WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 10 March 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Direction to Inquire into Privatisation and Contracting out Public Services - Motion

Resumed from 16 December 1998 on the following motion -

That the House direct the Standing Committee on Public Administration to inquire into the processes and outcomes of privatisation and the outcome of contracting out public services in the following terms -

(1) The extent to which state government enterprises have been privatised since February 1993.

(2) The economic and social impact of transferring state owned enterprises to the private sector.

(3) The cost and quality outcomes of privatisation in terms of the level of savings or additional costs that have resulted from the provision of services by private contractors instead of by government.

(4) The extent to which state government contracts or tenders have since February 1993 been awarded to -

(a) Western Australian companies or businesses;

(b) other Australian companies or businesses;

(c) foreign owned or controlled companies or businesses; and

(d) regionally based businesses.

(5) The extent to which risk is transferred from the public sector to the private sector and to which government companies or businesses are given government guarantees before agreeing to invest in large scale public sector projects.

(6) The extent to which policies have been introduced to guarantee the Western Australian public against financial default by private contractors.

(7) The extent to which "contracting out" of state public services has resulted in greater competition.

(8) The extent to which initiatives have been introduced to prohibit the practice of private companies acting as cartels, rather than competitors, and thereby combining resources to tackle large scale projects.

(9) The extent to which current tendering practices ensure that -

(a) the process is open and fair;

(b) proper procedures are being followed; and

(c) mechanisms are in place to check the qualifications, credentials and financial backgrounds of those seeking contracts.

(10) The extent to which appropriate checking mechanisms are in place to allow regular monitoring of the performance of contractors and that the Government has in place a set of procedures to deal with breaches of contracts.

(11) A set of criteria or conditions which would allow the Parliament to make judgment on what constitutes "confidentiality" when referring to government contracts.

(12) The extent to which the competitive nature of contracting out has led to employees of contractors being paid below usual rates of pay and conditions.

(13) The extent to which government departments and agencies are prejudiced in the contracting arrangements when private contractors are able to legally pay their employees lower wages and conditions.

(14) The extent to which the Government should specify certain minimum requirements of contracting, including the requirement to -

(a) pay to employees a wage not less than that of an employee of the Government doing comparable work might be paid;

(b) subject the work under contract to the same level of public and parliamentary scrutiny as applies in the public sector; and

(c) the same level or nature of good corporate citizenship as that expected of government departments or agencies.

(15) Any other matters relating to privatisation and contracting out of government services as the committee deems necessary.

THE PRESIDENT (Hon George Cash): The debate on this motion has been ongoing for some time. I have a list of members who have spoken. I believe that some members are unsure of who has spoken, but at the moment the Minister for Finance is continuing his remarks on the question that the motion be agreed to.

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.04 pm]: I shall wrap up what I was saying about privatisation and corporatisation in the present, future and past. I have informed the House of some deals that have been done. I believe that we have learnt from many of them. To summarise what I have said, one of the two worst deals of the lot was the deal between Alan Bond and Warren Anderson leading to the construction of the Central Park building in order to cover up the land buying and selling that had gone on before that. That building cost about $550m, but it was valued at $250m. I was most surprised that Dr Geoff Gallop, the Leader of the Opposition, wanted to comment on the sale of that building; he was not the chairman of the superannuation board at that stage, but Labor put up the building and lost $300m on it. It was written down because of the return on assets, timing and so on. At that stage it comprised about 50 per cent of the investments of the superannuation board, which is well out of kilter with the standard. The other deal occurred when the State Government Insurance Commission bailed out Robert Holmes a Court to the tune of $791m up to April 1988 after the fund's total investment of $790m in the previous June. The then Government lost about $400m on the Bell Group shares. Those are the two worst deals that cost those institutions - not the consolidated fund - a lot of money.

In 1989-90 I made some long speeches to put on the record much of what happened during that time. It was interesting and educational to review those speeches. On Wednesday, 12 April 1989, during the second reading debate on the Treasurer's Advance Authorization Bill, I gave a long summary of what was going on in WA Inc. The next day, Thursday, 13 April 1989, when we debated the Western Australian Petrochemical Industries Authority Bill, was one of the most exciting days in the House - there have been some exciting times recently. The National Party agreed to support that Bill. The other House had earlier debated the petrochemical operation in Kwinana, which was to be built at a cost of about $900m or $1b. The then Government led us to believe that it would stand by any shortfall of money if the two parties building that operation did not have sufficient money. In earlier debates I challenged such statements. The new Bill was to be supported by the National Party. The debate was interesting. Hon Eric Charlton led his colleagues across to our side of the House. Hon Joe Berinson crossed the Chamber to talk to Charlton. When the bells stopped, we wanted him to vote with us, but we had enough votes without him. For some weeks efforts dragged on to get the matter going. Thank goodness it did not drag on for too long or we would have lost much more money. On 28 September 1989 the House debated the Appropriation (Consolidated Revenue Fund) Bill. On 10 May 1990, on the third day of the Address-in-Reply debate, the House considered general WA Inc deals. Finally, on 27 June 1990, during the second reading debate on the Supply Bill, I outlined what had been going on.

The Government will not support sending the matter to the standing committee; it is not necessary. If the matter is sent to the standing committee, the Government will not worry about the outcome. The Government will not support the motion.

HON LJILJANNA RAVLICH (East Metropolitan) [4.09 pm]: I cannot think of a more important issue for the people of Western Australia than privatisation and contracting out, particularly the extent to which this Government has embarked upon full and partial privatisations since coming to office. It is of enormous concern to me and many Western Australians that we do not have quality information about the arrangements which this Government has entered into with the private sector. It is just as alarming that we do not have proper information which we can analyse as a Parliament about the full extent of the Government's contracting out agenda. I understand that that agenda runs into billions of dollars. It is quite clear that the Government does not want this inquiry to proceed and one of the reasons for that is it is concerned about the potential emergence of some interesting findings. A budget blowout of about $443m has been forecast. On many occasions we have had before us the issue of the state of our hospital system, and the state of the public sector and the redeployees. Currently, 750 redeployees, most of whom are on the employment merry-go-round, have been forced out of their jobs because their organisations have been downsized. They have been put out on the scrap heap. This Government knows that there are no jobs for those people and it is stressing them until they have had enough, cannot take it any longer and leave the state public sector. I also understand that the real number of redeployees is significantly higher than 750.

It has been of enormous concern to me that contracts have not been tabled and that we have not had access to the information. Obviously, the Government is of the view that it has a mandate to go down this path, to conduct the privatisations and to contract out to the extent that it has. In making his presentation, Hon Norman Moore stated that I put forward this motion based purely and simply on my ideological view; that is, that I object to privatisation and contracting out. I am not sure how Hon Norman Moore knows that that is my ideological position, but he subsequently said that the Government could not go back on its privatisation and contracting out agenda and why should it when the Government has been very successful in achieving that policy outcome. I am not so sure that it has been at all successful or that the people

of Western Australia are convinced that it is particularly successful. There is no evidence to indicate any measure of success. I do not know where Hon Norman Moore gets his information but I suspect that many Western Australians are concerned.

This morning, the Minister for Energy announced another privatisation - that of Western Power and the loss of another 300 jobs.

Hon Barry House: You are wrong on two counts. It is 400 jobs over two years, all on voluntary redundancies.

Hon LJILJANNA RAVLICH: Four hundred jobs. If this Government handles the issues of redundancy and redeployment at Western Power as it has for all the other privatisations, the workers engaging in arrangements with the Government will be bitterly disappointed. I deal with redeployees all the time and I hear some horror stories. Things that are promised do not eventuate.

Hon Barry House: This is all voluntary redundancies.

Hon LJILJANNA RAVLICH: I do not know what the arrangements are. I would love to see the detail but when in the past the Government has promised that workers will not be disadvantaged, they have been very disadvantaged. A social cost is associated with privatisation of government instrumentalities, yet we only know the obvious cost and not its full extent. It is high time that we had an inquiry to assess the full extent of the social costs.

Hon Bob Thomas: Which workers were you just talking about?

Hon LJILJANNA RAVLICH: Western Power workers. Many of the workers who will be affected work in regional areas. The bottom line is that even if these people take a redundancy, they may be okay for six months to a year but we know the labour market is tight and that we have a 7 per cent unemployment rate. We know that it is particularly difficult for middle-age workers to retrain and find suitable occupations. Never mind anything else; those things indicate that the lifeline of many workers in regional areas has been taken away because of this Government's privatisation policy.

Hon Norman Moore argued that there was no need for an inquiry. Privatisation and contracting out are the issues on which people bail me up at social functions; they are issues that people continually bring to my attention, whether it is redeployees or people who are concerned about the sense of the lack of fair play because the assets of the people of Western Australia, purchased with taxpayers' money, are being sold off to the public sector without their approval. This Government does not have a mandate to privatise and contract out to the extent that it has.

I remind members opposite that this Government sold a furphy to the people of Western Australia. It promised Western Australian taxpayers that there would be a social dividend from its privatisation and contracting out agenda. The Government promised that people would be better off, that there would be more money in the education and health systems and reduced taxes and charges. What a slap in the face this morning's front page was. The Premier indicated that yet again there will be increased taxes and charges. We have heard examples in this and the other place of people dying while waiting to get a free hospital bed. I do not know what happened to the social dividend.

The PRESIDENT: Hon Ljiljanna Ravlich is making a reply allegedly about certain issues raised by other members. I know she made her original speech a long time ago - on 11 November - but this is not the right time to regurgitate that speech. Hon Ljiljanna Ravlich must recognise that this is a right of reply.

Hon LJILJANNA RAVLICH: Thank you for your guidance, Mr President. I will move on from the comments made by Hon Norman Moore to the contribution made by Hon Simon O'Brien. He never ceases to amaze me because I have never come across a member in this place who does less preparation and work prior to making a contribution. Hon Simon O'Brien's contribution stayed in my mind because he usually confuses the argument, gets himself tangled up and ends up running a line which is contradictory to his original line. He argued that a reason for the House not supporting this inquiry was the committee system has far too much work. He has run that line on every motion that has come before this House to establish an inquiry. He obviously has some ideological hang-up about inquiries being conducted and needs to go through a reassessment process on the role of the committee system. Although running the line that the committees have too much work, he proposed that if a fairly tight time frame were put on the reporting date of the committee, maybe it would not be so bad. Once again, the contribution of Hon Simon O'Brien is memorable for its lack of substance and real contribution to this debate.

The Minister for Finance spoke at length on the great achievements of the privatisation and contracting-out agenda of this Government. He indicated that there is no need to have the inquiry because everything is such a raging success. If he is of the view that privatisation and contracting out, as initiated by this Government, is such a great success, he should be the first person to look forward to the findings of the committee and to support an inquiry because it would highlight the outstanding efforts of his Government. Therefore, it is difficult to believe that a senior minister in this Government which claims to have had such enormous success in contracting out and privatisation would not support this motion for a full and comprehensive inquiry into this area.

I am aware of the rule which forbids my introducing new material into this debate. I am learning. I cannot think of a more important issue for Western Australians at this time. Many of the questions which form part of this motion need to be answered by an independent committee which would examine information in an objective way and provide some real answers to the people of Western Australia, particularly the taxpayers. I hope that the Government will have a change of heart and that members opposite will recognise that this inquiry is imperative. It is in the Government's interests to understand and get a grasp on its position on this agenda. It is not good enough to say that everything is going well, knowing full well that the Government has never made an assessment or evaluation of key privatisation and contracting-out issues.

In conclusion, there is nothing worse than an approach whereby people bury their heads in the sand and fail to address problems which arise. In this instance that is the approach which this Government has adopted. It is totally convinced, because of its ideological stance, that it is heading in the right direction, irrespective of what it is told and irrespective of the concerns that are raised and the obvious human and social costs which are apparent within our community as a result of privatisation and contracting out. Western Australians have been hurting for too long. We need some answers. The work of the Standing Committee on Public Administration will provide some of the answers which Western Australians so desperately need.

Question put and passed.

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Western Rock Lobster Fishery - Motion

HON J.A. SCOTT (South Metropolitan) [4.25 pm]: I seek leave to amend the report date in the motion from 19 November 1998 to 2 June 1999.

Leave granted.

Hon J.A. SCOTT: I move -

> That the Standing Committee on Ecologically Sustainable Development inquire into the management and sustainability of the western rock lobster fishery having regard to-
>
> (1) The accountability of the Department of Fisheries and its rapid rate of expansion.
>
> (2) The potential conflict of interest of the department in being a regulator and having involvement in projects and marketing.
>
> (3) A proportional redirection of better interests development funding to the Western Australian Rock Lobster Fishers Federation to enable it to better represent the interests of lobster fishers.
>
> (4) The ability of Western Australian fishers to store, feed and sell their product anywhere within Australia.
>
> (5) The establishment of a seafood exchange in Fremantle.
>
> And that the ESD Committee report its findings and recommendations to the House on or before 2 June 1999.

I commend this motion to the House. There are significant concerns in the fishing community in this State, particularly in the western rock lobster fishery, that the industry is not being managed on a co-management basis, which is what it desires. That is the crux of today's problem. In many areas the fishermen are dissatisfied with the management. Members will remember a recent example when the department broadcast worldwide that Western Australia would have a bumper crayfish season, the likes of which had never been seen before. In fact, it has been a fairly average season, one which started slowly, with the November catch being down by 40 per cent.

Hon B.K. Donaldson: It has caught up now.

Hon J.A. SCOTT: It has not been a bumper season; it has been only marginally higher than normal. The problem was that it had been stated previously that the Asian market was depressed, and foreshadowing such a huge catch led to an immediate drop in price. A rather large loss was suffered by many people who depended on that November catch for their income. They were certainly angry about that. There was talk of a new record, with a catch which would be considerably higher than in previous years. However, it appears that it will be only 300 to 500 kilograms above the average season, which is not what one would call a bumper season. What the department was very successful in doing was talking down the price. The fishing industry has had to bear the brunt of that, and it is very concerned. Those concerns are very recent and are only a few of a whole stack of concerns within the industry. Those members who are associated with this industry will know that it is fairly volatile -

Hon B.K. Donaldson: How were you able to predict the lobster catches when you introduced this motion into the House so long ago, when the season had not even opened? You must have great foresight!

Hon J.A. SCOTT: The fishermen told me they did not think they would have the bumper season that had been predicted,

because, for a start, the record catch that was being predicted was to come from record low breeding stocks, according to the puerulus count at that time, which was when the only restriction was on tarspots and under-size crays.

With regard to the history of mistrust, an article in *The West Australian* of 16 November 1998 states -

> Fishing Industry Council director Peter Fraser expects a bumper season.
>
> "Fisheries WA can predict up to four years in advance what the catch will be," he said.
>
> "We are just at the peak of a cycle where we have had some breeding measures kept in place."

I know of some fishermen who travelled overseas and found out from people in China and the United States that Western Australia would have a bumper season.

The concerns about the management of this fishery go back a long way. For many years members on both sides of this House have brought concerns to this place and asked for an investigation. An article in *The West Australian* of 10 September 1996 states -

> Liberal MLC Phil Lockyer has backed the Opposition's call for an investigation into the Fisheries Department, saying Fisheries Minister Monty House had been too slow responding to allegations.
>
> Mr Lockyer said yesterday that he had been concerned about the management of the Kimberley net fishing industry and the Esperance pilchard industry for some time and had raised the issues with Mr House.
>
> But he was yet to receive an adequate reply and believed an inquiry was the only way to clear the matter.
>
> Mr Lockyer has pledged his support to any reasonable Opposition motion for a select committee into the department. His vote in the Legislative Council could tip the balance in favour of an inquiry.

An article in *The West Australian* of 21 September 1996, headed "Probe Kimberley fishery: Labor" states -

> The State Government has been called on to set up a select committee to inquire into the Fisheries Department's management of Kimberley trap and line fisheries.
>
> Opposition fisheries spokesman Kim Chance has told the Legislative Council that the committee should investigate a number of issues, including alleged tampering of minutes by department officers and rules governing interim licences.

I have a letter from Mr Bruce Spencer, which also raises concerns about the department's actions and states, in part -

> The Fisheries Department claims that their dealings with fishermen have been transparent and above board. We feel that even if this has been the case then an enquiry is still necessary to clear the air and address those problems which have arisen under the Department's present arrangements for the fishery.
>
> The legislation which presently regulates the management of the State Fisheries has not given fishermen enough of a say.

The concerns that people have raised have resulted in a lowering of morale in the crayfishing industry. An article in the *Fremantle Gazette* of 19 October 1993 states -

> Morale in the cray-fishing industry has never been lower, according to Carabooda fisherman Jim Maloney. . . .
>
> He was referring to an industry management strategy for the 1993-94 and 1994-95 seasons recently released by fisheries minister Monty House.
>
> "Catches have never been better but morale has never been lower in the 29 years I have been in the industry," Mr Maloney said.
>
> "People are confused by continual swapping and changing of regulations."
>
> Mr Maloney said the increase in the escape-gap size on pots, which is proposed for the 1994-95 season, was a particular bone of contention because there had been no industry consultation on this matter.
>
> Although the industry had been consulted about other changes to the rules for the coming season, they had not received sufficient warning that they would occur.

A number of other complaints are made in that article, and they are just the tip of the iceberg of complaints about changes to regulations and a range of other matters.

A number of unfounded allegations have been made to me, which I would like this committee to examine, with regard to corruption and conflict of interest within the industry -

Hon M.J. Criddle: Who is responsible for those allegations of corruption? From where did you get that information?

Hon J.A. SCOTT: From a range of people. I guess I can name some of those people. I have some documents which I am happy to table.

Hon Barry House: Can you table your laptop too?

Hon J.A. SCOTT: It does not have any real data on it. It just tells me what to say next, so I will not be tabling it! A number of claims have been made about the deliberate destruction of research evidence in the islands off the coast of Geraldton, and about how the Geraldton Fishermen's Co-op Ltd had taken crays and processed them without reporting them. There is a feeling that a fairly deliberate attempt has been made to mess around with the data that came from the work that was done about the crays in that area. A number of claims have been made, some of which sound a bit far fetched -

Hon M.J. Criddle: Did you not check them before you came in here?

Hon J.A. SCOTT: I have spoken to a lot of people who have a great deal of concern, but I am skipping past those matters quickly because I do not have hard evidence about them. I would like a committee to look into those claims, and if they turned out to be incorrect, I would be just as happy as if they turned out to be correct, but I believe they need to be checked.

Huge concern has been expressed about the redistribution of pots that took place some time ago. Although that is now a matter of history, some people are still very angry about what occurred with the pot reductions, and about the redistribution of those pots at a time when the industry was claimed to be fully exploited. I refer to an article from the "Fishing Industry News Service" some time ago when the redistributions were occurring. It relates to an article appearing in the December 1970 issue, and states -

> . . . there appeared an item stating that the Minister for Fisheries and Fauna would re-examine the pot licenses of those lobster fishermen who believed that they were entitled to additional pots when they replaced their boats in 1965.
>
> The subsequent applications submitted required a specific study of each individual case and, as a result, no additional pots were granted.
>
> However, each individual was advised that his pot entitlement could be increased to 3 pots for each foot of registered length of the boat provided the following conditions were observed: (This now applies generally to the entire rock lobster industry).
>
> The owner of a licensed rock lobster boat may, as an individual, jointly in association with other vessel owners, or with the establishment to which the owner supplies rock lobsters, purchase another licensed rock lobster vessel. The pots from the newly purchased boat may, with the approval of the Director of Fisheries, then be redistributed to other boats having less than 3 pots per foot of registered length.

At that time there was a fully exploited industry, yet these pots were being given out. I am saying that there is a history of people being dissatisfied with the processes that have occurred in Fisheries WA, culminating in what is happening today. Lobster pots were made available by the department. Under a redistribution system, 153 pots became available at $220 a pot. There was some concern about how the department could sell those pots which, in effect, did not belong to it. The fishermen were fairly concerned at the propriety of that. People claimed that in May and June of 1997 there were still problems in terms of pots. Robert Stock, a fisherman, approached the member for Geraldton, pointing out the huge discrepancy in the 7 and 10 rule. I will refer to a number of letters between Mr Stock and the member for Geraldton, which I will seek to table at the end of this speech. The first is a letter from the Minister for Primary Industry and Fisheries, which states -

> Dear Mr Stock
>
> Thank you for your letter of 14 April regarding the 7 and 10 rule in the Western Rock Lobster Managed Fishery.
>
> When the current management package was introduced for the 1993/94 season, the 150 pot maximum pot holding on rock lobster boats was retained, with a pot usage rate of 82 percent. In September 1994, I announced that the conservation elements of the management package would be retained for the 1994/95 season. I also advised the Rock Lobster Industry Advisory Committee (RLIAC) was considering the issue of total pot holdings on a licence and believed that changes were required.
>
> On 8 November 1994, I approved a recommendation that, from 15 November 1994, the 7 and 10 rule be amended so that further pot transfers were to be constrained such that the maximum pot holding will not be permitted to exceed ten times the boat length. At that time, I also agreed that licence holders who exceeded the permitted maximum level of total pot usage of 10 times the boat length be entitled to retain those pots.
>
> The boat to which you refer, LFB G158, had 129 pots on its licence prior to the amendment to the Notice, which was gazetted in December 1994. This was within the management rules which existed at that time.

Mr Stock wrote to Mr Peter Rogers stating -

> I am writing to you in regard to the laws and regulations in the Fisheries Department, it seems that there are two sets of rules.
>
> I purchased the boat "MELISSA K " G155 and intended to lease the licence of 81 pots from the owner and a further 10 pots to make the licence for a 13 metre vessel to Fisheries requirements under the 7/10 rule. We could not find the additional 10 pots to lease. I spoke to the Officer in Charge in Geraldton (Wayne Godenzie) about dispensation and was told no, however to ring Mr Phil Kelly - Head of Licensing in Perth, who also told me that I would not be given dispensation under any circumstances when I spoke to him in August. After being told this I had no choice but to sell the boat, this making me unemployed.
>
> I have since been informed dispensation has been granted to Mr George Watts of Leeman to fish with an 11 metre vessel "SISKAREY II" with 66 pots, G255.
>
> When informed of this situation I rang Phil Kelly in Perth for the second time and I wanted to know how come I was refused. He put me through to another department head - a Miss Kim Mauholland and she confirmed that dispensation had been granted. Please explain.
>
> I would also like to know where the 7/10 rule applies to the following licences - D27, D36, D43, F390, F463, F464, G62, G114, G163, G175, G191, G267.
>
> All of these boats are 20 metres and more. The maximum licence is 150 pots which by the 7/10 rule, these boats should only be 15 metres.
>
> I would like you to send me a copy of the 7/10 rule which applied to me, and also a copy of the laws which apply to the licence Nos above as the 7/10 rule does not apply to them.
>
> Hoping to hear from you in the near future.

Hon B.K. Donaldson: Do you realise the 7 and10 rule has been scrapped?

HON J.A. SCOTT: Yes. I am saying it was applied very unevenly at that time. Mr Stock was unfairly treated. The feeling is that certain people could get dispensation; others could not. At the end of the day Mr Stock was told he was refused this dispensation - this is confirmed in a letter I have in front of me - solely because he was an experienced fisherman, compared with the person to whom Mr Stock referred who was a new fisherman. He did not seem to think that was a reason for not giving him that dispensation. I refer to an article in the May-June 1997 edition of "ProWest" which states -

> . . . a general principle of WAFIC is that in all management decisions *all* fishers should be treated fairly and equitably. In quota managed fisheries, quota holders should be treated equally. If not, the economic benefits of the quota management will be significantly impaired;

Neither I nor Mr Stock believe that he was treated equally.

Hon Bruce Donaldson has pointed out that the rule has now changed. One of the concerns of people is the constant changing of rules. I will run through some of the changes to protection measures which have occurred. In 1993-94, a temporary pot reduction was introduced which is currently in effect; in 1992-93, tarspots and setose were protected; in 1987, a permanent 10 per cent pot reduction was introduced; in 1986-87, there was a temporary 10 per cent pot reduction; in 1986-87, a 5 per cent pot reduction; in 1984-85, a maximum dimension of pots set to restrict the volume of pots; and changes in 1973, 1978-79, 1981 and 1983. Therefore, year after year there have been constant changes.

