAL REPORTS

822. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the Minister name the regional departments and agencies under his control which printed their 1997/98 annual reports in the Perth metropolitan area rather than utilising the services of local businesses?
- (2) For each annual report listed in answer to (1) above, can the Minister state -
  - (a) why the report was printed in the Perth metropolitan area rather than in regional cities and towns;
  - (b) how many companies tendered for the contract;
  - (c) did any local regional companies tender for the contract;
  - (d) what were the original and actual final costs of the contract?

Hon M.J. CRIDDLE replied:

Albany Port Authority

- (1) Albany Port Authority.
- (2)
  - (a) Successful Tenderer.
  - (b) Three.
  - (c) No.
  - (d)
 

Original	\$7 922
Actual	\$9 689

Bunbury Port Authority

- (1) Bunbury Port Authority.
- (2)
  - (a) Price was most competitive for quality of the report.
  - (b) Eight.
  - (c) One.
  - (d)
 

Original contract price	\$7 200
Final cost	\$9 980

Esperance Port Authority

- (1) Esperance Port Authority.
- (2)
  - (a) Colour printing capabilities not available.
  - (b) Four.
  - (c) No.
  - (d)
 

Original	\$ 8 725
Actual	\$10 507

Dampier Port Authority

- (1) Dampier Port Authority
- (2)
  - (a) No local firm with the printing capacity.
  - (b) Two quotations were obtained.
  - (c) One, although they would have forwarded the printing to a Perth associate company.
  - (d) Quote for cost is \$9 720. Invoice not received to date.

Port Hedland Port Authority

- (1) Port Hedland Port Authority.
- (2)
  - (a) Local printers not able to produce suitable report.
  - (b) Three.
  - (c) No.
  - (d)
 

Original	\$14 490	(for 48 page report)
Final	(not yet received)	(for 52 page report)

GOLDFIELDS ESPERANCE DEVELOPMENT COMMISSION ANNUAL REPORT, PRINTING CONTRACT

824. Hon MARK NEVILL to the Leader of the House representing the Minister for Regional Development:

- (1) Can the Minister for Regional Development confirm that the printing contract for the 1997/98 Goldfields Esperance Development Commission annual report, which has been awarded to Goldfields Printers for the last two years, was this year awarded to a Perth-based company, Advance Press?

- (2) How many companies tendered for the contract , and can the Minister name them?
- (3) Was the Advance Press tender price the lowest?
- (4) If Goldfields Printers tendered for the contract, was their tender price within ten per cent of the Advance Press tender?
- (5) How many pages was the annual report in -
  - (a) 1995/96;
  - (b) 1996/97; and
  - (c) 1997/98?
- (6) What was the total cost of producing the annual report in -
  - (a) 1995/96;
  - (b) 1996/97; and
  - (c) 1997/98?
- (7) If the cost of producing the annual report has increased, can the Minister explain the increase?
- (8) Can the Minister for Regional Development explain why the contract was awarded to a Perth-based company rather than a local Goldfields, or Esperance-based printing firm?

Hon N.F. MOORE replied:

- (1) Yes. The Goldfields Esperance Development Commission awarded a contract to local graphic design company, Minecorp, to produce the Annual Report. Minecorp contracted Advance Press to print the Report.
- (2) Three local businesses tendered for the contract. Reynolds Graphics, Snap Printing and Minecorp.
- (3) Not applicable.
- (4) Goldfields Printers did not tender for the contract.
- (5)
  - (a) 67.
  - (b) 38.
  - (c) 44.
- (6)
  - (a) \$3 570.
  - (b) \$5 667.
  - (c) \$6 021
- (7) In 1995-96 Goldfields Printers published the annual Report and the artwork was completed in-house. In 1996-97 the Commission appointed a graphic designer to complete the artwork. In 1997-98 the number of copies printed increased from 400 to 500.
- (8) The Commission tendered for a contractor to provide a graphic design package. Three local businesses bid for the job and all incorporated printing into the overall package. The successful tenderer is a local graphic designer who chose to use a Perth based printer.

#### SENIORS, DESIGN COMPETITION AND EXPO

825. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Page 16 of the document, "Time on Our Side", states that, 'The Government will . . . stage a design competition and expo which highlights the needs and market opportunities of seniors across a range of products.' -

- (1) When will this take place?
- (2) What is the proposed venue?
- (3) Who will co-ordinate this competition and expo?

Hon M.J. CRIDDLE replied:

- (1) The Universal Design Competition and Exhibition will be launched in the first half of 1999 and culminate in an awards presentation and exhibition later in the year.
- (2) The proposed venue for the award presentation and the exhibition is the WA Art Gallery.
- (3) The competition and exhibition will be coordinated by the Office of Seniors Interests with the collaboration of the Disability Services Commission, Curtin University, the Australian Design Institute (ADI), the Royal Australian Institute of Architecture (RAIA) WA Chapter.

SENIORS, TECHNOLOGY TRAINING

835. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Page 14 of the document, "Time on Our Side", states that, 'The Government will . . . target training for older people to focus on new technologies and 'returning to learning.'

- (1) How will the training be targeted?
- (2) Who will provide the training?

Hon M.J. CRIDDLE replied:

- (1) The Government is committed to providing seniors with a variety of options for being trained in the use of technology. The government has already provided funding for the development of the computer training facility being operated by the Council on the Ageing and has recently tendered for the provision of 'New Technology Seminars' for seniors. In addition, seniors are able to access courses being offered by TAFE and Adult Learning Centres which are involved in promoting learning throughout the lifespan.
- (2) The new technology seminars are being piloted as a means of developing a model of technology training for seniors that can be promoted to providers of services and goods which involve technology. The seminars are being conducted by the Mandurah Senior Citizens Centre and the telecentres at Quairading, Moora and Wongan Hills.

SENIORS, FREE TRANSPORT

839. Hon CHERYL DAVENPORT to the Minister for Transport:

Page 12 of the document, "Time on Our Side", states that, 'The Government will . . . extend free transport for seniors during Seniors Week to travel within country towns.'

- (1) When will this be implemented?
- (2) Which country towns will be involved?

Hon M.J. CRIDDLE replied:

- (1) Free transport was provided for seniors on public transport in country towns during Seniors Week 98, the period 1-7 November.
- (2) The towns of Albany, Broome, Bunbury, Esperance, Geraldton, Kalgoorlie, Port Hedland and Busselton.

SENIORS, EDUCATION PROGRAMS

844. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Fair Trading:

Page 10 of the document, "Time on Our Side", states that, 'The Government will . . . conduct education programs targeted at retirement village administrators, residents of retirement villages and seniors in general.'

- (1) What time frame has been developed to conduct the education programs?
- (2) How will the programs be facilitated?

Hon MAX EVANS replied:

- (1) The program is scheduled to commence during the first half of the 1999/2000 financial year.
- (2) Delivery mechanisms, which are yet to be finalised, will be developed in consultation with stakeholders. The program will be subject to an ongoing, comprehensive evaluation.

SENIORS, IMPACT ON HEALTH SERVICES

851. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

Page 8 of the document, "Time on Our Side", states that, 'The Government will . . . identify the long term strategic impact of an ageing population of health services'.

- (1) How will this information be identified?
- (2) Who will collect the data?
- (3) What time frame is envisaged for data collection?

Hon MAX EVANS replied:

- (1) The identification of information required to determine the long term strategic impact of an ageing population on the need and demand for health services is already in progress and is a continuing element of government aged care and health services planning. In brief, this information includes projections of elderly population trends, including the age/sex composition of the elderly population on a geographic basis, incidence and prevalence of disabling disease in older people and the social structure of the aged population.
- (2) Much of the information required for long term strategic planning of health services for older people is already systematically collected within wider population and social data collections conducted and published by the Australian Bureau of Statistics, the Western Australian Planning Commission, the Health Department of Western Australia, the Australian Institute of Health and Welfare and the Commonwealth Department of Health and Aged Care. The Health Department of Western Australia also collects detailed information on the use of and need for hospital and community care services by older people and makes use of information gathered by university aged care research organisations including, for example, information collected and maintained by the Aged Care Research and Evaluation Unit of the Department of Public Health, University of Western Australia.
- (3) There is no specific time frame for the collection of planning data for aged care services. It is an ongoing and continuous activity. Also, the collection of strategically important information required for aged care services planning is in many cases part of wider permanent data collections required for the planning of health services.

#### SENIORS, SMART CARD TECHNOLOGY

852. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Commerce and Trade:

Page 7 of the document, "Time on Our Side", states that, 'The Government will . . . ensure the Office of Information and Communications considers seniors' needs in the development of Smart Card technology'. What consultation will occur with seniors to ascertain needs?

Hon N.F. MOORE replied:

The Office of Information and Communications (OIC), within the Department of Commerce and Trade, is working with agencies to help identify the potential benefits of using smartcards to deliver Government information and services. OIC has provided Western Australian Government agencies with guidelines covering a range of related issues and principles. These emphasise the need to focus on customer needs. Any use of smartcards to deliver services for seniors includes wide consultation with key Government and community groups such as Office of Seniors Interests, Council on the Ageing, National Seniors Association and Australian Pensioners' League. Individual agencies have prime responsibility for ensuring that their smartcard services meet the needs of their customers. However, OIC will be working with agencies and organisations to make sure the potential benefits of such services are realised.

#### SENIORS, INTERNET TRAINING

853. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Page 7 of the document, "Time on Our Side", states that, 'The Government will . . . train seniors to access information and services available through the Internet by developing a 'seniors net' pilot project'.

- (1) How will this occur?
- (2) Who will develop the pilot project?

Hon M.J. CRIDDLE replied:

- (1)-(2) This project is part of the responsibilities of the Technology Precinct Management Board which is currently being established. The process of how this project will proceed will be subject to the Management Board's discussion with the Office of Seniors Interests and community groups.

#### SENIORS, ACCESS TO SENIORS CARD BENEFITS

854. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Page 7 of the document, "Time on Our Side", states that, 'The Government will . . . develop a communications strategy to encourage greater access to Seniors Card benefits by seniors in regional areas'.

- (1) How will the strategy be developed?
- (2) Who will be involved in the development?

Hon M.J. CRIDDLE replied:

- (1) A process of consultation, drafting, feedback and adoption will underlay the development of the strategy.

- (2) The Office of Seniors Interests will consult with media specialists, with seniors' organisations, with the Regional Development Commissions and other departments, agencies and individuals.

#### SENIORS SERVICES

855. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Page 6 of the document, "Time on Our Side", states that, 'The Government will . . . implement a strategy to help non-government agencies and seniors' organisations to increase their capacity to deliver services to seniors'.

- (1) When will this strategy be developed?
- (2) When will the strategy be released to agencies?
- (3) Will agencies as well as government departments be involved in developing the strategy?
- (4) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) The strategy will be developed during 1999.
- (2) During the latter part of 1999.
- (3) Yes.
- (4) Not applicable.

