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(HANSARD)

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LEGISLATIVE COUNCIL

Thursday, 21 October 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS

Motion

Resumed from 20 October on the following motion moved by Hon Tom Stephens (Leader of the Opposition) -

That this House -

- (a) condemns the Government for its misplaced priorities and funding commitments to projects such as the belltower and the convention centre at the expense of core areas of state government responsibility such as health, education, community safety and public transport; and
- (b) calls upon the Government to remedy its failure to deliver government services at affordable rates and give priority to hospitals, schools, police and public transport.

HON E.R.J. DERMER (North Metropolitan) [11.03 am]: Members will recall that yesterday I was making the point that although there are various areas to which the Government can choose to apply the resources of the State, there are particular areas which we cannot afford to neglect. In each of those areas, resources invested today will produce future wealth not only for the State but also for the coffers of the State Government. I referred yesterday to the importance of appropriate investment in education and information technology for our students of today and our labour market participants of tomorrow.

I want to refer today to the statewide telecommunications enhancement program, which has as its worthy objective the extension of the benefits of modern information technology and communications to all Western Australians regardless of the town or what size town they may live in. Each day a greater proportion of commerce in Western Australia and throughout most of the world is conducted electronically. Therefore, as time proceeds, a greater proportion of the possible number of jobs available in the labour market will depend on an individual's capacity to compete for those positions. That depends on an individual's mastery and understanding of and skills in information technology.

The economy of towns throughout Western Australia will depend on their access to the benefits of modern information technology and communications, which is essential for information technology. If those towns receive that access to communications services, their economies will grow. If they do not receive adequate access, their economies will not grow. Our duty is to look after the welfare of all Western Australians. That requires that we make the economy of the State grow, not only in the metropolitan area but throughout the State. Of course, much of the State Government's revenue base depends on the strength of the Western Australian economy. For that reason, we need to see the economy grow in towns throughout regional and rural Western Australia. For that growth to occur, those towns need access to modern communications as quickly as they possibly can.

The State Government's record in delivering the statewide telecommunications enhancement program is pathetic. The commitment of the capital for the program was announced in last year's budget. In the estimates hearing in June of this year it was revealed that the \$5m committed for the 1998-99 financial year would not be spent. The budget papers this year, which were tabled in May, suggested that it would be. A few weeks later when the question was asked in the estimates committee, it was indicated that only \$500 000 would be spent. When we spoke to the officials from the Department of Commerce and Trade, Mr Muirhead and Mr Collins, who was then the head of the Office of Information and Communications, they gave various projections on when the contracts for STEP would be signed. Mr Muirhead's explanation for why the \$5m had not been spent in the past financial year was that the settling of the contracts was too complicated. These various projections have not been met. Each time I have asked the minister or the officers of the department when the contracts for STEP will be settled and when this vital necessity for infrastructure for the regional economy in Western Australia will begin to be implemented, all I get is the same excuse and a different and later projected date for the settling of the contracts. We see no progress but hear the same excuse and a deferred date for the settling of the contracts. Obviously work cannot commence until the contracts are settled.

In early August I asked the minister representing the Minister for Commerce and Trade if the contracts had been settled for the STEP program. He said that they would be settled in a few weeks. Last week I asked him whether the contracts had been settled. He said that they would be settled in late October or November. A few weeks had evolved into a few months. That is simply not good enough. Regional growth is being retarded by every extra month it takes for the Minister for Commerce and Trade to deliver this essential program. The Government in this instance again demonstrates its incapacity to understand priorities. The objectives of the STEP program are essential for economic growth in regional and rural Western Australia. The Government fails to understand that this is an essential investment and fails to understand that this investment in regional and remote communications is a matter of the utmost importance and should be at the very top of the priority list of the work of the Department of Commerce and Trade, particularly its Office of Information and Communications.

When the minister's representative advised this House last week that the contracts would not be signed until later October or early November, his excuse was the complexity of the contracts. This is the same excuse Mr Muirhead presented when he was asked the question in the estimates committee in June. The question was asked in June and subsequent questions

were asked in August and October. The signing of the contracts has been delayed further. The same excuse is offered. There has been no variation in excuse and the time when the contract will be signed has been further deferred. This does not give any encouragement to the people of rural and regional Western Australia who are waiting for this vital program to provide needed infrastructure. The statewide telecommunications enhancement program represents a vital need for economic development. It will not only be good for the people of Western Australia, but it will also generate future income for State Governments. It is an investment area with a direct return on the money to the people and the Government. However, the Government fails to understand this priority and does not get the work done. I am not privy to why those contracts have not been signed or the real reason why it cannot be resolved by the Minister for Commerce and Trade and the telecommunications carriers he is negotiating with. It may be that the capital commitment suggested by the Government is insufficient. I strongly urge the Government, especially the Minister for Commerce and Trade, to examine the problem and find out exactly why the contracts have not been signed. If it is an issue of inadequate resources committed by the Government, I strongly urge it to review that commitment and increase resources where required. This project is neither an optional extra nor something which may be of advantage. It is absolutely vital to the economic strength of rural and regional Western Australia.

There is a third area where money spent today will provide great savings, and in that sense a very good investment, for the future welfare of the State. That area is telehealth, which relates to the statewide telecommunications enhancement program. Telehealth is a program whereby medical information can be transferred from a patient in a remote area to a specialist physician situated at Royal Perth Hospital or Sir Charles Gairdner Hospital. It has many other advantages. Better medical services will be delivered to Western Australians and great savings will be achieved. A Western Australian in need of medical treatment will no longer need to be distracted from their way of life to travel great distances. With telehealth in place, people can receive necessary medical services in the town in which they live. Increased efficient use of specialist medical expertise is another aspect of telehealth that will deliver great savings to the State. Money invested in telehealth today will save Western Australian Governments future health costs and provide a better service to Western Australians. The successful delivery of telehealth is closely linked to the statewide telecommunications enhancement program and needs the Government's full commitment. The Government urgently needs to examine the encumbrances to this important program and commit the required resources to make STEP and the associated telehealth program a reality. It should stop offering the tired old excuses of complexity it has been offering since June. The Government should appreciate that it is its responsibility to handle this complexity and do what is required to bring these important programs forward.

I suggested three areas of investment during my speech; that is, providing the commitment to information technology education, the commitment to communications for rural and regional Western Australia and the associated commitment to telehealth. Each of these three areas has an important characteristic in common: They are an opportunity where money invested today will improve the life of Western Australians now and into the future, and will also improve the fiscal situation for future State Governments. The education and the communications network will directly contribute to the State's revenue base and future economic growth. Investment in telehealth will provide not only a better health service, but a health service at lower cost.

It is important we have this debate. I strongly commend my leader, Hon Tom Stephens, for moving the motion. The Parliament of Western Australia has no greater responsibility than to look at how money is spent often with no need. It is the Parliament's responsibility to puzzle over the machinations that must be involved when Cabinet resolves that Western Australia needs a belltower and other such items when there is a glaring need in the areas I have mentioned. We see a lack of performance by the Court Government when the economic and human advantages of investment in those areas are so obvious. This lack of performance must be based on its misunderstanding. I am at a loss to understand why the Court Government cannot see the glaring need in the three areas that I have mentioned. I urge the Government to act immediately to review its commitment to information technology education, STEP and to telehealth. It should immediately take whatever steps are required to make those three important areas that need development in Western Australia its priority, rather than the misled priorities we sadly see too often from the Court Government.

HON SIMON O'BRIEN (South Metropolitan) [11.18 am]: I thank the Leader of the Opposition for moving this motion. It raises a whole catalogue of issues that should be clearly understood by the people of Western Australia. In the brief time the government side has been able to allocate to this debate, we hope to bring those aspects to the public gaze through their parliamentary representatives. I will concentrate on the question of priorities in funding commitments and spend time looking specifically at the belltower project. Members opposite seem to be fixated by it. It does not matter what the issue of the day might be, opposition members keep coming back to belltowers.

Hon E.R.J. Dermer: Only because it is so uniquely ridiculous.

Hon SIMON O'BRIEN: Hon Ed Dermer has had his say and he did not use the opportunity very well.

I will tell members opposite a little about the belltower. In doing so, I will take those who like to travel in their imagination to Sydney Cove, Europe and the Atlantic coast of southern America so that we can examine the origins of this millennium innovation. I will also examine the question at the core of this motion; that is, the priority merit of some of the projects that the Leader of the Opposition would denigrate.

