



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE ASSEMBLY

Thursday, 17 June 1999

# Legislative Assembly

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

## **NORTHAM FIRE STATION, STAFFING**

### *Petition*

Mr Trenorden presented the following petition bearing the signatures of 639 persons -

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

We, the undersigned wish to strongly support the continuation of a 24 hour permanent staff at the Northam Fire Station as they are a vital resource to the Town of Northam and an essential support to the Volunteers. They provide an immediate response in the event of an emergency in the Avon region. That there is no reduction in the staffing levels.

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 237.]

## **ALINTAGAS - SALE**

### *Petition*

Ms McHale presented the following petition bearing the signatures of 49 persons -

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

We urge you to oppose the sale of AlintaGas. AlintaGas is a public asset that is efficient and profitable.

The Government deceived the people of Western Australia by concealing its intention to privatise AlintaGas from voters before the last election.

AlintaGas does not belong to the Government, it belongs to the people and the Parliament should not authorise its sale without a mandate from the people of 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 238.]

## **HILTON POLICE STATION, CLOSURE**

### *Petition*

Mr Carpenter presented the following petition bearing the signatures of 532 persons -

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

We the people of Hilton park are asking that you reopen the Hilton Police Station with full time staff in attendance so that we can live peacefully in a safe community.

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 239.]

## **EASTERN GOLDFIELDS SENIOR HIGH SCHOOL**

### *Grievance*

**MS ANWYL** (Kalgoorlie) [9.06 am]: At the outset I was unsure whether to grieve to the Minister for Education, although this is an education matter, or the Minister for Regional Development because this matter is also clearly important to regional development in my electorate. It relates to the Eastern Goldfields Senior High School, a school on which I have made several representations to the minister. I initially approached the minister about it in March. At that time I handed him a document that had been prepared for the Parents and Citizens Association of the Eastern Goldfields Senior High School. Since that time, the minister visited my electorate on 30 April 1999. I was pleased that he allowed me, in conjunction with some parent representatives from the high school, to have a hearing with him. I think one of his advisers has since met again with the school council and the parents and citizens representatives about the important issue of staffing at that high school.

The shortage of teachers in some remote areas has been receiving much publicity and certainly the Kalgoorlie region faces

this problem. This is not the context of my grievance; it is a matter of the ever-increasing implementation of formulas that relate to staffing in country and no doubt metropolitan schools and the removal of flexibility to cater for student needs. I have a vested interest in this issue for three reasons: First, I went to a government school and I have no doubt that they provide excellent opportunities for children and young people in our community. I am concerned because I have seen figures that suggest that the amount of funding allocated to government schools is ever decreasing.

Mr Barnett: That is not true.

Ms ANWYL: The minister can respond soon, but that is what is being generated in the community.

Mr Barnett: Because you keep saying that.

Ms ANWYL: I will not accept this from the minister. I have attempted on several occasions to have this issue resolved out of the public spotlight. As I have just indicated, without bringing it into this Parliament and without taking it into the media, I have attempted at least twice to have the minister address this issue. The principal reason I have a vested interest is that I want to see the children in my electorate receive an education equal to that which is provided to metropolitan students. A wealth of statistical information suggests that the children in my electorate do not have opportunities equal to those of their metropolitan counterparts. For example, an Aboriginal child entering year 8 has a less than one per cent chance of completing year 12 in Kalgoorlie-Boulder. That is not good enough. Statistical evidence clearly indicates that year 12 students in country areas, and notably in my own area, do not achieve the same sorts of TEE results as their metropolitan cousins. Further evidence clearly indicates that young people in country schools do not have the same levels of retention rates as their counterparts in the city.

Some unfortunate circumstances have occurred at the Eastern Goldfields Senior High School. That school has an extremely complex mix of educational needs. The third reason that I have a vested interest is that I previously chaired a youth committee in Kalgoorlie-Boulder through which we set up a separate facility to cater for children who were no longer allowed to attend school. A number of exclusion applications are occurring in Kalgoorlie. I do not criticise the principal for making those exclusion applications, but let us remember there is no other high school to which these children can go. I was involved in setting up a program, with funding from the Federal Government, to provide a place in Kalgoorlie-Boulder at which these young people, who had been excluded from school, could spend time during the day. I have previously given the Minister for Education a letter from the principal of the high school to the P & C. There is a problem with the implementation of the formulas which are so inflexible. Effectively, an increase of up to 200 children has occurred at this high school, but at least two full-time teaching staff have been removed through implementation of the formula. A loss of a teacher for the youth support program has occurred, which provides effectively for these children who are so clearly at educational risk. A loss of flexibility has occurred. Problems have been experienced with filling positions of which the minister is well aware. I believe he has tried to adequately compensate for the difficulty of staffing that exists in my region, but having said that, a huge number of teachers continues to move away from the goldfields. Most recently a youth development officer who was appointed through an initiative of the Minister for Youth has gone from the school. The economic downturn in the mining industry means that a number of people have followed their spouses out of the goldfields, so staffing is an issue. The problem that is confronting parents is that not only is violence occurring in the school, but also they fear for their children's safety outside the school area. I am yet to see how the Education Department will deal with this extremely sensitive issue. There have been massive numbers of exclusion applications, but there is nowhere for these children to go. I was involved in chairing a committee to set up a place for these children to go.

I ask the minister to address several issues, but most notably the issue of flexibility of staffing. This is not a new issue to him. He has met with the school council and the P & C and I have given him documents previously. A mechanism must be put in place to cater for these children who will be no longer allowed to attend school at ages 12 and 13 years, and who cannot travel to Perth to attend school each day.

**MR BARNETT** (Cottesloe - Minister for Education) [9.13 am]: I thank the member for Kalgoorlie for her comments. I acknowledge that her concerns are genuine. I also acknowledge that the Eastern Goldfields Senior High School is experiencing difficulties, as was recently demonstrated by a group of girl students being charged with 15 different charges of assault against other students at the school. That was a very serious situation, whether it occurred within the school grounds or elsewhere in the community. The principal, Mr Mortimer, handled that situation extremely well. I do not like to see situations arise which make it necessary for police to come on to school grounds to deal with issues. However, in that case it was totally justified and warranted police intervention and, ultimately, intervention by the courts.

The Eastern Goldfields Senior High School is about to undergo a very substantial upgrade of facilities. The Government has committed \$12m to building a senior campus and upgrading the other buildings which will bring it up to new school status. The construction work on those superb facilities is about to get under way. When I was in Kalgoorlie recently, I, with the member for Kalgoorlie, unveiled the plans for that development. The community, the school and the staff expressed great enthusiasm for what will be a superb regionally-based senior high school; in fact, there will also be a middle school in the senior campus.

The school has a staffing contingent of 88.3 full time equivalent teachers. Difficulties have been experienced in staffing schools in the Pilbara and the goldfields regions. Two vacancies exist at the Eastern Goldfields Senior High School. One of the vacancies is in the area of visual arts and the other vacancy is in the area of aeronautics. It is not easy to fill such positions, especially in a place as distant as is Kalgoorlie from the metropolitan area. However, the visual arts teacher will commence at the school at the beginning of term three. It has not been possible at this stage to find a specialist aeronautics teacher. It is a great thing to offer that specialty to the students, but because the position is so specialised, it is also difficult to staff that position.

Under the new staffing formula that was introduced in 1998, the staffing establishment for the Eastern Goldfields Senior High School is 88.3 teachers for a student population of 1 327 students. In 1997, under the old staffing formula, there were 89 teachers for a student population of 1 320 - virtually the same situation. Therefore, there has been no reduction under the new staffing formula. Seven teachers have resigned during 1999, which is an 8 per cent turnover. The member acknowledged that the Government has done much in trying to improve the staff conditions for teachers in some of the difficult-to-staff schools; the Eastern Goldfields Senior High School is classed as a difficult-to-staff school. A temporary teacher who completes three years work at that school will be given permanency. All teachers also receive extra professional development career advantages and extra allowances which can amount to \$8 000 a year. Very substantial professional development, career permanency and financial rewards are available for staff who teach at that school and who stay for extended periods; by that I mean three or more years. The school has made a submission and has pointed to some of the problems that it faces with its student population.

Ms Anwyl: Why do you not fix them? You have had it for months; it is not good enough.

Mr BARNETT: The member says it is not good enough. She raised it here and asked whether I would go to Kalgoorlie, to which I replied I would, and I went to Kalgoorlie. We launched the \$12m project and at her request, I sat down with a group of people that she had arranged for me to meet. I included her in every meeting that I went to at that school. That did not happen when the Labor Party was in government. I met with the principal, the staff and the teachers.

Ms Anwyl: The manifestations of this problem are occurring in my electorate now. You will have an empty shell of a \$12m school if you do not address these basic needs of the complex school community.

Mr BARNETT: I have only a minute left; the member has already spoken. The school made a submission. It pointed to some of the difficulties it has with its student population, which I acknowledged in Kalgoorlie. It requested extra staffing resources in the curriculum area, and also that we fast track a teacher to help with students who are not up to average in the literacy and numeracy areas.

It has also looked for a youth support teacher to deal with some of the social and behavioural problems that exist in those schools. All of those positions would be extra positions above the establishment staffing and would have been above that staffing level under the old formula. I do not accept that there has been a reduction under the new formula. We are assessing that, and I have asked the department to assess whether we can find additional resources for that school. It is being dealt with in consultation with the school. I recognise the problem, but it is not the only school which wants more resources and activities. I do not accept that we have not been prepared to do anything about it. I am one of the rare Education ministers who accept invitations or requests from members of the Opposition to visit schools in their electorates. Generally I assist and, wherever I can, I sort out problems big and small. I have done that in the member for Rockingham's area, and he was ungrateful. I visited his electorate and he immediately went to the media and bagged me.

Mr McGowan: No, I did not.

Mr BARNETT: He needed a lesson and he learnt a small one.

## **RED CROSS PATIENT TRANSPORT SERVICES**

### *Grievance*

**MR NICHOLLS** (Mandurah) [9.21 am]: I direct my grievance to the Minister for Health. The purpose of my grievance is to highlight the importance of the local patient transport services provided by the Red Cross as a result of funding from the Health Department, and also the assistance provided by many other agencies, including the St John Ambulance Association which provides transportation, particularly to local health services, for patients who are in need. My focus will be on the Red Cross transport service. In the current financial year, the minister and the Government, through its wisdom, provided substantial funding to the Red Cross to allow the service to operate and to allow people in Mandurah, particularly frail and aged people, to be transported from their homes to health services outside the Mandurah area, primarily Fremantle and Perth. During the estimates debate, I asked the minister whether that funding would be continued. As a result of my question, an officer suggested that information about the transportation service statistics had not been provided since June or July 1998 for the previous financial year. That concerned me. I assume that that was the intent of his answer and that he was talking about the service from the previous year.

Mr Day: I think they were talking about the usage of the transport service in this financial year, and the need to provide information about current needs.

Mr NICHOLLS: If that is the case, that is a very tall order. Basically they are saying, "We want statistics for the current year before it ends before we will tell you whether we will fund the service for next year." I have the statistics for the previous year which clearly indicate the level of demand and the service that has been provided which, I have been assured, have been provided to the Health Department. If the minister's department is saying that it will not give a commitment to fund the Red Cross to provide transport services for frail and aged people in Mandurah, or for people who are unable to provide their own transport or who do not have a capacity to get to health services under their own steam, I suggest we have a major dilemma. The Red Cross, like all other agencies, must budget and make decisions about whether it can continue services. We are three weeks away from the new financial year and, to date, I have not heard a commitment from this Government, or from the minister, that it will provide funding to ensure the service continues.

I, as the local member, in conjunction with local representatives from the minister's office and the Health Department, have tried to coordinate the services locally. A meeting of all transportation services in our region has been held in my office. There is a clear commitment to utilise the scarce resources as efficiently as possible. There is also a real desire to ensure

that, wherever possible, patients use local services. I concur with the view of the minister and the Government that if the health service is provided locally in Mandurah, and a person chooses to seek a service outside of Mandurah, he should be prepared to incur the cost. However, if people cannot access that health service, or if that health service is provided only on an interim basis, and they are required to wait one or two months to see a specialist, but can see a specialist at a teaching hospital in Perth within a relatively short time, they should be able to seek that health service and should be given support to do so if they do not have transport. We have limited public transport. The majority of elderly people are not in a state to simply catch a bus to go through various networks to receive health care from a hospital or get to a doctor's surgery in time for an appointment. The Red Cross service, in conjunction with St John Ambulance, the home and community care services and the Silver Chain Nursing Association are committed to providing a valuable service locally, but they need support from the Government.

I also support the minister's statement that we must ensure that funds that are provided are used as efficiently as possible. I accept the responsibility as a member of this Government to ensure that that happens. However, as a representative of the Mandurah electorate, and as a person who is in a position to advocate for the people who are unable to advocate for themselves, I am duty-bound to stand in this place and extol to the minister the need for funding to provide that service. These people do not simply choose to go on a trip to Perth because they have nothing better to do. They do not choose to sit in queues in doctors' surgeries because they feel it is of recreational benefit. They go there because they have no other option. However, if they have options in Mandurah, I will support every effort and I will take a leading role in obtaining the necessary computer hardware and software to collate the information and provide detailed statistics to the Health Department or other authorities, so we can work with local general practitioners and other health carers to ensure people get the health care they need.

**MR DAY** (Darling Range - Minister for Health) [9.27 am]: The matter which has been raised about the funding for the Red Cross transport service in Mandurah has been raised with me on a number of occasions, by both the member for Mandurah and the member for Dawesville, in and outside of this Chamber. The scheme which is in place was established when the eligibility criteria for the patient assisted travel scheme service were changed a few years ago. The eligibility criterion for anyone living more than 50 kilometres from the Perth metropolitan area was increased to 100 kilometres. That meant that people living in Mandurah no longer had access to the PATS service. A funding process was put in place to enable the Red Cross in Mandurah to provide transport from Mandurah to the metropolitan area. The amount of funding which was provided in 1996-97 was \$51 500. The same amount was provided in 1997-98. In the current financial year, 1998-99, the amount has been increased in total to \$71 600. It is important to realise that a major new hospital in Mandurah is now servicing the Peel district. It was opened by the Premier in November last year and commenced operations in August of that year. It is a \$38m hospital, with 110 public beds and 20 private beds. It is a major new facility and services the people of the Peel district. A broad range of services, such as general surgery, ear, nose and throat surgery, gynaecology, urology, cardiology, gastroenterology, renal dialysis, paediatric services, ophthalmology as well as orthopaedic services, are now provided in Mandurah which were not provided previously. That is a good outcome for the people of the area. Nevertheless, it is recognised that some services still need to be provided in Perth, and the people in Mandurah need to get access to those services. The core issue that has recently been identified is the problem in Mandurah of access to public transport and the provision of public transport, in particular, to the Peel Health Campus. A working party of key stakeholders was established. It has met on one occasion to discuss the transport issue. I was told recently that the general public transport issue in the Mandurah area was high on the agenda at a recent meeting of the Peel Development Commission.

It is recognised that we need to provide continued funding, at least in the next financial year, to the Red Cross transport service, so it can continue to provide the service to cater for the real needs of the people in the Mandurah area. We must identify those needs. Funding will be made available in 1999-2000 for that purpose. We must determine the appropriate level of funding, and ongoing discussions are occurring with the local Red Cross transport service, involving the Health Department and the local health services - that is, the Rockingham-Kwinana and the Peel Health Services - to ensure that the services which will be provided in the next financial year are really needed, as opposed to desired.

Mr Nicholls: Is the minister giving a commitment that funding will be provided to continue the service, and negotiations will continue to determine the final level based on the demand demonstrated?

Mr DAY: That is correct. Funding will be made available in the next financial year for that purpose. However, we are dependent on receiving information from the local Red Cross transport service as well as the health services to determine the real needs. Those discussions are taking place now, and I hope they will be concluded before the end of this financial year.

The member for Mandurah raised the issue of the provision of information. I am assured that the information that was being sought by the Health Department had not been made available at the date of the estimates hearing, which was 25 May, but information has since been provided to the local health service and been passed to the department. I understand that the department received that information on 8 June. That is largely a matter of history but it is important to put it on the record.

To summarise, one of the main parts of the problem at Mandurah is access to public transport and transport services to the Peel Health Campus. The Commissioner of Health has written to the Director General of the Department of Transport to request him to investigate increasing bus services to the Peel Health Campus and also between Mandurah and Fremantle and Perth. No doubt that is being considered by the Department of Transport.

The second point is that funding will be made available in the next financial year, so that the Red Cross transport service can continue to provide the service which I know is appreciated by people in Mandurah. However, we need further

discussions to determine an appropriate level of funding. It would be hard to justify allocating the same amount that has been allocated, \$71 600, given the broad range of services which now exist locally in Mandurah. Funding will be available, and I hope the determination on what is appropriate will be made over the next couple of weeks

Mr Nicholls: Do you agree that if the service is not provided to people locally, the Government will support their transportation to a health service and not impose a cost of up to \$80, simply because we put a budgetary line on Red Cross transport? That is an issue in the community. People in genuine need cannot access services and are being told they will have to pay \$80 to get to a health service.

Mr DAY: I agree with the member for Mandurah that if services are not available locally, the Government has a responsibility to provide transport to Perth in the way that it has been provided. It is a matter of determining the real needs and that is being done.

## TONKIN HIGHWAY, SOUTHERN EXTENSION

### *Grievance*

**MS MacTIERNAN** (Armadale) [9.35 am]: My grievance is directed to the Premier and concerns broken promises in regard to the extension of Tonkin Highway south of Albany Highway. On 6 May 1999, budget day, the Premier released a press statement to the media of the south eastern suburbs stating -

\$58.5m would be spent on constructing the Tonkin Highway between Albany Highway and Mundijong Road over the next three years.

That was very welcome and consistent with the undertakings the Government had made previously. In 1997, the then Minister for Transport, Hon Eric Charlton, had promised to do that, and included it in his Transform WA package which he released in April 1998. He told the local authorities at that time that the project would start no later than 2000. On that basis the mayors of the City of Armadale and the Shire of Serpentine-Jarrahdale threw their support behind the Transform WA program, even though it was a very unpopular program generally within the community, because it involved a \$50 poll tax on car users and was overly focused on private cars vis a vis public transport. The councils were told that that not only was an allocation made in the forward estimates of the 1998-99 budget but also \$5m would be spent on planning and land acquisition for this important project.

Following the Premier's press release the Opposition looked through the budget data to find the allocation. We were puzzled to find that the allocation for the coming year was a big fat zero. The Opposition thought the Premier's press release was misleading as it said that the Government would undertake this project over three years, but it did not say that the Government would not do anything for the next 13 months. The Opposition was a bit miffed at that and voiced its concerns within the community. When we went into the estimates hearings we found the situation to be far worse, because the project had been delayed not for one year, but until 2005. Absolutely no money has been allocated over the next three years and certainly not the \$58m that the Premier promised in his press release on budget day. It gets even worse. When I compared the estimates and actuals for the 1998-1999 year, I found that of the \$5m that had been allocated in the last budget to the south eastern corridor for this important road project, less than \$1m had been spent and there was no carryover. Of the lousy \$5m we had been given last year, \$4m had been spirited out of the budget. When I told the local authorities about this latest aspect, all hell broke loose. The Minister for Transport was duly visited and he promised that, somehow, he would get the \$4m in last year's budget and put it back, so that the project planning could continue.

Will the Premier confirm today that that \$4m will be given back, and how he will achieve that? Will we see an increase in the Treasury allocation to Main Roads, an increase in borrowing by Main Roads, or money taken from some other project? If it is the latter, which projects will have their funding reduced? More importantly, why has the project been delayed by another four or five years, and to use the phrase that was used in the estimates hearing, why has the timing been modified to match construction with cashflows? As late as 17 December last year, the Minister for Transport wrote to inform me that the project could be completed as early as 2002. What has happened between December and the date of the preparation of the budget? Indeed, what has happened since the press release was prepared?

This is a very important issue for the area. The Premier is well aware that his Government has encouraged road trains onto the streets of Armadale-Kelmscott and Gosnells. That has caused major safety problems in the area and has also dramatically reduced its amenity. The resultant noise is a major problem for residents. The Tonkin Highway extension would see much of the traffic moved from the shopping precinct and the front of schools and homes. It is also important for the Byford community that the traffic be moved from South West Highway at Mundijong. I am disappointed that the Premier is not bothering to pay attention. He no doubt knows that the failure to construct this road is undermining the important development of the Forestdale industry park. The Armadale region has much higher than average unemployment and it needs that industrial park to provide employment opportunities. Why has there been this remix of priorities? What projects have been brought forward while this project has been put back? Have they been projects in the Geraldton area, in particular in the southern transport corridor? The Premier should pay me the courtesy of listening for one minute. Why did he make a blatantly false statement to the media and the people of Armadale?

**MR COURT** (Nedlands - Premier) [9.42 am]: Firstly, I am not the spokesperson for Transport, but I am prepared to answer the grievance. Normally it would be dealt with by the Transport spokesperson. Secondly, the member likes to put colour into many things. She made the comment that the Government had introduced a poll tax. She should stick to the facts; she knows that that is not true. She then asked whether the Government intends to spend more money on roads. This Government has more than doubled the amount of money spent on roads every year. The member cannot have it both ways.

She knows this Government is spending a large amount in her electorate that would not be possible without the huge increase in the amount of money being spent on roads generally.

The Government announced that the Tonkin Highway would be extended through to Mundijong Road by 2007 or 2008. That promise will be honoured. Changes have been made to the construction schedule for sections of the project and I will outline the situation. As I said, the project was announced with a committed completion date of 2007-08. I table a map of the road from Albany Highway, through to Mundijong Road and then intersecting South West Highway.

[See paper No 1035.]

Mr COURT: There are a number of sensitivities in relation to this development, which is normal with a project of this scale. The majority of the land required for the road reserve between Albany Highway and Ranford Road, which is about a quarter of the road, is owned by the Western Australian Planning Commission. The remaining land is largely held in private ownership and the proposed works will impact on a number of houses or other property improvements, especially those located in the section between Mills Road and Albany Highway.

BSD Consultants was engaged in August last year and was due to report by March this year. The scope of the works was changed in the meantime and, with an extension of time, BSD has completed its task and will report within the next few weeks. Land acquisitions, full environmental assessment and project planning cannot commence without the complete master plan. The delay in receiving the BSD report was caused by some engineering complexities associated with the project and the need to address issues raised during the public consultation phase, including sensitivities associated with the Corfield Street crossover. The estimated project cost has increased to \$173m, which is close to more than half what the Labor Government spent on roads.

Ms MacTiernan interjected.

Mr COURT: I would like to answer the grievance and put this material on the record in the limited time available. The increase is due to the connection from Mundijong Road to South West Highway, which was previously part of the southern link road project, including a traffic interchange at South West Highway being incorporated in the Tonkin Highway extension project. The estimates now are \$140m to extend south of Albany Highway to Mundijong Road, and \$33m to extend east from Mundijong Road to South West Highway. The funds allocated for the project in 1998-99, to which the member referred and which were not spent, will be carried forward. They are in the vicinity of \$4m.

Ms MacTiernan: From where is that money coming?

Mr COURT: The underspent funds will be carried forward to enable some of the preconstruction activities to commence. The works will commence when the master plan is completed and when all the approvals are in place. As I said, an end time must be met for the construction of this road, and it will be met.

The member is correct in saying that it was hoped that construction would commence during next financial year. Main Roads Western Australia advises that when it has the master plan completed and the approvals in place, if it can commence some of the construction it will certainly do so. Obviously it is shifting projects in its overall planning. As the member knows, the work on the freeway has been delayed because it has been retendered as a result of the changes made to the location of the rail line, which the Government wants to go down the centre of the freeway. This Government is now spending almost three times what the Labor Government spent in a year on road construction and that is enabling the completion of works that were previously only dreams. This project is in the 10-year Transform WA strategy and it will be completed.

## TRAFFIC CONCERNS, JOONDALUP

### *Grievance*

**MR BAKER** (Joondalup) [9.48 am]: My grievance is directed to the minister representing the Minister for Transport. I understand that is the Deputy Premier this morning. It relates to four matters within the minister's portfolio responsibilities that are of great concern to many of my constituents.

The first issue relates to the need for right-hand turn traffic control signals or arrows to be incorporated into the traffic signals positioned at the intersection of Joondalup Drive and Shenton Avenue in the heart of the Joondalup central business district. This is one of the busiest cross-sections in the Joondalup region and is located on the northern gateway or entrance to the Joondalup CBD. It comprises dual lanes in all four directions, together with one only right-hand turn lane for each vehicular access path. Members may be aware that the minister has discussed the issue with me over several years. I have made about seven separate and distinct representations to the current minister and his predecessor regarding the need for these changes to the intersection. However, to date nothing has happened. That matter is urgent because of the ever-increasing incidence of motor vehicle accidents - or MVAs as they are commonly known - over the past financial year which have mostly involved vehicles trying to turn right through this intersection. Approximately 70 motor vehicles accidents have occurred at this intersection in the past four years, 45 per cent of which have involved motor vehicles attempting to effect a right-hand turn through the intersection. Apparently, 30 per cent of the total 70 MVAs have resulted in the occupants of the vehicles involved being hospitalised or receiving medical treatment, and 76 per cent have occurred during daylight hours in effect. The figures indicate that the cause of the accidents was not primarily road conditions, but that the structural layout of the traffic control signals played a large part. I raise that urgent need at the outset. In short, when will the necessary modifications to these road traffic control signals be effected?

The next issue is the need for streetlights to be erected on the pedestrian access way linking the Joondalup Business Park

to the suburb of Connolly. This pathway is situated in the Mitchell Freeway road reserve 500 metres north of Hodges Drive, and is used daily by school children and people travelling to and from the Joondalup train station commuting to the city. I wrote to the then Minister for Transport on 12 May last year requesting that lights be installed at this site. This followed a request from the executive of the Connolly Residents' Association following a spate of attacks and attempted assaults on school-aged children using the path travelling between home and school.

The then minister wrote to me on 12 June last year stating unconditionally that the all-important lights would be installed early in the 1998-99 financial year. That did not eventuate. I wrote to the minister again on 18 November last year complaining about what I saw to be a clear breach of the unequivocal undertaking given in writing. The then minister wrote back to me on 15 December last year advising that due to higher priorities - he gave no particulars - the installation would be deferred until early in 1999. It is now June 1999 and, in short, nothing has been done; not even preparatory work has been put in train. The Connolly Residents' Association is rightly of the view that the two ministers involved seem to have breached firm, unequivocal and unconditional undertakings to erect streetlights. When will the lights be installed?

The next issue relates to the need for traffic control signals at the intersection of Caridean Street and Hodges Drive in Heathridge. Hodges Drive was recently upgraded in preparation for the extension of the Mitchell Freeway from Ocean Reef Road to Hodges Drive. Undoubtedly, once this extension is in place, the volume of traffic along Hodges Drive will increase substantially, as will the volume of traffic using Caridean Street to gain access to Hodges Drive. Interestingly, Caridean Street is the only local distributor road linking the north of Heathridge to the north west metropolitan region. As such, traffic volume passing through this intersection is high, and will increase when the freeway is extended. Some 34 motor vehicle accidents have occurred at the intersection in the past four years, 44 per cent of which were described by Main Roads as "major accidents". Also, 37 per cent of the MVAs involved drivers or passengers being hospitalised or receiving medical treatment. Those are high figures, minister. This issue has been raised in the local media for several months. I wrote to the Minister for Transport seeking his assistance, but I have not received a response to date. I hope the Deputy Premier has some good news for me. Now is the time to install the lights, not once the problem arises when the freeway is extended. I seek an undertaking in that regard.