#### SENIORS, THEMES IN ART WORK

856. Hon CHERYL DAVENPORT to the Minister for the Arts:

Page 5 of the document, "Time on Our Side", states that, 'The Government will . . . incorporate themes of the International Year of Older Persons in public artwork through the *Per cent for Art* scheme'. How is this occurring?

Hon PETER FOSS replied:

ArtsWA undertook to investigate opportunities to incorporate International Year of Older Persons themes in public artwork through the State Government Percent for Art Scheme. The Percent for Art Scheme is managed through Department of Contract and Management Services (CAMS) in coordination with ArtsWA. The Scheme applies to selected State Government buildings. ArtsWA has held discussions with the manager of art projects at CAMS, in addition a meeting has been held with all four Percent for Art coordinators who have been briefed to assess all projects for the appropriateness to incorporate the themes of International Year of Older Persons. At this stage no suitable projects have been identified.

#### GREAT NORTHERN HIGHWAY, FITZROY CROSSING

857. Hon MARK NEVILL to the Minister for Transport:

- (1) When was the construction of the four bridges and associated earthworks on the Great Northern Highway at Fitzroy Crossing completed?
- (2) On how many occasions has Fossil Downs been flooded since the construction commenced?
- (3) What is the previous history of flooding of this area?
- (4) Is the earthworks responsible for the build up of flood waters in both the Fitzroy and Margaret Rivers?
- (5) What engineering studies were done to determine the effect on the river floor?
- (6) What engineering solutions have been contemplated to reduce the incidence of flooding and improve access to Aboriginal communities and pastoral properties in the area?

Hon M.J. CRIDDLE replied:

- (1) 1974.
- (2) Precise records of homestead flooding are not maintained but anecdotal evidence would suggest that flooding occurred at least in 1983, 1986, 1991 and 1993.
- (3)-(5) The area around the Fossil Downs homestead forms part of the Fitzroy River floodplain. The existing access track and in particular the crossing over the Margaret River has sustained damage due to flooding prior to the bridges construction in 1974. Investigations of the backwater effect from the Fitzroy and Brooking bridges and associated

earthworks have been carried out during time of flood in 1983, 1986, 1991 and 1993 which shows the back water does not impact as far upstream as Fossil Downs.

- (6) Access roads to aboriginal communities and pastoral properties are the responsibility of the Shire of Derby-West Kimberley. Main Roads contributes advice in the fields of hydrology, flood studies and construction techniques to Council and other Government Agencies. The honourable member may be aware that \$10 million has been allocated from the *Transform WA* program for improvements to Aboriginal community roads. In the 1998/99 financial year over \$2 million will be expended on sealing of roads in the Jigalong community (north-east of Newman) and the Oombulgurri community (west of Wyndham).

#### BOAT DRIVERS' LICENSING

860. Hon TOM HELM to the Minister for Transport:

Last week the Minister said he was not aware that the Government had announced that boat drivers would face tough licensing tests under a State Government plan to cut dangerous incidents on Western Australian waters. Can the Minister explain the report in *The West Australian* of January 7, 1998 and I quote "Boat drivers will face tough licensing tests and compulsory maritime safety training for the first time under a State Government plan to cut dangerous incidents on Western Australian waters. The Transport Department confirmed yesterday it expected to have a licensing system for boat and jet ski drivers next year."?

Hon M.J. CRIDDLE replied:

The article that was published in the West Australian newspaper on 7 January 1998 under the heading "Licence tests for boats" did not represent an announcement of Government policy. At the recent meeting of the Australian Transport Council, it was agreed to review the issue of boat drivers' licensing on a national basis and Western Australia will take part in that review. Extensive public consultation would be carried out prior to the Government deciding on its approach to licensing.

#### RICHMOND PRIMARY SCHOOL, INTERNATIONAL INFORMATION TECHNOLOGY PROJECT

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

I refer to the reported comments in *The West Australian* of October 27, 1998 of Richmond Primary School teacher Ms Debbie Gibson that "Last year EDWA's Technology 2000 project chipped in to support Richmond (with its international information technology project) but so far has not committed any funds leaving the project cash strapped".

- (1) Has EDWA made any commitment to support Richmond Primary School with its international information technology project?
- (2) By what date was any support committed for the project due to be delivered to the school?
- (3) Have all commitments of support for this project been met by the due date?
- (4) Does EDWA intend to provide any future support to this project?
- (5) If so, when?

Hon N.F. MOORE replied:

- (1) In April 1997 the Technology 2000 Secretariat agreed to fund Richmond Primary School up to \$1 000 for telecommunications costs, and the School of Isolated and Distance Education agreed to provide free use of their video conferencing facilities. This was to allow the students from the school to video conference with West Cliff in the United Kingdom to participate in the Endeavour project. At that time it was made clear that this support was to be given on a one off basis.
- (2) All of the committed support was delivered to the school when it participated in a video conference on 2 May 1997. Technology 2000 and the School of Isolated and Distance Education made their agreed contributions for the cost of this video conference.
- (3) Yes.
- (4) No, but the school has the flexibility to use some of its allocation of funding from the Government's Learning Technologies funding to support this school based initiative, as long as they meet their target computer to student ratio.
- (5) Not applicable.

## COMPUTERS, YEAR 2000 PROBLEM

863. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Has the Minister for Commerce and Trade examined the British Government sponsored "Pledge 2000" initiative which is designed to encourage between companies information sharing and other cooperation in dealing with the year 2000 computer problem?
- (2) Would a similar initiative in Australia be of assistance to companies participating in the Western Australian economy?
- (3) If yes, what has the Minister for Commerce and Trade done amongst Australia's Commonwealth and State Governments to encourage a similar initiative in this country?

Hon N.F. MOORE replied:

- (1) This issue has been examined by the Federal Government's Year 2000 Steering Committee on which this State is represented.
- (2) It was agreed by the States and Territories that a better comprehensive solution was for the Federal Government to develop Year 2000 disclosure legislation, which encourages greater voluntary disclosure and exchange of information by organisation on Year 2000 readiness and remediation efforts.
- (3) The Minister for Commerce and Trade was supportive of this strategy. He fully supports the announcement made by Senator Hon Richard Alston on Thursday, 17 December, 1998 that the Federal Government will introduce this form of legislation early in the next Federal Parliamentary sitting.

## COMPUTERS, INFORMATION TECHNOLOGY MINISTERS' MEETING

864. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Will the Minister for Commerce and Trade confirm the report of *The West Australian* of November 21, 1998 that on November 18, 1998 a meeting of Australia's information technology Ministers agreed to step up their efforts to develop a national response to the year 2000 computer problem, assisting with risk assessment and developing contingency plans?
- (2) Did the Minister for Commerce and Trade attend this meeting?
- (3) If not, why not?
- (4) Did the Minister for Commerce and Trade commit the Western Australian Government to this agreement?
- (5) If yes, what specific undertakings for the Western Australian Government were committed by this agreement?

Hon N.F. MOORE replied:

- (1) The meeting referred to was the fourth meeting of the Online Council. The States, Territories and Commonwealth Ministers responsible for the Information Economy agreed on the need to step up efforts in developing a national response to assist risk assessment and Year 2000 contingency planning.
- (2) No. The Minister did not attend. Mr Stephen Collins, Executive Director, Office of Information and Communications, Department of Commerce and Trade, attended in his place. Ms Donna Carter, Policy Officer from the Minister's Office, also attended the meeting.
- (3) The Minister was on a Trade Mission in the Philippines.
- (4)-(5) It was agreed that the jurisdictions would explore approaches for the exchange of information. They agreed to give further consideration to the need for, and desirability of, public information. The Ministers from the States, Territories and the Commonwealth who are responsible for the Year 2000 computer issue met on 17 December 1998. Agreements reached at this meeting include: the introduction by the Commonwealth of Good Samaritan legislation; agreement in principle on the need for regular public disclosure of the state of compliance of systems and the state of readiness of key supply sectors; a national approach to continuity and emergency management planning; a national communications strategy and an assessment of international risks by the Commonwealth.

## RAILWAYS, LOWERING IN JARRAD STREET-SALVADO ROAD

865. Hon E.R.J. DERMER to the Minister for Transport:

- (1) Will the Minister confirm that Main Roads has commissioned a consultant to investigate the technical feasibility,



implications and costs of lowering a section of the railway in connection with the planning for Curtin Avenue and Port Beach Road?

- (2) Will the Minister confirm that this investigation will or has included an assessment of the amount of Government land that could become available if the railway were to be lowered?
- (3) If yes to (1) above, has this investigation been completed?
- (4) If yes to (3) above, will the Minister table the report of this investigation?
- (5) If no to (3) above, when is it anticipated that this investigation will be completed?

Hon M.J. CRIDDLE replied:

- (1) Yes. Three railway lowering concepts have been assessed. These are:
  - (a) Railway lowered in a cutting so as to eliminate the Jarrad Street and Salvado Road level crossings;
  - (b) Both the railway and road lowered in a cutting;
  - (c) The railway in a tunnel, with the road over the tunnel.
- (2) Yes. However, only the third concept involved the potential release of land.
- (3) Yes.
- (4) Yes. [See paper No 835.]
- (5) Not applicable.

#### INGHAM CHICKEN, WANNEROO, NOXIOUS ODOURS

866. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) Is the Minister for Health aware of the noxious odours which emanate from time to time from the Ingham Chicken facility in Wanneroo to the detriment of people living close to the facility?
- (2) Has the Minister investigated the cause of these noxious odours?
- (3) If so, what is the cause of these odours?
- (4) If not, why not?
- (5) Will the Minister give an assurance that there is no health risk associated with these odours?

Hon MAX EVANS replied:

- (1) Yes.
- (2) No. This matter is being investigated by the Department of Environmental Protection. Further questions on this matter should be referred to the Minister for the Environment.
- (3)-(5) Not applicable.

#### GOLDFIELDS GAS PIPELINE, TRANSMISSION TARIFF REVIEW

867. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) When does the Minister for Energy expect to receive the report of the review of the transmission tariffs on the Goldfields Gas Pipeline?
- (2) When does the Minister expect he will be able to announce the findings of the review of transmission tariffs on the Goldfields Gas Pipeline?
- (3) Has the Minister the power to enforce these findings of the review if the review recommends a lowering of the transmission tariffs?
- (4) Does the structure of *Goldfields Gas Pipeline Agreement Act 1994* make it more difficult for this pipeline to compete with the proposed Anaconda/Statewest Power Pipeline tariffs?

Hon N.F. MOORE replied:

- (1)-(4) The final report from the consultants, McLennan Magasanik, was received on 15 January 1999. That report was sent to the Goldfields Gas Transmission Joint Venturers and I was able to announce a 25 per cent reduction in tariffs on 17 February 1999. No further action is proposed in relation to the review as it is complete now that the

tariff reductions have been announced. This process demonstrates that the Agreement can be used to ensure that competitive prices are charged for the use of the pipeline.