I will also address other issues, including the funds allocated to what are described in the motion as "core areas of state government responsibility". I will allude to the Health budget and, in doing so, to the funding and the areas to which it has been made available by this Government. I will raise just one aspect of spending in the Education portfolio. I will do that in response to Hon Ed Dermer and I will query the advice he gave to the House yesterday, because I believe it is totally wrong and, indeed, misleading. I will refer also to community safety and public transport. However, I will do that giving limited examples, because this debate has been going on for some time.

Hon Tom Stephens: You don't say!

Hon SIMON O'BRIEN: I do. In the time available to him, the Leader of the House was able to tease out brilliantly some of the many threads that the motion invites to be teased out.

Hon Tom Stephens: The speech was spread over four days.

Hon SIMON O'BRIEN: It is a pity it could not have been longer.

The core of the motion before the House is the meaning of priorities. Is it purely a matter of one person's opinion about what should be done, or is there some way of quantifying how we allocate the financial resources of the State through the budget? There will always be disagreements about how Governments prioritise their spending; that is, the timing of the spending, the amounts allocated to various portfolios and the way that line items are allocated within portfolios. As long as we have Parliaments there will be disagreements between politicians about whether Governments of the day are spending the taxpayers' funds in the appropriate areas.

The Leader of the Opposition's motion, which could do with some amendment, condemns the Government for its misplaced priorities. However, he has done nothing to advise the House about where the Government's priorities should lie.

Hon Tom Stephens: Sit down and I will explain.

Hon SIMON O'BRIEN: In due course I will. The Leader of the Opposition will then have the opportunity to reply, and I will be interested to see whether he can address some of the issues which I will raise and which he failed to address.

Hon Tom Stephens: I anticipate winning you over to vote with me.

Hon SIMON O'BRIEN: The leader is an eternal optimist. It is a characteristic I find -

Hon Tom Stephens: Endearing!

Hon SIMON O'BRIEN: Especially endearing. It is a pity that he is also in cloud-cuckoo-land in anticipating how I might vote. That exquisite naivety is delicious. It is very engaging.

Hon Tom Stephens: I love you, too.

The PRESIDENT: That is enough of that; it is almost unparliamentary.

Hon SIMON O'BRIEN: On the subject of misplaced priorities, I refer members to the budget.

Hon E.R.J. Dermer: That will be a change from concentrating on the Leader of the Opposition.

Hon SIMON O'BRIEN: The Leader of the Opposition is an object of my genuine affection.

Hon Greg Smith: He is one of our greatest assets!

Hon SIMON O'BRIEN: That is true.

The Court Government, which I am proud and pleased to support, returned to the Treasury benches after the last election having gone to the people on its record during its first term and in the knowledge that the people remembered what the Labor Party did in government. It also used the slogan - not the best I have heard - "more jobs and better management". The response of the people of Western Australia, having observed what the coalition had done during its first term, having observed what the Labor Party had done while in government - not simply listening to the rhetoric -

Hon E.R.J. Dermer interjected.

Hon SIMON O'BRIEN: I will get to the over-the-top hyperbole of Hon Ed Dermer in a moment. Informed by that experience rather than simply the rhetoric of the election campaign, the people of Western Australia voted in an all-time record majority coalition Government to continue its stewardship of this State. The other day when I pointed this out by way of interjection, members opposite asked me to produce the figures supporting that because they did not believe me.

Hon M.D. Nixon: There is a great need for these policies.

Hon SIMON O'BRIEN: Of course there is. Let us consider the claim that more jobs would be created. When pressed in 1993, the then Opposition Leader, Richard Court, estimated that he could foresee 150 000 jobs being created by a coalition Government by 2000.

Hon E.R.J. Dermer: But Jack Gilleece had two jobs.

Hon SIMON O'BRIEN: It is interesting that when I mention a figure of 150 000, my good friend opposite wants to quibble about two jobs. It is another point he has anticipated I will refer to in my speech. Earlier this year, 164 000 jobs had been created. That figure is well above the original estimate. That is a raw figure and, as I think Hon Ed Dermer is trying to interject, we cannot take it on face value - we must look at the overall employment rates. The unemployment rate declined from 9.7 per cent in February 1993, when the disgraced Lawrence Government was dumped by the people of this State, to 6.5 per cent in August 1999. Throughout that period, Western Australia's unemployment rate has been consistently below the national average.

Hon Ken Travers: Do you have the figure for 1996?

Hon SIMON O'BRIEN: I do not, but I have plenty of other figures. We also must consider the number of unemployed people. They decreased from 79 700 in February 1993 to 63 100 in August 1999. In addition to our population growing and our finding jobs for that increased population, the reserve unemployment figure at the same time has also been tackled successfully. In the same period, local youth unemployment fell from a disgraceful 28.6 per cent to 20.7 per cent, which is still too high, but it is a fall of quite considerable proportions in the numbers of teenagers seeking full-time jobs. If this is contrasted with the decade between February 1983 and February 1993, we see quite a remarkable contrast. In that time the unemployment rate rose from an already high 9.6 per cent to 10.1 per cent. That is what happened under the federal and state Labor Governments. In this State it rose by 23 300 people to 83 700 in January 1993, as I indicated a few moments ago.

Hon E.R.J. Dermer: The member ignores international markets.

Hon Greg Smith interjected.

The PRESIDENT: Hon Greg Smith is also interjecting. I ask both Hon Ed Dermer and Hon Greg Smith not to interject so I can hear what is being said.

Hon SIMON O'BRIEN: The news was no better for youth unemployment. It rose from 24 per cent to 28 per cent in the same period until the coalition Government started to bring it back down again. The real test in considering these figures is that in the last three years of the Labor Government, the total number of Western Australians in employment fell by 10 300, from 750 600 to 740 300.

Hon Greg Smith: With a job.

Hon SIMON O'BRIEN: The number of Western Australians with a job fell. By contrast, employment during the first three years of the coalition Government increased by 93 000. That is the difference. Someone has his priorities right, and it is this Government, not the Government that was formed by those on the other side of the House.

Hon E.R.J. Dermer: How many consultants have you counted twice?

The PRESIDENT: Order! Hon Ed Dermer will cease interjecting.

Hon SIMON O'BRIEN: In terms of the better management part of our Government's claim for re-election, it, too, can be borne out by the facts, not by recourse to Labor's rhetoric, but by simply looking at the figures. I will yield to the temptation of pointing out that the priorities of this Government have resulted in our state debt, which was \$8.3b when this Government took office, being slashed to \$4.8b as at the last full financial year.

Hon E.R.J. Dermer: You have given that debt to the families of Western Australia.

Hon SIMON O'BRIEN: The net result of that is reflected, for example, in the restoration of our AAA credit rating, to erase the disgrace of a Government of Western Australia having its credit rating downgraded, as occurred under the Labor Government.

Hon Tom Stephens: Would the member mind if I asked him a question?

Hon SIMON O'BRIEN: I will come to that in a moment, but I will continue this point.

Hon Tom Stephens: Will you give me an opportunity to ask you a question at the end?

Hon SIMON O'BRIEN: The Leader of the Opposition is a very kind interjector, and I thank him for his indulgence.

Hon Ken Travers: Will you two stop it!

Hon SIMON O'BRIEN: I will address the Chair, because I must not continue to address the Leader of the Opposition in these lovey-dovey, palsy-walsy styles. It is preselection time in the Labor Party and all its members are nervous. They do not want anything untoward to be said.

Returning to the point, the State's net debt at the end of the Labor Party shambles was \$8.3b; after five years of the Court Government that was reduced to \$4.8b. I have mentioned credit ratings and so on.

Hon E.R.J. Dermer: You passed it on to Western Australian families.

The PRESIDENT: Hon Ed Dermer will come to order! He has had his opportunity. He must wait for an amendment before he can raise this issue again.

Hon SIMON O'BRIEN: I may be able to accommodate the member. By interjection, Hon Ed Dermer asked me whether the result of this debt was visited upon the public of Western Australia. It certainly was! Interest payments on that debt have now fallen by over \$400m per annum.

Hon Ed Dermer interjected.

The PRESIDENT: Order! If Hon Simon O'Brien addresses his comments to me, I will not interject. I am telling Hon Ed Dermer not to interject.

