WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Thursday, 3 June 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 9.00 am, and read prayers.

HPM PTY LTD, COURT ACTION

Petition

Mr Nicholls presented the following petition bearing the signature of one person -

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

CONTENTION

That the Supreme Court of Western Australia, denied my company HPM Pty Ltd access to the court system by specific actions.

Supreme Court Action CIV 2236 of 1994 has not been allowed to proceed over the ensuing four and one half year period.

PURPOSE OF PETITION

Highlight an inequity in the court system that prevents a person from having a court determine the merits of the case, purely based on the financial circumstances of the plaintiff.

STATEMENT OF FACT

Subsequent to the filing of the above action an application by the four Defendants for security for costs was heard in early 1995 by Master Bredmeyer. He believed that the company had no resources to pay such costs and there were multiple points of merit in the action, so he ruled that three of the four Defendants were not eligible for security for costs.

At this point I believed that justice was seen to be done as Master Bredmeyer's ruling allowed the action to proceed.

In December 1995 the Bank of Melbourne, an affiliate of two of the Defendants, applied to the Federal Court of Australia to have a Liquidator appointed to the company (HPM Pty Ltd).

As the company had no assets, it was surprising that this application was successful as it effectively stifled the action, as there were no funds available to continue it.

The Defendants filed an appeal against the security for costs judgement in the Supreme Court in early 1996.

On the assumption that an adjournment would be granted the liquidator sent to the court a solicitor who had not been briefed on the action. When an adjournment was denied, this solicitor was effectively totally unable to represent the company.

Predictably the appeal succeeded, thus granting security for cost to the Defendants.

Supreme Court Action CIV 2236 of 1994 was therefore unable to proceed at this point in time due to:

1. no funds available to the Liquidator to pursue the action, and
2. no funds available to lodge as security for costs, and
3. no funds available from Creditors to support the action.

My solicitor's advice then was that the appropriate course of action was for the liquidator to assign the cause of action to myself. Reason being that a person who is impecunious cannot be denied access to the court, whereas, a company in the same position may be. This assignment of responsibility to myself was effected in mid 1997.

In early 1998 my solicitor applied to the Supreme Court to have the security for costs order lifted and was successful, but one month later Justice Wheeler overturned this order effectively stifling the action again.

For the action to proceed required a funder to participate. In order to avoid breaking the laws of champerty, I was obliged to assign the rights to the action back to the liquidator. This I did, believing this course of action to be my last resort.

The funder was the McLernon Group.

This group investigated a portion of the action, at significant cost to themselves. They discontinued the action against three of the Defendants, leaving only one Defendant (HPM Pty Ltd) and pursuing only two points of dispute. Subsequently they discovered documents which they believe weaken (but do not destroy) these two avenues. As this would have the effect of diminishing any financial benefit which could be awarded in the event of a successful outcome, McLernon Group decided it was no longer adequately in their commercial interest to fund the case. As a result they withdrew funding entirely on March 9 1999.

As a direct consequence of McLernon Group's decision to withdraw funding, the liquidator Gary Trevor has no choice other than to discontinue the action CIV 2236 in the near future.

POINTS TO NOTE

In December 1994 when the writ was filed I had secured full funding for counsel for the full duration of the action, being $50,000 which has been paid to my barrister Mr. Henry Sklarz.

Between myself, the liquidator and McLernon Group, approximately $250,000 has thus far been expended in this futile pursuit of access to justice.

I still have a personal action pending, being Supreme Court Action CIV 1314 of 1996, which could be utilised with the advice of professional legal counsel.

Time may be of the essence.

Having determined that the company had no assets or resources, why did the Court set security for costs at the exorbitant sum of approx. $175,000, knowing that this could not be met?

The Supreme Court determined that it was my creditors' responsibility to fund this action, irrespective of whether the creditors wanted to or not. Creditors, however, cannot be forced to contribute. As my creditors declined to contribute, my action could not proceed.

A dangerous precedent is created wherein companies that have been wiped out by alleged illegal acts must rely on their creditors' goodwill and financial support in order to seek justice.

This effectively restricts access to the court system to the wealthy - a ridiculous scenario when many who would wish to access the courts need to do so precisely because they have suffered financial loss.

Requested Action

I hereby request the House to:

1. Resolve to seek advice from the Attorney General as to whether such practice prohibits equitable access to the judicial system by parties who are not able to meet the financial impost of security costs.

2. Resolve to ask the Attorney General to review the details of this particular case and to assess whether changes need to be made to current legislation, to make our judicial system more equitable.

3. Note that the petitioner feels that no plaintiff should be prevented from accessing the court system because they are not in a position to provide financial means in the form of security of costs, in circumstances such as those outlined in my petition.

Your petitioner, as in duty bound will ever pray.

[See petition No 228.]

GOODS AND SERVICES TAX

Petition

Mr McGowan presented the following petition bearing the signatures of 99 persons -

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

We the undersigned, completely disagree with the Howard Government's stated intention to introduce a GST and wish to express our dissatisfaction.

We believe that the introduction of a GST will lead to undue hardship to those members of our community who are least able to withstand the introduction of this new tax.

People such as workers, pensioners, the unemployed, people on superannuation payments, people on workers compensation etc will all be paying tax on the goods and services that will take a higher proportion of their income.

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

[See petition No 229.]

PANGEA NUCLEAR WASTE REPOSITORY

Petition

Mr Kobelke presented the following petition bearing the signatures of 30 persons -

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

We, the undersigned residents of Western Australia are totally opposed to the Pangea proposal to locate a high level nuclear waste dump in Western Australia.

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

[See petition No 230.]

CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS

Petition

Mr McGowan presented the following petition bearing the signatures of eight persons -

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

We the undersigned, ask for the Government to change the Caravan and Camping Grounds regulations to enable people to camp in traditional camping grounds particularly those people travelling in caravans and who therefore do not cause any damage to these areas.

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

[See petition No 231.]

CITY OF JOONDALUP PUBLIC RECREATIONAL FACILITIES

Petition

Mr Baker presented the following petition bearing the signatures of 24 persons -

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

We, the undersigned residents and ratepayers of the City of Joondalup, most vigorously oppose the City of Joondalup implementing any proposal to charge junior sports using or utilising City of Joondalup public recreational facilities - a "user pays" fee structure of any description. We call upon the Minister for Local Government to intervene in any such decision making process and to override any such future decision by the City of Joondalup.

We cannot believe that such a proposal is even being suggested and we expect that a reasonable portion of our annual municipal rates be specifically expended upon the provision of important sporting, community and recreational facilities for our new City's young children.

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

[See petition No 232.]

VACATION SWIMMING PROGRAM

Petition

MR DAY (Darling Range - Minister for Health) [9.17 am]: I present the following petition -

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

We, the undersigned petitioners, call on the Minister for Education to abandon plans to contract out vacation swimming classes as it could risk:

- the current high standard of teaching
- the affordability of classes
- the availability of classes, particularly in country areas.

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

This petition bears 71 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

I make the observation that I have full confidence in the arrangements that have been put in place under the authority of the Minister for Education with the program being jointly managed between the Education Department and the Royal Lifesaving Society.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 233.]

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Report

MR THOMAS (Cockburn) [9.18 am]: I table the eighth report of the Joint Standing Committee on the Anti-Corruption Commission entitled "Ministerial Response to Committee's Recommendations". I move -

That the report be printed.

[See paper No 990.]

This is a report on the reports of the Joint Standing Committee on the Anti-Corruption Commission. The standing orders of this House provide that committees can request ministers to respond to the recommendations contained in reports. This report enumerates recommendations in previous reports of the committee and the committee requires the responsible minister - in this case the Premier - to respond to those reports within the time prescribed by the standing orders. In no case has there been a response to those recommendations.

Mr Court: Are you sure of that?

Mr THOMAS: To the best of my knowledge, yes.

Mr Court: You are coming down with a report saying we have not responded?

Mr THOMAS: It is on the Table. The report refers to substantive matters which deal with aspects of the operations of the Joint Standing Committee on the Anti-Corruption Commission which are controversial and have been the subject of comment in the media and in other circles. They are constructive suggestions which have been put forward with bipartisan support from various members of the committee. The committee would like the Government to act more promptly and expeditiously in considering those recommendations.

Mr Court: I have a copy with me of the responses that were sent to you.

Mr THOMAS: The secretary does not have them.

MR BLOFFWITCH (Geraldton) [9.18 am]: While the Premier is here, I indicate I am disappointed not with the Premier's lack of response but with the way the ACC operates. Having read the first report, I think the Premier would agree that it is totally unsatisfactory that the only power the ACC has is in the appointment of a special investigator. As the commissioner pointed out to the committee, it is very expensive to establish a special investigation and when it does it is for a limited period. Yet when the commission wants to conduct an investigation, the special investigator does not have the power of a royal commission under the limited powers granted by this Parliament. It is totally around the wrong way; the commission should have that power and, if the Parliament decides it is appropriate, it should have as an added service the power to appoint a special investigator. I believe that we are tying the commission's hands behind its back as it does not have the opportunity to do the job properly and I urge the Premier to do something about it.

Mr Marlborough: We don't want another kangaroo court, mate.

Mr BLOFFWITCH: We will get the member for Peel in front of it.

Question put and passed.

NURSES ACCOMMODATION

Grievance

MS ANWYL (Kalgoorlie) [9.20 am]: My grievance is to the Minister for Health. I understand he has had some notice of this issue, although I do not think he would need any because he is very familiar with it. There is not a great deal of parkland in my electorate of Kalgoorlie. There is a park at Cotter Street in Hannans, known as the Finnerty Lane park. The parkland has been well grassed, provided with amenities and it is an extremely pleasant place to which to go. I visited that park only yesterday and chatted to some of the people using it. I was amazed to learn that they were not all from Hannans. Many were from Boulder and had travelled all the way from Boulder to enjoy the tranquil surroundings in the park.

Recently the minister made a decision to attempt to overrule the decision of the City of Kalgoorlie-Boulder to uphold objections from residents and not allow units to be built on this site by the Health Department. In this place the minister said that he wants the community to have some direction on where the units are built. The process adopted by the City of Kalgoorlie-Boulder involved objections being dealt with. In all, 244 objections were received by the city, which led to a unanimous decision by the council that it would not allow those units to proceed; however, the Northern Goldfields Health Services Board believes that this area of parkland is the only place where units for the nurses can be built. An alternative is available to the health services board and it is overwhelmingly the best option; that is, better than land in O'Connor which the minister has seen. It was recently passed in at public auction and is at the corner of Brookman and Croesus Streets, which is an absolutely perfect spot on which to build these units.

The most important considerations must include proximity to the hospital - this land is within walking distance of it. Some sense of tranquillity would be desirable, given that nurses are extremely overworked, in some cases doing double shifts. They need quiet during the day, particularly if they are working night shifts. This area is quiet. On one side, it is bordered by residential buildings and on the other side by the Little Sisters of the Poor nursing home and independent living units. I suggest that the minister intervene and pursue that course of action.

By way of a brief history, the application to build the 13 units was lodged in February. On 8 March 1999, the city council rejected it. I am pleased that the minister visited my electorate on 9 April when a protest was held at the park organised by the north Kalgoorlie residents group. I know the minister went to the park, although not for very long unfortunately, and I do not think he spoke to any of the residents. Later in the day he met with representatives from the north Kalgoorlie resident action group, including Hiliary Beckett who has done a lot of work to protect this parkland. An appeal was lodged on 5 May, the end of the 60-day period in which to do so. That delay led to uncertainty in the Hannans community about the Government's position on this matter. On 12 May the city council voted to buy from the Health Department the land on which the minister wants to build the units. That vote, which was carried unanimously, recognised that councillors are fully aware that there are not a lot of grassed, safe recreation areas for children and their families in Kalgoorlie-Boulder.

I have given the minister an alternative to pursue. In Kalgoorlie and, particularly, in the Hannans area, the residents are preparing to make submissions to the Town Planning Appeals Committee, and some discretion rests with the Minister for Planning. I will assist all residents who want their voices heard in this debate and I will continue to lobby the minister because there are other options. The argument would be more difficult if these units could not be built elsewhere in Kalgoorlie-Boulder; however, that is not the case. I have given the minister the best option; that is, to build the units on the land at the corner of Brookman and Croesus Streets. That is private freehold land and, in that case, the native title issue is not one for consideration.

The nurses need proper accommodation. They have been living in a variety of accommodation in the community, some of which is substandard. One was the Hutton Street Lodge, a former motel, which provided bedsit-type accommodation.

Mr Day: Is this the land near the old swimming pool area, and are there some old residences on it?

Ms ANWYL: It is across the road from it. There are no residences on it; it is vacant land. There is not a lot of vacant, grassed land in Hannans for the use of residents. Up to 100 user groups use the small oval at the Hannans Primary School. The minister has said previously that he felt he was between a rock and a hard place on that issue. The building of the units will destroy a lot of the amenity that exists for residents around that park. The minister's role is not that of some unwilling participant. He has the power to direct the health services board to move on this issue in a way that will best serve the local community and the nurses, who must be able to walk to the hospital and into town for their recreation. I urge the minister to do the right thing on this matter.

MR DAY (Darling Range - Minister for Health) [9.26 am]: The background to this issue is that the Government has made available to the Kalgoorlie-Boulder health services board and the health service generally $1.9m to build new, high quality accommodation for health services staff - in particular, doctors, nurses and other allied health professionals - in an attempt to attract medical staff to work in Kalgoorlie. That is very much in the interests of the people there. The units proposed to be built will be of a high standard. They will not be the awful, stereotype government accommodation which has been the perception of a number people in the area. It makes no difference to me as Minister for Health, or to the Health Department whether the units are built on the Finnerty Lane site which has been earmarked for this purpose for about 10 years, or whether they are built on some other site in Kalgoorlie. The important point is that the location which is ultimately determined is acceptable to the members of the board of the Kalgoorlie-Boulder health services. To that extent, I very much rely on their advice.

The member has suggested an alternative site. I will consult with the members of the board to see what they think about that site. If there is general support for the alternative option to be pursued, I will not have any difficulty doing that. We must remember that the board comprises local residents of Kalgoorlie-Boulder. They are not external to Kalgoorlie, and we are not imposing on the people of Kalgoorlie something that has not been properly considered.

I did visit the site in Finnerty Lane. It is a park area. The important thing to realise - I do not think the member has said this - is that the area used for the park will remain, even if the units go ahead on the Finnerty Lane site. The area designated for the construction of the units is open space at end of the parkland. Obviously, if it has 13 units on it it will not be used for that purpose. The rest of the site which includes the majority of basketball park, the barbeques and all of those things will be used on a continuing basis by residents of the area, for the children to play on and to visit.

Ms Anwyl: If the units are built, the basketball courts will be impacted upon. Children are using part of the land as a BMX track. All sorts of things are happening in the park now, which will not continue.

Mr DAY: I understand that part of the basketball court extends onto this block of land, which is owned by the health system.

Therefore, the basketball court was inappropriately built on that site; maybe people should have been more careful about where they constructed that basketball court.

Ms Anwyl: Perhaps the Health Department should have advertised its intentions over the past 10 years.

Mr DAY: The land is owned by the Health Department in the name of the Minister for Health. Its intended purpose has not changed over the past 10 years. It has been owned for that time with the intention of building units.

Mr Bloffwitch: It is up to the people building to get it surveyed to ensure that they are building on their own land. You do not just build it where you think it is. You have the responsibility to get the survey done.

The SPEAKER: Order, member for Geraldton.

Mr DAY: I agree with the comments of the member for Geraldton. The board of the Kalgoorlie-Boulder Health Service released a media statement earlier this month expressing a desire for me to continue to back it over the construction on the

Finnerty Lane site. The members of the board are Kalgoorlie residents and one told me that she takes her children to the park to play but does not have a problem with the units going ahead at the northern end of it. Other people also strongly desire this development. The president of the Western Australian rural directors of nursing health service managers association, Christine Giles, has also released a statement of support for the construction at this site. The association recognises that quality accommodation, located fairly close to the hospital is essential to attract committed health professionals to Kalgoorlie and that is in the interests of the people of Kalgoorlie-Boulder. It makes no difference to me whether the units are built on this site or somewhere else in Kalgoorlie. I will take the advice of local people as expressed through the members of the board.

Ms Anwyl: The board is clearly not representing the views of the Hannans residents. That is the difficulty. There have been 244 objections to the council.

Mr DAY: The board needs to take a broader perspective as does the City of Kalgoorlie-Boulder Council. In my discussions with various people when I visited Kalgoorlie in April it became clear that the original decision made by the council was not based on all the information but on emotive arguments and people characterising the construction in a lesser quality way than it will turn out. I have no doubt the council made its decision on the basis of that emotive pressure. The matter is subject to an appeal to the Minister for Planning; it is not a matter of me as Minister for Health seeking to overrule anything.

Ms Anwyl: You lodged that appeal.

Mr DAY: Of course I lodged the appeal. The land is vested in the name of the Minister for Health. I lodged the appeal in the same way that any other owner of land which had been designated for residential purposes would. The Minister for Planning must make a decision about the appeal. It is not a matter of my seeking to overrule anybody. I must use the appropriate legal processes like any other owner of a block of land. I will investigate the situation further and consult the members of the board for further advice on the matter.

GREAT EASTERN HIGHWAY - ROE HIGHWAY TO SCOTT STREET, GREENMOUNT

Grievance

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [9.33 am]: I address my grievance to the Minister for Local Government representing the Minister for Transport. It concerns the Roe Highway-Scott Street Greenmount project for the Great Eastern Highway between those roads. I asked the minister a question in Parliament on 5 May to which he responded on behalf of the Minister for Transport by saying that the project was awaiting federal funding approval. I understand that that approval has now been given and $1m has been included in the 1999-2000 budget with the bulk of the $7.3m allocation becoming available in the 2000-01 financial year. I welcome this good news but the Shire of Mundaring and the residents of properties which have been involved in the relocation of the public utility services and I fail to understand why this project will not begin until late 2000.

The Shire of Mundaring sent me a letter seeking my assistance with this matter. The work was originally due to commence in December 1998 but was delayed by funding constraints and rescheduled for December 1999. The shire states -

> We are now becoming concerned that there may be no commitment by Main Roads to construct it this year at all . . .

The shire is concerned that it has been -

> unable to get any information from them that establishes that planning for the construction is well advanced, that tenders are due to be called and that funding is provided for the work . . .

This project has already been delayed; it was due to begin in December 1998. What is happening? The utilities, the light poles and the fences on the properties have been moved. The area looks like a bomb has hit it. The sides of the main road have been dug up, old fences are still there and new ones have been built. The verges and the crossovers are in a dreadful state. The people who own these properties wonder when something will be done. It is unreasonable to expect residents to tolerate these untidy driveways and verges. In addition, the community and the people who use that major east-west highway are concerned about the safety issue. There are potholes in the road and nothing has been done along that stretch of road because we are waiting for its reconstruction. People in the area are frustrated with this project. They wonder when something will be done and when they will see the roadworks. Will the minister provide the House with a start and completion date for the construction of the Scott Street-Roe Highway Greenmount project and a completion date of not only the highway but also of the current services relocation works together with verge and driveway reinstatement?

MR OMODEI (Warren-Blackwood - Minister for Local Government) [9.37 am]: The member for Swan Hills never gives up. She is one of the most tenacious and persistent members, particularly on road matters. I share the member's concerns. There is nothing more frustrating for a member of Parliament than having an important road project rescheduled. The Muirs Highway project in my area has been delayed as has a project in the electorate of the member for Moore; he would like to have the Great Northern Highway upgraded. Of course, road projects are rescheduled from time to time and it is frustrating. I know the Great Eastern Highway between the Roe Highway and Scott Street forms part of the national highway system and as such, the project is the responsibility of the Federal Government, which has experienced some interesting times in recent days. As the member said, the timing of the project is dependent on the Federal Government's approval of the allocation of necessary funds. The total allocation was $7.3m and $1m has been provided in the 1999-2000 budget. I expect those moneys to be for design and the commencement of construction. The balance of the $7.3m will be provided in the 2000-01 financial year. That allocation will enable construction of the roadworks to commence in October 2000 and be

completed by December 2001. I dare say Mundaring would like to have that construction begin in October this year but the Department of Transport has informed me that it will commence in October 2000.

Mrs van de Klashorst: What is the completion date?

Mr OMODEI: It is to be completed by December 2001. The member for Swan Hills will be pleased that the relocation of services is expected to be completed by early July this year. Work to reinstate the driveways and the footpaths will commence shortly and will be completed by mid July of 1999. Obviously that work is imminent, which is good news for the member for Swan Hills. When completed, the project will provide a high standard dual carriageway on that busy section of the highway and will improve the level of safety and traffic efficiency for all users. I am sure the member for Swan Hills does not need to be reminded that when we came to government, Main Roads WA was spending about $200m a year on roadworks. Currently we are spending about $740m on roads, and it is a significant increase. Although people will always want their roads to be built, no matter where they live in Western Australia, and particularly in my area in the south west, roads are always being built everywhere. They are at a certain stage of commencement or completion.

Mr Graham: Certainly not in my electorate. Now I know where the money goes.

Mr OMODEI: They cannot all be built this year. We must be realistic about it. The Transform WA program will spend $1.3b over 10 years, so a significant amount of money will be spent on roads. I share the member's frustration with the Commonwealth coming to the party with the funding. I share the frustration about the commencement date. However, those small issues about reinstatement, crossovers, driveways and footpaths will be completed shortly, which will enable the project to begin. Obviously the $1m is for preliminary works, and at least it will be completed by December 2001. I would like to say the same about the ones in my electorate, but obviously the member for Swan Hills is getting some special treatment.

Mrs van de Klashorst: This is the east-west link.

Mr OMODEI: Having said that, the driveways and the footpaths will be completed. I will reinforce the issue of the start-up date with the Minister for Transport and see whether that can be brought forward.

HEALTH, PILBARA

Grievance

MR GRAHAM (Pilbara) [9.43 am]: I grieve to the Minister for Health. The 1990-91 Pilbara health plan, which had a life of five years, for the first time in the north west highlighted the poor standard of health in the Pilbara. The implementation of that plan was jettisoned and replaced by the incoming Court Government. We all remember the various changes between contracting in, contracting out, the purchaser, provider model, doing away with regional hospitals and re-establishing regional hospitals. Had the Government not embarked on its now standard political strategy of eating into private members' time by encouraging its members to speak on opposition motions at length, this matter would have been dealt with by way of motion last night. The standard of health in the Pilbara is of significant concern to me and has been for many years. I approached the previous Minister for Health and had meetings with him and the Commissioner of Health. I know that members from both Houses and from both sides of politics fronted the previous minister and the Commissioner of Health over the declining standard of health services in the north west of the State. The standard is so poor that it has been recognised of late in federal reports tabled in Parliament and put out by the Australian Institute of Health and Welfare showing clearly that the north west region of the State suffers significantly from poor health outcomes. That was recognised in September 1997 by the then Minister for Health, the member for Albany, who issued a press release announcing that the Government would conduct a series of exercises and planning processes related to health in the north west. He said that it would embark on an overall plan for the area which would detail the future health requirements of the north west and include measures to improve the supply and retention of appropriately skilled health professionals and the projected future recurrent and capital requirements for the area. He said that the final report on a health service plan for the north west was expected by mid 1998. In that media release he said, "The delivery of health services to people in this State is of high priority to this Government."

That planning process went on and became known as Norhealth 2020. Although I have some reservations about the plan - I have made those clear in this place before about the very poor attention given to telehealth and telemedicine - it is, nonetheless, a step in the right direction if it is funded. I will paint the picture behind the scenes. The people living in the north west of Western Australia experience a significantly worse health status than other Western Australians. That is not my view of it, although I endorse it fully; it is the view of the Norhealth 2020 planning group. It was arrived at after meetings of clinicians and medical practitioners operating in the area. The plan states -

> Not only is the health status of North West residents the worst in the State, the health trends and known risk factors are indicating that the health status of the population will deteriorate further unless corrective action is taken.

Mr Day: Are you going to say why they have a poor health service?

Mr GRAHAM: The plan states that, and of course the minister has read it. It continues -

> The objective of the NORHEALTH 2020 health plan is to arrest the worsening health trends in the North West and, by 2020, achieve a health status for the population of the North West that is at least equal to that enjoyed by other Western Australians.

I make these points: The health plan - this is the area the minister touched on - raises nine health issues as its critical targets.

They are listed on page 2 of the position paper that was released in October. I asked the minister about some of those during the estimates meetings. If the minister has not read it, he should read it very quickly. It indicates that the death rate in the north west from renal failure is 4.5 times greater than that in the rest of the State; respiratory disease is 2.5 times greater; pregnancy and newborn children is 1.25 times greater; injury and poisoning is nearly twice as great; cardiovascular disease is 1.5 times greater; mental health is over twice as great; and diabetes is in excess of five times greater. It is a great indictment of a State like Western Australia that a member of Parliament can stand in this place and point to those indicators in mortality rates in this State. It is worse when we look at the demographics of the north west, where people are generally younger and the white community has higher incomes. Those nine issues generate 60 per cent of the sickness, morbidity, disability and loss of life in the north west. I emphasise that because the plan makes this point: Each of those diseases is avoidable and preventable. I have made the point before in this place that we receive less of the preventive funding. A fully costed plan was put to the Government informally in September 1998, and it was formally put to it in October 1998. This minister was presented with a costed and detailed briefing in December 1998. During the Estimates Committee it became quite clear that the Government had not fully considered the plan at this stage. Seven months after the Government was asked to consider its plan, it has yet to commit 1¢ to it. That is an absolute disgrace, and I ask the minister to remedy that. The longer he delays it, the more people will die in the north west.

MR DAY (Darling Range - Minister for Health) [9.49 am]: The issues raised by the member for Pilbara are serious as far as health and the health status of people in the north west part of our State are concerned. I share the concerns about the high levels of preventable disease which are experienced by people living in the north west. Those concerns exist for remote areas in particular and are very much a major priority for this Government. Because they are such a high priority, we have put much effort and thought into the consultation and planning process. We appointed under the former Minister for Health, the member for Albany, a steering group chaired by Tony Finucane, who is a former employee of longstanding and much experience of Hamersley Iron Pty Ltd and who has, therefore, a long experience of conditions and needs in the north-west. Under his chairmanship that group has done an excellent job, consulting with a broad range of people in the north west and making recommendations to government. We have not finalised our consideration of the proposals and recommendations that have been made. Obviously wherever there is a need for significantly increased funding, we must work out how that can be met in a sustainable manner. Discussions are going on between the Health Department and Treasury, not only as far as the north west plan applies but also with respect to the south west.

Mr Graham: Put it where the need is. The need is in the north west.

Mr DAY: Undoubtedly there are needs in the north west, but there are also needs in the south west of the State. I will be very interested to see whether the rest of the Labor Party supports the comments of the member for Pilbara that the needs of the south west be ignored or his implied comments that the needs of the metropolitan area be ignored.

Mr Graham: If these things happened in the metropolitan area, they would have been fixed, but because they occurred in the north west, they have not.

Mr DAY: About 20 per cent of patients who are treated in metropolitan hospitals come from outside the metropolitan area, including the north west of the State.

Mr Graham: You have cut the budget for the patient assisted travel scheme which would have got them here.

Mr DAY: We have not cut the budget of PATS at all. I am very glad the member for Pilbara has raised the issue, because although only about 23 per cent of trips under PATS are undertaken by north west residents, they consume about 65 per cent of the budget of PATS. That is not surprising given the distance from Perth.

Mr Graham: Do they fly because of the distance?

Mr DAY: Of course they do.

Mr Graham: You would not expect people to fly from Bunbury to Perth!

Mr DAY: Does the member want a meaningful response to the points he raised or does he want to continually interject? He expresses a lot of hot air about this issue, but what can he point to that his Government did during the years it was in office to seriously address the needs in the north west.

Mr Graham: We did it; you jettisoned it.

Mr DAY: We did not.

Mr Graham: Hon Peter Foss canned it.

Mr DAY: I do not think the member is interested in dealing with the subject seriously.

Mr Graham: I want you to say that you will commit dollars.

Mr DAY: We have committed many extra dollars to the north west part of the State.

Mr Graham: You have not committed one cent.

Mr DAY: We have committed $1m out of next financial year's budget for renal dialysis.

Mr Graham: Not as part of the plan.

Mr DAY: It entirely fits in with the needs as identified in the plan. We have allocated $1m out of next year's budget to provide renal dialysis for the first time in Port Hedland and Broome. Is that a good thing?

Mr Bloffwitch interjected.

The SPEAKER: Order, member for Geraldton!

Mr DAY: That is merely an example of the priority this Government is giving to providing services closer to where people live, whether they live in Kununurra, Derby, Broome, Port Hedland, Karratha, Albany, Esperance, Armadale, Midland or whatever the case may be.

Mr Graham: How much of the $45m to implement the plan have you committed?

Mr DAY: I have already answered that point. Discussions are taking place between the Health Department and Treasury to work out a plan to address the substantial needs required to further develop our health service.

Mr Graham: What is the answer to my question? How many dollars have been committed of the $45m needed to implement the plan?

Mr DAY: As I have said, we have not concluded our consideration of the plan. However, we are not waiting for the plan to be finalised before doing more in the north west part of the State. Indeed, we have allocated substantial additional resources to mental health. Rooming-in units are being funded in next year's budget for places like Derby and Karratha. In Halls Creek there is provision for additional staff accommodation. That is another subject on which I could speak at great length but we do not have the time.