*CYCLING IN THE WEST, FUNDING*

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

Further to question on notice 406 of October 15, 1998 -

- (1) What was the alternative source of funding that was found for the newsletter *Cycling in the West*?
- (2) What level of funding was secured from this alternative source and for what period is this funding available?

Hon M.J. CRIDDLE replied:

- (1) Continued financial support by BikeWest, increased capacity of the Bicycle Transportation Alliance (BTA) to assume financial responsibility through increased membership, and the offer of Bikewest to circulate the newsletter.
- (2) This funding arrangement will be re-negotiated in March 1999 as part of the BTA's budgetary process for the next financial year.

GRANT THORNTON CONSULTING, REVIEW OF ROAD COSTS ACCOUNTING PROCEDURES

874. Hon KEN TRAVERS to the Minister for Transport:

- (1) Who made the decision to engage Grant Thornton, Chartered Accountant and Business Consultants, to review the system of incorporating corporate overheads into the cost of road projects?
- (2) On what grounds did Grant Thornton, Chartered Accountant and Business Consultants, recommend the scrapping of the practice of incorporating corporate overheads into the cost of road projects?
- (2) What remuneration did Grant Thornton, Chartered Accountant and Business Consultants, receive for their review?

Hon M.J. CRIDDLE replied:

- (1) Main Roads has been moving towards a more commercial approach. Part way through 1997/98 the procedures were simplified by the introduction of a single corporate charging methodology. However, concerns raised in the Parliamentary Estimates Committees during the 1998/99 Budget Cycle and internal feedback, indicate that these arrangements were the cause of some confusion. As a consequence, the Commissioner of Main Roads decided to seek advice from Grant Thornton Consulting. Following their review, the methodology used to account for overhead costs has been changed.
- (2) A copy of the report of the review prepared by Grant Thornton is tabled. This report has been forwarded to the Standing Committee on Estimates and Financial Operations and the Public Accounts and Expenditure Review Committee. [See paper No 836.]
- (3) \$34 938 for the review and assistance with the implementation.

GOVERNMENT DEPARTMENTS AND AGENCIES, GRAPHIC DESIGN SERVICES

876. Hon KEN TRAVERS to the Leader of the House representing the Government:

- (1) Have any Government departments or agencies engaged the services of a graphic design firm or individual for work on a logo, stationery (eg letterheads, business cards) or for any other purpose since January 1, 1997?
- (2) If yes, for each instance can the relevant Minister state-
  - (a) the name of the firm or individual;
  - (b) the date they were engaged;
  - (c) the nature of the work;
  - (d) the cost of the work; and
  - (e) whether tenders were called, and if yes, how many firms or individuals tendered?

Hon N.F. MOORE replied:

I am advised that:

- (1)-(2) From January 1, 1997 to April 1998 graphic design services were available to all Government agencies through two non-mandatory whole-of-Government contracts. Since April 1998 graphic design services have been available

to all Government agencies under a non-mandatory panel contract of 142 providers. However Government agencies may choose to use services other than those available under these non-mandatory contracts. The use of graphic design firms is not necessarily captured as a separately identifiable cost as it may be incorporated into a total project cost. As such the information required is not readily available and extensive work would be required to research this matter over the last two years. If the member wishes to provide details of a specific query relating to the use of graphic design services I will be pleased to look into the matter and advise the member.

#### GRAHAM FARMER FREEWAY INFORMATION CENTRE

877. Hon KEN TRAVERS to the Minister for Transport:

With regards to the Graham Farmer Freeway Information Centre in Aberdeen Street, Northbridge -

- (1) On what date was the Information Centre opened?
- (2) How many visitors has it received?
- (3) How many of these visitors have been school groups?
- (4) How many people staff the centre, and on what basis?
- (5) Are these staff permanent Main Roads employees or are they employed on a contract basis specifically for staffing the Information Centre?
- (6) What is the weekly and/or annual cost of staffing the centre, and is this cost included in the total cost of the Graham Farmer Freeway Project?

Hon M.J. CRIDDLE replied:

- (1) 22 June 1995.
- (2) 23 457 to 30 November 1998.
- (3) School groups are not included in the above figure. There have been 62 school groups averaging 22 people on each occasion.
- (4) The centre is currently open for 15 hours per week and staffed by one person under a contract arrangement with the Baulderstone Clough Joint Venture.
- (5) Graham Farmer Freeway Stage One contractor Baulderstone Clough Joint Venture has been responsible for the management of the centre including staff since August 1996.
- (6) Current staff cost of the Information Centre is \$225 per week and is included within the total cost of the Graham Farmer Freeway project.

#### HOMESWEST, NEW LIVING PROJECTS

878. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

For the following Homeswest New Living Projects -

- (a) Balga/Girrawheen/Koondoola/Westminster;
- (b) Coolbellup;
- (c) Karawara;
- (d) Langford;
- (e) Armadale;
- (f) Kwinana; and
- (g) Lockridge,

can the Minister for Housing state -

- (i) the name of Homeswest's partner in the project;
- (ii) the original tender cost of the contract;
- (iii) if completed, the actual final cost of the contract; and
- (iv) the date the contract was awarded and completed?

Hon MAX EVANS replied:

- (i)
  - (a) McCusker Holdings Pty Ltd and Satterley Co Pty Ltd.
  - (b) Fabray Pty Ltd (Fini Group of Companies).
  - (c) Fabray Pty Ltd (Fini Group of Companies).
  - (d) Voran Holdings Pty Ltd.
  - (e) McCusker Holdings Pty Ltd and Satterley and Co Pty Ltd.

- (f) McCusker Holdings Pty Ltd and Satterley and Co Pty Ltd.
  - (g) Voran Holdings Pty Ltd.
- (ii) There were no tender estimates. Expression of interests were assessed using predetermined selection criteria on a weighted scale but on a value for money basis taking into account past performance and experience to assure the ability of the proponent to deliver their promised outcomes. The submissions were assessed against the following weighted selection criteria; Concept; Methodology; Marketing; Experience; Track Record; Fee Proposal; Financial Capacity; Feasibility and Method and Timing of Payments.
- (iii) No projects have been completed at this point.
- (iv) (a) Contract was executed on 25 June 1998.  
 (b) A contract has been agreed but not yet signed. This will be done at a ceremony to launch this project in mid to late January.  
 (c) Contract was executed on 25 June 1998.  
 (d) A contract has been agreed but not yet signed. This will be done at a ceremony to launch this project in mid to late January.  
 (e) Contract was executed 25 June 1998.  
 (f) Contract was executed 10 May 1995.  
 (g) Contract was executed 10 May 1995.

## POLICE, BRENNAN CASE

879. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

Further to question on notice 3194 of June 27, 1995 -

- (1) Was the Mercedes Benz and other vehicles sent to the Eastern States by Hunter and Duggan carrying drugs?
- (2) Has it been established who was the car carrier involved in the movement of those vehicles?
- (3) If not, who transported each of the vehicles?

Hon PETER FOSS replied:

The issues raised by the member in this instance and those also contained in the following questions on Notice 880-883 and 886-890, were the subject of an inquiry by the Police Service's Internal Investigations Unit in 1995. In mid 1995 the police investigation, albeit incomplete, was referred to the Parliamentary Commissioner for Administrative Investigations after Mr Brennan expressed dissatisfaction with the police investigation. As the Parliamentary Commissioner's investigation has not been finalised it is inappropriate to comment prior to receipt of his report on the investigation.

## POLICE, BRENNAN CASE

880. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Was an instruction given on August 28, 1994 to police officers investigating the Brennan car thefts to close down the inquiry?
- (2) If yes -
  - (a) why;
  - (b) who made the decision to close down the inquiry; and
  - (c) who gave that instruction to the investigating officers?

Hon PETER FOSS replied:

Refer to Question 879.

## POLICE, BRENNAN CASE

881. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) In December 1993 when the Brennan's went to CIB Headquarters, did Detective Senior Sergeant I Brandis take them away from the building and not into an interview room as normal?
- (2) If yes, why?
- (3) Did Detective Senior Sergeant I Brandis ask the Brennan's if they were wired?
- (4) If yes, why?
- (5) Did Detective Senior Sergeant I Brandis say that Brennan's Rolls Royce was causing him problems and that he had told Hunter he had to return it to Brennan?

(6) If not, why not?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

882. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) With respect to the stealing of Mr R Brennan's Rolls Royce why did Detective K Walters, after the warrant was executed, tell the Brennan's that the NSW court had put restrictions on Frost in regard to the Rolls Royce; that it had to be locked away, that he could not use it and that he could not sell or trade with it?
- (2) If yes, why?
- (3) Is it correct that no such order existed?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

883. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Did Inspector S J Robbins claim in a letter dated January 23, 1992 that Richard Brennan "is suspected of committing offences by the CIB and is associated with people in the horse racing industry who have set out to discredit Detective Senior Sergeant I Brandis"?
- (2) If yes, what is the evidence for that statement?
- (3) Have these suspected offences been investigated?
- (4) If so, what was the outcome?
- (5) If not, why not?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

886. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

In respect of the 1993 affidavit of Mr R T Brennan -

- (1) Has Graham Casserley a CIB employee or police officer been interviewed about the phone contact between Brennan and Detective Senior Sergeant I Brandis?
- (2) Has Graham Casserley been interviewed at all in relation to the Brennan allegations?
- (3) Has the staff of Arrow Auctions been interviewed about the claim by Brennan that he and Detective Senior Sergeant I Brandis would have been seen at those premises in Redcliffe in March 1993?
- (4) Did Detective Senior Sergeant I Brandis visit that factory in Belmont whilst the Mazda stolen from Ms L Crimmins was stored there by N Hunter?
- (5) What was the purpose of the visit?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

887. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Did Detective Senior Sergeant I Brandis visit Brennan's Belmont factory?
- (2) If so, what was the purpose of each visit?
- (3) Did Detective Senior Sergeant I Brandis speak to Brennan about the Mazda during one of his visits to Brennan's factory?

(4) If so, what was the outcome of the discussions with Brennan?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

888. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Does the evidence in the interview by Inspectors McLeod and Robbins with Detective Senior Sergeant I Brandis contradict the statutory declarations of Mr R Brennan?
- (2) If yes, in what ways?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

889. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Was Inspector Robbins aware that Mr Lindsay Roddan had visited Brennan's factory where the stolen Mazda was stored and that on this visit, Roddan and N Hunter had removed the Mazda from the factory?
- (2) Did Inspector Robbins try to convince Wildmore during an interview at the Internal Affairs Branch office that it wasn't Lindsay Roddan who was with Hunter when they picked up the Mazda from Brennan's factory?
- (3) If yes, why?

Hon PETER FOSS replied:

Refer to Question 879.