Hon SIMON O'BRIEN: As our debt has fallen from over 20 per cent of state output to just over 8 per cent, the interest bill is reduced on that state debt by over \$400m a year. Members opposite do not like to admit that under the policies and the financial management of this Government, over \$400m per annum is now available to the Government to spend on the areas

that have been highlighted by the Opposition, including health, education and other core areas that have been mentioned. That is money which would not otherwise have been available under the Labor Party's high-debt regime. The amount of \$400m every year is a lot of money which is being returned as a social dividend to the people of Western Australia. That is also a stark figure when we recall the Labor Governments of the 1980s, because \$400m was the price that was paid from taxpayers' funds for a non-existent petrochemical plant, when the Labor Party had a need to find \$400m to give away to its mates for absolutely nothing. An amount of \$350m was used to bail out Laurie Connell and an amount of \$50m, according to its accounting, was given to another mate, Mr Dempster.

I said I would give only one example in these selected areas because there has been a lot of debate on this area already. As part of his contribution to this debate, Hon Ed Dermer referred to education, in particular information technology. I will pay tribute to my colleague because I work on a committee with him. I have a lot of time for him and I know he is very serious about this issue. I do not believe that he would willingly mislead the House; in fact, I would be the first to defend him if anyone were to suggest that he would be the sort to wilfully mislead the House. However, he did mislead the House.

Hon E.R.J. Dermer: That is an outrage!

Point of Order

Hon E.R.J. DERMER: Mr President, the member is suggesting that I have misled the House. I have in front of me the documentation that verifies what I have said. I seek your guidance, Mr President, as to what opportunity I have to make it very clear that I have in no way misled the House

The PRESIDENT: Whether the member claims that Hon Ed Dermer has misled the House is a matter for the member. That is not unparliamentary. When members charge other members with having, or indicate that they have, wilfully misled the House, we move into dangerous country. However, at the end of this speech, if the member believes that he has been misrepresented - that should not be taken lightly - a standing order which allows members to make a statement in respect of that can be applied. I suggest that if Hon Ed Dermer reads the standing orders, he will see that provision. However, I must also judge what is being said by the general conduct and tone of the debate. Many times in this place members have claimed that another member has misled the House. It might be an unfortunate use of a phrase, but it certainly is not unparliamentary as such. Hon Ed Dermer's best course of action is to look at the standing order in respect of claiming to be misrepresented.

Debate Resumed

Hon SIMON O'BRIEN: Before that point of order was taken, I was going to some pains to point out that I would never suspect, much less accuse, the member of wilfully misleading the House. Indeed, I was pointing out that I would defend him if anyone suggested he was the sort of person who would be given to such things. Before being interrupted, I intended to say that in his speech yesterday Hon Ed Dermer presented information that is absolutely wrong but that, if anyone in this House believed it to be misleading, I am sure it happened because he was carried away by his own hyperbole -

Hon E.R.J. Dermer: Put it on the line - say it was misleading.

The PRESIDENT: Order! Hon Ed Dermer, I have pointed out the options available.

Hon SIMON O'BRIEN: The member was carried away by the rhetoric of the situation.

Hon E.R.J. Dermer: Absolute nonsense.

Hon SIMON O'BRIEN: The honourable member was lecturing the House at some length about his inability to understand what was said to him in evidence at the time of the consideration of the last budget. I certainly found it clear, and no-one else was asking the questions. If the member wants to argue about some of the matters that were reported in the uncorrected *Hansard* of yesterday -

Hon E.R.J. Dermer: It was very straightforward.

Hon SIMON O'BRIEN: We must just disagree about that.

Hon E.R.J. Dermer: It was very straightforward and easy to understand.

The PRESIDENT: Order! I am warning Hon Ed Dermer not to interject. If it is his design to put the member off what he is saying, I must consider the impact on all other members. If it is an interjection that seeks advice or is a comment from the member, I can sometimes cope with that, but not with continuing and incessant interjections. There is no need for it; the member has had his chance.

Hon SIMON O'BRIEN: Towards the end of the honourable member's contribution yesterday, as we approached the time for questions without notice, the member claimed that the Government was somehow neglecting the information technology education needs of schoolchildren. I do not know how allocating \$100m of capital funds from the sale of the gas pipeline for the provision of computers in schools can be seen as neglecting their needs in this area, but that is the point the member was making. He came up with the gratuitous remark that these state high school students will be expected to compete with students from wealthy private schools with a computer to student ratio of 1:1. He went on to say, and I quote from the uncorrected *Hansard* -

That is not some time in the future; it is 1:1 in 1999, and was the same in 1998 I understand.

I do not know what private schools he has in his region but I can tell members that very few private schools, if any, have a 1:1 computer to student ratio.

Hon E.R.J. Dermer: Penrhos College.

Hon SIMON O'BRIEN: Are there any others?

Hon Tom Stephens: St Hilda's.

Hon SIMON O'BRIEN: Penrhos College is in my region, and I wonder whether this applies to the other 40 private schools in my region. I spoke to staff at Attadale Santa Maria College this morning. It has 660 secondary school students and I asked whether it had 660 computers. The staff were incredulous; of course, it does not have that many computers.

Hon Norm Kelly: How many does it have?

Hon SIMON O'BRIEN: It will come back to me with that information, but it is certainly nowhere near that figure. It was a gratuitous, throwaway remark by Hon Ed Dermer. Private schools, despite what the ideologues on the other side of the Chamber think, are not over-embarrassed with money.

Hon E.R.J. Dermer: I never said "all".

Hon SIMON O'BRIEN: I see the honourable member is now qualifying his remarks, but they were pretty clear yesterday. I note that in yesterday's debate the Leader of the House interjected and asked from where the member got the figures. Hon Ed Dermer claimed that they were on the public record. I do not know what is the situation in the North Metropolitan Region, but in the South Metropolitan Region private schools do not have a student to computer ratio of 1:1. However, state government schools have competitive ratios which may exceed the ratios in private schools. They certainly exceed the levels in most other countries.

I now refer to the belltower, about which members opposite are so excited. They like to talk about belltowers.

Hon Ken Travers: We like you to talk about it.

Hon SIMON O'BRIEN: I intend to. Members may be aware that I am an unashamed admirer of *The West Australian*, as are many members on this side of the House, particularly when we see stories such as that in this morning's issue written by André Malan. It is headed "Court's vision a towering legacy" and states, in part -

. . . I for one am very pleased that Premier Richard Court has not caved in to all the whingeing and small-town politicking that has threatened to skittle the excellent belltower project.

Because it is an unconventional idea and requires a little bit of imagination to come to grips with, the belltower was always going to be an easy target for the carpers, penny-pinchers and kill-joys who scour the news columns each day in the morbid hope of finding something to get cranky about.

I will develop this theme in the time available to me. It continues -

There have also been unfair attempts to infer that Mr Court is trying to glorify himself by building the belltower, but there is not a shred of evidence to support that claim.

How refreshing to read that sort of commentary in the Press. Mr Malan goes on to observe that Opposition Leader Geoff Gallop seems to have a bee in his bonnet about the bells, and states -

He has conveniently forgotten or overlooked the fact that they were accepted as a gift by a former Labor government and had become a source of embarrassment because nothing was done with them. They were left languishing in a storeroom in Malaga for years.

Hon Greg Smith: Shameful.

Hon SIMON O'BRIEN: It is. These are historic bells from the Church of St Martin in the Fields. They were taken from that church in the first place because they were so colossal and, given the movement of the bells over the centuries, they were pulling down the belfry in the church. The idea was conceived at the time of the bicentennial celebrations in Australia of the British Government making a gift of these bells to the Western Australian people. Under a reciprocal arrangement, a new set of bells was to be cast for the church and much of the metal for the bells was to be provided by the Western Australian mining industry. The bells probably should never have left England, but they did. This incredible heritage, this historical set of bells was a gift to the people of Western Australia and a commitment, spoken or otherwise, was given that they be located in a suitable place by 2000. I am not sure of the precise details; I am speaking in general terms. The Labor Government put the historical bells in a yard or a shed and forgot about them. This Government was faced with the responsibility of placing them in a suitable location to honour this State's part of the bargain. It was always going to cost a lot of money to do that. The question was how the bells should be housed. Standard square belltowers and spiral belltowers can be found anywhere in the world, not only in Europe. In Asia, and Asia Minor in particular, there are belltowers which are 500, 1 000 and 1 500 years old. All of them match the same pattern. Another one like those, costing millions of dollars, is not needed.

The Barrack Square redevelopment concept includes a totally different form of belltower. The public will be able to visit the bells, to walk inside the tower and see them in operation in what, in effect, will be the world's biggest musical instrument. The belltower will provide a focal point for this important development. Later I will talk about why it is important to have this development of which the belltower will be an integral part. Before doing so, I return to the article written by Andre Malan which, in part, states -

The actual \$5.5 million that the belltower will cost is mere peanuts by comparison, and less than the value of some of the swankier private homes in Perth.