As the member for Pilbara said, a number of health conditions have been identified in the planning process, particularly alcohol and drug abuse, mental health, injuries and poisons, diabetes and renal disease, cardiovascular disease, respiratory disease, oral health, maternal, foetal and child health and communicable diseases, which need to be addressed and faced up to. The point the member for Pilbara obviously did not want to address was that in the north west we have much higher rates of, for example, cardiovascular disease, because of the much higher rates of consumption of alcohol and tobacco. If the member for Pilbara wants to make a genuine contribution to this whole issue he should be out in his electorate encouraging people to smoke and drink less. He should be attempting to address the issues in a serious manner -

The SPEAKER: Order! The minister's time has expired.

Mr DAY: - rather than in a flippant manner.

The SPEAKER: Minister!

ONSLOW, SHIRE AMALGAMATION

Grievance

MR SWEETMAN (Ningaloo) [9.57 am]: On behalf of my Onslow community I direct my grievance to the Minister for Local Government. I highlight a situation in Onslow which I do not think is a glowing advertisement for amalgamation. I know that we want to look at achieving efficiencies and rationalisation by encouraging shires to pool resources and effort to achieve greater efficiency. The Shire of Onslow amalgamated with Pannawonica, Paraburdoo and Tom Price approximately 11 or 12 years ago to become part of the Ashburton Shire, apparently on the basis that a shire town manager would be located in Onslow from then on. That situation operated quite well until about 18 months ago when the then town manager, Len Welsh, who was a very able, competent and experienced shire clerk, left the position. He was forced out because he found more and more of his authority and responsibilities were being taken from him and reassigned to management located in Tom Price. Since he has left, there has been a systematic downgrading of the shire administration in Onslow. A customer services person was located there approximately 10 or 12 months ago. That person coincidentally left the position eight or nine days after Cyclone Vance hit Onslow.

It is an indictment of the Ashburton Shire that it chose not to relocate either its chief executive officer, Mr David Carey, from Tom Price to Onslow or one of the four other managers. The residents of Onslow have criticised the local government's response to their concerns. The shire administration has shown a glittering indifference to the concerns that overwhelm that community. I could highlight several of them. I urge the minister at the earliest opportunity to visit Onslow. The residents there would convene a public meeting at very short notice. One of the outcomes of such a meeting I am sure would be a vote of no confidence in the Ashburton Shire for the way it has handled that community during the recovery period after Cyclone Vance. The community's concern initially was the effort the shire put into re-establishing the caravan park.

Peter and Christine Siviour took over the Ocean View Caravan Park only five days before Cyclone Vance hit. The park is owned by the shire and the couple only bought the business, which fronts Beadon Bay. The cyclone hit the town and the ocean surge and water inundation caused the front section of the caravan park to be washed into the ocean. Initially, I contacted the shire on behalf of the young couple who own the park to inquire when it was likely to make the area good again. I offered some assistance if the shire was unable to undertake the work immediately. The shire assured me that it had the resources and the equipment was likely to be on site on the Tuesday after Easter. That appeared to be a reasonable time frame. I was told that my offer to assist was not required.

I clarify my offer for the record. I mentioned to the Chief Executive Officer of the Shire of Ashburton that we would be able to assign equipment from outside the area to help in the recovery work if the council was unable to assign its own equipment or local contractors to the task. However, this assistance would not offset any obligation on the shire or its insurance company to pay for the works. My offer would have enabled the work to be performed quickly. The CEO chose not to accept that offer. He said that all was in hand and that the shire was content with the effort undertaken at the time.

The young couple did not want to make a great issue of it. I rang them approximately a week later to see whether the work had been done. It had not. They were becoming anxious, but stated that they were new in town and did not want to make waves and get people offside. That was a fair and reasonable comment, and a patient gesture on their part.

Another week went by before they rang me, by which time they were extremely anxious. No remediation work had been carried out on the caravan park. I rang the CEO of the shire, and when I finally got through to him he put a direct question to me: "Our response to this stage has been totally appropriate and adequate; do you think our response has been otherwise?" I told him candidly that I thought the response regarding the caravan park had been hopeless. He did not like that response; consequently, the matter went to a full council meeting and I was asked to apologise. I do not resile from that comment and the fact that I was trying to get some work performed on behalf of that community. Subsequently, it has not been easy to work with the Shire of Ashburton. It has taken every opportunity with visiting opposition members to score points about things I have supposedly said or done, or tried to highlight some inadequacy in my concentration of effort on that community.

This situation highlights a flaw in the amalgamation process. I encourage the minister, at the earliest opportunity, to visit and move around Onslow to assess for himself, along with people from his department, whether Onslow is advantaged by being part of a broader amalgamated shire. An opportunity exists. I ask the minister to look at re-establishing Onslow as a local government entity in its own right. It has difficulties in being part of a broader shire. Tom Price receives a nominalisation grant, which distorts the vision of the executive in managing that shire. The geographic isolation of Onslow is another adequate reason for considering the excision of Onslow to again become a shire in its own right.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.06 am]: I thank the member for his grievance. He is obviously concerned about the situation in Onslow, and is using one of the forums available in which to raise such issues. I would be disappointed if the Shire of Ashburton had ignored the needs of the people of Onslow, particularly in dealing with cyclone damage. The council also comprises the towns of Tom Price, Paraburdoo and Pannawonica, which all warrant attention. As the cyclone clearly affected Onslow, some priority needed to be allocated to that area.

The member would be aware that as the Minister for Local Government I do not have the power to direct a council, and nor should I. Onslow ward members would be raising those matters with the Shire of Ashburton. We visited the area last year, and I was quite impressed with the council and its chief executive officer, David Carey, in particular. The council has established its business unit and the council seems to be running efficiently. Nevertheless, some disagreement has arisen between the council and the member for Ningaloo. It is always more productive for members of Parliament to be on good talking terms with their local governments. I am sure some effort will be made to re-establish that contact.

I will visit Onslow at the earliest opportunity and look at the Onslow situation. I will visit Moora on Tuesday, and Esperance and Dundas on Tuesday and Wednesday. I was in Dongara last week and it poured with rain. I am worried that whenever I visit country WA, it rains too much! They were delighted when I was in the wheatbelt at Tambellup, Dumbleyung and Katanning and it rained.

Mr Barnett: You could not do it when you were Minister for Water Resources!

Mr OMODEI: I did. It rained seven inches one week when I was acting Minister for Water Resources and this filled up the dams.

However, this is a serious matter. I was in Exmouth the other week when it had just finished raining and six inches had fallen. I visited some of the houses damaged by floods for a second time, which placed huge pressure on people. The cyclonic winds were massive, and I can understand the erosion of morale from such property damage. I will send John Lynch, the Executive Director of the Department of Local Government, to visit Exmouth later this month with Trevor Harken, the President of the Institute of Municipal Management, and Councillor Murray Lange, who is the local government representative on the State Emergency Management Advisory Committee. They will continue work done by a professor from Curtin University of Technology to assess the effectiveness of the building code of Australia in relation to wind loading and other factors in cyclone prone areas. The Shire of Exmouth houses suffered $2.3m-worth of damage, yet the next day people were required to turn up to work as it is the focal point of information receival and delivery. The mobile phone transmitter luckily was not knocked out. Banking, water and sewerage and such services need to be quickly re-established at such times. I understand that Western Power in particular, Minister for Energy, did an excellent job, as did the Police Service and the State Emergency Service.

An anomaly exists in Onslow with the focus being placed on Exmouth, and the Moora floods prior to that damage. We will install measures by which councils can call on peers in close proximity at such times. It would be rather pointless to send people from, say, Canning or South Perth to the north west as they would be without local knowledge. We must put together an emergency plan from the lessons we have learned at Exmouth to draw people into an area to react to an emergency as quickly as possibly. The Department of Local Government's building section will report on the building code and its effectiveness in cyclone prone areas.

Regarding the comment of the member for Ningaloo concerning the Shire of Ashburton, I will look at the question of amalgamation. The member suggests that Onslow should have its own identity. The difficulty is that the Len Welshes of this world are rare these days. They are big jobs to fill once they leave. Len Welsh had a customer services arrangement at Onslow. I will talk to the council and see how we can assist. I will not tell the council what to do, but I will offer my services as a conduit to other ministers should that be necessary. Whether Onslow retains its identity is a matter for consideration by the people of Onslow.

Obviously the ward councillors would have a view about that. The Structural Reform Advisory Committee's report makes reference to a local area council model, which sets up towns with one central point and customer service shopfronts at the smaller towns. That has worked, particularly in the south west. The Augusta-Margaret River and Manjimup Shires have multiple towns and they work very well. Augusta, for example, has a planning person and an environmental health officer for staff, and that arrangement works very well.

Some frustration is obviously being experienced there. I will take up the matter with the Shire of Ashburton to see what we can do to assist it and the member for Ningaloo. My advice to the member would be to re-establish contact with the shire. He must sit down and work out their differences and operate in a productive way to address the issues that have come about as a result of the cyclone and other matters.

The ACTING SPEAKER (Mrs Hodson-Thomas): Grievances noted.

REVENUE LAWS AMENDMENT (TAXATION) BILL 1999

Second Reading

MR COURT (Nedlands - Treasurer) [10.10 am]: I move -

That the Bill be now read a second time.

This Bill seeks to implement the taxation revenue measures announced in the 1999-2000 budget by amending the Land Tax Act 1976 and the Stamp Act 1921. Complementary amendments are contained in the counterpart to this Bill, the Revenue Laws Amendment (Assessment) Bill 1999. As is now usual practice with revenue laws legislation, both Bills are accompanied by an explanatory memorandum to provide members with more detailed information on the proposed amendments.

I turn first to the proposed amendment to the Land Tax Act 1976 to implement the measure announced in the 1999-2000 budget to provide land tax relief. This will be achieved by introducing a new tax scale for the 1999-2000 year of assessment. The new tax scale will reduce the impact on taxpayers of "bracket creep", in which increases in land values push land taxpayers into higher tax brackets. The proposed changes involve increasing most of the land value thresholds of the existing scale at which higher tax rates begin to apply.

The greatest relief has been targeted to taxpayers who own land in the middle land value ranges, as they are most affected by the progressive nature of the land tax scale. The beneficiaries should include self-funded retirees. As a result, a taxpayer owning land with an aggregate unimproved value of between $100 000 and $500 000 would be issued with an assessment under the proposed scale that is between 5 per cent and 16 per cent lower than that which would apply under the current scale.

The proposed tax scale is expected to raise $194m in 1999-2000. After adjustments for LandCorp becoming liable to pay land tax for the first time in 1999-2000, this represents about a 7 per cent increase in land tax receipts. This is about the same as the overall increase in taxable land values. If the current land tax scale were left unchanged, it is estimated that land tax revenue in 1999-2000 would be $201m, $7m higher than under the proposed new scale.

Notwithstanding the significant overall increase in land values, 46 per cent of taxpayers will not face an increase in their 1999-2000 land tax bills under the new tax scale, compared with their previous year's assessment. Of the remaining 54 per cent of taxpayers who face an increased tax bill under the proposed scale, the increase for nearly three-quarters of them will be less than $20. This is the sixth time since coming to office that the Government has amended the land tax scale to provide land tax relief.

The Bill also proposes amendments to the Stamp Act 1921, to replace the current flat 3 per cent stamp duty rate on the issue and transfer of motor vehicle licences to new owners, with a sliding rate scale. This amendment will raise an estimated additional $25m per year and at the same time will redistribute the burden of the tax towards higher valued vehicles.

The proposed rate scale has three tiers. For licences issued or transferred for vehicles valued at up to $15 000, the stamp duty will be reduced to 2.5 per cent of the market value of the vehicle. For vehicles valued between $15 000 and $40 000, the stamp duty rate will increase proportionately from 2.5 per cent to 5 per cent, as the value of the vehicle increases. For vehicles valued at more than $40 000, the duty will be 5 per cent of the vehicle value.

Under the new rate scale, buyers of vehicles valued at less than $20 000 will pay less stamp duty on the issue or transfer of the licence than they would under the current scale. It is estimated that about three-quarters of all vehicle buyers fall into this category, including low income families buying a small new vehicle or a used vehicle. Only more expensive vehicles will be subject to an increase in stamp duty.

Most other States also apply a sliding stamp duty rate scale. In Western Australia, non-commercial buyers of lower value vehicles will pay less stamp duty than they would in most other States. It is proposed that the new stamp duty scale will apply from 1 July 1999.

I commend the Bill to the House, and for the information of members, I table the associated explanatory memorandum.

[See paper No 991.]

Debate adjourned, on motion by Mr Cunningham.

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL 1999

Second Reading

MR COURT (Nedlands - Treasurer) [10.15 am]: I move -

That the Bill be now read a second time.

This Bill has two purposes. First, the Bill seeks to amend the Stamp Act 1921 and the Road Traffic Act 1974 to implement administrative changes which complement the change to stamp duty rates contained in the Revenue Laws Amendment (Taxation) Bill 1999 applicable to motor vehicle licence transfers. In addition, the Bill contains measures to ensure nominal stamp duty treatment for certain transfers of property arising as a result of the Commonwealth's Managed Investments Act 1998.

An accompanying explanatory memorandum has been prepared for the benefit of members which explains the amendments in greater detail.

The proposed changes to the motor vehicle licensing provisions of the Stamp Act and Road Traffic Act contained in this Bill will support new arrangements for the payment of transfer fees and the stamp duty associated with the issue or transfer of a vehicle licence. The new arrangements will also allow the Department of Transport to reject transfer applications which do not comply with the compulsory vehicle engine immobiliser scheme which is to come into effect from 1 July 1999.

The current legislative provisions were considered too restrictive and hampered effective administrative design. In particular, the Stamp Act does not currently allow the purchaser to separate the making of an application to issue or transfer a licence, from the obligation to pay the appropriate stamp duty at the time of application. Without the proposed amendments, this would preclude the change to an invoice system which is needed to make the immobiliser administration more practical, and also limits the methods by which a person can pay the charges associated with a licence transfer.

The proposed changes will allow the Department of Transport to produce an invoice for the licence transfer fee and associated stamp duty using the notification details provided by the vehicle seller or purchaser as required by the Stamp Act. As part of these arrangements, the Department of Transport will also need to be satisfied that the vehicle engine immobiliser requirements have been met. In cases in which this has not occurred, the Department of Transport will notify the purchaser that a licence cannot be issued or transferred until those requirements are satisfied.

The new invoicing arrangements will also support a broader range of more convenient payment arrangements for purchasers. In addition to payment at licensing centres, the invoice will be capable of being paid by telephone, mail, in person at an Australia Post agency, and in the near future, via the Internet.

The remaining amendments in the Bill seek to provide a stamp duty concession for managed funds that are compelled to undertake certain transactions to comply with the requirements of the Commonwealth's Managed Investments Act. Members may be aware that the commonwealth Act became operative on 1 July 1998 and changed the way in which the managed funds industry is regulated under the Corporations Law. As part of these regulatory changes, funds are now required to consolidate their operating structures so that a single entity is responsible for the management and administration of a managed investment scheme. Previously, one entity was responsible for the administration and investment decisions of a scheme, while another was responsible for the scheme assets and ensuring that the scheme's investments conformed to the trust deed. This mandatory consolidation process will inevitably involve numerous transactions, including the transfer of fund property. Under current legislation, these transactions would, in some instances, be subject to stamp duty at ad valorem rates, notwithstanding that the fund must effect the transactions to comply with the commonwealth legislation.

To prevent such an outcome, it is proposed that concessional duty will apply when schemes are transacting to comply with the transitional requirements of the Managed Investments Act, and there is no resulting change in the beneficial interests of scheme property. In such cases, the Bill proposes to amend the Stamp Act to provide for the imposition of nominal duty of $20 upon -

the transfer or conveyance of scheme property;

the resettlement of a trust; and

contracts, such as property leases, executed to secure the rights and obligations of the newly appointed responsible entity to replace those contracts that may become invalid upon the retirement of the existing trustee.

These stamp duty concessions will be available only for those transactions that are undertaken during the transitional period permitted by the Corporations Law. This period currently extends to 30 June 2000. Such concessional treatment is consistent with that being accorded to managed funds in other jurisdictions. For example, all other States and Territories have undertaken to ensure that funds are not penalised for transactions that arise from the enforced consolidation process. Moreover, the Commonwealth has undertaken to ensure that schemes will not incur capital gains tax on the asset transfers that result from compliance with the Managed Investments Act.

The Bill proposes that the amendments are to have retrospective effect from 6 April 1999, which is the date the Government announced its intention to put this concession in place. I commend the Bill to the House and for the information of members, I table the associated explanatory memorandum.

[See paper No 992.]

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT AND REPEAL (FINANCIAL SECTOR REFORM) BILL 1999

Second Reading

MR COURT (Nedlands - Treasurer) [10.20 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to transfer the supervision and regulation of credit unions, permanent building societies and friendly societies from the State to the Commonwealth and consequently wind up the Western Australian Financial Institutions Authority. This aspect of reform of the financial system is aimed at creating a more competitive environment between banks and credit unions and building societies by placing them under the same regulatory and supervisory conditions, leading to improvements in the provision of financial products and services.

This legislation complements the Commonwealth Government's legislation that gives effect to the recommendations of the Wallis inquiry into the financial system in 1997. A key recommendation of the Wallis inquiry was for the supervision of all financial institutions to be brought under a single regulatory framework. In response, legislation has been enacted in the Commonwealth Parliament to establish the Australian Prudential Regulation Authority and the Australian Securities and Investments Commission.

This legislation affects the transfer of those financial institutions currently supervised and regulated by the State across to this newly established single regulatory framework. This will enable increased efficiency and competition within the financial sector with credit unions and building societies being placed on an equal footing with banks. The single licensing and regulatory environment will reduce the regulatory inconsistencies between financial institutions that conduct essentially the same deposit-taking business. With increased competitive pressure introduced into the banking or deposit-taking environment, this should provide for increased choice, improved services and lower cost products and services. These improvements in efficiency will be achieved while preserving the integrity, stability and safety of the Australian financial system.

The regulatory powers of APRA enable it to set standards and enforce directions broadly similar to those currently provided to WAFIA under the financial institutions code - currently applying to credit unions and building societies. Since the introduction of the Financial Institutions Code in 1992, WAFIA has gained considerable knowledge and expertise in the supervision and regulation of credit unions, building societies and, more recently, friendly societies. The transfer arrangements within this Bill seek to ensure these skills and experience are retained, along with a local presence by APRA in the form of staff in a regional office in Perth. The Bill requires the transfer of staff from WAFIA to APRA on terms and conditions no less favourable than those that currently apply. The Bill also provides for the transfer of the assets and liabilities of WAFIA to APRA, including all information required for the effective supervision of these institutions. The supervision and contingency funds, raised through industry levies, administered by WAFIA, will be distributed back to the industry along with retained earnings. This distribution will be based on the contributions made by individual institutions and is supported by the industry.

With respect to the rights of members in the transferring institutions, the approach adopted by the commonwealth and state legislation aims to ensure that the rights of members in credit unions, building societies and friendly societies are not adversely affected by their transfer. In addition, the transition arrangements have been framed to minimise the administrative burden on the transferring institutions and their members.

The Bill provides for the transferring institutions to become incorporated under the Corporations Law. The form of incorporation will depend on the type of institution and the board of each institution deciding the most suitable form for its members. The Bill also allows for voluntary and compulsory transfers of business between institutions, as is currently provided under the Financial Institutions Code. This has proven effective in dealing with cases of small institutions experiencing difficulty.

In the case of supervision and regulation of terminating building societies - known as housing cooperatives - this will remain the responsibility of the State, as is the approach of all other States and Territories. Homeswest currently performs this role and housing cooperatives are licensed under the Building Societies Act. This arrangement will remain, although amendments to the Building Societies Act will need to be made to ensure its consistency with changes to the supervision and regulation of permanent building societies by APRA.

The Bill is not expected to have a direct financial impact on the industry. It provides for the transfer of institutions from the State to the Commonwealth without the imposition of stamp duties or other taxes incurred as a result of the transfer process. However, there are likely to be some ongoing favourable impacts through lower industry levies under the single regulatory environment. The economies of scale associated with a more streamlined approach to supervision and regulation of financial institutions are expected to be passed on to the industry in the form of lower levies. The process of considering and responding to the recommendations of the Wallis inquiry has involved considerable consultation with the industry through the peak industry bodies. These bodies have strongly supported the transfer of supervision and regulation to APRA. I understand there are no outstanding issues raised by these bodies, other than the urgent need for this transfer to be effected. In this regard, the Commonwealth is seeking to effect the transfer of responsibility on 1 July 1999 to minimise the uncertainty associated with the reform of the financial system and remove the competitive disadvantage imposed on credit unions, building societies and friendly societies under the current environment. The nature of the industry and its transfer to the Commonwealth requires all States and Territories to proceed with the transfer on the same date. The industry has lobbied heavily for a transfer date of 1 July 1999 and best endeavours are being made by most States to achieve this. Therefore, speedy passage of the Bill is urged. I commend the Bill to the House.

For the information of members I table the associated explanatory memorandum.

[See paper No 993.]

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT (MINING AND PETROLEUM) BILL

Second Reading

Resumed from 12 May.

MR GRILL (Eyre) [10.29 am]: The Opposition supports this legislation. It is part and parcel of updating mining and petroleum exploration and production legislation in this State. Three Acts will be amended: The Mining Act; the Petroleum (Submerged Lands) Act; and the Petroleum Act. This Bill has been referred to as an omnibus piece of legislation in the other House, and that is correct. Although it currently will not attract much media attention, it is important in the sense that it updates the mining and petroleum title legislation to make it more efficient and workable. I believe very strongly that it is important to ensure that the legislation is kept up to date and is highly efficient because, if it is not efficient the industries operating under it will not be efficient. This State relies on those industries for its standard of living. In the recent downturn in the resource sectors and industries across the world, the industries that have been successful and have not closed down are those that can be found within the lowest quartile of costs or the lowest 10 per cent of costs. It is incumbent on us, as legislators, to ensure that, where possible, we set up schemes, arrangements and structures whereby those industries are within that quartile or within that 10 per cent. If they are hamstrung with legislation that is not up to date and efficient, they will not be in the 10 per cent or 25 per cent and they will be subject to the threat of closure.

In the past several months some goldmining activity in Western Australia has closed as a result of the fall in gold prices, and a number of projects have been jeopardised as a result of the fall in commodity prices generally. We, as legislators, have a responsibility to ensure that these industries are efficient and productive. This legislation is part and parcel of that process. This Bill has been around for quite some time. I saw a version of it approximately 18 months ago, and some elements were passed last year on a rather rushed basis because they were affecting the expansion of a Robe River project in the Pilbara. That legislation related to the renewal of miscellaneous licences for tenements which, under the Mining Act at that stage, were renewable every five years. They are important tenements because they allow for rail lines, rail line access roads, road access, powerlines and powerline access, pipelines and pipeline access, into these projects. If they must be renewed every five years, they are subject to consideration under the cumbersome native title process every five years. The Opposition was prepared to put through some legislation in this place on a rushed basis so that it would not happen and the project could get off the ground.

Mr Barnett: As we get more projects, hopefully of gas, the footprint is getting bigger.

Mr GRILL: I am not sure what the minister means.

Mr Barnett: In terms of infrastructure and the like, particularly for these resource projects, there is more emphasis on the value adding end. We are getting a larger footprint in terms of all the infrastructure that might service a mineral or natural gas resource.

Mr GRILL: Yes, and this legislation increases that footprint. Last year this Parliament extended the duration of the footprint for miscellaneous licences. By that process the footprint is being expanded. Today we are expanding that process into other arenas. This legislation is not limited to that, but that is one of its prime objectives.

As I said previously, this legislation has been around for some time and I am somewhat critical of the fact that we, as legislators, have allowed it to languish for up to two years. Because this sort of legislation is so critical to the efficiency of our most important industries, it should go through much more quickly.

I will go through the provisions of this Bill in a general sense one by one. Firstly, in a sequential nature, I indicate that the legislation provides that a condition may be imposed on the grant of a mining tenement, or at any subsequent time, requiring the lodgment of a bond. This bond will be taken to ensure the proper environmental and rehabilitation measures are undertaken following the completion of exploration and/or mining activities. The strange thing about this is that bonds have not been mentioned in the Mining Act since the inception of the new legislation in 1978. I well remember that Act because I was a new member at the time and it was highly contentious. There was much opposition to it. There were big marches up St Georges Terrace, culminating in rallies outside Parliament House, opposing various aspects of that legislation. As a result, it was amended.

It has been found over a period that it has required further amendment, and I have been on my feet in this place on a number of occasions, mainly consenting to amendments that would make it more workable legislation. The bonds to which I have referred have been put in place by the Department of Minerals and Energy since 1986. They have primarily been used to ensure that environmental conditions applicable to mining tenements can be enforced. The Opposition has no argument with that, but it is interesting to note that there is no mention of bonds in the Act. Although they have been applied and extracted from mining companies, there is some doubt about whether they are legal. This part of the legislation ensures that these bonds are legal. I understand that in the past the provisions of section 126 of the Mining Act, relating to securities, and section 84, relating to conditions, particularly environmental conditions, have been used together to allow the Department of Minerals and Energy to extract bonds from the mining companies and prospectors. This legislation will now put beyond doubt the fact that that process is legitimate. I understand Crown Law Department expressed some doubts about the process

as it has been applied since 1986, and suggested that it may not hold up under challenge. It wants to make it clear that the process, which has been accepted by the industry, is in fact legitimate.

The Bill also provides that a condition may be imposed on the grant of a retention licence or at any other time, requiring the holder to carry out a specific work program. This will ensure that satisfactory investigations on the viability of the resource are undertaken on a regular basis. Retention licences are fairly new animals in the Mining Act, and we debated the inclusion of them in the legislation a few years ago. At that time I expressed some doubts about them because I come from the eastern goldfields and Kalgoorlie, where there are many prospectors, and I was aware of concerns that prospectors and small mining companies are kept off land because it is tied up by the bigger mining companies.

One way of tying up this land is by retention licences, which apply to subeconomic ore bodies. Whether an ore body is subeconomic is highly contentious. What is subeconomic today might be economic tomorrow and vice versa. There can be much argument in this arena. As I said at the time here and my colleague, Hon Mark Nevill, who has a prime responsibility as spokesperson on mining matters within the Australian Labor Party said, we have some doubts about those retention licences because they could be abused in the very way that the prospectors alleged they would be abused. We are not saying that they have been abused. However, we are saying that a huge amount of concern has been expressed in the goldfields about the way in which large tracts of land are being tied up almost in perpetuity by big mining companies. If the smaller companies and prospectors were allowed to get onto those tracts of land they might be able to find an ore body that they could work, albeit a small one.

Mr Barnett: I agree with that. You might be interested to know, if you are not already aware, that some projects, which I will not mention publicly, have deposits of various minerals but they will probably not be developed by the larger companies. We are negotiating to have them effectively sold on to smaller groups who can make them commercial. It is the same principle.

Mr GRILL: If that occurs it will make my life in Kalgoorlie much easier.

Mr Barnett: There are a couple of examples and the larger companies are cooperating.

Mr GRILL: If the minister can convince his colleague in the upper House, the Minister for Mines - I think he is half-way convinced - that he should allow surface prospectors onto exploration licences under reasonable terms and conditions, that would make life much easier for the Government and for me. I come under a great deal of pressure from prospectors and small mining companies that feel they are excluded.

Some agreement was made between all of the players, including the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies, the Pastoralists and Graziers Association and the Prospectors and Leaseholders Association, that without too much fuss those surface prospectors would be allowed onto those exploration licences, which can be very large. However, fairly recently AMEC withdrew its agreement to that proposal. I understand that the matter is before the minister for his consideration. If the Minister for Resources Development can use his influence to persuade the Minister for Mines to go down that track, I will be grateful.

Mr Barnett: If that happened and a prospector found something how would you see the issue progressing from that point?

Mr GRILL: As I understand the proposal, the rights of the prospector would be limited to a certain defined area - probably only a few metres from the surface. If an ore body went below that it would belong to the tenement holder. I think that it is mainly the alluvial gold prospectors who want to go onto those tenements.

Mr Barnett: They would be scratching around.

Mr GRILL: That is right. I do not see that they would interfere with serious mining activity. The upshot of that is that this provision prescribes that the Mines Department can monitor the retention licence conditions to ensure that the holders are updating their information on the tenement, perhaps even doing some program of work in respect of it, and that the assumptions on which the retention licence were granted remain true. It goes some way towards the situation which Hon Mark Nevill and I preferred when we discussed this legislation perhaps four years ago.

We welcome the ability of the Mines Department to monitor this process and impose programs of work in relation to these tenements. There is no other way of policing a retention licence. It cannot be forfeited for non-compliance of work conditions, as it now stands, because no work conditions apply to retention licences. A potential vehicle for abuse - that is, people tying up large tracts of land to be worked on at their leisure - will have some rigour about it and some accountability if this provision is passed, which I have no doubt it will be.