Hon B.K. Donaldson: You stopped at 1983; what has happened since then? Being a conservative man, would you not think that flexibility would be the whole way of management?

Hon J.A. SCOTT: There has been a range of changes in sizing the crayfish, including the management systems. The fishermen are concerned about when the changes occur. For instance, increasing the size of the gauge later in the season means that fishermen must throw crayfish back earlier in the season. Then they pull the same crayfish out again that have broken legs and so on because they have been handled previously too many times. That is a change at a silly time.

Hon M.J. Criddle: There are price advantages in catching red or white crayfish.

Hon J.A. SCOTT: I am referring to the total changes that are occurring. I will quote from a document by Greg Crombie who, until recently, represented the fishermen's federation, which is a breakaway group of fishermen who are so annoyed that they have not been properly represented and are not getting true co-management out of the system that they have formed a federation. They do not wish to be represented by the Western Australian Fishing Industry Council but to have direct representation with the minister themselves. They constantly complain that the minister will not meet directly with them. In the paper entitled "The History of Management Controls on the Western Rock Lobster Fishery" he said -

> The main strategy of the Fisheries WA in the management of the crayfish industry in the past 10 years has been a series of craypot licence reductions. The theory of reduction is based on the logic of reducing the fishing effort. Fishing effort is defined by the Fisheries WA as the total number of pots pulled per season. Using this formula it is calculated how many crayfish are captured per pot per season . . . Therefore, reducing the number of pots used in the industry should, in theory, decrease the number of crayfish captured and increase the breeding stock. However, catch rates have not decreased in accordance with the number of pots taken out of the industry. On the contrary, catch rates per pot have increased, due to increased fishing effort on the part of the fishermen.

Therefore the whole emphasis on pots has been wasted. The paper continues -

> In answer to this, subsequent pot reductions have been enforced, the latest being the temporary 18% reductions of 1993 to present. The effectiveness of these reductions remain to be seen.

There is then depicted a graph with the catch rate per pot. It shows that from 1991, the catch rate rose from 176 kilograms to 189 kilos. There were no figures for 1995-96. However, there was an increase over a period in the catch rate per pot. Therefore, that totally counteracted the reduction of the pots. The paper details the technical aspects of the life cycle, which I will not read as it is a long document.

Hon B.K. Donaldson: Please do. I am interested in it.

Hon J.A. SCOTT: I will table the document for Hon Bruce Donaldson to read. The history of the management structure is the main problem concerning the fishermen. I quote from the same document at page 9 -

> The structure of fisheries management in Western Australia is, in effect, a puppet administration. The Minister reserves the right to veto or implement a management plan according to his own opinion, thereby making the whole discussion process redundant (Fisheries Act Section 56(3a)). There are no counter checks and balances in place to stimulate discussion to effectively manage the industry. On paper the system appears to equally distribute the power to the Minister's advisers. According to the structure, the Minister should receive advice from the Rock Lobster Industry Advisory Committee (RLIAC), the Western Australian Fishing Industry Council (WAFIC) and the Fisheries Department (Fisheries Management Paper No 85:6). On the advice of the 1962 Royal Commission, the Minister established RLIAC in 1965 to provide a balanced view by all sections of the industry (Fisheries ACT 1994:27). Today the Committee is made up of eight professional fishermen, two processors, one community member and two Fisheries Department officers and is chaired by the Executive Director of the Fisheries Department (Fisheries Act 1994, section 29 a-e(ii)). Candidates are nominated but the Minister selects from those lists and appoints whom he desires.

That is one of the real sticking points with the industry. They do not believe the minister should be selecting those candidates, or at least they should be able to select some candidates from those lists. The paper continues -

> RLIAC conducts yearly coastal tours to consult fishermen on their views. However, many meetings are held during the season when many fishermen cannot attend.

The tour dates are another of the issues with which they are concerned. The paper continues -

> The agenda for meetings are set and no other issues will be discussed.

They are also concerned about the setting of agendas with no provision for questions. The paper continues -

> According to several fishermen who were appointed to RLIAC, general meetings were conducted in the same way. The Director of Fisheries set the agenda and no other issues were allowed to be discussed. In this way at least on paper it appears that fishermen are consulted in the management of the industry and the Minister receives advice from them via RLIAC. Because minutes of the RLIAC meetings are not open to public scrutiny, there is no accountability and no way of substantiating any allegations made against the group.

That is another concern by the organisation.

Hon Dexter Davies interjected.

Hon J.A. SCOTT: I have been to a technical meeting only, not a decision-making meeting. The paper goes on -

> WAFIC was established as the collective voice for 48 fishermen's associations and aims to express the views of fishermen. Each association receives one vote and appoints a board of directors to run the organisation. WAFIC is funded by membership fees, industry grants and receives a percentage of licence fees . . .
>
> These three, separate organisations are remarkable in their unity. Their capacity to agree completely on every issue discussed is nothing short of miraculous considering the supposed diversity of their members. Publication from all three sources appear to be paraphrases of Fisheries Department findings. There is no other official statement

in print offering an alternative view or criticising the findings set forward by the Department. Alternative views are mentioned in a passing way as unfounded hearsay. Examples of this can be seen numerous times in the management of the industry. Since the late 1970s fishing associations pushed the government to protect tar spotters and therefore the industry (Two Rocks Fishing Association, 1977, 1983) (Senate Standing Committee, 1981) (Campaign Against Pot Reductions, 30-9-1993).

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

METROPOLITAN REGION SCHEME ROAD CLASSIFICATION REVIEW

Statement by Attorney General

HON PETER FOSS (East Metropolitan - Attorney General) [5.32 pm]: I rise to make a ministerial statement about a change to road classification in the metropolitan region scheme. The change is purely an administrative one which will affect only how roads are recorded in the metropolitan region scheme. Effectively instead of a three-tier system of recording road types in the MRS, we will now have a two-tier system. Whereas roads were coloured dark blue, red and light red, they will now be recorded as only red and dark blue. There has been some overlap of responsibility, but the changes will make it clear who has responsibility for the construction of the roadways and responsibility for the road reserves. Red roads will be the responsibility of Main Roads and blue the responsibility of the Planning Commission and local government.

This amendment will not add or delete any reservations nor will it change the land requirements or the responsibility of authorities for any regional roads. It is purely an administrative move. Public submissions were sought on these planned changes in June last year. Sixteen submissions were received, only one of which opposed the change to a two-tier system. Some modification to the amendment has been made in the light of those submissions. These changes will impact upon several MRS amendments currently in progress. These will be changed to conform to the new two-tier system after the submission period has closed for each of these amendments. I commend this amendment to the House.

SELECT COMMITTEE ON IMMUNISATION AND VACCINATION RATES IN CHILDREN

Extension of Time - Report

Hon Barbara Scott presented a report of the Select Committee on Immunisation and Vaccination Rates in Children seeking an extension of time in which to report from 11 March to 27 April 1999, and on her motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 854.]

JURIES AMENDMENT BILL

Second Reading

Resumed from 9 March.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.35 pm]: I have almost concluded my remarks. I have asked the Attorney General for his comment on a matter I raised with him through correspondence and my contribution to this debate. We have yet to produce an adequate engagement of the Aboriginal community of Western Australia in the jury process. I note that the system may be somewhat improved by the tiny amendment to the process contained in this legislation. The Bill might improve the delivery of jury summonses to potential jurors with their being sent to what have previously been described as "live addresses" - ones that are adequately and accurately maintained by the Electoral Commission. However, I continue to be concerned about the failure of the electoral rolls of this State under the current law, and I am even more concerned about the amendments currently before the Federal Parliament which would see a more restrictive process of commonwealth enrolments put in place. These amendments will make it difficult for many people - particularly those in remote areas, but also other categories of people including Aboriginal people - to find the appropriate witnesses to complete their electoral enrolment claim cards and be enrolled on the commonwealth electoral roll. If this State Parliament subsequently approves the necessary amendments to the state Electoral Act to reflect these proposed commonwealth changes, the under-representation of Aborigines in the jury system will be further exacerbated. Having raised this matter both in correspondence with him and in this debate, I ask the Attorney General to indicate whether any legislative or administrative means are proposed to endeavour to redress an unacceptable under-representation in the juries of the areas I have previously described.

HON PETER FOSS (East Metropolitan - Attorney General) [5.37 pm]: I will deal with the last point first. A very interesting point was raised by the Leader of the Opposition. That is, the over-representation of Aborigines on the receiving end of the justice system and their under-representation on the administrator side of it. As the Leader of the Opposition is probably aware, I have been trying to address the first part because it is a social matter. The general position of Aborigines

in our society and the social problems they face has led to their over-representation in the justice system. In dealing with the second part, I have a specific policy of encouraging justice of the peace appointments from ethnic groups, as they are currently under-represented. That policy is not only confined to Aborigines, I apply it to all ethnic groups. I am pleased to say that of late there has been a significant increase in the number of JPs from various ethnic groups. Unfortunately there have not been as many applications from Aborigines as I would hope. My main method of dealing with this has been to encourage representative groups to nominate people. There has been a degree of reluctance among Aboriginal people to come forward and nominate themselves as JPs possibly because of the first factor; that is, involvement with the justice system. Aboriginal people have an aversion to the justice system generally, and although an encouraging number of Aboriginal people are now in the justice system, it is still by no means as many as I would like to see.

With regard to juries, I will not comment on the electoral roll, because that is outside my capacity; I need to deal with the electoral roll as it is. However, one reason that juries do not have many Aboriginal representatives is section 5 of the Juries Act, which deals with three categories of people who are disqualified from serving as jurors; namely those who are not eligible, those who are not qualified, and those who are excused. People who have been convicted of an offence are not qualified to serve as jurors, but it is interesting that members of this House are also not eligible to serve as jurors. Lawyers, like Hon Nick Griffiths and me, are ineligible to serve as jurors for the remainder of their lives and are as much disqualified as are felons.

Hon Kim Chance: Some of us might think that was a good thing!

Hon PETER FOSS: I agree. The last person we would want on a jury, which is meant to represent the views of people who are uninitiated in the justice system, is a lawyer, because that would defeat the whole idea behind the jury system.

Hon N.D. Griffiths: If we were both on it, it would be a hung jury!

Hon PETER FOSS: That might or might not be the case. It is likely that if one lawyer were on a jury, the views of that lawyer would prevail, because the anecdotal evidence is that the whole jury can be influenced by one person who has a determined view and puts that view forcefully.

Section 5 of the Juries Act states also that a person who does not understand the English language is not qualified to serve as a juror. A large number of Aboriginal people in the north west of this State would probably be disqualified for that reason. Another reason for the low number of Aboriginal people on juries is that it is very difficult to serve many Aboriginal people because they move around fairly regularly. Other persons who can be excused from serving as jurors are pregnant women, persons residing with and having full-time care of children, and persons residing with and having full-time care of persons who are aged or physically or mentally infirm, and many Aboriginal people can use those grounds to be excused from jury service.

The other problem is how to reconcile our justice system with the Aboriginal justice system. One of the problems faced by Aboriginal offenders in the north west in particular is that they must go through a tribal punishment system; and if they do not go through that punishment system, it is often far more worrying to them than if they do. For instance, the police in the north west generally take a bit of time to arrest a murderer. The people all know who the murderer is and they all know that the murderer will not be able to disappear, but they also know that if the payback does not take place before the person is arrested, the payback will take place on the members of that person's family, often to the distress of both the members of the family and the person who is in jail. We have not come up with a satisfactory way of dealing with that issue.

Some of the measures that are provided in this Bill are very much related to people in the north west. Probably the biggest burden of jury service is experienced in the north west, because of the difficulty of setting the jury districts in such a way that a suitable number of people will be available for jury service. One of the difficulties with the number of challenges is that in order to get enough people to form a jury, a very large number of people need to be called in, and a large number of those people will be lost during the course of the challenges. The small population in the north west creates the problem of how big should we make the jury district - in other words, from how large an area should we draw people so that we will have a big pool - because if it is too big, they will need to travel too far if there is a circuit court, but if it is too small, the same people will be called again and again. A fairly regular complaint from people in the north west is that the burden of jury duty is very heavy because of the small number of qualified people who can be called upon to serve and the fairly large number of jury trials per head of population in the north west. Therefore, many people in the north west regard jury service as a severe burden.

One of the factors that we have failed to consider is that jury service is an extremely important public duty. I agree fully with the sentiments of people who say that juries are a vital part of our justice system. I would not suggest for one moment that we should do away with the jury system, but we must keep in mind that it comes at the cost of people having to give up what they would normally do, firstly in order to go into the court and be selected. That selection process may take a whole day. It is not just a matter of turning up. I can see Hon Giz Watson nodding agreement! If that person is in one of those categories of persons whom people do not like to have on a jury, that person can turn up every day for two weeks and never get to sit on a jury. Some people take exception to that. Most people do not mind jury service. They will complain

about having to do it and will not be wildly keen, but they regard it as a public duty and say, "Fair enough; it has to be done, and I will do my bit." However, nothing is more frustrating than to turn up and not be chosen. I must confess that before we changed to using computers for the selection system, we had the archaic system where cards were drawn out of a hat all day long. I am sure Hon Giz Watson went through that process, and it drove people mad. We can now read a bar code and undertake the process a lot faster than we could previously, but it still takes a long time to form a jury. If the person happens to be in an occupation like Hon Giz Watson's and not be selected - and I do not know what it was about Hon Giz Watson's occupation -

Hon Giz Watson: I was a builder!

Hon PETER FOSS: I did not think that was an occupation to which people would be averse. There is a theory about how to eliminate people on juries.

Hon N.D. Griffiths: There are many theories.

Hon PETER FOSS: The problem is that we are imposing an extra burden on society which I do not believe is necessary. Hon Nick Griffiths said that the weight is totally in favour of the Crown.

Hon N.D. Griffiths: I did not say totally.

Hon PETER FOSS: It is heavily weighted in favour of the Crown. I believe that the majority of the criminal justice system is weighted in favour of the defendant. Only the Crown must disclose its case. The defendants can sit there and pull any surprise they like. They know all the documents, witnesses and evidence before it gets into court. The proof must be beyond reasonable doubt, and the defendant can sit there and say, "I will not say anything. You have not proved it beyond reasonable doubt. There are all sorts of reasonable doubts. I do not have to tell you what my defence is. You prove it." The system has been very heavily weighted for the defence, probably because of the abuse of the system that took place years before. In the old days, one of the wonderful things that used to happen after a change of government was that all the members of the previous Government were executed, because that was a good way of dealing with the opposition. We no longer have a system of capital punishment for having lost government -

Hon N.D. Griffiths: I am about to make a note of it!

Hon PETER FOSS: We may get in first! It was well known that the prosecution system was used by Governments to oppress their opponents. We now have an independent Director of Public Prosecutions. The system has gone too far the other way. I do not agree with that statement. I would like to put some balance into the matter, not just between the Crown and the defence, but between the citizens and the needs of the public. That is why the change to the number of jurymen has been proposed. We believe the burden on the public is too great, especially since we have changed the system of having reserve jurors. We have the 12 jurors, the reserve jurors and everybody who is being challenged. We need look only at the numbers required to get just one jury. Over 30 people are needed. We are asking about the reason for these challenges. There might have been a very good reason historically, but it does not apply now.

I ask members not to see it as a simple balance between the Crown and the citizen. That has been looked after adequately by the courts. If anything, the High Court of Australia has gone too far the other way. We are looking at the balance between the duty of a citizen to turn up and be a juror, and the public benefit to come from that. I will tell members a little story because it is important. There are wonderful theories about who is challenged. Every criminal lawyer, with one exception I know of, has a theory about who is challenged, and how that person is challenged. We never know whether it works because we do not know the basis on which the jury decides. A well-known criminal lawyer in Perth, Ron Cannon, never, ever challenged - never. He not only had no worse a success rate with jury acquittals than other criminal lawyers in Perth who did challenge, but also his acquittal rate was better than other criminal lawyers here. Frankly, this right of automatic challenge is a bit of an old furphy.

Members must keep in mind that there is still the right to challenge for cause. We agreed to the number in the country being five, as opposed to three, so that we did not have to go through the process of challenge for cause. Let us take this situation: In a country area, when people are selected for a jury and they know the defendant, under the fourth schedule they must disclose that fact. They must tell the jury pool supervisor, or some officer, that there may be bias for some reason; for example, that they know the defendant or the prosecutor or the complainant. They are meant to say that. Unfortunately, not everybody does. In the country when people do not disclose their bias, counsel uses one of his automatic rights of challenge to disqualify that person. Strictly speaking, he does not have to do that. There are an unlimited number of challenges for cause.

In the American system, there are only challenges for cause, and cross-examination is allowed to establish the cause. It takes years to set up juries in America. The first juror is put up and a whole trial takes place to find out whether there is any bias. In our system of challenges for cause, counsel must say that they challenge the potential juryman because the person happens to be the sister of the defendant, or of the complainant, or whatever. The challenge for cause can be dealt with and the person could be eliminated from the jury selection. Originally I proposed the number of three for the country and the city.

In some ways, it is more important in the country to keep the number down. The burden is reversed in the country. The pool being drawn from is smaller. People in the country have a greater chance of being called up regularly for jury duty than those in the city. We left the number of five for the country because we did not want to get involved in challenges for cause. If there were automatic challenges, they would never go through the process. We have not removed the challenges for cause. There are unlimited challenges for cause.

I know members have got excited and made their positions very clear on this point. I ask members to reconsider. The case for the defence, for benefiting the defendants, is being put too hard. I do not think that is correct. This is not a question of the Crown and the defence, but of the public, of what we can reasonably ask of the public in the present day to make sure there is a proper administration of justice. When we added reserve jurors, we were imposing a greater burden on the public. Nobody is saying we should not do that. A system of reserve jurors is good because if someone falls ill, or whatever, another person can be appointed to the jury and carry on and finish the process. That was a good move; however, it has placed a greater imposition on the public. The greater crime rate also means a greater imposition on the public for serving on juries. With all due respect, the point being made is missing the point. It is putting it wrongly in terms of what we are looking at.

I should also explain stand-asides. They do not work in the same way as challenges. If a person is stood aside, that person goes to the bottom of the list and comes back up again. If we work our way through the jury list, get to the end of the list and do not have a jury, the people stood aside come back up the list again. The stand-asides merely allow the order to be affected, rather than to say a person should not be on a jury for whatever reason. Let us take the case of Hon Giz Watson being stood aside. If we had only 13 jurors with two reserve jurors and if she were the first person stood aside, she would be called again. If all the challenges were used, she would be sworn in. If they were not used and someone wanted her out, they would have to use their peremptory right to challenge.

Counsel on either side use the technique of watching each other. This is another thing people get annoyed about. Counsel do not challenge people early, but wait until they have gone up to swear the oath and then they say, "Challenge". Defence counsel watches crown counsel to see whether a person will be challenged. If crown counsel does not challenge, defence counsel will. It is all a bit of a game, and all at the expense of the members of the public. The potential jurymen who are challenged ask this: If counsel did not want us on the jury, why did they not say so before we came into the court? For them, it is a totally perplexing and bothersome process.

We are trying to do a deal for the benefit of the public. We are trying to make the burden on the public a little less. I would have preferred the number to be three in the whole of the State; however, I went for three in Perth and five in the country because I did not want to get involved in challenges for cause, and that is fair enough. To come to a deal about this, I also went for abolition of the stand-aside process. I would like to get rid of it; however, I am not prepared to let it go unless I get some concession. As far as I am concerned, that power provides some benefit for the people of Western Australia. When we move to the committee stage, I will ask members to think about what we are balancing. It is not the Crown and the defence, but finding the proper balance for the people of Western Australia, who are summoned to appear as jurymen to be sworn in and to do that job. Here we are allowing, if I might say, legal games to be played at the expense of ordinary men and women who are doing their duty as jurymen and who are having an increasingly heavy burden placed on them by the system. In their interests, we should do this. This reduction in the number of challenges is not a new move initiated by Western Australia. In the debate in the committee stage, I can probably give a little more information about what has happened elsewhere. I ask members to think about this from the point of view of Western Australia, particularly taking into account the extra difficulties we have in this part of the country where a very heavy burden is placed on local citizens. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.00 to 7.30 pm

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 N.D. GRIFFITHS: In speaking to the short title, I propose to briefly canvass Supplementary Notice Paper 20-2 which is in front of me. As I said, the Australian Labor Party supports the Bill. I note the amendments on the Supplementary Notice Paper and I am pleased to see the proposed amendments to clause 9. I note that clause 9 is being canvassed and is in accord with the suggestion in my contribution to the second reading debate that the peremptory challenge regime should remain. If that amendment is passed, the rest of the Bill is appropriate and the minister will be rid of the stand-aside regime.

Hon PETER FOSS: I said that I would provide information on the situation in other parts of the world including Australia. In South Australia the number of peremptory challenges for each accused is three; in Victoria with one accused it is six and

with two accused there are 10 for the Crown and five for each accused. In New South Wales there are three. In Queensland there are no peremptory challenges by the Crown, eight peremptory challenges by each accused and eight stand-asides; Queensland has therefore adopted stand-asides completely. As we know, in Western Australia it is eight peremptory challenges by the Crown, eight for one accused and six each for two accused.

Peremptory challenges were abolished in England in 1988. I will read from a report from Judge Yeats of the District Court who investigated the matter. English judges report that trials proceed more quickly. The size of a jury panel is much reduced and the members of the public called for jury service do not feel that their time is wasted. The judges that Her Honour spoke to saw no diminution in an accused person's right to trial by jury and considerable savings in time and money were realised. A jury pool precept demands the sheriff to deliver a required number of jurors for jury selection. If there is only one accused person, the normal number of jurors so despatched is 28; that is, eight Director of Public Prosecutions challenges, eight defence challenges plus 12 to make up the jury. If there are two accused, the number of jurors is 32; that is, eight DPP, 12 defence, 12 jury and so on.

Attendance fees are payable to jurors. They receive $10 for a half day, $15 for a full day and after three full days they receive $20 per full day. Any loss of earnings over and above their fees can be reimbursed upon application to the sheriff. In addition, jurors receive return fares on public transport.

There are arguments against challenges on the basis that the right to challenge impacts on the prospects of obtaining a truly random jury selection. Australia-wide there is a recognition that juries have moved away from judgment by one's peers because of jurors being occupation exempted, not eligible or excused as of a right for jury service. The point was raised by the Leader of the Opposition that there are in fact unusual trends in juries because of various factors, some of which are exemptions and some because of the way in which people select juries.

I indicate, however, that the amendments on the Supplementary Notice Paper are not acceptable. Although I do not have any control over whether the number of challenges is reduced, I would not accept any change to the stand-asides. The basis on which I managed to get to this stage was by agreeing to the stand-asides being abolished; and I wish to maintain that agreement if we are not to abolish peremptory challenges or reduce them to three. I have not proposed something as radical as that which occurred in England, which abolished them altogether. However, I urge members not to support these amendments for the reasons I have said. I do not believe that there will be any harm whatsoever to the defendant. The burden that we are prepared to place on members of the public whose responsibility this is and on whom the impact has been and will continue to be is a serious question.

As we go through the Bill I will seek to postpone clause 5 until after we have dealt with clause 9. In that way we will deal with the essential question of what to do with jury challenges. If jury challenges are allowed, I will agree to clause 5. Either way, whatever this Chamber decides, I would like to draw members' attention to the fact that it must go to another House, and I will oppose any change in the stand-asides if we do not achieve the change in jury numbers.