In his contribution yesterday, Hon Greg Smith pointed out that a figure of \$5m may seem large; however, in, say, the overall Health budget of \$1.7b, it is not so large.

Hon Tom Stephens: You have not been able to convince the Deputy Premier. Do you think you will be able to convince us?

Hon SIMON O'BRIEN: I do not need to convince Hon Tom Stephens. He is determined to use this as some sort of political football. As the correspondent pointed out in this morning's newspaper, it was a walk-up start, and it was such before it was started. Yet this Government had the courage to say, "We have to do something about it, so at least let's do it well". That is when it sought advice on how these iconic bells could be best used to benefit the community, rather than cost the community. Members opposite should mark my words: The bells will pay for themselves when used in the way proposed.

Hon Greg Smith: To fulfil a Labor Party commitment.

Hon SIMON O'BRIEN: That is right. I said that I will take Hon Tom Stephens around the world; I know he likes to travel. I will follow the footsteps of the founder of New South Wales, Arthur Phillip. I am indebted to author Alan Frost who, via his excellent book, provided some excellent biographical details on him. Members may ask what this has to do with the belltower.

The PRESIDENT: Order! I was just about to ask that.

Hon SIMON O'BRIEN: Mr President, I anticipated that you would. Over the centuries, humanity has shown that when it gathers to form cities, city states, settlements or civilisations, it needs to leave behind buildings as a measure of the energy, vitality and vision that existed then. Throughout the centuries we have seen evidence of civilisations and how they projected their confidence into the future. That has been done in many ways; for example, the pyramids of ancient Egypt. One recurrent theme in the past few centuries has been the maritime tradition of explorers from many European countries striking out for many unknown parts over the seas. Australia and Western Australia, in particular, are legatees of a tradition, familiar in the civic layouts of Marseilles, Venice, Greenwich and Portsmouth. The latter locations would have been familiar to Arthur Phillip. That layout consists of a large, open public space in the form of a square, bordered at the front by a walk or steps leading to water, and on the three landlocked sides by some form of enclosing feature, whether it be an imposing building or a part of the natural landscape, such as a cliff face. This layout of structures has been pleasing to western civilisations over the centuries. It has been repeated in many different places. That brings me back to the Australian connection which the President wanted me to make.

Arthur Phillip, the founder of New South Wales, visited many of these places as a young naval officer. He was seconded to the Portuguese navy in 1775. At that time, the Maquis de Pombal was in the process of rebuilding Lisbon after the earthquake of 20 years earlier. A feature of that was a central square that was being constructed. It was a striking piece of civic architecture, and the grandeur and vision of its design impressed those who saw it, including Arthur Phillip who had come via Greenwich. That was encouraged when he went to South America in the service of the Portuguese navy, attending to some Spanish privateers. He found another square outside the palace -

Several members interjected.

The PRESIDENT: Order! Hon Bob Thomas and the Leader of the House will come to order. Hon Simon O'Brien has very limited time left in which to speak in this debate.

Hon SIMON O'BRIEN: The palace of the viceroy in Rio de Janeiro provided another example. Phillip remembered this when he wanted to produce the structures necessary in Sydney Cove in 1788 to service a new maritime nation. It is interesting that in the initial layout of Sydney, which is now reflected in Circular Quay, he relied on the examples he had seen in other historic places.

Hon Norm Kelly: Now they have stuffed it up by putting the Cahill Expressway through it.

Hon SIMON O'BRIEN: I absolutely agree with Hon Norm Kelly, who can see the basis of the development when he visits the site today. The experts consulted on the Barrack Square project finally settled on a central design which has been borrowed from those historic and time-proven elements. The backdrop for the Barrack Square will be quite different from Circular Quay's. It will incorporate in the middle distance the natural elements of Kings Park, and a backdrop of the cityscape. One needs other central features, and the belltower fits the bill.

Debate adjourned, pursuant to standing orders.

VISITORS TO PARLIAMENT

Statement by the President

THE PRESIDENT (Hon George Cash): In case members have not noticed, a group of students have joined us in Parliament today. Members might like to reflect on the way they are carrying on in front of the students, who will go back to their schools and debate whether they think we are acting responsibly.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Public Administration - Outsourcing and Contracting Out: Investigations in the United Kingdom - Thirteenth Report

Resumed from 14 October on the following motion moved by Hon Barbara Scott -

That the report be noted.

Hon BARRY HOUSE: I was reflecting last week on the use of the word "privatisation" and other words in a similar context. The history of "privatisation" in Western Australia, in a political sense, stems from the 1986 election when the then leader of the Liberal Party, Hon Bill Hassell, used it during the election campaign. He was roundly pilloried for its use and intended meaning at that stage. The former Standing Committee on Government Agencies carried out some work from 1990 until 1994 considering variations on the use of "privatisation". Other words used are "outsourcing", "contracting" and so on. I came to the conclusion that Bill Hassell in 1986 was probably correct; that is, that the word really means the sale of a government asset.

Hon M.D. Nixon: It is the exact opposite of nationalisation, and that is why it is used.

Hon BARRY HOUSE: That is right. My interpretation of privatisation is that it resides at the end of the spectrum in which government agencies go through the corporatisation process. They then move to outsource some functions and use a contract mechanism to ensure that services are provided in the way intended. Once the government agency is corporatised, the government of the day may move to privatisation through the sale of that asset. It can be done in the partial sense as with Telstra, or completely as with the Commonwealth Bank and Qantas on the federal sphere.

"Privatisation" conjures up various things for different people. It can be used interchangeably by some people with "outsourcing" and even "contracting out".

Hon KIM CHANCE: The debate on this report has taken an unusual course in that the motion to note the report was moved by the Deputy Chairman of the Standing Committee on Public Administration, Hon Barbara Scott. The debate so far has been led by members of a subcommittee; namely, Hon Barbara Scott, Hon Barry House and Hon Cheryl Davenport. The reason for that becomes clear when reading the report. In the greatest part, the report was compiled by those three members of the subcommittee. Together with two advisory-research officers, they performed a remarkable task in pulling the report together in this form. The report, although scholarly, is not shy of making provocative conclusions. It is to the great credit of the subcommittee that it was able to resolve to bring to the Standing Committee on Public Administration a draft report. The report was not totally the product of the subcommittee because the full committee spent time considering it, and, indeed, had some input. Nevertheless, I acknowledge the important role of the subcommittee.

This report provides a valuable insight into an issue which is at the core of consideration in public administration in both Federal and State Parliaments, including this State Parliament. The questions of privatisation, contracting out and outsourcing are really among the most important matters with which Parliaments currently deal. That triumvirate has connotations which are extremely important to public administration in Australia. The report is timely.

Privatisation and its handmaidens are not new. I agree almost entirely with Hon Barry House's comments that the concept of privatisation is not easy to define. Different members of the community have different views on what privatisation means. That is why the title of the report mentions not privatisation, but outsourcing and contracting out. Privatisation, contracting out and outsourcing have different meanings and effects, and we tend to talk in shorthand a little when we lump them all under the term "privatisation". As Hon Murray Nixon said by way of interjection, privatisation can be viewed as the antithesis of nationalisation; that is one way of looking at it. Privatisation is a fairly accurate term in the most general sense.

Privatisation is also not just an issue for conservative Governments, because, as Hon Barry House pointed out, some of the major elements of privatisation in Australia, particularly on the national scene, have been led by Labor Governments, so it is not easy to place privatisation in one camp or another. Twenty years ago, the vision of a Labor Government privatising the Commonwealth Bank, even in part, would have been unthinkable, but today it is taken as a matter of course. Privatisation will always be an issue for Governments of whatever inclination. We need to be able to balance our views of what the issue of private ownership of public functions is all about.

This inquiry was particularly timely, because the object of the subcommittee's inquiries in the United Kingdom was to get a snapshot, at a time in maturity, of the privatisation process in the United Kingdom. That process is now about a decade and a half old, following the Thatcher Government's very strong emphasis on privatisation. However, even though we spent a great deal of time and effort trying to get a snapshot which was as complete and as accurate as possible, many questions remain unanswered. One key question is unanswered and the committee should perhaps do some more work on it. It was beyond the subcommittee's scope given the time that it had to explore it. I refer to the degree to which the ownership of publicly-owned assets, in particular the utility corporations in Great Britain, moved offshore shortly after their privatisation. That seems to be particularly true of British Telecom. The privatisation of BT was one of the later major privatisation initiatives of the Thatcher Government and was presented very strongly to the British people as being a sharing of one of Great Britain's great publicly-owned corporations. The sale of BT was similar to the sale of Telstra in Australia. Anecdotally, and there is also some evidence of this, what we have heard, but what is not in the report, is that while there was initially a rapid take up of British Telecom shares by the public and by British Telecom employees, remembering that a major component of the privatisation process of British Telecom was a heavy emphasis on British Telecom employees becoming shareholders, that quickly evaporated, and British Telecom is now owned mainly by people in Europe, particularly in France and Belgium. The water utilities have moved in a similar way. That is one aspect of this report which needs to be inquired into further by either this committee or someone else; we are not necessarily claiming ownership of that matter. An important aspect of privatisation is that, in a global economy, we cannot separate privatisation from capital flight.