The next item provides that where the holder of a mining tenement transfers the tenement any lease application made in substitution for it in accordance with the Act will remain in force in the name of the incoming company. Delays in obtaining a grant of the lease application because of native title have prevented joint venture companies from registering their interest in tenements. There is some need for dispatch of this amendment due to delays that have taken place as a result of the native title procedures. The Government has indicated that approximately 12 000 tenements are now held up and that the number of mining leases coming through the system was down to 146 last year. We are waiting for some up-to-date figures on the progress of other exploration tenements, which we hope to receive from the Government within a few days. There is no doubt in my mind that significant delays are occurring as a result of the bureaucratic nature of the Native Title Act. The delays can be up to five or six years. In the process entering into joint ventures is being made difficult. In cases in which applicants have applied to, say, take out a mining lease on an exploration licence, the exploration licence is in one name and when that is transferred the application for the mining lease may well be in another name. This amendment is designed to overcome that problem and the Opposition believes it will be a fairly effective provision.

The next matter provides that a general purpose lease may be granted in excess of the standard 10 hectares. This will allow major resource projects that require larger areas of infrastructure to apply for one lease rather than multiple leases. An example of that apparently was the Broken Hill Proprietary Co Ltd's hot briquetted iron plant in Port Hedland where the company had to apply for - this sounds rather outlandish, but we were told by the briefing officers of the Mines Department and the minister's office - 800 leases.

Mr Barnett: That is bizarre. They were all contiguous.

Mr GRILL: Bizarre is probably a good word for it. This amendment allows for an applicant placed in that position to apply for one general purpose lease to cover the whole of that area.

Mr Barnett: Something like a petrochemical industry development would require a large area.

Mr GRILL: We agree with that; it is proper. However, I reiterate the point made in the second reading speech that these larger, general purpose leases will not be granted as of right. They will be granted only after the company spells out in its application a good case so that the minister has the discretion at the end of the day to decide whether to grant the extended general purpose lease. In the meantime, the formal general purpose leases for most purposes remain at 10 hectares.

Mr Barnett: On that point, some of the companies, and particularly those under agreement Acts, have fairly wide territorial ambitions, and I am careful to make sure that the land they are granted is sufficient for the project and any reasonable expansion or access for infrastructure corridors and the like. I am sure the member would agree that we need to be careful we do not get a repetition of, say, Kwinana, where large areas of land have been effectively held for years by groups which have not made use of that land. The Burrup Peninsula is an example where a limited amount of land is available for industry long term, and it must be used wisely.

Mr GRILL: Yes. I am pleased that the minister is mindful of that point. It really underlines some of the statements I was making earlier. Another aspect that should be noted during the debate is that the rent will not be decreased. If a person has one of these tenements, rent is not paid on the basis of one general purpose lease of 10 ha; rent is paid on the basis of 800 ha, and at the same rate that would be applicable if it were a 10 ha lease. Therefore, the rate of rent payable to the Department of Minerals and Energy would not diminish in the event that one of these larger tenements are granted but would remain the same.

I comment in passing that the Opposition agreed to the passage of the native title legislation in this House several months ago. It was not passed in quite the form the Government wanted. However, the native title legislation extinguished native title on a whole range of tenements. The number was in the order of 11 000 or 12 000 tenements. Those numbers were bloated and expanded because of antiquated procedures such as those about which we are now talking. People had to apply for, say, 800 general purpose leases to legitimise the process. That explains why so many leases were being dealt with under that legislation.

Another matter covered by this legislation provides that a general purpose lease may be renewed for a further period of 21 years beyond the initial 42 years. Currently, section 88 provides for only one renewal of 21 years. This may be a problem in the future as there is no apparent avenue for continuity of tenure beyond 42 years. This change will bring general purpose leases into line with similar provisions applying to mining leases. This endeavours to bring about some uniformity in the length or tenure of leases, and that is a good thing. We did that with miscellaneous licences last year when we extended them from five years to a period equivalent to a mining lease. We are now taking general purpose leases and extending their length of tenure to the equivalent of mining leases. Therefore, nearly all of those tenements under the Mining Act can now be extended to 63 years.

I will deal with a couple of the provisions of the Petroleum Act which will be amended by this legislation. First, this legislation provides a three-year term for drilling reservations with a 12-month renewal, as against the existing 12-month term with 12-month renewals. The extended term is a more realistic period in which to complete a major drilling program. I understand once again the motivation for this amendment was the Native Title Act, where the procedures for granting a tenement could blow out, and certainly have blown out, well beyond 12 months in respect of Mining Act titles. However, now that the Wik amendments, if I can call them that, or the 10-point plan have been passed at a federal level, that motivation no longer applies because renewals of leases of this nature will now be allowed without the necessity to go through the native title procedures. However, the people who have charge of these matters within the Department of Minerals and Energy, as well as the industry, have come to the conclusion that three years with a 12-month renewal is a much more realistic term in any event. Given the fact that some of these petroleum companies expend vast amounts of money on exploration, that is true, and the three-year term with a 12-month renewal is much more realistic and reasonable. Therefore, we have no problems with that amendment.

Another matter is the problem of reserved land within a petroleum tenement title. The amendment will include reserved land in the definition of crown land and provide that no entry onto reserved land for the purpose of exploring for or recovering petroleum can occur without the prior written consent of the minister. Before giving consent, the minister must first consult with and obtain the recommendations of the minister responsible for the reserved land. This provision will allow reserved land to be included in the grant of a title subject to no entry being allowed without prior consent. Currently reserved land must be proclaimed crown land for the purposes of the Petroleum Act before it can be included in the grant of a title or any subsequent title. Prior to the proclamation, the recommendations of the minister responsible for the reserve must be obtained.

For the edification of some members who might be unaware of what reserved land is, I understand that reserved land in this context has a wide definition and can include conservation reserves, nature reserves, recreation reserves - almost any sort

of reserved land under the Land Act. As I have just described, the procedures in the past have been somewhat cumbersome but nonetheless workable. However, if one overlays those procedures which we have used in the past with the Native Title Act, they become almost unworkable, because as soon as one wants to include the reserves that are within the petroleum tenement within the workable tenement, one finds they are subject to the native title procedures. One then has a two-part procedure when taking the matter through the native title process, or if there is more than one reserve and they are brought in at different times - that is, if one wants to have access to these reserves within the tenement - one might have several procedures under the Petroleum Act. This brings it back to one set of procedures. The amendment will change the definition of crown land, and allow one set of procedures under the Native Title Act where previously there may have been two or more procedures.

Some concern was expressed by the Australian Democrats that this may in some way derogate from the rights of indigenous people in making a native title claim. They have been through the matter, they have looked at the definitions, and they have become convinced that the new procedures are fair. We are of the same view. If the Democrats and, presumably, the Greens (WA) have reached that conclusion, given their zealousness with regard to native title matters, it is probably beyond doubt. There are a number of conditions. The first condition is that access to these reserves will be allowed only if the responsible minister is consulted about any conditions that are placed on the tenement. The vested authority must also be consulted and allowed to comment on any conditions that may apply. That has always been the policy of the department but has not been written as the letter of the law. This amendment will make it obligatory for that minister and those persons or entities to be consulted and thereby put in legislative form the policy of the department.

The Bill includes a provision that restricts access to parts of a title, and that restriction can be varied or cancelled by the minister. That is an environmental consideration, and is proper. A minister who believed that there were environmentally sensitive areas on a title that should not be disturbed would have the right under this amendment to either prevent or restrict access to that area. We support that amendment.

A further amendment will require the holder of access authorities and special prospecting authorities to also obtain the consent of the owner or trustee of land affected by the authority prior to carrying out petroleum activities. This corrects a previous drafting inconsistency and brings these titles into line with other petroleum titles. This can apply only to petroleum exploration, because the nature of pools of gases and petroleum under the ground is that a pool of oil may straddle the boundary of two tenements, and one company may drill on one side of the boundary but not know how far the pool extends beyond that boundary. The policy of the department provides that the department may grant the right to drill on the adjoining tenement. That permit may belong to another tenement holder, but under certain conditions, and after consultation with that other permit holder, in the past licences have been granted to allow such a company to drill across its border and into another permit holder's land; and in many instances, the other permit holder would welcome that because he would be getting a freehold into his tenement without expenditure on his part. In some cases, the area next door is not subject to a permit, and that is the reason for having two different kinds of authority - access authorities and special prospecting authorities. If the area next door is not a tenement, the land is probably vacant crown land or land of that nature, and the authority of the minister must be obtained. This amendment will legitimise that policy of the department and place some conditions on it. That is fair and reasonable and we have no problem with that.

The next amendment is to section 127 of the Petroleum (Submerged Lands) Act, which provides for the ownership of petroleum recovered from a petroleum title. That section has been reconstructed to make it clear that no other party shall have any rights to petroleum recovered by a permittee. The amendment is considered essential to maintain a prime principle of the Act that a title holder shall retain the right to petroleum it has lawfully recovered. A similar provision is contained in the Commonwealth's Petroleum (Submerged Lands) Act 1967. I did not understand that when I first read it, because it seemed to me to be as clear as night follows day that if a person drilled a hole on a permit that he owned and extracted oil, that oil would belong to him, but apparently under the Act that is not the case. This amendment is a rather rudimentary updating of the Act to make it clear that a person who drills a hole on a tenement and extracts oil or gas shall own that petroleum or gas. We support that. We support all of the provisions in this Bill and hope that these provisions, which have been long delayed, will go through smoothly and be proclaimed as soon as possible.

MR BARNETT (Cottesloe - Minister for Energy) [11.08 am]: I thank the member for Eyre for his comments and for his support of the Acts Amendment (Mining and Petroleum) Bill. As members know, the member for Eyre is extremely well informed and knowledgeable of the operation of mining leases and tenements. The Minister for Mines has introduced over the past few years a number of changes and improvements to the mining and petroleum legislation. Some people may argue that there should be a complete overhaul of the mining and petroleum Acts. That is being done incrementally, and progress is being achieved consistently and continuously. These changes reflect a modernisation of procedures within mining tenements and leases and in the way in which the industry operates and will allow for longer term security over time and also for some larger lease areas. This is an important piece of legislation, and I appreciate the support of the member opposite. This legislation is supported by both the Government and the Opposition.

Question put and passed.

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

TRANSPORT CO-ORDINATION AMENDMENT BILL

Recommittal

On motion by Mr Omodei (Minister for Local Government), resolved -

That the Bill be recommitted for the further consideration of clause 7.

Committee

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

Clause 7: Section 18C amended -

Mr OMODEI: I move -

Page 4, line 27 - To delete new subclause (4) and substitute the following -

(4) Where under subsection (3)(b) the Minister enters into an agreement, arrangement or transaction to acquire or dispose of all or any substantial part of the Transperth omnibus fleet (however described), the Minister must, within 3 days when the Parliament is next sitting, cause to be tabled in both Houses of Parliament -

(a) a cost/benefit statement including details of expected savings projected over the terms of the agreement, arrangement or transaction; and

(b) a certificate issued by the Under Treasurer verifying that the savings are reasonably attainable.

When the Committee considered the Bill on 4 May, the Government accepted an Opposition amendment to clause 7. That amendment would require the Minister for Transport to table in both Houses of Parliament a cost-benefit statement, verified by the Under Treasurer, setting up projected savings whenever he or she entered into an arrangement under clause 7(3)(b) to acquire or dispose of all or any part of the Transperth fleet. While the Government has no difficulty with the thrust of what the Opposition is trying to achieve, as drafted the amendment would require the minister to report in respect of every sale or addition to the fleet, be it the purchase of 20 new buses or the disposal of one obsolete vehicle which had reached the end of its economic life. To make the matter less bureaucratically cumbersome, the Government has moved the amendment which will replace the previous amendment. The Government considers that the amendment meets the intent of the amendment moved by the member for Armadale without placing an unrealistic administrative burden on this and future Governments.

Ms MacTIERNAN: Opposition members are reasonably prepared to accept the amendment. It is a significant watering-down. However, it was not our intention that every time a single bus was disposed of in the normal course of events there would need be the sort of procedures that were contemplated. In particular, we were trying to target the Government's proposal to sell off the bus fleet and lease it back. That is turning out to be a complete and unmitigated disaster for the small vehicle fleet, and we are very keen not to allow that to be replicated within our bus system. We note also that the prospect of there actually being any sale in the normal course of events is highly unlikely, as the Government's promise of buses does not seem to be one that it is particularly capable of or competent in delivering. We were promised 133 buses by the end of June 1999. We note that we have only four buses. We were promised that there would be another 60 in the second year, which would have taken the number to 199 buses. We note in the newspaper this morning the taxpayer-funded advertisement that the Government is now talking about 80 buses as opposed to 199 in the first two years. In view of the way the Government is continuing to scale back bus purchases, we do not expect any sales in the normal course of events.

Will the minister let me know what is going on with the rest of the legislation now that the Bill has been recommitted? In particular I would like to know whether there is an intention to recommit any other provisions. I note the revolting portion of backbenchers here in force. They met with the Bus and Coach Association at the very time that the legislation was scheduled to be considered. I am keen to know whether we will see any changes to other provisions in the legislation.

Mr OMODEI: I would not have described them as revolting - constructive, maybe, but certainly not revolting.

Ms MacTiernan: Revolting in the sense that they are in rebellion.

Mr OMODEI: I thought that the member for Armadale meant it in another way.

Ms MacTiernan: There might have been a double entendre there.

Mr OMODEI: The Government does not intend to recommit any other sections of the legislation once the clause is passed. It wants to get the legislation in place so that it can proceed with the activities that are required under the legislation.

Ms MacTIERNAN: Arising out of the meeting that was held this morning, have there been any developments in relation to other provisions - for example, has there been an accommodation of the concerns of the Bus and Coach Association?

Mr OMODEI: I did not attend the meeting so I do not know what was said at it. I can only repeat that the Government does not intend to recommit any other parts of the legislation. We need to have the legislation passed so that we can get on with the business of running the transport system.

Ms MacTIERNAN: I am happy that the Government will get on with the business of running the bus system. Perhaps it can enlighten us on when some buses might get back on the road. Will we be content with just publicising lame-duck ministers in taxpayer-funded advertisements or will we run a bus service?

Mr Omodei: You should take that up with the minister.

Ms MacTIERNAN: I note yet again the Liberal Party distancing itself from the activities of its National Party colleagues - not that I do not have a certain degree of sympathy with it in doing so.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported, with a further amendment.

PETROLEUM SAFETY BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Barnett (Minister for Energy) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 3, page 2, line 15 - To delete "**offshore**" and substitute "**adjacent**".

No 2

Clause 3, page 3, line 25 - To delete "offshore" and substitute "adjacent".

No 3

Clause 3, page 4, line 25 - To insert after "1967" the following -

including the provisions of the *Petroleum Act 1936* that, under Division 6 of Part III of the *Petroleum Act 1967*, have effect in relation to the Barrow Island lease and to any renewal thereof;

No 4

Clause 3, page 5, line 3 - To delete "offshore" and substitute "adjacent".

No 5

Clause 3, page 7, line 16 - To delete "**coastal waters**" and substitute "**adjacent area**".

No 6

Clause 8, page 10, line 17 - To delete "coastal waters" and substitute "adjacent area".

No 7

Clause 8, page 10, line 18 - To delete "offshore" and substitute "adjacent".

No 8

Clause 12, page 12, line 4 - To delete "offshore" and substitute "adjacent".

No 9

Clause 16, page 16, after line 8 - To insert the following new subclause -

(3) Nothing in this section prevents a person who is referred to in this section as a contractor from being regarded as a principal when determining who is employed or engaged by that person for the purposes of subsection (1)(c).

No 10

Clause 18, page 18, after line 6 - To insert the following new subclause -

(2) A self-employed person who works at a petroleum site must report to the operator of the site -

(a) a situation at the site that the self-employed person has reason to believe could constitute a hazard to a person and the self-employed person cannot personally correct; or

(b) an injury to, or harm to the health of, a person that arises in the course of, or in connection with, the self-employed person's work and of which the self-employed person is aware.

Penalty: $20 000.

No 11

Clause 25, page 23, line 8 - To insert after "document" the words ", and seize a document".

No 12

Clause 25, page 25, after line 21 - To insert the following new subclause -

(6) If a document is seized under subsection (1)(g), then as soon as practicable -

(a) a receipt is to be issued; and

(b) either the original document is to be returned or a copy of the document is to be given,

to the person from whom the document was seized.

No 13

Clause 29, page 29, after line 4 - To insert the following new subclause -

(3) A person who is the operator of a petroleum site must provide an inspector and a person accompanying the inspector under section 25(3) with accommodation at the site for the duration of the inspector's duties at the site if commercial accommodation is not available.

Penalty: $5 000.

No 14

Clause 39, page 35, line 11 - To delete "offshore" and substitute "adjacent".

No 15

Clause 44, page 38, line 14 - To insert after the word "operator;" the following words -

or;

(iii) when an accident has occurred at the site;

No 16

Clause 53, page 50, after line 13 - To insert the following new subclause -

(3) The regulations may provide for a safety and health representative's employer to pay the fees payable in respect of the representative's attendance at a training course in safety and health approved by the State Petroleum Director.

No 17

Clause 62, page 60, line 21 - To delete "a safety inspector" and substitute "the State Petroleum Director".

No 18

Clause 62, page 61, line 1 - To delete "A safety inspector,".

No 19

Clause 62, page 61, line 2 - To delete the word "must" and substitute the following words -

the State Petroleum Director, where appropriate to do so, is to direct a safety inspector to

No 20

Clause 68, page 65, line 21 - To delete "offshore" and substitute "adjacent".

No 21

Clause 69, page 66, after line 15 - To insert the following paragraph -

(c) where death has occurred as a result of an accident, report the fatality in accordance with the regulations, to the State Secretary of the Trades and Labour Council;

No 22

Clause 74, page 71, line 4 - To delete "coastal waters" and substitute "adjacent area".

No 23

Clause 74, page 71, line 4 - To delete "offshore" and substitute "adjacent".

No 24

Clause 83, page 77, lines 8 to 12 - To delete the lines and substitute the following lines -

83. Proceedings for an offence against this Act may be commenced at any time within 3 years after the offence was committed.

No 25

Clause 90, page 82, line 13 - To delete "coastal waters" and substitute "adjacent area".

No 26

Clause 90, page 82, line 14 - To delete "offshore" and substitute "adjacent".

Mr BARNETT: I move -

That amendments Nos 1 to 26 made by the Council be agreed to.

The Bill has received support from the Government and also the Opposition. It is the view of the Government that not all the amendments made by the Legislative Council are necessary or particularly desirable. However, in the interests of seeing this legislation progressed the Government has no major objection to any of them, and some are clearly supported. The Government is prepared to accept all of those 26 amendments, some of which were moved by the Government and some by the Australian Democrats in the other place, particularly those relating to safety issues.

Mr GRILL: The Opposition has no objection to any of these amendments. In most instances, they are technical amendments brought forward by the Government such as deleting the word "offshore", and inserting the word "adjacent". The rest were moved by the Democrats with some consent from the Labor Party. We were convinced in the other place that some of the amendments moved by the Democrats were worthwhile. Others were of dubious merit, but in the spirit of cooperation we went along with them, which made people happier.

Mr Barnett: I do not have any overwhelming objections to some of the changes in the health and safety area. They seem to be reasonable and we can work within them.

Mr GRILL: The Opposition's view is that, in terms of their spirit, they were probably correct. We doubt whether they are essential, given the nature of other legislation and regulations. At the end of the day we are happy with them.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

LOAN BILL 1999

Second Reading

Resumed from 1 June.

MR OSBORNE (Bunbury) [11.24 am]: I will make a brief contribution to debate on the Loan Bill to raise a few general issues of concern to my electorate of Bunbury. I have attended a couple of functions recently relating to the business community in Bunbury. On both occasions I drew attention to the fact that there has been a remarkable change in Bunbury in the past 10 years. The first of these occasions was the launch of the Bunbury Tourist Bureau's Visitor Guide 1999. This year the Bunbury Tourist Bureau has printed 100 000 copies of this guide. It is designed as an easy marketing tool to provide to members of the public wishing to travel to Bunbury for a holiday and for businesses in the tourist industry in Bunbury to present their products to the marketplace in an effective fashion. The guide was launched at the Art Gallery. The function was attended by 30 or 40 industry representatives.

All of the people at the breakfast were of one view; that 10 years ago Bunbury was something of a laughing stock, which sounds unkind. However, it is true, as far as tourism goes, the situation today is completely transformed. When I first went to Bunbury in 1989 as the regional director of the Tourism Commission, the slogan for the City of Bunbury was, "Bunbury Your Holiday Headquarters". I remember being at a tourist bureau meeting in Busselton - the people there are not polite - at which they said this slogan should be changed to, "Bunbury Your Tourism Hindquarters". We had our responses to that. We said that Bunbury was a tourist service centre, so a visitor from the metropolitan area who came down on the *Australind* or South West Coach Lines and stayed at one of our properties, hired a car and filled it with petrol, had a meal and then went day tripping to Busselton or Margaret River in reality probably spent 75 to 80 per cent of his money that day in Bunbury. We said we did not need to be a pretty tourist town; we were still making lots of money out of the tourism industry. That was one of our answers to this criticism that Bunbury was not a very pretty place. Truth to tell some of the things that were said about Bunbury were hurtful - that it was not very pretty or attractive and was not a popular destination.

Today that has changed. Last year was a landmark. The Bunbury Tourist Bureau and the City of Bunbury became Western Australia's top tourist town. If one had said 10 years ago that could have happened people would have been quite surprised. Even in those days there were some significant tourism properties. I remember particularly the Clifton Beach Motel and Jim and Jan Cassady. They were then, and still are today, tourism operators of national repute. The Lord Forrest Hotel had just been completed and that still is a very fine tourism property and can stand comparison with any hotel in Western Australia or Australia. Generally speaking there was not a lot of tourism activity in the City of Bunbury. Today it is completely different.

The cappuccino strip in Victoria Street has a brace of top-class restaurants. It has a metropolitan feel about it. That cappuccino strip is something wonderful. I have spoken about Marlston Hill before. It used to be the site of the City of Bunbury's sewage treatment works. It was an eyesore. It occupied a terrific location high above the city looking north and west over the inlets and the sea, but it was still the sewage treatment works. Today it has been redeveloped by LandCorp

and the South West Development Commission with the assistance of the City of Bunbury. Last year it won the Urban Development Institute of Australia's award for the top urban redevelopment project in Australia. That indicates how significant that development is. It is also a marker of how remarkably Bunbury has changed in the past 10 years.

On the north shore at the entrance to the city, the sand blown waste with an old caravan park which used to be an eyesore, today is a fine modern caravan park developed by Robin Malatesta and operated by his son Gavan and partner Rodney. Right next door Adrian Fini is constructing a $20m mixed residential and tourism development called Koombana Cove. That has also changed incredibly in the past few years. The other occasion was the opening of Sinclair Knight Merz Pty Ltd, a national firm which consults all over Australia and the Asia Pacific and has been responsible for the Olympic Village and the stadium at Sydney for the Olympic Games. That national engineering and consultancy company decided to set up an office in Bunbury which is a signal to us that our opinion about how great Bunbury is is also shared by agencies or organisations with that type of international repute. It makes us feel good that our opinion is shared by a company that has an opinion that should be valued. Therefore, on those two occasions I have had the pleasurable duty of standing up and speaking about the change that has occurred in Bunbury in the past 10 years.

There are those, of course, on the other side of this House who would claim the credit. It surprised me that a letter was published in the paper last week written by Hon Bob Thomas who is styling himself "Bunbury-based". He is trying to put across an image that he knows something about Bunbury. However, the fact is he knows absolutely nothing about Bunbury. Every time he writes a letter to the paper or speaks, he demonstrates his complete ignorance of Bunbury. In his letter to the paper he referred to the failings of the present Government and what a disgrace the budget was, with which naturally very few people in Bunbury agree. He concludes his letter by saying he knows that readers will treat the Australian Labor Party's delivery of the back beach project because of its excellent record in delivering all of those projects associated with the Bunbury 2000 and Better Cities programs. That is Hon Bob Thomas, who knows nothing about Bunbury and has been in opposition for the past 10 years, claiming credit for the delivery of Better Cities, the Marlston Hill project and Bunbury 2000.

Mr Cunningham: How do you get 10 years out of 1993?

Mr OSBORNE: I beg the member's pardon. He has been out of the scene since 1993 and there he is claiming credit for all the things that have occurred in Bunbury in the past six years. It is totally ridiculous.

In his public newsletters and his letters to the newspaper, Hon Bob Thomas talks about everything the Labor Party did but completely ignores the fact that when the Labor Party went into government in 1983, state debt was about $3.8b and when it was chucked out by the people of Western Australia in 1993, it had grown to $11.2b - 20 per cent of Western Australia's gross state product. In the six years since then, this Government and the people of Western Australia have worked extraordinarily hard to get that 20 per cent figure down to 8 per cent. It amazes me that someone like Hon Bob Thomas can make that type of comment. All the things that we have done since we have been in government have been funded by budgets that have been in balance. The Labor Party borrowed money to fund its capital works program every single financial year that it was in office.

Mr Cunningham: What a whopper!

Mr OSBORNE: It is true.

Mr Cunningham: It is not true.

Mr OSBORNE: It is true. Every year from 1983-84 to 1992-93 when the Labor Party was in government, it borrowed money to fund capital works and increased state debt from $3.8b to $11.2b. That happens to be a historical fact.

Mr Brown: And increased assets by about $20b. Since you have been in power you have sold $4b and replaced the debt by $4b. That is extremely clever financial thinking.

Mr OSBORNE: I want to make a few remarks about that later in my address. The member for Bassendean talks about selling state assets. I have put a proposal to the Minister for Transport which will rely on the sale of the country freight operations of Westrail. That proposal is that we use $50m of the proceeds of that sale to upgrade the *Australind* train service. It is a very good idea but the member for Bassendean's colleague, the member for Armadale, has criticised it. All we will do is exchange one asset for another asset. We will exchange an asset which is of less use for an asset which can be of more use. Everyone does that. Thousands of people who put advertisements every week in the *Sunday Times* Readers Mart do it. They have something in their houses which is of less use to them and they want to exchange it for something which is of greater use.

That is simply what the Government is doing with asset sales. We want to sell AlintaGas and replace it with another outstanding public infrastructure asset, the southern railway. If we can sell the country freight operations of Westrail, one of the benefits for the people of Bunbury will be a $50m upgrade of the *Australind* train service, with the purchase of new cars ahead of the 2005 schedule time and, importantly, the relocation of the Wollaston passenger rail terminal to a place near the centre of town. Everyone in Bunbury believes that upgrading the *Australind* train service and relocating the Wollaston passenger rail terminal represents a very good deal for the people of Bunbury as an outcome of the sale of the country freight operations of Westrail.

The second area I want to remark on is the Regional Forest Agreement. The RFA has been a difficult issue. We all recognised when we began the process of negotiating the RFA that some people at the extremes of the debate would not be happy with the outcome. That has proved to be the case. Some people in the timber industry believe that we have gone too far in satisfying the demands of the environment movement and some people at the other end of the debate in the

environment movement are bitterly disappointed at the outcome. I have taken a strong interest in this debate within our forums. As some members may know, I grew up in a timber town, Denmark, and many of the people I went to school with were the children of timber workers. I claim to have a good knowledge of the timber industry and the important role that industry plays in rural communities, especially in the south west. I respect and understand the commitment of people in the environment movement. However, I still believe strongly that the outcome that the Government has signed has been a balanced one.

Of course we recognise the community's desire to save old growth forests but we must protect the timber industry and the people who rely on that industry in the south west. All of the biodiversity targets that we set for the RFA were met and I believe that we have established the most comprehensive, adequate and representative reserve system in Australia, including the creation of 12 new national parks, and that the great bulk of the population of Western Australia will come to recognise it as being a good outcome. As I said, there are some people at both ends of the debate who will be unhappy about that; in a sense that is unavoidable. Many people are now writing to members on this side of the House urging us to support Hon Christine Sharp's High Conservation Value Forest Protection Bill 1999 which was read in this place yesterday by the member for Churchlands. I place it on record that I will not be supporting that Bill because I believe that the RFA has been signed properly and legally by this Government. It was entitled to do that and it has done that. I believe that the RFA that we have signed off on with the Prime Minister of Australia is a fair deal, particularly for people who live in the south west.

Mr Bloffwitch: While the debate continued on that yesterday, it occurred to me that we are being asked to pass state legislation that will override federal legislation, which is contrary to the normal practice. I do not believe we can do that.

Mr OSBORNE: I agree with that. I also remind the member for Geraldton that it makes it difficult to govern if the Government has to go back to the people and conduct a referendum on just about every issue of importance that comes before it. A Government obviously must be aware of the feelings of the population and must respond. However, on the other side of the equation, a Government, once elected, must be able to get on with the job and have a relatively clear road ahead of it in the four years that it seeks to govern. If we were to submit every decision we made and every agreement we reached for the agreement of both Houses of Parliament, we would be gridlocked and this State would end up going nowhere. The irony of it is that the population is demanding more and more of government, but it is allowing it less and less freedom to do anything about those things.

I will touch on a couple of issues briefly which I raised in the Estimates Committee, which are important in the electorate of Bunbury in the year ahead. In that committee I spoke to the minister representing the Minister for Transport about term network contracts. The member for Mitchell and I have been concerned about those contracts and their application in the south west. I understand this approach represents economies and efficiencies; however, my concern is that businesses in the south west will be squeezed unconscionably by the great size of these contracts and the length of time they would be in place. The south west is different from other regions of Western Australia. It has a well-established road construction industry. My concern is that these contracts are so large and so long that this work will be placed out of the reach of locally established businesses. It will not be good for them or the south west. I admit that the previous situation, in which Main Roads Western Australia managed road construction and maintenance, was relatively inefficient. Although better efficiencies will be achieved, I do not want to see an inefficient but benign Main Roads department contracting to local businesses replaced by a murderous alliance of big city business and unions which will do more damage to the people and the business sector in the south west than the previous environment. I raised these concerns in the Estimates Committee, and the member for Mitchell and I are still seeking a good solution on behalf of our constituents in the south west.