Hon N.D. GRIFFITHS: That is an interesting proposal by the minister on the way we will proceed during the committee stage of the Bill. The minister proposes to remove the stand-asides and reduce the number of challenges. He said that if we are to maintain the number of challenges, he will now insist on keeping the stand-asides. To my mind that is somewhat illogical. The Attorney set out quite properly in his second reading speech why we should get rid of stand-asides. Whether the number of peremptory challenges is to be three, five or eight, which the Committee may decide on in its wisdom, should not affect what the Attorney says with respect to stand-asides. My preference is that committee debate should proceed clause by clause. If at the end of the day the Attorney has - not a change of heart because I know where that lies - a further change of mind and has another remedy; that is, to invite the Committee to recommit, that would be the more appropriate way to go.

Hon HELEN HODGSON: I find this quite an interesting way to approach the Bill. It seems that we are effectively debating matters that should be raised under clause 9 rather than under the short title. Although that may be technically appropriate, it is an unusual way to proceed.

Hon Derrick Tomlinson: It is more correct to say inappropriate.

Hon HELEN HODGSON: It is inappropriate as Hon Derrick Tomlinson indicated. At this stage we have an amendment to clause 9. The Attorney General indicated the earlier clause is contingent on the decision of that clause. Perhaps it would be better to debate the issue when we reach the appropriate clause.

Hon PETER FOSS: It is not appropriate for Hon Nick Griffiths to tell me what I should think. I have indicated very good reasons that we should reduce the number of challenges. This Committee is perfectly able to either agree with it or disagree with it. I introduced this legislation on the basis that I agreed to the stand-asides as a method of reducing the number of challenges. The fact remains that that is what I will do if I am to save this Committee some problems. I will have severe difficulty agreeing to the stand-asides if the Committee rejects the first part. The Committee will do whatever it likes to stand-asides. If it accepts the changes so far as the numbers are concerned, I will vote in favour of clause 5. If it rejects

them, I will vote against it. I am simply trying to indicate at the early stage something that will lead this Committee to getting on with the job rather than conducting useless arguments about procedure. As I have indicated, I will ask the Committee to postpone clause 5. When we have dealt with challenges, if it is successful, I will have no problems supporting clause 5. If it is not successful, I will oppose clause 5. I hope the Committee sees that as a quick way of getting on with the job rather than Hon Nick Griffiths telling me I am inconsistent. I cannot support the changes to the stand-asides if the Committee does not support the changes to the challenges. We should now get on with dealing with whether we should have challenges.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 18 amended -

Hon PETER FOSS: I move -

That clause 5 be postponed until after consideration of clause 9.

Hon N.D. GRIFFITHS: I do not want to incite the Attorney General, so the Australian Labor Party will support the postponement of clause 5.

Question put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Section 38 amended -

Hon HELEN HODGSON: I move -

Page 4, lines 12 to 14 - To delete the lines.

The issues have already been fairly thoroughly canvassed in the second reading debate and in the debate we just had on the short title. I note the Attorney General's insistence that the sole purpose for this change is that it will cause less inconvenience to the public. However, most members of the public would be willing to accept that in the interests of justice sometimes there must be some degree of inconvenience. Most members of the public would find that the obligation to perform the civic duty of jury service is sufficiently important to warrant their giving up some time. In saying that, I am cognisant of the fact that one can request to be excused from jury duty when there is a good reason for being unable to devote time to it.

The arguments concerning the inconvenience to the public are far less weighty than the arguments about the interests of ensuring there is a fair, unbiased jury at the trial. I also note that although the Attorney General described in some detail the challenges and reasons for stand-asides that can be raised, it is my understanding that the use of peremptory challenges is far more efficient than for example the system in the United States where the challenges are "by showing cause".

Hon Peter Foss: I said that.

Hon HELEN HODGSON: Yes. There is a history in the way these things are done in the US to do with the need to show reasons that somebody is not appropriate to sit on a jury that we do not want to follow here. The way in which the jurors are thoroughly researched before a trial to ensure there is cause is something we do not want to have to do here. It should be sufficient to be able to say "there is a strong likelihood". That is what peremptory challenges are all about. If there is a strong likelihood or even a possibility that somebody may be biased, the attorneys have the right to challenge that person. That is a fundamental part of our justice system that I do not want to see changed at this point.

We need to keep the system of challenges. I note that the proposal in the Bill is to keep them but to reduce them significantly. There are good reasons that they should not be reduced further. I understand that it is very rare for eight challenges to be used. What would be the practical impact of reducing them from eight to five in country areas? In cases in which it is significant eight should remain. In cases in which eight are not used, time will not be saved irrespective of whether the law says eight or five. It will not lessen inconvenience to the public. It is in the interests of justice in this State to maintain the system of peremptory challenges. I also find the trade-off between stand-asides and the reduction in the number of challenges intriguing.

With whom did the Attorney General reach that compromise? Is it a compromise in his own mind? Is it a compromise that other people have already agreed with him? My feedback has not indicated that there have been any formal discussions on the so-called compromise. The Attorney General himself has said that he does not agree with the system of stand-asides, yet he is willing to keep an inequity in the legislation because he is not getting his way on the reduction in the number of challenges. I commend the amendment.

Hon PETER FOSS: I address the Committee not because I think for one moment that I can change Hon Helen Hodgson's views but because it is important to put on the record that it appears that she has neither listened to nor understood the

arguments or the system. I agree totally that Western Australians are very happy to turn up to do jury duty. In fact they are so happy to turn up to do jury duty that their biggest gripe is that they turn up but do not do jury duty. The challenge system means that many people turn up and are sent home. They have no worry about turning up and being jurors; but there is the constant complaint that, when they go through the enormous process of being put on a jury, they are challenged and then sent out again or not used. Hon Helen Hodgson says that not all challenges are used anyway so it will not make any difference. It makes a heck of a difference to the number of people who are summonsed. Hon Helen Hodgson obviously does not know how the system works.

There is a precept for the jury - a certain number of people are summonsed. There must be a number of available people so that counsel can go through the list. Some people will be challenged and some will not, but the whole lot are brought along on the basis that some might be challenged. It would make a big difference if the number were changed from eight to three. I can guarantee that, whether or not they are challenged, they are brought along uselessly. They are there not to be jurors. They are there in case somebody wants to challenge them. That point obviously has not got through to Hon Helen Hodgson. She said that it makes no difference. It makes an enormous difference in calling the number of people whom one is going to waste in the system and who are not going to contribute anything to the process. That is very disturbing to people who are prepared to put up with being inconvenienced because they are going to perform a public duty. They become quite upset when they turn up to perform their public duty and are told to go home because someone pops up just as they are about to be sworn and says, "Challenge" or because of all those people who have been called only 12 will end up as jurors. In the case of two defendants we must have 32 people, and for what reason? I notice Hon Helen Hodgson's great confidence that people have no problem turning up for jury duty - I agree - but is she honestly saying that they take delight in being sent home again without having sat on a jury? They do not. They write to me and tell me that. One can understand a person who has been through that experience, and who was no doubt a very willing participant in the jury process, but was challenged, thinking that the whole system was an ass. I think it is an ass.

One good thing about the stand-aside system is that someone goes to the bottom of the list and is not sent home. One does not need to bring along more jurors when there is a stand-aside. They just go to the bottom of the list, and ultimately, if one has used all one's challenges, they will happily go onto a jury. If one has not used all one's challenges, they can then be used. The stand-aside is not an inequity, it is a reasonable system. Hon Helen Hodgson suggests that we will end up with the American system. We cannot end up with the American system, because under that system challenges for cause can start by cross-examining to find a cause. Under our system counsel are not allowed to start by cross-examining to find a cause. Counsel must know in advance what the cause is and then raise that matter. They are then able to establish that cause. Hon Helen Hodgson suggests that peremptory challenges exist because of a suspicion that a person might be biased. One does not need that at all. One might not like the colour of someone's hair. The Chairman has red hair. One might not like red-haired people, women or Aboriginals on a jury. All those are perfectly valid reasons. Nobody knows what is in the mind of a counsel who challenges. Hon Giz Watson might have been challenged because counsel did not like the look of her. They probably thought, "We can't have women on a jury like that. She's a builder. She must be an unusual woman if she is a builder." I do not know what went through Mr Kevin Prince's mind when he challenged Hon Giz Watson.

Hon Giz Watson: Fair enough!

Hon PETER FOSS: I do not know what the idea was. Hon Giz Watson is probably right.

Hon Ken Travers: Tell us what it is.

Hon PETER FOSS: I do not know what it is; I am just saying that Hon Giz Watson is probably right.

Hon N.D. Griffiths: You can't read his mind either.

The CHAIRMAN: Order! Settle down, members.

Hon PETER FOSS: That supposed bulwark of the rights of the citizen - the supposed method for ensuring a fair trial - allows counsel to indulge in almost any prejudice, including the prejudices about which Hon Tom Stephens is worried. I am sure that some counsel would say, "I am not having Aboriginals on my jury; they will be a nuisance." I suspect that if someone is being prosecuted for assaulting an Aboriginal, one of the first things that defence counsel would do is challenge all the Aboriginals.

Hon N.D. Griffiths: Counsel would be negligent if they did not do that.

Hon PETER FOSS: Counsel would be negligent, as Hon Nick Griffiths said. It is the supposed bulwark of our jury system. We have heard about how it helps. It does not help. It enables people to indulge in prejudices. It was abolished in the United Kingdom, and the view of judges including Hon Judge Yeates was that it had no effect upon the proper trial of the matter. I have already raised the question in terms of results. Mr Ron Cannon, who never challenged any juror -

Hon N.D. Griffiths: That is not so. It is his view that it is a bad policy to challenge jurors because if one miscounts - and it has happened - that jury will be prejudiced. The other point is that if counsel challenges people, it shows that counsel

might have a lack of faith in ordinary people. That is a view of challenges, but it is interesting that the Attorney General keeps putting forward one view, and Mr Cannon is a respected criminal lawyer.

Hon PETER FOSS: I accept that.

Hon N.D. Griffiths: I am more interested in your view as the Attorney General.

Hon PETER FOSS: I have said that it is the view of only one lawyer. The most important point is that Mr Ron Cannon did not suffer from having that view; he got no worse results.

Hon N.D. Griffiths: That is because he was a very good lawyer.

Hon PETER FOSS: Precisely. It has nothing to do with challenges. He was a very good lawyer and he happened to be right about challenge, but the fact is that there is nothing to show that challenges make the slightest difference to the result.

Hon N.D. Griffiths: So you want to get rid of them all - that is your objective.

Hon PETER FOSS: No. I would rather have the number down to three. There is an argument that there should not be any, because it builds in prejudices. It means that, instead of having a randomly selected jury panel, we have a random group 16 of whom are capable of being removed on prejudice. Let us consider a precept for a jury for one accused - 28 people, 16 of whom can be removed by prejudice. That is the system that Hon Nick Griffiths is defending. I have not heard the logic as to why that gives people a fairer trial. It takes from a precept for a jury of 28, 16 - more than half - who can be removed by challenge.

Hon N.D. Griffiths: Can be, possibly.

Hon PETER FOSS: Can be, yes, but it allows the freedom to exercise one's prejudices. I will outline the process which is gone through. One receives the list.

Hon John Halden: I know the process.

The CHAIRMAN: Order! I am sure the member will tell us when he receives the call.

Hon PETER FOSS: One goes through the list to ascertain who will be prejudicial to one's case.

Hon John Halden: The first statement is already wrong. That is not the basis at all.

Hon PETER FOSS: I am sorry. One goes through the list and selects who is more likely to convict one's client and makes sure they stay on the jury.

Hon John Halden: Wrong again - twice wrong.

Hon PETER FOSS: Really? I have never had the experience of a jury trial from the point of view that Hon John Halden has.

Hon Ken Travers: You approved the royal commission.

The CHAIRMAN: Order!

Hon PETER FOSS: The royal commission has nothing to do with whether one tells the truth to it. That is an interesting statement. I do not believe that because a royal commission is called that somebody will necessarily be charged with perjury.

The CHAIRMAN: The Attorney General should address the Chair and speak to the clause before us.

Hon PETER FOSS: People challenge jurors in order to increase their chance of success.

Hon N.D. Griffiths: Is that what the prosecutor does?

Hon PETER FOSS: It is certainly what the defence does.

Hon N.D. Griffiths: I asked whether that is what the prosecutor does? Who are you batting for?

Hon PETER FOSS: I would not be surprised if both sides did that.

Hon N.D. Griffiths: You do not know?

Hon PETER FOSS: I believe that prosecutors do the same thing as defence lawyers. It would be naive to assume they did not. Challenges are made with an intent to improve one's side of the case, and one takes off people who have some preconception against one's client and are therefore more likely to find against him. One exercises one's prejudices to ascertain the people who would be prejudiced against one's client.

Hon John Halden: How would you know that?

Hon PETER FOSS: One does not know; that is the point about it.

The CHAIRMAN: Order!

Hon PETER FOSS: Unfortunately, Hon John Halden did not hear me say that it is one of those inexact sciences. In fact, there is no science in it whatsoever. Nobody has ever been able to prove that challenging jurors makes the slightest difference to the result of a trial.

Hon Ken Travers: You are filibustering.

Hon PETER FOSS: No, I am trying to speak without being interrupted. I would like to speak.

Hon N.D. Griffiths: You are.

Hon PETER FOSS: No, I am being interrupted constantly. There has not been one single piece of proof that the multiple theories that various counsel have on why they should challenge or who should be challenged have the slightest effect on the outcome. It seems that the people who do not challenge at all achieve at least as good, if not better, results than the people who challenge. All it does is exclude various people, on the basis of prejudice, from being participants in the jury process.

Hon Ken Travers: Get rid of all challenges and we might support you.

Hon PETER FOSS: If the Opposition wants to move that it be none, by all means do so. My argument is -

Hon John Halden: We know your argument.

Hon PETER FOSS: Unfortunately, many people who missed the earlier stage have now joined us.

Hon Ken Travers interjected.

The CHAIRMAN: Order!

Hon PETER FOSS: Unfortunately, Hon Ken Travers missed the point.

Hon Ken Travers: I heard it all.

Hon PETER FOSS: I insist on making the point because Hon Ken Travers obviously was not in the Chamber, and he is making remarks which indicate that he does not know. Mr Chairman, I ask for your protection from the constant interjections. I want to finish this, and I am not getting any protection. The point that was made previously was that challenges impose an onerous obligation on members of the public for no benefit. I am seeking to lessen that onerous obligation by reducing the number of challenges per party from eight to three, thereby reducing the number of people who are likely to be eliminated from 16 to six. That is a saving of 10 per precept; that is, 10 people who will not be needlessly called to serve on a jury and then miss out. Assuredly, 10 people will miss out, because we call 16 more who will actually serve on the jury. That is an important point. It is an obligation which is imposed on the public for no benefit. Nobody has been able to show that any benefit arises from these challenges. I am asking the Opposition to support the public, which is having this obligation imposed on it for no reason whatsoever. All the other arguments, regardless of how well they are made, do not lend any assistance in the jury process. I urge the Opposition to oppose this amendment because it does not serve justice one whit; it does not benefit the accused or the Crown. It imposes an unnecessary obligation on the public when no benefit is received from it.

Hon GIZ WATSON: I seek some clarification from the Attorney General in order to make a decision on this amendment. He referred to the example from England in which there was a comment on the usefulness of the system. He mentioned letters of complaint that had been sent about people attending for jury duty and not being selected. Is this presented in any comprehensive way or is it just a number of letters that he has received? Who initiated these changes? Is this the Attorney's initiative or have there been calls for changes from other areas, apart from in the letters? When I was asked to attend for jury selection, I was quite happy to attend and watch the process as it unfolded. I would have liked to be on the jury, but I did not feel unhappy or disappointed. It was a useful exercise.

Hon Derrick Tomlinson: One of life's experiences.

Hon GIZ WATSON: Absolutely.

Hon Simon O'Brien: You did not get a guernsey?

Hon GIZ WATSON: No.

Hon Ken Travers: Do not worry; they rejected me too. It happens to the best of us.

Hon GIZ WATSON: I am sure I was in good company. I understand the need for the system and the need to have more

people called up for the pool than will be required. For me, it was an interesting couple of days. I am questioning how many people complain. Are they the people who complain about everything? Is there any statistical indication of happiness and unhappiness? It seems that if people were happy with the experience, they would not write and say that they enjoyed going to the court.

Hon PETER FOSS: Firstly, it came about because it had been tried in other jurisdictions and found to be successful. One of the biggest motivations in this State was that England had done this - it has a tendency to give us a lead in these matters - and it was found to be satisfactory. Secondly, no statistical inquiry has been carried out. I hear from people only when they are upset. What tends to happen is that if they are upset, they write to me about all the things they do not like.

The jury situation was worse in the city; fewer juries were required in the country. In the city we had up to 250 or 300 people in the jury room and every person's name would be on a card which was then picked. This process was followed each time a jury had to be selected. These 250 to 300 people might go through this process four times in one morning for various trials and be required to come back four days a week.

Hon N.D. Griffiths: That was rare.

Hon PETER FOSS: Up to four days a week.

Hon Ken Travers: How often does that happen?

Hon PETER FOSS: We will get back to that. It is extraordinary that some people are called for jury duty regularly and other people are never called. It is done randomly.

Hon N.D. Griffiths: It is an interesting process.

Hon PETER FOSS: A person could spend a whole day in court and never end up on a jury. I know people who have been required to return two or three times and have never served on a jury; they have gotten as far as the court and been challenged. When it happens regularly people begin to get fed up. It can and does happen with that system. People write in when they go through that process and are challenged. They do not really understand how the challenge system works; all they know is it appears that an awful lot of work is done to get to that stage.

Hon N.D. Griffiths: Do you know what they hate most? Those words from the prosecutor "stand aside," they do not mind being challenged but they hate those words. You are not even good enough to walk up.

Hon PETER FOSS: I do not know if they know the difference between stand aside and -

Hon N.D. Griffiths: They hate the words. That is why we agreed with you in trying to get rid of them.

Hon PETER FOSS: I have never heard anybody make the distinction between challenge and stand aside.

Hon N.D. Griffiths: You should watch jurors or potential jurors.

Hon PETER FOSS: I just rely on the people who write to complain.

Hon N.D. Griffiths: You rely on hearsay.

Hon PETER FOSS: No, I rely on people complaining to me. I do not know if that is hearsay.

Hon N.D. Griffiths: You rely on complaints.

Hon PETER FOSS: Yes, people complain to me. I have not noticed a distinction between stand aside and challenge in any of those letters. They normally say "challenge" but they may mean "stand aside".

Hon N.D. Griffiths: People hate those words as you quite correctly pointed out in your second reading speech.

Hon PETER FOSS: The idea of reducing challenges was first introduced by a Labor Government. It was later withdrawn. Hon Derrick Tomlinson was the spokesman for Justice in this Chamber at that time and he informed me -

Hon Derrick Tomlinson: Let me make that point.

Hon N.D. Griffiths: I wish he was the Government spokesman for Justice now, he would do a better job.

Hon PETER FOSS: Thank you.

Hon Derrick Tomlinson: The Law Society did not think so at the time.

Hon PETER FOSS: The idea was originally introduced by a Labor Government and Hon Derrick Tomlinson will tell us all about that.

Hon Ken Travers: Let's hear it!

The CHAIRMAN: Order members!

Hon PETER FOSS: I will let Hon Ken Travers hear from Hon Derrick Tomlinson shortly. We have dealt with one of the worst aspects of jury service for many people; that is, the amount of time it all takes.

Hon N.D. Griffiths: And this is taking.

Hon PETER FOSS: If that is what it has to be. I am keen to have this legislation passed. It is an important piece of legislation and an important public policy matter and I am eager to answer Hon Giz Watson's question. I am keen for her to be persuaded by the debate in this Chamber. We have dealt with many of those problems and have sped up the process and methods of summoning a jury. There is still no doubt that people do not like it. I accept that Hon Giz Watson found the experience interesting; a lot of people consider it to be a waste of time particularly if, as often seems to happen, they are called again and again to go through the same process. I do not know how it happens. Members may have friends who are called up for jury duty and are then called again. It tends to be women.

Hon Cheryl Davenport: I have been called up twice.

Hon PETER FOSS: I suspect women are called more frequently because, unless they have children, they do not have adequate excuses. My sister-in-law was called up three times one year and twice the next. I have no idea why. It is all random. She should have bought lottery tickets because she kept being called up for jury service.

The CHAIRMAN: Order! I give Hon John Halden the call on the basis that I have been aware that he has been so eager to make a contribution that he has intruded on other people's time.

Hon JOHN HALDEN: I rise in the unique position of probably being the only person in this Chamber who has ever been accused in a criminal trial. I am mystified by our focus on the possible inconveniencing of jurors. The inconvenience or potential inconvenience is a lot greater for the accused - it has much more impact. The argument about inconveniencing jurors might go down well with all 33 other members, but when a person is in the dock with a policeman sitting next to him and he stands up and the jury brings down a verdict one way or the other, it does not mean a damn thing because he is sweating. His whole life hangs by a string and members have the temerity to say that the principles of this debate are about inconveniencing a jury. One's life, one's family's life, one's livelihood and one's reputation hangs by a thread and members say we might inconvenience the jury. We might inconvenience the citizens of Western Australia in the course of doing their duty. We might have 28 people sitting there waiting to pass judgment on someone. It does not mean a thing to me; I have been there and I know the pain.

During the Attorney General's speech I challenged him when he said this is all about prejudices and trying to get the best result one way or the other. I had a unique opportunity because I was not held in the holding cell while waiting for the verdict to be brought down. Instead I talked to my Queen's Counsel and the opposing Queen's Counsel, the Director of Public Prosecutions. We had a discussion about the jury selection process. It was interesting because I believed what the Attorney General said. I had given my right of jury selection to my QC as one is entitled to do and to my great surprise the selection process was not about trying to get the best result for me. Counsel came down with the consensus view that it was about ensuring there was a decision. The reason they challenged first and foremost was to ensure we obtained a decision, because they wanted to get me out of the pain of the situation. Secondly, my QC wanted to get himself out of the pain of dealing with me ranting and raving for two years about the injustice of what I had been put through. They did not want to go through it again. Members should think about that. One tries to reach a position with a jury, as judgmental as it might be, where one has 12 sound people who will bring down a decision so that one does not have a hung jury, which, according to both QCs, is what they try to avoid.

If members want to argue with the then Director of Public Prosecutions, now a judge of the Supreme Court, and my QC, they can go ahead because I can tell them the effect of a hung jury on me as the accused. It is financial ruination the first time because it has already cost me $70 000 and there is no more; there is barely that. It would be a year and a half before both counsel could get together to have another trial. That is a year and a half of the same emotional pain for me, my family and people around me waiting for another trial. We dare to question whether eight or three is the right number. What a joke!

I have heard some nonsense in my time in this place, but the experiences that I have been put through lead me to only one conclusion: What we are talking about is nonsense, because only one person can tell members what it is like, and unfortunately that person is me. Therefore, I do not want to hear any more about $15 per day if the jurors need to stay for more than three days. Think about it! When five years of my life is on the line with the prospect of imprisonment, my reputation has been destroyed and my family is in tatters, $15 a day does not have a big impact on me; and, more importantly, it should not have a big impact on any citizen of this State. It is an inconsequential cost when the primary role of the Attorney General is the dispensation of justice. If the Attorney General wanted juries to be a defined empirical science, he should scrap the lot, because they are not an empirical science. Therefore, we cannot start from that premise.

It was explained to me by these two eminent Queen's Counsel that the basic aim of jury selection is to achieve emotional and financial efficiencies for me, and also for them, I must admit, and probably more emotional in my case -

Hon Ken Travers: Your rantings and ravings are very enjoyable at times.

Hon JOHN HALDEN: That is right, and we all know that. The aim is also to achieve financial efficiencies for the State, because if juries are chosen that do not produce a result, whether that be 12:0, 11:1 or 10:2, the result will be a hung jury and a retrial, with all of the associated costs and injustices involved. I suggest that the injustices are predominantly to the accused. What the Attorney General is arguing is totally inconsequential to the primary role of justice in this State; namely, a fair go for the accused. A fair go means achieving a result, because the accused cannot stand being hung by a thread for too much longer.