Hon HELEN HODGSON: This report is entitled "Outsourcing and Contracting Out". I appreciate the point that Hon Barry House has just made about how to define privatisation, outsourcing and contracting out, and all of these related areas of government policy. I wish to thank the subcommittee and the staff who travelled. I was part of the committee that deliberated on the report as a whole, and I admire the task that it went through to put the report together. I was unable to be part of the subcommittee when it did travel, but I believe that the report that has been tabled is very useful. The reason that the United Kingdom was selected is that it has moved further down this avenue of public policy than we have in this State. However, other jurisdictions would be equally interesting to study. New Zealand has also gone a lot further down this path than we have in this State. A report which was tabled recently in the other place examines some of the issues with regard to public utilities in Canada. Members of this Chamber may like to look at that report, because it contains some interesting overlapping issues.

The range of issues and forms of privatisation is very relevant to what we are doing now, because all of the different forms of privatisation are being actively pursued at this time and are on the Government's agenda. In saying that, I am not necessarily being critical, because every political party in this place and every person within those political parties will have different views on the extent to which competition between the public and the private sector work together or are counterproductive. The situation in terms of our political positions is that some people have total opposition to privatisation and other people have almost total support. However, even people who support privatisation are raising some significant issues; for example, why is one public utility available to be sold off in a public float when another public utility that is delivering a similar commodity is not available and is being protected? Why does the public policy argument differ in those two instances? The committee did not have time to examine those sorts of issues in great detail, but the framework of the report will assist members in coming to grips with some of the subtleties of privatisation and contracting out.

One of the recommendations that I found very interesting was recommendation 11.8. The Australian Democrats have said for a long time, and since privatisation first started to become part of the public debate, that we must always take into account the social implications of privatisation. Recommendation 11.8 states that prior to contracting out there should always be a social impact study, as well as a consideration of the purely economic factors. That comes out very clearly in the report. Many of the issues that were raised with the subcommittee when it was on its trip were not economic issues but social issues. One of the economic issues is when do efficiencies actually stop occurring so that there are some additional costs that some people measure and other people do not measure in determining whether there are efficiencies overall. I recall, but I have not flagged it in the report so I cannot direct members to the exact place, that when we were working through the draft, there was some debate about an issue of wording, because people were referring to a negative gain, and I asked, "Does this mean there is an efficiency gain or a loss?" It is clear that the people who are analysing the impacts differ among themselves about what must be taken into account. I would not expect members to reach a uniform view about privatisation based on what is in this report.

Hon Kim Chance: The issue is dealt with at point 7.3 on page 26.

Hon HELEN HODGSON: I thank the member for that information. That section deals with costings and whether they are gains or losses.

Many of the differences result from our saying that these are the factors but that we will give them a different weighting depending on our philosophy.

I have been fortunate over the past few months to have a couple of university interns assigned to me. They were researching privatisation and fortuitously this report was presented in time for me to refer it to them as a current document that might be useful. They found it very useful in refining and defining some of the issues we should consider. Whether or not we reach the same conclusion, at least we are working within the same framework.

The committee found that consideration must given to the protection of the consumers of the service or commodity. We are all used to the fact that within the public sector we have the Office of the Ombudsman and other avenues to pursue to ensure consumers have some form of protection. However, once we privatise we move away from the framework that people have come to expect. The questions become what form of protections we put in place, whether they should be the same as those in place in the public sector and for which services and commodities should people have access to those processes. Should people have the right to go to a public service ombudsman because the service provided by an information technology subcontractor is unsatisfactory? That is a remote example, but some are more straightforward and consumers would justifiably expect that right. For example, if a monopoly public utility were to become a private monopoly, we would expect some protection. We must also consider what protection and access should be provided at the smaller end of the scale.

In addition, we must deal with the role of regulators. Should we have an office of regulation or whatever it might be called? How will it be part of the framework within which any privatisation is carried out? Again, that would be designed to provide protection to the community and to ensure that a competition framework exists.

Some useful case studies are included in the report. The subcommittee spoke to people involved in particular industries. That section is interesting, because it deals with issues such as whether a particular industry faces different problems. That was very helpful to me, because the Australian Democrats' policy is to look at contracting out and privatisation on a case-by-case basis. Different factors arise in certain circumstances. We must have access to information about how these situations have been managed and dealt with in other jurisdictions in determining whether we can avoid the pitfalls.

Another issue has not been addressed in the report, but it is very important. The report considers competitive tendering, which is one of the forms of contracting out involving competition between the public and private sectors. That is a

straightforward method of competition in the outsourcing and contracting out areas. However, the committee did not look at how one determines the appropriate form of privatisation if a decision is made that it is in the public interest to move down that path. That issue should be considered in detail at some stage.

The terms of reference will lead the committee to developing some of these areas further. However, I hope that even in its current form it will be a useful resource to members in channelling their research and developing their thoughts and themes in a way that fits within the framework of the legislation and their own philosophical beliefs.

Hon BARRY HOUSE: When the committee embarked on this exercise two obvious criteria could be used in assessing services that have been contracted out: First, how changes have affected the cost of the delivery of the service; and, second, how they have affected the quality of the service delivery. The committee came back from the United Kingdom with a third criterion for assessment; that is, how contracting out has affected the culture of service delivery. That became very obvious to committee members when looking at some examples in the United Kingdom.

It was more important in the British Public Service, which had sections that tended to be rigid and traditional, for some of the culture changes to be implemented by prescription - that is, legislatively. We saw that throughout the 1980s and early 1990s with the Thatcher and Major Governments.

The committee was presented with ample evidence of the cost effectiveness of moving the delivery of service from the public to the private sector. The compulsory competitive tendering process forced an analysis of cost and delivery of services. It also forced a comparison to be made between the public and private sectors, and I am not sure that that would have happened without a legislative framework. For the first time, many areas of the British Public Service set up business units to compete on a commercial basis, and many successfully retained the right to provide services. They tendered for the work as business units in competition with the private sector and won those tenders. One fine example referred to the committee has been outlined by Hon Cheryl Davenport. A Newcastle local authority established a business unit called CityWorks and successfully tendered for a range of services that were required by legislation to be contracted out. The business unit retained 100 per cent of that work. It was doing the work so efficiently that it could outdo the private sector. That was an extremely good result for that community and it had individual circumstances that suited that exercise.

I do not believe the committee came across any substantial evidence of a decline in quality. Members were presented with extensive anecdotal evidence, both confirming and denying the improvement in quality. We came away from the exercise with the view that such an assessment should be made in the longer term and that the jury was still out.

Anecdotal evidence was presented about British Rail. Friends of mine mentioned that for the first time in years the trains had been running regularly and that there was a vast improvement in services. However, while we were there it was the subject of jest in the local Press when the operators of several lines advertised for regular morning commuters to volunteer to be honorary conductors. They would be able to travel to work free of charge by working on the way. That was humorous to many people.

There is no doubt that many of the changes have been successful in changing the culture and ethos of sections of the Public Service. The Public Service was forced to examine and compile unit costs of delivery for a service and relate them to real costs. The prescriptive changes by the Thatcher and Major Governments were necessary in very entrenched and rigid areas of the Public Service, both in national and local government. Real world practices and real world realities were brought into the Public Service. The changes forced the adoption of different delivery models - the committee saw a wide range of those - and forced careful wording and scrutiny of contracts. That could not have been achieved without the introduction of a competitive regime.

It intrigued me that the initial report following the tragic rail crash in London in recent weeks seemed to point to driver error. On the basis of that initial report the operators of the railway line, Railtrack, were suspended from operating, at least in that part of London. From a distance, that seems to be a premature, knee-jerk reaction. I am not close enough to assess the situation properly. However, the operator was suspended on the basis of an initial report suggesting driver error. It does not matter whether it was a public or private operator as driver error would have occurred regardless of who was operating the rail track. That is an observation from afar. Perhaps it was a philosophical rather than a realistic response to a situation. I will let others closer to the action judge that properly.