POLICE, BRENNAN CASE

890. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) Did Detective K Walters report his investigations into the Brennan complaint and information about the activities of Detective Senior Sergeant I Brandis to Inspectors S Robbins and A Syme of the Internal Affairs Branch?
- (2) If so, when was the information reported?
- (3) Did Inspector S Robbins warn Brennan and Wildmore to be careful of their lives over their complaint because a certain named police officer was capable of anything?

Hon PETER FOSS replied:

Refer to Question 879.

BUNBURY HEALTH BOARD

894. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

- (1) Does the Bunbury Health Board use the services of a public relations consultant?
- (2) If yes -
  - (a) when and where was the position advertised;
  - (b) how many applications were there for the consultancy;
  - (c) who was responsible for awarding this consultancy;
  - (d) who was awarded the consultancy;
  - (e) what is the duration of this consultancy; and
  - (f) what is the remuneration associated with this consultancy?

Hon MAX EVANS replied:

- (1) No but a public relations consultant advises the joint partners to the South West Health Campus, ie the Combined Development Group (CDG).
- (2)
  - (a) February 1996. Renewed November 1998.
  - (b) Two.
  - (c) The Combined Development Group.

- (d) A.A. Media.
- (e) Six months.
- (f) Fifty five dollars per hour.

#### TEE POLITICAL AND LEGAL STUDIES, ENROLMENTS

895. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

- (1) How many students were enrolled in the TEE Political and Legal Studies course in -
  - (a) 1997; and
  - (b) 1998?
- (2) What are the estimated enrolments for 1999?
- (3) What schools offer TEE Political and Legal Studies?

895. Hon N.F. MOORE replied:

- (1)
  - (a) Year 12 724
  - (b) Year 12 846
- (2) Estimated enrolments for 1999 are 1 094.
- (3) The following schools offering year 12 subject E315 Political and Legal Studies in 1999 are -

All Saints College	Melville Senior High School
Applecross Senior High School	Methodist Ladies College
Aquinas College	Mirraboopa Senior High School
Ballajura Community College	Morley Senior High School
Carmel Adventist College	Mt Lawley Senior High School
Canning College	Nagle Catholic College
Carine Senior High School	Narrogin Senior High School
Christ Church Grammar School	Newman College
Cyril Jackson Senior High School	North Lake Senior Campus
Duncraig Senior High School	Ocean Reef Senior High School
Eastern Goldfields Senior High School	Penrhos College
Eastern Hills Senior High School	Perth College
Greenwood Senior High School	Presbyterian Ladies College
Guildford Grammar School	Rossmoyne Senior High School
Hale School	Sacred Heart College
Hampton Senior High School	Safety Bay Senior High School
Helena College	Scotch College
Hollywood Senior High School	Seton Catholic College
John Wollaston Anglican School	St Brigid's College
John XXIII College	St Hilda's Anglican School for Girls
Kelmscott Senior High School	Swanbourne Senior High School
Kent Street Senior High School	Thornlie Senior High School
Leeming Senior High School	Tuart College
Mercedes College	Wesley College
Mandurah Catholic College	Willetton Senior High School
Mater Dei College	Woodvale Senior High School

#### PERTH CONCERT HALL RENOVATION

901. Hon J.A. COWDELL to the Minister for the Arts:

- (1) Can the Minister indicate what assistance the Government will provide in renovating the Perth Concert Hall to provide a new home for the Western Australian Symphony Orchestra?
- (2) What is the magnitude of this assistance?

Hon PETER FOSS replied:

- (1)-(2) The Ministry for Culture & the Arts has commissioned architects Cox Howlett & Bailey Woodland to produce a master plan for the redevelopment of the Perth Concert Hall. One option being considered is the relocation of the Western Australian Symphony Orchestra (WASO) to the Concert Hall. The final report is not expected until early next year. No cost estimates are currently available for the options. The State Government has made no commitment to rehousing the WASO.

#### JERVOISE BAY DEVELOPMENT, JOB CREATION

907. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

- (1) When calculating the number of jobs to be created by the proposed Jervoise Bay industry precinct did the proponents take into account -
  - (a) jobs that will merely be relocated;

- (b) jobs lost in the broader economy due to the mis-direction of subsidies; and
  - (c) alternative uses of the funds used to provide assistance?
- (2) If yes to (1)(a) and (b) above, what are the figures?
- (3) Why did the proponent use an average 25 per cent labour income value for the project when the Australian Bureau of Statistics states that the average for the manufacturing industry is 14 per cent?

Hon N.F. MOORE replied:

- (1) (a)-(c) No.
- (2) Not applicable.
- (3) For fabrication and assembly work the labour income value is considerably higher than for manufacturing work because the former work is undertaken by more highly qualified and experienced staff.

#### JERVOISE BAY DEVELOPMENT, UTILISATION RATE

908. Hon J.A. SCOTT to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Why was the income calculated from the Jervoise Bay Infrastructure project based on a 100 per cent utilisation of the common user area and what were the calculations for lower levels of utilisation?
- (2) Why did the calculations not allow for the extreme variability in oil and gas industry work?
- (3) In calculating the potential value generated in the industrial area why did the proponent overstate the benefits by using the simplistic method of multiplying the values by four regardless of the varied nature of work and industries to be established?

Hon N.F. MOORE replied:

- (1) The 100% utilisation rate was used to indicate the economic impact of the site when fully developed. Such a utilisation rate generates an income of approximately \$260m per year. Lower levels of utilisation would reduce income in a directly proportional way. If the site was only 50% utilised, income would reduce to approximately \$130m per annum.
- (2) The site is not intended to service the oil and gas industry alone. All sectors of the resources industry including mining, further processing and chemicals production will utilise the Jervoise Bay Project for fabrication of modular structures and their assembly. Additional work will be provided by the marine industry with potential for alongside ship repair and refit work.
- (3) The proponent has not overstated the potential work value arising from the project. The consultants used by the proponent based their estimates on the value of topsides modules fabricated for oil and gas offshore platforms.

#### PINJARRA HOSPITAL, DISPUTE WITH LYNCH INTERIORS

910. Hon TOM HELM to the Minister for Finance representing the Minister for Works:

In the matter of the dispute between Lynch Interiors and the Minister for Works in regard to Pinjarra Hospital work -

- (1) Why did it take 18 months to get the dispute resolution mechanism working?
- (2) Was there cost shifting by the BMA of work outside the scope of the contractors contract such that further works carried out by the BMA was claimed to be the cost of unfinished/unsatisfactory work of the contractor?
- (3) Does the Minister for Works acknowledge that the BMA and the Minister knew that Geoff Moran, the contractor's former director, had purchased the Minister's debts?
- (4) If yes to (3) above, why then did the BMA agree to settle \$12 138.00 of the monies in dispute with the contractor's liquidator after the Minister had agreed to appoint a conciliator to look at all disputed monies knowing that Mr Moran had purchased the debts and therefore any monies the Minister was to pay would have to be paid to Mr Geoff Moran?
- (5) Given the BMA failed to follow dispute resolution procedure as set out in the contract, had representations been made to the Minister by the following -
  - (a) Building Industry Task force;
  - (b) Chamber of Commerce and Industry;
  - (c) The Hon John Day;



- (d) Mrs June van De Klashorst;
  - (e) The Hon Clive Griffiths;
  - (f) The Hon Richard Court;
  - (g) Mr Geoff Moran and his staff; and
  - (h) Mr John Foster?
- (6) If so, what was the outcome of those representations?
  - (7) Was Mr John Foster appointed by the BMA as a 'special investigator'?
  - (8) If not, in what capacity was Mr Foster employed by the BMA?
  - (9) Can the Minister confirm that Mr John Foster was paid an amount of \$23 000 for a report to the Minister?
  - (10) Is it correct that the report was a verbal report?
  - (11) Why did the Minister move to settle the dispute by appointing a conciliator after the events of question (x) had taken place?
  - (12) Why did the BMA walk away from a settlement of \$62 000 payment to the contractor in July 1995 when subsequently their own records show they paid out \$61 000 to the contractor, arbitrators and liquidator and incurred further costs of \$257 000 in defending their actions and paying alternate contractors?
  - (13) Why did the BMA steadfastly refuse access to the three sites of dispute to both AMP (the contractor's insurers) and on one occasion the Builders Registration Board inspectors even though there were huge claims of alleged water damage caused by the negligence of the contractor?
  - (14) Why do the BMA's records show they claimed unsatisfactory work by the contractor and this was claimed to be the reason for wanting to remove him - yet further documents on their files show once removed they planned to re-employ the contractors employees and subcontractors direct, the very tradesmen carrying out the alleged unsatisfactory work?
  - (15) Why did the BMA spend \$1 380.00 with a private investigator to make a report on Mr Denis Haselhurst who was an agent for Geoff Moran and the liquidator, a school friend of the Minister and trying to negotiate a settlement on the impasse that the BMA had created?
  - (16) Why were the BMA doing regular Credit Reference Association checks on the contractor after the disputes arose when they had never done this prior to contracts being let?
  - (17) Why did the BMA tell the conciliator during "the discovery of documents" period that most of the documents were lost, yet there are now 540 in the possession of the contractor as a result of Freedom of Information inquiries?

Hon MAX EVANS replied:

This information was correct as at 22 February 1999:

- (1) Lynch Interiors failed to adhere to the dispute resolution process contained in the contract.
- (2) No.
- (3) Yes. The (WA)BMA learned on 21 November 1996 that Mr Moran had purchased the rights for the " BMA actions (that) have been agreed to be resolved by a conciliation before Mr Clive Raymond", when Mr Moran tabled a copy of an undated deed during the conciliation hearings. The (WA)BMA briefed the then Minister on 29 November 1996 of the outcome of the conciliation, including the purchase of the rights of action by Mr Moran.
- (4) The settlement of insurance monies was agreed with the liquidator on 25 September 1996 and effected by a Deed of Agreement between the insurer, the liquidator and the (WA)BMA on 23 October 1996 which was 19 days before Mr Moran's purchase was authorised. The monies were paid by the liquidator to (WA)BMA .
- (5)-(6) The BMA followed the dispute resolution procedures set out in the contract.
- (7) No.
- (8) Mr Foster was engaged to provide the then Minister for Works with independent advice relating to a range of works matters.
- (9) No. Mr Foster was paid a total of \$21,625.00 for his period of engagement during which he dealt with a range of issues, which included his efforts to resolve the dispute with Lynch Interiors.
- (10) Yes.