Also, traffic control signals are required at the intersection of Boas Avenue and Grand Boulevard, Joondalup. The poles have been in place for four weeks without the lights proper. This is a very busy intersection and the scene of scores of accidents over the last three years; I have witnessed several, and have nearly been involved in a couple. As the intersection is in the heart of the Joondalup CBD, the traffic volume will go through the roof over the next two or three years. Perhaps the Deputy Premier can address these four issues and provide some good news for my constituents.

The SPEAKER: I give the call to the Deputy Premier, who represents the minister who represents the Minister for Transport.

**MR COWAN** (Merredin - Deputy Premier) [9.56 am]: I thank you for such an accurate description, Mr Speaker. I have been given the responsibility of answering for the minister who represents the Minister for Transport in this place. It is appropriate that members who raise grievances have the opportunity to hear a response from the Government.

It is acknowledged that the member held a number of meetings with the minister and representatives of the responsible agency concerning the request for right-turn arrows at the intersection of Joondalup Drive and Shenton Avenue. An undertaking was given. I am told that the installation of right-turn arrow signals has been programmed for 1999-2000 through the 1999-2000 road improvement program. I am unaware of the part of the year in which the work will be performed, as that information was not provided. Nevertheless, it will be included in next year's program.

The member indicated that clear undertakings that had been given regarding lighting on the dual-use path near Joondalup Business Park had been broken. It is expected that this work will be completed by the end of July 1999. As the member indicated, it was expected that work would be undertaken sooner; however, delays caused work to be put back to the estimated July completion date.

I am not the bearer of good tidings regarding traffic signals at Hodges Drive and Caridean Street. The assessment of this intersection indicates that the installation of traffic signals at this location is not considered necessary, and cannot justify being given priority at the present time. However, it is acknowledged that traffic patterns in this area will change with the extension of the Mitchell Freeway to Hodges Drive late next year. As a result, a commitment is given to undertake traffic surveys at the site following the opening of the extension to determine the need for signals. In order to cater for future signals, recent upgrading work on Hodges Drive included the placement of electrical conduits for the signal poles.

The planned construction of the Eddystone Avenue bridge over the Mitchell Freeway in 2004 is expected to reduce traffic volume on Caridean Street. However, that will not be provided for another four or five years, but monitoring will be carried out. If it indicates greater vehicle movement, along with the threat of accidents, provision is made for changes to be made to the priority given to this intersection.

The final issue was the installation of traffic signals at the intersection of Boas Avenue and Grand Boulevard. The member is right. He has been instrumental in efforts to have those traffic signals installed at this intersection in the Joondalup business district. The advice given to me by the Minister for Transport is that work to install the poles was completed some weeks ago. The connection to the power supply will be completed by Western Power Corporation by the end of this week. Main Roads expects all signal heads and equipment to be installed early next week, and the signals will be fully operational by the middle of next week. Therefore, there is instant success on that last issue that the member has consistently raised on behalf of his constituents.

The SPEAKER: Grievances noted.



**SELECT COMMITTEE ON CRIME PREVENTION***First Report*

**MR NICHOLLS** (Mandurah) [10.01 am]: I present for tabling the first report of the Select Committee on Crime Prevention. I move -

That the report be printed.

[See paper No 1034.]

Mr NICHOLLS: This is the first of two reports that the committee intends to table in line with its terms of reference. The report covers two points under our first term of reference, and they are the prevention of offending behaviour and the social factors that influence offending behaviour.

On 15 October 1997, I moved a motion to establish a select committee to investigate crime prevention programs and services. The intent of the committee was to identify all crime prevention programs operating in Western Australia and elsewhere to assess their effectiveness across different demographic groups and their potential for wider application. However, the resources that were available to the committee did not allow the huge task of identification and assessment of crime prevention programs in detail to be undertaken, as had been intended.

Efforts to identify crime prevention programs through state government agencies and local government highlighted the lack of any centralised data collation of crime prevention programs. In my speech to this House in 1997 I raised two questions: Why does it seem as though nothing is working to stop crime occurring in the first place, and why does the average person feel that little or nothing can be done about it? The answer is the lack of evaluation of crime prevention programs and services and the lack of independent research and general information made available to the public.

The absence of evaluation processes meant that most programs that were identified by the committee could not be assessed with any confidence, and the general reluctance of some agencies to recognise the importance of their core responsibilities in crime prevention is a cause for concern. Hence, 26 of the 62 recommendations refer to the need for evaluation. Independent evaluation is an important element in determining the effectiveness of programs or services and in determining the main reasons for their success or failure. An effective evaluation process is like a road map. It allows one to see where one has come from, where one is at present and where one is headed. The committee is not suggesting that every single program or service must be evaluated, but it is critical that evaluation and monitoring of different types of programs be undertaken to create a foundation of knowledge that can be used to establish more effective and more efficient crime prevention programs.

The committee is not focusing on individual programs at an individual level. It wants, where possible, evaluations that are not only scientific or at least independent, but evaluations that can be used to make decisions about whether those programs can be applied on a wider basis or can be applied effectively with different groups of people within our community.

I cannot overstate the need for evaluation as a primary tool to assist us to develop better prevention programs and services through better techniques and knowledge. We need to have the courage to identify those programs or services that are not delivering the desired results, redirect those scarce resources to other programs that work, or make changes that will allow the desired results to be achieved from those programs that are being funded. This can only happen if we are prepared to allow independent evaluation of the majority of programs and services that are currently being funded. Evaluation creates knowledge, and knowledge leads to better decision making and more effective results.

The committee has attempted to be constructive in its criticism and to put forward recommendations that will provide better outcomes for all Western Australians. I have no doubt that some agencies will immediately say that they are already doing many of the things that have been recommended. However, where such claims were not substantiated, the committee felt it was important to make these recommendations to ensure that those important points were not overlooked or forgotten.

The first item under the summary of key recommendations is the creation of an office of crime prevention. Its primary role would be to coordinate the evaluations, research and information on crime prevention and provide policy advice for one cohesive state crime prevention strategy. The second item is the increased importance of evaluation, which I have stressed already. The third item is improved information sources. There is a need to gather current and timely information to establish a clear crime prevention picture and to provide valuable information to the many services that are trying to address issues that emanate from or lead to crime. The fourth item is a focus on early education programs. We must make sure that children receive positive educational starts, and that wherever possible we are tackling learning, behavioural or other problems that are identified early in the education system and addressing them through programs that will prevent many of those children from becoming future offenders. The fifth item is a focus on family environment programs. There is no doubt that helping parents to expand their parenting skills to meet the challenges of raising children, particularly in today's environment, can prevent many of those children from becoming future offenders.

A number of worthwhile programs have been identified within the report, and I urge members to take some time to read these programs and also to seek further information about them. These programs include the Perry Preschool program. The committee had the opportunity to visit Ypsilanti in the United States and to speak with the director and the other people involved in the Perry Preschool program. The results of that program are outstanding. The longitudinal research that was done on the children who have been through this program indicates that it had a substantial impact, not only on the reduction of the incidence of crime, but also on a whole range of quality of life issues. This program, as well as a number of other programs the committee looked at, gave a clear indication that if we are able to provide effective services early in a child's life when that child is at risk of becoming an offender or exposed to factors that will lead to offending in the future, not only

can we stop that child from becoming a future offender, but we can increase the number of social factors that will give that child a better quality of life.

The Guides Western Australia life skills for young people program was highlighted. In the report not only have we indicated that this is a program of merit, but also we have suggested that if this program could be independently evaluated and the success rate could be replicated from that individual evaluation, that sort of program should be duplicated widely throughout Western Australia. Currently it is operating in a small number of metropolitan schools. However, there is no doubt that this program has major merit.

The Norwegian anti-bullying project, which was implemented in 1983, is an effective and simple project which targets the behaviour of the bully as well as some of the strategies that the victim can use. The designers of the program estimated that approximately 80 000 students in Norway in 1983 were exposed to bullying. However, the follow-up research suggested that after the campaign had been introduced, the incidence of bullying had been reduced by up to 50 per cent. That is an outstanding result. However, we need to ensure that the cultural differences between Norway and Australia will allow such programs to operate effectively. I am sure the Minister for Education will take a great deal of interest in that part of the report.

The big sisters, big brothers mentoring program is very successful in the United States. It is not based only on providing mentors to children who are already in the justice system or are suffering major problems. It is also a widespread mentoring program that uses trained volunteers matched with young people at risk in their communities. It has been outstandingly successful. I intend to seek more information about that program. I believe it has the capacity to be introduced on a wide scale in Western Australia and to be very effective.

The making a difference, students at risk program through the Education Department has been recently introduced. On the information provided, it has a lot of merit. As for the community health nurses home visitation program, there is no doubt in my mind about the value of home visitation. I believe it could be very effective in reducing not only offending by children in the future but also a substantial amount of maltreatment and conflict in the home, particularly when home visitation is provided to parents having their first child.

Time does not allow me to elaborate, but these are only a few examples of the programs identified by the committee as having merit. However, I emphasise that without independent evaluation, all we can use is anecdotal evidence or comments from agencies that are delivering the programs as a basis for determining whether the programs are successful. I do not believe that is the basis on which we should make judgments about the success of programs. We should provide the resources to ensure independent evaluation of these programs is undertaken and that the results of the evaluations are made known not only to the agencies concerned but also to the wider community.

As chairman, I thank all members of the committee for the way they have actively listened, debated and, on occasions, disagreed on matters before the committee. As you would no doubt understand, Madam Acting Speaker (Ms McHale), being on a committee with members from both sides of the House considering contentious issues dealing with crime prevention, it would be reasonable to expect people to maintain their own points of view and debate what they believe is right rather than listen to and appreciate the different points of view put forward. It is pleasing that, right through its period of investigation, members of the committee were prepared to listen to and challenge their own preconceived or strongly held views and appreciate that the merit of alternative views put forward needed to be considered before they were accepted or dismissed. It was a challenging task but one that was completed in an apolitical environment and with a common objective of wanting to provide better alternatives for our community.

I thank Tamara Fischer and Nici Burgess as clerks to the committee for their support and professionalism. Nici took on the responsibility in the past few months after Tamara left to further her career opportunities elsewhere. I thank our research officer, Robert Kennedy, for his hard work and dedication without which we would not have been able to complete this important work and provide this House with the breadth of information that we have been able to consider, and without which we would not have been able to agree on many of the issues with the research undertaken to support or provide alternative information about many of the programs and ideas. Two other people I single out are Cathy Czaba and Patricia Roach. In addition, a number of people contributed significantly to the outcome of this report. To all of those people I extend my sincere thanks.

In conclusion, I urge everyone to weigh up the contents of this report and to use it to move forward. Unless we can stem the flow of new criminals, we will never have enough prisons, enough police or enough resources to ensure the safety of the general community. Crime prevention is a commonsense approach to most of the issues that confront each of us every day at home and in our community. By learning from each project or program, we can move forward with confidence and knowledge. I commend the report to the House.

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [10.16 am]: I support the first report of the committee. It has been very interesting to be part of such a committee. I have a special interest in crime prevention. I work on the ground in my electorate. As members will recall, I have made speeches in this place about the need for the Government to look at primary crime prevention because we will not have enough prisons in which to put people if we do not stop people getting into the criminal justice system in the first place.

The introduction of the report states that most crime prevention in this State in the past has happened after a crime has been committed. The police catch the criminal, the court system locks up the criminal and then we try to patch things up in the jail system. This occurs in many cases. If someone commits a crime, it is necessary for something to be done about that person. Worldwide research however indicates that we must switch our emphasis to stopping young people from entering

the justice system in the first place. Intervention programs must be put in place. That is one of the major emphases of the committee. The committee hunted throughout Australia and worldwide to find out what is being done in other areas to facilitate this.

One of the committee's major findings, which seems to be replicated in every place that we visited, is that the police and the Government alone cannot carry out primary crime prevention and stop young people getting into the justice system; it must be a full partnership between government, government agencies, community agencies and the community generally. Everybody in the community must take some responsibility to try to assist young people. On page 24 of the report, Sue Millbank from the Australian Office of Crime Prevention argued that leaving crime prevention in the hands of the police only perpetuates the notion in most people's minds that crime prevention is the responsibility of the police and no-one else. As I have said, that has happened in the past. However, successful crime prevention strategies have shown that full partnership and ownership must involve all the agencies that I have mentioned. Naturally the police must have a prominent role but they alone cannot prevent crime. Police can catch criminals after the crime has occurred but crime prevention means prevention. As stated on page 27 of the report, the committee found that the community would not support an integrated and comprehensive crime prevention strategy until it understood the benefits of what one might call a non-traditional means of reducing offending. The committee found that we all must work with the community to give it a greater understanding. The way to do this is to give the community better access to information. The Government has a broad educative role in this area.

We worked with the school deputies to try to sort out why these young men were playing truant all the time. It was a cross-agency operation. It involved a social worker to assist the parents, and drug counsellors to assist the young people. An effort was made to involve the wider community. One young boy was known to be keen on soccer, and we got together with the local sporting group to see whether we could involve him in a soccer club. This is an example of how we need to work across the community to interest these young men in something other than playing truant, because that is one of the precursors for juveniles becoming involved in the justice system. Research by the committee confirmed this to be the case. It is only through full community, cross-agency coordination that we shall get to the root of the problem and prevent these young people entering the justice system.

One part of this comprehensive report to which I draw attention refers to the role of the media in crime prevention. Overseas we heard the message over and over again from the various groups we contacted, that the media has a role to play in the prevention of crime. Other countries have experienced the same things that are happening in WA, where it could be said that the media overstates and sensationalises every criminal act. They also feed the community perception with television programs in which some criminal activities are glorified. People watch these programs, and it is important to understand that they have an effect on the young people who watch them. Although I acknowledge the right of a free Press to do as it will, the committee believes that all media must take a much more active role in promoting the positives in crime prevention in Western Australia. The media is part of the community and it has a role to play. That is an important point, and the experience in WA seems to apply worldwide.

The Select Committee on Crime Prevention in its report has endeavoured through its many recommendations to alert the Government and the community to the ways in which we can work as a team to stop young people getting into the justice system. The report makes interesting reading, and I commend it to all members. It targets the Government, agencies, community groups, families and the wider community. It looks at the factors which increase the risk of a person developing offending behaviour. It looks at the current and other possible responses for stopping this development of offending behaviour. It looks at the role of evaluation, to which the member for Mandurah referred, and the need for an increase in evaluation. It acknowledges that these problems are worldwide, and that other countries are at a similar stage of developing primary care prevention. I recommend that all members read the report. The expansion of knowledge about successful crime prevention will assist us, as legislators, and the community to be more effective in their fight against crime.

I express my thanks to the whole committee for the opportunity to be part of this tremendous learning experience. I have gained a great deal of knowledge, and I am working with the Midland Safer WA group and my local community to put some of these practices into operation. I thank all members of the committee for the way the work was carried out so harmoniously, and thank our committee clerks, Tamara Fischer and Nici Burgess. I make special mention of Robert Kennedy, our research officer, and his hard work, without which this report would not have been possible. I commend the report to the House.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [10.24 am]: At the beginning of the committee's report there is a quote from Dr Paul Omaji who spoke at one of the committee's public forums. He said -

Let us look at ourselves as a society. Do we have a sense of community? Do we make the young people believe they have a stake in society and not do anything to break that stake, to destroy that stake in society? Do we do that? I think we need to look at ourselves again and what we have done as a society and what way we are going.

I agree with the comments made by Dr Paul Omaji at the committee's Joondalup public forum, but they are only part of the truth we need to acknowledge with regard to crime prevention. Certainly there is a need for a change in public opinion about the role that crime prevention programs can play in protecting the community from crime. If there were more public support for crime prevention programs, it would be a very helpful development. In particular, more public support is needed for programs which might, at first glance, be unpopular. For example, the committee heard evidence about the risk factor associated with having a family member already involved in criminal behaviour, from the point of view of other family members then becoming involved in crime. One way to deal with that risk factor is to provide more support services to the families of people who have already been convicted of crime. At first glance it may not be popular with the public to provide

additional services to the families of criminals. On the other hand, it may be a very pragmatic way of preventing further involvement of other family members in criminal behaviour. Some changes in public opinion, and a greater willingness to support programs that might otherwise be seen as unpopular, would be very useful. That is only half the truth.

The other part of the truth is that politicians have a responsibility to lead and persuade, and do what they can to educate the community about crime prevention programs that work and those that do not. I would not like an emphasis on community responsibility to be used as a buck-passing exercise, or an emphasis on the responsibility of the community being used by politicians to avoid their responsibility to lead, persuade and educate - and administer government if they have responsibility for government - in a way that promotes crime prevention.

The committee believes in a hard-headed approach to crime prevention programs, which is evidenced based and outcomes based. All committee members believe there should be more investment in crime prevention programs, and that crime prevention is the right approach, and likely to be the most productive approach in the future, to reducing the impact of crime on the community. That is not to say that the committee does not think there is a role for the criminal justice system, apprehension, conviction and punishment; there certainly is. However, there is also a role for more investment in crime prevention. Our belief in the role of crime prevention does not mean that the Government should accept the claims of every advocate of every crime prevention program. Not every program is successful and, just because it is claimed that a particular program can prevent crime, it does not mean it should necessarily be supported. We need to take a hard-headed approach, look at the evidence and outcomes, and evaluate the proposal.

I will give one example of a program that the committee has recommended should be reviewed; that is, the Neighbourhood Watch program. Members on both sides of the House have been strongly supportive of the Neighbourhood Watch program and I have strongly supported those programs in my own electorate. I was surprised, as a member of this committee, to hear criticisms of the Neighbourhood Watch program, not only in this State but also in other jurisdictions. A line of argument was put to the committee that investment in Neighbourhood Watch programs might not necessarily be the most productive use of crime prevention dollars. That would be of interest to many members of Parliament, because in our own ways, we have all supported Neighbourhood Watch and have regarded it as a good crime prevention strategy. The evidence does not necessarily support that point of view and the committee has recommended that there should be a review of the effectiveness of Neighbourhood Watch schemes. I am not criticising Western Australian Neighbourhood Watch schemes when I make those comments because the criticisms have come not only from Western Australia but also from other jurisdictions.

The third area I want to deal with is the responsibility of government agencies in crime prevention. Traditionally, crime prevention has been regarded as a police responsibility and the police have taken a major role in crime preventive considerations and activity. One of the major difficulties is that many other government agencies have an impact on the rate of crime - the Health Department, has an impact; the Education Department; and Family and Children's Services. It has been difficult for Governments to persuade those agencies to give due priority to the crime prevention aspects of their service delivery. There has been a tendency for agencies to say, "Our core business is education" in the case of the Education Department; or, "Our core business is health" in the case of the Health Department; and to give a low priority to crime prevention by saying that it is someone else's responsibility. If we really want to prevent crime we must give it more priority and coordinate the work of government agencies which do not see it as their principal business.

I am pleased that the Minister for Education is here. I draw the minister's attention to sections of the report related to the Education portfolio. There are recommendations related to bullying; comments on the role of truancy and its connection to criminal activity; programs which may be implemented to deal with alienated students; and a large section on preschool and the role which long term investment in preschool may play in preventing criminal activity. The major recommendation of the committee is to establish an office of crime prevention and to have that office located in the Ministry of the Premier and Cabinet. Crime prevention activities will be successful only if major government agencies are persuaded to give crime prevention a higher priority than it is given at the moment and if they are persuaded to coordinate those activities in the recommended way. That will happen only if there is leadership from the highest level in the Government. I regard the recommendation for an office of crime prevention to be located in the Ministry of the Premier and Cabinet as a very important recommendation as it will have sufficient clout to persuade major government service delivery organisations to play their required part in crime prevention. It is only from that location that sufficient leverage can be exercised on the other government agencies to achieve the result required.

I finalise my remarks by thanking the other committee members for the way in which they have approached the deliberations of the committee. It has been a pleasant committee with which to work. I thank the committee staff, Nici Burgess, Tamara Fischer and in particular Robert Kennedy for his work as our research officer.

**MRS ROBERTS** (Midland) [10.33 am]: The issue of crime and law and order is one of the most pressing, if not the most pressing, issues facing our community in Western Australia. I suspect that it is also one of the most pressing issues Australia-wide and internationally. From the point of view of an elected member, it is the issue that is most often raised at the electorate office level by our constituents. Law and order is a significant problem in our community and in many communities throughout the world. Yesterday the recorded crime statistics were released in Western Australia. Unfortunately, these statistics show that in Western Australia we are not winning the war against crime. I draw to the attention of members that these latest statistics released yesterday indicate that in 1998, Western Australia had the highest victimisation rates for unlawful entry with intent, motor vehicle theft and other theft. These are the most up-to-date and comparable statistics that are produced in Australia. The way in which the statistics are collected and put together is agreed nationally with input from commissioners of police Australia-wide.

I am concerned to note that although all States in Australia recorded increases in assault victimisation, the largest increase

was in Western Australia which rose 20 per cent from 13 797 victims in 1997 to 16 574 victims in 1998; that is a very disturbing trend. Western Australia recorded the highest increase in sexual assaults of 13 per cent from 1 610 victims in 1997 to 1 827 victims in 1998. The statistics note that the highest rate for sexual assault was in the Northern Territory followed, unfortunately, by Western Australia. New South Wales and Western Australia were the only States to record victimisation rates for armed robbery above the national average of 58 victims per 100 000; the rate in Western Australia being, unfortunately, 76 victims per 100 000. Western Australia had the second highest rate for armed robbery and the highest victimisation rate for unlawful entry with intent involving the taking of property - more commonly known as home burglary - of 2 325 victims per 100 000; that was followed by Tasmania. Western Australia also recorded the highest victimisation rate for other unlawful entry with intent of 935 victims per 100 000, the national victimisation rate being 493. That puts Western Australia's rate of victimisation at not only the highest in that category but nearly double the national average. Unfortunately, Western Australia had the highest victimisation rate for motor vehicle theft of 880 victims per 100 000 followed by New South Wales with a rate of 833 victims per 100 000. In the category of other theft, the highest victimisation rate was also recorded in Western Australia of 4 471 victims per 100 000 followed by South Australia of nearly 1 000 victims per 100 000 below that of Western Australia. We need to consider these statistics in context and realise that we have a serious crime problem in Western Australia.

In this publication there is also a new historical series category outlined at page 96 which gives figures and trends between 1993 and 1998. Again, there are some very disturbing trends in crime in Western Australia and the increases that have occurred since 1993. When one looks at the independent, objective evidence of crime statistics and listens to the feedback that we all as members received from the community, we quickly come to the realisation that we must do something to turn around the dreadful amount of crime happening in our community which has a devastating impact on so many people.

I note that the terms of reference for the committee included three key categories, the first being to reduce and prevent crime and antisocial behaviour at the community level; the second to address community and social factors which contribute to crime and antisocial behaviour in the community; and the third addressing community and antisocial behaviour after it has occurred. The emphasis of this report is on the first two categories. We have not addressed the issue of crime and antisocial behaviour after it has occurred, and that will be addressed in another report. One of the conclusions that people may draw from reading the report is that we have placed considerable emphasis on the factors that contribute to crime and criminality. We have said that certain factors that occur in a person's life increase the likelihood that that person will commit a crime. Those factors include child abuse, family circumstances, Aboriginality, and being male rather than female. Those factors that impact on the likelihood of a person being involved in a crime are included in the report in an objective sense. We have not included those factors to make excuses for people who commit offences. We are not saying that a person who has experienced one of those predisposing factors is justified in committing a crime, nor are we saying that there is a guarantee that such a person will commit a crime. The reason we have listed those factors is that we need to examine whether it is possible to turn around that situation and reduce the impact of those predisposing factors and thereby prevent crime from occurring, because it is very expensive to try to pick up the pieces after a crime has been committed, and it also creates a range of victims of crime. If we could prevent crime from occurring, we would also prevent a great deal of trauma and cost to the community.

This report is a humble beginning in looking at the issue of crime prevention in Western Australia. We have touched only the tip of the iceberg. A great deal of work needs to be done. That is why one of the key recommendations in the report is that Western Australia set up an office of crime prevention. Other countries have set up such offices, and those countries are far more advanced in dealing with crime prevention than we are in Western Australia. The members of the committee met for a day with various people from the National Crime Prevention Council in Washington. That was an extremely worthwhile experience. Those people are doing much more than we are doing in this State in looking at how to prevent crime and in coordinating national programs across the United States. The Home Office in London is also far more advanced in looking at the issue of crime prevention than we are in Western Australia. We can learn a great deal from the experiences of people, to a lesser extent interstate, and certainly in big cities like London and Washington, which are further advanced than we are on this issue. An office of crime prevention in this State should not be just a bureaucracy or a type of window dressing. It would need to actively get on with the job and have the potential to have a real impact on preventing crime in Western Australia.

Question put and passed.

#### **JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

##### *Fortieth Report - Fish Resources Management Amendment Regulations 1999*

**MR WIESE** (Wagin) [10.43 am]: I present for tabling the report of the Joint Standing Committee on Delegated Legislation on the Fish Resources Management Amendment Regulations 1999. I move -

That the report be printed.

[See paper No 1033.]

Mr WIESE: In April this year, Fisheries Western Australia promulgated regulations to deal with the management of aircraft access to the Abrolhos Islands reserve. The regulations provide that aircraft can enter the Abrolhos islands reserve only with written authority from the Minister for Fisheries, and provide for a fee of \$100 per application. The regulations were developed in response to industry activities in the Abrolhos Islands area, and no formal consultation was undertaken by Fisheries Western Australia. That information was provided to the committee as part of the explanatory memorandum.

The regulations were brought to the attention of the committee by Hon Kim Chance, who provided the committee with a written submission with regard to the regulations and the motion for disallowance of those regulations that had been moved

in the other place. He expressed concerns about the processes that had led to the content and implementation of those regulations. The committee took on board the submission by Hon Kim Chance and examined the regulations. It requested from Fisheries WA a copy of the application form, which was referred to in the regulations but did not form part of the regulations. It also requested a copy of any ministerial conditions or criteria which related to the grant of an authorisation by the Minister for Fisheries. The Minister for Fisheries in response sent the committee a copy of the application form that is to be used by a person who wishes to apply to the executive director for ministerial authority to enter the Abrolhos Islands reserve by an aircraft or to use an aircraft in the reserve. The minister also sent the committee a copy of the form which is to be used by such a person in association with an application for the minister's authority to enter the Abrolhos Islands reserve by means of an aircraft or to use an aircraft within the reserve. That form is entitled, "Further Information - Commercial Operations." Those forms are included in annexure C of the report. The further information report requires an applicant to demonstrate certain minimum standards for operator-pilots as a pre-condition to the entertainment by the minister of such an application.