The committee discovered a growth industry in the United Kingdom; that is, the position of ombudsman in monitoring privatisation and outsourcing. There is a plethora of ombudsmen -

Hon B.M. Scott: In grey suits!

Hon BARRY HOUSE: Yes, all in grey suits with thermos flasks! These ombudsmen perform a watching role within the various arms of service delivery throughout the nation. It is not a proactive system but a complaints-based system. That contrasts with the Western Australian Ombudsman, who initiated an inquiry into aspects of Western Australian prisons. He does not operate a purely complaints-based regime. The role of the ombudsmen raises more questions than it answers. There is a need for the watchers, but who watches them? The role of Parliament in the monitoring process was unclear. At the end of the day it was not clear what role Parliament would have. Another challenge for the future is determining the ability of elected Governments to initiate change. This was a real factor. It was topical when the committee was in Britain because the Blair Labour Government had just been elected. What influence does the Government have over planning, financing, building and operating contracts which run over 25 or 30 years? Those contracts had already been entered into and although the new Government may have been philosophically opposed to them, it was an elected Government with very little room to move. Can it be done only by ministerial direction to the Public Service through agencies or departments? Must Governments wait for the expiry of the contract, whether it is a short-term or long-term contract?

Hon KIM CHANCE: I have already spoken about the timeliness of the inquiry. To some extent I will focus on what Hon Barry House mentioned, so I will try to approach the issue in a different way. The committee hoped to learn what changes had occurred in Britain after a decade and a half of privatisation. The reason for this was obvious: The committee wanted to see what application the progress of privatisation in Britain could have in Australia and whether that progress could provide an indication of what would be applicable to Australia. Hon Barry House is right in that the committee learnt something that nobody expected to learn. The principal effect of compulsory competitive tendering, the main mechanism of privatisation in Britain, was a change in the Public Service culture, rather than a change in measurable cost or service outcomes. Hon Barry House implied that the Public Service culture in Britain is somewhat more traditional - if I can say that without being pejorative - than in Australia. The traditionalism of the Public Service culture in Britain tended to make it less accountable and cost-effective than the Australian public sector culture was at the time or had ever been. The effect of compulsory competitive tendering on that culture must have been profound. The subcommittee members certainly found it to be so. I will not go into that any further, other than to say that it became very clear to the subcommittee that the benefits of compulsory competitive tendering for the British people were a change in culture rather than any other specific issue.

The other thing we did not expect to find was the Newcastle upon Tyne example. I think members already know this but people reading *Hansard* may not be aware that Britain has two levels of government. Its local government structures are so large that they are comparable to Australian State Governments. The finances of one or two local governments would rival Australia's economy. One is the Greater London Council, which must look after an enormous population. Different councils dealt with compulsory competitive tendering in different ways. The two extremes are contained in the report. Wandsworth is one extreme - a subchapter is devoted to that - and Newcastle is the other extreme. Wandsworth is a largely conservative council which adopted the concept of compulsory competitive tendering in a literal and focused way. The council felt comfortable with that and it made that its focus. The national Government's direction to local government authorities in Britain was treated entirely differently by the Labour-dominated council in Newcastle. The council knew it had to conform to the law. That was clear. However, the council wanted to work through how it could fulfil its legal responsibility but still keep its in-house workforce. Essentially CityWorks was the result of that. I am not sure how well the CityWorks concept was understood in Australia prior to our committee's investigation. I had never heard it referred to anywhere in Australia, but it is a remarkable success story. Arguably, it is one of the best examples of the outcomes of compulsory competitive tendering observed by the subcommittee. The work force of CityWorks is about 20 000 people.

Hon Barry House: I forget the figure, but it is huge.

Hon KIM CHANCE: It is a very large work force. It is certainly disclosed in the report and I should have checked the figure before I spoke.

Hon B.M. Scott: It is the largest employer in Newcastle upon Tyne.

Hon KIM CHANCE: Yes, indeed it is.

Hon Barry House: Historically, private providers do not have the infrastructure there either, because that may have been another factor.

Hon KIM CHANCE: The point that Hon Barry House raised was observed throughout Britain generally. Throughout Britain, not just in Newcastle, places existed in which no private infrastructure was available to tender for the work or, at best, there was a limited range. Sometimes the outcomes of CCT were not as good as they could have been or will be in subsequent years as the private sector develops that infrastructure. That is particularly relevant to Australia.

I know that local government authorities in Australia have conducted studies as to whether they should retain their in-house earthmoving resources. They asked earthmoving contractors to act as consultants and to tell those authorities whether they would be better off retaining their in-house resources or whether contractors should provide those resources. Interestingly, I am told that one shire council in Western Australia approached two contractors and was told that it would be much better off retaining its in-house work force. The argument from one contractor was that if he did the authority's work as well, his capital investment would be X, on which he must make a return, and the authority could not keep it working all the time. Therefore, if the contractor were retained, he would be expected to keep that equipment available for the authority's use and it would not be as cost-effective as it could be. The answer from the other contractor was that most of his equipment was being used in a far distant place - it was in the Pilbara, as this was a wheatbelt shire. He said that he would not bring back equipment from Paraburdoo to meet the peak-load requirements of the authority if it had summer storm damage to roads. It would cost him and the authority too much. Importantly, the second contractor said that if the authority lost its in-house skills, it could never replace them.

Once an authority loses the people it needs to conduct its base load work, it is in deep trouble. The best that contractor could do for the authority was to try to cover its peak-load work. The in-house provision was deemed to be best for the local council's base-load work, but there was room for local contractors in the peak-load operations. That is an interesting approach to the issue where those resources tend to be spread thinly. It is a different matter altogether when adequate resources are spread throughout the public and private sectors. We are freer to pick and choose which is the best source or the best basis on which those services can be delivered. It is interesting that, even in Britain, with its compact size and large population, the committee still observed that there were regional places in which private sector infrastructure was not so developed as to enable the greatest efficiencies to arise out of CCT. The example in Newcastle upon Tyne must be looked at very carefully in terms of trying to determine how best competitive tendering and outsourcing generally must be applied. There are some clear lessons about not only the cost and service outcomes of CityWorks, but also the social outcomes.

Hon BARRY HOUSE: I will complete my remarks by posing a couple of challenges for the future. We saw some evidence

in the United Kingdom of inequitable effects across the board. It certainly seemed to impact most quickly and perhaps most severely on the blue-collar sector of the community rather than on the white-collar sector. Various people to whom we spoke often pointed out to us that the managers had outsourced the functions of those people, but not many of the functions of managers were outsourced. That was an observation. Once again, I hesitate to make a clinical observation on that because most of it was anecdotal evidence.

On accountability, ministerial responsibility is still a grey area. It takes me back to 1992 when the Standing Committee on Government Agencies visited New Zealand when it was making inquiries that led to the thirty-sixth report. In a famous parliamentary debate in Wellington, the minister responsible for water resources in Wellington was being pilloried in the Parliament because a Bill was seeking to lower the level of a hydro-electric dam because of drought in the South Island. The Parliament wanted to introduce legislation which would permit it to lower the level, take more water and generate more power. However, it raised enormous opposition from mainly conservationists because the lower dam level would lead to many bird and plant deaths and so on. This agency was a privatised government agency. It was fulfilling the function of providing the service. However, at the end of the day the minister responsible for water resources in New Zealand still had to admit that the buck stopped with him, regardless of whether it was a private agency. Luckily for him, it rained and his political career was saved. That is a very poignant example.

We did not see anything during our inquiries to indicate that commercial confidentiality had become a problem at that stage. In terms of liability, and this is a real concern, where do the responsibilities of government, the local authority involved and the private deliverer of that service lie when something goes wrong? Over the years and decades ahead, we will probably see quite a bit of attempted buck-passing between various agencies which are responsible for the community service obligation that funds the service. Then there is the private operator who delivers the service, and when something goes wrong, who is responsible? In terms of future investment in infrastructure, questions will be raised about the safeguards against decline as the contract nears its end. Will the private operator cut back on its investment in the infrastructure as the contract nears its end? Those are some questions that must be considered in the future.

It is important to have two factors running in parallel with outsourcing. The first is a customer service charter, as was spelt out by the Thatcher and Major Governments. It had a significant effect in the United Kingdom. The second is the auditing process that goes with the customer service charter. Those two things must run in parallel to the outsourcing requirements. Included in the auditing process is the cost of compliance or accountability. Already, our jurisdiction has significant financial costs, and the costs of social dislocation and resource allocation. Members will also point to anecdotal evidence of government agencies having a tendency towards desktop studies these days, without doing enough ground proofing. That is becoming a focus of criticism of some of the government agency services provided. In some cases, the people who do the work and write the reports never leave their desks and they have no idea of the real factors involved. This is particularly critical in regional areas.