- (11) It was one of the recommendations by Mr Foster.
- (12) Lynch Interiors withdrew from the settlement by its solicitors' letter of 15 August 1995.
- (13) The BMA did not refuse AMP access to any site. No Builders Registration Board inspector asked the BMA for access to the site.
- (14) The document referred to in the question appears to be a draft report which considered various options. The options ceased to be relevant when Lynch Interiors defaulted on two other contracts. The document was never finalised and never referred to the Minister for Works.
- (15) During the period of Lynch Interiors' insolvency, correspondence was received from Mr David Haselhurst. The BMA had no knowledge of Mr Haselhurst and the liquidator had provided no information on his position or background. It was necessary to formally establish his position and role in the matters with Lynch Interiors. Corporate searches of public information were undertaken to ascertain if Mr Haselhurst was acting on behalf of Lynch Interiors or the liquidator in any official capacity as an officer of the company. The investigations were carried out under an existing contract for credit reporting services and by examining public records. This would have cost approximately \$60.00. At no time did the BMA employ a private investigator or create an impasse.
- (16) As a result of defaults under four contracts, Lynch Interiors was in debt to the State. It was therefore necessary to monitor the financial position and ownership of Lynch Interiors pending recovery of the money. The company subsequently went into liquidation.
- (17) There was no "discovery of documents" period at the conciliation. At no time did anyone from the (WA)BMA tell the conciliator that "most of the documents were lost".

#### NUCLEAR POWER

911. Hon GIZ WATSON to the Leader of the House representing the Minister for Energy:

In reference to the development/use of Nuclear Power in Western Australia -

- (1) Has the Office of Energy carried out a cost benefit analysis of the development or use of Nuclear Power in Western Australia?
- (2) If so, when was this carried out?
- (3) If so, will the Minister for Energy table the report or findings?

Hon N.F. MOORE replied:

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

#### EAST PERTH REDEVELOPMENT AUTHORITY, CONTRACTS OVER \$1 MILLION

912. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) How many contracts have been awarded by the East Perth Redevelopment Authority with a value of \$1 million or more?
- (2) For each contract, can the Minister for Planning state -
  - (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the original cost of the contract;
  - (d) if completed, the actual final cost of the contract;
  - (e) the date the contract was awarded; and
  - (f) the names of any other companies who tendered for the contract?

**The answer was tabled. [See paper No 841.]**

#### SUBIACO REDEVELOPMENT AUTHORITY, CONTRACTS OVER \$1 MILLION

913. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) How many contracts have been awarded by the Subiaco Redevelopment Authority with a value of \$1 million or more?

- (2) For each contract, can the Minister for Planning state -
- (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the original cost of the contract;
  - (d) if completed, the actual final cost of the contract;
  - (e) the date the contract was awarded; and
  - (f) the names of any other companies who tendered for the contract?

**The answer was tabled. [See paper No 842.]**

SUBIACO REDEVELOPMENT AUTHORITY, STATION SQUARE PRECINCT

914. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

With regards to the Subiaco Redevelopment Authority sale of the Station Square Precinct land, what were the tender prices submitted by the other companies for this land?

Hon PETER FOSS replied:

It is not normal practice to divulge the tender prices of unsuccessful tenderers.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

917. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) Have any agencies or departments under the Minister for Planning's control awarded any contracts to the following companies since July 1, 1996 -
- (a) Dibstone Group Limited;
  - (b) Eastbrook Village Limited;
  - (c) Citi Fidelity Nominee Co. Pty Ltd;
  - (d) Flying Fish Cove Pty Ltd;
  - (e) Haneva Pty Ltd;
  - (f) Pier Point Pty Ltd;
  - (g) Winthrop Cottesloe Apartments Ltd;
  - (h) Winthrop Northbridge Apartments Limited;
  - (i) Burleigh Junction Estate Pty Ltd;
  - (j) Clarke & Hawkins Management Pty Ltd;
  - (k) Hawkins Holdings Pty Ltd;
  - (l) REJ Clark & Associates Pty Ltd; and
  - (m) Superior Properties?
- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon PETER FOSS replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACT DETAILS

918. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

- (1) Have any agencies or departments under the Minister for Disability Services' control awarded any contracts to the following companies since July 1, 1996 -
- (a) Dibstone Group Limited;
  - (b) Eastbrook Village Limited;
  - (c) Citi Fidelity Nominee Co. Pty Ltd;
  - (d) Flying Fish Cove Pty Ltd;
  - (e) Haneva Pty Ltd;
  - (f) Pier Point Pty Ltd;
  - (g) Winthrop Cottesloe Apartments Ltd;
  - (h) Winthrop Northbridge Apartments Limited;
  - (i) Burleigh Junction Estate Pty Ltd;

- (j) Clarke & Hawkins Management Pty Ltd;
- (k) Hawkins Holdings Pty Ltd;
- (l) REJ Clark & Associates Pty Ltd; and
- (m) Superior Properties?

(2) If yes, can the Minister provide the following details of those contracts -

- (a) the name of the contractor;
- (b) the contract number;
- (c) the date it was awarded;
- (d) the project the contract was awarded for;
- (e) the cost of the contract;
- (f) if the contract has been completed, the final cost of the contract; and
- (g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACT DETAILS

919. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) Have any agencies or departments under the Minister for Water Resources' control awarded any contracts to the following companies since July 1, 1996 -

- (a) Dibstone Group Limited;
- (b) Eastbrook Village Limited;
- (c) Citi Fidelity Nominee Co. Pty Ltd;
- (d) Flying Fish Cove Pty Ltd;
- (e) Haneva Pty Ltd;
- (f) Pier Point Pty Ltd;
- (g) Winthrop Cottesloe Apartments Ltd;
- (h) Winthrop Northbridge Apartments Limited;
- (i) Burleigh Junction Estate Pty Ltd;
- (j) Clarke & Hawkins Management Pty Ltd;
- (k) Hawkins Holdings Pty Ltd;
- (l) REJ Clark & Associates Pty Ltd; and
- (m) Superior Properties?

(2) If yes, can the Minister provide the following details of those contracts -

- (a) the name of the contractor;
- (b) the contract number;
- (c) the date it was awarded;
- (d) the project the contract was awarded for;
- (e) the cost of the contract;
- (f) if the contract has been completed, the final cost of the contract; and
- (g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACT DETAILS

920. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

(1) Have any agencies or departments under the Minister for Housing's control awarded any contracts to the following companies since July 1, 1996 -

- (a) Dibstone Group Limited;
- (b) Eastbrook Village Limited;
- (c) Citi Fidelity Nominee Co. Pty Ltd;
- (d) Flying Fish Cove Pty Ltd;
- (e) Haneva Pty Ltd;
- (f) Pier Point Pty Ltd;
- (g) Winthrop Cottesloe Apartments Ltd;
- (h) Winthrop Northbridge Apartments Limited;
- (i) Burleigh Junction Estate Pty Ltd;

- (j) Clarke & Hawkins Management Pty Ltd;
- (k) Hawkins Holdings Pty Ltd;
- (l) REJ Clark & Associates Pty Ltd; and
- (m) Superior Properties?

- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

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

#### GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACT DETAILS

921. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Lands:

- (1) Have any agencies or departments under the Minister for Lands' control awarded any contracts to the following companies since July 1, 1996 -
- (a) Dibstone Group Limited;
  - (b) Eastbrook Village Limited;
  - (c) Citi Fidelity Nominee Co. Pty Ltd;
  - (d) Flying Fish Cove Pty Ltd;
  - (e) Haneva Pty Ltd;
  - (f) Pier Point Pty Ltd;
  - (g) Winthrop Cottesloe Apartments Ltd;
  - (h) Winthrop Northbridge Apartments Limited;
  - (i) Burleigh Junction Estate Pty Ltd;
  - (j) Clarke & Hawkins Management Pty Ltd;
  - (k) Hawkins Holdings Pty Ltd;
  - (l) REJ Clark & Associates Pty Ltd; and
  - (m) Superior Properties?
- (2) If yes, can the Minister provide the following details of those contracts -
- (a) the name of the contractor;
  - (b) the contract number;
  - (c) the date it was awarded;
  - (d) the project the contract was awarded for;
  - (e) the cost of the contract;
  - (f) if the contract has been completed, the final cost of the contract; and
  - (g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

LANDCORP

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

#### GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACT DETAILS

922. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any agencies or departments under the Minister for Works' control awarded any contracts to the following companies since July 1, 1996 -
- (a) Dibstone Group Limited;
  - (b) Eastbrook Village Limited;
  - (c) Citi Fidelity Nominee Co. Pty Ltd;
  - (d) Flying Fish Cove Pty Ltd;
  - (e) Haneva Pty Ltd;
  - (f) Pier Point Pty Ltd;
  - (g) Winthrop Cottesloe Apartments Ltd;
  - (h) Winthrop Northbridge Apartments Limited;

- (i) Burleigh Junction Estate Pty Ltd;
- (j) Clarke & Hawkins Management Pty Ltd;
- (k) Hawkins Holdings Pty Ltd;
- (l) REJ Clark & Associates Pty Ltd; and
- (m) Superior Properties?

(2) If yes, can the Minister provide the following details of those contracts -

- (a) the name of the contractor;
- (b) the contract number;
- (c) the date it was awarded;
- (d) the project the contract was awarded for;
- (e) the cost of the contract;
- (f) if the contract has been completed, the final cost of the contract; and
- (g) the names of any other companies who tendered for the contract?

Hon MAX EVANS replied:

This information was correct as at 8 January 1998:

I am advised that:

- (1) Contract and Management Services has not awarded any contracts to the above listed companies since 1 July 1996.
- (2) Not applicable.

#### HOMESWEST, SUBIACO REDEVELOPMENT AUTHORITY SITE

924. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Is there a provision for either Homeswest dwellings or other forms of subsidised housing at the Subiaco Redevelopment Authority site?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) Homeswest is continuing in its negotiations with the Subiaco Redevelopment Authority with a view to obtaining development sites in the redevelopment area.
- (2) Not applicable.

#### WATER CORPORATION, SALE OF LAND

926. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

Can the Minister for Water Resources provide the street addresses of the following land sold by the Water Corporation -

- (a) Welshpool Depot Kew Street, Lot 4 and Part Lot 406;
- (b) Welshpool Depot Kew Street, Lot 21 and Part Lot 403 and 496; and
- (c) Canning Vale Wastewater Treatment Works, Magnet Road?

Hon MAX EVANS replied:

- (a) 25-31 Kew Street, Welshpool.
- (b) 342 Orrong Road, Welshpool and 37-49 Kew Street, Welshpool.
- (c) 8 Magnet Road, Canning Vale.

#### TOTALISATOR AGENCY BOARD, SALE OF 847-849 HAY STREET

929. Hon KEN TRAVERS to the Minister for Finance:

With regard to the sale of 847-849 Hay Street, Perth, by the Totalisator Agency Board -

- (1) Was a land valuation undertaken of the land?
- (2) If yes, can the Minister state -
  - (a) who valued the land; and
  - (b) what was the valuation of the land?

- (3) What was the process of the sale (for example public tender, auction, private treaty)?
- (4) Where and when was the sale advertised?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) First Pacific Davies.  
(b) \$1.25m - \$1.43m.
- (3) Auction.
- (4) 2000 brochures; signboards; advertised in 'The West Australian' newspaper, 16/11/96, 20/11/96, 28/11/96, 30/11/96, 4/12/96, 5/2/97 and 12/2/97.

#### DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES, SALE OF LAND

930. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

With regard to the sale of former Department of State Services land in Pilbara Street, Welshpool -

- (1) Was a land valuation undertaken of the land?
- (2) If yes, can the Minister for Works state -
  - (a) who valued the land; and
  - (b) what was the valuation of the land?
- (3) What was the process of the sale (for example public tender, auction, private treaty)?
- (4) Where and when was the sale advertised?

Hon MAX EVANS replied:

This information was correct as at 15 February 1999:-

- (1) Yes.
- (2) (a) The Valuer General's Office.  
(b) \$3,900,000
- (3) Open public tender.
- (4) The sale was advertised in the Financial Review and The West Australian during September 1997.

#### DISABILITY SERVICES COMMISSION, SALE OF LAND

931. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:

With regard to the sale of 124 Dundas Road, Inglewood by the Disability Services Commission (DSC) -

- (1) Was a land valuation undertaken of the land?
- (2) If yes, can the Minister for Disability Services state -
  - (a) who valued the land; and
  - (b) what was the valuation of the land?
- (3) Who conducted the auction for the DSC?
- (4) Where and when was the auction advertised?
- (5) What were the total proceeds from the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) Valuer General's Office.  
(b) \$3,500,000.
- (3) Knight Frank.
- (4) West Australian newspaper between 31 January 1998 - 11 March 1998.
- (5) \$4,000,000.

## GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

932. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

- (1) Have any contracts been awarded by Government departments or agencies under the Minister for Housing's control to the following companies since July 1, 1996 -
- (a) Satterley Real Estate or Satterley & Co;
  - (b) Dale Alcock Homes;
  - (c) Webb & Brown Neaves;
  - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
  - (e) Summit Homes, Summit Realty or Summit Constructions;
  - (f) Cedar Woods Properties; and
  - (g) McCusker Holdings?
- (2) For each contract can the Minister for Housing give the following details -
- (a) the project the contract was awarded for;
  - (b) the date it was awarded;
  - (c) the original tender cost of the contract;
  - (d) the actual final cost of the contract; and
  - (e) the names of other companies which tendered for the contract?

Hon MAX EVANS replied:

Homeswest has worked with all of these companies at various times and has provided a number of contracts to them. It is not practical for the Department to commit the resources required to answer the question in its current form. If the member has a specific question about a particular contract then I would be prepared to commit the resources to provide an answer.

## GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

933. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Lands:

- (1) Have any contracts been awarded by Government departments or agencies under the Minister for Lands' control to the following companies since July 1, 1996 -
- (a) Satterley Real Estate or Satterley & Co;
  - (b) Dale Alcock Homes;
  - (c) Webb & Brown Neaves;
  - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
  - (e) Summit Homes, Summit Realty or Summit Constructions;
  - (f) Cedar Woods Properties; and
  - (g) McCusker Holdings?
- (2) For each contract can the Minister for Lands give the following details -
- (a) the project the contract was awarded for;
  - (b) the date it was awarded;
  - (c) the original tender cost of the contract;
  - (d) the actual final cost of the contract; and
  - (e) the names of other companies which tendered for the contract?

Hon MAX EVANS replied:

DOLA

- (1) (a)-(g) No.
- (2) Not applicable.

LANDCORP

- (1) (a) No.  
(b)-(c) Yes.  
(d)-(g) No.
- (2) Dale Alcock Homes SouthWest
- (a) Bunbury-Marlston Hill.
  - (b) 16 March 1998
  - (c) \$3 250
  - (d) \$3 250
  - (e) Nil.

Webb Brown & Neaves Pty Ltd

- (a) Mt Claremont - St John's Wood.



- (b) 1 September 1997
- (c) \$5 551
- (d) \$5 551
- (e) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

934. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Have any contracts been awarded by Government departments or agencies under the Minister for Water Resources' control to the following companies since July 1, 1996 -
  - (a) Satterley Real Estate or Satterley & Co;
  - (b) Dale Alcock Homes;
  - (c) Webb & Brown Neaves;
  - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
  - (e) Summit Homes, Summit Realty or Summit Constructions;
  - (f) Cedar Woods Properties; and
  - (g) McCusker Holdings?
- (2) For each contract can the Minister for Water Resources give the following details -
  - (a) the project the contract was awarded for;
  - (b) the date it was awarded;
  - (c) the original tender cost of the contract;
  - (d) the actual final cost of the contract; and
  - (e) the names of other companies which tendered for the contract?

Hon MAX EVANS replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

935. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Works:

- (1) Have any contracts been awarded by Government departments or agencies under the Minister for Works' control to the following companies since July 1, 1996 -
  - (a) Satterley Real Estate or Satterley & Co;
  - (b) Dale Alcock Homes;
  - (c) Webb & Brown Neaves;
  - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
  - (e) Summit Homes, Summit Realty or Summit Constructions;
  - (f) Cedar Woods Properties; and
  - (g) McCusker Holdings?
- (2) For each contract can the Minister give the following details -
  - (a) the project the contract was awarded for;
  - (b) the date it was awarded;
  - (c) the original tender cost of the contract;
  - (d) the actual final cost of the contract; and
  - (e) the names of other companies which tendered for the contract?

Hon MAX EVANS replied:

This information was correct as at 15 February 1999.

- (1) CAMS has not awarded any contracts to the following companies since July 1, 1996.
  - (a) Satterley Real Estate or Satterley & Co;
  - (b) Dale Alcock Homes;
  - (c) Webb & Brown Neaves;
  - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
  - (e) Summit Homes, Summit Realty and Summit Constructions
  - (f) Cedar Woods Properties; and
  - (g) McCusker Holdings.
- (2) In relation to (e), Summit Homes, Summit Realty and Summit Constructions, CAMS did not have a contract with Summit Constructions. However, for your information, EDGE in ARC Pty Ltd on behalf of CAMS, engaged Summit Constructions to carry out urgent, minor work at both the:

- . Mandurah Peel District Education office at a value of \$2,789.00. (Paid on 3 September 1997)
- . Police Southern Regional Commanders Office Mandurah at a value of \$1,592.00. (Paid on 3 September 1997)

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

936. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:
- (1) Have any contracts been awarded by government departments or agencies under the Minister for Disability Services' control to the following companies since July 1, 1996 -
    - (a) Satterley Real Estate or Satterley & Co;
    - (b) Dale Alcock Homes;
    - (c) Webb & Brown Neaves;
    - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
    - (e) Summit Homes, Summit Realty or Summit Constructions;
    - (f) Cedar Woods Properties; and
    - (g) McCusker Holdings?
  - (2) For each contract can the Minister for Disability Services give the following details -
    - (a) the project the contract was awarded for;
    - (b) the date it was awarded;
    - (c) the original tender cost of the contract;
    - (d) the actual final cost of the contract; and
    - (e) the names of other companies which tendered for the contract?

Hon MAX EVANS replied:

- (1) (a)-(g) Nil.
- (2) (a)-(g) Not applicable.

EDUCATION, TEE POLITICAL AND LEGAL STUDIES COURSE

GOVERNMENT CONTRACTS

938. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:
- (1) Have any contracts been awarded by Government departments or agencies under the Minister for Planning's control to the following companies since July 1, 1996 -
    - (a) Satterley Real Estate or Satterley & Co;
    - (b) Dale Alcock Homes;
    - (c) Webb & Brown Neaves;
    - (d) Don Russell Homes, Don Russell Projects or RDC Projects;
    - (e) Summit Homes, Summit Realty or Summit Constructions;
    - (f) Cedar Woods Properties; and
    - (g) McCusker Holdings?
  - (2) For each contract can the Minister for Planning give the following details -
    - (a) the project the contract was awarded for;
    - (b) the date it was awarded;
    - (c) the original tender cost of the contract;
    - (d) the actual final cost of the contract; and
    - (e) the names of other companies which tendered for the contract?

Hon PETER FOSS replied:

Ministry for Planning

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

Western Australian Planning Commission

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

East Perth Redevelopment Authority

- (1) No.

(2) Not applicable.

Subiaco Redevelopment Authority

- (1) (a)-(b) No.  
(c)-(d) Yes.  
(e)-(g) No.
- (2) (a) Construction and operation of display homes.  
(b) Webb & Brown-Neaves - 16.8.97 (1 contract).  
Don Russell Homes - 16.8.97 (2 contracts).  
(c) At developer's cost.  
(d) Not applicable.  
(e) Details of unsuccessful tenders shall remain confidential in accordance with State Supply Commission Policy 1.3 Quotations and Public Tenders.

GANTHEAUME POINT TOURIST DEVELOPMENT

947. Hon GIZ WATSON to the Minister for Finance representing the Minister for Lands:

In relation to the tourist development at Gantheaume Point -

- (1) On what date was the Government/LandCorp approached by Pearl Bay Resort Developments expressing development interest in the Gantheaume Point site?
- (2) Did LandCorp offer for tender the consultancy acquired by CB Richard Ellis?
- (3) If so -
- (a) when; and  
(b) how many applications for that consultancy were received?

Hon MAX EVANS replied:

- (1) 5 May 1998.
- (2) Yes.
- (3) (a) 9 July 1998  
(b) Three firms were invited to submit. Two invitees combined their submission.

CHILD HEALTH CENTRES, CLOSURE DURING CHRISTMAS HOLIDAYS

948. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

- (1) Can the Minister for Health confirm that 33 child health centres operating between Cottesloe and Quinns Rock will be closed over the Christmas holiday period?
- (2) If yes, can the Minister give the House an assurance that the closure is not a cost cutting exercise?
- (3) Were these centres closed in previous years?

Hon MAX EVANS replied:

- (1) 27 child health clinics will be closed over the Christmas holiday period (total of seven working days). Six clinics will remain open five days a week. All clinics will re-open 4 January 1999.
- (2) Closures due to reduced client contacts. Demand for child health services reduces markedly in December, and even more over the Christmas period. This is normal practice across the metropolitan area. Details of the nearest service will be available at closed clinics. There is no reduction in resources for child health clinic activity as a consequence of these seasonal closures.
- (3) Yes. Clinics south of Beach Rd have closed over the Christmas holiday period for the last two years. Clinics north of Beach Rd have not closed over the Christmas holiday period, regardless of reduced activity. This past practice is not considered effective management of public resources.

**QUESTIONS WITHOUT NOTICE****WESTRAIL SALE****870. Hon TOM STEPHENS to the Minister for Transport:**

In view of the fact that the Minister has attended some eight regional forums on the planned sell-off of Westrail's freight and track network, is he concerned by the near-unanimous opposition to those plans expressed at all of those meetings, including opposition expressed by his coalition colleagues, the members for Wagin and Geraldton?