As I was not able to get to the relevant Estimates Committee hearing, the member for Vasse raised on my behalf an issue relating to the Bunbury Entertainment Centre. This issue has gone on for several years - for far too long. The people of Bunbury and the surrounding region raised over $6m to construct the facility. It is very expensive to run and has operating losses every year. These people look enviously at cities like Mandurah, for example, which has had capital injections of over $10m from the State Government. The people of Bunbury are trying to find a way to run the entertainment centre profitably for the benefit of the region. The management committee put up a submission to the State Government for a grant of capital expenditure. We are still working hard, but getting nowhere with the Government on an agreement. The Government says that we need a decent business case, which offers a real likelihood that the entertainment centre will be able to operate more efficiently in the future, and when that is presented, the Government will come back with a capital grant. We all accept the logic of that, but the wheels of Treasury are moving so slowly that something at that entertainment centre may collapse, especially the computer system which is in need of an upgrade, before the Treasury's agreement comes. I am advised by Ross Ranson, the chairman of the entertainment centre, that the computer system is in danger of imminent collapse. It seems that we are facing a situation that a very fine facility could be in danger of closing all for the want of some rapid and effective support from the Government. We have been pursuing the matter for several years. Unfortunately, we appear to be no nearer a solution today than we were several years ago. With those few remarks, I conclude my contribution and thank the House for its attention.

MR BLOFFWITCH (Geraldton) [11.43 am]: I will talk mainly about my electorate. In the 14 years I have been in Geraldton, this would be the hardest economic time Geraldton has had. There were great expectations in the electorate that the Kingstream venture would get off the ground and would generate a population movement to the area and, in turn, give rise to a buoyant housing market, shopping malls and such things. Many people took advantage of that and built new shops, developed new premises and bought new houses as an investment. As we all know, we have been through an Asian economic downturn, and steel is not the flavour of the month it was three or four years ago. There is an economic depression in Geraldton. A normally vibrant little town is suffering because of a lack of confidence with no industry coming to the town.

Because of this, things have started to happen. On Friday I believe an announcement is planned that a southern corridor will be located in the Port of Geraldton. I might add that I have never supported this. If I were the Minister for Transport, the last thing I would do is spend $80m on upgrading a port and moving a railway line all for the sake of making that port perhaps a little more efficient, but not exporting one extra ounce of grain through that facility.

Mr Osborne: Will the port be dredged? Is that part of the proposal?

Mr BLOFFWITCH: There is a proposal to dredge it. A culvert 30 feet deep will go through the hills of Geraldton, separating houses and communities on either side of the road that will go alongside it. There are already three level crossings along the foreshore. They will go, and that is great. The strange thing is this: I have never had one complaint from a constituent about the level crossings or about the wheat trucks that come down the hill and use the Portway to go to the port - not one; however, I get hundreds of complaints about a southern corridor that will effectively divide that part of the city. I admit that the Department of Transport has been very helpful in that it has changed the path of this transport corridor many times. If this was ever to be one, the department has probably picked the best route for it to follow.

I have asked this before: When we are developing an industrial area in Oakajee, why concentrate on doing work in the heart of Geraldton which should be a community base, not an industrial base? We seem to be concentrating more effort on putting this infrastructure in place. Everyone in the town would like to think of Geraldton as a seaside holiday resort. I remember 30 or 40 years ago when Geraldton was a holiday place as depicted in Randolph Stow's *The Merry-Go-Round in the Sea*. People stayed at Point Moore in boarding houses and enjoyed the safer waters of that bay and the excellent seafood that is available in Geraldton. People had lovely holidays. This is my dream, my vision for Geraldton: In four or five years I hope to see a thriving industrial area at Oakajee, with mineral sands, wheat and other products being loaded onto the ships in that harbour instead of in the port of Geraldton.

Mr Trenorden: You will not get that in five years.

Mr BLOFFWITCH: I want to see that start to happen. I believe some wheat will be loaded through there, but not all of it.

Nobody has objected to wheat trucks coming into Geraldton. They have tri-axles and are triple road trains yet unlike Bunbury and other places I never receive complaints. I do not get complaints from residents when we load live sheep, cattle, goats and the like because we accept that is trade; it is a port and we are happy to let it operate. However, we all agree that if we had the chance to move the port 20 kilometres up the coast and regain our little holiday area, we would like to do that. One does not have to be too strange to understand the logic in that. I would like to see that happen and we should concentrate on that. The member for Avon is quite right, it could be 10 or 20 years before all the grain is shipped from Oakajee but that is what planning is all about. Whether it is 10 or 20 years away, we can plan for these things to happen and benefit the community in which we live. We should have that type of plan in place and we should do something about it.

I am very concerned about Geraldton. Spending $80m on changing the road route will add something to the economics of the area, but that is the only saving grace I can see in this whole thing. Shops are closing down in the main street and businesses are barely making enough money. Most of the business owners would be better off on the dole because they are not even earning a reasonable wage. Things are very tough in Geraldton. Hopefully the money to be spent will go some way to injecting enthusiasm into the area.

Mr Trenorden: The thing that always strikes me about Geraldton - and I like Geraldton - is the railway line between the central business district and the water. Won't that go?

Mr BLOFFWITCH: It will go, but the problem is we are taking it from one beachfront and putting it on another. We will be running the railway line up the back beach in Geraldton. It is a plus because at least it is not on the foreshore, but it is not such a plus that it is worth $40m. I would rather wait five or six years and put up with the railway line in the hope that a port is developed at Oakajee. Even if initially only the rail freight were sent to Oakajee, we could get rid of the railway line and still have the trucks coming into Geraldton for loading. That would be a fair compromise. It is something we could do and it makes a lot of sense.

I would like to see improved marketing of the fish products we catch in Geraldton. We catch the best quality fish in the world particularly around the Abrolhos Islands. The catch includes coral trout, jewfish, blue-bone groper, the small groper varieties and pink snapper. Even people who do not like fish appreciate fish of this quality. If it is served properly cooked, people change their minds and decide they like fish, that it is absolutely delightful. I have probably met a dozen people who professed not to like fish and I have served them thinly sliced, pan-fried jewfish and they have said it was beautiful and that they have never tasted fish like that before. We do not market our fish at all well. The way we promote our fish is terrible. When one has the best quality fish in the world, when one has something which is first-class, one should market it. The fish is iced and served up. It is fresh, the meat is sweet, the flavour is beautiful and it is something we could promote and market but we do not. We sell 99 per cent of it on the local market or send it to the eastern States. We do not send any of it overseas.

Mr Marshall: You will not want it fished out.

Mr BLOFFWITCH: I am not talking about fishing it out. Twenty years ago when the crayfishermen were supplying the local market they received 20¢ a cray; people used to pay 10¢ for a cacker in the pub. The Fremantle and Geraldton fishermen's cooperatives had professional management and decided to go overseas. They had an advantage in that during the war the Americans in Western Australia used to buy canned crayfish. They loved it. A market for crayfish tails was discovered in America. They began sending the tails to America and the price rose from two bob a cray to $9 kg. That was an astronomical jump. The disadvantage of it is when I want to buy a cray locally, I have to pay an internationally

competitive price. What does it do to the industry? It puts it into the international market. Instead of living from one day to the next and not earning any money, those fishermen probably have the best boats, the best fleets, the best electronics and the best methods of catching crayfish of anyone in the world. I have been overseas and seen the old lugger-type crayfish boats and compared them to the boats with twin super cat motors in Geraldton which are each worth at least $1m. That is an example of what one can do if one can market a product internationally and get a reasonable price for it and that is exactly what we should be doing with fish. Why do we not do it? We do not do it because the wetliners are individuals and they have never tried to get together and market the fish.

Mr Osborne: That is socialism.

Mr BLOFFWITCH: It is not socialism, it is "cooperatism".

Mr Osborne: That is socialism.

Mr BLOFFWITCH: The member for Bunbury may think it is socialism but I tend to think of it as little businesses getting together and trying to market something which as individuals they could not market on their own. Many examples have been given. Why did the farmers form Wesfarmers? They did so because they thought they were being screwed when they bought fertilizer, equipment and fencing as they did not have the purchasing power to buy 500 or 10 000 units. By joining another 500 farmers the group had the ability to do that. It had the ability to purchase in bulk and enjoy the benefits of bulk buying. I would like to see the wetliners do that. I would like to see them get together and form themselves into a cooperative from one end of the coast to the other.

Let us see them employ a marketing person who can show them how best to pack their product and how best to market that product. When I see what is paid for premium fish overseas, we would be getting $40 or $50 a kilogram for this type of fish. I say again: The best fish in the world are off the Western Australian coast. When members taste the quality of the fish, they will know that what I have said is true. When visitors from overseas taste the seafood, they cannot believe how sweet it is. It is the difference between buying a frozen crayfish, thawing it and eating it and catching one, cooking it the minute it is caught and serving it. The sweetness in that meat can never be tasted in the frozen product. We have the opportunity to do that with our wetliners, octopus, sea urchins and even the blue manna crab which is probably the nicest seafood of all. The meat in the blue manna crab beats anything hands down.

Mr Marshall: Are we going to export them?

Mr BLOFFWITCH: We should export them. If members have ever tried to freeze a blue manna crab, they will know that it is terrible. It would be a marketing bonanza if we could extract the meat and sell just the fresh crab meat, as is being done in Mandurah. We must do that with our blue manna crab. Of all the seafoods, nothing is sweeter than the meat from a blue manna crab. I have eaten deep sea crab and mud crab, but neither has the flavour of the blue manna crab. Fishermen in places such as Shark Bay and Kalbarri catch an enormous amount of quality blue manna crabs. They are distributed not only to the west coast, but also to Sydney and other Australian markets. That is what we are doing wrong. Somehow we must get these crabs into the international markets. The mud crab sold at Newton Circus in Singapore is nice. However, blue manna crab meat cooked in a wok with vegetables is the best meal in the world.

Mr Osborne: It would be a bit sad for the crab.

Mr BLOFFWITCH: It would be a bit sad for the crab, but it is a bit sad for any fish or other things that we catch. I am not thinking of the sadness; I am thinking of marketing products properly that are presently marketed poorly. We do not do the job at all well; we do not allow these people to push their products and wares. It is foolish for us to think that a fisherman will do that, or that an individual farmer will do that. Many youngsters are doing marketing courses at university and are very skilled in dealing with these matters. Many people are very familiar with the Internet and can establish contacts in other places. By marketing these products properly, we would raise not only the standard and the acceptance of our products overseas, but also the lifestyles of wetliner fishermen and crab fishermen who now only produce for a domestic market. We must get these people into marketing internationally. They may find that the demand for those products is equal to crayfish; that is, because the meat is so good, people will want it overseas and we will pay international prices for it. That needs to happen so that these people have a higher standard of living and their expertise is improved. The major problem for wetliners today is surviving and having enough money to buy boats. They do not have the colour sounders and the global position systems that crayfishermen have, because crayfishermen earn about $500 000 a year and the wetliners earn about $60 000 a year. One party markets his product overseas and the other does not; yet both are as good as each other and should achieve the same things. I would like to see something like that developed. I will be talking to the wetliners, but unless it is initiated by them, it is very difficult to talk anyone into doing anything. They must see a need for this before it will happen. I hope they see a need; I hope they see the many benefits. I will give them every assistance to help it happen - and it will happen.

By the end of this year we might see the development of the marina in Geraldton that we have been trying to develop for the past 13 years. I have been told that, by the end of the year, the block for the hotel, the retail sites and the various other housing sites will be sold. We had a bit of a problem with our marina in that the concept originally designed 12 years ago was thought to be a little out of date four or five years ago, and not within modern thinking of what we should be doing. Consequently, another $4m was required to change the powerlines, the sewerage and the pipes. It sounds like a nightmare, but, fortunately, the Government allowed us to do it. That means that it has taken us 13 years to get something up and working, when it should have taken us three years. At the end of this year, a museum will be built on that site, a hotel will be contracted to be built and retail sites will be established within the marina. The new concept is better. It will integrate with the city a lot easier. The roads will run from the city centre, along the beachfront and into the new marina. Once the grass and garden areas go in, it will be an attraction that people will enjoy.

I am also pleased to see that most of the factories in Geraldton which have live crayfish in their tanks and which do the processing now allow visitors to Geraldton to tour those factories. It is fascinating to take a visitor into those places. There are about 6 000 crayfish in tanks under a big shed, with their feelers in the air. Water is pumped from the ocean side, through these tanks, and then it is pumped out into the harbour side; consequently, these crayfish have constant fresh seawater. This has developed another excellent market - a live market. If they have an order for lives, they put the crayfish into very cold water which slows them down dramatically and they do not move. They are then taken out, packed in sawdust with a block of dry ice to keep in the cold and the container is sealed. The crayfish can stay in this container for three days, and it can be sent to all parts of the world; for example, it can travel to Paris. The restauranteur can take the crayfish out of its container and put it into a tank where in two minutes it will be moving. This process for live crayfish enables us to sell millions of them to the world. When people form themselves into a cooperative and look at marketing well, they can achieve these things.

That potential exists for our blue manna crabs and for our wetline fish, such as coral trout, jewfish, blue-bone groper and snapper. If members have eaten those fish fresh, they will know they are absolutely superb. With the type of ice packing and chilling that now exist, their freshness can be preserved and we can export those fish all over the world. I hope that people will be able to do this and it will be successful. I will be promoting this in our area. I hope that people will get themselves together and get organised. It may be worthwhile talking to someone with a marketing degree but no job to try to get that person to act as a catalyst to get the marketing going and to give people an opportunity. I will be asking my fishing colleagues to support it. By doing that, maybe we can lift Geraldton out of the doldrums it is in at the moment.

I believe Geraldton has enormous potential. It is a lovely place to live. For the first four years I lived there I did not need a heater. When I came to Perth I certainly needed a heater. That shows the type of Mediterranean climate Geraldton enjoys. When people ask me on which equivalent part of the east coast Geraldton would be situated, I say Coffs Harbour. If we take the latitude from one point to another, we end up at Coffs Harbour. Coffs Harbour has a lovely climate too. Geraldton and its adjacent area have much to offer. There is a temporary hiccup at the moment but anyone who lives in the area knows that one can go down and sit on the jetty, get oneself a snapper and take it home and eat it. It is not a bad place to live. During the summer people can get up at 5.30 am, spend 20 minutes fishing and take home and cook a crayfish. A quality of life like that is very hard to give up. I do not want to be anywhere else. I am tickled pink with what we have there. All I want to do is try to instil a little more confidence into the business community which is suffering very badly in Geraldton.

MR PENDAL (South Perth) [12.15 pm]: I support the Bill. I will use this occasion to dwell for a few minutes on a topic that demands a fair bit of attention; that is, the heroin scourge in Western Australia and Australia. Members might recall that some time ago I sought to move an amendment to the sentencing laws, which were then being debated. In that amendment it was suggested we write into those laws a sentencing option that would effectively suspend the operation of a sentence on condition that the person appearing before the magistrate, if it were a heroin-related offence, agreed to go onto a detox program. A number of people at the time, including the Leader of the House, agreed with the principle and said that the Government intended to move forward down that path. That was used as a reason for defeating that amendment. I regret that six months later that matter has still not been advanced. I regret that, because lives might have been saved in that six-month period, given that we are losing somewhere in the region of 80 people a year to heroin-related deaths. I do not want to use the occasion only to bemoan the fact that was not done, but rather to put forward a couple of suggestions based on some reading and some of my experiences during that six-month intervening period.

I was surprised to learn that a little over 80 per cent of all of the heroin that comes into the Australian market, mainly through Sydney, originates from points in South East Asia. That set me thinking as to whether that puts Western Australia and Australia in a very sensitive, key position to take a leading role in trying to dry up some or all of that inflow into Australia from South East Asia. Why would one make that connection? It comes as no surprise that Australia and in particular Western Australia are major suppliers of minerals and raw materials to South East Asia. In the field of international trade one uses all of the bargaining chips at one's disposal. One of the bargaining chips that Western Australia and Australia have at their disposal is to integrate with our trade and resources export policies, the notion that we seek to enlist the cooperation of those key countries in South East Asia while we negotiate those resource contracts, some capacity which would help those Governments of South East Asia to limit that inflow of heroin. For example, in 1997-98 Australia exported $17.5b-worth of goods to Japan of which Western Australia's share was approximately $5.3b or 30 per cent; in other words, we have enormous clout in that part of South East Asia because of our trade.

In the same year Australia exported $3.6b-worth of goods to China, of which Western Australia supplied about $1.2b. Put another way, Western Australia provides just over 33 per cent of Australia's export trade into China. Korea is another of our important trading partners. In 1996-97 Australia exported approximately $7.1b-worth of goods of which Western Australia provided the lion's share, about $2.4b or 34 per cent. Members would be aware that we generate enormous trade with places like Indonesia, Taiwan and other important centres in South East Asia. Perhaps in the absence of everything else and because of the apparent failure of the orthodox strategies aimed at limiting the supply of heroin on the streets of Australia, we need to widen the approach we have taken in the past and enlist the support of those countries which effectively provide us with 80 per cent of the heroin entering Australia. Perhaps the time has come to say to those people in the course of our trade negotiations that we indeed welcome, rely upon and have enormous regard for those trade dealings.

We want their trade, but not their drugs. This State signs a number of friendship treaties; indeed, the Speaker of this House signed such a treaty not long ago with his counterpart from another country. We sign trade treaties as a nation, and we sign memoranda of understanding as a State with other parts of the world. On the occasion that we sign documents of that nature with countries in South East Asia, from which we tragically import huge amounts of heroin, we should use our clout to limit the amount of heroin coming into Australia. It is all about surveillance and detection. Sometimes we concentrate on the wrong end of the equation.

I took an interest in an area some time ago; namely, I advocated giving the courts the option to offer suspended sentences for people prepared to undertake detoxification programs. Other options should also be considered. We should factor into the negotiations which occur at Premier and ministerial level with South East Asia agenda items to seek agreement and cooperation on greater surveillance and law enforcement in the anti-drug war.

Another part of the multi-faceted campaign revolves around the question of heroin trials. I do not support, at least at the moment, the introduction of any heroin trials. They must be an absolute last resort. Before we move to heroin trials, we must explore every other possible opportunity. People talk a great deal, even today, about the efficacy of the Swiss heroin trials; however, those trials, as reported mainly through the Australian media, have little to commend them. It is significant, for example, that the World Health Organisation has so far refused point blank to give those so-called trials any endorsement. Plenty of evidence casts doubt on the status of those trials, as they lack any medical practice and scientific methodology. We raise a false hope when talking about the apparent success of the Swiss heroin trials.

An international concern about the so-called Swiss heroin trials is that they are conducted in a relatively affluent society backed up by sophisticated health and social service facilities - the very services found in Australia. Many people, certainly in our region, look to Australia as a model in handling social and medical problems. It would follow, as night follows day, if Australia adopted those so-called trials, that people in our region - that is, those without the affluence and the social and medical backup available here - will be prompted to undertake trials following Australia's lead. They would operate in those countries without their having the capacity to deal with associated medical consequences. We must be careful about embracing the trials in Australia and the example we might set for less affluent nations around us.

I request that the Government reconsider my December 1998 amendment, which the Government praised but did not support when moved. This would allow courts to suspend sentences in the manner I outlined.

It would appropriate for the Premier to make a ministerial statement to this House on the so-called success rate of the Swiss heroin trials, and to touch on some of the issues on which I focus today. I wonder whether we put far too much police attention on the heroin users as distinct from the heroin traffickers.

Mr Osborne: Hear, hear!

Dr Turnbull: Hear, hear!

Mr PENDAL: I am pleased that members agree with my comment. The figures are alarming: In 1996-97, some 4 900 heroin users and some 2 100 heroin traffickers were arrested in Australia. That is an approximate ratio of two to one with a bias against the users. That raises real doubts about whether the police in both the state and federal arenas have their act together in that regard. In the order of 17 000 people in Western Australia regularly use heroin. It is difficult to know the accuracy of that figure. It is a minimum of 17 000, and a maximum of 34 000 users, as the figure is alleged to be between 1 and 2 per cent of the population. I cannot believe that most of those people are willingly locking themselves into that mode of behaviour. I am sure most would be making cries for help almost daily, and probably through medical practitioners. It is not too much to expect that we might enlist the intellectual capacity of people at the coalface to determine what we should do to attack the scourge of heroin.

Mr Osborne: Your comments about traffickers are very good. I would extend it further: I cannot understand how a superpower like the United States can send an Exocet missile into Iraq, or cooperate in the bloody bombing of a place like Kosovo, yet it cannot wipeout heroin fields on the Afghanistan-Pakistan border and in the golden triangle.

Mr PENDAL: I could not agree more with the member. I saw on television recently one of the bombing raids in Yugoslavia, where the sophistication of the equipment - notwithstanding the mistakes made - allows them to identify from an aircraft at 12 000 to 15 000 feet an area the size of a shoe box. I agree with the member: If we have the capacity to detect something from that range, we certainly have the capacity - although probably not the will - to not only identify but also "take out" the offending heroin trade.

I do no more than bring these matters to the attention of the House. I make a request to the Premier and the Minister for Resources Development, both of whom spend a lot of time in South East Asia and rely very much for our economic growth on the trade we conduct with the 10 or so South East Asian countries, and from which we import 80 per cent of our heroin.

I cannot believe that people of that status - the Premier of Western Australia, the minister and other ministers who travel and deal with those countries, whether it is in the private and the public sectors - cannot bring pressure to bear along the lines that I have suggested. In the meantime, I will continue to push for that which I pushed for in December of last year. I support the Bill.

DR TURNBULL (Collie) [12.30 pm]: Usually when I speak on the Loan Bill debate, I address a wide range of issues that provides an overview of progress in my electorate. Today, I will describe only two projects in my electorate and focus on the great need in the country areas of Western Australia for an increase in the number of well-trained health professionals.

Tomorrow, in Collie and in Burekup, two magnificent projects will be opened. The first is the opening of the new River Valley Primary School in Burekup. This is a wonderful little school for about 120 children, but it will accommodate 150 children. The River Valley Primary School is a combination of Burekup Primary School and Roelands Primary School, which are about three kilometres apart and divided by the Collie River. Of course, the member for Murray-Wellington and I had an important part to play in the coming together of these two communities. Their story is a story of grassroots community development in which the people had to sacrifice their two and three-roomed schools to allow the construction of a new school. The parents and members of both communities are to be congratulated for their vision and commitment to the higher quality education of their children.

I now turn to the opening of the new Collie power station. This is a fantastic achievement. The power station is the biggest infrastructure project in the south west. It has involved a massive restructuring of the work force of the Collie mining and power generation industries. This has all taken place in the past five years of our coalition Government. The history of dirty tricks, broken promises, political intrigue, changes in the size of the power station, was very loudly and hotly debated in this Chamber last night. A former Minister for Energy from the United Kingdom once told me that the greatest political achievement of any member of Parliament anywhere in the world is to have a new power station constructed in his or her electorate. Having worked for the past 14 years to have this power station constructed, I understand and endorse his statement. As I said last night, we wanted a 600 megawatt power station in Collie to deliver the low cost electricity through the economies of scale that would prove the superiority of coal as a cost-effective energy producer. However, we got a 300 MW power station which is the first stage in a 600 MW project. This first stage is welcomed by the people of Collie. The Labor Party's comments on the power station are totally irrelevant as its lack of commitment during its last months in Government in 1993 would have resulted in no coal-fired power station and therefore no megawatts. All this aside, the opening tomorrow will be a great celebration for the businesses and the people of Collie, and it will mark the beginning of the future for the Collie coalfields and the Collie power generation industry.

I will now address the need for more health professionals in regional Western Australia. People who live in the rural towns, on farms and in the mine sites of Western Australia deserve access to well-trained health professionals who can provide a health service equal to that available in Perth. Country areas need primary and secondary health services. Regional towns deserve certain tertiary health services. As a National Party member, I join with my National Party colleagues in calling for the development of attraction and retention policies to ensure that we have quality health professionals in our regional and rural areas, and we will be working to develop effective strategies which will promote an appropriate, adequate and sustainable supply and distribution of nurses, doctor and health professionals to service our areas. As I have often said in this House, the medical work force issues are among the most complicated and difficult health policy challenges that we must resolve as a Government. This is the true for three reasons: Firstly, attraction and retention of nurses, doctors and allied health workers is a very difficult process in country areas; secondly, we must encourage students to pursue a career in the health area, and then encourage those students to work in the rural and regional areas; thirdly, many country areas have very unsatisfactory conditions for health professionals to live and work in. Along with these unsatisfactory conditions, of course, there is a great variation in the distribution of adequate services in the country areas.

I will canvass some of the issues with which we must deal. The health professionals who work in country areas work longer hours; they must be available after hours and on weekends; they must have very extensive medical skills; they must be multiskilled; they must be able to cope with episodes which are totally unknown to them, for which they have not even had any training; and they must show a very great commitment to their jobs and to the locality in which they are working. The people who live in the community want their health professionals, their nurses and doctors and allied health people, to show that strong commitment. They must possess a much greater commitment to their work than they would if they lived and worked in urban areas. The other day I met a young man who recently started work in the cardiac area at the Sir Charles Gairdner Hospital. I told him that he is exactly the sort of person we want to work in the country areas, because he had lived in Collie for a few years. He told me that he would like to go back to the country because he loved living in Collie, but he was interested in lifestyle. He said he wanted to be able to knock off when he finished his shift, go home to his family and then go out and enjoy himself.

Mr Osborne interjected.

Dr TURNBULL: He has done a bit of training in Bunbury, but he did not think even Bunbury was good enough. I tried to convince him to return, and I will invite him back to Collie to visit. Many people, particularly those from the metropolitan area, do not want to go to the country and make that commitment. People who go out to the country to work as doctors, nurses and allied health providers must make an enormous commitment. They will work in small communities and will be isolated, not only physically but also from their peers. That is why we must find unique solutions to these problems of attracting people into the country, people who have an empathy with the country.

In recent years the perception has been that both the Commonwealth and State Governments have failed country people in providing health services. Some of these perceptions are endorsed by the steady decline in the number of regional and rural health professionals. I heard an astounding comment the other day that 50 per cent of doctors throughout regional and rural Australia have an average age of more than 53 years, and the average age of nurses is over 50 years. Unique policies are needed to address these issues.

We also have the problem of health professionals in regional and rural areas getting access to adequate training and career advancement. In designing policies to address these problems the Government cannot just look at quick-fix issues; it must design special, new and unique policies which address these areas. As a National Party member I see that we need adequate financial resources. An important part of the solution is to direct state and federal government funds to provide highly trained and adequate numbers of health professionals in the country. .

We can continue the initiative that was announced recently by the Health Minister for overseas doctors to work in Western Australia. I do not see that as a long-term solution, but it is a short-term solution. We must increase the Medicare rebate for many procedures that rural and regional doctors perform. I know many people say this is not possible, but I believe it is. We also must ensure that more specialist services come to the country. If necessary we must fund them. In Esperance, specialist services were cut out because there was not enough funding. This is ludicrous. What will happen to the people there who need specialist services? Will we put them on planes and send them to Kalgoorlie or Perth? Of course we will not. We must provide funding for specialists to visit regional areas.

We need greater access to female doctors. In the city women can quite easily visit female doctors if they want to. They can get on a bus or into a car and visit a female doctor. However, in country areas women must take special trips to the city just to have a pap smear or breast examination by a female doctor. We must devise a system in which female doctors regularly visit country areas. Unfortunately, if that occurred the female doctors would be taking work away from the local practitioner. Therefore, the local practitioner must be eligible for a special payment that recognises his role in organising visits by specialists and undertaking the preliminary visits with patients before they meet the specialists or the female doctor.

The Centre for Rural and Regional Medicine in Western Australia must be supported with increased funding from both federal and state budgets.

I turn to the issue of nurses and adequate training for nurses. At the moment we have a problem attracting and retaining nurses in country areas, particularly in smaller country towns. In the current enterprise bargaining agreement negotiations some nurses have said they are more interested in time off than in an increase in their wages or salaries. They want flexible time off to suit their families and their training requirements. The Government must consider that and find some way to work it out. Most nurses do not mind whether it is done through a system of accrued days off or a flexible working and rostering system. The nurses want the outcome, which is the time off when they need it.

We must consider nurse practitioners who work in remote areas. We must recognise their training and skills. They need payments which reflect those skills. They need state legislation which supports them when they prescribe or perform a procedure which is outside the current range of a nurse's job description. Nurse practitioners are becoming a very important part of health services in the smaller towns and areas of Western Australia. Nurses who have worked for the Silver Chain Nursing Association are highly skilled. Those nurses could fit easily under the classification of nurse practitioner. They are multiskilled nurses who have taken on enormous responsibility in delivering health services in country areas.