The committee has scope for some very valuable work in the future. We have already explored the concept of examining some of the costs of accountability and compliance in future work. Overall, it was a very interesting and productive exercise for the committee to be involved in. I think we have made a useful contribution to the body of knowledge available to this Parliament and the community of Western Australia, to allow them to make a better and fairer assessment of the provision of government services.

Hon KIM CHANCE: Thanks to Hon Barbara Scott, I am able to correct the figures I gave for the number of staff in CityWorks. It has 5 500 employees, 2 000 of whom are temporary or part-time employees.

We have dealt to some extent with the impressions that were brought back from the United Kingdom. In a forum such as this, it is difficult to deal with those issues in any more than a superficial sense, but the committee has drawn to the attention of honourable members some of the outcomes it was able to observe in Britain. We, as members of the committee, have pointed to some of the outcomes we would like to have looked at in greater depth but were unable to. They should be taken into account by the Government as it moves further into this area and, indeed, makes decisions about whether it should change the way in which it moves further into privatisation. I hope that in that progress, planners will look at the Newcastle upon Tyne resolutions because they possibly present a format which neither the conservative side nor the progressive side of Parliament has really looked at. If privatisation is the opposite of nationalisation, then progressive is the opposite of conservative. Leaving aside my terminology -

Hon B.M. Scott: What is the meaning of liberal then?

Hon KIM CHANCE: We will not get into that! I did not mean to be provocative in using those terms. Whether one is coalition, Labor, Democrat, Green or Independent, and whatever one's ideological position in relation to issues of this kind, neither side has looked at the benefits that can flow from the CityWorks prescription which may suit the ends of both the conservatives and the Opposition. Both parties would be satisfied by the outcomes Newcastle has thrown up, and it is an entirely unexpected outcome. I do not think any members who were available to travel to Britain expected to find that. I do not think any of those who have looked at the issues after that trip expected to find that.

Another issue arises and needs careful consideration. I referred to it by interjection when Hon Helen Hodgson was speaking. That is raised in clause 7.3 of the report which states -

One commentator has stated that if the principles and findings of the EOC Study are applied to the Efficiency Unit findings, this produces a net impact of 10% increase in the public cost of competitive tendering by market testing and CCT.

That means, when measured by those standards, which are not necessarily entirely objective, that compulsory competitive

tendering resulted in an increase in cost. It was a net cost to the economy. Frequently, as Hon Helen Hodgson said, when looking at changes of this nature, there is a tendency to look at the unit outcome of the unit being subjected to change and not measure the factors beyond that. The study referred to at clause 7.3 was by the Centre for Public Services, in its document "Reinventing Government in Britain - The Performance of Next Steps Agencies: Implications for the USA", which was published in the United Kingdom in May 1997. That study looked at what difference the change made in the context of the whole economy.

With reference to clause 7.5 of the report, the Equal Opportunities Commission study identified five important ways in which competitive tendering has an impact on local and central government income and expenditure. That went into the issues of the additional costs on the economy which had to be paid as a result of benefits for unemployment created by CCT, housing benefit, council tax rebates on property tax or rates, and people who receive low income support. Other costs relating to unemployment were identified and taken into account. Costs were involved in the loss of jobs. The cuts in working hours and reductions in pay and conditions reduced earnings and resulted in a loss of income tax and national insurance payments to the Government. There was an impact on the local economy. Although increased corporations tax was paid by private contractors, apparently it had only a marginal impact on government income. There were balances and counterbalances, but it has been noted in the report that one of the downsides of CCT is reduced availability of employment to women, in particular, and minority groups, such as disabled people and blacks in Britain. Also, unemployment in high unemployment areas tends to have been exacerbated. All these factors result not just in social cost - as though that is a warm and fuzzy thing that does not have a dollar value - but also have a dollar value in the economy.

We, as a Parliament, can be flexible about the way we treat a study of that nature, and it can be said that perhaps insufficient weight was given to one element and too much weight to another. However, this study has been carried out and, according to the values laid down in this study, notwithstanding the fact that there had been savings in the units subjected to privatisation, contracting out or outsourcing, the net benefit or loss to the economy as a whole has been negative. In fact, CCT has not provided a benefit to the nation. We know that clear benefits have been identified, and cultural change is one of those benefits. However, that must be set against the economic cost of what has occurred. We need to be very careful in the way we study the total impact of our actions when we study issues of this nature.

Debate adjourned, pursuant to standing orders.

Report

Progress reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

WATER SERVICES COORDINATION AMENDMENT BILL 1999

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and returned to the Assembly with amendments.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL 1999

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and returned to the Assembly with amendments.

SENTENCE ADMINISTRATION BILL 1998

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and returned to the Assembly with amendments.

COURT SECURITY AND CUSTODIAL SERVICES BILL 1998

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1998

Referral to Public Administration Committee

Resumed from 29 June on the following motion moved by Hon John Halden -

That the Court Security and Custodial Services Bill and the Court Security and Custodial Services (Consequential Provisions) Bill be referred to the Public Administration Committee for consideration and report.

Hon John Halden was granted leave to speak again, in continuation of his earlier remarks.

HON JOHN HALDEN (South Metropolitan) [2.10 pm]: I thank the Leader of the House for what is a rare, if not unique, opportunity to continue my remarks. I wish to reacquaint people with this matter. Members may recall the comments made by Hon Helen Hodgson during the second reading debate, and I refer to page 9052 of *Hansard* of Wednesday, 15 June, where the member said -

The legislation before us is an attempt to introduce a consistent system and to put some measures of accountability in place. Although those measures may not be sufficient, it is at least an attempt along those lines. In my deliberations I have had extensive discussions with one of my colleagues in South Australia, where a similar debate took place several years ago. They took the principled position of saying they did not believe in privatisation of prisons and voted against the legislation, but in that instance the Government was still able to outsource the functions that my colleagues hoped would be retained as core government functions. It was done through the backdoor of outsourcing and using existing provisions.

I would be extremely concerned if I made similar steps possible, and weakened the proposals to make the legislation consistent and accountable because of my concerns about the privatisation aspect. Having thought it through to that extent, I wondered what was needed in the justice system and custodial services arrangements. We need a complete overhaul, particularly of the way in which the Ministry of Justice operates. This is an opportunity to look at some of the overall provisions relating to accountability and scrutiny of the way in which justice is administered in this State, particularly the custodial services. If I were to outline the key elements of my ideal system, I would say that there must be much stronger accountability measures across the entire range of custodial services in this State. That includes any centre where an offender or suspected offender may be detained, and ranges from court lockups to prison lockups, juvenile facilities, women's facilities, remand centres and the means of transporting prisoners between centres and prisons. Under my ideal system these independent accountability measures would apply not only to areas outsourced or privatised, but also across the government sector; that is, those services delivered by the Ministry of Justice.

The member had been led to that position by the Attorney General. South Australia had outsourced these sorts of prison services, as the member said on that occasion, via the backdoor, and the Attorney General had said that he would basically do the same, and - if I can be blunt - he managed to secure, by way of bluff, agreement with the member about some amendments that are on the Notice Paper. I have said publicly, and I intend to restate today, that I have discussed this matter with a number of lawyers, and I am yet to find one person who agrees with the Attorney General's view.

The PRESIDENT: Order! The motion that members are currently debating is a referral motion, and I think Hon John Halden is slipping back into the second reading stage. We are meant to be discussing whether we should refer this matter to the Public Administration Committee.

Hon JOHN HALDEN: Mr President, your point is exactly the point to which I want to get. The first reason that we should refer this Bill to the Public Administration Committee is that the Attorney General's advice to Hon Helen Hodgson was flawed. I suspect that advice was given to achieve a certain outcome with regard to the debate in this place. Where better to test that legal advice that was given than in our committee system? I do not think it is inappropriate to make this request of the House. We all know the ability of the Attorney General, as a very competent lawyer, to debate in this place, and I am sure also in many other places, that black is white. The advice that I sought was, because of the financial position of Oppositions, basically from lawyers who are either on staff or are members of the Australian Labor Party. I want to read into the record the advice that I received from the Vice-Chairperson of the WA section of the International Commission of Jurists, who is a lawyer and a person whose views should be taken into account. The reason that I want to read that advice into the record is that it deals not only with the Western Australian system but also with the South Australian system. If any credibility is to be given to this advice and to a lot of other advice that I have received from lawyers, it is most appropriate that this Bill be referred to the committee that I have suggested and for it to make a determination about not only this matter but also a number of other matters in this legislation. That advice is contained in a letter which is dated 26 June 1999 but which I received somewhat later, which states -

The Western Australian Government has introduced into the Parliament the Prisons Amendment Bill 1998 in order to facilitate the establishment of a private prison in the State.