**Hon M.J. CRIDDLE replied:**

I have attended all but one of the regional forums and heard some interesting feedback. The idea of the forums was to get the information into the public arena. Unfortunately in this debate some people have formed a view before all the information has been made available. The Government has not yet made clear what will be the options of the sale. We will see them in the near future. We received good feedback throughout those areas. I was interested to hear some of the feedback from the workforce not only at the meetings but also afterwards. They gave us some interesting information and asked some intelligent questions, particularly in Kalgoorlie. I think they want reassurance. That is an important factor. Certainly in any attempt to sell Westrail that work force will need to be reassured that it will be required. Westrail has been rationalised over many years. It has reached a stage at which its work force will be almost assuredly required by any likely purchaser. The great expectation of any sale would be that the buyer be centred in Western Australia and have the opportunity to expand from here. After a possible sale I would very much like to see the service expand. We all know that we need as much freight as possible back on the rail network.

**STATE BUDGET BLOWOUT****871. Hon TOM STEPHENS to the Minister for Finance:**

I refer to the current position of the state budget as outlined in the mid-year review of the public sector finances document.

- (1) Can the minister give an assurance that the \$355m blowout in current outlays, which far exceeded any additional revenue collected, was not funded by increasing debt?
- (2) If so, how were the additional outlays funded?

**Hon MAX EVANS replied:**

- (1)-(2) The Leader of the Opposition referred to a mid-year report. Land tax assessments were sent out much later this year. I think we will receive only \$185m from that source. Not much was received before December. Money is coming in slowly. Other revenues fluctuate. Land tax is the biggest shortfall. A large part of the retail business sales occurs in December. According to our projections based on income received so far and income to be received, we will come pretty close to balancing the books at the end of the year.

We are balancing recurrent income and capital expenditure. During its 10 years in office the Labor Government went to great efforts to balance recurrent income against recurrent expenditure and had an accumulated surplus of only \$13m over those 10 years. I think in the coalition's first year in government it had an accumulated surplus of about \$300m which then went into capital expenditure. We have not increased debt as a result of capital expenditure. We have reduced debt from sale of assets. We also had a surplus.

Hon Tom Stephens: Are the current outlays carried -

Hon MAX EVANS: We always have a big cash balance. We are not running in overdraft all the time. Money is brought down for specific items. It is a matter of the cashbook on which we are working.

Hon Tom Stephens: Has debt been incurred to fund those current outlays?

Hon MAX EVANS: I do not think so. I do not rule off the accounts every night. We do that with the Reserve Bank. The moneys of the whole of government are there. Money is always coming in and going out. Money is received and we pay creditors later in the month. I do not think there will be any money overdrawn.

**IRELAND, L.L. AND D.E. AND EASTERDAY, C.E., PETITION****872. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) On or about 13 November 1998 did the Attorney General receive a petition on behalf of Leonard Lancelot Ireland, Clark Ervin Easterday and Dean Edward Ireland asking that, pursuant to section 140 of the Sentencing Act, he refer their case to the Court of Criminal Appeal?

- (2) On or about 2 February 1999 did he receive a written communication from the solicitors for the petitioners inquiring whether any matters required clarification and inviting discussion and dialogue?
- (3) Did he fail to provide any substantive response to that invitation?
- (4) What are the reasons for his delay in acting?
- (5) When can the petitioners expect a response from him?

**Hon PETER FOSS replied:**

- (1)-(2) Yes.
- (3) Responses were made on 9 December 1998 and 12 February 1999 indicating that all documents were being carefully examined.
- (4) There is no delay; I am awaiting advice from the Solicitor General.
- (5) As soon as a careful and detailed review of the case has been completed and I receive the advice.

PANGEA NUCLEAR WASTE

**873. Hon GIZ WATSON to the acting Leader of the House representing the Premier:**

Given that the area covered by the Pangea nuclear waste repository covers a significant part of Western Australia, I ask -

- (1) Has the State Government been advised by the Federal Government that it has received a proposal to establish an international repository for high-level nuclear waste in Australia from the Pangea group of companies and that this proposal includes unwanted nuclear armaments material?
- (2) If so, what was the nature of that advice?
- (3) If not, why not?
- (4) Will the Premier ensure that any discussions undertaken at a federal level with Pangea for the sites in Western Australia have input from the Western Australian Government and the Western Australian community at large?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) No.
- (2)-(3) Not applicable.
- (4) Yes.

SCHOOL TEACHERS, UNPAID

**874. Hon HELEN HODGSON to the minister representing the Minister for Education:**

I refer to recent disclosures that a number of school teachers employed by the Education Department have not been paid or have not received the correct amount of pay.

- (1) How many teachers did not receive all or part of their correct pay?
- (2) Is the department's payroll system able to identify those teachers who have not been paid? If not, why not?
- (3) Have all teachers now received up-to-date pay from the Education Department?
- (4) What was the longest time that a single employee had to wait to receive his pay?
- (5) Have emergency funds been made available to teachers who are or have been in financial difficulty because they have not received their pay?
- (6) Was any interest paid on the outstanding amounts owed to the unpaid and underpaid teachers?

**Hon M.J. CRIDDLE replied:**

I do not at this stage have an answer to that question.

The PRESIDENT: Order! If the answer comes in before the end of question time I am sure the acting Leader of the House will bring it to the notice of the House.

## SALARY PACKAGING, COMMONWEALTH LEGISLATION

**875. Hon KIM CHANCE to the Minister for Finance:**

I refer to the impact of the Commonwealth legislation A New Tax System (Fringe Benefits Reporting) Bill 1998 which is expected to become effective from 1 April 1999. Avoiding any irony that might arise from that date I ask -

- (1) Will state government employees who are currently enjoying a tax benefit from salary packaging arrangements lose some or all of those benefits as a result of the legislation's requirements that benefits exceeding a grossed-up value of \$1 000 be included in the employee's group certificate?
- (2) If so, will the State Government ensure that the employee's net income is not reduced by the change in commonwealth tax laws by replacing the lost benefit with the equivalent cash adjustment to the employee's salary?
- (3) If full cash adjustments are not made, will some state employees be worse off in net terms as a result of opting to accept salary packaging arrangements contained in workplace agreements which were offered to them by the Government?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The legislation proposes that where the taxable value of the fringe benefits provided to employees exceeds \$1 000, the grossed-up taxable value, to be known as the reportable fringe benefits amount, must be shown on the employee's group certificate. The issue of salary packaging arrangements is a decision which rests with the individual employees as to whether they elect to change their packaging arrangements as a result of the legislation.
- (2)-(3) Not applicable.

## MANDURAH POLICE STATION, OFFICERS

**876. Hon J.A. COWDELL to the minister representing the Minister for Police:**

- (1) Have six police officers been transferred from the Mandurah Police Station over the past four months?
- (2) Have those officers been replaced?
- (3) If not, why not?
- (4) If not, will the Mandurah Police Station be down one patrol car as a result of that reduction in numbers?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Since 1 November 1998 four police officers have been transferred from the Mandurah Police Station as a normal developmental process.
- (2) Yes. Three are already in place. The fourth has been identified and will be transferred to Mandurah in the near future.
- (3) Not applicable.
- (4) No.

## DEPARTMENT OF COMMERCE AND TRADE, JERVOISE BAY FABRICATING SITE

**877. Hon J.A. SCOTT to the Acting Leader of the House representing the Minister for Commerce and Trade:**

- (1) What reports have been commissioned by the Department of Commerce and Trade into the feasibility and suitability of a major fabricating site in the Jervoise Bay area?
- (2) Will the minister report to the House -
  - (a) who prepared those reports; and
  - (b) the cost of each of those reports?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) The Minister for Commerce and Trade has provided me with a list of reports, which I table, which have been used

in the development of the Jervoise Bay infrastructure project. Some of the reports were not commissioned directly by the Department of Commerce and Trade. The reports are available for inspection at the Jervoise Bay project office in Fremantle. [See paper No 832.]

- (2) (a) Most authors or sources are identified in the list, and a full list will be provided.
- (b) The reports cover a number of financial years and are part of a series of consolidated studies on the feasibility and suitability of the project in the Jervoise Bay area. Some cost allocation work is required before specific costs can be identified. That information will be provided to the member as soon as possible.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT, O'BRIEN, DR BRIAN

**878. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) Has Dr Brian O'Brien been engaged by the Department of Conservation and Land Management to advise on carbon credit systems or any aspect of the greenhouse effect?
- (2) If yes, was the position advertised or tendered?
- (3) How much will he be paid?
- (4) Does Dr O'Brien act as a consultant for the coal industry at the same time as he is working for CALM?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Dr O'Brien was engaged on 2 December 1998 to provide specialist scientific advice related in part to greenhouse modelling and carbon sequestration.
- (2) The State Supply Commission approved the letting of the contract. Tenders were not called as CALM is satisfied that Dr O'Brien is without peer in Western Australia in the technical and scientific areas in which his advice is sought.
- (3) \$1 190 per day for an average of three days per week.
- (4) Unknown. However, it is noted that knowledge of that industry would not be a disadvantage.

PRISONERS, SECTION 23

**879. Hon JOHN HALDEN to the Minister for Justice:**

- (1) How many prisoners are currently held under section 43 of the Prisons Act?
- (2) How many have been held since before 2 January 1999?
- (3) How many of those prisoners have been charged under other sections of the Prisons Act and/or any other Act?
- (4) How many have been held for more than 30 days?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Sixty-one.
- (2)-(4) The answers require the manual checking of individual prisoner records. I ask that those questions be placed on notice.

As I have drawn to the attention of the House before, our prison management system is one of managing individual prisoners rather than a statistical system. We are in the process of replacing that system, but until such time as it is replaced -

Hon Tom Stephens: That will be to keep up with the breakout statistics.

Hon Bob Thomas: They are walkouts.

Hon PETER FOSS: We at least keep statistics on that matter. Prior to our forming a Government there were no statistics on how many people were in prison; it was a bit of a guess or by golly. At least we are making some movement and we have some material to consider.

## BREAST SCREENING SERVICES, PRIVATE

**880. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:**

- (1) Is it true that, following the closing date, no organisation had tendered to provide private breast-screening services in Western Australia?
- (2) If so, when will staff such as radiographers, readers and others be employed on other than three-month contracts?
- (3) Is it now intended to restructure Breastscreen WA?
- (4) If not, what proposals are intended to ensure that it continues to function adequately?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Following concerns about the cost of screening service delivery in Western Australia, the Government went to tender for the screening component in 1998. Responsibility for providing assessment services was given to the Metropolitan Health Services Board. Responsibility for the State Coordination Unit, which coordinates the recruitment of women, data collection, reading and so on, remained with the Health Department of Western Australia. Tenders for the screening component closed on 27 November 1998 and assessment was made in accordance with the requirements of the tender. As final approval for the tender has not been given, no further comment can be made at this stage.
- (2) See above.
- (3) Breastscreen WA, which includes screening and assessment component and the State Coordination Unit, has already undergone some restructuring, and staff working in the program continually review the service they provide to ensure that it meets women's needs and is efficient and effective.
- (4) Breastscreen WA offers a high-quality, accessible service for women, and the Government is committed to ensuring that that level of service remains available to women in this State.