The committee had some concerns about that issue. It inquired from the Civil Aviation Safety Authority about the standards that it applies to the operation of aircraft in these sorts of circumstances. The response from CASA is contained in annexure E of the committee's report. The minimum standards that are required by CASA to issue a licence are exceeded greatly by the requirements that are sought to be imposed in the Fisheries WA regulations. For example, the number of hours required by the Minister for Fisheries for pilots of single-engine aircraft exceeds the requirements of CASA by a factor of over 10 times. The Minister for Fisheries requires pilots of twin-engine aircraft to have a minimum of 3 000 hours of flight time as pilot in command, whereas CASA requires pilots who work on visual flight rules operations to have at least 100 hours experience as pilot in command of multi-engine aircraft and at least five hours experience as pilot in command of the type of aircraft being used.

There is a very large difference in the requirements. The departmental further information form also required an operator to show he was able to take off and land an aircraft on an airstrip which was 500 metres long. The Civil Aviation Safety Authority had no such requirement. Its response was that if an aircraft was capable of operating under those conditions and the pilot is endorsed in that type of aircraft, it was assumed that the pilot was capable of operating the aircraft, and there is no further requirement under the legislation for the pilot to demonstrate the manoeuvre. The requirements of Fisheries WA far exceeded the Civil Aviation Safety Authority rules, Act and regulations. There was no requirement by Fisheries WA for a pilot intending to operate an aircraft for commercial purposes into the Houtman Abrolhos to provide an air-operator certificate issued by CASA, as a pre-condition.

As to the legislative background to the regulations, the committee was satisfied that the fisheries legislation entitled the minister to create such regulations and that the penalties were within power. Everything in the regulations or the legislation was within power. The problem arose with the application forms. Neither of them was included in the body of the amendment regulations. Although the department sought to impose substantial standards through those application forms, the fact is that they were not part of the regulations. The forms had no power to impose the requirements they did. In the view of the committee, they were without power under section 42(2) of the Interpretation Act. Those forms had no power and no legislative ability to impose what they sought to impose.

The committee also had concerns about the minimum standards which were sought to be imposed by the forms. Those minimum standards were clearly inconsistent with the commonwealth regulations which govern aircraft. To that extent, the committee believed that those minimum standards which were sought to be imposed were invalid under section 109 of the Commonwealth Constitution. Clearly, the Commonwealth has jurisdiction over aircraft operating within Australia. Aviation within Australia is strictly regulated under the Civil Aviation Act and the accompanying regulations. To the extent that the minimum standards, which were contained in the department's further information form, exceeded the Commonwealth regulations, those forms and the requirements imposed by the department were ultra vires.

The committee did not recommend disallowance of the Fisheries WA regulations on the basis that the amendment regulations that were published were within power. This report is being tabled to bring these matters to the notice of all those who are involved: Firstly, the members in the upper House in their deliberations about whether they would disallow the regulation; and, secondly, the minister.

Mr Bloffwitch: Does it restrict access to others who do not have those qualifications?

Mr WIESE: It does not have the power. The requirements which were purported to be imposed by the departmental regulations were not in power. They did not have the power to do what they purported to do. Those forms were not gazetted and were not part of the regulations; hence, they did not have the power to do what they purported to do. As they were gazetted, the regulations were within power. However, the forms which were an integral part of the process of regulation had no legislative backing or capability. That is what we are bringing to the attention of the House, the minister and all those involved in the questions in the report.

We do not recommend the disallowance because the current regulations are within power. We bring it to the notice of all concerned that the forms which were part of regulatory mechanism had no powers, hence if people tried to impose powers using that purported legislative background, they could not do what they sought to do. I table this report of the Joint Standing Committee on Delegated Legislation. It turned out to be a very interesting investigation of what was, and what was not, contained within the regulations. I am sure members of the House will be very interested in addressing the issues raised in the report.

Question put and passed.

**TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA AMENDMENT BILL 1999***Second Reading*

**MR PRINCE** (Albany - Minister for Police) [10.56 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to provide telecommunication interception powers for the Anti-Corruption Commission by declaring it an eligible agency under the Telecommunications (Interception) Western Australia Act 1996. The ability to obtain telecommunications interception warrants in their own right will enhance the effectiveness of the Anti-Corruption Commission and allow it to obtain the warrants without the need to rely on police. This will enhance its independence as well as reduce the workload of police in this area.

The Bill defines officer positions within the Anti-Corruption Commission and designates the Attorney General as the responsible minister for the commission. Protection is provided for officers required to report under the Telecommunications (Interception) Western Australia Act 1996, in relation to the secrecy provisions of the Anti-Corruption Commission Act 1988. Further, to accommodate this, a minor consequential amendment is needed to the Anti-Corruption Commission Act 1988. The Bill takes the opportunity to repeal some obsolete sections of the Telecommunications (Interception) Western Australia Act 1996 relating to commencement dates that are no longer relevant.

As members would be aware, the parent Telecommunications (Interception) Act 1979 of the Commonwealth will require amendment to accommodate the Anti-Corruption Commission which will also have to be declared under that Act. Therefore, the Bill will come into effect by proclamation to coincide with the amendment. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

**TRANSPORT CO-ORDINATION AMENDMENT BILL***Third Reading*

**MR COWAN** (Merredin - Minister for Commerce and Trade) [10.59 am]: I move -

That the Bill be now read a third time.

**MS MacTIERNAN** (Armadale) [10.59 am]: It is important in the third reading debate to have an opportunity to comment on developments since the Bill was passed at the second reading stage.

I take this opportunity to report that last night I received a telephone call from a very perplexed bus operator, Mr David Ford, the president of the bus and coach association. Mr Ford expressed his amazement at the way he has been treated by the Government in relation to this Bill. Members would be aware that the Government removed an aspect of this legislation; that is, the development of a set of bus standards for safety and consumer protection which had been the result of negotiations and much hard work over some six years. That portion of the legislation was unceremoniously ditched by the Government after the Bill had been on the Notice Paper for more than a year. The Government voted against its own legislation without having the courtesy to inform the bus and coach association, with which it had worked so closely, of its decision. Since that time, the bus and coach association, particularly its president, has on many occasions sought an audience with the Minister for Transport but Mr Ford cannot even get a response to his telephone calls let alone an opportunity to speak to the minister and put forward his point of view. That is a disgraceful way to treat an organisation. Mr Ford has been able to get an audience with the Liberal Party spokesperson on Transport, the member for Vasse, who led the backbench revolt against this provision in the first place. The member for Vasse has now backed down and given the standards his imprimatur but unfortunately the Minister for Transport has not been prepared to discuss the matter with the bus and coach association. It is an extraordinary situation after six years of hard work.

The previous Minister for Transport spoke about how well the association had done to sign off on these regulations and he complimented it on the incredible work it had done, but when the provisions came forward, the Government voted against its own legislation. The worst part of this story is the gutlessness that the current Minister for Transport is demonstrating in this regard. He will not respond to the telephone calls from this association which represents 95 per cent of the industry. He will not tell it why he has decided to abandon the result of those six years of hard work. It does not make sense, particularly as I understand the Liberal Party spokesperson has now signed off on this legislation. I understand the Deputy Premier is taking responsibility for this Bill in the third reading. I hope he will take some of the comments made in this House back to his party colleague, the Minister for Transport, and suggest that the minister act with some decency and courage and at the very least be prepared to meet with these people with whom he was only too happy to deal before the backbench revolt. With those comments I indicate that the Opposition will not be supporting the third reading of this Bill because of the iniquitous way the Government has conducted itself in relation to part of this legislation. No doubt the Bill will pass but it may face a more stormy passage in the other place.

**MR COWAN** (Merredin - Deputy Premier) [11.04 am]: I do not know that I thank the member for her comments but I advise her that I will ensure the Minister for Transport receives a copy of her speech. If there is anything of substance in it that he believes deserves a response, I am sure he will respond directly to the member. I ask members to support the Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

**LOAN BILL 1999***Second Reading*

Resumed from 16 June.

**MS WARNOCK** (Perth) [11.05 am]: I will address three issues relating to my electorate; prostitution, damage to houses caused by tunnel construction and the wonders of the Highgate Primary School. On the first issue, I would not necessarily put the position quite as baldly as did the retiring Commissioner of Police, Bob Falconer, this week when he criticised the Government for its failure to, as yet, introduce the new prostitution legislation. I believe he said he doubted the Government had the balls to do it. I will adjust that and state in more parliamentary language that I wonder if the Government has the guts to introduce the prostitution reform legislation before the next election. The outgoing Commissioner of Police criticised the Government for its delay.

Mr Bloffwitch: I can understand his doing that.

Ms WARNOCK: Criticising the delay or saying what he did?

Mr Bloffwitch: Criticising the delay. I agree we need to do something.

Ms WARNOCK: Fair enough. The Opposition has mentioned this issue more than once in this Chamber. The Commissioner of Police said the Government's lack of action was putting both prostitutes and their clients at risk and I certainly agree. That has been my major concern in this whole debate. The street prostitution which has angered and frustrated many of my constituents in inner city areas has been spreading for several reasons; partly because many of the women who practise street prostitution have drug addictions, and partly because of our peculiar system of quasi-regulation, if I can put it that way. I am not suggesting there is anything new about this system; it has existed for some time. At the beginning of the year, the street workers were moved from an area around Hyde Park where they had been plying their trade for some time. A police action moved the street workers to an area in Stirling Street which the police considered to be a less residential area and, therefore, more suitable for this trade. Unfortunately, residents and businesses in the Stirling Street area soon began complaining about sex workers, clients and pimps accosting them as they went about their daily business. Clearly that is not acceptable and the Government has an obligation to do something about the problem.

I have met several times with police officers who are involved in the policing of this area and I am assured by very senior police officers that they are doing their best to cover this territory. In my opinion they have not been able to do that due to a lack of resources although police officers are always very careful not to say that when they speak to members of the Opposition. However, I believe police lack the resources to cover the territory and officers freely admit that the new red light area, for want of a better phrase, has not been a success and that the problems continue. The Opposition understands that this is not an easy matter. I have said more than once in this Chamber that I have been associated with this issue and have tried to bring about reforms for a long time. My interest stems from my concerns about women and my fear that prostitution is a dangerous trade, particularly street prostitution.

In reply to the bold criticisms of the Commissioner of Police, the Government said that approximately five ministers have been involved in trying to draft this legislation. Many portfolios are involved including Health, Police, Planning and Justice. Members of the Opposition can understand that this is a difficult and complex issue, not the least because every time it is mentioned in public, members of Parliament receive letters from constituents who have moral concerns about it. Some conservative constituents are very unrealistic in their views; however, they write to their local members of Parliament, which can also cause delays, expressing their concerns and those of others in the community. It is easy to imagine how difficult it is for a Government to draft this legislation, particularly if nervous backbenchers are holding things up.

Although the Opposition has not seen the final detail of the Bill, it has the interests of the community at heart and because it has struggled with this issue previously, it is willing and able to assist in making useful changes to this legislation. Numerous reports have been produced over recent years. A government committee travelled widely studying models of prostitution reform elsewhere. We should be able to move on this matter soon. It is not beyond the wit of people in this Parliament to do that and we should get on with it.

Some members of Parliament, including me, were invited recently to attend an open day at Madison Avenue, a brothel in Victoria Park, operating under the famous containment policy in this State. I am not unaware of the activity of brothels; many are located near my office, indeed only 50 yards away. Before the last election in 1996 I door knocked those places and distributed our policy to various houses in the area. Obviously it was very foreign territory for many people and it was interesting to go there on Sunday morning. It was a lively gathering and an instructive visit for some of those who attended. There were plenty of media people as well as those who were curious. On one occasion I was mistaken for the madam and was thanked very much by a shy fellow for allowing him to have a look around the premises. I told him that that was fine and it was my pleasure, and he went on his way. When I spoke to the madam about this later, she told me that it was obviously because I have blond hair; everybody assumes that madams have blond hair. Later we met and discussed these matters. The madam's house operates under the containment policy. She expressed some annoyance at how few of the people in the sex industry had been consulted by the Government in the drafting of the Bill.

It is clear that people who work in the industry as well as the general public want changes to the way the sex industry operates, although it is not an issue people talk about all the time. It is not an everyday subject of conversation at the dinner table; but people, such as those in my electorate who must deal with the street workers who operate near their premises, want to see changes to the legislation. It is for that reason the Opposition once again urges the Government to act. Many issues must be taken into consideration. It must be borne in mind that the Opposition has not yet seen the Bill, but it will be



prepared to comment on it when it sees it. However, certain matters must be taken into account, such as local government planning issues, which are a very serious part of the Bill. Girls who are under age must be banned from this work and this aspect must be very well regulated by the police and Family and Children's Services. In my area complaints have been made that under-age people are working in this trade and that aspect has not been well policed. Some sort of licences must be issued or regulations must operate to ensure all workers, not only those working in the houses operating under the containment policy, use condoms, have health checks and are discouraged from using drugs. I suppose they must also pay tax because complaints are received from containment houses that they pay tax and they wonder whether their competitors elsewhere who are not so well regulated do so. I throw that in as a piece of useful information for the Government. However, most importantly, the workers must be protected from harm. That is one of the major reasons we must get on with this legislation.

If we decide that sex workers should not operate on the street at all, we must provide sufficient resources to the police to carry out regular operations to stop it. Currently this practice is illegal, but it is happening and it annoys the people who live and work in the areas where the sex workers operate. It is dangerous for the people who work in the business and we do not seem to be able to stop it. I think it is a little unrealistic to decide to stop it completely. However, if we decide that we must do that, we must act on that decision and provide sufficient policing and assistance for the young women who are in the business. Alternatively, if we decide, perhaps more realistically, that it cannot be stopped, we must contemplate setting aside a suitable area for this purpose - obviously it should not be near residential areas or businesses that are open at the times these people are using the streets - and police that area very well. Too many young women have already disappeared from our streets and we must protect them. The Opposition is keen to see the Government's proposals and it offers its cooperation in passing that legislation.

I have spoken many times since 1993 when the Government announced its Northbridge Tunnel project, which I vigorously opposed for a variety of reasons which I do not need to repeat here. Recently I have received many approaches from dissatisfied constituents who claim their homes have been damaged by dewatering from the tunnel construction. They have been extremely annoyed at what they say amounts to a brush-off from the contractors who are carrying out this project. I have written a number of letters to the contractors. In a curious way, the Ministers for Transport and Planning seem to have conveniently distanced themselves from responsibility in this matter. I have written letters to the contractors, but I have the impression the contractors regard unhappy householders as a nuisance and my office as an encourager of nuisances. At the least that is bad public relations for the project, and, at worst, it is crass and neglectful behaviour by the contractors. There is no question that damage has occurred to houses in the tunnel construction precinct. Some of the damage is very bad and is likely to cost tens of thousands of dollars to repair. The question remains as to what has caused this and how much damage has been caused solely by the tunnel dewatering. Everybody admits that the houses are old - some are heritage houses - and are built on peaty soil; nobody denies that. Some settlements have been made, but other home owners have refused to accept what they regard as inadequate compensation and are considering further legal action. That is the situation regarding tunnel damage in my electorate. If necessary, I will pursue that matter with the relevant ministers because it has been a concern of mine for some time. The Government went ahead with this project and, in many cases, it has responded to complaints by residents and people who work in the area by, for example, changing construction techniques to minimise damage and reduce the effect on businesses. That approach is to be admired, but in this case many disappointed home owners in my area are still writing to my office and ringing me and I express their concerns in the House. I shall continue to pursue those matters for my constituents which is my duty and obligation as their local representative. I will continue to receive terse letters from the contractors concerned.

This week I went to the opening of a new covered assembly area at the wonderful Highgate Primary School in Lincoln Street, Highgate.

From the beginning of its history, this 104-year-old school has had a great reputation for racial harmony. It has always accommodated people from all around the world - new migrants who have arrived in Australia, some who came as refugees much earlier this century and some in subsequent waves of migration, particularly after the Second World War, and those who have come in more recent years. It is a splendid school and is famous for its reputation for helping new generations of immigrants and refugees to settle in. Highgate Primary School specialises in English language teaching and has a wonderful, warm and hardworking staff who do great things with the children from about 50 different ethnic groups. After the Second World War they were mostly Italian, Greek and Jewish children and in later years they have come from all corners of the earth. From the youngest stage of learning they settle in as new young Australians at the Highgate Primary School.

The rain on Monday emphasised the point very well that the old school badly needed its covered assembly area. Everybody was glad to be underneath the covered assembly area for the opening ceremony. I was glad to see that the Government was prepared to support this excellent school by providing this necessary facility. The new facility has been designed in a fitting reproduction style which is carefully matched to the style of the older buildings. It is a credit to the architect Chris Maher who deserves a pat on the back, as do the acting principal, Mr Cronin, and his colleagues for the way they are continuing the excellent traditions of the Highgate Primary School in accommodating children from all corners of the earth.

I will dash back through some of the history of this 104-year-old school. It was first planned in September 1894. The site was chosen and the school was opened on 1 November 1895 with 80 scholars on the roll. As everybody knows, the history of primary and secondary schools change as the population fluctuates through changes in demographics. Highgate Primary School went from 80 scholars when it first started up to over 700 some years after that. As the population changed and moved around it returned to a much lower number and now has nearly 400 students in primary, full-time preprimary and sessional four year old preprimary. The Highgate Primary School specialises in teaching English language and anybody who works at the school knows the ethic of the school and is supportive of it. The community also uses the school, as many

schools these days are used. Both main buildings of the school are used during weekends by a Vietnamese community school and a Chinese community school. These uses are related to the surrounding population of the inner city, and it is pleasing to note that it is expected that the 1999 enrolment approaching 400 students will remain steady. We hope the school will continue to provide the excellent service that it has provided for more than 100 years to children from the inner city areas and children of migrants from many different countries.

The Premier has a connection to the school. I believe his late mother attended the school at one stage. Many of the names of people who have either taught at the school or been enrolled at the school at one time or another would be familiar to people in this House. It is interesting to note that one of the original teachers at the school was paid \$130 a year. When the school first opened, boys wore boots and knickerbocker-type trousers, and girls' dresses were long and they wore stockings with button-up boots. Those were the rules when it opened in 1895. When we were there on Monday for the opening of the covered assembly area, the dress was different. The children were in their bright yellow T-shirts performing for the visitors and demonstrating the ethic of that school which has always been cosmopolitan and works extraordinarily hard at encouraging all Australians to live in harmony with all other Australians, no matter where they come from.

I congratulate the Government on providing that covered assembly area and all those at Highgate Primary School - the teachers, the parents and citizens association, and the assistants who work at the school - for doing such a wonderful job with so many young Australians from all around the world.

**MR BROWN** (Bassendean) [11.25 am]: While my colleague, the member for Perth, was speaking, I indicated to the Deputy Premier who is in the Chamber at the moment that I would prefer he stayed while I made the initial part of my speech, and I am grateful he has stayed in the Chamber to listen to it. I want to raise a number of matters today. The first concerns a constituent of mine who is in great pain and has been seeking surgery for a long time. I will not name this person. However, I want to go through the history of this matter. This constituent was written to by the Metropolitan Health Service Board on 26 August 1998. The letter to her stated -

One of the objectives of the Metropolitan Health Service Board is to provide better coordination of and improved patient access to hospital and health services in the Perth metropolitan area.

As part of this process, the Central Wait List Bureau in conjunction with the Teaching Hospitals is conducting an audit of the elective surgery waiting list. This initiative aims to streamline the management of patients waiting for elective surgery within the metropolitan area.

Our records indicate that you are on the waiting list at Royal Perth Hospital for surgery. On the attached form, please advise which of the following options is applicable to you.

OPTION 1: I still require surgery.

OR

OPTION 2: I have had my surgery elsewhere.

OR

OPTION 3: I no longer require my surgery - please take me off the waiting list.

Please sign and return the attached form in the reply paid envelope within 14 working days.

My constituent replied to that in the following terms -

The doctor I attended at Royal Perth Hospital after surgery was Dr Prosser and other doctors. I have been on the waiting list since that time -

That was in 1997. He continued -

- My number is L4267100. Phoned Shenton Park and left messages four times. Up until now have had no reply. Both knees need surgery.

My constituent came to me in February this year and I wrote to the Minister for Health on 15 February this year stating -

I write on behalf of my constituent . . . in relation to knee surgery she has been waiting for for almost three years. . . . has reported to me that his wife is in constant pain day and night. She is unable to get any relief from the pain, whether sitting or lying down. The pain is so intense that she often cries and screams in agony and frustration.

I attach a copy of correspondence . . . sent to Shenton Park Annexe of Royal Perth Hospital in May 1997. I also attach correspondence received by them from the Metropolitan Health Services Board dated 26 August 1998.

My purpose in writing to you is to request urgent steps be taken to provide my constituent with the operation she needs.

I look forward to your prompt and positive response.

I did not receive a response to that letter, so I wrote again to the minister on 19 March stating -

Dear Minister

I refer to my letter of 15th February concerning . . . in relation to knee surgery.

My purpose in writing is to ascertain if you have had the opportunity of reviewing . . . circumstances.

My constituents have been going through a particularly difficult period and it would be of some considerable assistance if they received an early favourable response.

Thanking you.

I did not receive a letter from the minister in response to that letter. I wrote again to my constituents after they inquired about progress, and I wrote again to the minister on 22 April, as follows -

Dear Minister

I refer to my letters of 15th February and 19th March concerning my constituent . . . obtaining the knee surgery she requires.

As it is now over two months since I initially wrote to you I would appreciate a response by return mail. You may appreciate being in constant pain . . . is keen to obtain knee surgery as soon as possible.

Some days later, on 29 April, I received a letter from the minister dated 27 April, which read -

Thank you for your letters of 15 February and 19 March 1999 in which you expressed concerns regarding . . . in relation to knee surgery.

I have made inquiries on your behalf with Mr Gareth Goodier, Chief Executive, Royal Perth Hospital and I am now in position to respond to you.

I have been advised that . . . was last seen by Mr Prosser's Registrar on 7 May 1998 and at that time she was up on the wait list, as a routine patient.

It has been suggested that . . . request a review by Mr Prosser's team so her need for urgent surgery may be assessed.

. . . may also wish to contact the Central Wait List Bureau . . . to ascertain whether she may be able to have her surgery undertaken sooner at another hospital.

The telephone number was provided. I conveyed the information to my constituents with a letter the following day. I rightly assumed that they would do what they could to make the appropriate contacts. I spoke again to the husband of my constituent on 11 June, and he advised that he was told by the Central Wait List Bureau that his wife, as a result of her condition, needed to have the operation at Shenton Park annexe as other hospitals did not have the necessary equipment to deal with any complications which may arise. He contacted Mr Prosser's rooms and was told that it had nothing to with these matters any more and that they should seek assistance elsewhere. This matter still has not been attended to.

Her local doctor wrote to Dr Prosser, without much response, on 12 May 1999 in the following terms -

Could you kindly consider . . . as a priority case for her total knee replacement.

I did refer her to Royal Perth Hospital many years ago and was told she was to be put on the waiting list.

She was first seen in 1995.

She is suffering a lot. She is grossly overweight but as you know it is difficult to lose weight as she spends all day sitting down or walking a few steps with a Zimmer type frame.

Practising in Bassendean, I have a large number of patients awaiting surgery, especially orthopaedic and cataract surgery.

This is the first time I have requested a specialist to consider a case as priority. I hope you don't mind.

I raise that matter as the Deputy Premier is in the Chamber. After *Hansard* has processed the correspondence, I will make it available to the Deputy Premier. I raise the matter as a result of some frustration on my part and of that of my constituents in their endeavours to obtain surgery. Undoubtedly, she needs it as she is in pain. Her husband tells me that sometimes his wife screams out in pain when she turns over in bed at night. She is overweight, as the doctor said. However, one has an opportunity to lose weight if one is mobile. If one is in pain when standing up, it is hard do anything about the weight. One thing exacerbates the other.

I am indebted to the Deputy Premier for his listening to my comments. I plead with him to raise the matter with the Minister for Health. My representations to the Minister for Health have gone nowhere. I raise this matter with the Deputy Premier as the second most senior officer in the Government to see whether something can be done. It cries out for action. I hope the Deputy Premier has greater success than I have had in months of making representation to the Minister for Health. I thank the Deputy Premier for waiting in the Chamber to hear my comments. It is a key matter.

I am happy to draw the next matter to the attention of the relevant minister through *Hansard*. I refer now to the privatised bus services allocated to Path Transit Pty Ltd in my electorate. When it received the contract, two senior representatives

of the company called me to say that they wished to ensure that everything ran smoothly. They said that if a problem arose, I should not hesitate to contact them at an appropriate time.

I received a telephone call - one of a number - from a constituent who complained that things were progressively deteriorating with the No 55 route. Buses have run 20 or 30 minutes late on a number of occasions. He had major concerns. Bearing in mind the approach made previously by Path Transit management, I wrote to the company about this matter on 15 April in the following terms -

I write on behalf of a constituent of mine who recently complained to me that the No. 55 bus he regularly catches has been up to 20-30 minutes late on a number of occasions.

My constituent believes the service has deteriorated since it was privatised and contracted out.

My constituent, would like to meet with you and I to discuss his concerns. He may also wish to invite other commuters to the meeting.

Would you be kind enough to let me know if you would be prepared to participate in such a meeting.

That was in accord with my previous discussions with Path Transit managers when the company first won the contract. I was surprised that my office received a telephone call, relayed to me by my acting electoral officer in a file note. The planning manager of Path Transit contacted my office about my letter and asked for specific details of the times and dates when the bus service had been late. Although nothing is wrong with that approach, I thought the company would be interested in listening to the views of commuters in endeavours to deal with those views, rather than locking down what happened on a particular day or series of days. Nevertheless, no enthusiasm was evident about holding a meeting. Subsequent to that, on 28 May I wrote to my constituent saying -

Path Transit contacted my office this week to discuss the matter. They have requested further details of specific times and dates that the bus has been late, and which stop or stops you use to catch the bus. They will then investigate and get back in touch with me.

I asked my constituent to provide details of times and, having received my letter of 28 May 1999, my constituent wrote back to me in the following terms -

Now the Buses are still LATE and have been ever since PATH TRANSIT took over. They can be late at any time and sometimes dont come at all! PATH knows this, the DRIVERS know it! Buses have been late from Perth 2.05 pm (½ an hour) 3 pm (35 Minutes) and many others. Last Sunday morning the Bus did NOT come (Bassendean, Perth) an elderly lady had to carry a suitcase to Ashfield Station (20 Minutes walk) in maybe time to get a Bus to Mandurah! As late as yesterday my Bus was 20 minutes late! (again).

This is NOT the fault of the Drivers. They have told me they cant get the Buses on time and have to speed up to make the schedule.

Path Transit know the problem, the Bus users know it also, its time for some action. If you refer to a letter - "The Eastern Suburbs Reporter" of June the 8th 1999 (Page 4) you will have a clear picture of the situation!

This constituent is seeking to have a meeting with Path Transit to discuss the inherent problems that are apparent with the privatised bus service. A reasonable approach was made to Path Transit to have a meeting with this constituent to discuss his complaint and to meet with others, yet that has not been attended to. At the very least, that is disappointing. It certainly should be attended to and I will continue to pursue it, obviously not now with Path Transit, but with the Minister for Transport, if that does any good.