We must also pay attention to the requirements of training those nurses. A regional training program for nurses is a good idea. However, we must also continue with the development of the telehealth communications system. Telehealth will provide a different service that these nurses can use in their training process. An announcement was made at the beginning of this week that the Federal Government will supply $8m towards the telehealth system in Western Australia, and the State Government will match that with $8.5m. A member opposite has criticised this program by saying that the money will go into infrastructure. The money will go into providing the equipment which is necessary for telehealth. We cannot have a telehealth program which does not have the equipment needed to deliver that service. Therefore some of the money must be spent on the equipment that is needed. Many of the people who will use the telehealth program currently use the highest of all technology to have interaction with their colleagues.

[Leave granted for speech to be continued.]

Debate thus adjourned.

DE FACTO LEGISLATION

Statement by Member for Perth

MS WARNOCK (Perth) [12.50 pm]: It is disappointing to note that the Government has once again backed away from introducing de facto legislation in Western Australia. This puts us well behind Victoria and South Australia, and particularly New South Wales in which such legislation was introduced in 1984 and has just been amended with the support of conservative politicians to include gay and lesbian couples. It makes sense, when people have been living together as a stable couple for some time, that they should have the same rights to inheritance, to property division, to compensation, to guardianship, to visit hospitals as the next of kin, to superannuation, to a say in organ donation and all those matters that are part of everyday life.

Like everyone in this place, I am in favour of long and stable relationships. They are a blessing as well as being an important part of society's fabric and to the maintenance of community. Like many in this place, I can see the injustice to people who have enjoyed such a relationship but who are not married or who have a longstanding same sex relationship, not having the same legal rights in our community. I believe that they should have those same legal rights. I believe it would be socially responsible to give longstanding de facto couples the same rights as others. The legislation needs to be introduced for the sake of equity and justice and I urge the Government to take its courage in both hands and do it.

COMMONWEALTH BANK

Statement by Member for Murray-Wellington

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [12.51 pm]: In this day and age of attacking banks I pay tribute to the Commonwealth Bank for something that happened recently to some constituents in my electorate. I will not name them but a young couple came to see me a couple of weeks ago. They had advertised a motor vehicle for sale as they wanted to sell it to buy a lower priced vehicle because they were building a new house and needed the money to put towards building that house. Somebody came along, said he would buy the vehicle and wrote a cheque for $21 000. The couple told that person that they would not release the vehicle until the cheque had been cleared by the bank. They took the cheque to the bank the next day and paid $15 to have the clearance of the cheque expedited. The short story is that the cheque eventually bounced. The Commonwealth Bank, after investigations, repaid the money to the couple as it had been taken away from them at one stage. The person who bought the vehicle did not exist. As well as paying them the money, the Commonwealth Bank also gave them $500 for the inconvenience that they had been caused during that time. Good on the Commonwealth Bank for what id did.

LOCAL MANUFACTURER

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [12.53 pm]: I am disappointed in the City of Perth for its failure to support a local manufacturer in the Rockingham area. In March the City of Perth put out a tender for an interactive water feature in Forrest Place which involved the construction of a floating stone sphere. These floating stone spheres rest on a bed of flowing water which turns them around. They are a very interesting, fascinating and attractive feature and are growing in popularity. The one place where they are manufactured in Australia is in Rockingham by Trans World Precious Stones whose director is Mr Fred Ahlhauser. I have visited his factory in Rockingham. The process involves the highly specialised grinding of Western Australian granite by local employees. Trans World Precious Stones has secured contracts in Western Australia before and members can view their extremely good artwork at the Waikiki Village Shopping Centre, Whitford City Shopping Centre, further afield at the Science and Technology Centre in Canberra and in a private garden in Safety Bay. Two of the tenderers for the City of Perth contract tendered with a Trans World product. One tenderer provided a German product and the council has decided to proceed with the German tender which costs in the vicinity of $134 000 to $143 000. The local tenderers, providing a local product, were in the same price range as that tender. It is my view that the City of Perth should reconsider this decision and go with a local product in a highly specialised field that would be great for local manufacturers.

NEEDLE AND SYRINGE EXCHANGE PROGRAMS

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.55 pm]: A growing body of scientific research indicates that needle exchange programs are not only failing to live up to the expectations of the so-called free thinking drug law reformers but also are making matters worse. The needle and syringe exchange programs have been progressively introduced throughout Australia since 1985 and were essentially a major component of the so-called harm minimisation model ostensibly aimed at minimising the spread of HIV, AIDS and other blood-borne viruses among injecting drug users and also the broader community. However, the reality of such programs is that this is not the case. Hepatitis C infections have increased dramatically in the broader community with 70 per cent of all IDUs being so infected. The overwhelming majority of needles and syringes provided under these programs are not exchanged for used needles and syringes at all, nor are they properly disposed of. These programs have actually fostered the development of a larger population of IDUs and prolonged the drug use of IDUs. Needle and syringe exchange programs and these outlets have acted as honey pots for drug dealers who can then target their street corner markets.

In view of these concerns, I believe that it is now timely to review these programs to determine their cost effectiveness by a variety of measures with such a review being conducted by an independent research body with no vested interest in such programs.

MR JOHN WRIGHT, CONDOLENCE

Statement by Member for Armadale

MS MacTIERNAN (Armadale) [12.57 pm]: I want to mark the passing of Mr John Wright of Armadale late last month. John died in his home just shy of his ninetieth birthday doing what he loved most; that is developing his learning and understanding of the labour movement, reading the biography of Kim Beazley. John was a true working class hero, a man of great intellect, learning and compassion. It has never been more truly said of anyone that he was one of nature's gentlemen. John was born in the north of England in 1909 into a very poor working class family. He joined the British Labour Party at the age of 19 years. By the age of 22 he was secretary of his constituency branch. By day he worked long hours in the gruelling conditions of the rope walk at a hemp factory. By night he organised workers into unions, first in his own factory and later at the nearby slate quarry. Between 1931 and 1940 he also devoted much of his time to developing the Labor Party in the difficult conditions of the depression. He travelled widely on behalf of the labour movement. A series of serious industrial accidents, including industrial asthma, forced him out of manual labour into the civil service where he continued his work. When he retired in 1974 his extraordinary work was recognised with a life membership of the Civil Service Association of WA. However, his compassion and commitment was not limited to the public arena. He was an absolutely wonderful husband to Olwyn, a fabulous father to Bill and a de facto father to many young boys who had lost their fathers during the Second World War.

MANDURAH SENIOR CAMPUS AND HALLS HEAD MIDDLE SCHOOL PROJECTS

Statement by Member for Mandurah

MR NICHOLLS (Mandurah) [12.58 pm]: I would like to make a number of comments about a major asset to the Mandurah area that was launched last Friday. The Mandurah Senior Campus and the Halls Head Middle School projects are both state of the art facilities. They will provide educational opportunities for young people in the Mandurah area and I believe will also provide a great opportunity for this State to look at alternative ways to provide schooling and educational facilities for young people. The Mandurah area historically has had a small representation of young people going through to tertiary education. I believe these facilities will change that. The expansion of the technical and further education facility is also a major asset. I commend the Government, particularly two ministers, the Deputy Premier Colin Barnett and Graham Kierath, Minister for Employment and Training, for not only agreeing to and cooperating in the development of this area but also joining forces to ensure that the facility provided there is the best on offer.

I recall standing in Mandurah when the first TAFE facility was opened a little more than 10 years ago. It was a small annexe with a couple of rooms and very limited services. This year stage two of the TAFE facility in Mandurah has been constructed, which is a fantastic facility. It is a credit not only to those involved but also to the local people who have campaigned tirelessly to see it happen.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

RAIL FREIGHT SYSTEM BILL 1999

Second Reading

MR COWAN (Merredin - Deputy Premier) [2.37 pm]: I move -

That the Bill be now read a second time.

As part of the ongoing reform of the land transport sector, the Government has decided to sell Westrail's freight business and lease the freight railway. There will be a number of benefits to the State arising from this decision. We will introduce to the State an efficient, innovative specialist private rail operator committed to the sustainability of rail transport in a competitive market and willing to make the necessary investments to improve rail's market share. We believe that, as has happened elsewhere, the sale of Westrail's freight business will give a renewed stimulus for increased rail freight tonnages, better services, decreased freight rates and increased investment in rail infrastructure and rolling stock.

The wider community will also benefit from the introduction of such an operator. A significant amount of freight traffic has been captured from rail by our highly competitive road industry since the deregulation of the freight transport industry. While this may have meant lower freight rates, there have been community costs associated with this trend - the environmental costs of greater fuel use and the resultant pollution, higher road maintenance costs, and the social costs of road congestion and road crashes.

The freight market, including bulk freight such as minerals, grain and woodchips currently forming the core of Westrail's freight business, is growing strongly in Western Australia. Some individual bulk freight tasks are likely to double in volume over the next decade or less. It is crucial that rail be able to capture as much of this growth as possible to avoid a massive increase in heavy truck traffic. It is in the best interests of the community that we position rail as well as we possibly can to achieve this.

In addition, a more competitive and customer-focused rail freight sector has the potential to capture or recapture freight from road transport, including types of freight not currently carried by rail in this State. The short haul rail specialists which have been active in recent rail privatisations have already demonstrated their ability to do this; for example, in Tasmania, South Australia, New Zealand and the United Kingdom. In some cases, commodities that have been carried by road for many years are now being transported on rail by these operators. There are significant and long-term environmental and social benefits to be obtained by such a transfer.

The Government's decision not to sell the rail corridor and track will ensure that these strategic state assets remain in public ownership and allow the State to maintain ultimate control over track standard and capacity and service continuity, to the extent of being able to intervene to ensure continuation of services in the public interest if necessary. The new operator will have an agreement which allows it to use the corridor land for railway purposes only, and the corridor will also be available to the railway operator and others for non-railway uses provided such uses do not interfere with the safe and efficient operation of the railway.

The Government's decision to lease the track and corridor to the purchaser of the freight business to permit a vertically integrated operation will allow for -

maximum economies of scope and scale;

maximum responsiveness to customers' needs and new opportunities;

integrated above and below rail investment;

capital investment in the infrastructure greater than government can provide; and

minimisation of costs on low volume routes.

While I know that some people have been pressing for vertical separation of Westrail into a track owner and a train operator, the clear advice to the Government is that this would lead to a loss of efficiency, to the detriment of users, the economy and ultimately the State as a whole. As the Productivity Commission concluded in its recent draft report entitled "Inquiry into Progress in Rail Reform", "vertical separation is unlikely to deliver any significant competitive gains for low volume regional railways" and, "far from improving the performance of low volume regional railways, vertical separation may actually impair it." By any objective measure, most of Westrail's freight network is a low volume regional railway.

Nevertheless, the Government is strongly in favour of on-rail competition where this will benefit the public and the consumer. That is why the new railway operator will be required to allow other rail service providers to have access to the railway within the framework of the State's rail access regime. This regime ensures third party access to the railway network on fair and reasonable conditions so that, where a market is suitable for competition, competition can occur. The National Competition Council is currently evaluating the State's access regime for certification as an effective regime under the Trade Practices Act.

In addition to the benefits I have just outlined, the proceeds from the sale will provide the opportunity to retire a significant amount of state debt, and reinvest in vital state social and economic infrastructure. However, it must be emphasised that the decision to sell Westrail's freight business is not just about money. While obviously the Government wants to obtain the best and fairest price for such an important state asset, this consideration is secondary to ensuring that the long-term best interests of the state's industries and communities are served. That is why there has been extensive consultation with affected parties, as a result of which a number of conditions will attach to the sale which relate to continuity of service, completion of existing upgrade commitments, third party access to the track, protection of existing contracts and fair treatment of transferring staff.

In respect of staff, the Government intends to finalise a transfer and employment package as soon as possible to be offered to staff. The package will form part of the conditions of the sale of the business. This will enable staff to make career decisions in an environment of certainty well before the sale actually takes place.

This Bill will provide the legislative authority for the Government to sell Westrail's freight business and the associated assets other than the freight railway corridor. To achieve this, the Bill provides for -

establishing a rail corridor minister to exercise powers on behalf of the State in respect of the freight railway corridor, including the power to dispose of interests and rights of use no greater than leasehold;

conferring powers on the minister and Westrail to dispose of the rail freight business;

removing the freight railway from the control of the Government Railways Act 1904, designating it as "corridor land" or "land other than corridor land" and placing it under the control of the rail corridor minister;

cancelling the designation of corridor land if the agreement permitting its use is terminated, and providing for the land to be redesignated as a government railway in such a case;

placing the rail corridor on an equal footing to a road corridor in respect of exemption from state land taxes and local government rates; and

extending the application of the state rail access regime to a private operator of the Westrail network, and amending the Government Railways (Access) Act 1998 accordingly.

This Bill is a necessary step in the Government's ongoing reform of the land transport sector and will ensure that rail in this State continues to be a viable and efficient alternative to other modes of transport for many transport tasks.

It is important to note the background to the Government's decision. The Western Australian Government Railways Commission, trading as Westrail, was established in 1904 to operate railways and rail services to ensure regional areas and industries were served with transport services in the days when roads were few and road transport services inadequate. Government had to provide the rail services as the private sector in this country had limited ability to do so, even though some of the railways were initially established by private investors. For many years, railway freight services survived through public subsidies and through cross-subsidies between users, because, for various reasons, many of the services were not commercially sustainable. Regulation protected the railways from competition from the increasingly efficient road freight transport industry until the deregulation of freight transport, which commenced in the 1980s and was completed in 1995. However, such protection, combined with a relative abundance of government financial support for commercially unsustainable services, meant that there was no incentive to improve efficiencies or introduce innovations or services in response to customers' needs. The result was an inefficient government monopoly charging comparatively high freight rates for notoriously poor service, despite being subsidised heavily by the taxpayers.

A trend that began in the 1980s, and accelerated through the 1990s, was to progressively expose the railways to competition, forcing them to behave commercially, increase productivity and eliminate, or at least minimise, inefficiencies. This was driven both by the demands of consumers, who were no longer prepared to accept the damage to their own competitiveness imposed by high freight rates and poor service, and by the increased competing demands on, and diminishing availability of, government funds to continue subsidising the railways at such high levels.

Westrail responded well to these changes in its environment, emerging from an undeniably tough reform process to become a leader in its field acknowledged as the most efficient government-owned railway in Australia. Westrail's freight business no longer relies on government subsidies and now delivers a respectable profit. This remarkable result is to the credit of staff at all levels within Westrail, who have been dedicated to improving Westrail's performance in an increasingly demanding market. However, the environment for rail freight continues to change rapidly in Western Australia and in Australia generally. National competition policy has accelerated the introduction of the concept of third-party access to major infrastructure facilities, increasing competition in the provision of services that depend on such natural monopoly infrastructure. The Westrail network is one of the facilities to be opened up in such a way. For some years Westrail has been competing with road and it will be now also exposed to on-rail competition. Certain industries which have been "captive" to rail because of the nature of their transport needs will now have the potential to reap the benefits of on-rail competition similar to those already enjoyed by other industries where road and rail compete for their business.

Many of the potential competitors for Westrail's freight business who are about to be entitled to operate trains over the Westrail track are lean, efficient and commercially focused private rail operators prepared to move quickly in response to customers' requirements and to aggressively seek business. They are innovative, willing and able to take commercial risks and are motivated by a great belief in rail and its potential to deliver substantial benefits both commercially and to the economy and the environment.

Westrail, like many government railways in Australia, has become dependent on a few very large contracts, which makes it particularly vulnerable to aggressive competitors. Seven contracts in five commodity groups are responsible for more than 75 per cent of Westrail's freight revenue. The loss of any one of those contracts would take a significant bite out of that respectable profit I mentioned.

In addition, the nature of Westrail's current freight business makes it susceptible to fluctuations in world markets for the export goods that it transports, or, as happened last season, to weather-related reductions in the grain harvest. To make matters worse, years of tight capital budgets have left the rail freight network in need of substantial investment to bring many rail routes up to the standards demanded by customers who are themselves competing in cut-throat global markets. Westrail faces the prospect of having to significantly increase its debt burden to meet its customers' demands even adequately, let alone to a world-class standard.

Westrail already pays about $125 000 per day to service its existing freight-related debt, and may have difficulty servicing a significantly larger debt, especially if one or more of its big contracts went to another operator or the rates were forced to less profitable levels to retain the business. There is a risk that freight rates will have to rise, or taxpayer-funded subsidies would again be sought in order to maintain a viable rail system. The Government simply does not have the money to make the necessary investments in rail, given the ever-increasing demands for resources in other areas more unequivocally core responsibilities of the State.

In short, Westrail has served the State well in the past 95 years, but it has effectively reached its peak in terms of the price and quality of its rail freight services. It has gone about as far as it can go under government ownership. The next step forward, in an environment of on-rail competition, will need a level of commercial and investment acumen and innovation that is available only in the private sector.

Western Australia's industries and communities deserve the best railway and rail freight service possible, and it would be irresponsible to condemn them to second-best when we know we can achieve something better. That is why, after seeking independent advice from rail and market experts, after discussing the relevant issues with key stakeholders and listening to the ideas and concerns of users and the community, and after very careful consideration of all the implications of a range of possible options, the Government has decided that it is in the best interests of Western Australia for the Government to step aside and invite the private sector to take over the provision of rail freight services in this State. The Government appointed a task force to examine all the issues and make recommendations on what should be disposed of and how, what should be leased or sold, and the conditions under which it should all happen.

A statement was released on 25 March 1999 encapsulating those recommendations. The Rail Freight System Bill is the vehicle which will ensure that the transition to private provision of rail freight services and private management of the railway network is as smooth as possible and allows for maximum enhancement of service while safeguarding the interests of all parties. The primary functions of the legislation are -

> to provide powers to dispose of the rail freight business;
>
> to provide for the freight railway land corridor and associated railway infrastructure to be separated from the government railway system, and to put in place the Rail Corridor Minister, who will be responsible for managing those state assets, including leasing them for a period of up to 50 years; and
>
> to apply the State's access regime to a private operator.

It should be noted that the Government proposes to sell Westrail's freight business as a trade sale. Independent expert advice to the Government is that a trade sale is likely to be the only approach that will attract the top railway operators we want, and it will also provide the best sale price.

The legislation does not seek to amend the Government Railways Act 1904, except to the minimum extent required to recognise the operation of this legislation. The Government Railways Act will continue to be the legislative base for the operation of the Western Australian Government Railways Commission and the remaining government railways, including the provision of urban and country passenger rail services. The legislation clarifies that the Western Australian Government Railways Commission has power to operate these services on the network, post-sale.

I now refer to the provisions of the Bill. Part 1 deals with some preliminary issues and defines necessary terms. It also summarises the relationship with and effect on other Acts, notably the Government Railways Act 1904. Part 1 makes it clear that the Bill binds the Crown.

Part 2 deals with the sale process. It provides legislative power for the minister to sell Westrail's freight business and for the commission to do the things necessary to facilitate the sale. Part 2 provides limitations on the disposal of land, including a prohibition on the disposal of corridor land in any way greater than a leasehold interest. It ensures that the disposal of land does not conflict with the Land Administration Act 1997. It also provides for any sale agreement to contain provisions about continuity of service. There is allowance for agreements between the residual WA Government Railways Commission and third parties, including the purchaser of the freight business, for access to facilities owned by each other and for sharing of facilities and services, such as common information technology and communications systems. Part 2 also permits the Auditor General to provide information to facilitate the sale process, and it provides for the giving of guarantees and indemnities for matters arising from the sale. There is also a power to make regulations to give effect to the transfer.

Division 2 of part 2 deals with the assignment of property, the making of orders to effect the transfer of assets and liabilities to the new owner of the business, the registration of those documents and the disposition of the sale proceeds. The transfer orders will be available for public inspection. In addition, this division provides for rectification of errors in transfer orders.

A transfer order can apply to any asset, right, contract, liability or proceeding associated with the rail freight business, except only the things that this State has no power over, such as some obligations governed by foreign law.

Division 2 of part 2 also provides that things done in the sale, such as the transferring of contracts to the purchaser and the disclosure of information to prospective buyers, does not amount to a civil wrong or a breach of contract. In addition, division 2 of part 2 protects pre-existing contracts and gives contractual status post-sale to internal agreements between different parts of the commission's business. These internal agreements may relate to, for example, access arrangements for Westrail's country passenger services to use freight lines, access arrangements for freight trains to use part of the passenger network, or service agreements between Westrail freight and Westrail passenger units for the use of shared facilities.

Part 3 establishes the Rail Corridor Minister as a body corporate and state agency, with the power to use the resources of appropriate departments and state agencies. The Government will recommend to the Governor that the Rail Corridor Minister should be the Minister for Transport, to ensure consistency in the application of rail and general transport policy.

Division 2 of Part 3 provides for the minister responsible for the administration of this legislation to designate government railway land as corridor land or land other than corridor land. This does not affect the ownership of the land. The land remains owned by the Crown. The effect of the legislation is that powers over the land are no longer exercisable by the Western Australian Government Railways Commission or the minister under the Government Railways Act, but are exercised on behalf of the Crown by the Rail Corridor Minister in accordance with the legislation.

Corridor land and land other than corridor land to be disposed of under this Bill may be identified by reference to maps or diagrams contained within or referred to in the proposal, reference to all government railway land under and adjacent to a railway between two places, or by such other means as the commission and the minister may agree is sufficient for identification. Additional land may be acquired as corridor land if necessary either by the Rail Corridor Minister through agreement, or under part 9 of the Land Administration Act 1997.

The Rail Corridor Minister has powers under division 2 of part 3 to cancel the designation of corridor land if it is no longer required as corridor land. This may occur, for example, on termination of part of a lease or similar agreement. If the designation as corridor land is cancelled, there is provision for the Rail Corridor Minister to order that it become part of a government railway for the purposes of the Government Railways Act 1904. This allows the State to decide to operate that part of the railway if required in the public interest.

Orders designating land as corridor land or cancelling such designation will be published in the *Government Gazette* and full details of the land will be publicly available. Land designated as corridor land or where the designation has been cancelled will be identified by notation on the title or plan where appropriate.

Division 3 of part 3 provides for the functions of the Rail Corridor Minister in dealing with corridor land and things on it, including negotiating and giving effect to the disposal of an interest in that land that is no greater than leasehold interest. Such an interest in corridor land may be for a term of no more than 50 years, including any renewal options.

Part 3 will allow the Rail Corridor Minister to grant a lease of land - or any lesser interest - to give the purchaser the right for a period of up to 50 years to be the sole user of the land and railway infrastructure for railway purposes, subject to the State's access regime, existing access agreements - for example to National Rail - and the access arrangements allowing the Western Australian Government Railways Commission to operate country passenger services.

In practice, the Government intends to offer a 20-year agreement, with two options to renew - for 15 and 14 years respectively - to make a total lease period of 49 years. The minister may also grant rights of use to third parties or the party to an agreement under part 2, for non-railway purposes on corridor land, but these uses must be compatible with the safe and efficient operation of the railway. Part 3, division 3 requires the Rail Corridor Minister to perform any functions under this Act that may be necessary to fulfil the State's obligations with respect to an agreement under part 2 of the Act, and requires all relevant state agencies to give effect to the disposal by conveying their interest in any of the things disposed of under this part.

Division 4 of part 3 provides for the making of regulations and other matters to do with corridor land. This division provides for corridor land to be exempt from the Dividing Fences Act 1961, from state land tax, local rates and other state taxes which may be publicly specified. This places the rail corridor on the same footing as a road corridor to facilitate intermodal competition. The rail corridor will not be exempt from service provision charges levied by utilities such as those for water, gas and power. Non-corridor land will not be granted any exemptions from rates, taxes or charges.

Division 4 of part 3 prohibits any construction on corridor land without the Rail Corridor Minister's written permission, and restricts any use of corridor land that is inconsistent with the rights conferred by the Rail Corridor Minister. This division permits the making of regulations for the protection of the corridor land and the railway, for restricting entry, or for temporary closures of thoroughfares or structures for maintenance purposes or similar. The intention is to set out in regulations similar powers in respect of the railway that the Western Australian Government Railways Commission has under the Government Railways Act. Some or all of these powers may be delegated to the private operator by the Rail Corridor Minister.

Part 3, division 4 also allows for the power of entry by authorised persons onto private land adjoining the corridor. Circumstances where this could become necessary may include prevention or repair of flood damage, removal of potential obstructions to the railway, or in the case of accidents or spillages from the railway. This division also allows the Rail Corridor Minister to exercise, over railways on corridor land, the powers given to the Minister for Government Railways in the Public Works Act 1902.

Part 4 allows for penalties to be imposed for breach of agreement conditions and for regulations to be made as required to give effect to the Act. At common law a provision of a contract imposing a monetary penalty is often not legally valid unless the amount is linked to the damage suffered by a party to the contract. The agreement will oblige the purchaser to do things such as maintain the track. If such an obligation is breached, it may not give rise to damages suffered by the State. Accordingly, the legislation will allow penalty provisions to be included in the agreement.

Part 5 deals with consequential amendments to other Acts. The key Act to be amended is the Government Railways (Access) Act 1998, and the amendments are designed to ensure the third party access regime designed for Westrail will apply effectively to a private rail track operator. They incorporate provisions for penalties to apply for non-compliance.

The provisions also allow a person who obtains access to physically connect new railway lines to the network. This would allow, for example, a new mine owner to build track up to the existing network and then connect that track to the network and access the network.

The amendments also clarify that an access agreement entered into by the private operator under the access regime, is binding on the State even if the agreement with the private operator is terminated. The private operator cannot grant access, however, for a term more than the balance of the term of its agreement with the State.

Part 5 also amends the Land Administration Act 1997 to allow for delegation of powers under parts 9 and 10. Part 5, division 6 provides an exemption for corridor land from section 20 of the Town Planning and Development Act 1928 which constrains subdivision and disposal of land.

Part 5 amends the Hire Purchase Act. Some of the locomotives and rolling stock are subject to complicated cross-border lease arrangements. Under a power in the Hire Purchase Act to exempt such arrangements from the Act if goods are used for government purposes, an exemption was obtained. This exemption can continue under this legislation after the goods are transferred to the private operator.

In conclusion, I reiterate that the sale of Westrail's freight business is essential to ensure a healthy, vibrant, competitive freight rail system in Western Australia, which will contribute positively to the economic growth and global competitiveness of our industries by continuing downward pressure on freight rates and improving service quality and network capacity. It will have continuing benefits in attracting freight to rail that would otherwise be transported by large road vehicles, thus easing congestion and pollution and improving safety. It is, in summary, an essential element in continuing reform of the land transport industry for the benefit of all Western Australians. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

PRISONS AMENDMENT BILL

Committee

Resumed from 2 June. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Police) in charge of the Bill.

Clause 7: Part IIIA inserted -

Progress was reported after Mr Brown had moved the following amendment -

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

" **15D. Disclosure of Contract Workers' Classification Structure**

(1) Each employee contract worker shall be paid not less than the classification structure disclosed to the Minister.

(2) The contractor shall disclose to the Minister, at least once in each financial year, the employee contract workers' classification structure which shall include the minimum weekly wage payable under that structure.

(3) The information provided to the Minister shall be made publicly available on demand.

".

Mr BROWN: Proposed new clause 15D does not seek in any way to take away from the company the opportunity to employ people how it wishes in terms of an award, enterprise agreement, workplace agreement or whatever. The clause seeks to require the company to disclose the classification structure that it uses. This clause has been misinterpreted previously that somehow the contractor shall disclose wages of employees. That is not the intention. The intention is to provide a classification structure. Most companies, whether formally or informally, have a classification structure which might be within a band. Some companies have that even for their professional staff. The band for people with professional qualifications might be between $50 000 to $60 000. We know the salary for the AA-plus classification will be about $60 000 and for the F-minus classification it will be around $50 000. The salary band is known and disclosed in line with the classification structure. This amendment seeks to provide that the classification structure will be disclosed. As part of that structure, the classification must be disclosed, alongside the minimum weekly wage payable under that structure. We may ask why that is necessary. Since I gave notice that I would move this amendment, we have had the report of the Commissioner of Workplace Agreements. In that report he said that in a survey carried out over one month, it was found that 25 per cent of employees were paid an hourly rate less than that contained in the appropriate award. By comparison with award employees, at least one in four - the number is probably higher - is worse off.

Why is that important in the context of this Bill? It is not an industrial relations Bill. The primary cost of running a prison service is labour - the cost of officers, of staff and so on. In the Government's terms, there is to be competition between the private and public sectors. It is important that competition be between like organisations; that is, on the basis of comparing apples with apples, and pears with pears. In the public system, minimum conditions of employment and minimum rates of pay will be applicable to prison officers. They cannot be paid below a certain amount. Under this proposal, in the private sector that amount may be the same or lower; I suggest it is unlikely to be higher. Whatever the case may be, for the purpose of competition and comparing costs, it is important to take that into account. If the wages of contractors are less by, say, 25 per cent for prison officers, when comparing like with like, the wages bill should be on average about 20 per cent cheaper than that in the public sector, because people will be paid lower salaries. The inclusion of this provision in the Bill will require that public comparison to be made.

Mrs van de KLASHORST: Yesterday the member sought to insert a provision in any proposed contract to disclose the employee wage classification structure. The minister sought advice. The advice prepared by the Department of Productivity and Labour Relations is that notwithstanding that the contractor may offer workplace agreements or private employment contracts to staff, some staff will inevitably seek award coverage through a union. We understand there are moves already on the part of unions to obtain coverage. Those on workplace agreements are entitled not to have their wages and conditions disclosed, consistent with their statutory protection under the secrecy provisions in section 39 of the Workplace Agreements Act 1993; whereas industrial agreements or awards and certified agreements are matters of public record.