We all have opinions about everything. However, it is rare for us all to have experienced everything. The speeches that I enjoy the most from members opposite are the speeches about the things they have experienced because of the lifestyle they lead. This is one experience that I have had to live, and the argument put by the Attorney General is absolute arrant nonsense.

Hon DERRICK TOMLINSON: There are two sins that one should not commit in this place: First, one should not stay here for too long. Second, one should not remember. I am guilty of one of those sins -

Hon N.D. Griffiths: I think you are guilty of both!

Hon DERRICK TOMLINSON: I am willing to be persuaded on the other. I will leave this place for a simple price: I will exchange this chair for a plumed hat!

The CHAIRMAN (Hon J.A. Cowdell): I understand that there is to be no touting from the floor!

Hon DERRICK TOMLINSON: In November 1992, Hon Joe Berinson introduced into this Chamber a Juries Amendment Bill. Hon Peter Foss was leading for the Opposition. The second reading debate was held on Wednesday, 11 November 1992, and it was one of Hon Peter Foss' more loquacious efforts. He summed up the Opposition's case in 20 words -

> This enormous Bill has the support of the Opposition. All it does is change a figure from 3 to 6.

Hon Peter Foss said that with much succinctness and eloquence. However, it was spoiled by Hon Tom Helm, who asked -

> Do you understand it?

Hon Peter Foss replied -

> Yes, I understand it.

He then explained, in 23 words, exactly what the Bill was about, and the Bill was passed. Regrettably, I remembered that in October 1991, 12 months previously, Hon Joe Berinson had introduced another Juries Amendment Bill, which sought to do three things. Firstly, it proposed to reduce from eight to four the number of peremptory challenges available to both the prosecution and the accused. Secondly, it proposed to abolish the prosecution's right to stand aside jurors. Thirdly, it argued the need to increase the number of reserve jurors in long criminal trials. That Bill never proceeded beyond the second reading speech presented by Hon Joe Berinson, but I recall the reasons given by Hon Joe Berinson, and they were exactly the same as the reasons given by Hon Peter Foss tonight. At that stage, Hon Joe Berinson was the Attorney General and Hon Peter Foss was the opposition Justice spokesperson. We did not have shadow ministers at that time, because that was after the demise of Hon Barry MacKinnon and his replacement by Hon Richard Court as Leader of the Opposition, when we moved from shadow ministers to opposition spokespersons. Hon Joe Berinson, the then Attorney General, presented exactly the same case that Hon Peter Foss as Attorney General has presented this evening in defence of reducing the number of peremptory challenges in 1992 from eight to four and in 1999 from eight to three. It is exactly the same argument, although I must confess that Hon Joe Berinson was much more eloquent because, being a well-behaved Opposition, we did not interject as much as the Opposition has interjected on Hon Peter Foss tonight.

We are now in the situation where, over the past seven years, Hon Peter Foss has acquired the wisdom that was held by Hon Joe Berinson in 1992. He has seen the light, as it were, and he is arguing the very case that the Labor Party was arguing in 1992. However, tonight we have heard from none other than the Labor Opposition that the Labor Party case of 1992 was arrant nonsense! I put it to you, Mr Chairman, that it would be a denial of the contribution that Hon Joe Berinson made to this place in 1992 were the Opposition to vote against Hon Joe Berinson's amendment.

I hold Hon Joe Berinson in high regard. In the time I have been here, I have met few members whom I hold in anywhere near the regard I hold for him. He was a statesman. That statesman and the argument he put forward in 1992 have been condemned by those on the opposition benches as arrant nonsense. How dare they defile Hon Joe Berinson in that way? The only honourable thing for the Labor Party to do is to reject the amendment moved by Hon Helen Hodgson. I understand her motives because we went through the same naive period of growth, but we have now achieved the wisdom of Hon Joe Berinson in 1992. The Labor Opposition has a duty to uphold the principles of 1992 and reject this amendment.

Hon PETER FOSS: I am glad Hon Derrick Tomlinson spoke, for a couple of reasons. I needed a small break after the

powerful arguments raised by Hon John Halden. They were powerful because of his personal experience, and the passion he put into his speech. He referred to Justice McKechnie, then the Director of Public Prosecutions, Mr McKechnie, QC. Interestingly, one person supporting the amendment is Mr McKechnie, who did not see the problems Hon John Halden seems to see as a result of what he heard from Mr McKechnie. I have limited experience in criminal law, having done only one jury trial.

Hon N.D. Griffiths: Did you win?

Hon PETER FOSS: Of course not. That is why I did only one jury trial.

Hon N.D. Griffiths: No repeat business from the client?

Hon PETER FOSS: It was a legal aid matter, for which we did not get paid in those days. Getting no more freebies to do was not a great loss to my practice. I sought advice at that time. The advice given by the more learned members of criminal bar was exactly as I have said - to try to take off the jury those people counsel felt would be prejudiced against their clients.

Hon N.D. Griffiths: Or the client felt uncomfortable with?

Hon PETER FOSS: I know Hon John Halden asked why there should not be inconvenience. Every day many criminal trials take place both in Perth and across Western Australia. I do not believe it has been demonstrated that this provision has any effect on the justice situation. In England this provision has been abolished. This view is confirmed by the representatives of the courts and Judge Yeats who has looked at it.

Hon N.D. Griffiths: That is one judge. What is the view of the Law Society?

Hon PETER FOSS: The Law Society of Western Australia has always been against it. That is why Hon Joe Berinson did not proceed with the matter in 1991.

Hon N.D. Griffiths: Did you consult with it on this matter?

Hon PETER FOSS: No.

Hon N.D. Griffiths: Why not?

Hon PETER FOSS: I know its view precisely: It is against it. That was made clear in 1992.

Hon N.D. Griffiths: This is now 1999. Why didn't you consult?

Hon PETER FOSS: It might very well have done. If it has changed its view, I have no problem with that. I know the situation. The Law Society has made it quite clear that it is opposed to it, and I do not expect it to change its view on that. Certain things in this world are predictable, and certain things are not.

Hon N.D. Griffiths: I think you are very predictable.

Hon PETER FOSS: I thank the member for saying so! We are bringing large numbers of people to court quite unnecessarily. We are dismissing them without their ever being heard on a jury. There is nothing to indicate this system makes any difference whatsoever to the outcome. I understand how strongly Hon John Halden feels about this and I respect his views. In an earlier speech he raised the state of the cells for defendants in District Court matters, and I have taken action since then to deal with that. He may have seen some footage on television recently showing the cells in the new Canning Vale Remand Centre where I specifically asked those involved in setting them up to pay attention to this very proper speech made by Hon John Halden because he raised some very valid points. In the cells there are televisions and pictures on the walls, which were suggested by Hon John Halden. We have learned from what he said about that issue, and I thank him for his comments. There is no substitute for experience. I am quite happy to take it by some form of proxy, having Hon John Halden gain that experience and relate it to me.

Hon N.D. Griffiths: Is that the article with the picture of you in the cell with the mirrors and everything else? I thought that was appropriate.

Hon PETER FOSS: No, that is another one. This is a serious matter. If I were convinced it would have a major effect on the outcome, I would not have brought the matter forward. I do not think it has an impact on the outcome. Nothing suggests that where the changes have been made in those places, they have had any impact on the outcome. There is also nothing to suggest that where a change has been made to abolish it completely, it has had any impact on the outcome. I do know the impact it has on the people we summon daily to serve as jurors - of those summoned, we know 16 will not be used. We always summon 16 more than will be used. This provision makes it six more, which is still a fairly significant number of people, but considerably fewer than 16. We can go only so far. We must recognise it falls to a limited number of people. A large number gain exemption. People, like me and others in the Chamber -

Hon N.D. Griffiths: Perhaps the fact that there are so many exemptions should be examined. Perhaps the exemptions are

okay, but many people are prevented from being jurors. Some changes may be made with respect to criminal records. Perhaps we should look at that quite seriously. Perhaps the prosecution should not challenge automatically just because it knows someone might have committed an offence 15 or 20 years before, and that person might have a bias against the police.

Hon PETER FOSS: They tend to use stand-asides in those cases.

Hon N.D. Griffiths: The prosecution has that knowledge; the defence does not and flies blind.

Hon PETER FOSS: We are looking at that, and probably will change it. It does not need legislation to change it. Unless other points need to be clarified, it is probably time to go to a vote.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon John Halden	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon J.A. Cowdell	Hon Helen Hodgson	Hon J.A. Scott	Hon Giz Watson
Hon Cheryl Davenport	Hon Norm Kelly	Hon Christine Sharp	Hon E.R.J. Dermer *(Teller)*
Hon N.D. Griffiths		Hon Bob Thomas	

Noes (13)

Hon M.J. Criddle	Hon Peter Foss	Hon Murray Montgomery	Hon B.M. Scott
Hon Dexter Davies	Hon Ray Halligan	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Barry House	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*
Hon Max Evans			

Pairs

Hon Mark Nevill	Hon N.F. Moore
Hon Tom Helm	Hon Greg Smith
Hon Tom Stephens	Hon W.N. Stretch

Amendment thus passed.

Hon HELEN HODGSON: I move -

Page 4, line 15 - To delete "5" and substitute "8".

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 4, line 15 - To insert after "jurors" the following words -

except where 2 or more than 2 persons are charged with the same offence and are put on trial together in which case each of those persons may challenge peremptorily 6 jurors

Amendment put and passed.

Clause, as amended, put and passed.

Postponed clause 5: Section 18 amended -

Hon PETER FOSS: I oppose this clause. If members want the legislation to pass without its going to and fro between the Chambers, we should defeat the clause. If members want to pass it, we will have to go through negotiations between the Chambers. The Government will oppose this amendment in view of the other amendments that were passed.

Hon N.D. GRIFFITHS: I am not sure whether the Attorney knows what is going on in the Government, and I will address that later this evening in another context. In making up its mind on this clause, the Committee should be mindful of the words of the Attorney General in the second reading speech which read -

> The right of the Crown to stand aside four jurors will also be removed. This is because the current practice in the jury selection process of allowing the Crown to stand aside prospective jurors from the panel, has the potential to cause unnecessary concern on the part of members of the community. It also increases the number of citizens required for jury service.

Those are wise words, and deserve our support. We should not go along with what the Attorney proposes in dealing with the clause.

Hon HELEN HODGSON: If we do not pass clause 5 at this stage, we will make a nonsense of what we have just done in

clause 9, which is to delete the section that gives the right to stand aside. It is a nonsense to leave in a reference to stand-asides when the section that gives the right to those stand-asides has now been deleted. Section 38(2) was deleted as part of clause 9, which we have just passed.

Clause put and a division taken with the following result -

Ayes (14)

Hon Kim Chance	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon J.A. Cowdell	Hon John Halden	Hon J.A. Scott	Hon Bob Thomas *(Teller)*
Hon Cheryl Davenport	Hon Helen Hodgson	Hon Christine Sharp	
Hon E.R.J. Dermer	Hon Norm Kelly	Hon Ken Travers	

Noes (13)

Hon M.J. Criddle	Hon Peter Foss	Hon Murray Montgomery	Hon B.M. Scott
Hon Dexter Davies	Hon Ray Halligan	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Barry House	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*
Hon Max Evans			

Pairs

Hon Mark Nevill	Hon N.F. Moore
Hon Tom Helm	Hon Greg Smith
Hon Tom Stephens	Hon W.N. Stretch

Clause thus passed.

Clauses 10 and 11 put and passed.

Title put and passed.

Bill reported, with amendments.

RESTRAINING ORDERS AMENDMENT BILL

Second Reading

Resumed from 22 October 1998.

HON N.D. GRIFFITHS (East Metropolitan) [8.50 pm]: The Australian Labor Party supports this Bill and has no misgivings about its content. I note that it was introduced in October and it is now March. There has been some delay, but that is par for the course. This is a matter of government priority and the Government properly has the right to decide on the priorities of the legislative program.

This issue is not controversial. It was the subject of a resolution at a Standing Committee of Attorneys General meeting on 14 March 1997, at which it was agreed that there should be reciprocal recognition of restraining orders granted in New Zealand. As I understand it, the agreement was that there was no need to have model legislation, but that the legislation passed should be consistent.

I note from details provided to me by the Attorney General's office in November that the then current situation was that the Commonwealth had no legislation; New South Wales, Victoria, Queensland, Tasmania and the Northern Territory were considering legislation; South Australia had enacted legislation; and the Australian Capital Territory had draft legislation. It appears that, even though we have not progressed the matter as quickly as some would like, as of November we were doing better than most of the Commonwealth. For that I can give the Government a tick.
I would like to know the up-to-date situation in respect of other jurisdictions. If that information can be provided this evening, I would appreciate it. If that is not possible, I would like to be informed over the next few days because I am very interested in the progress of this matter not only in Western Australia but also throughout the Commonwealth. At the end of the day we are one country, people have relatives in other places and they move around with great regularity.

This Bill allows for registration and enforcement of restraining orders granted in New Zealand and for orders granted in countries to be prescribed. The safeguard is contained in a definition of the corresponding laws. Restraining orders from other jurisdictions to be dealt with, registered, enforced and varied in Western Australia will be along the same lines as those prevailing in this State, and that is appropriate.

This measure is capable of giving comfort potentially to a great number of people residing in Western Australia, many of whom I trust will become citizens in due course. Many good people from New Zealand live in Western Australia and they enrich our country and State. The fact that they will have the benefit of the protection of restraining orders granted in their home country in the jurisdiction in which they now reside is worthwhile. I am very pleased to support the Bill.

HON GIZ WATSON (North Metropolitan) [8.53 pm]: The Greens (WA) also support this Bill. We recognise that it is a useful addition to the operation of restraining orders in this State. I am aware that many restraining orders are applied for and granted to protect women and children from domestic violence. I am also aware that, if a person takes the big step of moving to another place to avoid potential contact with a perpetrator of violence, it is essential that restraining orders granted in New Zealand be applicable here and in any other compatible jurisdiction. Therefore, the intent of the Bill is supportable. The Greens applaud any improvements in legislation to minimise violence, particularly against women and children, and to protect people from perpetrators of violence. We support the Bill.

HON HELEN HODGSON (North Metropolitan) [8.54 pm]: The Australian Democrats also support this Bill. Essentially it ensures that people who have restraining orders granted in other jurisdictions can have them enforced here. This covers New Zealand in the first instance and includes the capacity to bring in more countries. That capacity is important because it is common for people to change their residence and for threats and so on to follow them.

However, while we are debating the issue of domestic violence, I ask the Attorney General to inform the House of the progress of the review being undertaken.

Hon Peter Foss: Do you mean the review of the restraining orders legislation?

Hon HELEN HODGSON: Yes. I understand a review was undertaken last year. While this is very important, it does not deal with some of the fundamental concerns of people working in this field about the operation of restraining orders and violence restraining orders. It is important that we progress that matter as far as it goes to the fundamentals as well as deal with issues as they arise. I would appreciate some advice on that. The Australian Democrats support the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [8.57 pm]: I thank members for their support. I will have to provide the information requested by Hon Nick Griffiths at a later date.

The review of the Restraining Orders Act has been completed and I have a report. It has been referred to key stakeholders and I hope to make it available generally. I accept the very sensible recommendations in the report. Members might recall that I also asked the Legislation Committee to research this issue more widely than the review of the Restraining Orders Act.

New Zealand has a Domestic Violence Act that includes bits and pieces from everywhere; it is not well drafted but it tries to deal with domestic violence as a whole. We have little bits of legislation all over the place, but that issue was outside the scope of the review of the Restraining Orders Act. Perhaps Hon Giz Watson can inform the Chamber during the committee stage what point that review has reached. It is an issue on which many members have much to contribute. I know that Hon Giz Watson, Hon Cheryl Davenport and Hon Barbara Scott have a particular interest in this matter.

A lot can be gained from such an inquiry. Our review of the Restraining Orders Act made a point of going to people who have experience as applicants and respondents. We found problems on both sides, with which any legislation must obviously deal. Some matters can be dealt with by regulation under the Act, and many matters require a change in attitude by the police and the courts. Many members of this House repeatedly indicate that the biggest change required is in societal attitude. However, some matters will require legislative amendment. Once that process is undertaken, I will certainly ensure that legislation is introduced.

Normally I release a report for comment, followed by a governmental response. Nevertheless, in view of the general interest and support in this House for matters relating to domestic violence, I will table that report on the understanding that a lot more consultation is required, and that a government response will not be made until everyone has been consulted. I am sure that members would like to participate in the comment process. This is a committee report and the Government has yet to seek comments from stakeholders. Much is still to be done with restraining orders. This measure will give effect to things already in place, rather than changing them.

Concerning a point raised by Hon Nick Griffiths, Victoria has a reciprocal arrangement with New Zealand and WA, and the Australian Capital Territory and South Australia have reciprocal arrangements with New Zealand.

Hon N.D. Griffiths: South Australia was the place to which I referred.

Hon PETER FOSS: South Australia has the Domestic Violence Act 1994; the ACT established the reciprocal arrangement with New Zealand in 1998; and Victoria passed its orders in 1997. Does that cover the member's questions?

Hon N.D. Griffiths: Yes.

Hon PETER FOSS: I commend the Bill to the House.

Question put and passed.

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

TRANSFER OF LAND AMENDMENT BILL

Second Reading

Resumed from 2 December 1998.

HON NORM KELLY (East Metropolitan) [9.04 pm]: The Australian Democrats support the Bill. Although this measure is considered to be non-contentious, a few issues should be explored during debate. The central issue with this Bill is whether its mechanisms adequately balance the interests of individual landholders against the interests of the community.

If a person has a single-dwelling restrictive covenant over land, and that person wishes to remove the covenant, he must apply to the Supreme Court to have it removed under section 129 of the Transfer of Land Act. The Supreme Court decides on the reasonableness of the person's efforts to obtain approval and conform with the local area in having the covenant removed. If anyone in the surrounding area wishes to object on the submission, he or she must appeal to the Supreme Court to defend the matter. This can be a costly exercise, which can recur on a frequent basis. If a single developer wants to develop a single lot, a local community group may form an action group and raise funds to defend the application. However, it may need to undertake the process again six months later. This Bill will alleviate such problems faced by local communities.

Of course, the removal of single-dwelling restrictive covenants can reduce the land values of the surrounding properties. These covenants are usually placed in the formative stages to make the developments more attractive to buyers. A covenant is a valuable thing to be passed with land when sold to show that not only the land, but also the surrounding development area, will be protected. However, some difficulties should not be allowed to continue. At the moment, only one person need apply to have the Supreme Court grant the removal of a covenant. On every occasion that an individual landowner applies, other people must undertake the defence process. The Bill will make it easier for residents to object to amendments to restrictive covenants.

The amendments aim to deal with some of these problems by adding weight to the views of the owners of nearby land which also benefit from the restrictive covenant. The proposed regulations determine affected landholders by outlining a total of 200 lots with restrictive covenants within a certain area of the land upon which the covenant is attempted to be removed. The onus will be placed on the landholder to demonstrate to the court that he or she has the support of the community in having the covenant removed. Such a landholder cannot receive approval from the Supreme Court without the explicit written approval of at least 51 per cent of the other landowners. Those landowners include people with an interest in the properties, such as banks which have issued loans on properties. In the case of joint tenancies or tenancies in common, the approval of each owner must be gained. If a developer obtains no response from a landowner when seeking support, that is to be treated as a negative; therefore, active participation in expressing support is required.

An area highlighted as being of particular concern includes the suburbs of Coolbinia and Menora, where restrictive covenants are widespread. The local member has been active and keen to see this legislation passed. This Bill was put up late last year to be passed through the Parliament, but of course that was not possible. The Australian Democrats are supportive of the Bill. It protects those who enjoy the benefit of such a restrictive covenant from having to continually protect their immunity under that covenant by making the mechanism of removal more onerous by placing the onus upon the individual wanting the covenant removed. Of course, if that community support is not forthcoming, the landholder cannot develop the land.

We are disappointed about the lack of consultation from the Government in putting this Bill before Parliament. Organisations such as the Real Estate Institute of WA and the Urban Development Institute of Australia are actively involved in considering development issues in metropolitan Perth. We were not contacted by the Government either before or since the introduction of this Bill. In fact, when we contacted both the UDIA and REIWA, it was the first knowledge they had that this Bill was before Parliament and that it was getting to such a late stage in its progress through Parliament. In future we would like to see proper consultation occur at an early stage because potential issues arise very late in the process and can unnecessarily delay the progress of what is in essence good legislation.

A single-dwelling covenant can also restrict policies which are put in place to contain urban sprawl by facilitating urban infill. Although the Australian Democrats support urban infill programs as long as sufficient infrastructure and other services are provided, a conflict exists between covenants which may be placed long before modern town planning schemes are being introduced. This is common around Australia, and the laws in other States, such as Victoria and Queensland, are similar. An article "Private and Public Planning - Implications for Legal Processes" by M.J. Weir states -

> The conflict is most stark when a restrictive covenant limits use of land to a particular purpose and a relevant planning scheme deems that use prohibited. As the rights enjoyed under restrictive covenants are essentially static in nature the passage of time may render their impact inappropriate for current contemplated uses reflected in new planning schemes.

It is important to get that balance right so that it is not impossible to amend planning schemes and policies because of such covenants having overriding powers. The article further states -

> . . . restricted covenants developed prior to widespread use of town planning instruments . . .

This is a case when this conflict occurs. In the minister's second reading speech, he also stated - I would not say necessarily that it is competing legislation, but it also directly impacts on the use of restrictive covenants -

> . . . unless the provisions of the relevant Town Planning Scheme expressly authorise the removal of the single dwelling restrictive covenant then, whilst the land is subject to that covenant, it should not be built on the land, despite planning legislation and town planning schemes that may allow otherwise.

In other words, if a town planning scheme allows multiple dwellings, that single- dwelling restrictive covenant should still apply. The critical issue is, unless the provisions of the relevant town planning scheme allow that removal of a covenant. We are concerned that because this Bill places onerous conditions on developers to remove these covenants, it would be difficult to remove that covenant even if a great deal of community support was forthcoming. It would be difficult to get that support expressed by over 50 per cent of those landowners and interests signing to indicate they do give support. All that is needed is a few absentee landowners and the percentage reduces. We are not talking about the surrounding 200 landowners; it is up to 200 landowners who have that similar restrictive covenant, so they have a vested interest in maintaining that amenity of that local development.

This amending Bill also goes further than the existing Act; it allows people in a neighbouring development to have a say. The present legislation states that one must be part of a development to be able to say that one has a legitimate interest. This amending legislation means one can go into a neighbouring development which may be in close proximity. That is a good step forward. However, we are concerned that because of this increase in onerous conditions on developers, developers may start looking for other ways to circumvent this legislation. Other ways are available to have these restrictive covenants removed. One of them is through the Town Planning and Development Act. Local government bodies can have as part of their town planning scheme an expressed purpose to allow these restrictive covenants to be removed. I will refer to one of these councils to show this alternative process because we must ensure that the alternative process does not become such an attractive option that developers simply go to that. The local government authority in question, the City of Melville, has as its local state member the minister in charge of this legislation, but I am sure that is entirely a coincidence. I refer to the requirement of restrictive covenants in the City of Melville's current town planning scheme No 5, clause 5.14.1 of which states -

> . . . restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Scheme . . .

That is the enabling part of the TPS which allows the removal of that restrictive covenant. That is subject to a long list of provisions, which is a good mechanism to allow for local community input before that covenant is removed. Such provisions include a requirement that written notice of the proposed development is to go to the owners of all lots adjoining the subject land, and also to any other person who the council believes has an interest or would be entitled to a benefit by the enforcement of such restrictive covenants; a sign of a certain size is to be placed on the site of a certain size that can easily be read from the road to display that there is an application to remove the covenant; plans must be submitted to show location of neighbouring buildings on neighbouring lots etc; there must be at least a three- week period for submissions to be lodged with the council; and the council may refuse applications if a third of the affected property owners object to such a development. Another requirement is that the development not be out of character with the local area. This is a good set of requirements which should allow for a proper consultation process at the local level to ensure that unwanted development does not go ahead.