The final matter I raise relates to the efficiency of government. We have been often told that government is now extremely efficient. A constituent lodged a plan with the Planning Commission on 13 March of this year. Its purpose was to put in place a new subdivision. It was to go to the Planning Commission and then to the Department of Land Administration for the issuance of a new title. The Planning Commission never acted on the application. When my constituent went to DOLA some considerable time later to inquire about it, he was told that he would be required to pay a fee of \$60, which he paid. The next thing that happened was that my constituent received a letter from DOLA dated 17 May 1999 saying that a survey diagram that he submitted would require Planning Commission consent. He had lodged the diagram two months and one week prior to that. He went to the Planning Commission to find out why the Planning Commission had not examined the document and communicated to DOLA that the document met planning requirements. The Planning Commission checked on the matter and wrote to my constituent on 21 May, some two months and two weeks after the event, apologising for the administrative blunder that had been made. My constituent then received, to his amazement, another letter from DOLA saying that if he had not complied with the requirements of DOLA and the Planning Commission in order to obtain planning permission within the following five days, his application would be discontinued. He went to DOLA to find out why the new title could not be issued. He had taken the diagram to the Planning Commission, which had approved it, although somewhat belatedly, after the documents had been lost. He asked DOLA what the problem was. An officer from DOLA said that it did not have the documents. The officer then checked DOLA's records and found that it did have the document from the Planning Commission but that the Planning Commission had sent it through without any notification to DOLA that the Planning Commission had made errors in not progressing the application. It had been poorly handled administratively by DOLA as well. DOLA went on to apologise to my constituent.

My constituent raises this issue for two reasons. First, as a person who has dealt with these matters previously, he has been able on previous occasions to get all of these matters attended to and received Planning Commission approval within a short

time. On this occasion it has taken two and a half months or longer. Second, what came to his notice was that when he inquired of the DOLA officer about why it happened, the DOLA officer said that it is always happening and is a continual problem the office faces. There appears to be some lack of coordination between the Planning Commission and DOLA. As my constituent points out, he has now got the matter resolved. Fortunately, he had the time to follow up these matters up with the respective officers. If a busy person were trying to do this, he would have spent time, energy and wasted resources on dealing with what should be a fairly easy administrative process. I raise the matter today because I hope that when I draw this matter to the attention of the Minister for Lands and the Minister for Planning they will do something about better coordination because the coordination between these two agencies at the moment is nothing short of appalling. This is not a one-off case according to officers in those agencies.

**MR KOBELKE** (Nollamara) [11.49 am]: I will comment on the denial of justice in Western Australia. I see more and more instances of constituents and other people across the State, who cannot access justice in a range of ways. This is a very serious and growing problem in Western Australia. The Court Government is undermining the functioning of justice in a range of areas. Because my responsibilities for the Labor Opposition relate to labour relations, a number of the examples that I shall give fall specifically in that area. I believe the problem goes right across the administration of justice in Western Australia. The Court Government has in a number of ways attacked the ability of people to uphold their rights and gain justice. It has done this by removing critical resources from agencies and departments which should be playing a very full role in supporting people and upholding their rights.

The Court Government has undermined the right to obtain justice by its poor management of the Ministry of Justice and a range of other agencies; and one of those agencies, which I will refer to later in another example, is the Department of Productivity and Labour Relations. Further, we have seen in a number of areas the Court Government actively setting out to undermine the ability of people to uphold their rights, specifically in the way the Government has attacked the union movement by enacting laws which make it difficult for people to use unions to help protect their rights and to see that justice is done.

I refer to a specific example relating to access to our courts. I presume that like me, Mr Acting Speaker (Mr Baker), you get numerous cases where we, as members of Parliament, can do very little because a person simply does not have the wealth to proceed with their case through the courts. Although pro bono work is carried out by some lawyers - one respects the lawyers who do that - many people, unless they have several thousand dollars, cannot get through the door of the court to pursue their case.

I will not give the name; however, in the past week I met a gentleman who had become involved with a lawyer due to having to place a caveat on a property where he was assisting someone, not even a relative, because a person he knew had died intestate. He had nothing to gain for himself in taking that action but was trying to assist the relatives of the deceased friend. However, the gentleman found himself being sued for a debt of a little less than \$1 000. Because of his circumstances, he has been denied justice as he does not have the funds to fight that case. Through legal costs he now owes an amount of between \$2 000 and \$3 000. That is only a small amount for many people, but for an aged pensioner it is a large amount of money. This person, firstly, will have great difficulty in paying that amount of between \$2 000 and \$3 000 but, secondly, believes it is totally unjust that he cannot have his day in court to make the person who should be responsible pay that money. Because of the cutbacks to Legal Aid, a case for such a small amount will not be supported in any way by our justice system. This individual, therefore, like many people, is being denied justice. It is incumbent upon the Government to provide greater funding to Legal Aid. However much money is provided, there will be occasions when the Government will not be able to afford to give legal support to particular cases. However, more and more cases which in the past would have received legal aid are now being denied that aid due to the cutbacks in funding to the Legal Aid Commission.

I move now to another example concerning the Department of Productivity and Labour Relations where again there has been the removal of resources which means that people are being denied access to justice. The Department of Productivity and Labour Relations this year had its budget cut in a small way. However, more importantly, it has shifted its resources away from the enforcement of labour laws to providing advisory services. It is now a major initiative in the Department of Productivity and Labour Relations to advise employers and businesses on methods by which they can best manage the labour laws in order to reduce their labour costs. The staff devoted to those services is twice the number of staff who are devoted to inspecting and policing the labour laws of this State. Therefore numerous cases are occurring where individuals are being treated shabbily and denied justice because they have very little chance of upholding their rights under our labour laws because the department, which has the role of upholding and enforcing those laws, does not wish to prosecute.

The figures for 1997-98 indicated that there were only two prosecutions in the whole of Western Australia. In the recent Estimates Committee I asked how many prosecutions there were in the current year and out of embarrassment the minister and the senior bureaucrats said they did not know. They did not know the number of prosecutions because there had been next to none. I am not one for believing that prosecution is the primary or only tool for seeking the enforcement of labour laws. Education and advisory services are very important. However, if the few poor employers in Western Australia know that no-one will bring them to account, clearly they will flout the law and continue to get away with it because we do not have a department that is resourced and driven by policy which requires it to use the full force of the law to ensure that people's rights and employment conditions are upheld.

The Department of Productivity and Labour Relations recently undertook a survey of the security industry, I believe on the prompting of some of the security companies themselves. I know from other sources that security companies that have built up good reputations for many years in Western Australia are losing a great deal of work to new security companies of very dubious reputation because they are not paying their employees that which is required under the laws of this State. By breaking the law, those companies are taking work away from the other security firms which have established good records

in Western Australia. It is my understanding that the security companies actually asked the Government through DOPLAR to investigate the conditions being applied to employees in the security industry. I first became aware of this matter after a press statement was issued by Jenet Connell, Executive Director of Fair Workplaces which, surprisingly, was undated but the fax date at the top was 9 June. That media release headed "DOPLAR and Security Industry Join Forces" made a couple of statements which I wish to put into the record as follows -

The review of the security industry found that 59% of employers were complying with their employment obligations under the relevant state and federal legislation.

That suggests that 41 per cent of the companies investigated were not complying with the law. That is abysmal! Further on, the same media release states -

"However, there are always a small percentage of employers who deliberately choose not to comply and DOPLAR will pursue these organisations to the full extent of the law", Ms Connell said.

There are two aspects to that media release. Firstly, 41 per cent is not a small percentage of employers; it is a very large percentage. Secondly, we know that the department is not pursuing a whole range of these employers for clear breaches of the law relating to the conditions which they place on their employees. This is therefore a whole lot of gobbledegook. The department has been dragged into conducting a survey and has found the situation totally unacceptable, yet all we get is a suggestion that 59 per cent of employers are complying with the law and it will threaten a few people.

However, the situation is far worse than that because I managed to obtain a copy of the report on which that media statement was based; and I have to say that it is a shonky report. It plays with statistics in a way which makes it very difficult to know what was found in the survey. I have some experience in handling numbers and knowing how to present numbers so that they clearly portray a picture, or how one might use numbers to try to distort the facts and mislead people. This report, unfortunately, is about distorting the facts and misleading people. I want to draw from the summary in appendix 1 in the report. It states that it involved only 39 security companies, because they are the ones it could locate operating out of Perth. It refers to four categories of security firms and gives the percentage in each category by employment type, totalling 100 per cent. One would assume that each company employs persons under one of four conditions; that is, all employees in one group are on either state awards, federal awards, Australian workplace agreements or Western Australian workplace agreements. That must be made clear because the evidence I will draw from the other figures will rely on the assumption that employees in one organisation are not under two different sets of conditions. Although that is possible, it would change the interpretation put on these numbers.

I refer to the first figures in this appendix 1, which indicate that the total percentage of each category is 100 per cent. If one company had people in more than one category, that figure should come to more than 100 per cent. I base my conclusions on the evidence in appendix 1. These 39 firms had a total of 2 005 employees. The various breaches were added - they nearly all related to monetary breaches; that is, where these employers did not pay the correct entitlement for hours worked - and totalled 2 963; that is, nearly 3 000 breaches for 2 000 employees. When going through the books, it is not unusual to find that for one employee there are three or four breaches. Some companies are complying with the law, doing the right things. I hope the minister will name the good employers - I am not asking for the names of the bad ones - and hold them up as examples of those that are meeting their obligations under the laws of this State and the Commonwealth.

There is a major problem with a very sizeable number of these security firms failing to meet their requirements under the employment laws. We find evidence that the press statement to which I alluded a moment ago was quite misleading. The bottom of appendix 1 shows that 45 per cent of the 39 employers visited were breaching the state award. It also shows that 37 per cent of the employers visited were breaching a federal award. As I have already indicated, there is good reason to believe there is no crossover. If that is the case, 82 per cent of the 39 firms were breaching state or federal law. That is abysmal. Clearly it is a situation in which prosecutions are required. If 82 per cent of these 39 firms in Perth are in breach of their statutory obligations, we have a major problem. My estimation is that that means about seven of those firms are complying with the law, and the other 32 are simply thumbing their noses at their statutory requirements to pay proper wages and provide proper conditions to their employees.

This has not arisen by accident. This parlous situation of security firms has been driven by this Government. It has adopted an open door policy to those firms that wish to reduce wages and conditions. It has encouraged firms to do that. The Government did it, first, by bringing in work place agreements which undercut the basic conditions in the award to the extent that currently in Western Australia an employee working a 38-hour week on the minimum conditions of a Western Australian work place agreement is \$56 a week worse off than he would be if he were paid the minimum under a federal award for a 38-hour week. For a low-paid employee, that is a difference of \$3 000 a year. The minimum under a federal award is just on \$20 000 a year. The minimum under a workplace agreement for the same hours would be just over \$17 000 a year. For a low-paid worker trying to support a family, it is totally unacceptable to create a differential of \$3 000, and to reduce the wages and living conditions of ordinary Western Australians.

I have almost completed data which I will present to this House at a later stage and which shows that in this time of great economic development in Western Australia - it is in a slight downturn at the moment - we have seen the average weekly earnings in this State going backwards when compared with those for the rest of Australia. In the richest State, the one with the best economic prospects in Australia, the average weekly earnings are going backwards. We are doing worse than the rest of Australia. In the current downturn in the resources sector, we would not expect this State to be looking so rosy. However, the benefits of the good days, when things were booming, have not flowed through in any sustainable way to all sectors of the Western Australian work force, but to only a few.

I will give another example of how ordinary Western Australians are finding they have no rights in employment, that clearly they have been abused and cannot uphold their rights. Again this relates to the poor management of and changes made by this Government. A constituent - I will not give his name - who works as a taxi driver came to see me last week. This man was a tradesman who had a work injury. That is all behind him now, but he could not get employment in his trade. He now drives a taxi to support himself and his family. He has a permanent job on night shift. He has many problems with the job and they are well founded, but I will mention only one: Under the laws controlling taxis there is a penalty if a taxi is not on the road on Friday and Saturday nights. This man must work those nights, regardless of his family commitments. There is no flexibility at all, other than he cops a heavy penalty. This gentleman works six nights a week, basically 12 hours a night. During one week in early June, he had a problem with his taxi and it was off the road for two days. He still had to pay the fee to the owner of the taxi. He also had the flu so he could work only 23 hours for the week. His net earnings were 20¢ after paying the owner of the taxi and paying for his fuel. He earned 20¢ for working 23 hours. That was not a normal week. The following week was an average week. In that week he worked 57.5 hours. His net takings were \$258.28, which is approximately \$4.50 an hour. That is what the taxi drivers in Western Australia are earning at the moment. Because it is the only work he can find, this man is working 12 hours a day, six days a week, on night shift to keep himself and his family, and he is getting paid \$4.50 an hour. That is what people are being driven to by this Government. These people have no ability to uphold their rights through the Industrial Relations Commission and other forums, and for them their only form of employment leads to clear exploitation.

I will give another example of how this Government has failed to ensure the proper management in the Western Australian Industrial Relations Commission. I am a great supporter of that organisation; therefore, I do not criticise it or any member of it lightly. On coming to Government would wish to give it a greater role to play. I believe, therefore, that there is an onus to point out where there are problems and to ensure those problems are fixed.

The minister claims that she knew nothing of the extreme tardiness of Commissioner Parks in bringing down decisions. I must accept her word because that is what she said during the Estimates Committee hearings. I have found out since that her predecessor knew about it because people had told him there was a major problem in the Industrial Relations Commission with one commissioner. When I became aware of this a year ago I wrote to the Chief Commissioner. I did not pursue it further because of my wish to support the commission and I am aware of the need for separation of parliamentary and political powers from the judicial powers of the commission. However, the separation of powers and independence of the commission as a judicial body does not mean that it should not be accountable, open to scrutiny, and meeting standards of timeliness and propriety. I am relating my criticisms only to timeliness; I have no concerns about propriety. That is not an issue; nor do I wish to imply that there is impropriety; it has not been raised with me.

If timeliness is not upheld, people do not get justice. Justice delayed is justice denied. The case I drew to the minister's attention was that of Mr Graham Feltham, whom I have not met. However, I am aware of what is on the public record. I have brought the matters before the House to show how inappropriate have been some of the delays of cases before the Western Australian Industrial Relations Commission.

Mr Feltham was sacked from his job at Home Building Society in December 1992. He filed his claim for unfair dismissal and the matter was given to Commissioner Parks on 5 March 1993. Some preliminary matters arose because the employer tried to say that a dismissal case did not exist. That, together with legal proceedings, meant that the matter dragged on for a while. Commissioner Parks brought down a decision on these preliminary matters in 1994; that is, he settled the preliminary matters some 15 months after he took up the case. That is not acceptable.

It was then heard by Commissioner Parks over various days in 1995. The decision was not brought down until April 1999. It took 40 months to bring down a decision on that unfair dismissal case. In all, it was more than six years from when the matter first went into the commission. Since this matter was aired and has received some publicity, people have phoned me from all over the State. I had a call from someone in Kununurra who is still waiting on a Parks decision in a case lodged six months ago.

The Fielding report, delivered to the Government in 1995, said that the Act should be changed to require that the decisions of commissioners be brought down promptly. It seems the Government is as tardy as Commissioner Parks. It has had that report since 1995. The minister agrees that decisions should be given promptly, but is in no haste to legislate for the change. The Government is not concerned about whether the commission works well and that decisions are brought down in a timely fashion.

The Queensland Industrial Relations Commission legislation that has been read into Parliament in the past few days requires that decisions of commissioners be brought down promptly. In certain cases in South Australia there is a time limit of three months. It is unacceptable that case after case - I have a file of them on Commissioner Parks - have dragged on for up to six years. As I said, justice delayed is justice denied.

With those few examples I have tried to indicate what is a worrying trend in Western Australia. More and more people are finding that when they seek to uphold basic rights in our society they cannot do so. The mechanisms are not available or do not work, or people do not have the funds to proceed with a case. This is of grave concern. If a large body of opinion in our society is that we cannot get justice, people will attempt to take justice into their own hands. The very rule of law will be undermined. As legislators we cannot allow that to occur. It is incumbent on us to put in place good and just laws - something this Parliament has failed to do recently - and further to ensure that mechanisms work so that justice is available to the citizens of this State.

**MR MARLBOROUGH (Peel) [12.15 pm]:** I refer to the history of industry in Kwinana, its associated risks and the standards imposed to guide Governments in their deliberations over the past 15 years. I draw the Government's attention

to what has become, the Bible for these guidelines which have been used to determine decisions that affect the towns of Kwinana, Hope Valley and Rockingham, and industry, since at least 1992. That document is EPA Bulletin 627 of May 1992 titled "Criteria for the assessment of risk from industry - expanded discussion, Report of the Environmental Protection Authority".

Such a document was necessary because society has become increasingly aware of the problems associated with living next to large industry. Governments have become increasingly aware that unless they come to grips with those problems it will affect their capacity to continue to develop, in particular, heavy industry in estates such as the Kwinana heavy industry industrial estate. It is a tool to give the community the protection it needs and to allow it to have input into its understanding of the level of protection required. It has become the guideline for future Cabinet decisions. I will quote from that document beginning with the issue of risk. It reads -

"Risk" in this document is taken to mean a likelihood of unwanted consequence such as deaths, injury, damage to property or damage to the environment from the realisation of a specified hazard. The unwanted consequences are those that result directly from catastrophic industrial accidents and include those resulting from toxic gas clouds from fires or chemical spills, overpressure blasts from explosions and radiation from fires. They also include the consequences of toxic water run-off from extinguishing chemical fires.

It set out to define what was risk and then the types of risks that could be created under certain circumstances. I will concentrate on the societal risk and quote further from this EPA document, which has become the guideline for government. I say to the Minister for Commerce and Trade, who I am delighted is in the Chamber, that it has become the Bible for any company paid to undertake risk assessments for government or industry throughout this State in the past nine years.

We have seen many incidents of societal risk in industrial accidents which have occurred around the world. We need not travel too far to realise that we have experienced some of these societal risks in Australia. Recently an oil refinery in Victoria exploded, and residents in the nearby vicinity had to be evacuated. There is also evidence in recent years of coalmine disasters in New South Wales and Queensland. As a result of a large number of deaths brought about by those industrial accidents, there has been trauma within not only families but also the community and the nation. One of the most dramatic incidents of societal risk was brought about by a natural event; that is, the Ash Wednesday fires which started in South Australia and continued into Victoria. When we saw the television footage during that fortnight, it was a shock to the nation that such a fire could start and create such hazards and loss of life and property. Societal risk is a key element of this document. With that background I will read from report 627. Under the heading of "Societal risk", it states -

There are two components to societal risk. Firstly, the number of people exposed to levels of risk is important. Secondly, society is more averse to incidents which involve multiple fatalities or injuries than to the same number of deaths or injuries occurring through a large number of smaller incidents.

An example of individual fatality risk is the likelihood that a particular person may have a fatal accident whilst driving and an example of societal risk is the total number of people within a community that may die as a result of road accidents.

The second component of societal risk can be illustrated by the difference in public reaction to the number of fatalities resulting from car crashes over a period of time and multiple fatalities resulting from a bus crash. The latter may result in a devastating shock to the local community which suffered the losses. It may also shock the country. The initial reactions of grief and sympathy from such a disaster turn to those of anxiety and to demands for actions to reduce the risk of such events.

Multiple fatality incidents have occurred with hazardous industries, notable examples include Bhopal (1984) and Mexico City (1984). The reactions nationally and internationally were similar to those described above, with detailed enquiries into the causes of the accidents, what actions would be taken to lower the likelihood of recurrence, and an expectation that similar installations would be regulated stringently.

A common element in the Bhopal and Mexico City disasters was the large numbers of poorly protected people in the area immediately surrounding the installations, many of whom were killed or injured. The number of casualties from a major incident directly corresponds to the number of people in the impact area. There is therefore a need for planning authorities to recognise the importance of buffer zones around hazardous industries, and for planning controls on the type of land uses allowed in such buffer zones, with an emphasis on controlling population densities.

Planning controls, as with the formulation of emergency response plans, can be assisted by the results of societal risk studies. Such studies can provide information on the frequency and the number of people who may be potentially affected by an accident for different planning scenarios involving different population densities.

Members may wonder why I read from that report. I did so because at the moment the Government has a Minister for Planning who wants to ignore what has become the bible for setting safety standards for people in Western Australia who may be living, working or playing side by side with existing heavy industry. He has done that because he is determined to relocate the Claremont Speedway from the rich suburb of Claremont to the Kwinana industrial heartland. He has put in place a committee made up of people such as Mr Con Migro, the owner of the facilities at Claremont Speedway, and Mr Gary Mioceovich, the proprietor of the Ravenswood drags. As I said yesterday, the minister does not believe having those people on the committee is a conflict of interest, even though that committee process is determining the expenditure of \$15m to \$20m of public money, of which they will be the main benefactors. They will be running the speedway. He has not invited any other speedway owners or potential speedway owners to join that committee.



After setting up a process to advise him, which consists of those two gentlemen who I believe, and I am sure the community believes, have vested interests and who should not be involved in the process, that committee has now set out to do a report on problems associated with the relocation to the Kwinana industrial area on what is known as the Alcoa No 1 mud lakes. The minister then found that the report was done by a private consulting company called Environmental Risk Solutions. That company is headed by Mr Jeff Peno who, in no uncertain manner, wrote a report using EPA Bulletin 627 - the bible by which to measure these things - which stated that this speedway should not go in that location. Because the report has indicated that, the minister has done a number of things with it. He has asked for the report to be rewritten. He was concerned that the passage that refers to the multiple fatality incidents which occurred at Bhopal and Mexico City as an example be taken out of the government guidelines. He has asked for a redraft to remove that type of language. More importantly, he has refused to make the document public, and he has refused to recognise the implications of the consequence of doing that. That report has been available to the minister for a number of weeks. What amazes me is that many of his parliamentary colleagues to whom I speak have not seen the report and are not aware of its contents. It is a report which affects not only the speedway proposition, but also, more importantly, the residents living in the immediate vicinity of the Kwinana industrial area. It affects the Kwinana industrial area and has the potential, if it goes ahead, to put the lives of Western Australians at risk. He has put in place a four-week public environmental review process. That is absolutely outrageous. It hardly allows people to receive a letter before they are required to respond. The Government should rethink the PER process and extend it to three months. If it is fair dinkum about giving people the opportunity to have real input, it should allow them to do so considering all the consequences of this proposition.

The minister has put off side many of the people whom he needs on side. Some of his colleagues believe that the Kwinana industry supports this proposition. That is not the case. I spoke this morning to Mr Mike Baker, who many members know is the former general manager of BHP Western Australia and who now heads the Kwinana Industries Council, which comprises all the major companies, including Alcoa, BP, WMC Resources Ltd and CSBP. He told me this morning that at a meeting he had yesterday with Mr Migro and Mr Mioceovich he made it clear that industry is absolutely opposed to the speedway being built in that location. The Minister for Commerce and Trade might like to know that, so opposed are these people, at 3.00 pm today they will advise the Minister for Planning that they will pay for their own environmental assessment report. They have completely lost confidence in the Government's ability to handle this matter. They have commissioned a private report, which they intend to send overseas for international assessment. That is how seriously they take the consequences of this industry being placed in this area.

The EPA Bulletin 627 refers to societal risk as follows -

Elements of a societal risk study can be used to help formulate emergency management plans for a hazardous industry or an industrial estate. Societal risk studies also may help in long term planning for areas around hazardous industries, particularly to control population densities in those areas.

I have been saying for a number of weeks in this place that we cannot ignore the societal risk contour that determines the future growth of existing industries in the Kwinana industrial strip. Of course, the standards laid down in EPA Bulletin 627 indicate clearly that not only should they not be ignored but also that they should be used by Governments to ensure that the population density in those areas does not increase.

A senior consultant, whom the Government has used on numerous occasions to undertake environmental work, told me this morning that if we put 10 000 people in an open arena next door to the Kwinana industrial area and there is an industrial hazard, we cannot believe that those people have the same protection and/or skills as the workers in the industry concerned and/or those working nearby. He explained that by pointing out that people who work in the industry would presumably have, and in many cases would be required to have, a level of training in dealing with a hazardous incident. In addition, those working in an industry are often able to avoid the hazard by wearing appropriate protective clothing and/or going inside a building. They cannot be compared with 10 000 people who may be cheek by jowl with a potential industrial hazard, sitting in an open arena and without the same level of protection and/or training. That is why this document stands as the guideline for government. It cannot, nor should it be, overruled by this Minister for Planning.

Whatever the ministry, this minister has had his own way of doing things that has not led to any benefit to the State. His record in industrial relations can be judged by the fact that he no longer holds that portfolio responsibility. During the lead up to the last state election, while he was in full flight introducing his first and second wave and pushing ahead with the third and fourth waves of his industrial relations legislation, it was decided that he should be shot out of the air. He was causing too much trouble. He could never establish his target audience; he shot at anyone who got in his way, including his colleagues. He did that in the Health portfolio and now he is doing it in the Planning portfolio.

Part 5 of EPA Bulletin 627, under the heading "Existing industry and intermittent high risk operations", states -

The specific risk criteria and qualitative risk considerations detailed in this paper apply to proposed hazardous industrial developments. They also need to be taken into consideration by planning authorities when examining proposed land use developments near existing hazardous industry.

Once again the Claremont speedway relocation to this area fits within this criteria. It states that it should be investigated. Yet what do we see? We see a minister who either has no knowledge of this government document, and/or has knowledge of it and wants to ignore it completely. He has a committee that intends to commission a private report from Environmental Risk Solutions. As I suggested earlier, EPA Bulletin 627 tells the minister that he should not go ahead. Establishing the industry in that area will put people's lives and industry at risk. Not only is it a risk, it is also a cost to existing industry.

If we remove the Claremont speedway issue from the societal risk contour, we remove it from that contour that controls

much of the expenditure that industries must meet at a planning or operating stage. I can recall eight or nine years ago when CSBP wanted to build a liquefied cyanide plant including massive storage tanks. Allowing it to be built on the proposed site would have meant a reduced requirement to transport the cyanide through populated areas or to the goldfields. The societal risk contour prevented that development. My figures are not accurate, but they will suffice for the argument. The societal risk contour determined that CSBP could not build a tank to store one million litres of cyanide on the site. If that exploded, under this guideline - this bible of safety standards - there was no guarantee that the people of Kwinana or Rockingham could be saved. It said that a 20 000 litre storage tank could be built; that was safer.

The point I am making is that the societal risk contour is not something that can be ignored and put aside as some nonsense that occurred under a Labor Government. By the way, a reading of this document shows that it was put together because of the standards that the community was demanding in Australia, in line with what was occurring throughout the world. That is why it was put together. Nobody has attempted to query the standards that it has set since 1992. Everybody has said, "This is what guides us. We will not allow any more houses in Hope Valley; we will not allow any more houses to be built at Kwinana Beach; we will not allow a speedway to be built in 1992 on the Kwinana tip site because it will create too much of a societal risk for people at that venue."

The Minister for Planning ignores his own report. He will not make it public. I suggest it has now gone through a number of rewrites. The Kwinana Industries Council, as the Minister for Commerce and Trade knows, is a very important body in this State. This morning Mr Mike Baker told me, as the local member, that the council no longer has any faith in the Government's handling of this situation. The evidence of that is that the council is commissioning its own environmental review and will be sending it off for international assessment. This afternoon the council will ask the Minister for Planning to back away from this altogether and to allow that process to take place.