Section 39(1) of the Workplace Agreements Act 1993, the confidentiality section, states that an agreement lodged with or registered by the commissioner is not open for inspection by any person, except a party to it or a person authorised in writing by such party. A mandatory requirement to publish pay rates under a workplace agreement would be ultra vires the provisions of section 39 of the Workplace Agreements Act. As the member will be aware, it is inappropriate to include in legislation a requirement for a party to comply with the law as it applies in other matters. The matters that are the subject of the amendment are already adequately provided for in existing law; for instance, the Minimum Conditions of Employment Act 1993 sets out obligations for employers to pay not less than the minimum wage. In the federal system the equivalent arrangement is the safety net provision. There are also general disclosure provisions under the Freedom of Information Act 1992 and the Financial Administration and Audit Act 1985. The minister has been advised not to support the amendment.

Mr BROWN: I thank the Parliamentary Secretary for getting that information. It is wrong, and I will tell her why. Workplace agreements are between a worker or workers and an employer. This legislation does not seek to cover that situation. That is a separate matter which is provided for in the Workplace Agreements Act. We are told that this legislation is about establishing competition between a proposed private sector prison and the public sector prisons. When we establish competition between different organisations, we must understand the basis on which the competition is to take place; that is, whether the arrangements for the competitors are the same. Let us assume that the Acacia facility is in operation and three or four years down the track the minister comes in and says, "The cost per prisoner at Acacia is X and at a medium security prison it is Y; look at the difference and how terrific that is in terms of what the private sector is doing".

From a public interest point of view, we must be able to test whether that "saving" is being made as a result of good management practice, good penal practice and so on, or whether that is achieved simply as a result of engaging a work force on lower pay, compared with that of the employees in the public sector. We cannot test that unless we know the wages being paid. As the Parliamentary Secretary correctly pointed out, under the Workplace Agreements Act that information is not publicly available. We do not know that. We cannot test that. Given that the contract to be written under this legislation relates to operations, labour costs are significant. I do not know whether the opposition to this amendment is based on the fact that there is a desire by government not to allow us to make that comparison. We are unable to make that comparison, unless we know, first, the terms and condition of employment of people engaged in the public sector - we will know that because it is a public document and is there for everyone to see - and, secondly, at least the classification structure that applies in the private sector. How does that cut across workplace agreements? The employer can still enter into a contract under a workplace agreement with a worker in the new prison, even with this clause in place.

The limitation would be that the workplace agreement is not to contain a rate of pay less than that contained in the duly published classification structure. That is the only limitation. It does not preclude people from doing it, but it allows a measure of transparency so we can compare one with the other. If we cannot do that, we cannot test the basic assumption of whether a private prison is producing a more efficient outcome than a public prison.

Mrs van de KLASHORST: As the member for Bassendean said, the cost of the provision of services - which is mainly staff costs - and how the prison is funded will be published in the annual report. If it is mainly staff costs, the majority of the costs will be staff. Experience elsewhere shows that the cost differential between public and private prisons is a combination of factors. It does not relate only to the wages and the terms and conditions, but also other elements we have discussed previously such as technology, better processes, innovation and flexibility which must be taken into account. The measure of transparency will arise in the annual report and members will be able to compare like with like and extrapolate figures from there.

Mr BROWN: I understand these things will be included in the annual report but I like to go behind the annual report and test the assumptions for myself. Sometimes, just occasionally, we do not get all of the information we require in annual reports. Things may be left out by mistake or be overlooked. I want to be able to test the assumptions and it is in the public interest for me to be able to do so. Let us take a scenario: In five years the responsible minister comes into the Parliament and tells the House that the cost per prisoner in the public sector is $200 a day and it is $160 in the private sector, therefore, the private sector is more efficient. Other members may look at it and find that the wage differential between the cost of a worker in the public sector and one in the private sector is the same percentage difference as the cost per prisoner. In that

example there would be a 20 per cent cost difference both per prisoner and in wages. They might be equal in man-hour efficiency - that is, efficiency per prisoner per man-hour would be exactly the same - and, therefore, the cost differential would relate to the cost of wages. In that scenario one should not blame the prison officers in the public sector for being inefficient. People should not say that those officers do not do their jobs properly, that they need to improve themselves or whatever because the difference would have nothing to do with them. If we applied that scenario, the officers in the public sector would be doing their jobs to exactly the same degree of efficiency and effectiveness as officers in the private sector. The distinguishing point would be that they were paid more.

In that scenario the Government of the day would have to make a decision either to reduce the terms and conditions of employment of prison officers in the public sector to the same level as those in the private sector or increase the wages and terms and conditions of employment of prison officers in the private sector to the same level as those in the public sector. Alternatively, it could simply not worry about it and allow people doing similar work to be paid different rates. That is the argument. That information should be available. My problem is that information will not be made available.

Let us take another scenario. The Minister for Education has told the Chamber that the Government has saved money by letting out contracts for cleaning in schools. It has saved money, but we asked the minister if it was true that cleaners employed by contractors to work in schools are paid the minimum wage. The cleaners who were employed by the Education Department were paid an award wage and there is a significant difference between the two. That is how the saving was made, by reducing the terms and conditions of employment of workers. When we ask that question, the Minister for Education says he cannot give us the answer because what is paid by an employer is a private matter. We can never make the comparison. We know from the latest report from the Commissioner of Workplace Agreements that in the latest survey one in four workers was paid an hourly rate less than that contained in the relevant award. That shows the Chamber that one in four workers - and it was 17 per cent several years ago - is actually worse off.

I want to be able to assess the question of competition. I would like the Parliamentary Secretary to tell me why this is wrong in terms of competition between the public and private sectors.

Mrs van de KLASHORST: The member is working from the preface that both systems will be identical. Her Majesty's Chief Inspector of Prisons reported on Blakenhurst. He said that the attitude of the staff, the new innovative ideas, the way they conducted the prison and the reality of the staff-prisoner relationships made the difference in the prison. Those things were the keys to its success. We are not just measuring wages against wages. We are measuring the whole ethos of one prison against another. The private contractor may use its staff in a different way. We have talked about technology and I will not repeat that, but the staff may not even be doing exactly the same work. Therefore, the salary comes under the sealed part of the contract. The measure of transparency will be the annual report and the inspection.

Mr BROWN: I agree with the Parliamentary Secretary. I agree that there will be two different systems and I agree that the methodology used in each system could be quite different. I agree with and accept that. In the same way, even in the public system the methodology in management systems may be different from one prison to another. I accept what the Parliamentary Secretary says. I also accept that efficiencies may well be created by technology, different management styles, management and personnel practices and so on. I accept all of what the Parliamentary Secretary said; it is all legitimate. However, that reinforces my request. Why? If we know the minimum rates of pay for the public and private service work forces, we can work out the differential. It might be 20 per cent. When we see cost per prisoner we might see a differential of 50 per cent. We could then say that while it is true that people in the public system are paid more than those in the private system resulting in some differential in cost per prisoner, that difference is not 50 per cent; it is 20 per cent.

Therefore, the other 30 per cent is made up of something that comes from either better management practices, better structure of the prison or better staff relationships. It can come from all of those things.

Mrs van de Klashorst: You would do that only if you had exactly the same number of staff, and it may not happen.

Mr BROWN: That is right; I agree with the Parliamentary Secretary. At least on that basis we can start to examine the position. As I understand it, from the minister's second reading speech, this private prison is not being established to reduce costs. The minister also said, as I understand it, that the primary reason for introducing it is that we want competition. Accepting that as the rationale - that is the Government's rationale, not mine - what we on this side of the Chamber want to do, and what I want to do, is measure the differentials. I cannot do that. I am not prepared to give it to someone else to do on blind faith. We have seen reports that do not provide all of the information. We have seen reports that put the best gloss on the information provided. Being a fairly cynical fellow, I want the raw information. This provision will give me an opportunity to get that raw information.

I will deal with another issue quickly. My understanding is that, under the Workplace Agreements Act, workplace agreements entered into by public sector employees are examinable; that is, they are open.

Mrs van de Klashorst: Under section 39.

Mr BROWN: Workplace agreements entered into by public sector workers are transparent and can be examined.

Mrs van de Klashorst: This is a private contract, not a public contract.

Mr BROWN: That is right. The minister said - he made great play of it - that this will be subject to the same rigours as the public sector; that is, it will be subject to the Ombudsman and the Anti-Corruption Commission. If it is, why is it different in this one area which deals with staff?

Mrs van de KLASHORST: I will answer that by referring to the confidentiality section of the Workplace Agreements Act. Section 39 (1) states -

> An agreement lodged with or registered by the Commissioner is not open for inspection by any person except a party to it or a person authorized in writing by such a party.

It is a private company; therefore, it comes under that part of the Act.

Mr BROWN: I understand what is in the Workplace Agreements Act. I will go through the logic of my argument: The Parliamentary Commissioner for Administrative Investigations, otherwise known as the Ombudsman, has limited powers. He or she has the power to investigate government agencies and local government. That is it - not the private sector. However, the minister has said in this Parliament that under this contract -

Mrs van de Klashorst: Under the contract, not individual wages.

Mr BROWN: Under this Bill before the Parliament, the Ombudsman will have the power to investigate matters dealing with this contractor. The Ombudsman will now have the power to investigate a private contract and a private company. That is a very significant step because the minister said that this will be transparent. The jurisdiction of the Ombudsman is extended to this private company. The minister also said in his second reading speech that we will make it transparent not only in terms of the Ombudsman, but also in terms of the Anti-Corruption Commission. It will have the power to investigate and deal with matters in relation to this company. The minister said, on behalf of the Government, that this is a different entity. There is no proposal to extend the power of the Ombudsman to the whole private sector. There is no authority to extend the power of the Anti-Corruption Commission to the whole private sector. This is a very specific Bill that says, because of the public importance of this contract, it should be transparent in every possible way and, therefore, should be the subject of investigation by the Ombudsman and the Anti-Corruption Commission if the need arises. Applying that same precise rationale to staff, there is a distinction between public and private sector staff in the Workplace Agreements Act. In the private sector, workplace agreements are secret; they are not allowed to be shown to anyone apart from the employer and the employee or employee parties. In the public sector, they are generally available. If one applies the logic of all of that, and the minister has said that this will be open and transparent and in all other ways measurable, why does the same logic not apply in relation to the Workplace Agreements Act? Why is it appropriate to extend the power of the Ombudsman, but not the power to inspect what the workplace commissioner is doing? Why is it appropriate to extend the power of the Anti-Corruption Commission, but not appropriate for people to have the inspection that is otherwise allowed in the public sector? Perhaps the Parliamentary Secretary can explain to me how that rationale sits together, because, for the life of me, I cannot understand it.

If the minister came along and said, "No, this is a private contract and it will not be the subject of any investigation by the Ombudsman or the Anti-Corruption Commission. It will be a private contract, nothing more and nothing less", I could understand if government said, "No, it is a private contract and under the Workplace Agreements Act you are not allowed to investigate." However, that is not the case. The minister has said that it is transparent. If it is transparent, why do provisions in this Bill, in the same way as they deal with the Anti-Corruption Commission and the Ombudsman, not also apply in relation to the Workplace Agreements Act?

Mrs van de KLASHORST: The contract for the prison is for a service, and we have said that. It is for a service to provide a prison for a certain number of prisoners; that is, 750 prisoners with an average of 720. Therefore, when it comes into Parliament, the regulators would be looking at the service as a whole. The regulators will not have the power, and nor will the Ombudsman, to look at each individual's private business. The contract with the individual who is being employed - by the CCA in this case, if that is what happens - will not include a right to look at the personal arrangements made with the individual's employer. Therefore, the member's logic fails because the contractors work and run prisons and provide the whole service. Once again, the confidentiality of the Workplace Agreements Act stands.

Mr KOBELKE: I will take up a matter the member for Bassendean has rightly been addressing and I will address my remarks to the comments made by the Parliamentary Secretary. In all areas of government we place a degree of importance on accountability. That requires openness so that we are able to compare one area with another and have benchmarks to see whether we are doing better or worse. Here the Government is saying no; that it is secret; that we cannot have the employees working for the private contractor who is running the prison opening up for public scrutiny the wages being paid to people there. That runs counter to the very fundamental principle of government of ensuring that there is comparability and accountability.

Mrs van de Klashorst: What about the individual rights of employees?

Mr KOBELKE: I will come to that. I know it is the point on which the Parliamentary Secretary is basing her argument. We need to get clear first that, if we do not have that comparability, we really do not have accountability. We cannot ensure that the system is working efficiently and properly. I will return to another element after I take up the Parliamentary Secretary's comment. If I do not misinterpret the Parliamentary Secretary, and I do not wish to, she is saying that the Government's perspective is that the relationship between the contractor and the employees is somehow sacrosanct and therefore it is important that we not disclose what is considered personal information of what employees should be paid. I am not misrepresenting the Parliamentary Secretary, am I?

Mrs van de Klashorst: The Workplace Agreements Act says that it is sacrosanct and it is confidential and therefore we cannot go against it.

Mr KOBELKE: Of course we can. Any law we make can overturn another law. That is not the point. I am speaking to the point of principle and not what might be the mechanics of how we sit the amendment moved by the member for Bassendean with another piece of legislation. I am addressing at the moment the fundamental reason for the Parliamentary Secretary's and the Court Government's not wishing to allow the employees in this privately controlled and run prison to have

their level of remuneration and conditions made public through what is being suggested by the member for Bassendean. I was trying to put on the record, without in any way trying to misrepresent the Parliamentary Secretary and the Government, that they see as an important principle that somehow there is confidentiality in the relationship between the contractor as the employer and the employees. However, any emphasis on that as some sort of principle is very misconceived and is a total misunderstanding of how government must work and how we uphold the rights of individual employees. There is a matter of confidentiality with respect to the rights of individual employees. I do not deny that.

What is the Parliamentary Secretary talking about when she talks about wages and conditions? She is talking about social factors of how people fit into society with their remuneration, so that they can be active and full participants in our society. The amount of money we pay a person is meaningless unless we know the society in which that individual is living and in which that individual must purchase goods and services. Whether someone earns $1 a week or $1m is irrelevant if we do not place it in the context of a society. A breadwinner in Germany in the late 1920s would take home millions of marks to buy a loaf of bread because of hyperflation. Knowing what an employee gets is important for the whole social structure. Wages really come down to someone's competitive buying power against other members of society. For a person in a supervisory or higher level position, the amount of money equates to the extra work the individual must put in and what that extra remuneration can buy.

Mrs van de KLASHORST: I reiterate that section 39(1) of the Workplace Agreement Act says that a private agreement between an employee and employer under a workplace agreement cannot be disclosed. I also reiterate the advice from the Department of Productivity and Labour Relations that some staff in prisons may well be on workplace agreements and that others will be on awards. I do not know whether the conditions of those awards are free to air but people on workplace agreements are entitled to their privacy. As I have said many times, the Government is buying a whole service.

Mr Kobelke: Our concern is the way in which you will structure it and undermine the standards of employment in the workplace.

Mrs van de KLASHORST: The provisions of many other Acts protect workers.

Mr Kobelke: They are quite inadequate.

Mrs van de KLASHORST: The member says they are inadequate. The Workplace Agreements Act, the Freedom of Information Act, the Minimum Conditions of Employment Act and the Financial Administration and Audit Act all protect the rights of the workers. With this Bill we are talking about the provision of a service.

Mr BROWN: Let me go through the provisions of the Workplace Agreements Act. I am not sure whether the Parliamentary Secretary has been given all the information by DOPLAR. Section 39 provides for confidentiality. Subsection (1) reads -

> An agreement lodged with or registered by the Commissioner is not open for inspection by any person except a party to it or a person authorized in writing by such a party.

It goes on with a range of other subsections which are not relevant. Section 40 reads -

> Despite section 39, the contents of a workplace agreement referred to in section 43(1) -

Section 43(1) reads -

> Subject to this Act any person who is -
>
> (a) appointed under a written law to a position as an officer or employee;
>
> (b) employed by the Crown; or
>
> (c) the holder of an office or position in or under a public authority,
>
> may be a party to a workplace agreement as an employee.

Section 43(1) deals with public sector employees. I will read section 40 again. It reads -

> Despite section 39, the contents of a workplace agreement referred to in section 43(1) that has been lodged with or registered by the Commissioner -
>
> (a) are to be open for inspection by any person; and
>
> (b) may be disclosed to any person who, in the opinion of the Commissioner, makes a request for information that can reasonably be complied with by the Commissioner.

Under the Workplace Agreements Act workplace agreements are not available for inspection when they are entered into between employers and employees in the private sector, but they are in the public sector.

Mrs van de Klashorst: That is because the Government is paying them. This is not the public sector; it is a contract.

Mr BROWN: I agree with that. However, no direct relationship will exist between the minister or the Crown and the employee. The Minister for Police said in his second reading speech that he wanted this whole process transparent.

Mrs van de Klashorst: That is absolutely right.

Mr BROWN: We will extend for the first time the powers of the Ombudsman, the ACC and the Information Commissioner to a private company.

Mr Prince: That is right. Possibly to a publicly-listed company.

Mr BROWN: To a non-public sector organisation or entity. That is true.

Mrs van de Klashorst: But not to individual people, who have rights.

Mr BROWN: So do public sector workers. The rationale of workplace agreements is that if someone is receiving money from taxpayers, the agreement should be open to inspection. All employees under the Government's contract will receive taxpayers' funds, albeit passing through a filter; nevertheless, it will all be taxpayers' money.

Mr Prince: The same argument applies to people who put the computer into your electorate office and mine. They are private-sector employees.

Mr BROWN: Yes. However, they are not employed week in, week out exclusively by that company to do government work.

Mr Prince: Most of them are.

Mr BROWN: Their employing companies are not subject to the Ombudsman's Act, the ACC Act -

Mr Prince: Perhaps they should be - they are dealing with sensitive information.

Mr BROWN: Maybe. The minister said he wants the process transparent, and here is an opportunity to be consistent. It will not be transparent because the arrangements will not be disclosed.

Mrs van de Klashorst: I answered most of those matters before.

Mr BROWN: I will not go on with the amendment. However, I cannot follow the logic outlined by the Government. A logic exists in the extension of the Act to the ACC and other such bodies. However, the logic has bashed into an ideology and, unfortunately, the ideology has won.

Mrs van de Klashorst: That is the member's opinion.

Mr BROWN: It is. The Parliamentary Secretary says that the individual must have rights here. The ACC is involved, and it will investigate the individual officers.

Mrs van de Klashorst: Only if he does something wrong.

Mr BROWN: No. It will investigate a complaint whether or not someone has done anything wrong. It will examine whether the person has associated with inappropriate people; it will examine his or her associates. In fact, it will turn the person's life upside down, and so will the Ombudsman.

Mrs van de Klashorst: Only regarding the service and how the service is delivered.

Mr BROWN: That is right. It relates to the service the person provides, for which the person is paid. A monumental inconsistency exists in the Bill. Unfortunately, logic does not always win in this place - numbers win. I always say, given a choice between good policy or numbers, I will take the numbers every time. They certainly work in here. I cannot do much more. Although we will not win on the numbers, the record will show that the Opposition won on logic.

Amendment put and negatived.

Mr BROWN: Proposed section 15C(c), on page 5 of the Bill outlines that a contract must provide for objects and performance standards. Have the objects and performance standards been set?

Mr Prince: Yes, they are in the request for proposal.

Mr BROWN: Proposed paragraph (d) refers to the compliance by the contractor with the minimum standards. Have they been set?

Mr Prince: They are in the RFP.

Mr BROWN: Are the standards referred to in this provision those in the RFP which must be in accordance with general United Nations standards?

Mr Prince: And specific standards in addition to that.

Mr BROWN: Page 67 of the RFP, under the heading of "catering and laundry facilities", refers to arrangements for the cleaning of all officially issued clothing and bedding of the prison being in accordance with sections 15.7 and 15.9 of the standard guidelines for prison facilities in Australia and New Zealand. Is that one of the so-called standards?

Mr Prince: Those guidelines refer to the construction of the building. Go back to chapter 2 for the service standards. Page 41 refers to performance measures, minimum performance standards, monthly monitoring and so on. The subsequent page carries the same headings. Reference is then made in a box format to the service requirement numbers, the measures and so on. These are on pages 41, 46 and 48 of the RFP.

Mrs van de Klashorst: It is in dark print above the box.

Mr Prince: That will end up being a schedule in the contract, and will obviously be tabled.

Mr BROWN: Proposed paragraph (f) provides for -

> notification by the contractor of any change in the control, management and ownership of -
>
> (i) the contractor; or
>
> (ii) a subcontractor, or a member of a class of subcontractors, specified for the purposes of this paragraph by the chief executive officer in the contract;

Why is that included? What is the scope intended in relation to proposed subparagraph (ii)?

Mr PRINCE: By way of interjection, the Parliamentary Secretary and I have answered the member's questions on proposed section 15C(b). The performance standards are outlined in the request for proposal. Section 2 of the RFP details the service parameters. One will find mentioned a number of times under the heading "performance measures" minimum performance standards, monthly monitoring, and in a box format, a particular reference.

With regard to proposed section 15C(f)(I) and (ii), I will use the example that I used yesterday; the airconditioning firm, XYZ Pty Ltd, which is sold. It is not uncommon for a business to be sold, but instead of that business being sold, the shares in XYZ Pty Ltd are sold from Smith to Jones. What we have is a change of ownership of that company, although the contract between CCA and XYZ Pty Ltd is exactly the same. It is obviously important from the point of view of security as well as from the point of view of probity in regard to the financial bona fides of any subcontractor that we know who are the people behind the firm. In a sense we are going behind the corporate veil and dealing with changes in ownership by being able to say that if there is a change in the shareholding of a subcontractor who trades as a proprietary limited company, it must be notified and subjected to all the normal probity and security checks, and likewise with regard to management. Again I give the example of a proprietary limited company which employs Jones as the general manager. Jones goes on his way and Smith comes in as the general manager. That notification should go through CCA to the ministry because it might just be that Smith is a known associate of a criminal and therefore is not a person whom the ministry would approve as being in any way involved in the provision of any service inside a prison without probity checks.

The same applies to control. Control is a much wider concept, because one can have defacto control through a debenture, for example, which is a common form of debt mechanism used by companies. One can also have de facto control through a discretionary trust, a split trust or a unit trust, to mention but three fairly commonly used commercial entities which people adopt for all sorts of reasons, not all of which are to do with tax minimisation but many of which are. If we are able to exercise a form of control, however limited it may be, through a trust mechanism and there is a change in the mechanism, that change must be notified, again because it could bring into the running of a subcontractor persons whom we would not want to have there for security reasons.

Mr Brown: What do the words in proposed section 15C(f)(ii) mean?

Mr PRINCE: One could have a class of subcontractors who are food suppliers or health service providers. Food suppliers are not just one company but a series of companies. Health service suppliers might be not one individual doctor but a group of doctors or other health professionals who provide all sorts of services. The group practice is very common in health. We are saying that if there is a change in the way a group practice is managed or controlled or in the people in it, that change must be notified.

Mr BROWN: I thank the minister for that explanation. In the context of that information, I refer to proposed section 15W, which relates to intervention in contracts. It states -

> (1) The chief executive officer may intervene in a contract if -
>
> (a) there are grounds for doing so under subsection (2); and
>
> (b) the intervention is in the public interest or is necessary to ensure the proper provision of a prison service that is a subject of a contract.
>
> (2) The grounds for intervening in a contract are that -
>
> (a) there is an emergency in a prison service that is a subject of the contract; or
>
> (b) the contractor has failed to effectively provide a prison service that is a subject of the contract.

The contractor is required to provide advice on a change in control, and I understand and agree with that. It is the same company with the same contract but owned by different people. What liberties are there for the Government to do anything about that? As I read the grounds upon which one can intervene in the contract under proposed section 15W, they are very limited and would provide some difficulty for the Government in intervening in the contract in accordance with that clause in the event of there being simply a change in control which the Government did not particularly like. How will one deal with that circumstance upon being notified of such a change in control in the event that the control is not satisfactory?

Mrs van de KLASHORST: The member refers to a case in which ownership is changed but it is not satisfactory. Under proposed section 15X, the contract could be terminated if it were found that it was not in the public interest to continue the contract. Proposed section 15X(2)(b) states -

> the identity of the persons who control, manage or own the contractor or a subcontractor changes during the term of the contract without the consent of the chief executive officer;

Mr BROWN: I have underlined that provision in my copy of the Bill; I should have picked it up. Does it relate to consent before or after the event?

Mrs van de Klashorst: It is a notification and it must be approved. If there is no approval, it cannot proceed.

Mr BROWN: But there is no time frame within which approval must be sought?

Mrs van de Klashorst: No. It must be before control is exercised.

Mr BROWN: So the company that holds the contract would have to seek approval from the chief executive officer?

Mrs van de Klashorst: Yes, to transfer or move over.

Mr BROWN: Before there is control?

Mrs van de Klashorst: It must be a proper notification.

Mr BROWN: What if the company is publicly listed? It may not be able to control that.

Mrs van de Klashorst: If the principal shareholding changes, there must be a notification.

Mr BROWN: After the event?

Mrs van de Klashorst: Before the control can be exercised.

Mr BROWN: I am having difficulty following that. There is a contract, and one must exercise control under the contract. One does not cease to exercise control under the contract because control of that company changes, and the company must continue to exercise the contract.

Mrs van de KLASHORST: I am advised that, in the case of Acacia prison, Corrections Corporation of Australia, the company which has put in expressions of interest, is owned by two shareholders. If there are any changes in the shareholders, CCA must notify the Government, but there is no time limit to that. If any change in shareholders is not in the public interest, the contract can be terminated. In other words, any changes of contractual conditions would allow the minister to look at the whole contract and a provision exists to terminate the contract if it is not in the public interest to continue.

Mr BROWN: Proposed section 15J(2) provides that a contract worker cannot be authorised to perform the superintendent's functions referred to in the table in the subsection which lists a range of relevant sections. In most cases I understand why a discretion should not be given to a contract worker to perform any of those functions. However, I want the Parliamentary Secretary to clarify three points. It is proposed that section 32(1)(b) will not apply and the contract worker cannot exercise the power under that section in the Act. Section 32 is headed "Prison offences by prisoners due for release". Subsection (1) provides that if a charge of a minor prison offence is laid against a prisoner who is due for release before the charge has been determined, in accordance with part 7, the prisoner may be detained in custody for not more than 24 hours to enable the charge to be determined. Does that mean that a superintendent or a person deemed to be a superintendent of a private prison can detain a prisoner in custody for 24 hours longer than the date on which the person is due to be discharged?

Mrs van de KLASHORST: My adviser says yes for the purpose of adjudicating the charge. In other words, if it is in the prison's interests to do so, yes.

Mr BROWN: I will not debate the matter now with the Parliamentary Secretary, but I raise a concern about the power of incarceration being extended to a person who is not a government officer. It might be only one day, but it is a significant power, and it will now be exercised by a person in the private sector, not by a government officer. I have grave worries about such a power of incarceration, which is a discretionary power, being exercised by a person who is not a government employee or a magistrate. A private sector employee will now have the power to keep a prisoner in custody for a further 24 hours - for whatever reason. I do not know, other than the area of citizen's arrest, where the private sector has the power to detain. This power will now be given to a person who is not a government officer. What will be the next thing we extend? Will it be the power to keep a prisoner for three days or seven days? There are major problems in the transference of what should be public responsibilities.

Mrs van de Klashorst: It is only one day.

Mr BROWN: I suggest that we would get complaints if anyone in this place were taken from here and put in the slammer for 24 hours, and then told, "Look we're sorry, we made mistake; you can go home." I doubt they would say, "Oh, it's only one day!" Someone who has been in prison for seven years would be anxious to get out and not be detained for one more day. I have some real concerns about the power to detain being exercised by a person who is in the private sector, and not the government sector. I do not know what will happen to this legislation when it goes to the other place, but I venture to suggest that if it is not fixed here, it should be fixed before it goes there, because other people will raise this issue. I have major concerns about such a power being exercised by a person in the private sector.

Mrs van de KLASHORST: As the member for Bassendean has a grave concern about this, perhaps we can take it on notice and look at some changes or some form of words to cover his concern, and pass it to the minister concerned.

Mr BROWN: The table in proposed new section 15J(2) refers to section 73 which deals with the visiting justice and aggravated prison offences which provides -

> Where a charge of an aggravated prison offence alleged to have been committed by a prisoner is referred to a visiting justice, the visiting justice may, as he thinks appropriate and having regard to the nature and particulars of the alleged prison offence and the extent of his powers under section 78 -
>
> (a) direct the superintendent that a complaint of an aggravated prison offence be laid either by himself or by a prosecuting officer authorized by the superintendent;

The intention is to exclude from the powers of the deemed superintendent the second head of power contained in subsection (a) - that is, the second head of power for a superintendent to direct or authorise a prosecuting officer to lay a complaint.

Mrs van de Klashorst: That has been included to allow the charge to be laid by a public superintendent who will be called in for that case.

Mr BROWN: Perhaps the Parliamentary Secretary will correct me if I am wrong. The Act provides that a complaint of an aggravated prison offence can be laid by the superintendent.

Mrs van de Klashorst: The private superintendent does not have the power to lay that charge.

Mr BROWN: This is a matter of clarifying the words. The Act provides -

> Where a charge of an aggravated prison offence alleged to have been committed by a prisoner is referred to a visiting justice, the visiting justice may, as he thinks appropriate and having regard to the nature and particulars of the alleged prison offence and the extent of his powers under section 78 -
>
> (a) direct the superintendent that a complaint of an aggravated prison offence be laid either by himself or by a prosecuting prison officer authorized by the superintendent . . .