## ROADS, PRIVATE SECTOR CONTRACTS

**881. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Is the minister aware that private sector contracts to construct and maintain public roads are currently being supervised by other private sector contractors?
- (2) Is the minister concerned that that practice compromises road safety and cost containment in Western Australia?
- (3) What steps is the minister taking to remedy that potentially dangerous and certainly costly situation?

**Hon M.J. CRIDDLE replied:**

Some contractors will wind down their operations in the near future. Main Roads is moving to a project-managed and asset-managed operation, and that is how the operation will be run.

## BUNBURY PUBLIC HOSPITAL, OUTPATIENT RENAL SERVICES

**882. Hon BOB THOMAS to the minister representing the Minister for Health:**

In answer to a question about services which would be available to public patients at the new public hospital in Bunbury - that is, question without notice 742 on 4 September 1996 - the former Minister for Health informed the House that renal services would be available to outpatients.

- (1) Will that service be available to public patients in the new public hospital?
- (2) If yes, who will provide that service?
- (3) If not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

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



- (3) Renal services will be provided to public patients by St John of God, Bunbury, under contract with the State.

SALMAT, AUSTRALIAN FEDERAL POLICE INVESTIGATION

**883. Hon LJILJANNA RAVLICH to the minister representing the Minister for Police:**

- (1) Is the Minister for Police aware that the firm, Salmat, with which the Western Australia Police Service has a contract, is currently under investigation by the Australian Federal Police?
- (2) Was the minister aware of that investigation when the contract was awarded?
- (3) What action does the minister intend to take with regard to the matter?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) No.
- (3) The matter under investigation by the Australian Federal Police is not linked to the contract between Salmat and the WA Police Service. Salmat is contracted to print infringement notices on behalf of the Police Service and the number of infringement notices is reconciled on a daily basis. Following this reconciliation, Salmat delivers the mail containing the infringement notices to Australia Post for postage. The Police Service maintains its own separate account with Australia Post for postage of infringement notices and other correspondence. With the existing contract management arrangements in place, it is not considered necessary for further action on this contract. As this contract is due to expire on 31 May 1999, it is intended that a new request for tender will be called for in April 1999.

REGIONAL FOREST AGREEMENT, EXPERT TASK FORCE

**884. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:**

- (1) Has the minister established her expert task force to recommend to the Regional Forest Agreement minister's provisional levels of cut for inclusion in the RFA?
- (2) Who has been appointed to this expert task force, including its Chair?
- (3) Who will represent the Environmental Protection Authority?
- (4) What are the terms of reference?
- (5) What are its organisational arrangements?
- (6) How long does the minister anticipate that the task force will take to provide advice?
- (7) If this task force has not yet been established, when does the minister anticipate its establishment?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No. The task force will be jointly established by the state and commonwealth ministers involved in the RFA process.
- (2)-(5) Not applicable.
- (6)-(7) The task force will be established as soon as possible and complete its works expeditiously.

CONTRACT AND MANAGEMENT SERVICES, REGIONAL BUYING COMPACT

**885. Hon TOM HELM to the minister representing the Minister for Works:**

I refer to Contract and Management Services' regional buying compact which provides a percentage price for local - that is, bush - contractors in regional areas.

- (1) Is the minister satisfied that the lumping together of minor contracts has not put many contacts out of reach of bush contractors?
- (2) Has the minister investigated allegations of unfair practice by Contract Management Services against bush contractors?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The regional buying compact is a government policy administered by the State Supply Commission. The compact provides a preference to regional suppliers and illustrates the Government's commitment to regional Western Australia. The compact increases the opportunities for local suppliers to win government contracts. CAMS manages consultancies and works contracts from its country offices and 85 per cent of these contracts were let to regional suppliers in 1998. I am satisfied that CAMS is not bundling minor contracts to the disadvantage of regional contractors.
- (2) No.

## TELECOMMUNICATIONS ENHANCEMENT PROGRAM

**886. Hon E.R.J. DERMER to the Acting Leader of the House representing the Minister for Commerce and Trade:**

- (1) Has the final request for proposals for the statewide telecommunications enhancement program been advertised?
- (2) If not, why not? When will the request for proposals be advertised?
- (3) When is it anticipated that the request for proposals component of this program will be completed?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Details of the request for proposal for the statewide telecommunications and enhancement program are being finalised. The request for proposal is expected to be advertised on or about 20 March 1989.
- (3) It is anticipated that the request for proposal component will be completed towards the end of May 1999.

## OMBUDSMAN, ACCOUNTABILITY

**887. Hon N.D. GRIFFITHS to the Attorney General:**

Was the Attorney General reported correctly as saying that the state Ombudsman is not accountable for his actions and that he does as he wants? If so, was the Attorney General aware at that time of section 6 of the Parliamentary Commissioner Amendment Act which states that the commissioner or deputy commissioner may at any time be suspended or removed from his office by the Governor on address from both Houses of Parliament for a variety of reasons, including being guilty of misconduct?

**Hon PETER FOSS replied:**

Firstly, the newspaper reported me as having said something yesterday. I actually spoke to Anne Burns on Friday. It is a very minor point, but it indicates a certain journalistic lack of ethical exactitude, and in some instances it could be material if I am reported as having said something on Monday, which is contrary to something I said on Sunday, but would have been quite acceptable on Friday. I raise that because it is important that *The West Australian* does not report things as having happened yesterday to make news out of something that happened last week which it forgot to report last week.

What I did say was in the context of the idea of having a regulator for the prisons. I wanted to have someone who was accountable. It has been well known in the Westminster system of government that accountability is ministerial accountability, which is the sort of accountability which we have in this Parliament. If I were to suggest to members opposite that I account to this Parliament by sending a report to it once a year and that was all it had to make a judgment on, I think it would say that was somewhat unaccountable. It would say that would not be a sufficient response by a minister to the people of Western Australia. I would be very happy to simply send a report once a year if the Parliament thought that was a good idea, but the fact remains that a distinction is present between accountability and independence. We have specifically written an independence into some of our offices. It is a matter of a trade-off between being accountable to the people by being elected regularly and being accountable to people by being required to turn up and answer questions in this Parliament.

Hon Ken Travers: That would be a first!

Hon PETER FOSS: That is an inane argument from one member. It is clear that I am answering a question right now, but he does not seem to like the answer; that is his problem.

The PRESIDENT: Order! Let me do the lecturing. I have about nine members wanting to ask questions and I do not think we will reach them if members continue to interject.

Hon PETER FOSS: There is definitely a cause for independence. We appoint judges virtually for life and they are not very easily removed. They do not have to answer questions or even file a report in Parliament. That is a trade-off against their being subject to some form of political control. That is a decision that we must make, but it is nonetheless a trade-off between being independent and being accountable. I do not think that we have accountability with many of these offices because we decided not to have that accountability. We decided to make them independent of the political process. We could elect judges as in America.

Hon John Halden: They could be corrupt as they are in America.

Hon PETER FOSS: It is not the case in the United States that corruption and election go hand-in-hand. The fact remains that they are two different concepts. Each is equally valid and has its place in our society and this Parliament, whenever the situation arises, must make its decision as to whether it prefers to have direct accountability by election or by responsibility to an elected person who must take responsibility or whether it wants to have an independent office. Members opposite can have it either way they like, but do not say that an ombudsman, a judge or any of those other people who have independence are accountable because we have purposely stopped them being accountable for good reason, and we may do so with other people in the future, or we may decide that the human frailties are such that the appointment of an independent position does not give any greater degree of wisdom and we are better off going back to more accountability.

#### FREMANTLE ROCKINGHAM INDUSTRIAL AREA REGIONAL STRATEGY REPORT

**888. Hon J.A. SCOTT to the minister representing the Minister for Planning:**

I refer to the Fremantle Rockingham Industrial Area Regional Strategy report and ask -

- (1) Has this document been completed?
- (2) When will the report be released?
- (3) Why is the report being held back until after important metropolitan region scheme amendments have been finalised?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) It is expected that the document will be released at the end of March 1999.
- (3) It is not being held back. It was always intended that the strategy would be released in the first half of 1999.

Mr President, I draw your attention to the fact that the question contains hypothetical material.

The PRESIDENT: It may. I am battling to hear what was said. In that case, I will look at it later.

#### ROCKY STATE FOREST, DIEBACK ASSESSMENT

**889. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) What was the date of the most recent dieback assessment of Rocky State Forest?
- (2) Will the minister table the latest dieback assessment of Rocky State Forest showing the location and extent of dieback infection?
- (3) If not, why not?
- (4) What is the area of jarrah-marri forest in Rocky State Forest?
- (5) How many hectares of jarrah-marri forest in Rocky State Forest are affected by dieback?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. It is not possible to provide the information in the time required and I request that the member place the question on notice.

#### CORRECTIONS CORPORATION OF AUSTRALIA, PRISONS IN QUEENSLAND AND VICTORIA

**890. Hon JOHN HALDEN to the Minister for Justice:**

- (1) How many staff from the Ministry of Justice have already visited Corrections Corporation of Australia's prisons in Queensland and/or Victoria?

- (2) Who paid for their air fares, accommodation and salary while away?
- (3) How many staff from the Ministry of Justice have been invited to visit CCA facilities anywhere in Australia?
- (4) Who is proposing to pay for their air fares, accommodation and salary while away?
- (5) Have any staff visited or been invited to visit CCA facilities overseas?
- (6) If yes, how many, and who is proposing to pay for their air fares, accommodation and salary while away?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No members of the Wooroloo Prison South project team have visited CCA prisons in Queensland or Victoria.
- (2)-(6) In view of the time frame and research required to establish whether other Ministry of Justice employees may have visited, as part of their normal duties, prisons in Queensland and Victoria which included CCA prisons, I request that this part of the question be placed on notice.

I should make it clear that there appears to be an underlying suggestion in this question that something has happened that has not happened. If the member wishes us to find out whether anyone has gone to look at CCA prisons, we would appreciate a question on notice.

SALMAT, GOVERNMENT CONTRACTS

**891. Hon MARK NEVILL to the minister representing the Minister for Works:**

- (1) How many contracts does the firm Salmat have with government departments and agencies which were awarded through Contract and Management Services?
- (2) Can the minister state -
  - (a) the name of the department for which the contract was awarded;
  - (b) the value of the contract;
  - (c) the date on which the contract was awarded;
  - (d) the expiry date, and any possible extensions of the contracts?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) One contract was awarded to Salmat Mailing Services.
  - (2)
    - (a) Government Employees Superannuation Board.
    - (b) \$80 000.
    - (c) 31 October 1995.
    - (d) 30 October 1997, with one two-year extension option to October 1999.
-