The minister refuses to hand over documents which should be made public. Freedom of information applications have been submitted to the Information Commissioner, and people will continue with their efforts to obtain this environmental risk solutions report. I cannot understand why a Government, when it looks at what is historically its most important piece of real estate in Western Australia, allows issues like this to continue without recognising the damage that is being caused to existing industry in that area. I cannot understand how a Government which stands up and says that it is the Government of free enterprise can allow this sort of nonsense to go on. Because of the way this matter is being handled by the Minister for Planning, the more it drags on, the more the dogs are barking. They bark not only at Government, but also they bark at industry. They look more closely and demand more of industry. This has a direct effect on the ability of industry to run efficiently and co-exist. One must pay credit to these industries. In the past 10 years they have spent hundreds of millions of dollars on improving the environment. As I am sure the Minister for Commerce and Trade would know, the amount of money they have spent on environmental issues alone in the past 10 years would be equivalent to, if not more than, the amount spent on many of the new projects that have been nominated in the past 10 years. BP Australia Ltd has spent \$20m-odd on a water treatment facility. Money has been spent on new technical methods to reduce air pollution. The list goes on and on into hundreds of millions of dollars, yet we see this minister running this issue in the way that he has.

I ask the Government to consider this matter in Cabinet as soon as possible. It should look to document 627 for its guidelines - not to my rhetoric - and realise that it is the same document that it has used in other deliberations when it has been required to determine the risk to the community from heavy industries. The Government should realise that it should not let the Minister for Planning re-write the rule book as it applies to the standards, because if the Government follows that route it is lowering the safety level that is required for industry and the community to live together. By lowering that safety level, the Government is putting at direct risk the life of every Western Australian who attends an event at that venue when a major industrial accident occurs. This document points out that once the societal risk contour is put in place, no Government should allow that standard to be broken and to jeopardise people's lives.

**MR BRADSHAW** (Murray-Wellington - Parliamentary Secretary) [12.45 pm]: I commence my remarks by dealing with aged care facilities. In the electorate of Murray-Wellington there are three aged care facilities; they are Bedingfeld House in Pinjarra, Pam Corker House in Waroona and Hocart Lodge Aged Centre in Harvey. The people who run these aged care facilities have come to me in the past six months with concerns about the accreditation process that is now required by the Federal Government for all of these facilities. What concerns these people is that, first, it will cost them money. These are community-based facilities which run on a shoestring. They do not gain much money out of profits, even though they are well run. Therefore, the extra cost involved is of grave concern to them. They feel it will cost them between \$50 000 and \$100 000 a year. The Bedingfeld House committee said that during the past financial year it was running at a loss. If an extra cost of \$50 000 or \$100 000 is added, it will make it much more difficult for it to operate its facility. All of these facilities are first class. The quality of care is second to none. I have visited them on various occasions over many years. The caring attitude of the people in control, as well as the workers, is excellent.

The other problem about which these people are concerned, which is probably more important for this accreditation process, is that the workers are distracted from caring for the people in these facilities. The reason is that they now have to fill out many more pieces of paper indicating what they and the people they are looking after are doing. It is time consuming and it is unacceptable to these people. They believe they are running their facilities in an appropriate manner. Certainly in the past few weeks I have seen media reports on nursing homes in which the facilities are not up to scratch. I appreciate that in Australia and Western Australia certain facilities do not come up to scratch. However, I do not believe the Government needs to make sure that everybody jumps through the hoops in a way that creates problems for them, as is currently being done by the Federal Government by putting everyone through the accreditation process.

A better system would be for one or two people to visit nursing homes and frail aged homes at random. No notice of the proposed visit should be given; they should just turn up, carry out an inspection and, if the facilities are not up to scratch,

they should lay down the law to the operators and tell them what needs to be addressed and rectified. However, because of this federal legislation which demands that these institutions go through the accreditation process, those in control are finding that some of their staff want to leave. Although the staff are very good at caring for people and looking after them, they are not as good at filling out pieces of paper. It is totally wrong that this system is being foisted upon our frail aged homes throughout Western Australia.

Early this year I wrote to all the nursing homes for the frail aged that I could find - 260-odd in Western Australia - asking what they thought of the accreditation process, and I received quite a few replies. . The majority supported the process but they had concerns about the cost and the fact that the Federal Government was not prepared to pay them for it. More commonsense is needed in this process. It is important that the Federal Government not use a sledgehammer to crack a nut. The system should be much easier.

Earlier in the year I arranged a meeting with one of the organisers of the accreditation process in WA and people from the three nursing homes to which I have referred. It did not solve the problems. The meeting tried to allay the fears among elderly people, but the fears remain, as do the costs and the process. It is important for people to come to their senses and try to overcome that.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 9265.]

### STATE EMERGENCY SERVICE

*Statement by Member for Geraldton*

**MR BLOFFWITCH** (Geraldton) [12.51 pm]: I very quickly refer to the State Emergency Service in the mid west and Gascoyne areas. The member for Greenough said recently that it had done a wonderful job of cleaning up the mess from the floods in the Greenough Flats, which always flood when there is excessive rain. The group is complaining at the moment that a regional director has not been selected and established in Geraldton. Also, Kalgoorlie is complaining that it does not have a regional director. Having spoken to the people who carried out the interviews for these positions, I will explain the current situation. The job was advertised nationally with a salary of \$70 000 a year plus a car. I was very disappointed that not many people applied for the Geraldton job. The calibre of those who did apply was such that I probably would not have employed them for \$30 000 a year, let alone \$70 000. It was a very poor field of applicants.

In the next 12 months a regional director will operate from Perth. A further attempt to fill the position will be made next year, when it is hoped that the climate will be better and it will be possible to attract someone to those positions in Kalgoorlie and the mid west.

### CITY OF KALGOORLIE-BOULDER YOUTH COUNCIL

*Statement by Member for Kalgoorlie*

**MS ANWYL** (Kalgoorlie) [12.53 pm]: I advise members that the City of Kalgoorlie-Boulder now has two new mayors. The first is Mr Paul Robson who won the election with a convincing majority of 1 100. The other is mayor of the youth council, Miss Claire Roberts. The councillors of that youth council are: Matthew Barclay, Chris Marchegiani, Ricky Tickel, Samantha Holmes, Rachel Lys, Owen McGinty, Andrea Miller, Clancy Russell, Madeline Towns, Michael Lovelle, Marie Basic, Emilly Hockley, Tanya Cross, Richelle Brooks and Valerie Isle. I am very pleased that the Minister for Youth is in the Chamber because this took some time to eventuate. I also acknowledge, as I did when I attended the first meeting of the youth council on 25 May, the important work done by Julie Broad, an officer of the council, in getting this established.

I am pleased to tell the House that two of those youth councillors, Claire Roberts and Ricky Tickel, will attend the national youth parliament to be held in Canberra in July. There are some funding issues around their attendance, and I hope that the Office of Youth Affairs will help with that funding.

Finally, it is interesting to note that we need some male affirmative action for the youth councils because a large number of the councillors are women. I am not sure whether that is the case with the national youth council also, but it may well be that in future male affirmative action will be needed in this place.

### MULTIGENERATIONAL WORKING GROUP

*Statement by Member for Bunbury*

**MR OSBORNE** (Bunbury) [12.55 pm]: One of the very pleasant and worthwhile duties I have as a member of Parliament is chairing the seniors ministerial advisory committee, on behalf of the Minister for Seniors, Hon Rhonda Parker. A multigenerational working group is attached to the committee, which is chaired by Joy Jeffes. One of the issues addressed by SMAC is the negative perceptions of aged people and their relationship with other generations in our society. Many people have false perceptions about the aged, and think they all totter around on Zimmerframes or are good only for sitting in wheelchairs. We are also aware that young people have similar problems of perception in the community, in that they are all thought of as hanging around in gangs and waiting to bash up little old ladies to pinch their purses. Our idea was to bring the seniors ministerial advisory committee and the youth affairs council of the Office of Youth Affairs together for a day-long workshop. That happened this Monday, and it is the first time such a joint meeting has taken place in Australia.

The idea was to address issues of common concern to both generations, and reach out across the generations to create a better climate of understanding between the two. The meeting was put together by Lincoln George from the Office of Youth Affairs, and Wendy Murray and Helen Close of the Office of Seniors Interests. It was facilitated in a very effective way by Gerry Gannon. Many issues were addressed and actions were developed, and these will be followed up at a future meeting between the two groups.

### **CITY FARM**

*Statement by Member for Perth*

**MS WARNOCK** (Perth) [12.57 pm]: City Farm is a wonderful patch of green by the railway line in East Perth. It was started, along the lines of similar city farms in big cities such as New York, by a group of people who wanted to rehabilitate rundown inner city industrial land and to provide lessons in horticultural skills of various kinds to disadvantaged or unemployed young people. It was sponsored and started in 1994 by Men of the Trees, an organisation that has been responsible for planting millions of trees in this country, and elsewhere, and has done some excellent rehabilitative work on the worn out industrial land in Brown Street, East Perth.

Plants are grown organically; work for the dole participants, minimum security female prisoners and community service workers practise permaculture, run a nursery and will soon look after various animals which will be reintroduced there. Horticulture and recycling workshops for disabled children have been held on the site, and a cafe is being built. An arts studio and a large old warehouse are used for art exhibitions and concerts.

This is an important project on land now owned by the East Perth Redevelopment Authority, and it looks as though it might fall under the wrecker's hammer and become a car park for the nearby technology centre. I believe this would be a great pity, and I urge government members in this House to look over this important little project and support those young people in their attempts to keep this land care program going. EPRA is a very successful organisation, and I believe it can afford to keep City Farm in place in East Perth.

### **ROCKINGHAM YOUTH ADVISORY COMMITTEE**

*Statement by Member for Rockingham*

**MR McGOWAN** (Rockingham) [12.59 pm]: I inform the House of an exciting project I am working on in Rockingham with the youth advisory committee. I met with the committee on a couple of occasions and discussed projects that might lift the status, standing and image of young people in the community. We came up with the idea of redecorating and fixing up the Rockingham bus station. At present it is a very bleak place, to which people go only when they must. It is dank, dark and wet, and needs sprucing up. We are working on a plan to fund these young people to prepare some designs and then paint murals and redecorate the supporting poles and roof. Also, trees may be planted to improve the area and make it more attractive for the people who use it. This would have a number of benefits. People would want to go to the bus station, and would see the product of the labours of the young people in the community, and it would give those young people, who often must catch buses at the bus station, a sense of ownership of the bus station.

### **PUBLIC TRANSPORT**

*Statement by Member for Peel*

**MR MARLBOROUGH** (Peel) [1.00 pm]: I take the opportunity to raise a problem with the southern districts bus company, and the service it provides in the Rockingham and Kwinana sector. A number of services have been removed from my municipality, and I am particularly concerned about the lack of services in the Baldvis area, from which the day bus service was removed some time ago. Public transport should be available to provide a service to the community, and should not be regarded simply as a profit-making operation. Pockets of the metropolitan area are now being isolated from public transport, that was available until 12 months ago, because private bus companies are allowed to make policy decisions and withdraw services that are not making a profit. There is a need to take a fresh look at the provision of public transport throughout the metropolitan area, but particularly in the Peel electorate and those areas on the outskirts of the metropolitan area, because public transport facilities are required for the residents in those regions.

*Sitting suspended from 1.01 to 2.00 pm*

**[Questions without notice taken.]**

### **HIGH CONSERVATION VALUE FOREST PROTECTION BILL 1999**

*Suspension of Standing Orders*

**MR BARNETT** (Cottesloe - Leader of the House) [2.42 pm]: I move -

That so much of standing orders be suspended as is necessary to enable consideration forthwith of private members' business Order of the Day No 21 in relation to the High Conservation Value Forest Protection Bill 1999, for no more than one hour with the speaking time limit for each member to be five minutes.

This motion results from the agreement reached last night that only one hour of additional debate would occur, and that speakers would be constrained in speaking time. The time has been reduced to five minutes each from that agreement given the large number of members who wish to speak. The member for Churchlands, who introduced this Bill, should be the last speaker.

Question put and passed with an absolute majority.

*Second Reading*

Resumed from 16 June.

**MR McGINTY** (Fremantle) [2.43 pm]: In the limited time available, I will deal with one issue raised by the Premier yesterday; namely, the history of the level of sustainable logging in our native forest. The Premier said yesterday that the Labor Government's last decision in 1992 was to allow for a jarrah cut of 520 000 cubic metres, which it said was sustainable even though it knew it was not. That is simply untrue. It is important that anyone with an interest in this debate fully appreciates its history. In the few minutes available, I will tie together that history. I commence with the matters in the 1970s, as referred to by the member for South Perth, through to today.

I was the Minister for the Environment in 1992 responsible for determining the forest policy for the next five years. The Department of Conservation and Land Management said to me at that time that a cut in the jarrah forest of 1.36 million cubic metres per year was sustainable in perpetuity. In other words, in every year from here to eternity, we could cut 1.36 million cubic metre of jarrah out of our forests, which translated into a jarrah sawlog cut of 675 000 cubic metres, every year in perpetuity. I did not believe CALM - I thought it was not telling the truth. Unlike what the Premier suggested yesterday, I refused to accept CALM's proposition to dramatically increase the amount of timber taken from the forest. I directed that a scientific committee properly assess the sustainable level of cut, and report back in the course of 1993. In the meantime, the reducing level of cut from the jarrah forest was to continue pending that scientific assessment. That is a very important point.

Hon June Craig, as the minister with responsibility for forests, as the member for South Perth outlined, announced in 1978 a strategy for Western Australia to take half of its hardwood timber requirements from plantations and the other half from native forests. This was a radical statement at the time directed to preserve native forests for the future. In 1982, still under a conservative Government, the forest plan again saw a dramatic reduction in the amount of timber to be taken from our native forest. It was said that jarrah production for timber from our native forests would have to cease for 30 or 40 years to enable the forest to return to a sustainable level. That was back in 1983 under Sir Charles Court's Government.

Hon Barry Hodge was the Minister for the Environment in 1987, and he continued that downward trend. We know that our jarrah forests are being dramatically over cut in an unsustainable way. Hon Barry Hodge determined in 1987 to continue the downward slope in the amount of timber taken from native forests. I continued that downward trend in 1992. It is not correct, as the Premier asserted, that the previous Labor Government fixed the cut at 520 000 cubic metres; it did not say this cut was sustainable and it knew it was not. We knew it was not sustainable - CALM said it was. CALM's claim was sheer nonsense, as was proved by the Environmental Protection Authority, which said at the time that the current cut was about twice the sustainable take. It was also proved by the current Government's recognition that a huge unsustainable mistake occurred in 1993; that is, then Minister for the Environment Minson fixed a cut of 490 000 cubic metres from the jarrah forests every year for the next 10 years. That should never have happened.

We must see a dramatic reduction in the amount of timber taken from our native forests. The only minister in the past 20 years who ever proposed an increase in the amount of jarrah cut from the forest was a minister from this Government. It made a bad mistake. The Government should have the courage to stand up and recognise the error it made.

**MR MASTERS** (Vasse) [2.48 pm]: This Bill has nothing to do with the conservation of high-value forests, but everything to do with maintaining in the public mind all matters environmental, so at the next election, 18 to 21 months away, people opposed to the coalition Government will have an issue on which to hang their hats. The Bill will not protect the environment at all.

The Bill has some serious flaws. It defines high conservation forest in three categories. I challenge the Bill's supporters to name the most high conservation value forest in Western Australia. It is not shown on map No 15 in one of the Department of Conservation and Land Management publications relating to the Regional Forest Agreement. I refer to the Dryandra area of state forest which, almost beyond argument, is the highest conservation value forest in the State. It is home to a wide range of native animals, such as the numbat, woylie and brush wallaby. One of the first high conservation value forests recognised by government years ago was the Perup area east of Manjimup. Is that area shown on this map identifying old-growth forest? No. It is cut over, not old-growth, forest. It has high conservation value in spite of the fact it is not old-growth forest. Other areas are relevant. Batalling forest east of Collie is not old-growth, and the Harvey River valley, where only last year the noisy scrub bird was re-released - one of the most endangered birds in the world - is not old-growth. In other words, this Bill does not have the definition right for high conservation value forest.

What is meant by high versus low conservation forest? Does the sighting of a mallee fowl in an area of karri forest mean that the karri forest is automatically of high conservation value because the mallee fowl itself is endangered? My submission is that the answer is no. If the karri forest were an important habitat for the mallee fowl, it would not be called the mallee fowl but the forest fowl. The main habitat for that species is the mallee of inland Australia. It is coincidentally using karri forest to see whether it is likely to get some food out of it.

I also need to put to bed one of the basic premises on which this Bill is based; namely, that 87 per cent of Western Australians are opposed to the logging of old-growth forest. If members want to understand the truth behind this figure of 87 per cent, they should look at the question which was asked of Western Australians by the Wilderness Society. The question that was asked was, "Are you opposed to the clear-felling of old-growth forests for woodchipping?" If that question had been asked of me, I would be one of the 87 per cent. However, the truth is that not one single area of forest, old-growth or otherwise, is clear-felled for woodchips. Logging occurs first and foremost for construction grade sawn timber with the residue being woodchipped later.

The goal of this Bill is to get an Australian Labor Party Government elected at the next election. I wish to refer members to the Institute of Public Affairs review of March 1999 in which David Barnett, a senior press gallery journalist in Tasmania or Canberra, wrote that the greenest State in Australia, namely Tasmania, is the economic bread basket of Australia. It is losing population and has the highest crime and unemployment rates of any State, yet it is very green. What has been the real result of that? It is that at the last election every single Tasmanian member elected to the lower House of the Federal Parliament was a member of the ALP. That is the agenda that the people who are trying to push green issues are trying to achieve. This is a dishonest Bill which will not protect the environment to any significant degree. The RFA has created the best forestry reservation system in Australia. It meets every reservation criterion in the world.

**MR MCGOWAN** (Rockingham) [2.52 pm]: I rise to speak on this Bill because I believe that the issue of old-growth forest in the south west is one of the most important that I will deal with in my parliamentary career. I am representative of people under the age of 35 years in this State. Some 95 per cent of us would like to see an end to logging in these forests in the south west of our State. We want to see these forests retained for future generations.

I will draw a historic parallel between this Government and a former President of the United States by the name of Theodore Roosevelt. He was president from 1901 to 1909. During that period he did a lot of good things. He established the Sherman Anti-Trust Act, sorted out some industrial disputes, started a department of commerce and labour and negotiated an end to the Russian-Japanese war in 1905. However, barely any American remembers any of that. The one thing Americans remember about Theodore Roosevelt is that he reserved 150 million acres of forest for future generations. In that 150 million acres of forest that he reserved, he reserved the Yosemite National Park and the giant sequoia redwood forests of California. Theodore Roosevelt showed some vision, which is what this Government should be doing.

Most members in this Chamber will not be remembered 100 years from now. This Government should be thinking about those future generations who will be very upset by the decision made in respect of this Regional Forest Agreement. Governments do not show vision by building Northbridge Tunnels, convention centres or roads and they will not be remembered for them. Governments need to preserve those things that people hold dear. We hold dear these forests. I had the good fortune of visiting Northcliffe a little while ago. I had a look at Jane block, which of course will not be preserved under this Government's RFA. I met a lot of the locals. A myth is put out by this Government that the communities there are unanimously behind this RFA. They are not; very big numbers of people who live in those communities are upset that only 8 per cent of old-growth forest is left. They are upset that 100 000 hectares of that 347 000 hectares is free for logging. They are upset that 80 per cent of the waterways in the south west are saline-affected. They see this RFA as having a devastating effect on their futures and on their livelihoods. Many of them rely on small businesses which rely on the forests. I would have thought that small businesses should be in the forefront of our thinking in this debate. People there are forced to whisper what they think and hide their views. They are forced by the overwhelming attitude put forward by the Government that they must be unanimously behind its RFA and shut up about what they really think. That is wrong. People in those communities are frightened. Thousands of people down there think this way.

The last point I want to address is the people who work in industries there. In the past few years we have seen a massive reduction in the work forces of those industries, primarily through technology. In the past 10 years the work force in the timber industry in the south west has halved. Those people need some certainty for the future. They need to know that they will not be chucked on the scrap heap through technology and that the Government will plan for their future. That is what we want to do. We want to preserve the forests for the future and at the same time plan for those people and give them something to look forward to and not have them chucked on the scrap heap of history as has happened over the past 10 years. They have no hope under the current situation. I support the Bill.

[Interruption from the gallery.]

The SPEAKER: I take the opportunity to remind the public gallery, because there may be people who were not here yesterday, that we like to see people here. We do not get such crowds very often. I remind people that they must not interfere. We are taking a very temperate view of that and allowing quite a degree of flexibility, but do not overdo it.

**DR TURNBULL** (Collie) [2.59 pm]: I speak on behalf of all National Party members as we have not been able to get a place on the speaking list. I am speaking on behalf of myself; Max Trenorden, the member for Avon; Ross Ainsworth, the member for Roe; and Bob Wiese, the member for Wagin. We regard the conservation of soil, water and forest as the most important subject that we must manage for the generations to come. Our position on this Bill is that we cannot vote for the RFA to be put back through the Parliament because the process has accomplished many achievements. We want to vote for a moratorium on logging in certain areas of old-growth and Hester and Kerr blocks. I have discussed with Hon Christine Sharp the possibility of amending the Bill. She was quite supportive of my suggestions, but it will not be possible for us to make any amendments, so I will explain our support for a moratorium on logging certain old-growth forest blocks. Everyone is pleased that an enormous amount of progress has been achieved by the RFA process.

Even an article in the *Forest Times* which has been circulated throughout all the newspapers of Western Australia states that the current total old-growth forest in genuine conservation reserves has increased from 40 per cent to 60 per cent. That is a real achievement.

This Bill concerns the old-growth and icon blocks which have been left out of the reserves. We are not objecting to what has been put into the reserves. The Regional Forest Agreement has achieved a great deal. It has now run its course and we cannot jeopardise the advances and gains that the RFA has made by voting for this Bill.

We must move on to the future. Therefore, today I call for a moratorium on logging of some blocks of old-growth forest until the completion of the forest management plans due to be implemented in 2003. Such old-growth forests and icon

blocks could perhaps be those listed in the *Forest Times* - the Jane, Giblett, Peak, Sharpe, Dawson, Ordinance, Greater Kingston and Kerr blocks.

In past weeks I have met with many groups of people from my electorate and discussed with them the old-growth and icon blocks. Half of my electorate is forest. People have said to me, "If you won't support putting the RFA through the Parliament, how can you do anything about saving old-growth and icon blocks from logging?" I have been saying that the RFA is the end of the seven-year development phase. We must now implement the commitments of the RFA.

I am very proud to say on behalf of colleagues that many of the proposals put forward by the National Party have been achieved within the RFA. Some of these proposals are a restructure of Department of Conservation and Land Management; a budget for CALM independent of royalties; a royalty review; and an independent, ecologically sustainable forest management review which should be conducted before the forest management plan consultations start in 2001 and recommended in the Codd report. The new state conservation authority outlined in the RFA will be responsible for recommending the level of sustainable management.

Today we do not have to force the Government to instigate these reviews; the commitment is made in the RFA. I am saying that the moratorium on logging of some old-growth and icon blocks should be implemented until 2003. When the ecologically sustainable forest management review is instigated, other methods of silviculture management should be considered. I am sure that the review conducted during the RFA does ensure that the current methods are ecologically sustainable. However, are they the methods for managing our forests that we want for generations to come? I will put a radical point to the House today.

Several members interjected.

Dr TURNBULL: During the review of royalties, consideration should be given to a lower royalty for timber in return for a lower volume of timber consumed. That is one of the ways in which we could ensure that the karri forests continue in perpetuity.

**MS WARNOCK** (Perth) [3.03 pm]: I support this Bill in the strongest terms possible. I grew up in a desert, or more correctly geographically the semi-desert of the eastern goldfields, north east of Kalgoorlie. There were very few large trees up there and in some parts no trees at all. That all seemed perfectly normal to me as a child and it was a long time before I saw what a forest looked like. It was not until very much later, when I was studying geography at tertiary level, that I made the connection between the lack of trees in the goldfields where I had grown up and the presence of the turn of the century gold mining industry when tonnes of timber was used to line mines and to desalinate water that was required for the settlement there. It was even later, after I saw those extraordinary tall trees in the south west of our State for the first time, those huge unique forests that grow nowhere else on the planet, that I came to the view eventually that we could no longer afford to cut down those old-growth trees. However, in our perfectly understandable desire to continue an early and very successful Western Australian forest industry, we destroyed far too much of this unique resource. We simply have to stop cutting and start growing.

As a journalist first, and then later as a member of Parliament, I argued this case with the Executive Director of the Department of Conservation and Land Management, Dr Syd Shea. Now, like everybody else in this community, I hope, I am aware of the tidal pull of change in the community's view about this issue. We can have a plantation-based and regrowth-based industry and we must use whatever old-growth forest we have left - and I remind the House of how few there are - in a much more productive way. Ecotourism is obviously the way forward and that is what we must pursue as a community. We must do that while putting in place a careful plan for restructuring that involves people who presently work in that industry. It is not beyond the wit of intelligent people in our community to find a proper solution that will not damage lives and communities in the forest area; that is a Labor priority. However, we owe this very important change that we are discussing today to our children, to their children and to their descendants. To ignore our responsibility to future generations would simply be morally wrong.

I take a cue from my colleague the member for Rockingham. We admire those pioneers in this State who set aside Kings Park. We appreciate fully in our generation what an extraordinary decision it was at the end of the last century to set aside that magnificent park. We must ask the Government in this present generation to take an equally forward-looking view and set aside those unique forests which, I remind all of the House, grow nowhere else in the world. We have an obligation to keep our old-growth forests. We must put the RFA through Parliament. I support the Bill.

**MR OSBORNE** (Bunbury) [3.07 pm]: I enter the debate as the representative of the most important regional centre in the south west and I want to pick up a couple of themes raised by my colleague the member for Collie. Firstly, I cannot support this Bill because the effect of it would be to freeze timber operations in the south west.

Secondly, and incidentally, I do not agree with the member for South Perth. I believe that the Government has a legal and moral right to sign this agreement with the Prime Minister. To bring the agreement back into the Parliament and debate it is to confuse the role of the Parliament and the Executive.

I will repeat a theme mentioned by the member for Collie; that is, the need to urge people to look at the donut instead of looking at the hole and to acknowledge that a great deal has been achieved by the RFA. We set out to achieve a fair and balanced result. We have created 12 new national parks; we have made additions to 25 others; we have established the most comprehensive, adequate and representative reserve system in Australia; and at the same time we have protected the interests of the timber industry and the communities of the south west, including Bunbury, that rely upon that industry. Whether or not people like it, it is a significant part of the south west's economy. If we damage that economy we must find adequate replacement industries. If we damage it without doing that, we will create enormous economic and social havoc in the south

west region. The electorate of Bunbury has workers in the port, transport and retail industries, all of which industries will be affected if this legislation passes and the RFA cannot be implemented.

I want to read into the record a letter written by the member for Eyre, Hon Julian Grill, to the *Manjimup-Bridgetown Times*. I read it because he expresses views that I could not put better myself. It states -

I am extremely concerned at the potential job losses involved in the complete cessation of logging in native forests as advocated by the Australian Labor Party Environment Committee.