The words in the box are "second reference to superintendent only". As I read it, that is the second reference in paragraph (a). If that is correct, the first half of the paragraph would remain. According to the second half, a contract worker deemed to be a superintendent could not authorise a prosecuting prison officer to do that but a superintendent so deemed could do it.

Mrs van de KLASHORST: The visiting justice will direct a public superintendent to do this. A private superintendent does not have those powers. This prison will have a nominated public superintendent for that purpose.

Mr BROWN: I understand what is intended. However, I query whether it is achieved.

Mrs van de Klashorst: I see what the member means.

Mr BROWN: Unless the whole of section 73 is removed, which does not seem to be the case, there is the power of a contract deemed superintendent -

Mrs van de Klashorst: That superintendent does not have that power. We discussed this yesterday. A private superintendent does not have any powers of adjudication. It will need a public superintendent to be seconded or whatever for these activities to occur.

Mr BROWN: We did discuss that yesterday and I agree that that is the intent of the legislation. I look at it from a lay person's point of view and I may be wrong, but I do not think that those words achieve that purpose.

Mrs van de Klashorst: We will take parliamentary counsel's advice on the proposed section and get back to the member.

Mr BROWN: I refer to page 12, proposed section 15K. My colleague the member for Burrup may have raised this issue yesterday. If this Bill becomes the law, a person who is deemed to be a contract worker superintendent and so on can be employed in both a public prison and a private prison; that is, he or she can be employed across the prison system.

Mrs van de KLASHORST: We discussed this yesterday. The similarity in training standards will enable officers to move into a public prison, but that is not the intention. They are working for a private company. If in future they decide to leave and go to the public sector, that is their right. The training levels will be the same, so that is a possibility. However, it is certainly not the intention.

Mr BROWN: I am not talking about a contract worker leaving the contractor and working for the Ministry of Justice as a direct employee; obviously he or she can do that. If the Ministry of Justice decides, for example, that cell block No 2 in Casuarina will be run by CCA, under this provision it could use CCA contract prison officers.

Mrs van de Klashorst: Technically yes, but that is not the intent.

Mr BROWN: If this Bill is passed, that will be legislatively possible.

Mrs van de Klashorst: The member for Burrup asked exactly that question yesterday and the response was that it is technically possible.

Mr BROWN: I refer to proposed section 15L, which relates to the vetting and control of contract workers in relation to high-security work. Does our state legislation normally exclude people who have committed an offence anywhere in the world?

Mrs van de KLASHORST: No, it certainly does not currently and these conditions are much more stringent than those for the normal public service prison. The scope of events that will be considered in the pre-employment screening process is defined and includes traffic infringements, which are not normally characterised as convictions. However, they are relevant

as an indicator of the applicant's driving record, and that relates to the services provided under the contract. That is as written in the Bill.

Mr BROWN: It is an interesting provision. I am not sure exactly how the Government or the contractor intends to enforce it, because I am not sure whether there are reciprocal arrangements between every Government in the world and the Western Australian Government for declaration of offences or the declaration of all such matters including traffic infringement notices. It will be interesting to see if it works.

Mrs van de Klashorst: Of course, the applicant must make a declaration and we would check that.

Mr BROWN: Proposed section 15O on page 14 states that a contract worker must not do, or purport to do, any high-level security work unless he or she has a current permit to do the work and does the work in accordance with the permit. The penalty for breaches is imprisonment for three years. I cannot see any proposed penalty in the case of a contract worker who is instructed to do such work. Where is that penalty?

Mrs van de Klashorst: If he gets those instructions, he must not do it.

Mr BROWN: That is all very well, but people who have been through difficult times, as I have, will be aware of the difficulties faced by the worker if a supervisor is standing over him and telling him that he must do something or be sacked.

Mrs van de Klashorst: The contract worker would know his conditions of employment and that he would risk a penalty of three years' imprisonment if he breached those conditions. I doubt that he would risk that. We all have to obey instructions in life generally, and the contract worker must obey lawful instructions.

Mr BROWN: This is a wrong-headed provision. It puts the onus on the worker, whereas the onus should be on the company. This is a ludicrous position. A worker, on the one hand, could be told to carry out work and, on the other hand, know that if he carries out the work he faces a period of imprisonment. It is all very well to say in the cool light of day afterwards that the worker should know he cannot do that work. However, there is absolutely no penalty where a worker is instructed to do work which is contrary to the provisions of this Bill.

I ask the Parliamentary Secretary to give consideration to this provision. If the Government wants to include this provision, it must be even-handed. I have no problem with this provision if there is another provision to the effect that the company shall not direct a contract worker to do these things, and the same penalty applies for breaches.

Mrs van de KLASHORST: We will consider that, but if a worker is instructed to do something that is not lawful, the company runs the risk of the contract being terminated.

Progress reported.

MEMBER FOR COCKBURN - JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Personal Explanation

MR THOMAS (Cockburn) [4.35 pm]: As members will be aware, this morning I tabled a report on behalf of the Joint Standing Committee on the Anti-Corruption Commission of which you, Mr Deputy Speaker, are a member. That report indicated to the House that the responsible minister, namely, the Premier, had not responded to a number of recommendations made by the committee in earlier reports. That assertion was an error. The Premier had responded, as the responsible minister for this area, by tabling papers. The papers had not been forwarded to the secretary of the committee and he was not aware of them. That did not impede the practical operations of the committee because the nature of the Government's response was in the media and the committee knew of it. Hence, it had not been pursued. The committee was in error in thinking the Premier had not complied with the standing orders of the House. On behalf of the chairman of the committee, Hon Derrick Tomlinson, who has already written directly to the Premier, and the other members of the committee, I apologise to the Premier.

ADJOURNMENT OF THE HOUSE

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

That the House at its rising adjourn until 2.00 pm on Tuesday, 15 June.

House adjourned at 4.36 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BRIDGE HOUSE, FUNDING

1943. Mr McGOWAN to the Minister for Family and Children's Services:

(1) What is the current funding level to the Salvation Army Respite Centre at Bridge House in East Perth?

(2) Will the Government be increasing funding to Bridge House?

(3) If not, why not?

(4) Does the Government recognise the excellent services performed by the Salvation Army at Bridge House?

Mrs PARKER replied:

(1) The WA Drug Abuse Strategy Office provided $291,700 for assessment and detoxification and $216,700 for the sobering-up service at Bridge House in 1998/99. Included in the funding for the sobering-up service is an increase of $23,000 to their recurrent budget. Family and Children's Services provides recurrent funding to Bridge House which amounts to $56,917 for 1998/99.

(2) The WA Drug Abuse Strategy Office will further increase the recurrent budget for the sobering-up service to $229,000 in 1999/2000. An annual indexation adjustment will also be made for the assessment and detoxification service at Bridge House.

(3) Not applicable.

(4) Bridge House provides a valued service to the Perth community and it is recognised by government as a key alcohol and drug service provider.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

1992. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr BARNETT replied:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process.The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities

to accelerate regional development and define appropriate measures for regional development outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2000. Mr BROWN to the Minister for Health:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr DAY replied:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process. The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2001. Mr BROWN to the Minister representing the Minister for Finance:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process. The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2003. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr COWAN replied:

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

(1)-(7) I refer the member to the answer to Question 2001.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2004. Mr BROWN to the Minister representing the Minister for Mines:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr BARNETT replied:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process. The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2008. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr BRADSHAW replied:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process. The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities to accelerate regional development and define appropriate measures for regional development

outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PROVISION OF SERVICES

2010. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) What steps have each department and agency under the Minister's control taken to ensure it provides an equal level of service to all West Australians wherever they live?

(2) Has each department and agency examined the -

(a) quality; and
(b) ease of access,

of the services provided in each of the regions compared to the average quality and access in Perth?

(3) Will the Minister provide details of what changes/improvements have been made in this regard since 1 January 1997?

(4) Has the level and/or quality of services provided by each department and agency throughout Western Australia been actively reviewed since 1 January 1997?

(5) What was the outcome of that review?

(6) Who undertook the review?

(7) When was it undertaken?

Mr MARSHALL replied:

(1)-(2) The current focus on improving agency performance in the Western Australian public sector reflects the continuing importance of achieving results. In the Western Australian public sector, the results or outcomes to be achieved are made clear in an agency's program and sub-program objectives. Activities used to assess the performance of public sector agencies include monitoring, auditing, review and evaluation. Service levels are commonly documented in annual reports, budget papers and customer service charters.

(3)-(7) In May 1998 the Government announced the commencement of a process to develop a whole-of-government regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. A Steering Committee has been formed to oversee the policy formation process. The Steering Committee has membership from 14 State Government agencies, the Western Australian Municipal Association, the Regional Development Council, the Deputy Premier's Office and four community representatives. As an input to the policy, a scoping paper "*An Overview of Regional Development in State Government Agencies*" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. In addition, "*Policy Directions Papers"* have been written by a range of State Government agencies to identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. As a further input to the policy process, a "*Policy Framework Discussion Paper: Setting the Direction for Regional Western Australia"* was compiled in January 1999 by a consultancy firm, Synectics Creative Collaboration. The paper outlines a vision, principles, values, goals and objectives for regional development. Consideration of access to services is included in the framework paper.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2014. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr BARNETT replied:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a

scoping paper "An Overview of Regional Development in State Government Agencies" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy's Steering Committee and Reference Group. In addition, 'Policy Directions Papers' have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2022. Mr BROWN to the Minister for Health:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr DAY replied:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for co-ordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a scoping paper “An Overview of Regional Development in State Government Agencies” was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy’s Steering Committee and Reference Group. In addition, ‘Policy Directions Papers’ have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2023. Mr BROWN to the Minister representing the Minister for Finance:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for co-ordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a scoping paper “An Overview of Regional Development in State Government Agencies” was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy’s Steering Committee and Reference Group. In addition, ‘Policy Directions Papers’ have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2025. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr COWAN replied:

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

(1)-(7) I refer the member to the reply to Question No 2023.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2026. Mr BROWN to the Minister representing the Minister for Mines:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr BARNETT replied:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a scoping paper "An Overview of Regional Development in State Government Agencies" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy's Steering Committee and Reference Group. In addition, 'Policy Directions Papers' have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2030. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr BRADSHAW replied:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a scoping paper "An Overview of Regional Development in State Government Agencies" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy's Steering Committee and Reference Group. In addition, 'Policy Directions Papers' have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate

regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, PERFORMANCE AUDITS

2032. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Has an audit been carried out on each department and agency under the Minister's control to measure the performance of the department or agency in improving the equitable delivery of services in regional areas?

(2) How many audits have been carried out since 1 January 1997?

(3) Who carried out the audit?

(4) What were the findings of the audit?

(5) Have the findings of the audit been reported?

(6) When were they reported?

(7) In what document or media statement were they reported?

Mr MARSHALL replied:

(1)-(7) The Regional Development Council and the Department of Commerce and Trade are drafting a regional development policy for Western Australia. The policy will provide a framework for coordinated Government action to ensure that all regional communities receive a high standard of services. As an input to the policy, a scoping paper "An Overview of Regional Development in State Government Agencies" was written by the Department of Commerce and Trade which outlines the regional development activities of 42 State Government agencies. The document, which is available in hard copy and on the project website, has been distributed to the policy's Steering Committee and Reference Group. In addition, 'Policy Directions Papers' have been written by a range of State Government agencies to discuss issues relating to regions, identify opportunities to accelerate regional development and define appropriate measures for regional development outcomes. The draft policy, scheduled for release for public comment in mid-1999, will provide further consideration of service delivery levels.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2040. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mrs PARKER replied:

Family and Children's Services
(a) 13
(b) 14

Office of Seniors Interests
(a) One (Instep trainee)
(b) None

Women's Policy Development Office
(a)-(b) Nil

WA Drug Abuse Strategy Office
(a)-(b) Nil

GOVERNMENT CONTRACTS

2058. Mr BROWN to the Minister for Resources Development; Energy; Education:

(1) How many contracts (other than employment contracts and contracts for less than $50,000) did each department under the Minister's control enter into in the months of -

(a) November 1998; and
(b) December 1998?

(2) What was the amount of each contract?

(3) What is the name of each person/entity with whom the contract is been awarded to?

(4) What is the nature of the work or services required by the contract?

(5) What is the completion date of the contract requirements?

(6) Was each contract awarded to the lowest tender?

(7) If not, why not?

Mr BARNETT replied:

Department of Resources Development
(1) (a) 1
(b) Nil.

(2) $247 700

(3) Dames and Moore Pty Ltd.

(4) Central Pilbara Mineral Province Study.

(5) May 1999.

(6) No.
(7) Better value for money as a more thorough methodology was proposed for the study. A clear advantage of their proposal was the use of the Geographic Information System. This database system produced a facility available for ongoing use and application for all contributors to the study.

Office of Energy
(1) None.

(2)-(7) Not applicable.

Western Power
(1)-(7) Western Power entered into many contracts during the months of November and December 1998. Western Power operates as a Corporatised entity within a competitive framework. It is inconsistent with corporatisation for Western Power to be subject to Parliamentary scrutiny to this detailed extent, when its competitors are not. Also, Western Power regards details of contracts such as those requested to be commercially confidential.

AlintaGas
(1)-(7) AlintaGas operates as a Corporatised entity within a competitive framework. It is inconsistent with corporatisation for AlintaGas to be subject to Parliamentary scrutiny to this detailed extent, when its competitors are not. Also, AlintaGas regards details of contracts such as those requested to be commercially confidential.

Education Department of Western Australia
(1) (a) Five.
(b) Two.

(2)-(7) Please refer to the tabled paper for details on each of the above contracts. [See paper No 994.]

Department of Education Services
(1) The Department of Education Services did not enter into any contracts over $50 000 during the months of November and December 1998.

(2)-(7) Not applicable.

Curriculum Council
(1) The Curriculum Council did not enter into any contracts over $50 000 during the months of November and December 1998.

(2) Not applicable.

ELLE MACPHERSON ADVERTISEMENTS

2089. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 5 January 1999 concerning the "Elle" tourism advertisements?

(2) Is the Minister aware the article referred to figures released by the Western Australian Tourism Commission showing a 3 per cent rise in inbound tourists in Western Australia while New South Wales and Queensland suffered an 8.4 per cent and 3.5 per cent decline for the 8 months to August 1998?

(3) Why did the Tourism Commission select figures for the 8 month period?

(4) When were the "Elle" advertising campaigns conduced in each of the overseas markets?

(5) What was the total number of inbound tourists in -

(a) Western Australia;
(b) New South Wales; and
(c) Queensland,

for each month, for the 8 months to -

(i) August 1998; and
(ii) August 1997?

(6) What were the total number of inbound tourists in -

(a) Western Australia:
(b) New South Wales; and
(c) Queensland,

for the period of 12 months to -

(i) August 1997; and
(ii) August 1998?

(7) As at 30 June 1998, what was the profile (country of origin) of inbound tourists in -

(a) Western Australia;
(b) New South Wales; and
(c) Queensland?

(8) Is it true that the different profiles between the States and the influence of the Asian economic meltdown and other factors has had a different effect on each of the States?

Mr BRADSHAW replied:

(1) Yes.

(2) I am aware that the article referred to figures released by the WATC, however, the period referred to is incorrect. The figures were for the Fiscal Year ending 30 June, 1998 and were based on Australian Bureau of Statistics (ABS) and Bureau of Tourism Research data.

(3) Not applicable

(4) The Elle advertising campaigns were conducted as follows:

Singapore – July 1997
Jakarta – July 1997
London – September 1997

(5) The WATC estimates international visitors to WA by applying State market share (source Bureau of Tourism Research International Visitor Survey) to estimate of international short-term visitor arrivals (source ABS). This methodology provides a more accurate measure of international visitors to the State. International Visitor Survey (IVS) data is released quarterly and only provides quarterly/annual estimates. Monthly estimates are not available on the IVS.

(6) As estimates released by the WATC rely on both sources of information and one of those sources (IVS) does not provide monthly estimates, it is not possible to provide accurate international visitor arrival figures on a monthly basis. Therefore a rolling 12 month figure for August 1997 and 1998 cannot be provided. Data for the rolling 12 months to December 1997 and 1998 (preliminary) is as follows -

	1998	1997	Change %
Western Australia	554,200	525,900	+5.4
Victoria	1,108,500	1,088,500	+1.8
NSW	2,359,500	2,627,000	-10.2
Queensland	1,983,600	2,171,500	-8.7
South Australia	330,500	304,000	+8.7

Source: Bureau of Tourism Research International Visitor Survey

(7) The profile of inbound tourists for the three States as at 30 June 1998 is as follows

International Visitors by State 1997/98

Origin	WA Visitors	NSW Visitors	Queensland Visitors
UK	106,000	283,000	195,000
Germany	25,000	96,000	77,000
Singapore	79,000	74,000	82,000
Malaysia	42,000	48,000	27,000
Hong Kong	9,000	86,000	64,000
Indonesia	40,000	54,000	21,000
Japan	50,000	452,000	598,000
USA	30,000	240,000	158,000
Other	160,000	1,102,000	850,000
Total	541,000	2,435,000	2,072,000

Source: Estimates based on Australian Bureau of Statistics Overseas Arrival and Departures, and Bureau of Tourism Research International Visitor Survey.

(8) It is not possible to answer this question without clarification.

ADOLESCENT ASSESSMENT CENTRE

2118. Ms WARNOCK to the Minister for Family and Children's Services:

(1) When will the new Adolescent Assessment Centre open and where will it be?

(2) What will be its function?

(3) (a) Has the Department established a centralised information system to manage placements of at risk young people on a daily basis; and

(b) if not, when will it be established?

(4) (a) Has the Department developed quality of life indicators to help measure the success of its placements; and

(b) if not, when will it be done?

(5) Has the Department considered providing additional placement options for young people with challenging behaviour?

Mrs PARKER replied:

(1) It is anticipated that the centre will open in December 1999 and its location is in Stoneville.

(2) The function of the assessment and planning centre will be to provide an assessment service for young people which will assess their at risk behaviour, and plan services in relation to their identified needs.

(3) The department is currently establishing a centralised information system to manage the placements of at risk young people on a daily basis.

(4) The Looking After Children framework is being implemented. A pilot will commence within the next twelve months and state wide training will be given. This framework provides for the analysis of quality of life in areas such as health, education and family relationships.

(5) Yes. The most recent changes to out-of-home placements service contracts has provided services for those children needing therapeutic interventions. The most recent appointment of an Admissions officer will assist in identifying and addressing gaps in services for young people in this category.

EMERGENCY RELIEF FUNDING

2124. Mr BROWN to the Minister for Family and Children's Services:

(1) Is the Minister aware a number of non-government agencies dispensing commonwealth government emergency relief funding have reported a significant increase in demand to the point where the funding provided will no longer meet demand?

(2) Is the Minister aware that some non-government agencies distributing commonwealth emergency relief have been forced to restrict the number of people they see who are in desperate need?

(3) Will the Minister make representations to the Federal Government to increase the level of funding provided for emergency relief?

(4) If not, why not?

(5) If so, when?

Mrs PARKER replied:

(1)-(2) Yes.

(3) I have regular and frequent contact with my Federal colleagues on issues which impact my portfolio.

(4)-(5) Not applicable.

TOURISM, DOWNTURN

2125 Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 24 February 1999 concerning Australian Bureau of Statistics figures which showed there were fewer visitors to Western Australia in the eleven months to November 1998 compared to the eleven months to November 1997?

(2) Are the figures quoted correct?

(3) If not, in what way are they incorrect?

(4) Is the Minister also aware that the article refers to tourism industry sources saying the downward trend reflected a lack of continuing advertising presence in international markets and the loss of market share to Victoria?

(5) Does the Minister and the Government accept the loss is due to the lack of a continuing advertising presence?

(6) Does the Minister accept there has been a loss of market share to Victoria?

(7) Is the Minister also aware that the article refers to 'everyone' in the tourism industry calling for an increase in Government support?

(8) What representations have been made to the Minister and the Government to increase the level of funding allocated to advertising?

(9) Does the Government intend to increase the advertising budget?

Mr BRADSHAW replied:

(1) Yes.

(2) The estimates quoted are incorrect in that they are based on Australian Bureau of Statistics' monthly overseas arrivals and departures, which under-estimate international visitors to Western Australia by up to 30%. The figures therefore incorrectly reflect a downturn in visitor arrivals to WA.

(3) As stated, it is important to understand that using the ABS data as the source of international visitors at the State level actually under-estimates visitors to Western Australia by up to 30%, and therefore, cannot be relied upon for accuracy. The ABS estimates rely on samples of Incoming Passenger Cards which passengers complete prior to their trip in Australia - they only have the option of 'ticking' one State they intend to visit. For example, if an international visitor arrives in Perth, stays three days, flies to Sydney for three days, and gives a contact address in Sydney, then departs, the stay in Perth will not be recorded by the ABS. More accurate measures of international activity are available through the International Visitor Survey (IVS) conducted by the Federal/States'/ Territories' funded Bureau of Tourism Research (BTR) at all international airports around Australia on a continual basis. This survey is conducted in the departure lounge at all airports, and is therefore able to trace visitor movements after they've travelled around Australia. All States visited are accounted for. It does not matter whether the visitors are interviewed in Perth or at any other international airport around Australia, if it is mentioned they have visited Western Australia, they are counted as a visitor to Western Australia. Whilst estimates based on the IVS are available two months after those published by the ABS, they are nonetheless much more accurate in estimating international visitor activity into Western Australia. Preliminary estimates based on the combined IVS and ABS data sources, show Western Australia's international arrival figures were up 5.4% for the 12 months to December 1998 to a total of 554,200 visitors (excluding US Navy) compared to the 12 months to December 1997.

(4) Yes.

(5) The estimates referred to in the article are ABS data for Short Term Visitor Arrivals which underestimate visitors by up to 30%. Until the International Visitor Survey data is available, it cannot be determined if the figures have gone up or down.

(6) No. Western Australia's market share of international visitors to Australia increased from 12.2% in 1997 to 13.3% in 1998 (the latest available figures). Whilst Victoria's and South Australia's market shares also increased, NSW and Queensland lost market share by over 4 percentage points and nearly 3 percentage points respectively between 1997 and 1998.

State Market Shares of International Visitors to Australia 1996-97 and 1997-98 are:

	1998	1997	Change
Western Australia	13.3%	12.2%	+1.1
Victoria	26.6%	25.2%	+1.4
NSW	56.6%	60.8%	-4.2
Queensland	47.6%	50.3%	-2.7
South Australia	7.9%	7.0%	+0.9

Source: Bureau of Tourism Research International Visitor Survey

(7) Yes.

(8) Tourism Council Australia (WA Branch) made a formal presentation to the Minister for increased funding for the WATC at the State Tourism Council in September 1998.

(9) It is anticipated that the advertising budget will increase when budgeting circumstances allow. It is ironical that the Member should be advocating greater expenditure when he has done nothing but criticise the Elle campaign and its cost, even though "everyone" else is applauding the strategy.

DOMESTIC VIOLENCE PREVENTION PLAN

2176. Ms WARNOCK to the Minister for Women's Interests:

With reference to the Government's Domestic Violence Prevention Plan -

(a) what are the outcomes of the Albany Men's Crisis Service;

(b) how many men have used the service;

(c) are they self-referred or referred by someone else;

(d) what are the 'special provisions' for Aboriginal people;

(e) will the Minister advise if the service has made measurable inroads into the domestic violence problem in Albany;

(f) has the program relating to Aboriginal family violence been completed;

(g) if so, where is it being used;

(h) if not, when will it be completed;

(i) what outcomes can be shown for the victim counselling and advocacy services in Mandurah, Rockingham, Pilbara, Narrogin and Albany;

(j) what have been the outcomes of the community information projects in Bunbury, Northam, the Gascoyne Region, Joondalup and Geraldton;

(k) what was the outcome of the review and evaluation of regional planning and co-ordination; and

(l) have the recommendations been implemented?

Mrs PARKER replied:

Women's Policy Development Office

(a) The pilot program is currently being evaluated.

(b) 4

(c) Police Service.

(d) The service is required to be culturally appropriate for indigenous people.

(e) The service is still in the developmental phase and a review has recently been completed A new Service Delivery model has been agreed to by all parties and will be implemented shortly. Other services introduced in Albany over the last two years to address problems of domestic violence have been a medium term perpetrator counselling service, victim counselling service, and a program for children as secondary victims of domestic violence.

(f) It is still being developed and implemented.

(g) Kimberley, Meekatharra (Geraldton region) and shortly the Pilbara.

(h) It will form part of a longer term Aboriginal Family Violence strategy.

(i) The outcomes for the services are that people affected by domestic violence are linked to appropriate services, understand the dynamics of domestic violence, are supported when in crisis, and have the skills and confidence to prevent future crises. Three services are yet to report. The other services report that 746 people have used services in the past six months.

(j) Bunbury - Community Education workshops, displays, setting up of DV Resource Centre, launch of 7 new domestic violence services in the SW region.

Northam - development of resources and publications for Northam DV phone advocate service, distribution of information on the Victim support Strategy, production and distribution of domestic violence community information newsletter.

Joondalup - appointment of project officer to develop Police DV Training Package, obtain Police endorsement of project and setting up of project reference group.

Murchison (not Gascoyne, as indicated in the question) - Geraldton Resource Centre has engaged a coordinator, commenced negotiations with Yelella Aboriginal Corporation in Meekatharra to employ a local person.

(k) There were a number of recommendations.

(l) They are being progressively implemented.

WOMEN'S POLICY DEVELOPMENT OFFICE, REVIEW

2177. Ms WARNOCK to the Minister for Women's Interests:

(1) Is a review of the Women's Policy Development office being carried out?

(2) If so, what is its purpose?

(3) Will the results be made public?

(4) If not, why not?

Mrs PARKER replied:

(1)-(2) The Government has decided to bring the Women's Policy Development Office and the Office of Seniors Interests into the same administrative arrangement with Family and Children's Services as that already in place for the WA

Drug Abuse Strategy Office. The Family and Children's Policy Office will be established under the same structure. This does not change the role either of the Women's Policy Development Office nor the Office of Seniors Interests. The Executive Director's of both organisations continue to report to me on policy matters, while the Director General for Family and Children's Services becomes the accountable officer under the Financial Administration and Audit Act. This more efficient structure will strengthen each agency's capacity to coordinate policy development and implementation in areas that are a high priority for the Government.

(3) See budget estimates 1999-2000.

(4) Not applicable.

DOMESTIC VIOLENCE PREVENTION AGENCIES

2178. Ms WARNOCK to the Minister for Women's Interests:

(1) In relation to the Annual Report of the Women's Police Development Office for 1997-98, which Chief Executive Officers "acknowledged a lack of commitment by some agencies rather than by the unit" (the Domestic Violence Prevention Unit)?

(2) Which agencies are referred to?

(3) What are the performance indicators for the Domestic Violence Regional Committees?

(4) Have they achieved their aims in the last 12 months?

(5) Is there any evidence that incidences of domestic violence have decreased in Western Australia?

(6) What Aboriginal domestic violence initiatives have been put in place in the past 12 months?

(7) What results have been noted to date?

Mrs PARKER replied:

(1) The Chief Executive Officers were not identified to Women's Policy Development Office.

(2) The agencies were not identified in the report.

(3) Performance indicators were developed for 4 benchmarks :

Level of committee functioning;
Level of inter-agency cooperation and coordination;
Changes in service delivery;
Client satisfaction.

(4) A further review has not been planned at this time.

(5) It would not be expected that the incidence of domestic violence would decrease in the short term.

(6) The contract for the Kimberley Community Education Project commenced on 19 February 1999.

(7) It is too early for results.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2258. Mr RIEBELING to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) Has the Deputy Premier received any written advice from any agency under his control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Deputy Premier table this advice and if not, why not?

Mr COWAN replied:

Department of Commerce and Trade
(1) Yes.

(2) The department provides advice as a matter of course on the impacts and implications of fiscal initiatives contained within the Commonwealth budget including the tax initiatives outlined in the 1998-99 Commonwealth Budget and on specific policy launches such as the "*GST and a New Tax System*". The Regional Development Council commissioned the Institute for Research into International Competitiveness (IRIC) to conduct a study on the impacts of the taxation system on regional Western Australia. The study was completed in November 1998. A report summarising the conclusions of the IRIC study has been prepared for release in March 1999.

(3) The IRIC study and the supporting report are publicly available.

Small Business Development Corporation

(1) Yes. The Small Business Development Corporation provided a preliminary overview of the Federal Government's tax reform package highlighting likely impacts on small business.

(2) This advice was received on 14 August 1998, the date of release of the package.

(3) No. The advice provided was by way of a preliminary alert to the potential impacts of the package on small business in general terms. The actual impact will not be known until after the legislation has been finalised and the transition to the new system made.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2260. Mr RIEBELING to the Minister for Resources Development; Energy; Education:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr BARNETT replied:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2268. Mr RIEBELING to the Minister for Health:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr DAY replied:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2269. Mr RIEBELING to the Minister representing the Minister for Finance:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2271. Mr RIEBELING to the Minister representing the Minister for Racing and Gaming:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr COWAN replied:

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

(1)-(3) I refer the member to the answer to Question No 2269.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2272. Mr RIEBELING to the Minister representing the Minister for Mines:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr BARNETT replied:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2276. Mr RIEBELING to the Parliamentary Secretary to the Minister for Tourism:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr BRADSHAW replied:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF GOODS AND SERVICES TAX

2278. Mr RIEBELING to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Has the Minister received any written advice from any agency under his or her control on the impact of the Goods and Services Tax?