However, I am concerned about what is proposed in the City of Melville's town planning scheme No 7, which is currently going through the TPS amendment process. Rather than go through that long list of requirements and check points, the new proposal states in paragraph 9.9(b) that -

> where the council has issued planning approval for development consistent with the Scheme but inconsistent with the restrictive covenant the Council shall advise the Commissioner for Titles who shall on such advice amend the title accordingly . . .

It is as simple as that: The council receives an application, the council makes a decision, and it then advises the Commissioner for Titles, who automatically amends the title. Therefore, it totally bypasses any form of local consultation and any process that will make the neighbouring landholders aware that their area is proposed to be developed to a higher density, although that higher density will still need to comply with the other zoning requirements of the area. It may be common knowledge in a certain local community that everyone will have a single-dwelling restrictive covenant, and people may feel quite secure about that, and that may be one of the reasons that they have purchased a property in that area. However, the council may approve of a development, without any consultation with the affected landowners, even if they are living right next door to the proposed development, and that development may go ahead. That is very dangerous.

I do not know how far away this proposal is from being implemented, but I hope the members for the South Metropolitan Region will take it on board. I will be interested to know how many other local government bodies are considering imposing such minuscule requirements for the lifting of these restrictive covenants. The safeguard against allowing developers to bypass the intent of this Bill and to go down the line of such TPS amendments is that it is quite a lengthy, open and public procedure to amend a town planning scheme to allow for the lifting of such restrictive covenants. However, the potential exists for developers to demand that those changes be made at the local government level in order to circumvent the onerous requirements of the Transfer of Land Act. These covenants can be lifted in two ways. There are good safeguards on both sides. It is imperative that at the state government level, urban infill programs are used to encourage local government bodies to increase the density of their area. In the suburb in which I live, there is a conflict about the proposal to increase the density by having certain spot rezonings throughout the suburb. That is why I said previously that although the Democrats support urban infill programs, it is essential that those programs be combined with the necessary infrastructure and services to cope with that increased population density.

Local government bodies, in conjunction with the State Government, should be required to ensure that their planning decisions with regard to transport corridors and the like are in line with good planning policy. Some local government bodies are being quite progressive in implementing such policies. The City of Gosnells is proposing to adapt its local area zonings and to implement good town planning policy in order to make Gosnells a safe city and reduce crime. Its planners have been able to demonstrate that the majority of burglaries occur in streets that are removed from the main traffic corridors. Burglaries occur not in dead end cul-de-sacs on the main roads, because that is too visible, but on streets that do not have ready access to the main roads and where the offenders can get away without being observed. Those sorts of planning policies should be encouraged. Unfortunately, the City of Gosnells is also being hamstrung by some aspects of the Town Planning and Development Act and is having to decide whether to commit ratepayers' funds to fight huge court battles. In the most recent case, Woolworths is threatening court action, which the council has decided it cannot afford to contest.

To get back to town planning schemes, members need to be aware of what is occurring in their local government areas, and local communities should be wary of the changes that are being made to their town planning schemes. It is important to mention that it is this sense of democracy at the local government level that we all need to encourage. The Australian Democrats fully support the Bill and believe there is probably no need to go to the committee stage, although we do have concerns about the planning matrix in the Perth metropolitan area.

Debate adjourned, on motion by Hon Bob Thomas.

MISUSE OF DRUGS AMENDMENT (CANNABIS CAUTIONING NOTICES) BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon Christine Sharp, and read a first time.

Second Reading

HON CHRISTINE SHARP (South West) [9.29 pm]: I move -

That the Bill be now read a second time.

This Bill is an important step forward in drug reform in Western Australia, and in cannabis law reform in particular. It is time to get real, because the fundamental fact is that prohibition of drugs has not worked. This is now widely recognised within the Police Force and the legal profession, as well as by health and community workers. It is time to begin a new approach. There is already general agreement on new guiding principles: Drugs should be treated as a health and not a criminal issue, and the objective should be harm minimisation, not punishment.

This Bill, and the other Bill that I will introduce today - the Poisons Amendment (Cannabis for Medical and Commercial Uses) Bill - represent what may be an important step forward towards a new and more successful approach in Western Australia. The current criminalisation of marijuana in Western Australia has given rise to a host of very real problems. They include a huge imposition on the workload of the Western Australia Police Service and the court system, and are a major contribution to the congestion in our prisons, which has reached crisis point. The simple cannabis offences for the possession of 100 grams or less of marijuana constituted 92.5 per cent of drug offences in Western Australia in 1996. Cannabis trafficking offences are at similar levels, comprising 91.5 per cent of all drug trafficking offences in that year. These are government figures. They show that previous estimates, discussed in *The West Australian*, which calculated the relative levels of marijuana-use offences to other drug-use offences as running at roughly 75 per cent, were underestimating the scale because live-plant conviction figures were not included in this estimate as there is no distinction between personal use and trafficking for cultivating charge data. However, even these levels were prompting concerns that police efforts were focusing at the wrong end of the drug problem.

In effect, over 90 per cent of the "drug problem" in Western Australia is about marijuana. This is an astounding figure. That is why we are here today, setting about change. Further, smoking marijuana is primarily a youth issue - most cannabis

smokers are young or very young. Forty per cent of Western Australian school students have used cannabis; 58 per cent of drug offenders in 1996 were under the age of 25 years; and, as we know, nearly all of these charges were for cannabis offences. It is simply not acceptable that the intolerance of the older generation should expose young Western Australians to criminal convictions for pursuing an activity that is arguably less harmful than the drugs with which the older generation are familiar; that is, alcohol and tobacco. This hypocrisy is not lost on young people. It is one of the fundamental causes of the much discussed social alienation of our younger generation. It is partly why the generation gap is so intense nowadays.

Another major reason that cannabis law reform is essential is the problems we are facing with worsening heroin addiction. Because the impacts of heroin addiction are blatantly dysfunctional - the crime, the street deaths - there is a significant push to reform heroin laws to provide heroin free to addicts; however, it is essential that this reform process is done in a holistic fashion. We must not ignore one of the important causes of the heroin epidemic; that is, the so-called marijuana gateway.

I stress that, of course, marijuana smoking does not, in itself, lead to heroin use, anymore than riding a bicycle leads to owning a motor bike. There is no casual relationship. As Emeritus Professor David Pennington has pointed out, we have made cannabis into a gateway drug simply because of its illegality. Our laws are exposing our young people to criminal networks, to the self-identification of being outside the system, and to rejecting the out-of-date values enshrined in the judgment of the statutes. If heroin reform is pressing, it is because cannabis reform is also long overdue. I acknowledge here the encouragement and help that Professor Pennington has provided to me in formulating this legislative package. In commenting on my Bills, he noted that -

> The criminal environment of use of marijuana provides a "happy hunting ground" for those seeking to expand the market for heroin. The rising death rate from heroin and all the crime and spread of disease associated with it is an enormous social problem for this country with very serious implications for our future. Anything which goes down the path towards separating marijuana users from that criminal environment would be a very important step forward.

For those who do not know of Professor Pennington's work, he chaired the 1996 drugs and our community inquiry for the Premier's Drug Advisory Council in Victoria.

According to a report entitled "Community Attitudes to Cannabis Use in Western Australia", conducted by Simon Lenton and Claudia Ovenden for the National Centre for Research into the Prevention of Drug Abuse in 1996, community opinion is that 71.5 per cent of the Western Australian population believes cannabis should be decriminalised. No risks are attached. Decriminalisation does not increase use of marijuana. This is a very important point. The report entitled "Legislative Options for Cannabis Use in Australia" by the Australian Institute of Criminology 1994 states -

> . . . most studies suggest that the policies implemented in the Netherlands have not resulted in any significant increase in drug use or changes in patterns of use.

And -

> A comparison with data from other countries with a more restrictive policy reveals that the use of cannabis in the Netherlands is on the same level as in Sweden and Norway (around 10-15 per cent), but far lower than that in the US (exceeding 50 per cent).

Since 1971 a huge number of reports have been prepared relating to drug reform: In 1971, the report of the Senate Select Committee on Drug Trafficking and Drug Abuse, the Marriott committee; in 1977, the report of the Senate Standing Committee on Social Welfare, "Drug Problems in Australia - An Intoxicated Society"; in 1978, the report of the New South Wales Joint Parliamentary Committee on Drugs; in 1979, the report of the Williams royal commission; in 1979, the report of the Sackville Royal Commission into the Non-Medical Use of Drugs in South Australia; in 1989, the report of the Parliamentary Joint Committee on the National Crime Authority; in 1991, the report of the Australian Capital Territory Legislative Assembly Select Committee on HIV, Illegal Drugs and Prostitution; in 1994, the report entitled "Legislative Options for Cannabis in Australia" (AIC); in 1996, the report entitled "Drugs and our Community", the report of the Premier's Drug Advisory Council in Victoria; and most recently, in 1998, the report of the capital city lord mayors throughout Australia. Except for the report of the Williams royal commission, all the reports stated that the current prohibition on cannabis was not working and that personal use of cannabis should no longer be a criminal offence.

I refer to the medical evidence and, in particular, to two quotes which have appeared recently in medical journals. In 1998, the foremost medical journal in Britain, *The Lancet*, stated -

> . . . it would be reasonable to judge cannabis less of a threat than alcohol or tobacco, products that in many countries are not only tolerated and advertised but are also a useful source of tax revenue.

In 1998 the *British Medical Journal* stated -

> Lord Winston, professor of fertility studies at the University of London, said that cannabis might have some rare dangers, "but those risks are clearly much less than with many other drugs."

Let us look at what is happening elsewhere in Australia. In 1987 - 12 years ago - South Australia introduced the cannabis expiation notice scheme which involves fines for all simple cannabis offences, and usually multiple fines for each offender. This system has created a net-widening effect due to the ease with which a fine notice can be issued. A large proportion of those issued with a CEN eventually face the court due to failure to pay the fine. This adversely affects those from a lower socioeconomic background. In 1993 we saw the introduction of a similar system, the simple cannabis offender notice scheme, in the Australian Capital Territory. Unlike the situation in South Australia, the police in the Australian Capital Territory decide whether to issue a SCON or to proceed through the criminal justice system. In 1998 the Victorian Government allowed the introduction of a cautioning system, which followed two trials of the system in specific police districts. This legislation is based on that model. As members will see, Western Australia is lagging behind other parts of Australia.

The Misuse of Drugs Amendment (Cannabis Cautioning Notices) Bill will set up a cautioning system for simple cannabis offences very similar to that operating since 1998 in Victoria. I have chosen the figure of 100 grams or less as the amount of dried cannabis for which one may receive a caution. This is in line with the level cited in schedule V of the Misuse of Drugs Act 1981, which identifies 100 grams as the amount that gives rise to a presumption of intent to sell or supply. Anything below that amount is treated as personal use. I have not, however, followed the same logic in relation to the amount of plants specified in schedule VI and have instead settled on two plants as the amount on which a caution can be issued. Under schedule VI, the number of plants giving rise to a presumption of intent to sell or supply is 25. I believe that this is a huge disparity between the amount of dried material and the number of plants that give rise to the same offence and did not wish to repeat this in my legislation.

One of the important provisions in this Bill is that under the definition of a simple cannabis offence, if a person is caught with both dried material and plants, it will be treated as one offence. Many people caught cultivating cannabis for personal use are also likely to have a quantity of dried material - that is only natural. If that were treated as two separate offences, they would have exhausted their maximum amount of cautions in one go. That is neither fair nor reasonable. Allowing the two to be treated as one offence, if it is on the same occasion, is a much fairer system and acknowledges that both dried material and live plants generally go hand in hand.

Furthermore, there is a section within this legislation that repeals the smoking implement offence. The implement offence, which can create a multiple offence charge for the offender through possession of cannabis and an item through which to smoke it, would have to be one of the most draconian sections of our current Misuse of Drugs Act. These items can legally be bought but not used. In 1996, 2 697 persons were charged with possession of an implement and, of those, 357 had it recorded as their most serious offence. Similar figures can be found for 1995 and 1994.

As I indicated earlier, the legislation allows a maximum of two cautions before having to proceed through the court system. I believe this creates a greater opportunity for offenders to re-evaluate their drug use before they are suddenly faced with a criminal conviction that could dramatically alter their lives. As a parent of teenage children, I believe it is critical that we adopt a softly softly approach to our children in order to bridge the generation gap that the current drug laws help to promote.

I would like to read from a letter from the Assistant Commissioner of Police to the Minister for Police on the topic of the cannabis cautioning trials which are in place currently in Western Australia. It states -

> Rates of cannabis use and comparisons with other Australian jurisdictions indicate that the criminal justice resources applied to simple cannabis offences, and the penalties imposed on individuals, are not contributing to the policy objective of discouraging cannabis use. Also, there is a substantial portion of the community which believes that only a small proportion of persons committing cannabis related offences are convicted for such offences and that those who are convicted suffer a penalty that, by its imposition of a permanent criminal record, is disproportionate to the behaviour.

It is on this basis that the Western Australian Government introduced trials in the police districts of Mirrabooka and Bunbury. This legislation differs slightly from the current cautioning trial taking place in Mirrabooka and Bunbury. An objects clause has been included in the legislation in order to identify exactly what is the intent of the cautioning system. This is important because a proper evaluation of the legislation can be achieved only when one is aware of the actual intent of the legislation. The current cautioning trial has as its stated intent what is called "net-widening". I say this because it is aimed at enabling more people to be brought into a forced educational program. The intent of this Bill is different in that it has specifically in mind the reduction of the financial burden on our criminal justice system and also the reduction of the social burden on the community by decreasing the likelihood of making criminals out of otherwise law-abiding citizens. Why waste a counselling organisation's time by forcing people who have no interest in being there to attend for re-education?

We need to move away from a morally judgmental stance on cannabis. I believe that smoking cannabis is a health issue not a moral issue. Hence health and counselling information rather than compulsory re-education will be provided to offenders as an important provision of this Bill. That is following the Victorian approach rather than the current Western Australian trials.

The same letter from the Assistant Commissioner of Police quoted earlier gives the following report on the Victorian system -

> The trials commenced in the pilot areas on Thursday October 1 1998. However a recent evaluation of the Victorian Cannabis Cautioning Pilot program, whilst having slightly different aims and objectives in that their system did not include an education component, was encouraging. The following is an extract of the Victorian program which was run over a six month period in "1" District - Broadmeadows between July 21, 1997 and January 21, 1998.
>
> . 97 cautions were issued during the pilot period;
>
> Cautioned offenders were predominantly young males aged between 17-21 years;
>
> 57% of cautions were issued to first time offenders, thus many of the total cautioned avoided the stigma of a formal court appearance;
>
> In 82% of cautions issued, the amount of cannabis seized was less than 5 grams (upper limit 50 grams). Half of the offenders cautioned were detected with equal to or less than 1 gram of cannabis;
>
> 74% of those found with cannabis were located during vehicle inspections or traffic infringements;
>
> The cautioning system saved time and police resources - 93% of police members surveyed believed that police resources were saved in terms of time and paperwork as compared with the previous process involved in prosecuting offenders;
>
> Members generally found the criteria and procedures adopted for the pilot were easy to follow;
>
> The evaluation did not indicate any supervisory concerns. There was a high level of awareness of the requirements of the program and station commanders took an active role in its implementation and conduct;
>
> No complaints or concerns were registered either at district level or with the ethical standards department regarding the pilot;
>
> A high level of accountability and ethics was maintained, particularly in respect to the seizure, transportation and disposal of the cannabis. The trial of tamper proof audit bags proved a useful mechanism as it allowed for transparency in the audit trial and in the handling of the property;

Therefore, Mr President, I give you a Bill which seeks to reduce the social impacts of a conviction for simple cannabis offences; makes the penalties which apply to the drug consistent with its capacity to produce harm; reduces the costs to the criminal justice system; makes cannabis laws more consistent with community values; and, lastly, acknowledges cannabis primarily as a health issue and not a moral issue, and certainly not deserving of an immediate criminal conviction.

Debate adjourned, on motion by Hon Giz Watson.

POISONS AMENDMENT (CANNABIS FOR MEDICAL AND COMMERCIAL USES) BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon Christine Sharp, and read a first time.

Second Reading

HON CHRISTINE SHARP (South West) [9.50 pm]: I move -

> That the Bill be now read a second time.

This, the second of the twin Bills that I am second reading tonight, does two things: First, it sets up a system whereby general practitioners are able to recommend to the Commissioner of Health that particular patients be permitted to use cannabis to relieve specific ailments. With the commissioner's consent these patients will be allowed to obtain or grow a specified amount of cannabis for their medicinal use. The very fact that a general practitioner makes a recommendation that must then be scrutinised by both the commissioner and the Poisons Advisory Committee provides a guarantee that cannabis will be authorised only for those with a legitimate need.

The core issue in this section of the legislation is the removal of criminal penalties for patients who use cannabis medicinally. It is important to recognise that this legislation is not about making a "new drug" available, but rather about protecting from arrest and imprisonment those patients already using cannabis, as well as the doctors who recommend it.

Cannabis has known therapeutic values as has been known for thousands of years. It is believed that the first recorded evidence of its medical use was in a Chinese herbal, during the reign of the Chinese Emperor Chen Nung, 5 000 years ago.

Through the classical and Hellenistic eras it was noted by Galen and other physicians that cannabis was a remedy for various illnesses. It was also recorded in most of the English dispensaries published during the 1600s to 1700s. In the period 1840 to 1900 more than 100 papers were published within western medical literature citing a varied range of ailments for which cannabis was useful. Even Queen Victoria was given cannabis by her court physician.

Now coming right up to date, the medicinal use of marijuana has gained considerable attention in Australia since the judgment last month of the Queensland Supreme Court. In this, Justice Alan Demack ruled that the use of marijuana for pain relief was acceptable despite the drug being illegal. This ruling has set an important precedent challenging the statutes across Australia.

The idea of the Western Australian Bill is to clarify that using marijuana for pain relief in conditions such as multiple sclerosis, glaucoma and the relief of the nausea induced by chemotherapy is permissible if prescribed by a doctor. It rectifies the problem currently facing patients for whom standard, legal drugs are not safe or effective. At present these patients must either continue to suffer or obtain cannabis illegally and risk criminal conviction as well as the possibility of obtaining cannabis that has been chemically adulterated. The aim of this new legislation is to arrest suffering, not patients.

The following quotes are from two highly respected medical journals. The first two are from the *British Medical Journal* of 4 April 1998, and I quote -

> The BMA recommends that the government should amend the Misuse of Drugs Act to allow cannabinoids to be prescribed in a range of medical conditions . . .

And again -

> The BMA is not alone in arguing for enhanced access to cannabinoids . . . Others include the Royal Pharmaceutical Society, the previous president of the Royal College of Physicians, and many British doctors.

The *Journal of the American Medical Association* of 21 June 1995 suggested -

> Marijuana is also far less addictive and far less subject to abuse than many drugs now used as muscle relaxants, hypnotics, and analgesics.

The legislation thus acknowledges that for some patients cannabis is actually more effective than other drugs. The medical profession is well aware that the "most" effective drug for one person might not work at all for another person. This is why so many different drugs are on the market to treat the same ailment. People respond differently to medicines. Cannabis and patients' reactions to it are no exception.

I quote again from a letter I received from Emeritus Professor Pennington, who chaired the 1996 Drugs and our Community Inquiry for the Victorian Premier's Drug Advisory Council, in which he states -

> Many aspects of public policy in relation to the current illicit drugs have enormous inconsistencies and are quite illogical. Whilst for centuries, the medical profession has used various derivatives of opium, including morphine, codeine and the related compound pethadine for the relief of pain and other aspects of suffering, heroin remains an illicit drug. We have still not allowed the development of drugs derived from marijuana for the relief of nausea, muscle spasm, pain and other symptoms of suffering in disease conditions such as terminal carcinoma, AIDS, multiple sclerosis or even glaucoma. Marijuana is far less addictive than any of the opioid derivatives and I am delighted that you are proposing a sensible and logical approach to this problem which is long overdue.

This section of the Bill will break new legislative ground in Australia, although it follows the example of approximately 36 American state laws and the findings of an extensive inquiry by the British House of Lords.

Finally, the Poisons Act Amendment Bill sets out to legalise the commercial production of low THC cannabis for hemp. This section of the legislation is based, with only minor changes, on the Victorian statute, Drugs, Poisons and Controlled Substances Amendment Act 1997, which contains a rigorous system for the scrutiny of hemp crops to prevent illicit substitution with high THC cannabis.

Just as the medical uses of cannabis have been known throughout history, so too has the use of industrial hemp. I will read to the House an extract from the report "Legislative Options for Cannabis Use in Australia" by the Australian Institute of Criminology. Under the heading in chapter 3 "Cannabis in history" is the following -

> Its major use in Europe during the Middle Ages and into the time of the colonial expansion of the European powers was to produce ropes and cordage - especially for ships' rigging and anchor ropes. In Italy, hemp was a major crop, particularly important in establishing states such as Venice as seafaring powers. The Venetians operated a state-run hemp factory as a way of achieving quality assurance. The historical importance of hemp is evidenced by a decree issued by Henry VIII in 1533 that 'for every sixty acres of arable land a farmer owned, a quarter acre was to be sown with hemp. The penalty for not doing so was to be three shillings and four pence'. . . During the 17th century Indian hemp was the basis of the American Colonialists' trade and commerce, and so great was the need

to equip the British Navy that James I issued a Royal Decree to instruct colonialists to increase their hemp production'.

The United States census of 1850 counted 8 327 hemp plantations, with a minimum acreage of 2 000 acres each, growing hemp for cloth, canvas and cordage. It also informs that Benjamin Franklin started one of America's first paper mills with hemp, which allowed America to have a free colonial press. There was important revolutionary significance in not having to beg or justify paper from England.

[Leave granted for the House to continue to sit beyond 10.00 pm.]

Hon CHRISTINE SHARP: I have carefully studied the outcome of the Western Australian hemp growing trials. The Minister for Agriculture is to be congratulated on initiating those trials. The results of the WA trials, which began two and a half years ago, indicate that more work needs to be done before hemp production could be commercially viable in Western Australia. We need to test a wider range of seed provenances, because those used were from France and Holland only; to extend the range of the trials to the northern part of the State; and to develop a range of product feasibility studies. Hemp clothing, like the dress I am wearing, is only one aspect of a wide range of environmentally friendly products which can be manufactured from hemp, such as medium-density fibreboard and paper. Hemp paper is especially important. It was used for centuries due to its exceptional durability. That long durability is not the case, by the way, for our chlorine-bleached paper, which is causing a crisis in libraries throughout the world as books are starting to disintegrate. Interestingly, according to the North American Industrial Hemp Council, BMW is currently experimenting with hemp materials in automobile bodies in order to make cars more recyclable.

Greens (WA) are aware of enormous popular support for exploring the potential of the industry. Removing legislative impediments is an important step on that course.

The definition of low-THC cannabis in the legislation means that cannabis, the leaves and the flowering heads do not contain more than 0.35 per cent of THC. That level has been used in the Western Australian trials and it also has been set in the Victorian Statute. The legislation contains provisions for a police clearance to be obtained for any person applying for an authority to cultivate hemp, and the Minister for Agriculture has the ability to demand any information required to determine that an applicant is a fit and proper person to be given an authority. The minister is prohibited from issuing that authority if the applicant has been convicted of a serious offence in the 10 years preceding the application. The authority to cultivate hemp will also take into consideration the suitability of the applicant's property in relation to location, soil types and available facilities. The authority, when issued, will cover a period of five years and it may be renewed at the end of that period.

A new section 5A will be inserted into the Poisons Act which will exempt from the operation of the Act certain processed products made from cannabis or cannabis seed which do not impose a drug risk. New part IVA empowers the minister to authorise any person holding a position under the Public Sector Management Act or any other appropriately qualified person to be an inspector for the purposes of the new Act. It also gives inspectors general and wide powers to determine whether hemp crops have been grown in accordance with the Act.