Figures prepared by the Department of Conservation and Land Management in accordance with a formula accredited by the Australian Bureau of Agricultural and Resource Economics indicate conservatively that 3000 jobs will be lost . . .

Most of these jobs losses would be in the South West towns . . .

It would not just be employees in the so-called timber towns that would be affected.

Service centres like Bunbury would be adversely affected as well.

Forest and associated industries are one of the biggest employers in the South West and Bunbury is the main service centre for that industry.

Yesterday the member for Maylands said that this is a moral issue. I agree, and jobs are also a moral issue. If we unconscionably put at risk the employment prospects of people in the south west, we are committing an immoral act.

I conclude my remarks by talking about the tourism industry. Many comments have been made about the potential of the tourism industry to replace the timber industry. Those assertions are based on a fallacy. Along with the member for Bassendean, I attended the Tourism Awards last Friday night. The Department of Conservation and Land Management won two state tourism awards: One for the Bibbulmun Track, and the other for the Tree Top Walk. At the time they were initiated, both projects were criticised by the conservation movement. One newspaper article written by the then Vice-President of the Conservation Council was entitled "Bibbulmun is on the wrong track". There was trenchant criticism of the Tree Top Walk. I can tell members that hundreds of thousands of people visit the Tree Top Walk every year. It has resulted in the creation of a motel in Walpole and significant jobs and revenue. With the creation of roads, and recreation, parking and picnic areas by the Department of Conservation and Land Management, it is a major contributor to the tourism industry of the south west.

When people say that tourism can replace the timber industry, they are fundamentally misunderstanding the nature of the tourism industry in the south west. Eight-five per cent of visitors to the south west are Western Australians. It is a domestic industry. Only when a majority of visitors to the south west come from interstate and overseas locations will the tourism industry there become an export industry, and only then will it be able to replace the revenue currently supplied by the timber industry. Money made in this State's primary industries, such as mining, agriculture and timber, is spent in the tourism industry in the south west. If we take those industries out of the economy, the tourism industry cannot grow and replace them. It will be many years until that can happen. The Regional Forest Agreement establishes a \$17.5m boost to tourism projects in the south west. I earnestly believe that that money is important to the establishment of the tourism industry and its creation as an export industry, so that it can replace the money currently generated in the timber industry.

**MS McHALE** (Thornlie) [3.12 pm]: It is often the case that we never really appreciate priceless, valuable assets or their value until they have gone and cannot be replaced. After 150 years of logging, only 10 per cent of our original old-growth forest is left. We are seeing very clearly that something very precious and priceless has almost irretrievably gone. At the end of this century we are also seeing an acceleration in the process of change. Community interests have become more prominent and mainstream as we focus on the end of the century and our movement into a new millennium. Whereas hitherto the protection of the forest might have been perceived - I say wrongly - as the province of the minority groups, this issue has become a matter of national and state importance.

The Western Australian community wants its Parliament to protect its natural heritage. We still have the chance as a Parliament to respect those community interests with this Bill, and to do more. This Bill requires that the Regional Forest Agreement be scrutinised by both Houses and it also enforces a moratorium on logging in various blocks. If the Government is so convinced that the RFA is about ecologically sustainable development and that it is scientifically based, why not let it be tabled in Parliament? I am very concerned that scientists and scientific organisations have exposed serious scientific flaws in the RFA and have called for fundamental reforms to the process.

I will put on record the observations of a number of those independent organisations. The Royal Society of Western Australia has said that there are significant gaps in data; that many interpretations and conclusions are questionable; and that the tardy release of documentation has precluded reasonable public assessment of these. The Western Australia Museum, likewise, has said -

It is the Museum's opinion that a structured, quantitative survey of the biota of the south west forests be undertaken . . .

Another telling statement is that in the opinion of the National Biodiversity Council, the 20-year commitment of timber resources from native forests to the industry under the RFA needed a better factual basis if potentially irreparable, long-term degradation of Australia's forest was to be avoided. University research scientists stated that the RFA failed to adhere strictly to the norms of peer review and it failed to be explicit regarding many methodologies employed. They concluded that the process could not be checked, and therefore failed to achieve what would nationally be regarded as credible science.



I first saw the forest of the south west in 1978 when I initially came from England, as the Minister for Police pointed out earlier. Prior to that, I never saw forest like that. I was shown the forest by a good friend of mine, Tom Britton, a forest timber worker who, unfortunately, has since died. Even though he was a timber worker, his love for the forest was quite extraordinary. He showed me amazing trees that have since been cut down, which in our view is an absolute tragedy. Members should think about this: When the RFA finally expires, my young son, who is now 14 years of age, will be 34 years. What sort of legacy are we leaving him and his peers?

I have decided to speak today because many people in electorates like mine have expressed outrage and sadness at the RFA and its impact. They are ordinary working-class people who want an end to logging in old-growth forest. Early this morning, a government member said this to me: "It is easy to be green if you are stinking rich"! That was a slap in the face for all people concerned about the environment. It is completely untrue, and it made me very angry.

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [3.17 pm]: Most members know I live in the outer metropolitan area on a 125-acre property and that I represent an electorate which comprises national parks, areas of reserves, the Wooroloo catchment, Jane Brook catchment, Ellen Brook catchment and much more. Many people in my electorate are very involved and caring of our environment. As a matter of fact, I support them in many things they do. I have received many letters asking me to cross the floor to support this Bill. Some of these requests have come from pupils I have taught, friends and relations. I have had to think long and hard about how I will vote on this Bill today.

I spent many hours thinking about this. I spent five days in the south west; I took a three-hour tour, and a two-hour tour. I have read every letter and I have spent a long time answering them personally. I will tell members a story in an attempt to explain why I cannot support this Bill. On Monday I was in my office reading letters from people asking me to support this Bill when a telephone call came through from a man whom I taught in grade 5 many years ago. He swore - but I will not do that. He said, "What the . . . are you doing with this RFA?" I asked him what was wrong. He told me that he was a woodcutter who employed seven people; that he and seven other families rely on the income he obtains by selling the wood he gets from the local area. He said that unfortunately, if he could not cut his wood he could not keep those seven employees. He was very upset and I suddenly realised why I had been hesitant to support the Bill and why I do support the Regional Forest Agreement. I fully realise and understand now that the RFA must exist. We would all like to see no logging in our forests. I have spent over 30 years living in the bush practising environmental farming and as a result earning less money for 33 years than I could have, so I consider myself a true environmentalist.

[Interruption from the gallery.]

The SPEAKER: Order! I remind people in the gallery that every member here wants to hear what the other members are saying. The slight interjection from the gallery a while ago is not acceptable. That is one of the rules of this place.

Mrs van de KLASHORST: We would all like to see no logging of our forests and all forest areas retained from now on. We would all like to see nothing in the environment disturbed. In an ideal world that would happen. As most people here know, I am a practical person and I know in my heart of hearts, along with thousands of Western Australians, how much we would like to stop tree harvesting at this time because of our love of trees and the environment. However, this love must be balanced against the love of people, and people live in Western Australia. The RFA has provided a balance between the livelihoods of thousands of timber workers and their need to support their families, and the livelihoods of the associated industries, such as my firewood constituent and his workers, furniture manufactures, builders, truck drivers and so on. There can be no other way at this time.

However, I am heartened to know that this RFA is a starting point. It is a pivotal point for continuing debate on forest issues. It has focused our attention on our forests, which is great, and it has made the Government and the people of Western Australia look at and think about the policies of our forests. The RFA has made some positive decisions for the betterment of policies that were in place. Unfortunately, as with all things in life, we cannot always get exactly what we want when we want it. Understanding that has been part of my life all my life.

This Government and members opposite when they are eventually voted into government must realise that the RFA is a starting point from which to work vigorously towards drawing a line in the sand from which in the not too distant future logging of significant forests will cease. At the same time we must work towards ensuring that the people who depend on forest harvesting for their livelihoods and the welfare of their families are retained and reskilled for expanding new industries as logging dies out so that they know that they are valued equally alongside the trees we want to save. I value humans as much as I value trees; therefore I cannot support this Bill.

**MR CARPENTER** (Willagee) [3.23 pm]: I support the Bill. Why should not the Regional Forest Agreement be brought before the Parliament of Western Australia? What is the point of Parliament if agreements of this nature cannot be brought before it so that representatives of the people of Western Australia can discuss their merits? What is wrong with a system that ends the secrecy of this RFA process? Despite the fact that more than 30 000 submissions were received during this process, no public analysis has occurred. One way of overcoming the duplicity would be to bring this agreement before the Parliament of Western Australia. It is almost unthinkable that it is not being brought before the Parliament given the importance it is being accorded in the community. The fact is that times change in government and in politics. Governments that do not realise that times change cease to be Governments. That is what will occur as a result of this Government's actions. Community attitudes also change. Governments and political parties that do not keep up with them become irrelevant.

At the beginning of this century the major political parties in Australia promoted the White Australia Policy as official policy. Nobody in his right mind would support that policy in this day and age. In the 1970s there was a debate about

whaling. Albany was the centre of whaling; the only place in which whaling was conducted in Australia. A huge amount of argument occurred about whether whaling should continue. We could write the script from those times and apply it to these times because all the arguments that were applied to the pro-whaling position are being applied to the pro-forestry position by this Government.

At that time a political leader in Australia, Malcolm Fraser, who will be remembered for it, stepped in and said that whaling would stop. Many people were surprised because Malcolm Fraser was on the conservative side of politics. Today in Albany, no-one would seriously entertain the recommencement of whaling. Exactly the same will eventually happen with this forest debate. We are at the point of making a sensible decision that the community is demanding of us. Failure to make that decision will be a great tragedy that I am certain will visit the Government at the next election.

A couple of weeks ago with the member for Rockingham I visited the south west forest and had a look at Jane block and Northcliffe 7 - a couple of the blocks that will not be protected. On entering those areas I found it to be unthinkable that they should now be logged; whereas it was not unthinkable 30 years ago. Woodchipping began in Western Australia in about 1973 and there was immediate public opposition to it. I think in 1978 somebody tried to blow up the wood chipping facility in Bunbury. People could see then the environmental catastrophe that would result, just as they told the Western Australian farming community that over-clearing would lead to an environmental catastrophe, and it has. We have waited 20 to 30 years to accept that and we are belatedly trying to replace things that we cannot replace in agricultural areas.

There has been a change in community attitudes to forestry, partly because of the severe diminution of the resource. Former forestry workers to whom we spoke around the Northcliffe area said that 30 years ago we did not have to worry about logging because the resource seemed infinite; it is no longer. It is a finite resource. They believe it needs protecting and they are right. The only place in the world in which we can look at the tingle forest, the Valley of the Giants around Walpole or the jarrah and karri forests is in our own backyard. However, this Government is hellbent on flattening them as fast as it can. It is making a stupid mistake. Not only are they paying for this mistake politically but also the community is paying because we cannot enjoy those forests.

This Government is doing nothing to promote the value of the resource in our south west forests. It is destroying the resource against the overwhelming opinion of the community of Western Australia. No government should be allowed to get away with that.

**MR BAKER** (Joondalup) [3.28 pm]: We seem to have lost sight of the fact that one of our primary obligations as members of this Parliament is to vet legislation for legal integrity. Our State Parliament regularly introduces a steady flow of legislation that affects all of our activities in all walks of life and of our constituents. The fundamental starting point for members of Parliament when being required to debate a Bill is to conduct an inquiry into the Bill's legal integrity. This is our paramount role. In that regard it is interesting to note some remarks by a well-known statutory interpreter by the name of D.C. Pearce, who published a book called *Statutory Interpretation in Australia*, the fourth edition of which was published in 1996. The preface at page 1 of his book under the heading "Introduction" reads -

In Australia, a rough sample shows that in approximately 50 per cent of recently reported cases the courts were required to rule upon the meaning of some legislative instrument. In a further 25 per cent of cases the courts had to apply an Act, regulation, rule, etc - its meaning this time not being in dispute.

The first rule of statutory interpretation is that when words are used, they should be, and usually are, given their ordinary meaning. In that regard one would have thought that, because a forest fundamentally and primarily comprises trees of varying kinds, ages and sizes, the term "tree" would have been defined in this Bill. That is not the case. Clause 3 of the Bill, under the definition of "logging operations", contains a mere reference to the "felling of trees" - any trees. The word "tree" is defined in the Oxford dictionary. It has a very broad meaning. Let us look at what the legislative draftsman has done by not defining the word "tree". A banana tree is a tree. If this legislation is passed and a person fells a banana tree for commercial purposes - that is another issue - in a high conservation value forest, they can face a fine of up to \$500 000. That is absurd! That is exactly what this legislation allows. No thought has been given to defining the key word "tree" in this Bill. A prosecution for a breach of proposed section 6 of the Bill would give rise to a maximum penalty of \$500 000 for felling a banana tree in a high conservation value forest for commercial purposes. Let us look at other statute laws in this State to compare the penalties. Let us see whether the draftsman has his or her priorities right in setting the maximum fine. By comparison, amendments made to the Criminal Code in this House -

The SPEAKER: Order, members! The debate is nearing an end, and a lot of members are having conversations. Some of us want to hear what the member has to say.

Dr Gallop: Your intellect has been clear-felled.

Mr BAKER: This is an indictment of the Leader of the Opposition. He has not thought this through. Last year we had a lengthy debate in this Chamber when we amended the Criminal Code to provide for certain offences relating to unlawful abortions - the killing of an unborn child. This House resolved that a person who is convicted of unlawfully procuring the miscarriage of an unborn child - in other words, unlawfully performing an abortion, and the Leader of the Opposition voted for it - would receive a maximum penalty of only \$50 000. If this Bill is passed into law, we will have a situation in which a person who fells a banana tree in a high conservation value forest for commercial purposes risks being fined \$500 000. However, in Western Australia a person who unlawfully procures an abortion will face a penalty of only \$50 000. That says volumes about the relative emphasis or quality of this. The member for Fremantle may laugh, but he drafted this. This is his little beauty. The Bill also permits the felling of trees in high conservation value forests in any circumstances, provided that it is not done in commercial circumstances.

The SPEAKER: The member's time has expired.

Mr Brown: We should move an extension. I think we can win the debate if he keeps talking.

The SPEAKER: We are working on a time frame of one hour.

**MR MINSON** (Greenough) [3.34 pm]: A few months ago I was asked by the media whether I thought the Regional Forest Agreement would be supported by everyone and whether they would be happy with it. I told the media that I did not think everyone would be happy with it. It is interesting to see what we are witnessing today. I firmly place on the record that I have supported, and I do support, a sustainable timber industry. I support the management of the forests which looks after all of the processes of the forest. As most of the people in this room are aware, that involves much more than simply the growing of trees. It involves much more than just the tourism industry and the timber industry. It involves the interrelationship of a whole range of ecological structures. The RFA has been represented, unfortunately, as a process which was flawed and as something which was not a document. A process was gone through and, unfortunately, people have told me that it was a sham. I do not believe that. The fact is that the RFA document is a good document. The process that was gone through was a good process, and it was a complete process. About 30 000 submissions were received and there has been a lot of public input. In the end, someone in our process of government must make a decision. Not everyone will be happy with that decision. The fact that a decision has been made about this document in an executive way simply means that people must have their say in a particular way, and they will do that at some time. It is now open to the Government to convince the people that the process and the result is right. It has a couple of years to do that and it should take that opportunity if it believes it was right - and it does. The fact that people do not like the result is not the issue. The issue is that someone in our society must make a decision, and that falls on the Minister for the Environment. The Minister for the Environment went through an incredibly complex process. This process has been the most complete one that has ever been undertaken in this State.

Mr Pandal: Still excluding the Parliament.

Mr MINSON: I will get to that point in a moment because it is a good point. I have been through a public process. The former minister sitting on this side also went through a public process, although he was not the minister for very long. It is not an easy process and the minister must accept a range of advice from the public and from people who have expertise in the area. However, someone must make a decision. The question we must ask ourselves is whether this RFA will deliver what it says it will. To my way of thinking, and with my understanding which is not complete - it is probably more complete than that of most of the people who have spoken so far - it probably will deliver, but it still will not satisfy everyone. That is okay because we live in a democracy. I will not be supporting this Bill. Some members who have spoken today perhaps should be supporting this Bill, so it will be read a second time and they can move their amendments. I have not heard that point of view put. I will not be voting for this Bill because someone must make a decision. I do not trust this Parliament to make objective decisions about issues which are that emotional. The RFA would become a political football. It would bring the industry to its knees and there is a better way to go.

**DR CONSTABLE** (Churchlands) [3.40 pm]: I thank all those members who have spoken in this debate. I particularly thank the Leader of the House for allowing extra time today to conclude this debate. In just over two and a half hours, 19 members have made contributions to this debate, which is remarkable. Perhaps there is a lesson that all speeches should be of five minutes' duration.

The vote on this High Conservation Value Forest Protection Bill will not be the end of this very important issue. The issue of the protection of areas of high conservation value forest will not go away; it will still be with us in August, September, October, November and December because some of us will not let it go away. We will persist until we are certain these important areas of forest, sometimes referred to as "icon blocks", are secured for future generations. We will continue to bring the issue before Parliament, where it belongs, until it is satisfactorily resolved.

The members for South Perth and Willagee both drew an analogy with the whaling industry. I remind the House of a debate conducted in this House in October 1966. That debate related to the future of the Barracks Arch. The Government of the day, led by Premier David Brand, wanted to knock down the arch. The Premier introduced his own motion which, if passed, would have resulted in its demolition. At the time, public opinion was running at a very high level against the destruction of the remnants of a heritage building. Arguments during the debate centred on history, heritage, public opinion and parliamentary democracy - the very same arguments we have heard in this debate.

The Barracks Arch became a symbol of parliamentary democracy, and it still is. The arch was saved because 10 Liberals and three Country Party members crossed the floor. We are faced today with a similar but perhaps more serious issue. It is one thing to save a man-made piece of heritage - bricks and mortar - it is another to save a few thousand hectares of high conservation value forest for future generations.

I urge government members to think very carefully before they vote against this Bill. Their predecessors had the courage to support the people of Western Australia on the Barracks Arch issue. The people of Western Australia will have long memories about this vote and they have a very strong expectation that members opposite will do the same with this Bill and will want to save these areas of high conservation value.

I want to correct one comment made by several government members; that is, that if this Bill were passed it would halt logging. That is absolutely untrue. It would put a halt to logging only in those areas designated in the Bill; logging as such would not stop.

This Bill should be supported because the RFA provides no certainty that some forest areas of high conservation value will

be maintained. That is because the RFA provides a five-year window of opportunity for the Government and the Department of Conservation and Land Management to enter into contracts and to continue logging in areas outside the RFA. We have some reassurances from the Government that the new forest management plan will allow plenty of time to secure these areas. That is not true because the new forest management plan is not due to be implemented for four or five years. That window of opportunity allows contracts to be drawn up with the industry and for loggers to go in at any time to log the areas of particular significance listed in this Bill. Areas such as Giblett, Jane, Sharpe, Peak, Dawson, Ordnance, Layman, Kerr and many others are likely to go under the chop in the next four or five years while we wait for the new management plan. Under its Act, CALM has the power to put in place new contracts without referring to the Government, the Executive or this Parliament. This issue belongs in this Parliament and we will keep it here for as long as it takes.

Question put and a division taken with the following result -

Ayes (20)

|              |                |            |                                 |
|--------------|----------------|------------|---------------------------------|
| Ms Anwyl     | Dr Edwards     | Mr McGinty | Mrs Roberts                     |
| Mr Bridge    | Dr Gallop      | Mr McGowan | Mr Thomas                       |
| Mr Brown     | Mr Kobelke     | Ms McHale  | Ms Warnock                      |
| Mr Carpenter | Ms MacTiernan  | Mr Pental  | Mr Wiese                        |
| Dr Constable | Mr Marlborough | Mr Ripper  | Mr Cunningham ( <i>Teller</i> ) |

Noes (26)

|               |                   |             |                              |
|---------------|-------------------|-------------|------------------------------|
| Mr Ainsworth  | Mr Cowan          | Mr MacLean  | Mr Trenorden                 |
| Mr Baker      | Mr Day            | Mr Masters  | Mr Tubby                     |
| Mr Barnett    | Mrs Edwardes      | Mr McNee    | Dr Turnbull                  |
| Mr Bloffwitch | Dr Hames          | Mr Minson   | Mrs van de Klashorst         |
| Mr Board      | Mrs Hodson-Thomas | Mr Nicholls | Mr Osborne ( <i>Teller</i> ) |
| Mr Bradshaw   | Mr Johnson        | Mr Prince   |                              |
| Mr Court      | Mr Kierath        | Mr Shave    |                              |

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Pairs

|              |            |
|--------------|------------|
| Mr Graham    | Mr House   |
| Mr Grill     | Mr Omodei  |
| Mr Riebeling | Mrs Parker |

Question thus negatived.

[Interruption from the gallery.]

The SPEAKER: There is no need for emotional outbursts.

[Interruption from the gallery.]

The SPEAKER: I will leave the Chair until the ringing of the bells.

*Sitting suspended from 3.49 to 4.02 pm*

The DEPUTY SPEAKER: We had the gallery cleared but it is now open again.

**LOAN BILL 1999**

*Second Reading*

Resumed from an earlier stage.

**MR MCGINTY** (Fremantle) [4.05 pm]: At question time today I asked the Minister for Health a question relating to the Joondalup Health Campus. It has been drawn to my attention by a number of people that the services available to cancer sufferers in the northern suburbs have been effectively stopped at the Joondalup Health Campus. The arrangements between the State Government and the privatised hospital run by Health Care of Australia were to provide funding for 1 000 attendances for people who were receiving chemotherapy treatment. In a number of cases one patient could occupy as many as 16 occasions of treatment while undergoing a course of chemotherapy treatment. As a result, funding for 1 000 occasions of treatment could result in as few as 16 patients being able to receive chemotherapy treatment at the Joondalup Health Campus.

An elderly couple in their seventies spoke to me about their circumstances. They have asked that I not use their names in any way. The wife is the patient in the oncology department at the Joondalup Health Campus. She has been having chemotherapy treatment for an inoperable stomach cancer since October 1998. The hospital is now not taking any new public patients because funding for chemotherapy treatment has run out. The patients have been told that the funding has ceased and any new cancer patients in the northern suburbs are being referred to Sir Charles Gairdner Hospital. Patients already in the system will be referred to Sir Charles Gairdner Hospital at the end of their present course of treatment. From what I am told, many patients are finding this very distressing and disruptive. Certainly those contacting my office have reported just that. The upset is not only for a particular patient who is having his or her life disrupted but also for people who expected to be treated at the hospital. I am talking here about future patients. People who live around the corner from the hospital are being directed to travel all the way to Sir Charles Gairdner Hospital. Particularly for elderly cancer patients the disruption is enormous.

Another reason that people are upset about the state of affairs is that the Government has used the Joondalup Health Campus as the flagship of its privatisation and as the much-trumpeted state of the art hospital servicing all the needs of the people in Perth's northern suburbs. A quick glance through media statements put out by the Government over time will show this. I have a statement dated 14 June 1997 which states that the Minister for Health on that day officially opened the new emergency department at the Joondalup Health Campus. It also states that Mr Prince said that the 20 month redevelopment of the former 80-bed Wanneroo Hospital would result in a massive 340-bed co-located facility catering for both public and private patients. It also states that when completed early the next year the campus would include, among other things, oncology facilities. Anyone who wants to go to Joondalup Health Campus today can visit the oncology unit. They will see a well-appointed room with six chairs and television sets. Many members here may be familiar with renal dialysis units. They may imagine such a unit without all of the equipment in it. Beside a chair is a pole on which hangs an intravenous drip bag via which people will receive their chemotherapy drugs. That facility is lying absolutely idle. Therefore, what we had at Joondalup was a promise to the people of the northern suburbs, particularly people with the misfortune to be suffering from cancer, that they would be treated locally. They are now being directed, and have been for many months, to the Sir Charles Gairdner Hospital because the Joondalup Health Campus has a facility that is lying idle. In part, this is a problem between the Commonwealth and State Governments relating to the pharmaceutical benefit scheme. I am told that the drugs that are used in chemotherapy treatment are, generally speaking, drugs to be found in schedule 85. I am told those are exceptionally expensive drugs which the hospital cannot prescribe and then claim a refund for from the Commonwealth. I ask the Minister for Health, who is currently present in the House whether the State is now bearing the cost of what should have been provided by the Joondalup private hospital to public patients by referring those patients to the Sir Charles Gairdner Hospital where those very expensive drugs are provided directly to the patients? If that is the case, the privatisation of health facilities has done nothing to save the State any money and in fact is providing a less than substantial service to the people of the northern suburbs.

I call on the Minister for Health to demand that the Joondalup Health Campus provide a proper service to the people of the northern suburbs. There were instances earlier this year when the Joondalup Health Campus cancelled elective surgery other than category one, which is urgent elective surgery, cases involving children and one or two other categories. However, those people who were scheduled for semi-urgent or routine elective surgery were told by the Joondalup Hospital, and it is still the case today that it will not operate on them, notwithstanding that the hospital is there to provide universal treatment to everyone in the northern suburbs, and is not doing that.

Then there was the case of Joondalup shutting 15 of the hospital's 60 medical beds. Again, the minister should have demanded that the hospital honour its charter, remain open and provide a service to the people of the northern suburbs. It is not good enough to be hiding behind contractual arrangements which have the effect of denying people in Perth's northern suburbs the health care that they deserve. Now, people in the northern suburbs who could reasonably expect to have received their treatment at the Joondalup Health Campus are being turned away because the hospital is not prepared to pay for the drugs necessary to perform the treatment and is passing these people on to the Sir Charles Gairdner Hospital. It was disappointing in question time today that on a major issue such as this - a life and death issue for many people - when certain promises were made to the people of the northern suburbs, that the minister stood and said that he did not know what was going on. It sounds very much like a minister who is not fit to be a minister if he does not know something as major as that. Mr Acting Speaker, I am getting tired of giving the minister notice so that he can look good in this place when answering questions. I will not do it any more.

Mr Day: When did you give notice of that question?

Mr McGINTY: I gave the minister notice of the last question. However, today he should have known the answer to this one and that is why I did not give him notice of it. Every other time I have told him what I will ask him so that he can go and find out the answer because I now expect that he will not know the answer to anything.

Mr Day: That is a silly statement.

Mr McGINTY: It is not.

Mr Day: You have given me notice of some things.

Mr McGINTY: Of every question except this one today.

Mr Day: If you had a genuine interest in dealing with this issue in a sensible way, you would have given some notice of it.

Mr McGINTY: I have a very genuine interest in this issue.

Mr Day: Why didn't you give some notice of it?

Mr McGINTY: The minister should have known.

Mr Day: I didn't know. I am not expected to be aware of something if someone does not bring it to my attention and it has not been brought to my attention previously.

Mr McGINTY: If I were the minister I would get hold of the Commissioner of Health and ask him why he did not brief me. When I was a minister I would have expected the head of my department to tell me about something as important as services that have been promised politically not being delivered. This has all happened in the past three or four months.

Mr Day: How do you know it has been raised with the Commissioner of Health?