(2) If yes, when was this advice received?

(3) Will the Minister table this advice and if not, why not?

Mr MARSHALL replied:

(1) I have received, in the normal course of events, advice from my agencies on the Commonwealth's tax reform proposals including the impact of the goods and services tax.

(2) This advice has been received since the release in August 1998 of the Commonwealth's "A New Tax System".

(3) The Premier released an analysis of the impact of tax reform on Western Australia on 6 September 1998. It is not normal practice to table advice, which is received on a whole range of matters, from agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2286. Mr RIEBELING to the Minister for Family and Children's Services; Seniors; Women's Interests:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

(a) what is the total number of Level One employees at each agency as at 9 March 1999; and

(b) of these employees, how many were -

(i) permanent full time; and
(ii) on short term contract?

Mrs PARKER replied:

Family and Children's Services
(a) 236
(b) (i) 97
(ii) 80

Office of Seniors Interests
(a) 4
(b) (i) One permanent full time, one permanent part time
(ii) One full time, one part time.

Women's Policy Development Office
(a) 4
(b) (i) 2
(ii) Nil

WA Drug Abuse Strategy Office
(a)-(b) 0

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2324. Mr GRAHAM to the Minister for Health:

(1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?

(2) If so -

(a) to which events were the tickets provided; and
(b) on how many occasions have tickets been provided?

Mr DAY replied:

(1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.

(2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

ROYAL ASSOCIATION OF JUSTICES, RULES ON SECRET VOTING

2635. Mr RIEBELING to the Minister representing the Minister for Justice:

Is the Minister aware -

(a) of or has he received complaints from members of the Royal Association of Justices concerning the administration of and conduct of the council of that organisation in respect to rule observance particularly secret voting;

(b) that the rules of the Association of Justices only provide for postal voting, with no balloting material being issued without counterfaced envelopes, no returning officer nominated, no opening or closing date or time of ballot being stipulated with no provisions for scrutineers to any counting;

(c) that the committee of management of the Royal Association of Justices, to overcome the definitions of the rules in respect to voting procedures utilise by-laws by amending (the by-laws) at their whim and without consultation with members;

(d) that the members who have requested to be in attendance at the counting of a ballot have been refused;

(e) that members who have requested permission to sight returned ballot papers, after the declaration of a ballot have been refused;

(f) that members have not been advised or informed of the number of ballot papers issued, returned, valid, informal; and

(g) in view of Government policy relating to secret ballots and the democracy of organisations which is reflected in the Industrial Relations Act 1979, has the Minister made inquiries into these complaints;

(h) if not, why not; and

(i) if yes, what was the result?

Mrs van de KLASHORST replied:

The Attorney General has provided the following response:

(a) I have received a complaint from a member of the Royal Association of Justices in this respect.

(b)-(i) The Royal Association of Justices is an independent incorporated body and as such its rules and process are not subject to scrutiny by the Attorney General.

MIGRANTS, THORNLIE

2701. Ms McHALE to the Minister for Citizenship and Multicultural Interests:

(1) What services exist in the Thornlie/Gosnells area for refugees and migrants?

(2) How much State funding is allocated to specific programs targeting migrants in the Thornlie area?

Mr BOARD replied:

I am advised that:

(1) There are no specific services in the Thornlie/Gosnells area for refugees and migrants. However, refugees and migrants can access all of the services provided by the following agencies:

Public Libraries: The Gosnells, Thornlie and Boogurlarri Libraries have language learning resources for people, including refugees and migrants, wishing to improve English proficiency and for those people wishing to learn another language.

Family and Children's Services: Family Support Program

Robert Jull Family Daycare Scheme (Developing Family Skills)
Support Program Education Advocacy Referral Services (Domestic Violence Support Service)
Boogurlarri Community House (Family Skills development and networking)

Supported Accommodation Assistance Program:
Ravenhill Youth Accommodation Centre (Youth Crisis accommodation)
Armadale/Gosnells Women's Refuge (Domestic Violence)
Perth City Mission (Family Support and Accommodation)

Poverty Program:
Gosnells Community Legal Centre (Advocacy and Financial Counselling)
Boogurlarri Financial Counselling Service

Education Department of WA

Ethnic School Programs	
Willetton Senior High School	Arabic
Parkwood Primary School	Chinese
Australian Islamic College	Dari
Woodlupine Primary School	German
Wilson Primary School	Italian

ESL Primary Support Program: The ESL Visiting Teacher Service is available to any primary school with eligible Stage 1 and 2 ESL students.

Beckenham Primary School - This program has a teacher working with Years 1 and 2 students in literacy and teachers in classrooms to support students who have recently arrived in Australia and are from culturally and linguistically diverse backgrounds.

There is an ESL Cell consisting of Forrest Crescent Primary School, Thornlie Primary School and South Thornlie Primary School, which has an ESL teacher and Ethnic Aide (Cantonese/Mandarin/Vietnamese).

ESL Secondary Support Program: There is an ESL Secondary Support teacher at Lynwood Senior High School.

Intensive Language Centres: Although there is no Intensive Language Centre (ILC) in the Thornlie area, eligible students can access Highgate ILC or Beaconsfield ILC if they are primary aged, Melville or Perth Modern ILC if secondary aged, or Swanbourne ILC if they are post compulsory students.

Other Services:
Gosnells Women's Health Service
Communicare - Cannington (provides support services to recently arrived migrants)
Multicultural Adult Day Centres (Cannington)
City of Canning Multicultural Respite Services
Fremantle Migrant Resource Centre

(2) There is no State funding allocated to specific programs targeting migrants in the Thornlie area.

JUSTICES OF THE PEACE, RETIREMENT POLICY

2907. Mr McGOWAN to the Parliamentary Secretary to the Minister for Justice:

Instead of introducing mandatory retirement for Justices of the Peace based solely on age, did the Minister give any consideration to introducing a test to determine whether or not JPs, regardless of their age, are capable of executing their duties competently -

(a) if yes, will the Minister outline what form his consideration took; and
(b) if no, why not?

Mrs van de KLASHORST replied:

The Attorney General has provided the following reply.

(a) Yes, even short consideration of this should indicate that it would be quite insidious to tell a senior JP that tests had shown them to be mentally incompetent

(b) The recommendations of the Law Reform Commission of Western Australia in the *Report on Courts of Petty Sessions, Constitution, Powers and Procedure, November 1986*, and the 1994 *Report on Justices of the Peace* were considered in determining this issue. Both reports recommended that justices of the peace should retire at age 70 years consistent with the retirement age of judges.

FEMALE GENITAL MUTILATION, LEGISLATION

2937. Ms WARNOCK to the Parliamentary Secretary to the Minister for Justice:

Given the Minister's correspondence of 24 February 1998 to Senator Vanstone in which it is stated that, "In view of the above matters, I do not propose to recommend to the WA Cabinet that there be an amendment to the WA Criminal Code to insert a specific female genital mutilation offence", why has it been stated in a pamphlet titled Female Genital Mutilation, dated July 1998, from the Multicultural Access Unit that, "The Western Australian Attorney General's Office is currently considering the development of specific legislation banning FGM."?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:-

I am advised that the Hon Attorney General's view is that the current law criminalises the practice. Therefore an overlapping specific offence is not only unnecessary, but would add to the general criminal law in a way that runs counter to modern thinking about the purpose, structure and content of offences against the person. The provisions of the *WA Criminal Code* under which criminal charges could be laid include section 301 – unlawful wounding, section 306 – unlawful act to cause bodily harm and section 297 – unlawfully doing grievous bodily harm. The Government is not aware of the effect of specific legislation in other States in terms of reducing the incidence of female genital mutilation and facilitating prosecution of persons performing the assaults. Accordingly if information clearly illustrating that specific legislation has such effects, then the Government would be prepared to give further consideration to introducing the same in this State. Against that background I am unable to comment on the content of any information given out by other agencies of Government.

KEMERTON INDUSTRIAL PARK, WATER STUDY

2958. Dr EDWARDS to the Minister for Water Resources:

(1) Has the Water and Rivers Commission appointed a consultant to carry out a water study at Kemerton?

(2) If yes, who is the consultant and when was the consultant appointed?

(3) What are the terms of this study and when will it be completed?

(4) Will the public be consulted during this study?

Dr HAMES replied:

(1) No.

(2)-(4) Not applicable.

GEHA HOUSING IN ONSLOW, CYCLONE DAMAGE

2977. Dr GALLOP to the Minister for Housing:

(1) When does the Government intend to undertake the repair work on Government Employment Housing Authority (GEHA) houses in Onslow damaged by Cyclone Vance?

(2) Have all of the assessments been done and if so, why is there a delay in undertaking the repairs?

(3) Will the repair work include the provision of enclosed garages for motor vehicles?

Dr HAMES replied:

(1) All structural and major work has been completed. Some minor works in relation to floor treatments and external painting are presently being undertaken.

(2) All assessments were completed by 24 March 1999 and job orders for identified work issued on 25 March 1999. Items such as fencing are currently being repaired.

(3) No.

QUESTIONS WITHOUT NOTICE

COMMONWEALTH-STATE FINANCIAL AGREEMENT

862. Dr GALLOP to the Premier:

I refer to the revised intergovernmental agreement on the reform of commonwealth-state financial relations, which was discussed at the meeting of Under Treasurers on Tuesday.

(1) Will the Premier be signing the agreement in its current form?

(2) If not, which sections will he seek to change?

Mr COURT replied:

(1)-(2) A meeting of Under Treasurers has taken place and a further meeting will take place next Monday to discuss these proposals. Therefore, it is too premature to say what the final intergovernmental agreement will be. The initial agreement was a draft and was produced subject to negotiations between the States and the Federal Government, which are continuing.

The 1993 election campaign focused on taxation reform with the coalition's Fightback package.

Mr McGowan: It was a suicide note.

Mr COURT: Prime Minister Keating won that election. However, during the campaign he said that if the coalition won government and John Hewson became Prime Minister, the Labor Party would not obstruct the Fightback package in the Senate; in other words, the party would allow the people to make a decision. That was a responsible approach. At the last election, Kim Beazley took the opposite position: He vowed to defeat the GST proposal at any turn. As a result, the coalition has had to negotiate with the Independents and the Democrats.

Dr Gallop: Hawke and Keating had to do that throughout their time in government.

Mr COURT: If the Leader of the Opposition wants to talk about Hawke, Keating, Crean and Beazley, I remind him that they all agreed to a GST proposal.

Mr Graham: Rubbish!

Mr COURT: Yes they did, and when the pressure was applied they backed off. In 1993, the then Prime Minister said that if the coalition won the election with Fightback the Labor Party would not obstruct it in the Senate.

I will simplify it to the Labor Party's political strategy. Members opposite think that this is manna from heaven. They will go into a state election and a federal election soon after that and run their campaign on negativity associated with the GST. That is the Labor Party's contribution to trying to bring about taxation reform in this country. Members opposite do not give a damn about what benefits might flow to our export industries.

Several members interjected.

Mr COURT: This highlights it: The Deputy Leader of the Opposition just said there are no benefits in this package for export industries. That shows his absolute naivete. Members opposite have made a judgment. They will take a negative attitude to this issue; there will be nothing positive. If that is the best they can do as an opposition, they will stay in opposition.

GOODS AND SERVICES TAX PACKAGE, STATE TREASURY ANALYSIS

863. Dr GALLOP to the Premier:

I have a supplementary question. Is the Premier now in a position to table Treasury's analysis of the Howard-Lees GST package?

Mr COURT replied:

I said yesterday I would table it. This is the preliminary analysis given to the Government after the package was announced.

[See paper No 995.]

MOSQUITO CONTROL, RUNNELLING PROGRAM

864. Mr MARSHALL to the Minister for Health:

The budget announcement of $1m to be spend over four years on mosquito control runnelling has been praised unanimously by my constituents.

(1) When will the runnelling commence?

(2) Which locations have been chosen?

(3) Has a successful contractor been selected?

(4) What benefit will runnelling have on mosquito control?

(5) Has this type of control been tried before, and, if so, where?

Mr DAY replied:

I thank the member for some notice of this question. This is a new and important initiative in the Health budget in Western Australia. Runnelling involves creating furrows in areas of land that tend to get waterlogged to improve the water flow and, thus, lessen the likelihood of mosquitos breeding.

(1) The runnelling program will commence after the appropriate contractor has been appointed. That has not been determined as yet, and we hope it will occur within six months.

(2) Some consideration has been given to the areas in which the runnelling should be provided. However, that has not been finalised and depends on further advice and comments from the respective environmental agencies involved; that is, the Environmental Protection Authority, the Department of Environmental Protection, the Department of Conservation and Land Management, the National Parks and Nature Conservation Authority, the Water and Rivers Commission and the Peel Inlet Management Authority.

(3) As I said, a contract proposal is being finalised and it is intended to advertise for expressions of interest before the end of the financial year.

(4) The runnelling program is expected to reduce the need for chemical larviciding of mosquito-breeding areas. Regular chemical applications may still be required, but over smaller areas and less frequently than is currently the case. The development of chemical resistance to currently used chemicals will therefore be postponed, lengthening the effectiveness of the chemicals available for future control measures.

(5) Runnelling has been used to a limited extent in the Peel region, in the Leschenault region, at the Ascot Waters development in Belmont and in southern Queensland and northern New South Wales.

GOODS AND SERVICES TAX, IMPACT ON SMALL BUSINESSES

865. Mr BROWN to the Premier:

Yesterday the Premier said that the Howard-Lees GST would be a "nightmare for many small businesses" because of the complexities of exempting food. What is the Premier proposing to do to protect small businesses in this State from the nightmare he helped to create?

Mr COURT replied:

One does not have to be very smart to work out that exemptions will make the system more complex. Other countries have done this with different models, and complexity has been one of the criticisms. I believe that a preferred position on any tax measure is to keep it as simple as possible. If the member had listened to my first answer to a question on this matter, he would know that the coalition had no option but to negotiate with parties other than the Labor Party because of the Labor Party's stance. The only way the Federal Government could get a proposal up was to exempt basic food items. That made it more complex. The Prime Minister put forward a proposal in his negotiations to apply a different rate of goods and services tax on those food items, but was not able to achieve that. It would be a preferred position to exempt them altogether. I would prefer a simple arrangement that included all the items, and that would enable the State to get rid of financial institutions duty, the debits tax and a whole heap of stamp duties which would take much of the bureaucratic burden off small business.

Mr Brown: Are you going to do anything about it?

Mr COURT: What does the member mean? We are in the middle of a debate to bring about taxation reform into this country, and all members opposite will do for the next couple of years is sit on the sidelines and be negative - knock, knock, knock. It is hardly a constructive contribution to a taxation debate in this country.

HEROIN ADDICTS, CAUTIONING SYSTEM

866. Mr BLOFFWITCH to the Minister for Family and Children's Services:

I address my question to the minister in her capacity as the minister responsible for the WA drug abuse strategy. I refer to reports in *The West Australian* today about an alleged clash between the State and Federal Governments because the State Government has ruled out the introduction of a cautioning system for heroin addicts. I ask -

(1) Does the Prime Minister in his tough on drugs strategy propose to introduce a cautioning system for heroin addicts?

(2) If not, what proposal was put to the Council of Australian Governments in April this year?

(3) What is the State Government's position on those proposals?

Mrs PARKER replied:

(1) No, the Prime Minister is not proposing to introduce a cautioning system for heroin addicts. This State Government has strongly supported the Prime Minister's efforts in his tough on drugs strategy, and that strategy includes efforts to achieve a shift from a primary focus on harm minimisation to a stronger focus on harm prevention.

(2) The ministerial council on drug strategies at its meeting next week will consider a proposal for a diversion system that forces offenders into compulsory assessment of their treatment needs, and engages them in treatment.

(3) Western Australia already has a court diversion system in place. Members are aware that the Government is considering the introduction of a drug court for more serious offenders. The proposal by the Prime Minister for the compulsory assessment of illicit drug users to be diverted by the police, is an additional component of an integrated package to more effectively engage users in treatment. We will look at the detail of the proposal when it is on the table, and we have supported it in principle.

This Government will not support a cautioning system for heroin users and it will not support a diversion proposal, whereby the requirement for treatment is a mere formality and will not be seriously followed through. The Labor Party's proposal to decriminalise possession of up to 100 grams of cannabis, and ownership and cultivation of up to five cannabis plants per adult, per household, must be compared with the strategy being trialled in Western Australia that does not take away the criminality of possession of cannabis, but gives people one chance for effective intervention. If that intervention is not attended, the criminal charges will proceed.

The difference is that if there is to be effective and coercive intervention and treatment, both the carrot and the stick must be used. The Labor Party's proposal takes away the stick because there will be no serious consequences if the criminality of possession and use of illicit drugs is removed.

BUS DRIVERS, INDUSTRIAL ACTION

867. Ms MacTIERNAN to the Premier:

I refer to the Government's full page, taxpayer-funded advertisement in *The West Australian* today, which attempts to tell thousands of stranded bus passengers that they have never had it so good. Given that the advertisement claims -

The State Government has retained control over when buses will run . . .

When will the Government deliver on that claim by intervening in the current dispute to have these vital services restored? Is the Premier happy to let this dispute drag on because it is saving his Government money, money which can always be spent on even more advertisements telling bus passengers they have never had it so good?

Mr COURT replied:

The industrial action today is both unnecessary and inconvenient for a large number of people. As has been demonstrated, one company was able to reach agreement yesterday. Perhaps the first thing I should do is give the member a copy of the performance reports on how bus services were being delivered prior to the transfer to the private sector. She might then want to ask why they had been run so inefficiently.

WATER, GNANGARA CATCHMENT AREA

868. Mr MacLEAN to the Minister for Water Resources:

Will the minister please indicate to the House -

(1) The total volume of water available from the aquifer in the Gnangara ground water catchment area.

(2) How much water is used by the market gardening industry in the Gnangara catchment area on an annual basis?

(3) How much water is exported each year from the Gnangara aquifer by the Water Corporation?

(4) What percentage of ground water recharge does this transfer equate to?

Dr HAMES replied:

I thank the member for some notice of this question. The Water Corporation has provided the following response.

(1) The mound has the capacity to sustainably supply in the order of 180 million kilolitres a year for those purposes.

(2) It is estimated that approximately 55 million kL of that 180 million kL is used for horticulture. That supports an industry which is worth approximately $67m a year.

(3) The Water Corporation extracts about 50 million kL a year from the mound for the public water supply, which is about 20 per cent of the total metropolitan scheme water supplies.

(4) The total volume of water extracted for public water supply and horticulture represents 57 per cent of the average annual recharge. Of that, 30 per cent is used for horticultural purposes, and the other 27 per cent for the public supply.

INDUSTRIAL RELATIONS COMMISSIONER PARKS

869. Mr KOBELKE to the Minister for Labour Relations:

In the Estimates Committee last week I drew the minister's attention to the denial of justice in the Western Australian Industrial Relations Commission due to the inordinate delays created by Commissioner Parks; specifically, that he took more than six years to deliver a determination in the unfair dismissal case of Mr Feltham. When did the minister first become aware of the numerous complaints about the tardiness of Commissioner Parks, and what action did she take following my request in the Estimates Committee to answer specific questions on the extent of problems created by Mr Parks in order to seek his resignation?

Mrs EDWARDES replied:

I make it very clear to the House that I did not seek his resignation. The Industrial Relations Commission is an independent body and I will always respect that. When the matter was brought to my attention during the Estimates Committee hearings by the member for Nollamara, that was the first time I had heard of it. I subsequently had a meeting with the chief commissioner and reminded him, of which he needed no reminder, that timeliness was very important in seeking justice, particularly concerning labour relations. He will obviously be discussing that matter with his commissioners.

PUBLIC BUILDINGS, CONTRACTING OUT

870. Mrs HODSON-THOMAS to the Minister for Works and Services:

The State's public buildings are now being built by the private sector under contract to the Government. Is there any evidence to show that this contractual arrangement is providing a better result for the taxpayer?

Mr BOARD replied:

I thank the member for some notice of this question. As the Minister for Works I have had a close look at the performance of our builders in Western Australia under our contracting regime for public buildings in Western Australia. It is a positive and encouraging story regarding not only the style of the buildings - we now have world's best practice in architecture in our public buildings in Western Australia; they are environmentally friendly and in many cases regional builders are winning those contracts - but also they are being completed on time and in many cases under budget. Some examples are: Broome Hospital, a $15.5m contract, was completed on time under budget; Burekup replacement primary school to which I think the member for Collie referred this morning, a $1m contract, completed on time and under budget; Ballajura Community College, a $9.5m contract, completed ahead of time and on budget.

I have a list of about 20 projects including schools, justice facilities, a dairy industry facility, police stations and the Karnet Prison Farm new visitors centre which have been completed over the past six months. It shows that the partnership between the Government and private sector construction industry is providing a good result for the taxpayer and buildings of which we can be proud.

HIGH CONSERVATION VALUE OLD GROWTH FOREST, LOGGING

871. Dr EDWARDS to the Minister for the Environment:

When does the Department of Conservation and Land Management intend to log coupes in the following high conservation value old growth forests: Gardner, Giblett, Carey and Jane?

Mrs EDWARDES replied:

We would like to learn from the Opposition what high conservation value means, given the extensive scientific assessment that took place prior to the regional forest agreement. Gardner and Carey blocks are now being harvested. The high conservation value of formal and informal reserves of Giblett equate to 24 per cent and Jane, 35 per cent, 11 per cent of which is in the Shannon National park. There are no published plans with respect to either of those blocks. Obviously the harvesting plans are being examined.

I remind members opposite, particularly the member for Maylands, that an analysis showed that under its policy, 5 000 hectares of old growth karri would be cut. The Opposition has a responsibility to tell the public which 5 000 hectares would be cut to meet the existing contracts under its policy.

HOMESWEST, REVITALISATION OF MIDVALE AREA

872. Mrs van de KLASHORST to the Minister for Housing:

(1) Will the minister explain details of the Homeswest plans to revitalise the Midvale area?

(2) Are the flats known as Hynam Court to be knocked down?

Dr HAMES replied:

I thank the member for some notice of this question and for her interest in it. As she knows, the new living program initiated by this Government has been extremely successful, particularly for members opposite as areas such as Rockingham, Kwinana, Lockridge, Koondoola, Girrawheen, Balga, Westminster, Langford, Armadale and Karawara are in their electorates.

Mr Court: It is blatant pork-barrelling of Labor electorates!

Dr HAMES: That is right. However, apart from the quantified new living programs I have just named, through Homeswest, we have been improving a number of suburbs in which Homeswest officers have been trying to undertake a redevelopment program. One of the difficulties with that is that money from the sale of properties no longer required by Homeswest has gone back into the pot and therefore they have been unable to undertake specific developments such as the new living projects. In order to fix that, under the chairmanship of Hon Derrick Tomlinson and in conjunction with local members and the council, we put together a new living package for that Midvale region. I am pleased to say that part of that package involves the agreement for the demolition of Hynam Court. I am sure local residents will be extremely pleased to hear that. We hope that, in conjunction with the local government, the package will be able to feed back the funds generated into additional improvements in the other new living areas such as developments of parks, better street scaping, closing off roads and providing better public facilities. We are confident that will occur also in this area.

HEROIN, PRESCRIPTION TRIAL

873. Mr CARPENTER to the Deputy Premier:

(1) As a matter of policy does the National Party in Western Australia support a heroin prescription trial?

(2) If so, is it the deputy Premier's intention to pursue such a policy in government?

Mr COWAN replied:

I am sure that the member is aware that, by a narrow majority, the conference of the National Party agreed to run trials in Western Australia. I have no difficulty in informing the House that I opposed that motion and I have no intention of seeking to apply it to government or in Western Australia.

RECIDIVISM, REDUCTION IN RATE

874. Mr BAKER to the minister representing the Minister for Justice:

I refer to the ongoing debate in this Chamber about the Prisons Amendment Bill and remarks by members opposite concerning recidivism rates. Has the Government recently announced any new initiatives in this area aimed at reducing levels of recidivism?

Mr PRINCE replied:

The Minister for Justice has provided me with some notes.

Two key initiatives have been introduced in the past two years. Under a pilot scheme introduced in 1997, five senior community corrections officers were put in metropolitan prisons to work with prisoners; that is, those who were eligible for work release or parole and considered to be at high risk of re-offending on release. Those officers are there to assist the prisoners to develop pre-release plans to aid their reintegration into the community. The program has been given a favourable preliminary evaluation. It will be progressively expanded to other prisons in the near future, will operate as the release planning unit and will be linked to the Warminda intensive intervention centre. Warminda is the other major initiative to address issues of recidivism. It provides skills, training programs in a close structured support and supervision of offenders, especially those aged 16 to 21 years, who have a history of failure in the community. The linking of the two programs will ensure that offenders at high risk of reoffending on release are provided with support prior to and after release from prison.

EDUCATION DEPARTMENT, ANNUAL REPORT

875. Mr RIPPER to the Minister for Education:

(1) Is the minister aware of his obligation under section 64(1) of the Financial Administration and Audit Act 1985 which states -

> The Minister shall cause copies of each annual report referred to in section 62 together with a copy of the opinion of the Auditor General to be laid before both Houses of Parliament within 21 days of receiving the Auditor General's opinion.

(2) Is the minister aware that the Auditor General's opinion on the 1997-98 annual report of the Education Department is dated 13 November 1998?

(3) Is the minister aware that the director general of the department submitted the report to him on 30 November 1998?

(4) Why was the report not tabled until today?

(5) Why has the minister not complied with the law on this matter?

Mr BARNETT replied:

(1)-(5) It will be necessary for me to obtain some advice on the reasons for that. Certainly, from my point of view, there was no reason that the tabling of that report should have been delayed. I am aware of the obligations, and I will ascertain why it was not tabled on time.

BUNBURY REGIONAL PRISON, PRISONER STATISTICS

876. Mr OSBORNE to the Parliamentary Secretary representing the Minister for Justice:

Can the Parliamentary Secretary provide the House with information on the following -

(1) What is the present prison population in Bunbury Regional Prison?

(2) What is the maximum number of prisoners to be held in Bunbury?

(3) Are statistics kept on ages of Bunbury prisoners and their offences?

(4) How many prisoners have relocated from Canning Vale and Casuarina Prisons and why are they being transferred? Are there statistics on the ages and offences of these prisoners?

Mrs van de KLASHORST replied:

I thank the member for some notice of this question.

(1) As at 30 April 1999 - 221.

(2) 225.

(3) Yes, as at 30 April 1999.

Number of prisoners by age -

Age	Number
18-19	14
20-21	13
22-24	34
25-29	33
30-34	25
35-39	27
40-44	15
45-49	15
50+	45
Total	221

Number of prisoners by most serious offence -

Homicide	6
Assault, excluding sexual assault	20
Sexual assault and offences	105
Other against the person	3
Robbery	20
Breaking and entering, burglary	31
Fraud and misappropriation	1
Theft or illegal use of vehicle	1
Other theft, including theft of drugs	1
Breaches/escapes	13
Importing/exporting drugs	2
Dealing/trafficking in drugs	6
Manufacturing/growing drugs	1
Driving under the influence of alcohol/drugs	5
Driving licence offences	6
Total	221

(4) Of the Bunbury prison population of 221 as at 30 April 1999, a total of 168 prisoners had been transferred in from Casuarina or Canning Vale Prisons for the following reasons -

Approved transfer to another prison	130
Court appearance	1
Returned after temporary transfer	37
Total	168

Specific information on this group of prisoners is not readily available. They are included in (3).

The SPEAKER: I remind members that they can table papers after they give a brief summary.

HEROIN CAUTIONING SYSTEM

877. Mr CARPENTER to the Minister for Family and Children's Services:

Can the minister explain why the head of her drug strategy office, Mr Terry Murphy, told a seminar last Thursday afternoon that the Government will be introducing a heroin cautioning system, which is a direct contradiction of the minister's answer in this place yesterday?

Mrs PARKER replied:

I have been through the process of the difference between, for example, what is in operation in Victoria in respect of a heroin cautioning program at the police level and what is being proposed in Western Australia through the drug court. I am not aware of what the member is referring to.

Mr Court: And you do not accept what he says is right.

Mrs PARKER: I do not accept what he says is right. I can reiterate that the drug court feasibility study has been completed. It is in the hands of the Attorney General for finalisation of the details. We are not looking at a heroin cautioning system. In fact, if members look at our cannabis cautioning system, they will see it is necessary to continually remind ourselves that the difference between what is happening in Victoria, for example, what is being proposed by the Western Australian Labor Party and what we have here in Western Australia is that we have not removed the possession and use of cannabis or heroin, or any other drug for that matter, as a criminal offence, and we do not intend to. The possession of cannabis remains a criminal offence, and it will continue to be so.

HEROIN CAUTIONING SYSTEM

878. Mr CARPENTER to the Minister for Family and Children's Services:

As a supplementary question, Mr Murphy told a seminar of at least 35 people, including federal and state police, last Thursday afternoon that the Government would be introducing a heroin cautioning system. Is the minister saying that -

The SPEAKER: Order! I was going to allow the member to ask a supplementary question. However, he is out of order; his question is outside the guidelines. A supplementary question must be a question, not a statement.