As members will have realised in listening to this outline, this cannabis law reform package has been formulated very carefully. I have been very conscious of the Court Government's conservative approach to these issues and, quite frankly, they are conservative Bills designed precisely as a step forward that any Government can take with confidence. They will put our cannabis laws alongside those of the conservative Government of Premier Jeff Kennett. This Bill acknowledges that, apart from its popularity as a recreational drug, cannabis also has an important role in medicine and agriculture.

Debate adjourned, on motion by Hon Giz Watson.

ADJOURNMENT OF THE HOUSE

HON M.J. CRIDDLE (Agricultural - Acting Leader of the House) [10.05 pm]: I move -

That the House do now adjourn.

Fortieth Anniversary of the Tibetan Uprising against the Chinese - Adjournment Debate

HON GIZ WATSON (North Metropolitan) [10.06 pm]: I raise a matter of some importance, and that is to commemorate, as many Parliaments around the world will do today, the 40 years since the Tibetan uprising against the Chinese invasion. All Parliaments should comment on the terrible situation that continues in Tibet and on the continuing suffering of the Tibetan people. On 10 March 1949 there was a significant uprising by Tibetans who had suffered at least nine years of Chinese occupation. It is acknowledged that at least 87 000 Tibetans died in that uprising, and that is according to an admission by the Chinese. Since then 1.2 million Tibetans have died as a result of Chinese occupation. That is one in six members of the population. It is nothing short of an act of genocide and it is an act of cultural oppression. Tibetans are now disallowed from speaking their own language. There is an enormous rate of imprisonment. Currently, more than 1 000

Tibetans are prisoners in labour camps in their own country, and they are being jailed for offences such as distributing leaflets, singing protest songs and taking part in peaceful demonstrations. One of the most profound aspects of the Tibetans' struggle for independence and return to autonomy has been their adherence to principles of non-violence. I wholly support that approach to their political struggles. It is with enormous difficulty that they maintain their honourable principles.

At lunchtime today, I attended a small rally in the centre of Perth which was organised by the Australia Tibet Council. That group took a petition containing 1 500 signatures to the Chinese Consulate to protest at the ongoing oppression of Tibetan people. When we arrived at the Chinese Consulate we were told that we would not be allowed in and that we would not be received. Despite that, several of us went in, but we were unable to present the petition because the doors were firmly shut. Therefore, I was disappointed that the consulate would not pay us the courtesy of receiving these petitions that had been collected in Perth during the last month, which is an indication of an enormous level of support in Western Australia for the Tibetan cause. It refused to meet with three people representing that delegation. That is extremely disappointing, and it is an indication of its continuing resistance to the consistent and reasonable demands of Tibetan people to maintain their culture and autonomy.

I ask members to consider what they can do to support the cause of Tibetans, a large number of whom now live in exile throughout the western world. A large number are based in India, but some are also in Australia. Their cause must be won. The continuing occupation of Tibet against the will of the people must be condemned throughout the world.

Attorney General's Letter to Constituent - Adjournment Debate

HON N.D. GRIFFITHS (East Metropolitan) [10.11 pm]: I gave notice to the Attorney General via the Government Whip that I would make some comments about his actions. He is not here; that is his problem. His first duty is to the House. The Attorney General and I share some quarter of a million constituents. One of them recently received a letter on the Attorney General of Western Australia's letterhead, with a stamp "Signed Hon Peter Foss, MLC", and concluding with what purports to be the signature of Hon Peter Foss, QC, MLC, Attorney General, Minister for Justice; The Arts. That is fair enough. The constituent is a Ms Gresser.

Hon Derrick Tomlinson: I know her well.

Hon N.D. GRIFFITHS: No doubt the member does. I am sure he has dealt with her more appropriately than the Attorney General. What I find interesting about this letter is that it deals with a matter of great importance. However, it also shows how well the Attorney General gets on with the Premier and his colleagues. It demonstrates that he does not seem to know what is going on in the Government. That does not surprise me; nothing surprises me any more with respect to the Attorney General. I bring the matter to the attention of the House because it is a long time until Christmas and the House might appreciate what the Attorney General said in this letter. It is an undated letter, but I am advised that it was received by the constituent yesterday, 9 March. It says -

> Thank you for your letter of 10 January 1999 regarding the payment of compensation to your brother and other Drug Squad Detectives who were suspended last year.

It is a serious matter. It acknowledges that Ms Gresser's letter is dated 10 January 1999. It continues -

> The issues you have raised fall within the portfolio of the Minister for Police, the Hon John Day. I have therefore forwarded a copy of your letter to him for his attention and direct reply.

I am sure our constituent looks forward to receiving a letter from Hon John Day, her member in the Legislative Assembly - I suppose from his point of view thankfully, but from Hon Kevin Prince's point of view regrettably - not Hon John Day MLA, the Minister for Police.

Recycling - Adjournment Debate

HON NORM KELLY (East Metropolitan) [10.15 pm]: Members will recall a debate last year on the Environmental Protection (Landfill) Levy Bill. That was a way in which the State Government could raise taxes to fund programs to increase recycling. Unfortunately, the successes achieved in increasing the rate of recycling through the widespread use of kerbside recycling bins throughout the metropolitan area has also had unintended consequences. A recent decision by the ACI Packaging Group and the Recycling Company of WA has meant that bulk collection bins for glass will be withdrawn from the metropolitan area. Because of the success of the kerbside recycling program, they have found that it is no longer a commercially viable operation to have these bins throughout the metropolitan area.

The full impact of such a decision severely affects people living in the Shire of Serpentine-Jarrahdale, which is one of only two shires in the metropolitan area which does not have kerbside recycling. The end of the bottle bank service to the Shire of Serpentine-Jarrahdale means that residents will now be forced to dump their glass products at the local landfill rather than recycling them. This has the compounded effect that it also increases the cost of rubbish disposal because the increased weight adds to the urban landfill levy they must pay.

In April last year during the second reading debate on the Environmental Protection (Landfill) Levy Bill, I referred to the anomaly that affects the Shire of Serpentine-Jarrahdale. I stated that it could be unfairly penalised by this system as a result of being required to implement a recycling strategy that would be expensive because of the extra travel involved in servicing the area. That was a prophetic statement when one considers what is occurring in that shire at the moment.

During the debate I outlined the special needs of Serpentine-Jarrahdale, which has by far the lowest population density of any shire in the metropolitan region. As I stated previously, only two areas in metropolitan Perth do not have kerbside recycling. Serpentine-Jarrahdale is one; the other is Mundaring. To emphasise the rural aspect and nature of the Shire of Serpentine-Jarrahdale, the population density is only 11 people per hectare, whereas the rural Shire of Mundaring has 350 people per hectare; the Shire of Swan has 75 people per hectare; and the Shire of Kalamunda has 146 people per hectare.

A letter that I received from the Serpentine-Jarrahdale Shire last year stated that it was keen to establish a kerbside recycling service. It said that the preliminary figures put the cost per annum at about $120 000 for a co-mingled service, which are the normal green and yellow bins that most people in the metropolitan area have, or $63 000 for a crate service to collect approximately 1 000 tonnes of recyclables in the area. The shire informed me that this would increase the waste disposal rate by 40 per cent for the co-mingled service or 21 per cent for the crate service.

These figures become much higher for the shire because of its need to provide these services to such a scattered population and the extra transport costs that this entails. The shire area is almost 1 000 square kilometres and within that only 3 000 service points are to be serviced. In August last year I wrote to the Minister for the Environment on behalf of the shire stating that some of the recycling initiatives could be implemented if the provision of these levy funds could be directed to the Serpentine-Jarrahdale Shire. It was asking for only $10 000 to supplement the $10 000 that it was able to put forward to initiate research into recycling and to develop a strategy for a recycling program. Unfortunately the minister did not see that the way I did. It is not uncommon for the minister and I to have differing views on environment issues. It is important that people be reminded of the unique situation that exists in this predominantly rural area which is unfortunately contained for purposes such as a waste levy in the metropolitan area. This area consists of only 11 people per hectare and special consideration must be given to it. I will contact the minister again in view of the recent decision of ACI and the Recycling Company of WA to withdraw these services. An even stronger argument can now be put forward that assistance should be provided to the shire. I appreciate the opportunity to bring this matter to the attention of the Council.

Western Power, 400 Job Losses - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [10.21 pm]: Today might have passed as simply an ordinary day in Parliament for me yet again had it not been for the announcement by the Minister for Energy, Mr Barnett, of 400 job losses in Western Power. Four hundred workers are now uncertain about their future; 400 workers now have concerns about mortgage repayments; 400 workers may be worried about how they now will pay for their children's education; and 400 workers concerned about how to put food on their family's table.

It can only be an uncaring Government that treats its own people in this manner. It can only be a -

Hon Barry House interjected.

Hon LJILJANNA RAVLICH: I will come to voluntary redundancies.

Western Australians want some answers. I came across a piece of correspondence issued by Western Power to all its employees outlining Western Power's half-yearly results. Western Power is clearly not struggling. It is making a record profit. Western Power's profit for the six months to 31 December 1998 was $81.9m. The profit was marginally above expectations; however, according to Western Power's own correspondence, this result was achieved through the impact of several factors including abnormal items and changes to accounting treatments. In fact, the correspondence goes on to state that if these factors were not included, half-yearly results as at 31 December 1998 would have been $4.1m, less than the half-yearly results of the previous year, so we are still talking about a record profit in the order of $75m. If an instrumentality such as Western Power is earning a $75m record profit above expectation, one must seriously question what is motivating this Government to get rid of 400 workers.

Hon Barry House interjected and stated that these people will not simply be thrown on the unemployment scrap heap, but will be offered redundancies. We have already lodged with the Industrial Relations Commission the three R agreement. The three R agreement specifically makes reference to the requirement of the Government to offer retraining, redeployment or redundancy. It is not to offer one at the exclusion of the other two. It is an agreement which ensures that all workers are entitled to those three Rs. I will be watching very carefully the Government's response to that.

Given the record profits of Western Power, one must ask why the Government is not passing on these profits in the form of reduced costs to the users of power. That is a fundamental and simple question. Why has the Government gone down this line of merely shedding nearly 50 per cent of Western Power's generation employees? We are talking about 65 jobs lost at the Bunbury power station which will have a direct impact on other services which operate at Bunbury. The remaining 336 jobs will be shed at Collie and Kwinana. These jobs were the lifeline of those 400 workers. These people must now

look for alternatives. I cannot understand what sort of Government does this to its people. The record of this Government in shedding its workers has been nothing short of disgraceful. It has shed them across the public sector. It is looking at shedding at least another 400 jobs in Westrail freight and it goes on and on.

Hon M.J. Criddle: Where did you get that from?

Hon LJILJANNA RAVLICH: Will the Government not shed any jobs in Westrail freight? Will the Minister for Transport give me an undertaking that the Government will not shed any jobs in Westrail? How many will the Government shed?

Hon M.J. Criddle: You are putting stories into the public arena without any indication -

Hon LJILJANNA RAVLICH: Every time the Government has made a promise about not privatising and not getting rid of jobs, it has privatised and got rid of jobs. Do not make any excuses now or try to put me -

Hon M.J. Criddle: I am asking you to explain what you have just said.

Hon LJILJANNA RAVLICH: Is the minister telling me there will not be 400 job losses? Will there be 300 job losses? I would like an undertaking from the Acting Leader of the House that if it is not 400, there will not be 300, 200 or 100 job losses. The bottom line is that he knows jobs will be shed and he knows it will be a substantial number. It is about time this Government came clean about its full privatisation agenda and explained to the Western Australian people why it is going down this path of causing such enormous hardship to the people that it reportedly represents. It is totally unacceptable and all other Western Australians share my view. It cannot even be argued that the agency or the organisation has been managed badly, because that is not reflected in its profits. We must have an explanation from the Minister for Energy why these jobs are going, apart from the simple explanation of, "We simply want to reduce the cost of power and deliver cheaper power to the users of power." Given the profits that are currently generated by Western Power, that should be able to be achieved in other ways other than simply getting rid of the work force. We want to know why this Government is so uncaring. The public sentiment is that this is an uncaring Government. Very little has been done by members on the other side which would indicate anything else. That will be demonstrated when we go to the polls next time. Western Australians are clearly hurting as a result of these privatisation policies.

Hon Simon O'Brien interjected.

Hon LJILJANNA RAVLICH: The member can have his go after me. However, Western Australians are hurting. The member's job is not at risk. Given the contribution he makes to this place, I think it should be. The issue is that it is not. People such as Hon Simon O'Brien should show more compassion towards the people who are directly impacted upon by the policies of the Government he represents. This is clearly not a caring Government, and members on this side will be looking very carefully at the way in which the Government proceeds in its handling of this issue. I ask the minister to reconsider his position and that members opposite bring to the minister's attention the human aspect of the Government's policies. They should go to the minister and represent the people in their constituencies who are directly affected.

Hon Barry House: We represent them very well in the south west and that is why we have all the seats in that area and you do not.

Hon LJILJANNA RAVLICH: Hon Barry House is just sitting here while people in his community are going onto the unemployment scrapheap. He purports to represent them. Thank goodness he does not represent me because I would hate Hon Barry House to represent me. This Government is a disgrace.

Attorney General's Letter to Constituent - Adjournment Debate

HON PETER FOSS (East Metropolitan - Attorney General) [10.31 pm]: I am grateful to Hon Nick Griffiths for drawing attention to a letter that was sent which certainly did not meet the proper standards of care. I am particularly grateful because, although it is only a minor point in terms of quality control, it is an important point. Despite the fact that the department has manuals about how things should be done and checked, and letters go through many hands before they reach me, I am continually picking up quite obvious typographical errors. An example of the sort of error is a letter addressed to Hon Nick Griffiths which begins "Dear Bill". Fundamental errors such as that occur. It is a problem that arises when the large number of people involved constantly changes. Despite the manuals and procedures, these things are missed.

A number of things should have been picked up. In the first place the letter should not have been prepared for my signature; a letter of that nature would probably have been more expeditiously returned if someone had immediately prepared a letter in those terms and signed it. Secondly, in government terms, ministers should not be referred to by name because in all minutes they are referred to simply as the minister. The minister is almost treated as having a corporate existence and is not referred to by name. The only time the minister's name is mentioned is when the correspondence is signed at the bottom. Thirdly, the correspondence should have been dated. The process in government is to date letters after they have been signed because, generally speaking, the process of preparation means that putting a date at the beginning of the process may well mean it will be incorrect by the time the letter is signed.

It is interesting that probably at the time the letter was signed, I was the Minister for Police because until Saturday I was the acting minister. Certainly Hon John Day was not the Minister for Police, and at that time although the Minister for Police was Hon Kevin Prince, I was the acting minister. I can assure the member that the letter was referred to me at the time but because an answer had not been prepared by the department, I did not give a reply.

I thank the member for raising this matter because it is important. I am sure many things get through, and many get under the guard before they reach me.

Hon Ljiljanna Ravlich: Do you not read them?

Hon PETER FOSS: Yes, I do, and it is amazing how these errors are missed. It should not have got as far as me because someone wrote it in the first place, and the error should have been picked up then. Other errors get through and recently my officers became quite strict about them. We used to correct the letters that had typographical errors but the problem with that is that people expected the person signing the letter to be the ultimate corrector. All those errors are now sent back to the department for correction in the hope that they will be more careful in the future.

Hon Ljiljanna Ravlich: It is not working.

Hon PETER FOSS: That is true, but it seems finicky to send them back for tiny mistakes when one can make the changes oneself. However, it is worthwhile because by sending them back even for finicky mistakes, it is hoped that the message will get through for the departments to check them to make sure they are correct. I thank Hon Nick Griffiths very much for drawing it to my attention and I hope that more people will do the same with errors, because it is a good way of drawing to the attention of the department that they should get it right in the first place.

Hon N.D. Griffiths: Would you be kind enough to raise the matter with the minister?

Hon PETER FOSS: It has already been raised with the minister.

Hon N.D. Griffiths: The Minister for Police?

Hon PETER FOSS: Yes. One of the instructions in my office when a letter is prepared is that it be directed to the Minister for Police, for example, and mention no names. That is the traditional way in which the Public Service operates. Letters should never be written to another minister; a minute is prepared on plain paper, addressed to the Minister for Police, contains a heading and is signed by the other minister by name. There should be no name at the beginning of any such correspondence. Strictly speaking, there should have been another letter with that addressed to the Minister for Police.

I will certainly raise Hon Nick Griffiths' speech in my office and with every person in the entire chain from the moment it came into the office, off to the department and back again. I will make sure everyone has their attention drawn to it and that a lesson is learnt.

Hon N.D. Griffiths: Including the acting minister?

Hon PETER FOSS: Yes, including the acting minister!

Question put and passed.

House adjourned at 10.36 pm

QUESTIONS ON NOTICE

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

GOVERNMENT DEPARTMENTS AND AGENCIES

Club Memberships

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

(1) Has any Government department or agencies within the Premier's portfolios paid for membership to a club or association for a member of staff between February 1993 and June 1997?

(2) If so, please provide -

(a) the name of the staff member;
(b) the name of the association; and
(c) the amount paid?

Hon N.F. MOORE replied:

Ministry of the Premier and Cabinet

(1)-(2) Yes. In the absence of a clear definition of "club and association", records of the Ministry of the Premier and Cabinet reveal the membership payments detailed below.

1992/1993		
Russell Perry	The WA Chinese Chamber of Commerce Inc	50.00
1993/1994		
Ms D E Brooking	Labour Relations Advisory Council	75.00
Mr M J Walker	Tokyo American Club	435.98
Mr M J Walker	Tokyo American Club	568.22
Mr M J Walker	Tokyo American Club	761.98
Mr M J Walker	Tokyo American Club	409.89
Mr M J Walker	Tokyo American Club	467.62
M Stockton	Canadian Comprehensive Auditing Foundation	131.79
Mr M J Walker	Tokyo American Club	436.33
Mr M J Walker	Australia New Zealand Chamber Of Commerce	276.24
Mr M J Walker	Tokyo American Club	412.37
Mr M J Walker	Tokyo American Club	765.09
1994/1995		
Margaret Stockton	Australian Evaluation Society	75.00
A M Vanstone	Legal Practice Board Of WA	500.00
Paul Houghton	Microsoft Communique	395.00
B Gillgren	Australian Telecommunications Users Group	405.00
D Willmott	The Law Society Of WA	372.00
A Vanstone	Admission To The WA Bar	546.00
A Vanstone	The Law Society Of WA	
A Vanstone	Supreme Court	
A Vanstone	Legal Practice Board Of WA	
A Vanstone	Legal Practice Board Of WA	
John Aquino	Australian Evaluation Society	75.00
John Donovan	Australian Evaluation Society	75.00
Jane Longton	ABIE Australia	55.00

1995/1996

Daniel Scherr	Broadcasting Association	25.00
R Vincentini	Australian Evaluation Society	75.00
G Tucker	Australian Evaluation Society	75.00
B Gillgren	Australian Telecommunications Users Group	760.00
Alison Gaines	Australian Human Resources Institute	230.00
D Willmott	The Law Society Of WA	400.00

1996/1997

Tony Dean	Australasian Teleconferencing Assoc Inc	250.00
Jane Longton	Australia - Japan Society Of WA	120.00
John Donovan	Australasian Evaluation Society Inc.	75.00
Jane Longton	ABIE Australia	70.00
Alison Gaines	Australian Organisation For Quality	395.00
Bjorn Gillgren	Australian Telecommunications Users Group	680.00
Michael Daube	Alcohol & Other Drugs Council Of Aust.	50.00
Daniel Scherr	WA Community Broadcasting Association	25.00
Deidre Willmott	The Law Society Of WA	420.00
Tony Dean	Australian Society For Education Technology	70.00

Gold Corporation
(1) Yes.
(2) Since February, 1993, Gold Corporation has paid the following membership fees:

1994:		
Anne Melville	Australian Society of CPA	320.00
Ben England	Australian Society of CPA	320.00
Nigel Moffatt	Australian Society of Corporate Treasurers	320.00
1995:		
Anne Melville	Australian Society of CPA	320.00
Ben England	Australian Society of CPA	320.00
Al Terpolilli	Australian Society of CPA	320.00
Nigel Moffatt	Australian Society of Corporate Treasurers	330.00
1996:		
Anne Melville	Australian Society of CPA	335.00
Ben England	Australian Society of CPA	335.00
Tim Spencer	Australian Society of CPA	200.00
Kate Sier	Australian Society of CPA	200.00
Nigel Moffatt	Australian Society of Corporate Treasurers	360.00
1997:		
Anne Melville	Australian Society of CPA	365.00
Ben England	Australian Society of CPA	365.00
Teresa O'Connell	Australian Society of CPA	365.00
Nigel Moffatt	Australian Society of Corporate Treasurers	225.00

Office of the Auditor General

(1) Yes.
(2)

Staff Member	Association	Amount	Year
Mr D Pearson Auditor General	Institute of Chartered Accountants	$385 $410 $410 $444 $471	1993-94 1994-95 1995-96 1996-97 1997-98
Mr D Pearson Auditor General	Canadian Comprehensive Auditing Foundation	$95	1993-94

Mr M Blake Deputy Auditor General	Australian Society of CPAs	$410 $325 $365 $380	1994-95 1995-96 1996-97 1997-98
Mr A Yukich Assistant Auditor General	Institute of Chartered Accountants	$385 $410 $410 $410 $444	1993-94 1994-95 1995-96 1996-97 1997-98
Dr G Robertson Deputy Auditor General	Australian Evaluation Society	$75	1997-98
Mr J Forbes Manager Information Resources	AUUG (Unix Users)	$90	1994-95
Mr F Pearce Director of Audit	Institute of Chartered Accountants	$385	1993-94

CLAREMONT SPEEDWAY AND RAVENSWOOD DRAGWAY

145. Hon NORM KELLY to the Leader of the House representing the Premier:

(1) Who are the members of the committee investigating a new site for the existing Claremont Speedway and Ravenswood Dragway?

(2) Do any of these members have a financial interest in either the speedway or dragway?

(3) If so, who are these members and what is their interest?

(4) What sites are currently being investigated as a possible new site?

(5) What is the estimated cost of establishing a new site?

(6) What financial commitment has the Government made to establish a new site?

Hon N.F. MOORE replied:

(1) The Implementation Committee which investigated and recommended to Cabinet a new site for a combined speedway and drag racing facility was chaired by the Minister for Planning and comprised representatives of the Office of the Minister for Planning, Ministry for Planning, Ministry for Sport and Recreation, Contract and Management Services, Treasury, Department of Transport, Local Government, Conservation and Land Management and the motor sport industry.

(2)-(3) Two members of the initial Implementation Committee which identified the ABC lakes site were Con Migro - Director of Claremont Speedway and Gary Miocevich - Director of Claremont Speedway and Ravenswood Raceway. The new Implementation Committee which will oversee the development of the motor sport site (until the WA Motor Sport Commission is formed) has been established and is chaired by the Minister for Planning and consists of representatives of the Office of the Minister for Planning, Ministry for Planning, Ministry for Sport and Recreation, Contract and Management Services, Treasury, Department of Transport and Town of Kwinana.

(4) At its meeting of 14 September 1998 Cabinet agreed to support the location of the Speedway and Raceway at the Alcoa Tailings/Residue area, known as ABC lakes in the Town of Kwinana.

(5) Detailed costings to establish the facility at the selected site are currently being determined.

(6) The forward estimates provide $1.8m in 1999/2000 and $2.3m per annum in the outyears to support the financing of the relocation.

WESTRAIL, CUSTOMER SERVICE ATTENDANTS

386. Hon BOB THOMAS to the Minister for Transport:

(1) Can the Minister confirm that Westrail is filling Customer Service Attendants vacancies with Chubb security guards?

(2) If so, why were these positions not offered to the more than 400 redeployed MetroBus drivers?