Mr McGINTY: The minister should ask him and he will find that he knows all about it. If he does not know about it, the

minister should look at his tenure in that office as this is a major issue and one that has a major impact on the lives of people in Perth's northern suburbs. The minister should have known and the Commissioner of Health should have brought it to his attention because it is not good enough. People in the northern suburbs are being denied treatment they were told was available to them; and it is denied over funding. If the minister's answer to this is that it is a privatised hospital and it should be allowed to run its own show, a major issue of accountability is at risk. It may be time to have a good look, as the Auditor General foreshadowed some 18 months to two years ago, at the real economics of providing health care through the Joondalup Health Campus. It seems on a number of fronts that what people have expected, what the Government has contracted for and what the Government has told people will be done is simply not being done through the privatised facility. I take this opportunity to raise that matter. If it is a matter between the Commonwealth and the State - and I suspect that it is substantially - it is urgent to resolve this matter so that people suffering from cancer - and, in the case I mentioned today, dying from cancer - can be treated where they have been promised they will get their treatment.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [4.15 pm]: I want to speak today about the Government's respect for its obligations under the Financial Administration and Audit Act. I want to speak also about its obligations to be accountable to this Parliament by providing information by legal deadlines. I became interested in this issue because the Minister for Education tabled the annual report of the Education Department of Western Australia six months late. After the late tabling of that report, I investigated whether the Minister for Education had been derelict in his duty with regard to other reports due from agencies in his portfolio. I discovered that the Curriculum Council report was also tabled six months late. Members may not be aware that ministers and their agencies have legal obligations to provide information to the Auditor General and to this Parliament. Those legal obligations are set out in the Financial Administration and Audit Act. Ministers and agencies not only have legal obligations to provide information but also to provide it by certain deadlines and I will summarise those obligations.

Firstly, government departments must provide their financial statements for any financial year to the Auditor General by 15 August in the next financial year. Therefore, financial statements for 1997-98 were due to be provided to the Auditor General by 15 August 1998. Statutory authorities are required to provide their financial statements to the Auditor General by 31 August in the financial year succeeding the relevant financial year. Therefore, for 1997-98, statutory authorities had to provide their financial statements to the Auditor General by 31 August 1998. The Auditor General then examines those financial statements and writes an opinion on the adequacy of those statements. The minister then has a legal requirement to table the annual report of the relevant agency within 21 days of receiving the Auditor General's opinion.

The State Opposition has conducted some research on the timeliness with which annual reports have been brought to this Parliament; the figures are astounding. We looked at the 1997-98 financial statements and annual reports. More than 90 government agencies and departments with the responsibility to provide financial statements to the Auditor General failed to provide them by the due date, which was 15 August 1998 for government departments and 31 August 1998 for statutory authorities. More than 90 agencies failed to meet these legal obligations.

Mr Court: Where did you get that figure from?

Mr RIPPER: We looked at information which is provided by the Auditor General to the Legislative Assembly. The Auditor General provided information about the dates on which he received financial statements from government agencies. The Legislative Assembly provides dates on which annual reports are tabled. The Auditor General also writes to the Legislative Assembly indicating the dates on which he has provided Auditor General's opinions on annual reports.

By examining that information we are able to determine whether the government agencies fulfil their obligations. Journalists have asked me how many of these government agencies there are. The situation is somewhat complicated because a number of subunits within agencies have separate reporting requirements. Almost 200 entities have an obligation to provide financial statements to the Auditor General and annual reports to the Parliament.

Mr Court: They have all been provided.

Mr RIPPER: No; 14 annual reports from 1997-98 have received the Auditor General's opinion and should have been tabled within 21 days of receiving that opinion, but still have not been tabled and are late. From the research we have conducted, it is not possible to determine whether agencies which are beyond that should have reported, but have not; however, we know the Auditor General has looked at these 14 agencies, given an opinion, more than 21 days has passed and those reports have not been tabled.

There are two issues: First, the provision of financial statements to the Auditor General and, secondly, the provision of annual reports to Parliament. Of those approximately 200 agencies with a responsibility to provide financial statements to the Auditor General on time, 90 failed to meet the deadlines. Let me look at the portfolios with the worst record in this respect. Of those 90 agencies that failed to submit the financial statements on time, more than 50 were in the Health portfolio. It is a great pity that the Minister for Health is not in the Chamber, although he was a few minutes ago. I would like him to explain why so many agencies within his portfolio failed to submit financial statements to the Auditor General on time. It would also be good if the Minister for Employment and Training were in here, because six reporting entities within that portfolio also failed to present financial statements to the Auditor General on time.

As I said, the second area in which there has been a failure by agencies to meet their accountability and legal obligations under the Financial Administration and Audit Act is annual reporting to the Parliament. I have explained that agencies are required to table annual reports within 21 days of receiving the Auditor General's opinion. Ministers failed to table 1997-98 annual reports within those deadlines on more than 50 occasions. Ministers failed to meet their legal obligations under the Financial Administration and Audit Act.

Mr Trenorden: Spoken like a chairman of the public accounts committee.

Mr RIPPER: I had the honour to be a Chairman of the Public Accounts and Expenditure Review Committee and I remember dealing with the issue when we were both on that committee years ago. Let us return to the performance of the current government. Once again, the Health portfolio has been a poor performer. Within that portfolio, 20 reports were not tabled in this Parliament on time. The Minister for Health should explain to the Parliament why those agencies are not getting their financial statements to the Auditor General on time, and why they are not putting him in a position to table reports in the Parliament within 21 days of the Auditor General's opinion on them being received.

Some people might regard these matters as being of no significance. I do not share that view. The Financial Administration and Audit Act is a law passed by this Parliament. Ministers rule according to law, not their whims. They have an obligation to obey the law in relation to these reporting requirements. Reporting to Parliament is not an insignificant matter. The Royal Commission into Commercial Activities of Government and Other Matters said that Parliament should be the centrepiece of improvements to our systems of accountability.

In my view this Government does not agree with the recommendation of the royal commission. If it did, we would expect it to be scrupulous in meeting the obligations under the Financial Administration and Audit Act. Frankly, I am very surprised to see the extent to which ministers have failed to meet their obligations. I hope that someone will draw my remarks to the attention of the Minister for Health and the Minister for Employment and Training. With regard to each type of breach, the Health portfolio and the Employment and Training portfolio were the worst offenders.

I will conclude with one interesting aspect of the outcome of these investigations. One of the late reports was tabled yesterday after the Opposition's inquiries of the agency concerned. After the Opposition had contacted that agency to ask about its annual report, why it was late and the function it had, lo and behold, the annual report was suddenly tabled in Parliament. This agency is responsible to the Attorney General - the Professional Standards Council! It is a body responsible -

Mr Barnett: It's just making a point!

Mr RIPPER: - for monitoring professional standards in a range of professions. Lamentably it has failed to meet professional standards with regard to its requirement to report to Parliament within the legal deadlines set by the Financial Administration and Audit Act. I hope the Government can do better on this matter and that the Leader of the House will draw it to the attention of ministers, in particular, the Minister for Health and the Minister for Employment and Training.

**MR CUNNINGHAM** (Girrawheen) [4.27 pm]: The role of Homeswest and its policies have received much attention in this House during this debate. A significant number of my constituents in the electorate of Girrawheen have existing Homeswest tenancies and many are also seeking Homeswest housing, especially those in Girrawheen, Koondoola, Balga and Mirrabooka. The member for Willagee estimated, conservatively, that at least 30 per cent of the work that comes through his electorate office relates to Homeswest issues. I estimate that each week of each month of each year, 70 per cent of my electorate office workload consists of Homeswest matters, including standard transfers, priority transfers, property maintenance and accommodation in general. I appreciate the very fine work and the assistance given to my office by the Homeswest regional office in Mirrabooka. It is extremely well administered under the outstanding leadership of Shane Edmonds and the parliamentary liaison officer Pamela Watling who are always available and only too willing to assist us with Homeswest matters; indeed, they are a credit to Homeswest. Girrawheen and the surrounding areas are involved in the New North project, a northern suburbs refurbishment program. It is an extremely commendable program that aims to rejuvenate Homeswest areas through beautification and redevelopment while involving the wider community. I am extremely pleased that Satterley Real Estate is involved in the redevelopment. The New North Project Director, Tony Naughtin, is a very caring man, who has a genuine social conscience. He has been overseeing the project now for some months. His company's work in Kwinana is a testament to that.

Homeswest homes in the Girrawheen electorate have been decaying for some time from excesses of mould and mildew. They have cracks in the walls, gaps in the windows and door frames and leaking roofs. However, I am extremely confident that this refurbishment program will address these problems. Community consultation is paramount in any redevelopment of this kind. Robert Wallman from Satterleys has encouraged the formation of community groups such as the Girrawheen Progress Association, led by Judith Hughes, and the Koondoola Progress Association, led by Kirk Stergio. That consultation will provide the community with the opportunity to voice its ideas and concerns.

This is extremely positive; nonetheless, I have some concerns about a number of Homeswest areas based simply on my experience and that of my electorate officer of some 11 years. It is clear that there are simply not enough homes to supply the ever-increasing demands made on Homeswest. Only yesterday my office received 17 Homeswest inquiries from desperate and distressed people, out of 22, covering transfers, priority transfers and people simply wanting accommodation. As my colleague, the member for Willagee pointed out, the Government's policy of diversifying and more evenly distributing Homeswest homes across many suburbs has some merit. However, my concern is the human and social cost of achieving that.

If Homeswest is reducing its number of homes in certain areas, what will happen to the people in those areas who need housing? Many low income families, of which there are many in my areas, pensioners, single parent families and unemployed members of the community need access to affordable housing. In addition to these people, last year approximately 15 000 Western Australians were deemed to be homeless. The Government's policy should be to provide all members of our community with adequate housing. As I said earlier, the refurbishment of these areas is commendable, but who will benefit from it? Will existing tenants have to buy those homes? My fear is that they cannot afford to buy them

and consequently will be forced into what will be for many unaffordable, private accommodation. Homeswest must increase its overall number of homes. It must continue refurbishing and redeveloping suburbs. Most important, it must increase the number of homes needed to service the ever-increasing demand. The minister is a most compassionate man who believes in providing struggling members of our community with affordable housing and reducing the totally unacceptable waiting list. However, many have been waiting for years. Some departmental bureaucrats have forgotten that Homeswest's manifesto is to provide the community with housing. They have a misguided notion that reducing the number of homes available for low income families is an answer to a massive social problem.

Our society should be able to provide what many others take for granted - the essentials of life - education for all, health care and especially housing. It is a very sad indictment that throughout Western Australia, less fortunate members are falling by the wayside in these fundamental areas.

**MR COURT** (Nedlands - Treasurer) [4.36 pm]: Many issues have been raised by members in this debate. Some specific information has been sought and it will be provided to the best of our ability. The Deputy Leader of the Opposition commented today on the late tabling of reports. I cannot verify whether the statistics he used today are accurate. However, it is important that they be tabled and as close as possible to the time that they should be tabled. I will seek further information for the member on that and make it available to him. I thank members for their support of the legislation.

Question put and passed.

Bill read a second time.

*Third Reading*

**MR COURT** (Nedlands - Treasurer) [4.37 pm]: I move -

That the Bill be now read a third time.

**MS MacTIERNAN** (Armadale) [4.37 pm]: I raise an issue that I consider to be a disgraceful abuse of process by the police in Western Australia and a disgraceful abuse of process by a federal member of Parliament in the way that person managed to use police.

The ACTING SPEAKER (Mrs Hodson -Thomas): Order! According to Standing Order No 133 the member must restrict her comments directly to the content of the Bill. She can raise other matters only during the second reading debate.

Ms MacTIERNAN: I want to raise issues in relation to appropriations for the -

Mr Court: It is not an appropriation Bill; it is a Loan Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

**PORT AUTHORITIES BILL**

*Council's Message*

Message from the Council received and read notifying that it did not insist on its amendments Nos 19 and 20 to which the Assembly had disagreed; that it agreed to the further amendment made by the Assembly to amendment No 4; and agreed to the substituted new amendments made by the Assembly to amendments Nos 1, 2 and 6.

*House adjourned at 4.39 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### REGIONAL FOREST AGREEMENT, LOGGING LEVELS

2081. Dr EDWARDS to the Minister for the Environment:

- (1) Will the Western Australian Regional Forest Agreement set levels of logging for jarrah, karri and marri in state forests that are ecologically sustainable?
- (2) Will these levels subsequently be open to full review by the panel of experts which the Minister has announced?
- (3) Will both levels of logging and the Comprehensive, Adequate and Representative (CAR) forest conservation reserve system be open to full review and possible alteration in the course of the development of the new Forest Management Plan, including the assessment by the Environmental Protection Authority (EPA)?
- (4) If the levels of logging and the CAR reserve system are not open to full review and possible alteration during the course of the EPA assessment and public review of the Forest Management Plan, will the Minister immediately make this information available to the public of Western Australia?
- (5) Will the public be liable for potential compensation payouts under Commonwealth Regional Forest Agreements legislation if, as a result of the subsequent reviews of logging levels or the CAR reserve system, further reductions in logging levels are necessary?

Mrs EDWARDES replied:

- (1)-(2) The Western Australian Regional Forest Agreement has set expected Sustained Yield figures. One review panel has verified the Sustained Yield figures determined from wood flow scheduling on forest areas available for timber harvesting, following the decision on the final CAR reserve system for the Regional Forest Agreement. I am pleased to table the report submitted by this panel which was chaired by Dr Brian Turner of the Australian National University. [See paper No 1036.]

Another panel will review the timber harvest levels consistent with the principles of ecologically sustainable forest management prior to the development of the next Forest Management Plan.

- (3) Yes.
- (4) Not applicable.
- (5) The Federal and State Governments may agree on changes to the Regional Forest Agreement, that might be necessary as a result of revisions. Clause 97 of the Regional Forest Agreement refers to Compensation. However, consideration of compensation issues which may arise as a result of changes leading to a possible breach of State contractual obligations to a third party can only be determined if and when they arise.

#### MAIN ROADS WA, EXPENDITURE ON LEGAL ADVICE

2485. Ms MacTIERNAN to the Minister representing the Minister for Transport:

- (1) How much did Main Roads spend on legal advice in the following financial years -
  - (a) 1994-95;
  - (b) 1995-96;
  - (c) 1996-97; and
  - (d) 1997-98?
- (2) For each provider of legal advice, will the Minister state -
  - (a) the name of the provider;
  - (b) how much was paid;
  - (c) the year of the payment; and
  - (d) the services provided?
- (3) How much has Main Roads spent on legal advice in the period 1 July 1998 to 28 February 1999?
- (4) For each provider of legal advice, will the Minister state -
  - (a) the name of the provider;
  - (b) how much was paid;
  - (c) the year of the payment; and
  - (d) the services provided?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (1) (a) \$190 477\*.  
 (b) \$1 000 990\*.  
 (c) \$805 729.  
 (d) \$561 649.

\*(a)-(b) Main Roads records for 1994/95 & 1995/96 have been archived and the information is not readily available. These figures have been determined from figures provided by the Crown Solicitor's Office, and other records. Accordingly there may be some additional costs, however, it is not expected that they would be significant.

- (2) 1994-95.  
 (a)-(c) Crown Solicitor's Office \$190 477.
- 1995-96  
 (a)-(c) Crown Solicitor's Office \$351 744.  
 Blake Dawson Waldron \$649 246.
- (d) Conveyancing and general legal services. In the case of Blake Dawson & Waldron, services related to contractual matters associated with the Graham Farmer Freeway.
- 1996-97  
 (a)-(c) Crown Solicitor's Office (Legal Services) \$338 228.  
 Blake Dawson Waldron \$464 460.  
 Dwyer Durack Barristers & Solicitors \$950.  
 Mony De Kerloy Barristers \$2 091.
- (d) Conveyancing and general legal services. In the case of Blake Dawson & Waldron, services related to contractual matters associated with the Graham Farmer Freeway.
- 1997-98  
 (a)-(c) Crown Solicitor's Office (Legal Services) \$322 363.  
 Blake Dawson Waldron \$158 852.  
 Corser & Corser \$119.  
 Freehill, Hollingdale & Page \$1 353.  
 Hollingdales \$48 994.  
 Michael, Whyte & Co \$9 153.  
 Minter Ellison Lawyers \$12 418.  
 Mony De Kerloy Barristers \$7 975.  
 Michell Sillar McPhee \$422.
- (d) Conveyancing and general legal services. In the case of Blake Dawson & Waldron, services related mainly to contractual matters associated with the Graham Farmer Freeway and other Major Projects.
- (3) \$948 557.
- (4) 1 July 1998 to 28 February 1999  
 (a)-(c) Crown Solicitor's Office (Legal Services) \$209 812.  
 Barker Gosling Lawyers \$33 973.  
 Blake Dawson Waldron \$399 375.  
 Freehill, Hollingdale & Page \$6 313.  
 Hollingdales \$262 427.  
 Mallesons Stephen Jaques \$1 122.  
 Minter Ellison Lawyers \$32 378.  
 Narelle Johnson Barrister \$3 157.
- (d) Conveyancing and general legal services. In the case of Blake Dawson & Waldron, services related mainly to contractual matters associated with the Graham Farmer Freeway and other Major Projects. Services provided by Hollingdales were for contractual matters and in particular a contractual dispute relating to Contract 148/95.

#### ROAD CONSTRUCTION CONTRACTS, HENRY WALKER CONTRACTING PTY LTD

2487. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With regard to contract 890/97 awarded to Henry Walker Contracting Pty Ltd for road construction work on the Marble Bar to Woodie Woodie Road, Talga Section and contract 1003/97 awarded to Henry Walker Contracting Pty Ltd for road construction work on the Pear Creek Section of the Marble Bar Road -

- (a) what were the original and final scoping requirements for contract 890/97, and what variations were made to the contract which resulted in reduced work;
- (b) by how much did this reduced work reduce the final cost of the contract;
- (c) why was an additional contract awarded for contract number 1003/97;
- (d) why wasn't this contract put to tender;
- (e) did Main Roads adhere to the Government's tendering guidelines by not putting contract 1003/97 out for tender;
- (f) why did contract 1003/97 blow out from \$4 884 819 to \$5 436 880; and
- (g) what will the final cost of these contracts be when Certificates of Final Completion are issued?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

- (a) The contract awarded to Henry Walker Contracting Pty Ltd for road construction work on the Marble Bar to Woodie Woodie Road, Talga Section is 890/96. Original Scope of Works was construction of 39.1 kilometres to primerseal, including 4.4 kilometres of sealed floodways, together with all associated drainage works. Final Scope of Works consisted of construction of 39.1 kilometres to subgrade level, together with all associated drainage works other than at specified locations. The reduced works consisted of pavement construction, floodway construction and culvert installation at 13 locations, which was deleted.
- (b) A Variation Order for (credit) \$3 million was issued for the reduction in work. However, other variations for additional costs incurred by the Contractor amounted to \$2.206 million. The final contract value of \$8.409 million, which includes a variance to the Schedule of Rates of \$0.108 million, is \$0.686 million less than the tender price of \$9.095 million.
- (c) The additional contract was awarded as a result of negotiations by Main Roads with Henry Walker in lieu of a damages claim for the significant loss or work caused by the reduced scope on Contract 890/96.
- (d)-(e) The compensation proposal was endorsed by the State Supply Commission on the basis of Contract 1003/97 representing substitution of work already awarded under a formal tendering process.
- (f) Due to time constraints associated with the impending completion of Contract 890/96, the award price of \$4 884 819 for Contract 1003/97 was based on preliminary design only. When design was completed and the scope of works finalised, a Variation Order in the amount of \$0.413 million was issued to reflect the adjusted final quantities. Further variations totalling \$0.279 million were issued for additional costs incurred by the Contractor due to changes in site conditions.
- (g) All payment issues for both contracts have been finalised and the costs at Final Completion for Contracts 890/96 and 1003/97 will be \$8 409 520 and \$5 436 880 respectively.

#### MUSIC EXAMS, PIANO ACCOMPANIMENT

2928. Mr McGOWAN to the Minister for Education:

I refer to the requirement for years 11 and 12 music students to undergo performance examinations which require accompaniments and ask -

- (a) when a piano accompaniment is required in relation to an examination, who bears the cost for this piano accompaniment;
- (b) are all students undergoing such performance exams handicapped if they do not have piano accompaniment;
- (c) what steps have been put in place by the Department to cater for these students so that their parents are not required to meet the cost;
- (d) what is the usual cost of piano accompaniments in relation to examinations; and
- (e) what has been the historic position for paying for these piano accompaniments?

Mr BARNETT replied:

- (a) A piano and harpsichord are provided in the examination room. It is the candidate's responsibility to provide an accompanist, when required, and to make all the necessary arrangements for the accompanist to attend the examination at the required time. Where requested, the Curriculum Council is able to provide some flexibility in timetabling to meet individuals' needs in relation to the availability of an accompanist at a particular time. It is a well established and widely accepted aspect of TEE Music that any cost associated with providing an accompanist is met by the candidate.
- (b) The decision as to whether a candidate has an accompanist lies with the candidate. As part of the preparation for conducting the Music performance examination, the Curriculum Council requires students to indicate, through their teachers, whether or not they will have an accompanist and it is not uncommon for candidates to choose not to have one and indicate accordingly. It is a requirement for full marks in TEE Music performance that, from five pieces prepared for performance, a candidate presents three pieces with accompaniment. A candidate who does not have an accompanist for the examination cannot be awarded the maximum number of marks available in the Prepared Pieces component.
- (c) This has not been an issue, to date, as the Curriculum Council has not been approached by any candidate indicating that he/she is unable to meet the cost of an accompanist. The current provisions for an accompanist allow the candidate to select an accompanist that will most suit his/her needs and to develop a rapport over the period of time during which they work together in preparation for the examination. In most instances the accompanist is a person well known to the candidate.
- (d) The Curriculum Council does not levy any charges on candidates for the cost of piano accompaniment for the TEE Music performance examination. There is no record of what cost, if any, candidates pay for accompanists.

- (e) Music candidates have always met any costs associated with providing a piano accompanist for their performance examination. The Curriculum Council has not, at any time, received any complaints or been requested to review its policy in regard to this established procedure.

#### COMMITTEES AND BOARDS, FORMER MEMBERS OF PARLIAMENT

3067. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

- (1) Since February 1993, what Former Members of Parliament have been -
- (a) appointed to a Government Board, Commission, Committee or other body; and/or
  - (b) appointed by the Government to any Board, Commission, Committee or other body; and/or
  - (c) employed or appointed within the Government in any capacity, paid or otherwise, under the Minister's control?
- (2) In each instance -
- (a) what is the -
    - (i) name of the Former Member; and
    - (ii) the title of the position,
 to which they have been appointed;
  - (b) which organisation/department is responsible for the position; and
  - (c) what remuneration is paid for each position?

Mr COWAN replied:

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

#### OFFICE OF RACING, GAMING AND LIQUOR

- (1) (i) Hon Tom McNeil  
(ii) Rt Hon Reginald Grieve Withers
- (2) (a) (i) \*Hon Tom McNeil  
#Rt Hon Reginald Grieve Withers  
(ii) \*Chairman, Racecourse Development Trust  
#Member, Burswood Park Board
- (b) Office of Racing, Gaming and Liquor
- (c) \* \$280 per full day; \$185 per half day  
# \$186 per full day; \$123 per half day

NOTE: # Rt Hon Reginald Withers, in the position of Perth Lord Mayor, was appointed to the Burswood Park Board on 9 July 1991 and resigned as a Board Member on 18 February 1994.

\* Hon Tom McNeil was appointed to the Racecourse Development Trust by the Labor Government and reappointed by me.

#### LOTTERIES COMMISSION

- (1) Since February 1993 no former Members of Parliament have been appointed to the Board or Committees of the Lotteries Commission
- (2) Not applicable

NOTE: Mr Tom Bateman, former Labor MLA, was appointed by the Labor Government and on the Board until August 1994

#### HERITAGE COTTAGES, ABERDEEN STREET

3132. Ms WARNOCK to the Minister for Planning and Heritage:

- (1) What is the future of the three heritage cottages in Aberdeen Street, near the Aberdeen Hotel?
- (2) Are they listed on the State Heritage register?
- (3) If not, have they been assessed for registration?
- (4) Are any further demolitions planned in the Northbridge Tunnel Precinct?

Mr KIERATH replied:

- (1) Two options are under consideration. Sale with a conservation plan requiring the new owner to develop with Heritage Council approval, or redevelopment by the Western Australian Planning Commission.

- (2) Yes.
- (3) Not applicable
- (4) Yes, but only properties not on the State Heritage Register and where demolition improves the urban design outcome. However any places with possible heritage significance will be referred to the Heritage Council of Western Australia for advice prior to any decision being taken to either sell or demolish.

#### ASCOT WATERS, BELMONT

3147. Dr EDWARDS to the Minister for Planning:

With regard to the Western Australian Planning Commission's (WAPC) sale of undeveloped land, Lots 701, 702, 703 and 705 Ascot Waters (stage 1), Belmont -

- (a) was a valuation undertaken of the land;
- (b) what was the valuation of the land;
- (c) did any other companies tender for the contract;
- (d) what were the names of these companies;
- (e) was the sale of this land advertised;
- (f) where and when was it advertised; and
- (g) what conditions of sale did the WAPC place on the land use?

Mr KIERATH replied:

Lots 701 to 712 are super lots created for implementation of the Ascot Waters project which is a joint initiative of the Western Australian Planning Commission and the City of Belmont which included funding under the Federal Government's Building Better Cities Program. Given the nature of the project it is not possible to answer the question relative to the lots nominated, however, I can provide the following overview to the project, which addresses the question. Expressions of interest were invited in June 1994 by advertisements placed in local and national newspapers jointly by the then State Planning Commission and City of Belmont for the acquisition, development and sale of what is now known as the Ascot Waters Project. At the closing date of 18 July 1994, 21 parties lodged a formal expression of interest from some 140 expression of information packages that were distributed. An assessment panel determined that 6 companies be invited to formally lodge tenders these being:

- Asia Securities Pty Ltd in association with Thiess Contractors Pty Ltd
- BGC (Australia) Pty Ltd
- Domain Project Management, Estates Development Company Pty Ltd, Henry Walker Group Ltd
- Landrow Developments and Caritano Pty Ltd
- Pindan/Pelican Point Consortium
- Taylor Woodrow (Australia) Pty Ltd

Tenders closed on 24 October 1994. Tenderers were required to provide the following information:

- A detailed development concept including landuse proposals for both the urban and parks and recreation zones.
- Details of infrastructure to be provided.
- Development program and cash flow budgets.
- Financial analysis of development proposals including returns to the WAPC and City of Belmont, provision for BBC funding and options for the utilisation, by the developer, of the WAPC and Council owned land which is available for development.
- Full details of the tenderers proposed method for project financing and proposals to address requirement of demonstration affordable housing.
- Confirmation of the details of the tenderers development team including organisation details as related to the overall project management requirements.
- Details of proposed marketing strategies for the project.
- Details of management and maintenance arrangements for the public areas within the redevelopment.

Specific criteria were used to assess the tenders and to select a developer to implement the project. Tenderers were requested to specifically address these criteria as follows:

- The development concepts, upon which the tender is based, as they relate to the opportunities and constraints associated with the site.
- The development program as it relates to the requirements of the brief and the tenderers' approach to ensuring that the program can be achieved.
- The tenderers understanding of the project and the objectives of WAPC, council and BBC Program for it.
- The tendered return to WAPC and Council for the purchase or other utilisation of their respective land holdings for the redevelopment.

The WAPC land included in the project was valued for the WAPC by Chesterton International at \$5.765 million. The successful tenderer Domain Project Management, Estates Development Pty Ltd and Henry Walker Group tendered \$7.104 million for this land, plus \$858,000 for additional land their concept proposed for development, subject to rezoning. Fine-tuning of the design and on site geotechnical considerations resulted in certain of the "additional land" being retained for regional open space. During development of the project a further area of land was identified as suitable for development which became known as the "promontory land". This land was separately valued by Ross Hughes & Co and R G Pember Pty Ltd at \$1.5 million and offered to the consortium at that price subject to rezoning.

ASCOT WATERS, BELMONT

3148. Dr EDWARDS to the Minister for Planning:

With regard to the Western Australian Planning Commission's (WAPC) sale of undeveloped land, Lots 704, 706 and 707 Ascot Waters (stage 2), Belmont -

- (a) was a valuation undertaken of the land;
- (b) what was the valuation of the land;
- (c) did any other companies tender for the contract;
- (d) what were the names of these companies;
- (e) was the sale of this land advertised;
- (f) where and when was it advertised; and
- (g) what conditions of sale did the WAPC place on the land use?

Mr KIERATH replied:

I refer to my response to question on notice LA3147.

ASCOT WATERS, BELMONT

3149. Dr EDWARDS to the Minister for Planning:

With regard to the Western Australian Planning Commission's (WAPC) sale of undeveloped land, Lots 708, 709, 710 and 712 Ascot Waters (stage 3), Belmont -

- (a) was a valuation undertaken of the land;
- (b) what was the valuation of the land;
- (c) did any other companies tender for the contract;
- (d) what were the names of these companies;
- (e) was the sale of this land advertised;
- (f) where and when was it advertised; and
- (g) what conditions of sale did the WAPC place on the land use?

Mr KIERATH replied:

I refer to my response to question on notice LA3147.

ASCOT WATERS, BELMONT

3150. Dr EDWARDS to the Minister for Planning:

With regard to the Western Australian Planning Commission's sale of undeveloped land, Lot 711 Ascot Waters (Marina Commercial Land), Belmont?

- (a) was a valuation undertaken of the land;
- (b) what was the valuation of the land;
- (c) did any other companies tender for the contract;
- (d) what were the names of these companies;
- (e) was the sale of this land advertised;
- (f) where and when was it advertised; and
- (g) what conditions of sale did the WAPC place on the land use?

Mr KIERATH replied:

I refer to my response to question on notice LA3147.

INSURANCE FRAUD, COST

3159. Mr KOBELKE to the Minister representing the Minister for Finance:

- (1) Will the Minister advise if the claim made in recent radio advertising by the Western Australian Insurance Commission to the effect that insurance fraud is probably costing each one of us more than \$100 per year a true statement to the extent the it can be rationally justified on the basis of fact?
- (2) If so, will the Minister table the justification for this claim that insurance fraud is costing each one of us more than \$100 per year?

Mr COURT replied:

The Minister for Finance has provided the following response :

- (1) Yes.
- (2) According to the Insurance Council of Australia, insurance fraud costs Australians \$1.5 billion a year. Additionally, between 10 and 15 per cent of insurance claims across all classes of insurance exhibit elements of fraud. When the estimated cost of insurance fraud of \$1.5 billion is divided by the number of people in the workforce of 8.6 million in May, 1998, the resulting cost per head is about \$175.

**QUESTIONS WITHOUT NOTICE****COMMONWEALTH-STATE HOUSING AGREEMENT****908. Dr GALLOP to the Minister for Housing:**

I refer to negotiations about the new Commonwealth-State Housing Agreement which is due to replace the existing agreement which expires at the end of this month and ask -

- (1) Can the minister confirm that the Commonwealth has offered approximately \$27m in additional funding when the State Government has demanded \$77m to cover the impact of the goods and services tax on state housing, the lack of indexation in the agreement and a so-called efficiency dividend?
- (2) Is it not the case that this \$50m shortfall represents 414 fewer Homeswest dwellings over the next four years?
- (3) Would not such a funding cut increase the Homeswest waiting list, which has already blown out by 12 per cent since the minister promised a 25 per cent reduction at the last election?
- (4) When is the minister prepared to be honest with the Western Australian people by admitting that the GST which his Government supports is poisonous for public housing in Western Australia?

**Dr HAMES replied:**

(1)-(4) I thank the member for the question. The Commonwealth-State Housing Agreement has been the subject of discussion even today, when I spoke to the South Australian Minister for Housing about the State Government's response to the commonwealth-state housing arrangements. A multilateral agreement has been discussed among all the States and is about to be signed. The GST will obviously have an impact on Homeswest and on all of the States, and as part of the discussions we have had at a state Housing Ministers level, we have worked out what that impact will be on the State. I am not sure from where the Leader of the Opposition got the figure of \$77m that he quoted, but perhaps it came from the initial effect of the GST, which will be offset by some other changes.

Dr Gallop: No. That figure of \$77m is the GST, the lack of indexation, and the efficiency dividend that is imposed on the State.

Dr HAMES: I will deal first with the effect of the GST. The effect of the GST was worked out by this State to be \$25m or \$26m. A total package of \$263m has been offered to the States, and the States have been negotiating among themselves about how that should be split up, and whichever method we work on, this State's share will come to about the amount for which we are asking. The fact that an efficiency dividend is taken out of those commonwealth payments every year, and that there is no indexation, is of serious concern to all state ministers. We have all been arguing with the Commonwealth and saying we can wear the efficiency -

Dr Gallop: Why are the other state Housing Ministers putting out press releases attacking the agreement and you are saying nothing?

Dr HAMES: They have all been making statements. A joint statement was also put out on behalf of all state Housing Ministers at the last state Housing Ministers' conference. We are very unhappy with the lack of indexation, and we are still discussing that matter. Today there was a telephone hook-up between the Treasurers of all the State and Territory Governments to address the lack of indexation on which we are working hard to negotiate as part of the package. With regard to the overall impact of the GST on housing in this State, we have worked that out and have discussed with the Leader of the Opposition, the Housing Industry Association Ltd and the Master Builders Association of Western Australia what that effect will be.

Dr Gallop: You are not getting adequate compensation for the effect of the GST on public housing in Western Australia, and you know it.

Dr HAMES: That is not the case with the GST. We will get back for this State exactly what the GST will cost us. The real question is -

Dr Gallop: That is not what your signed documents say.

Dr HAMES: Yes it is, and I could give the Leader of the Opposition any proof of that that he would like. What we are saying, and have said over and over again, though, is that the Commonwealth-State Housing Agreement that is being negotiated with the States will significantly disadvantage all States. I believe strongly that there should be indexation of the Commonwealth-State Housing Agreement payments. That has not been the case, and that is what will have an effect on the States, not the GST.

**HOMESWEST, IMPACT OF GOODS AND SERVICES TAX****909. Dr GALLOP to the Minister for Housing:**

I ask a supplementary question. Will the minister table the correspondence between himself and the Commonwealth with regard to the impact of the GST on public housing in Western Australia?

**Dr HAMES replied:**

I am not sure what correspondence there is. I will look through that correspondence -

Dr Gallop: You signed it!

Dr HAMES: I certainly would consider doing that, because there is nothing in that correspondence that should not be publicly available.

#### GEOGRAPHE CATCHMENT COUNCIL

**910. Mr MASTERS to the Minister for Water Resources:**

The Geographe Catchment Council, or GeoCatch, has been operating in my electorate for two years. Because GeoCatch receives funding from the Water and Rivers Commission, can the Minister advise what progress GeoCatch is making in managing the catchment of Geographe Bay and how well it has been accepted by the local community?

**Dr HAMES replied:**

I thank the member for the question and his interest in this matter. The Geographe Catchment Council was established in 1997, and the member had a strong hand in its establishment. It has been doing a lot of important work in managing that catchment area and is making significant progress. I will detail some of the activities in which it has been involved. It has implemented four river action plans. It has assisted farmers to fence 68 kilometres of river foreshore, which, as I am sure the member would be aware, is extremely important in that catchment because of the problems of pollution, particularly by dairy farmers. It has funded more than 40 community on-ground groups. It has drafted a weed strategy. It has also run a ribbons of blue education program, and, as part of that, it is working closely with the Shire of Busselton in the Vasse River cleanup. We are very pleased with the progress of GeoCatch. It is an extremely good model, and we have been very pleased to support it through the Water and Rivers Commission.

#### JOONDALUP HEALTH CAMPUS, ONCOLOGY CENTRE

**911. Mr McGINTY to the Minister for Health:**

Will the minister explain why cancer patients who require chemotherapy have been turned away from Joondalup Health Campus and directed to the public Sir Charles Gairdner Hospital, leaving the oncology centre at Joondalup Health Campus to lie idle? Did not the Government promise a comprehensive oncology service for the people of the northern suburbs at the privatised Joondalup Health Campus? Why is the minister not demanding that chemotherapy services be available at the Joondalup Health Campus?

**Mr DAY replied:**

I do not have any knowledge of any shortage of chemotherapy services at the Joondalup Health Campus. I assume the health campus is funded to provide a certain range and quantity of services in the oncology area and I will investigate the matter.

#### JOONDALUP HEALTH CAMPUS, ONCOLOGY CENTRE

**912. Mr McGINTY to the Minister for Health:**

I have a supplementary question. Is the minister telling the House that he is so out of touch that he does not know about this broken promise and the extra burden it is placing on the government health system?

**Mr DAY replied:**

I would want a lot more evidence than merely an assertion by the member for Fremantle before I accept a claim as being true.

#### PUBLIC HOUSING TENANTS, EMPLOYMENT

**913. Mrs HODSON-THOMAS to the Minister for Housing:**

I understand that the new ministry of housing plans to assist unemployed tenants to find work. If that is true, can the minister tell the House how this will be achieved and why the Government decided that the provider of public housing should become involved in an employment project?

**Dr HAMES replied:**

I thank the member for the question. This project originated from a visit I made to America last year where I looked at housing and water issues. I found a program in New Orleans which involved the public housing sector working in conjunction with local education groups to find employment for public sector housing tenants. That program worked exceptionally well and the Government decided to trial it in Western Australia. The program will be tried initially in Rockingham and Kwinana. A project officer from Homeswest will liaise between unemployed Homeswest tenants who wish to be part of the program and employment agencies, through the Joblink network, and educational facilities. The authorities in America found that having tried to get a job, unemployed people became demoralised and needed support services. The project officer had the specific task of assisting those people to overcome things like lack of transport or baby-sitting facilities and other simple problems. If those problems could be overcome, people would be able to get jobs. We are connecting with the job networks to assist these people to find jobs or receive specific training which will lead to a job. From there we will try to assist these people through our home ownership programs, particularly our Right to Buy and Good Start programs, whereby people can purchase a part of the home they live in. The funds released through the sale of those properties can be used to provide other properties for people on the Homeswest waiting list. This program has worked exceptionally well in America and cost about \$500 a person. When one considers that buying or building a new home for



someone on the waiting list costs in the order of \$150 000, one can see the worth of assisting Homeswest tenants get jobs. The Government will be trialling the program in Rockingham and Kwinana and if it proves to be as big a success as the Government believes it will be, it will be expanded to the rest of the State. Hopefully, it will be just as successful there. We have received very strong support from the Joblink network and from the education groups, particularly TAFE, who want to be involved in this new program of finding employment for people in Western Australia.

COMMISSIONER OF POLICE, INQUIRY INTO COMPLAINTS ABOUT APPLICANTS FOR POSITION

**914. Mrs ROBERTS to the Minister for Police:**

I refer to the minister's comments in today's *The West Australian* about an inquiry into whether there was malpractice or illegality in the complaints made to the Anti-Corruption Commission about two of the local contenders for the position of Commissioner of Police and ask -

- (1) How will this inquiry be conducted?
- (2) Who will undertake it?
- (3) When will it commence?
- (4) Will the minister guarantee that he will table the results of that inquiry?

**Mr PRINCE replied:**

- (1)-(4) In the process of the appointment of the new Commissioner of Police to replace Commissioner Falconer there were two disgraceful episodes. The first was the publication in the Press of allegations of impropriety being levelled against two Western Australian senior officers who were both known to be contenders for the position. I made this point to a reporter from *The West Australian* yesterday and I am delighted that he reported the chronology accurately but it is worth repeating. I received the report from the selection panel on 14 May. The existence of the allegations of impropriety was aired in *The West Australian* and other news media on about 20 May. The Anti-Corruption Commission issued a statement exonerating those officers and stating that there was no substance to the allegations some time after that and before the matter came before Cabinet. Those allegations had no effect on the selection and interview process or the determination of Cabinet. That was the first disgraceful episode and I appreciate that the member's question relates to that matter. I will discuss the matter with Commissioner Falconer now that the process is complete and a person has been appointed.

The second disgraceful episode in this appointment process was the comments the member for Midland made about the appointment of Barry Matthews. The member for Midland said one should decide who one wants first and then so structure the panel and process to achieve that end. That is something the member for Midland says in a corporate sense her party holds to. It is intellectual corruption of the worst order and the reason better management is on this side of the House and the members opposite are appalling managers.

COMMISSIONER OF POLICE, INQUIRY INTO COMPLAINTS ABOUT APPLICANTS FOR POSITION

**915. Mrs ROBERTS to the Minister for Police:**

I have a supplementary question. What guarantee does the House have on this inquiry and why did the minister not answer the questions I asked him?

**Mr PRINCE replied:**

I will discuss the matter with Commissioner Falconer at three o'clock this afternoon.

Dr Gallop: That is not an inquiry.

Mr PRINCE: No. I was not going to do anything until the process was complete. I will now discuss the matter with Commissioner Falconer. The only thing I am interested in is whether there was any malice in the allegations. If there is any suggestion of malice, I will decide whether there should be some form of inquiry and who should conduct it. If and when I make that decision, I will inform the House.

SCHOOLS, COMPUTERS

**916. Mr BAKER to the Premier:**

Members would be aware of the enormous commitment the State Government has made to boost the number of computers available to students in Western Australian schools. Can the Premier inform the House of what efforts are being made to give the wider community access to this growing resource?

**Mr COURT replied:**

I thank the member for the question. Last night I had the privilege of presenting certificates to parents who had graduated from our first pilot program at the Currabine Primary School in which the students taught the parents how to use computers. This program was an outstanding success. It was a six-week course and students from grades 1 to 7 worked with their parents. Four times the number of parents that we could accommodate in the pilot program wanted to take part in it. These schools are now receiving the latest computers and this is an efficient use of the equipment with the students teaching the parents. It is unique to have students and the parents sharing learning at any time. The program was enlightening

because it has opened up a whole new world for those parents. Members have never seen parents more excited after a six-week course on something which was a complete mystery to them before. They were taught how to use email, how to access the Internet and use basic word processing programs and the like. The member for Joondalup knows that many people in the program have now begun sending email to relatives for the first time - most of the parents came from somewhere in the United Kingdom. The school has been good enough to allow the parents to have email sent to the school to continue that correspondence. I thank the Minister for Education and the member for Joondalup who between them prepared the pilot program for this course. It was an outstanding success and I hope we will see those programs developed and implemented in most schools across the State.

#### CRIME RATES, INCREASE

##### 917. Dr GALLOP to the Premier:

I refer to the Australian Bureau of Statistics report released yesterday which indicated that Western Australia, under the Premier's Government, has the highest rates of burglary, theft and car stealing in the nation, and the second highest rate of armed and unarmed robbery. Does the Premier accept that a strong link exists between the incidence of these crimes and the incidence of drug addiction in our community? If so, does he also accept that his Government's head-in-the-sand approach to the drug crisis is at least partly responsible for our spiralling crime rates?

##### Mr COURT replied:

I describe this as a lazy question from a lazy Leader of the Opposition. I say "lazy" because the Opposition asked the question yesterday. Let us look at what has happened this week: On the first day we sat, the Leader of the Opposition asked me whether I would table a further report from Treasury into the latest tax reform proposals. The Labor Party must get its information from elsewhere because it is not involved in the tax debate itself. It was a very lazy question. Yesterday, the Opposition asked eight questions that were straight out of *The West Australian*. It could not even do its own research. Yesterday, we also had a situation in which it was arranged for a debate to take place on the forestry issue during private members' business. The Opposition had a packed gallery of people waiting to hear the forestry debate, yet it wasted one and a half hours on some other business. Then it got up and said it hoped the Government would not pull a trick and try to defer a vote on it.

Mr Kobelke interjected.

The SPEAKER: Order! While the interjecting contains an element of humour from time to time, members would be well advised to remember that there are members in this House and people in the gallery who are watching them. Members should reflect on that.

Mr COURT: I have heard of governments becoming complacent, but this is a classic case of an Opposition that has become complacent. It is getting to the stage where it compiles its questions from reading *The West Australian*. We will have to say that to get the answer, they should keep reading the article! We are reaching that stage.

I must admit I am getting a little nervous when talking about drugs and crime because of the number of black shirts being worn by members on the other side of the House.

I answered the question yesterday. The connection between drugs and crime is very real and the growing incidence of crime is related to the drug problem. We will not go down the Opposition's path and liberalise the availability of drugs in our community, which the Opposition views as the popular approach. I said it was a lazy question. Yesterday, the Opposition received an answer. If it bothers to look at the figures for the first quarter of this year, it will see that our crime statistics are moving in a positive direction. It is about time the Opposition shifted from 1998 to 1999 and started becoming more positive about what is happening in that area.

#### WATER RESOURCES, CARNARVON COMMUNITY SERVICE OBLIGATION

##### 918. Mr BRIDGE to the Minister for Water Resources:

Considerable notice has been given of this question. Can the minister provide a response to the following -

- (1) What is the community service obligation paid to the Water Corporation for Carnarvon and how is this distributed?
- (2) Is it correct that an amount of \$5.3m is involved with some \$2.2m being allocated to meeting the running costs of the Water Corporation's head office in Leederville?
- (3) What was the cost to set up the self-managed water schemes at the Ord River irrigation, the south west irrigation and the Preston Valley irrigation?

##### Dr HAMES replied:

I thank the member for notice of this question and for being patient in waiting for the response bearing in mind the notice that was given.

- (1) The estimated level of CSO payment for Carnarvon is \$2.8m. I understand where the member's figures came from and I will get to that matter in the second part of the answer. The amount is distributed to the Water Corporation in two equal payments; the first was in December 1998 and the second in June 1999.

- (2) The CSO payment is calculated on the basis of the total cost of the system of \$6m. That is probably where the member's figure of \$5.3m came from. The total cost is in fact \$6m, but income is received which totals \$3.2m, hence the difference of \$2.8m. The CSO is paid when the Water Corporation makes a loss in operating a system in an area. The loss in this instance is \$2.8m. Some of the \$6m comes from administration costs. The administration costs are \$1.8m, which is slightly less than the member's figure, and that amount covers administration costs that occur in Carnarvon, Geraldton, and the metropolitan area. It is important to remember that we have a call system now whereby people who want to raise complaints or issues have direct access to a response system that is situated in the metropolitan area.
- (3) The costs to set up the Ord River irrigation scheme have not yet been finalised because we are still involved in the process of handing over management to the cooperative. We do not have specific costs for the other two schemes, but a reasonably accurate cost for the south west irrigation scheme is \$700 000, and for the Preston Valley irrigation scheme, \$33 000.

#### FREEDOM OF INFORMATION PROCESS

##### **919. Mr MASTERS to the Minister for Planning:**

Given the criticism of the minister's handling of freedom of information requests by *The West Australian* last Tuesday, can the minister explain to the House how open the FOI process will be?

##### **Mr KIERATH replied:**

I hope the Premier will not call me a lazy minister because I too read *The West Australian*!

#### *Point of Order*

Mr KOBELKE: I am not aware that the minister has responsibility for the Freedom of Information Act. If it is a freedom of information request within his department, and unless he is the principal officer, he has no involvement in it.

The SPEAKER: The question asked is to do with Planning. I will allow the question because it is reasonable.

#### *Debate Resumed*

Mr KIERATH: The member obviously does not know how FOI works. The minister must agree to a request if the request is to the minister about documents that he has in his possession. I wanted to comment because I wrote a letter to *The West Australian* but unfortunately it has not been published to date. It is not very often I criticise it, but whoever wrote that article obviously was not the journalist concerned, because that person had no idea what he was talking about. Documents that are prepared for Cabinet are exempt from FOI. They always have been and even when the Leader of the Opposition was a minister, the Opposition never made cabinet papers available. Under the Act, cabinet documents are specifically exempted.

In order for the project to obtain approval it must go through a public environmental review. The first word in that process is "public". The Environmental Protection Authority has decided that the project must go through a PER of four weeks. We must put out a review document that addresses all of the issues, including noise and individual risk. The document must go through a public process in which the public is invited to make submissions on it. The EPA has determined a four-week period during which the Government must seek the public's views. As a result of that decision, the EPA also asked us to address the issue of societal risk which it said would not be part of a formal EPA assessment, although it wanted the issue assessed as it affects the project. The department agreed to put that societal risk report out to the public to seek its view during the same time the PER was open for comment. How can we be more open than that? That is extremely open.

I went even further and said that before Cabinet makes the final decision - this is very unusual - we would brief the Opposition, the local council and other interested community groups. We cannot be more open than that. How can I possibly be more open in that process? The public has listened to my response to a request from the member for Peel for cabinet documents. Of course, I had to say no. If the member for Peel had asked me whether the information would be made available, I would have said yes. That is how the misunderstanding has come about. I agree with the latter part of the editorial which says that people are entitled to that information. They are, and processes exist to ensure they get that information. I do not believe the Government can be accused of trying to hide something or cover it up when it is openly and willingly prepared to participate in a full public process. If the member for Peel asks me for cabinet papers, I will deny him again, because I cannot give them to him. However, I will ensure all of the information the Government has is accessed through the public processes. All I can say about the member for Peel and the Leader of the Opposition is that it is the sort of ill-informed attack members on this side of the House have become used to from them. I agree with the Premier: We have a lazy Opposition.

#### SECURITY FIRMS, BREACHES OF EMPLOYMENT LAWS

##### **920. Mr KOBELKE to the Minister for Labour Relations:**

I refer to the Department of Productivity and Labour Relations' report into breaches of state and federal employment laws by security firms -

- (1) Is it true that 45 per cent of companies surveyed by DOPLAR were found to be in breach of the state award and that 37 per cent were in breach of the federal award?
- (2) Is this not further evidence that the Court Government is about reducing wages for Western Australian workers and that it has failed to uphold labour laws in this State?

- (3) Will the minister reverse the current policy of avoiding prosecutions and direct DOPLAR to prosecute security firms that are flagrantly breaching employment laws?

**Mrs EDWARDES replied:**

- (1)-(3) Instead of criticising the Department of Productivity and Labour Relations, which has a proactive role, the Opposition should commend it. The department has been targeting industries in which problems have been identified. The security industry has been targeted by the department over the past 18 months. That included random visits to 39 firms that were listed in the *Yellow Pages* and a seminar conducted with the cooperation and support of the Security Agents Institute. Following those actions, breach notices were served on all employers found not complying with state or federal awards. A report summarising the findings was provided to the institute as well as the Miscellaneous Workers Union. The member for Nollamara is right when he says that most of those breaches involved underpayment of wages. Some of those underpayments have already been recovered and others are currently being pursued. If they fail to make restitution those firms will be prosecuted.

Mr Kobelke: Your current policy is not to prosecute.

Mrs EDWARDES: Instead of criticising the department, the Opposition should commend the department for its proactive role in investigating industries in which problems have been identified and for working with those industries on an education and awareness program to ensure that those workplace practices they engage in are improved.

Mr Kobelke: So there will be no prosecutions.

Mrs EDWARDES: I did not say that.

DRUGS, FORFEITURE OF ASSETS LEGISLATION

**921. Mr BAKER to the Minister for Police:**

I refer to the urgent need in the State for more effective legislation dealing with the forfeiture of assets of illicit drug dealers, and also legislation to ensure that our undercover police officers have the appropriate powers when detecting and investigating organised crime. Can the minister provide the House with a brief progress report on the drafting of the proposed forfeiture Bill and police covert operations Bill?

**Mr PRINCE replied:**

Dr Gallop: Does the minister think he will survive the new lean police officers' rule?

Mr PRINCE: One of the good things about being a Minister for Police is that the Commissioner of Police cannot tell me to go on a fitness campaign. One must have the before shot before one can have the after shot. I intend to continue to be the before shot. He will be a brilliant police commissioner.

Dr Edwards: If he can slim the minister down he will be.

Mr PRINCE: The Premier likes him because he is a yachtsman. I like him because he plays Rugby Union.

Mr Marlborough: The Deputy Premier likes him because he likes sheep.

Mr PRINCE: I am so glad the member for Peel spoke. Does the member for Peel know that the member for Kalgoorlie was born in Victoria, the member for Bassendean in England, the member for Churchlands in New South Wales, the member for Marangaroo in Queensland, the member for Pilbara in Queensland, the member for Eyre in New South Wales, the member for Armadale in Victoria, and the member for Peel born in England - well, Durham. It is a pity Hadrian built his wall too far north. If it had been a bit further south he would have kept the barbarians out for longer. The member for Rockingham was born in New South Wales and the member for Thornlie in England. Of those sitting on that side of the Chamber only 12 were born in Western Australia.

Mr Kobelke: They are all Australian citizens and proud of it.

Mr PRINCE: Good on them!

The proposed forfeiture Bill is difficult and will not be introduced before the next session at the earliest. However, the proposed criminal investigation covert operations Bill is progressing very well. I hope that will be introduced in the spring session of 1999 along with a number of other Bills relating to the complete rewrite of the Police Act 1892.

WALPOLE, YELLOW TINGLE FORESTS

**922. Dr EDWARDS to the Minister for the Environment:**

- (1) Is Walpole the only place in the world where yellow tingle forest exists?
- (2) Why is the Government allowing more than 5 000 hectares of the remaining old growth yellow tingle to be logged under its Regional Forest Agreement?

**Mrs EDWARDES replied:**

- (1)-(2) I thought that by now members opposite would understand what the Regional Forest Agreement had achieved; that is, an increased level of reservation right across the board in a number of different ecosystems, particularly in old-

growth forests. The member for Maylands has consistently stated that areas that had previously been identified as proposed national parks would come off the 150 000 hectares of forest reservations and that would give us a net of 100 000 hectares.

Dr Edwards: I have never said that.

Mrs EDWARDES: The member for Maylands is reported as saying that and she has not corrected that.

Dr EDWARDS: Prove it.

Mrs EDWARDES: I corrected the member. We have met the target for old growth in yellow tingle that was prescribed by the JANIS criteria - the Joint ANZECC/MCFFA NFPS Implementation Subcommittee.

We have more than exceeded the biodiversity criteria in that yellow tingle area. Tingle is a mix of jarrah and karri. Will members opposite tell me the percentage able to be reserved with rates tingle and red tingle? What about the 100 per cent we are reserving in the other tingle areas?

Members opposite are not exactly truthful in all these areas as they do not understand what we have achieved: We have achieved improved environmental and heritage cultural values, with increased areas of old growth preserved and reserved for the future. We have met or exceeded each of the targets identified, something no other State in Australia which is currently undertaking a regional forest agreement will ever be able to achieve. Western Australia has made that achievement. The Government's commitment in that regard should be well and truly accepted.

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