Hon M.J. CRIDDLE replied:

(1) In late 1994, as a result of anti-social behaviour on the suburban passenger railway, a review was carried out of the then existing security arrangements which subsequently resulted in the implementation of initiatives to improve security presence on trains and at stations. On a progressive basis, fully trained security personnel, with special constable status, were positioned on afternoon shift on stations and thirty five Customer Service Assistants were introduced to cater for customer service on day shift. The strategy is that security personnel would be introduced onto day shift to replace Customer Service Assistants by natural attrition.

(2)-(3) Westrail has a contract with Chubb Security Australia Pty Ltd for the provision of security services on the suburban passenger railway system. The surplus MetroBus drivers have the option of remaining on the Government redeployment list in an endeavour to secure a position within the Government sector or accept a redundancy package and seek employment in the private sector, including Chubb Security Australia Pty Ltd. It is their personal choice what they do.

MEMBERS OF PARLIAMENT - PROVISION OF SERVICES

603. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect of services provided to members in the areas of management of on-site support, help desk information, the training of electorate staff, upgrading of computers, printers and software -

(1) Will the Ministry of Premier and Cabinet be taking over this service provision?

(2) If so, how will confidentiality be maintained, particularly with information on computers?

(3) What assurance is there that all Members will receive equal priority of assistance, particularly when Ministerial offices command superior status in the Parliament?

(4) Will the Premier table the results of the survey undertaken by the Ministry of Premier and Cabinet in respect of electorate office preference for administration of computers?

Hon N.F. MOORE replied:

(1) The Ministry of the Premier and Cabinet has always been responsible for the provision of information technology services to members of Parliament. On-site support, help desk information, training, upgrading of computers, printers and software were contracted out in 1994. This will continue to be the case under the proposed new arrangements.

(2) The contracted support services will also be provided to the ministry, ministerial offices, and the Leader of the Opposition by a common IT support team. The systems in each of the key areas are not linked and information cannot be accessed across the systems.

(3) Provision of support services is always prioritised based on the extent of the problem and the impact it is having on normal functions of the office/individual being affected. The proposed new arrangements will provide improved services to members of Parliament through better economies of scale.

(4) Response to the survey in question was overwhelmingly in favour of continuing to contract out the IT support services as follows -

Continue to contract out	76%
Provided by Ministry of the Premier and Cabinet	6%
Source IT support locally by yourself	6%
Don't care	12%

The proposed new tender arrangements reflect these views.

GOVERNMENT DEPARTMENTS AND AGENCIES - CHIEF EXECUTIVE OFFICERS, CASH PAYMENTS

605. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

(1) How many Chief Executive Officer's ("CEO's") have taken a cash payment in lieu of their leave liability?

(2) How many CEO's have received cash payments in excess of $100 000?

(3) Will the Minister for Public Sector Management identify these CEO's?

Hon MAX EVANS replied:

(1) Ten CEO's and two Acting CEO's have had approval to take a cash payment in lieu of their leave liability.

(2)-(3) Salary matters relating to CEO's are maintained by the respective agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS

654. 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) Triad Constructions, Triad Contractors or Achron Pty Ltd;
(b) R J Vincent & Co Pty Ltd;
(c) Highway Constructions;
(d) Henry Walker Contracting Pty Ltd;
(e) Ertech Pty Ltd;
(f) Moltoni Corporation;
(g) Brierty Contractors;
(h) Barclay Mowlem Construction Pty Ltd;
(i) Jonor Construction;
(j) Jaxon Construction;
(k) Doric Construction; and
(l) Entact Clough or Clough Engineering?

(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?

The answer was tabled. [See paper No 852.]

GOVERNMENT DEPARTMENTS AND AGENCIES, SENIOR STAFF

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

Can the Minister state the name, level and appointment date of all senior officers in all government agencies and departments under his control in the following financial years -

(a) 1996/97; and
(b) 1997/98,

as at November 24, 1998?

Hon N.F. MOORE replied:

Information of the sort requested by the member relates to individual employees and is the responsibility of the employing authorities of the relevant Government agencies and departments.

MILLENNIUM BUG, COMPENSATION

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

(1) What awareness campaign will the State Government implement to ensure householders are conscious of possible millennium bug problems?

(2) In the event of public utilities being affected, will the Government compensate consumers for damages?

Hon N.F. MOORE replied:

I am advised:

(1) The Government is putting significant resources into educating consumers and businesses as to the impact of the Year 2000 (or Millennium Bug) problem and the action they can take to protect themselves from the problem. Since the beginning of 1998, the Ministry of Fair Trading has been widely circulating a variety of information on the Year 2000 problem to consumers and businesses. The distribution of this information has been through the media, the Consumers Association of Western Australia, community groups, community activities such as the Royal Show and other opportunities. The Ministry of Fair Trading commissioned a telephone survey of consumers in relation to the Year 2000 problem which was conducted in January 1999. The survey results will be used to design a new consumer education campaign which will commence in March 1999. Follow up surveys are planned for mid-1999 and a revised consumer education campaign will be conducted by the end of 1999. The Minister for Fair

Trading is also a member of the Ministerial Council on Consumer Affairs which is seeking to ensure that consumer issues are addressed in the National Year 2000 Awareness Program which is being conducted by the Commonwealth Government. In addition, the Department of Commerce and Trade, in conjunction with the Ministry of Fair Trading, the Small Business Development Corporation and the Chamber of Commerce and Industry, has been conducting an extensive business awareness campaign on this problem. A comprehensive, free, information kit is available from these agencies. All consumers benefit from action taken to ensure that business deals with the Year 2000 problem.

(2) In the event that any public utility was affected by a "millennium bug problem" the question of causation and damage would need to be assessed at the time in accordance with the public utilities liability at law.

ELECTORATE OFFICES, COMPUTER SUPPORT SERVICES TENDER

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

(1) Did the Ministry of Premier and Cabinet issue a tender this year for a service provider for computer support services to electorate offices?

(2) If yes, when was the tender issued and when did it close?

(3) How many organisations submitted a tender to provide this service?

(4) If yes, why?

(5) Did the Ministry for Premier and Cabinet, or any other Government agency, submit a tender?

Hon N.F. MOORE replied:

(1) Two tenders were issued in 1998.

(2)

First Tender Request for Tender 29198	Issued: Saturday, 4 April 1998 Closed: Thursday, 30 April 1998
Second Tender Request for Tender 70798	Issued: Saturday, 5 September 1998 Closed: Thursday, 24 September 1998

(3)

First Tender:	Four
Second Tender:	Fifteen

(4) Not applicable.

(5) No.

SENIORS, CONSUMER PROTECTION INFORMATION KIT

826. 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 . . . publish an information kit titled *Senior Power* to increase seniors" awareness of consumer protection issues.' When will the information kit be released?

Hon M.J. CRIDDLE replied:

It is anticipated the information kit will be released in March 1999.

SENIORS, RESEARCH INTO FINANCIAL ABUSE

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . conduct research into the financial abuse of seniors.' -

(1) Who will conduct this research?

(2) When will the research commence?

(3) What format is the research expected to take?

Hon M.J. CRIDDLE replied:

(1) The Office of the Public Advocate is currently undertaking a retrospective research project (based on internal records) into allegations of the financial abuse of seniors.

(2) Work on this initiative is currently underway.

(3) It is anticipated that the research findings will be presented in report format some time in the first half of 1999.

SENIORS, RESEARCH INTO RETIREMENT INCOMES OF WOMEN

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . research the retirement incomes of women focussing on the impact of current economic issues and the interaction between superannuation, other retirement incomes and the social security system.'

(1) Who will research this?

(2) When is this expected to occur?

(3) What form will the research take?

Hon M.J. CRIDDLE replied:

(1) Women's Policy Development Office.

(2) 1999-2000 financial year.

(3) Exploratory research into the current retirement options and strategies open to women, and an examination of their impact on women's retirement incomes.

SENIORS, GRANNY FLATS

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . seek non-rateable status for 'granny' flats in carer situations.'

(1) Who will provide a decision?

(2) When is a decision anticipated?

Hon M.J. CRIDDLE replied:

(1) Preliminary work on this initiative has been undertaken. Once there has been consultation with key stakeholders representing local government and carers, the decision will be made by Cabinet.

(2) It is anticipated during the latter part of the year 2000.

SENIORS, AIRCONDITIONING SUBSIDY IN NORTH WEST

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . investigate the feasibility of establishing an Air Conditioning Subsidy for seniors in the North West.'

(1) When will this study take place?

(2) Who will carry it out?

Hon M.J. CRIDDLE replied:

(1) Work on this initiative is currently underway.

(2) The Office of Seniors Interests and the Office of Energy.

SENIORS, DATABASE OF SOCIAL CONCESSIONS

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . establish a comprehensive database of social concessions and facilitate a review of the administration, targeting and accountability of concessions, including those provided to seniors.'

(1) Where will this be established?

(2) What is the time frame?

(3) What cost is involved?

Hon M.J. CRIDDLE replied:

(1) The database has been established in Treasury. The review is being conducted by an across government committee.

(2) Preliminary reports are currently being prepared from the database in respect of social concessions provided in 1997/98, and the review committee is in the process of drafting its report.

(3) This is not separately identifiable, the work has been undertaken from within existing resources.

SENIORS, RETIREMENT EDUCATIONAL OPPORTUNITIES

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

Page 15 of the document, "Time on Our Side", states that, 'The Government will . . . expand retirement educational opportunities in partnership with the community and private sectors.'

(1) When will this occur?

(2) When will the proposal be implemented?

(3) What community and public institutions will be involved?

Hon M.J. CRIDDLE replied:

(1)-(2) Currently underway. To date, three very successful seminars to assist in the transition of employees into retirement have been conducted by the Council on the Ageing.

(3) Various institutions will be involved as identified during the project, such as the Seniors' Education Association and Financial Planning organisations.

SENIORS, LIFELONG LEARNING AND TRAINING

834. 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 . . . promote the concept of lifelong learning and access to training.'

(1) How will the promotion be facilitated?

(2) When will it commence?

Hon M.J. CRIDDLE replied:

(1) The Government promotes the concept of lifelong learning and access to training which are integral parts of the ongoing work of the Western Australian Department of Training which is able to provide details of specific initiatives. A lift out supplement in The West Australian on 23 January 1999 provided an overview of many of the services to the community, including mature aged people. It included case-studies of seniors and mature aged persons accessing technology and advertised part-time training courses.

(2) 23 January 1999.

SENIORS, EMPLOYMENT IN MINISTRY OF JUSTICE

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

Page 13 of the document, "Time on Our Side", states that, 'The Government will . . . have the Ministry of Justice assess the feasibility of -

- employing retired clinical staff to provide services such as court reports, clinical assessments and other areas of program delivery;

- encouraging retired group workers to apply for vacant part-time positions on detention centre rosters; and

- involving retired teachers on a voluntary basis to assist in the education program at Rangeview Remand Centre.'

(1) What is the concept behind these proposals?

(2) What time-frame is envisaged?

Hon M.J. CRIDDLE replied:

(1) This reflects the Government's commitment to meeting the needs of our ageing population. The Government recognises the significant contribution seniors make to the administration of justice in Western Australia as

volunteers, mentors, jurors, Justices of the Peace, Aboriginal Elders and employees of the Ministry. It also recognises the need to continue to improve customer service to seniors as customers and employees of the Ministry of Justice. The initiatives outlined in the document are to be implemented through the Ministry of Justice and will encourage the continued utilisation of seniors skills through the introduction of flexible employment arrangements for older and retired employees in both paid and voluntary positions.

(2) In line with the changing demographics of the State, the Ministry of Justice will integrate the strategies outlined in the Five Year Plan in its long term planning processes.

SENIORS, SECURITY SERVICES

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

Page 11 of the document, "Time on Our Side", states that, 'The Government will . . . conduct feasibility studies into -

- measures for providing tax rebates for security devices installed in homes and the provision of toll free security advice numbers;

- establishing district Seniors Interest committees, including representatives from local seniors agencies and support groups to consult with District Officers on crime prevention strategies; and

- encouraging local governments to incorporate security features in the design of public and community facilities.'

(1) Who will conduct the feasibility studies?

(2) How will the studies be resourced?

(3) What is the projected date of completion?

Hon M.J. CRIDDLE replied:

(1) The WA Police Service.

(2) Through the Western Australian Police Service budget.

(3) December 1999.

SENIORS, TRAINING IN PERSONAL SAFETY

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

Page 11 of the document, "Time on Our Side", states that, 'The Government will . . . develop a *Confident Living* training package to educate seniors in matters of personal safety.'

(1) Who will develop the training package?

(2) How will the training package be marketed?

Hon M.J. CRIDDLE replied:

(1) WA Police Service.

(2) Training packages will be disseminated to local Crime Prevention Officers and District Police Officers who have responsibility for seniors interests.

SENIORS REGISTER, REDUCTION OF FEAR OF CRIME

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

Page 11 of the document, "Time on Our Side", states that, 'The Government will . . . develop a Senior Register as a means of increasing police contact with interested seniors to reduce unfounded fear of crime.'

(1) What does this mean?

(2) Who will develop the register?

Hon M.J. CRIDDLE replied:

(1) The Senior Register will be a register maintained by the WA Police Service, of seniors who feel concerned about their safety from crime and who submit their names for inclusion on the Register. The seniors on the Register will be contacted by phone at intervals nominated by the senior. The Police Service will liaise with seniors' organisations, seniors' newspapers etc, to inform seniors about the Register.

(2) The WA Police Service.

SENIORS, HOME MAINTENANCE AND ADVICE PROGRAM

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

Page 10 of the document, "Time on Our Side", states that, 'The Government will . . . investigate the feasibility of introducing a Home Maintenance and Advice Program for seniors.

(1) How will this be investigated?

(2) Who will investigate?

Hon M.J. CRIDDLE replied:

(1) Homeswest and the Office of Seniors Interests in cooperation with the non government sector.

(2) Homeswest and the Office of Seniors Interests.

SENIORS, HOUSING DESIGN COMPETITION

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

Page 10 of the document, "Time on Our Side", states that, 'The Government will . . . hold a design competition for innovative housing for seniors to encourage architects and builders to focus on universal design principles.'

(1) Who will hold this design competition?

(2) What format will it take?

(3) What is the purpose of the competition?

Hon M.J. CRIDDLE replied:

(1) Homeswest is negotiating to hold their design competition for innovative housing for seniors as part of the Universal Design Competition. This will be launched in the first half of 1999 and culminate in a Universal Design Conference later in the year.

(2) To be finalised, it is envisaged to be however an open competition for architectural design which focuses on universal design principles that are adapted to housing and 'ageing in place'.

(3) To reflect good design and building practice in the area of housing provision for the aged (over 55 years), be reflective of the ageing in place philosophy and incorporate the universal design principles.

SENIORS, PILOT HOUSING PROJECT

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

Page 10 of the document, "Time on Our Side", states that, 'The Government will . . . provide land and meet the construction costs for a pilot seniors housing project to showcase innovative designs.'

(1) What is the envisaged time frame?

(2) Will Homeswest or the private sector co-ordinate the venture?

(3) What department or agency will fund the initiative?

(4) How much money is allocated in the 1998/99 and 1999/2000 budgets?

(5) Who is providing the land?

Hon M.J. CRIDDLE replied:

(1) There are three projects involved. Tenders for construction will be called in March 1999.

(2)-(3) Homeswest.

(4) Details of the budget are currently being developed as the project progresses. Estimated budget is $1,330,000:

1998/99 $187,000
1999/00 $1,143,000

(5) Homeswest.

SENIORS, HEALTH CURRICULUM MATERIALS IN SCHOOLS

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

Page 8 of the document, "Time on Our Side", states that, 'The Government will . . . support the development of curriculum materials in schools with a focus on ageing and achieving good health in senior years.'

(1) How will the Government support this development?

(2) What consultation will occur with seniors to ensure the curriculum is culturally appropriate, particularly for NESB and Aboriginal seniors?

Hon M.J. CRIDDLE replied:

(1) The relevant Government Agencies, the Office of Seniors Interests, the Education Department and the Curriculum Council will collaborate to support the development of curriculum materials.

(2) During the development stage, consultations with representatives of all relevant groups will occur.

SENIORS, RESIDENTIAL CARE IN REMOTE COMMUNITIES

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

Page 8 of the document, "Time on Our Side", states that, 'The Government will . . . further develop the State/Commonwealth multi-purpose services program to improve access to residential aged care in rural and remote communities'. How will the Government do this?

Hon M.J. CRIDDLE replied:

Improved access to residential aged care in rural and remote communities will be achieved by cashing out of Commonwealth residential aged care bed approvals as part of the Multi-Purposes Services (MPS) program. These funds are then combined with other State and Commonwealth funding to establish a range of flexible health and aged care options best suited to each community.

A number of State Government Nursing Home (SGNH) bed approvals, previously allocated to Mt Henry Hospital and country SGNHs, have and will be allocated to country Multi-Purpose Services.

10 bed approvals have been transferred from Mt Henry Hospital to Baptist Homes in the Vasse/Leeuwin area.

Agreement has been reached within the Commonwealth to transfer 20 bed approvals to the Eastern Wheatbelt MPS and a further 18 bed approvals to the Central Great Southern MPS.

WESTERN AGRICULTURAL INDUSTRIES PTY LTD, MEMORANDUM OF UNDERSTANDING

898. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect to the Memorandum of Understanding (MOU) between Western Agricultural Industries Pty Ltd and the State of Western Australia, will the Premier advise -

(1) Of the $1 to 1.5m per annum that is to be spent on the feasibility study, how is this to be distributed among the ten or so areas of study listed in the MOU?

(2) What proportion of this money will be allocated to examining the environmental impact of the proposal?

(3) What is meant by 'feasibility' and 'pre-feasibility'?

(4) How are these defined and how do they differ?

(5) What would make the project unfeasible and what are the exit points/boundaries between feasible and unfeasible?

Hon N.F. MOORE replied:

(1)-(2) The money will be spent in appropriate amounts to address all issues during the feasibility study.

(3)-(4) A feasibility study generally relates to and requires the completion of field-work. Pre-feasibility generally is "desk top" work and often includes previous feasibility study results.

(5) The Memorandum of Understanding requires the proponent to demonstrate to the State's satisfaction that the project is environmentally, financially, technically and economically feasible and sustainable.

WESTERN AGRICULTURAL INDUSTRIES PTY LTD, MEMORANDUM OF UNDERSTANDING

899. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect to the Memorandum of Understanding (MOU) between Western Agricultural Industries Pty Ltd and the State of Western Australia, will the Premier advise -

(1) Why are there no performance criteria for environmental assessment, nor for any of the other assessments contained in the MOU?

(2) How is the public to be satisfied that assessments are being completed rigorously?

(3) Why are the marine environments - Roebuck Bay, 80 Mile Beach, King Sound etc, not included in environmental assessments?

(4) What is being done by the proponents to study the potential impact of pumping groundwater, damming the Fitzroy River, growing cotton etc, on these sensitive eco systems?

Hon N.F. MOORE replied:

(1),(3)-(4) The environmental process is well established. On receipt of a proposal the Environmental Protection Authority (EPA) decides on the level of assessment and sets guidelines (a list of issues to be addressed). For other assessments in the Memorandum of Understanding the Government will seek expert advice as required.

(2) The Environmental Protection Act provides for anybody to appeal to the Minister on the level of assessment. The proponent's documentation addressing the EPA guidelines is released for public review. The EPA assesses the proponent's report and public submissions and reports to the Minister. Anybody can appeal on the EPA report to the Minister. The Minister ensures setting and implementation of environmental conditions.

WESTERN AGRICULTURAL INDUSTRIES PTY LTD, MEMORANDUM OF UNDERSTANDING

900. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect to the Memorandum of Understanding (MOU) between Western Agricultural Industries Pty Ltd and the State of Western Australia, will the Premier advise -

(1) Why, given the widespread public concern about the potential environmental impact of this project, was the Minister for the Environment not a signatory to the MOU?

(2) Who is paying for DRD's expenses?

(3) Will WAI reimburse the WA Government for DRD's expenses?

(4) Will the three-monthly reports provided by WAI to DRD be made public?

(5) What provisions in consultation (feasibility study) will ensure full community participation?

Hon N.F. MOORE replied:

(1) It is normal practice for a Memorandum of Understanding (MOU) to be signed by the Premier on behalf of the State.

(2) The Department of Resources Development (DRD).

(3) The expenses incurred by the DRD in relation to the MOU are part of the normal functions of DRD including the provisions of a coordinated service from Government for the responsible development of the State's resources.

(4) The quarterly report is an internal document to inform the Government's Steering Committee of progress. A summary of the report is provided in regular newsletters distributed to the public through Australia Post.

(5) The proponent is committed to consultation in accordance with the MOU. The Water and Rivers Commission is commencing a water allocation study involving community consultation. The Department of Resources Development conducts community consultation programs.

GOVERNMENT CONTRACTS

916. 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) 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 M.J. CRIDDLE replied:

(1) No.

(2) Not applicable.

CONSULTANTS, EXPENDITURE

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

In reference to the Premier's answer to question 547 on December 16, 1998 -

(1) Can the Premier state the total paid to the following consultants since the commencement of those consultancies -

(a) Christine Glenister & Associates;
(b) Dover Consultants Pty Ltd;
(c) Gunn Sutherland;
(d) Jillian Mercer;
(e) Mark Smith, Signet Realty;
(f) Peter Fitzpatrick;
(g) Peter Rowe;
(h) Ross Hughes, Australian Property Consultants; and
(i) Ted Rowley & Associates?

(2) On what date did these consultancies commence and cease?

Hon N.F. MOORE replied:

(1)-(2) The Government has regularly tabled in Parliament six monthly Reports on Consultants. The details requested by the Member are detailed in these reports.

CHALLENGER BOAT HARBOUR LEASE

927. Hon KEN TRAVERS to the Minister for Transport:

With regard to the 99 year ground lease of Challenger Boat Harbour awarded to Tropical Nominees Pty Ltd and Hay Construction Pty Ltd -

(1) Can the Minister name the companies or consortia that applied for the lease?

(2) How was the lease award process conducted?

(3) Where and when was the lease advertised?

(4) Was a valuation conducted on the lease?

(5) If yes, can the Minister state -

(a) who valued the lease; and
(b) what was the value of the lease?

Hon M.J. CRIDDLE replied:

(1) The Fini Group of Companies.

(2) The Fini Group of Companies responded to a call for Expressions of Interest to develop a site at Challenger Harbour. The lease was negotiated with the Fini Group of Companies following acceptance of the development proposal.

(3) Calls for Expressions of Interest were advertised in the local press during August 1992.

(4) Yes.

(5) (a) Valuer General's Office and Australian Property Consultants.

(b) $1 300 000 based on the stage one development proposal.

MAIN ROADS WA, SALE OF LOT 500 MILL STREET, WELSHPOOL

928. Hon KEN TRAVERS to the Minister for Transport:

With regard to the sale of Lot 500 Mills Street, Welshpool by Main Roads Western Australia -

(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 value of the land?

(3) Who conducted the auction?

(4) Did the auction reach its reserve price?

(5) What was the reserve price?

(6) Where and when was the sale advertised?

Hon M.J. CRIDDLE replied:

(1) Yes. Four assessments were made.

(2) (a) Valuer General.
(b) $0.85 million (June 1988)
$1.455 million to $1.383 million (October 1989)
$1.3 million (August 1990)
$1.1 million (April 1994)

(3) Chesterton International.

(4) No.

(5) $1.455 million.

(6) West Australian Newspaper, large on-site advertising signs, and brochure mailout by the agents.

GOVERNMENT CONTRACTS

937. Hon KEN TRAVERS to the Minister for Transport:

(1) Have any contracts been awarded by Government departments or agencies under the Minister'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 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 M.J. CRIDDLE replied:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH ADVANCES ON CREDIT CARDS

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

(1) For all Government departments, agencies and Ministerial offices, can the Leader of the Government state the total amount of cash advances incurred on corporate cards in the following periods -

(a) July 1, 1996 to June 30, 1997;
(b) July 1, 1997 to June 30, 1998; and
(c) July 1, 1998 to November 30, 1998?

(2) How many cash advances were made in the above periods?

(3) What was the total amount of interest incurred on these transactions in the above periods?

Hon N.F. MOORE replied:

(1)-(3) This information is not readily available. Provision of this information would require considerable research and I am not prepared to allocate resources for this purpose. If the Member has a specific enquiry I will endeavour to provide a reply.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH ADVANCES ON CREDIT CARDS

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

What are the guidelines concerning cash advances on corporate credit cards, in respect to -

(a) obtaining a cash advance; and
(b) providing transaction vouchers for the advanced amount?

Hon N.F. MOORE replied:

(a)-(b) Cash advance transactions made via corporate credit cards need to comply with the requirements of the Financial Administration and Audit Act and the relevant Treasurer's Instruction 308.

GOVERNMENT DEPARTMENTS AND AGENCIES, REVIEWS OF CREDIT CARD TRANSACTIONS

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

(1) Are periodic reviews of corporate card use conducted by internal audit functions within Government agencies, departments and Ministerial offices?

(2) If yes -

(a) who conducts these reviews;
(b) how often are these review carried out; and
(c) to whom are the results of these reviews reported?

(3) If not, why not?

Hon N.F. MOORE replied:

(1) The Ministry of the Premier and Cabinet’s expenditure (including corporate card payments) is subject to review in accordance with approved audit plans.

(2) (a) Internal audit staff and/or audit contractors, as required.

(b) Audits are performed on a cyclical basis or as required, however, frequency depends on previous audit results and the results of annual risk assessments of Ministry’s operations.

(c) Director General, Ministry of the Premier and Cabinet (Accountable Officer), the Principal Accounting Officer and relevant Managers.

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD PURCHASES

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

With regards to Government corporate cards -

(1) What is the time period within which cardholders must submit supporting documents to verify that purchases were made on official Government business?

(2) In what instances are exemptions available from this time period?

Hon N.F. MOORE replied:

(1)-(2) There is no set time period for cardholders to submit supporting documentation but control measures are in place to monitor certifications.

GOVERNMENT DEPARTMENTS AND AGENCIES, GUIDELINES ON CREDIT CARD DOCUMENTATION

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

In respect to the Premier's answer to question 1676 of June 11, 1998 -

(1) Are any guidelines in place which specifically require all corporate cardholders to retain originals of merchants' invoices and receipts?

(2) If yes, can the Premier table these guidelines?

(3) If not, what processes are in place to enable the relevant accountable officer to determine whether all purchases are made on official government business?

Hon N.F. MOORE replied:

(1)-(3) The Ministry of the Premier and Cabinet adheres to guidelines for payment vouchers as set out in Treausrer's Instruction 308. A copy of Treasurer's Instruction 308 is tabled. [See paper No 851.]

GOVERNMENT DEPARTMENTS AND AGENCIES, REPORTS ON CREDIT CARD USE

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

Does the Accountable Officer and/or Department of Premier and Cabinet receive quarterly reports from corporate card issuers concerning the utilisation of the cards?

Hon N.F. MOORE replied:

The Ministry of the Premier and Cabinet receives reports on a monthly basis from the card providers.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD GUIDELINES

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

(1) Are guidelines in place which determine to whom corporate cards are issued?

(2) If yes, can the Premier table those guidelines?

Hon N.F. MOORE replied:

The Ministry of the Premier and Cabinet receives reports on a monthly basis from the card providers.

QUESTIONS WITHOUT NOTICE

GOVERNMENT MEDIA OFFICE PROTOCOLS

892. Hon TOM STEPHENS to the acting Leader of the House representing the Premier:

(1) What are the protocols or guidelines that govern the provision of media summaries and transcripts from the Government Media Office?

(2) Will the minister table those protocols or guidelines? If not, why not?

(3) Who is entitled to receive the summaries and transcripts from the Government Media Office?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1)-(3) Although no formal guidelines have been set down, the practice in relation to the provision of media summaries and transcripts from the Government Media Office has remained essentially unchanged for more than 15 years. This practice has been to provide monitoring services to all ministers' offices and to some government agencies upon request. The Parliamentary Library also receives summaries and transcripts.

REGIONAL FOREST AGREEMENT, LIST OF 500 SCIENTISTS

893. Hon TOM STEPHENS to the minister representing the Minister for the Environment:

Will the minister table a list of the 500 scientists the Minister for the Environment claims have been involved in the Regional Forest Agreement process? If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The member should note that the minister has advised that 500 scientific experts have been involved in the Regional Forest Agreement process. The minister would be pleased to provide the member with the requested information. However, the compilation of the list will require time and therefore I request that the question be placed on notice.

DE FACTO RELATIONSHIPS PROPERTY BILL

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

Why is there no reference in the overview of his legislative program - subtitled "Action on all fronts - a united approach for all Western Australians" - to his proposed Defacto Relationships Property Bill to allow the Family Court of Western Australia to deal with property disputes and defacto relationships?

Hon PETER FOSS replied:

At this stage I am not certain when I will be able to introduce it into Parliament.

NUCLEAR WASTE FACILITY, CONSULTATION

895. Hon GIZ WATSON to the acting Leader of the House representing the Minister for Commerce and Trade:

In respect of the consultation between the State Government and the company Pangea on 14 November 1997 in relation to the nuclear waste facility, I ask -

(1) In what manner was the request for a meeting made? Was it verbal or in writing?

(2) If in writing, will the minister table the correspondence?

(3) If not, will the minister identify on what date that request was made for a meeting and by which representative of which Pangea company or representative company?

(4) Were any documents or information on Pangea's proposal left with the minister?

(5) Will the minister table any documents or information provided by Pangea?

(6) What was the name of the Pangea representative with whom the minister met?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) It was verbal.

(2) Not applicable.

(3)-(4) No.

(5) Not applicable.

(6) Mr Jim Voss.

SCHOOL TEACHERS, PAY

896. Hon HELEN HODGSON to the acting Leader of the House 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 is the longest length of time 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 thank the member for some notice of this question.

(1) Approximately 40 employees still have received no pay at all, either since the start of the school year or from more recent dates. These employees will be paid on Friday, 12 March 1999.

(2)-(6) The information sought in the remaining part of the question is detailed and will require some time to compile. Accordingly I ask that the balance of the question be put on notice.

RAILWAY TO MANDURAH, ALINTAGAS SALE

897. Hon J.A. COWDELL to the Minister for Transport:

(1) What proceeds are required from the sale of AlintaGas to meet the Government's 2007 deadline for the completion of the railway line to Mandurah?

(2) How much, if anything, does the Government expect the Commonwealth to contribute to this project?

(3) Have any other road or rail extensions been made contingent on the sale of state assets?

Hon M.J. CRIDDLE replied:

(1)-(3) The total budget for the expected cost of the line to Mandurah is $941m. The infrastructure cost is approximately $620m. The rolling stock is the remainder of the cost. We have not finalised the funds that will be required, but there has been no communication with the Commonwealth Government regarding funding for this project. To my knowledge, at this stage no commitment has been made regarding roads or any other infrastructure tied to asset sales.

AUSTRALIND BYPASS, IMPLICATIONS OF REPORT

898. Hon B.K. DONALDSON to the Minister for Transport:

What are the implications of the report tabled yesterday by the Commissioner for Public Sector Standards on a complaint raised by the member for Armadale regarding the granting of access to the Australind bypass?

Hon M.J. CRIDDLE replied:

I received a copy of the report by the Commissioner for Public Sector Standards which contains findings that Main Roads WA did not comply with its standards under section 28A(c) of the Main Roads Act 1930 and therefore did not comply with section 9(a) of the Public Sector Management Act. When these findings and the report were made public, members of the Opposition and the media were quick to accuse Main Roads and the former Minister for Transport of unethical behaviour. Yesterday, Mr President, you tabled paper No 696 from the Commissioner for Public Sector Standards informing the House that he had withdrawn his findings against Main Roads. I trust this withdrawal will receive the same level of publicity that incident received. Clearly members who made those accusations owe the former Minister for Transport an apology.

ADOPTION INTERNATIONAL, LICENCE APPLICATION

899. Hon CHERYL DAVENPORT to the minister representing the Minister for Family and Children's Services:

(1) Has the Private Adoption Agency Licensing Committee, which met in late November 1998, now concluded its deliberation and made recommendations on the 1996 licence application of Adoption International?

(2) If not, why not?

(3) If so, when will the minister advise Adoption International of its success or failure?

Hon M.J. CRIDDLE replied:

(1) Yes. The recommendation from the Private Adoption Agency Licensing Committee was received by the minister on 3 March 1999.

(2) Not applicable.

(3) Notification of the decision was sent to Adoptions International WA Inc on 8 March 1999.

PUBLIC SECTOR FINANCES, MID-YEAR REVIEW

900. Hon JOHN HALDEN to the Minister for Finance:

I refer to the minister's answer yesterday to the question concerning the midyear review of public sector finances.

(1) Has the minister read the midyear review of public sector finances document?

(2) Is the minister aware that figures contained in the document are projected to 30 June and, therefore, contain the land tax revenue to which the minister referred yesterday?

(3) Will the minister confirm that under current estimates, the general government sector will be in debt to the tune of $443m at end of this financial year?

(4) If not, is the Treasurer's publication incorrect?

Hon MAX EVANS replied:

(1)-(4) I was reading that publication before entering the Chamber and, to be honest, I cannot clearly pick up those figures within it. One can do a lot with capital expenditure with these projections. As the Treasurer said, we believe we will bring the budget close to balance by the end of the year. These are midyear figures and projections for the next three years, and we stand by the figures.

Hon John Halden: Where is the latitude to do that? How will you get close to balancing the books?

Hon MAX EVANS: I could sit down with the member and rattle through the process or, if the member wishes, go through the document point by point tomorrow.

JERVOISE BAY NORTHERN HARBOUR DEVELOPMENT

901. Hon J.A. SCOTT to the minister representing the Minister for Commerce and Trade:

(1) In relation to the Jervoise Bay northern harbour development, was the Department of Commerce and Trade required to provide the Environmental Protection Authority or the Department of Environmental Protection with a contingency report by the end of April 1998?

(2) Was the department granted an extension until the end of June 1998 to provide the report?

(3) Has the department now provided the EPA or the DEP with that report? If so, when; and if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Commerce and Trade has provided the following answer -

(1)-(2) Yes.

(3) Yes. It was submitted in December 1998 as additional information was requested by the Department of Environmental Protection.

CONSULTANTS, ENVIRONMENT PORTFOLIO

902. Hon NORM KELLY to the minister representing the Minister for the Environment:

(1) How many consultants to the Department of Conservation and Land Management and other agencies in the Environment portfolio receive daily fees in excess of $1 000?

(2) Will the minister provide a list of these consultants and the remuneration they receive?

(3) If not, why not?

(4) Was the Minister for the Environment consulted by CALM prior to the appointment of Dr Brian O'Brien?

(5) If not, why not?

(6) Will Dr O'Brien produce reports which will be available to the public? If so, on what basis will they become available to the public?

(7) Apart from greenhouse modelling and carbon sequestration, what other specialist scientific advice will Dr O'Brien be providing?

Hon MAX EVANS replied:

Department of Environmental Protection.

(1) The Department of Environmental Protection does not have individual consultants who have received daily fees in excess of $1 000. Most consultants are appointed on a project basis rather than a specific daily rate.

(2)-(7) Not applicable.

Perth Zoo.

(1)-(7) Not applicable.

Kings Park and Botanic Garden.

(1)-(7) Not applicable.

Department of Conservation and Land Management.

(1)-(3) No other consultants for CALM are contracted on a daily basis in excess of $1 000. However, consultants charge for advice on various bases - these can be either a day rate, a fixed price for the job or, most commonly, an hourly rate.

(4) No.

(5) The Executive Director of CALM has the statutory power to engage a consultant such as Dr O'Brien to provide specialist scientific advice required by CALM that is not available within the department's resources.

(6) Dr O'Brien will provide specific input to reports that will be published if there is a public benefit in the publication. The member would be aware that CALM is seeking private sector involvement in tree planting as part of the State's salinity action plan. The potential for carbon sequestration to play a major role in the development of a commercial pine plantation industry based on farmland in the intermediate rainfall zone has been the subject of publication and presentation by CALM.

(7) Dr O'Brien may be requested to provide advice on other matters relevant to his broad scientific expertise. However, the emphasise of the consultancy is on greenhouse modelling and carbon sequestration issues.

RIPON HILLS ROAD, MINING PROJECTS SERVICED

903. Hon GREG SMITH to the Minister for Transport:

(1) Can the minister provide the House with a list of the mining projects which the Ripon Hills road in the Pilbara will service?

(2) Can he also list the tonnage expected to be carted, and the reasons behind the project?

Hon M.J. CRIDDLE replied:

(1)-(2) The Ripon Hills route is being constructed primarily to service the mining region of the East Pilbara. In addition, the route will improve access to pastoral properties, the Rudall River National Park and remote Aboriginal communities. The mining projects that will be serviced by the Ripon Hill road have estimated their freight requirements as follows -

Consolidated Minerals (Manganese)	4000 000 to 450 000 tonnes per annum.
Strait Resources (Nifty Copper Mine)	approximately 50 000 tonnes per annum:
Newcrest Mining (Telfer Gold)	80 000 to 100 000 tonnes per annum.

SINGAPORE FLYING COLLEGE, BUNBURY MEETING

904. Hon BOB THOMAS to the minister representing the Minister for Commerce and Trade:

Is the minister aware that the principal of the Singapore Flying College has cancelled a public meeting in Bunbury tonight because he is concerned that the member for Mitchell is to represent the Government when he opposes the college establishing part of its operation in Bunbury?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The Deputy Premier's office has been advised that Mr Quek, the General Manager of the Singapore Flying College, will not be attending the public meeting in Bunbury today. However, the Minister for Commerce and Trade has confirmed with Mr Quek that the Government is pleased to support the college in its decision to base part of its operation at Bunbury Airport. The minister has also advised that the support cannot extend to duplication of infrastructure at Bunbury Airport which has already been provided at Busselton Airport. The Singapore Flying College is eligible for a range of open-access support schemes administered by the Department of Commerce and Trade.

EDUCATION DEPARTMENT, STAFFING AND PAYROLL ADMINISTRATIONS

905. Hon TOM STEPHENS to the minister representing the Minister for Education:

On behalf of Hon Tom Helm, I refer to the Education Department's problems in staffing schools and paying teachers and the recent restructure of the department's head office which cost 150 jobs.

(1) How many people worked in each of the department's staffing and payroll administrations before the restructure?

(2) How many people now work in each of these administrations?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. I am advised by the Minister for Education as follows -

(1) The primary and secondary directorates of the department's human resources division were restructured to form the staffing directorate; 143 full-time equivalents had worked in the staffing and payroll areas for the primary and secondary directorates immediately prior to the restructure.

(2) As at 10 March 1999, 151.6 FTEs work in the equivalent areas of the staffing directorate of the department's human resources division. This figure does not represent a final staff establishment, as it includes staff specifically engaged to facilitate the transition to the new payroll and human resources management information system.

SALMAT CONTRACT

906. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

In relation to the revelation that the firm Salmat, with which the Western Australia Police Service has a contract, is currently under investigation by the Australian Federal Police, I ask -

(1) Was the contracting project risk management process applied to this contract as per the requirements of the Department of Contract and Management Services' risk management policy?

(2) What was the risk rating for this project?

(3) Will the minister table the risk management plan for the contract development phase of this contract? If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question. I am interested to hear that it is a revelation.

(1) No risk management process was applied to this contract as per the requirements of the Department of Contract and Management Services' risk management policy. The WA Police Service awarded the business of provision of print processing and handling services to Salmat based on a request for quotation and not a request for tender as the expected value was estimated to be under $50 000. As this contract is to expire on 31 May 1999, the Police Service is currently working on a request for tender for the services which will be called in April 1999.

(2) Due to the low value of the contract, it was not deemed necessary to undertake a risk management plan in this instance.

(3) See answer to question (2).

MERREDIN DOCTOR

907. Hon KIM CHANCE to the minister representing the Minister for Health:

(1) Is the Minister for Health aware that Merredin is about to lose its doctor, in this case a general practitioner who has been in Merredin for just 14 months?

(2) Is the minister also aware that this doctor has been unable to secure his permanent residence status and that his continued service to the district has not been supported by the Australian Medical Association?

(3) If so, is the minister able to intervene with his federal colleagues and the AMA to ensure that Merredin is not again left without the services of a general practitioner?

Hon MAX EVANS replied:

(1) The general practitioner in question is currently employed on a temporary resident visa and will remain in Merredin until the end of the year. The doctor has indicated that he intends to return to his practice in South Africa at the end of the contract and does not wish to apply for another temporary visa. Prior to the doctor's temporary visa running out at the end of the year, Merredin will be able to appoint another doctor to fill the vacancy, either on a temporary visa or a permanent basis.

(2) It is a requirement that all overseas-trained doctors who wish to have permanent residency pass the Australian Medical Council examination prior to registration with the medical board. The doctor has chosen not to follow this course. The AMA is sponsoring this doctor and subsequently supports his continued service to the district.

(3) Not applicable. As from 9.30 Eastern Standard Time this morning, 10 March 1999, the Minister for Immigration and Multicultural Affairs has withdrawn the requirement for doctors on temporary resident visas who are applying for permanent residency at the expiration of their temporary visas to leave the country. Merredin will not be left without the services of a GP if this doctor chooses to return to South Africa as the AMA is prepared to sponsor another overseas-trained doctor, either on a temporary or permanent basis.

WORSLEY TIMBER COMPANY, LAND ADJACENT TO WELLINGTON DAM

908. Hon CHRISTINE SHARP to the minister representing the Minister for Water Resources:

Will the minister please confirm that if the Worsley Timber Company's land adjacent to the Wellington Dam is purchased by the State, none of its forest cover will be logged, thinned or in any way removed?

Hon MAX EVANS replied:

I do not have an answer to that question.

HEAVY HAULAGE LICENSING SYSTEM

909. Hon KEN TRAVERS to the Minister for Transport:

(1) Why is Western Australia the only State which has not reformed the heavy haulage licensing system, even though the Government has been promising changes since 1994 and signed a national agreement to that effect in 1997?

(2) Has the minister discussed this issue with driver training schools?

(3) If so, what was the nature of those discussions; if not, why not?

Hon M.J. CRIDDLE replied:

(1)-(3) Hopefully, the Road Traffic Act will be dealt with in this session of Parliament. There was an earlier understanding that these rules could be put in place by regulation. However, it has subsequently been found that that is not possible, so they will have to be included in the Act. I have had discussions with some people about training schools. There is a great deal of interest in heavy haulage. The proposed heavy haulage licences for the people who have been driving the trucks will transfer over, and those people will have a 12-month period if they wish to proceed to a further level. That is the structure of the National Road Transport Commission's road rules. When they come in, that is the process that they will go through. However, there have been discussions with driver training schools.

ORACLE FINANCIALS VERSION 10.7, PRINCESS MARGARET AND KING EDWARD HOSPITALS

910. Hon E.R.J. DERMER to the minister representing the Minister for Health:

(1) Has the Oracle Financials Version 10.7 financials and supply system for the Princess Margaret Hospital for Children and the King Edward Memorial Hospital for Women yet been implemented?

(2) If not, why not, and when is the system anticipated to be implemented?

(3) If yes to (1), how much government money was spent on the implementation of this system for these two hospitals?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No.

(2) Princess Margaret Hospital for Children and King Edward Memorial Hospital for Women are the last of the metropolitan hospitals to be converted to Oracle Financials Version 10.7. The implementation of Oracle Financials 10.7 at these hospitals is scheduled for the coming weekend, 13-14 March 1999, and the hospitals will be in production on the new Oracle Financials Version on 15 March 1999. This implementation project is on schedule.

(3) Not applicable.

STATE FOREST, CONSERVATION RESERVES

911. Hon N.D. GRIFFITHS to the minister representing the Minister for the Environment:

Some notice of this question was given by Hon John Cowdell.

Hon Max Evans: I get such a shock to be asked a question by Hon Nick Griffiths.

Hon N.D. GRIFFITHS: I am sometimes shocked because I rarely get an answer from the minister. I look forward to the answer.

(1) How many hectares of state forest in Western Australia have been reserved for conservation purposes?

(2) Of that amount, how much has been placed in reserve since 1993?

Hon MAX EVANS replied:

(1)-(2) More than one million hectares of the State's forest are protected from logging. However, the request for how much of that area has been placed in reserves since 1993 will take some time to collate. I request that the member put that part of the question on notice.

DEPARTMENT OF RESOURCES DEVELOPMENT, PANGEA COMPANIES

912. Hon GIZ WATSON to the acting Leader of the House representing the Minister for Resources Development:

(1) Has the Department of Resources Development had any contact with the Pangea group of companies or representative companies in relation to nuclear waste?

(2) If yes, will the minister provide details of such contact?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

MINISTRY OF JUSTICE, PRISON POPULATION FORECASTS

913. Hon HELEN HODGSON to the Attorney General:

I refer the Attorney General to an article in *The West Australian* newspaper on 4 December 1998 regarding the Ministry of Justice's forecasts of the impact of new sentencing legislation on prison populations and ask -

(1) Will the minister table the details of the method used by the ministry in calculating the figures quoted in the article?

(2) If not, why not?

(3) Did the figures quoted in the article include -

(a) all categories of prisoners;

(b) female prisoners?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) I refer the member to page 4878 of *Hansard* dated 3 December 1998 which references the Legislative Assembly committee stage debate on the Sentence Administration Bill 1998.

(2) Not applicable.

(3) (a)-(b) Yes.

TRAFFIC SIGNALS SYSTEM, CONTRACT

914. Hon TOM STEPHENS to the Minister for Transport:

(1) Is the minister concerned that in contracting out the service and maintenance of the State's traffic signals system, all the skills developed by Main Roads will be passed to the private contractor and that this contractor will effectively have a long-term monopoly and be able to dictate terms and conditions to the Government?

(2) What steps has the minister put in place to ensure that costs do not blow out under this private monopoly?

Hon M.J. CRIDDLE replied:

There are people in this State with many skills relating to electrical services. People in Geraldton and other regional areas do this work for Main Roads, and I am sure they will continue to do it for the incoming company. That will be ongoing. The modelling that has been done indicates that the savings on this contract over this 10-year period will be approximately $20m for a $74.2m contract. That is a clear indication that a considerable amount of money can be saved. As to the employment situation, 20 people who were previously employed by Main Roads will go over to the new contractor, four people have found jobs in the private sector, and 15 people will remain with Main Roads to carry out some of the project management and other jobs within the Main Roads system.

BREASTSCREEN (WA), CONFORMING TENDERS

915. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

(1) How many conforming tenders were received for BreastScreen (WA) at the close of tenders on 27 November 1998?

(2) Does the Government still intend to privatise BreastScreen (WA)?

Hon MAX EVANS replied:

I thank the member for some notice of this question. As final approval for the tender has not been given, no comment will be made at this stage.

HARVEY NORMAN RETAILERS, PROSECUTION

916. Hon NORM KELLY to the minister representing the Minister for Fair Trading:

Now that Harvey Norman retailers have lost their bids in the courts to trade extended hours -

(1) Has the Chief Executive Officer of the Ministry of Fair Trading continued the prosecution of Harvey Norman retailers for the 32 offences stated in question without notice 488 on 19 November 1998?

(2) If not, why not?

(3) If yes, at what stage is the prosecution?

(4) Has the ministry completed its investigations into further alleged advertising breaches relating to seven-day trading by Harvey Norman retailers?

(5) When does the ministry expect its investigation to be completed?

(6) If yes to (4) what was the outcome and what action has been taken?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) Not applicable.

(3) It is being progressed by the Crown Solicitors Office.

(4) Yes.

(5) Not applicable.

(6) No further breaches have been identified.