It has been suggested that a private prison could be established without the passage of the amending provisions in the Bill and so any opposition to the Bill would be futile, as the Government intends to proceed with its plan to establish the private prison. It follows, so that argument goes, that the non-Government parties should not oppose the Bill, but direct their attention solely to the improvement of the Bill.

An examination of the Prisons Act 1981 suggests that it would not be possible to manage a prison under the law as it presently stands with the use of personnel other than persons appointed pursuant to the Prisons Act and under the *Public Sector Management Act 1994*.

Section 6 of the Prisons Act provides that the responsibility for administration of the Act is vested in the Minister, persons employed by the Minister on the recommendation of the Public Service Commissioner, and officers employed under the *Public Sector Management Act 1994*, including a Chief Executive Officer and an Executive Director (Corrective Services).

Section 8 provides that the Chief Executive Officer may only delegate his powers to another officer.

Prison officers are engaged by the Minister, on recommendation of the Public Service Commissioner, on oath to serve the Queen of Australia (s. 13), and they have statutory duties to maintain the security of the prison and obey lawful orders given to them by superintendents and other supervising officers (s. 14).

Only a prison officer has power to issue orders to a prisoner and to use reasonable force necessary to ensure his orders -

Point of Order

Hon HELEN HODGSON: Mr President, I believe this advice is relevant to a Bill which is still on the Notice Paper, which is the Prisons Amendment Bill. The Bill that we are dealing with now is the Court Security and Custodial Services Bill, which does not contain those provisions to which the advice which the member is reading refers.

Hon JOHN HALDEN: This is the difficulty when we do deals on the run and make amendments on the run -

The PRESIDENT: Order! I have not done any deals or done anything on the run.

Hon JOHN HALDEN: I am not suggesting you have, Mr President; I would never suggest that. Hon Helen Hodgson said during the second reading debate that her support for this Bill was given on the basis of the establishment of an inspectorate. That inspectorate, by virtue of the committee amendments that will be debated, will be included in this Bill and consequentially in the other Bill to which we are referring. I am saying that the premise under which the inspectorate will be provided is a false premise. The inspectorate will be applicable to both Bills, and both Bills provide the opportunity to establish whether the premise as put forward by the Attorney General is correct.

The PRESIDENT: I understand where Hon John Halden is coming from. However, we are dealing with a referral motion. While the various issues Hon John Halden has raised may have some bearing on the Bills being discussed - that is, the second readings which have been completed - and certainly have something to do with Order of the Day No 18, the Prisons Amendment Bill, my problem is that the House is debating a referral motion. The matters Hon John Halden has raised are probably being raised prospectively on the assumption that various things will happen with the Prisons Amendment Bill 1998. As much as these issues may lead to some interaction, Hon John Halden is still required to talk specifically to the referral motion and not concern himself at this stage with the Prisons Amendment Bill, because the House has not considered it. It may be that the Bill will be voted down and never be seen again, so to speak. I raise those points because Hon John Halden was very much getting into the Prisons Amendment Bill. Things he may say that may be incidental to the referral are clearly within the scope of debate on this subject, it is just that Hon Helen Hodgson and I believed that he was concentrating his efforts on the Prisons Amendment Bill, which is on the Notice Paper but has not yet been debated.

Debate Resumed

Hon JOHN HALDEN: It is easier if I do not argue the point but accept your ruling, Mr President, and continue my remarks.

The PRESIDENT: It would be easier for both of us. Hon John Halden knows what I am getting at and he has been here long enough to work his way through my comments that he has been dwelling too much on a Bill which is yet to be discussed.

Hon JOHN HALDEN: I will not continue reading the letter except to say it clearly suggests that the actions of the South Australian Government are unlawful and it suggests why that is so. However, the Supplementary Notice Paper for this Bill contains a provision by which the Government - and I presume the Attorney General - seeks to tie this Bill to the Prisons Amendment Bill 1999. A feature of this Bill is the establishment of the position of Inspector of Custodial Services. Again, that is based on the statement of the Attorney General which led a member to be involved in a deal for the passage of this Bill so there could be an Inspector of Custodial Services. I believe a volume of legal opinion abounds that the advice given by the Attorney General which led a member to support this Bill and another is flawed. All I ask is that the House, through its committee system, make an assessment not only of that but also of other matters. However, this is the crucial matter. It is the matter the Attorney General and the member have said publicly led them to support this Bill and another. Other than the Attorney General, I have not yet had a lawyer come to me to support the Attorney General's view and I think on that basis, and I know I would be tempting fate to continue to read the legal opinion -

Hon N.F. Moore: You are just stretching our generosity.

Hon JOHN HALDEN: No, this is coming to a quick conclusion. This is the view of a particular person who obviously has legal qualifications and acts in a particular capacity, and there are other legal views on this point. I repeat, this Bill has many consequences but the primary one is that we are at the point of debating it because the Attorney General says A and is believed by another member, yet other people in the legal community, in well-documented opinions, say that the Attorney's view is not the case nor should it be the case in South Australia if the law was enforced properly. It is most appropriate that this referral be made not only to test this position but also all the other matters I may have referred to some time ago. I thank the Leader of the House for his indulgence in allowing me to speak to my motion again today.

HON GIZ WATSON (North Metropolitan) [2.24 pm]: I support the motion to have these Bills referred to the Standing Committee on Public Administration. The proposed legislation is of exceeding importance to the public and the community. We are looking at an unprecedented move to privatise some of the core functions of the justice system. I also agree with the comments made by Hon John Halden that the legal advice which has been talked about on this matter is in question. I have also sought legal advice and received some that is contrary to that provided by Hon Peter Foss and supported by Hon Helen Hodgson.

Another reason I feel these Bills are of paramount importance and need to be looked at by the Public Administration Committee is that we are looking at transferring powers covering the use of reasonable force, potentially lethal force, to private contractors. This is an extraordinary move and one that should be subject to the highest level of scrutiny by this Parliament. We have committees in this Parliament to allow that level of scrutiny and to allow concerned and interested members of the public to attend and hear the evidence and present evidence of their own. We have enough recent precedents to show the dangers of contracting out. We only need to look at the Government's car fleet fiasco, but this is a much more serious matter. The committee would do well to look at the aspects of accountability and the various claims which were

made in the second reading speeches for these Bills about the benefits of such contracting out. It is important that the committee also examine the claim that this Bill meets the recommendations of the Police-Justice core functions project. The committee would do well to examine that claim.

The Greens (WA) will be supporting the motion to refer these Bills to the Public Administration Committee. I call upon my colleagues on this side of the House to give their support to this motion and to acknowledge the role of upper House committees in examining important new legislation and to test for full transparency and accountability.

HON HELEN HODGSON (North Metropolitan) [2.28 pm]: The Australian Democrats will not be supporting the referral motion on these Bills for a number of reasons. When this motion was originally mooted on 29 June I was sympathetic to it because an extensive Supplementary Notice Paper had just been circulated. There was also the complex interrelationship with a matter which at that stage was in another place and the fact that people did not have access to papers relevant to it. However, the issue has now moved on. People have had time to look at the matters being introduced on the Supplementary Notice Paper which address the issues raised in the second reading speech. I need to put that comment into context.

Hon John Halden's comments were based on my contribution to the second reading debate, which predates the amendments on the Supplementary Notice Paper. Many of the concerns raised in that contribution were addressed by matters that have been placed on the Supplementary Notice Paper. I have had a great deal of input from the community in the past couple of months; many people have sent me opinions on both sides of the issue. Although the committee system is a very good place to air issues, there is difficulty in having them dealt with promptly. This motion could be regarded as a delaying tactic rather than one which has the aim of doing something to address the Government's commitment to contracts that must be dealt with within a certain period of time if they are to proceed. In this instance a great deal of work must be done on the issue and it is time to address it in the committee stage. We can do that in this place rather than by sending it to the Standing Committee on Public Administration. The Australian Democrats will not be supporting the referral.

HON PETER FOSS (East Metropolitan - Attorney General) [2.31 pm]: I was not aware that I had given any legal opinion to Hon Helen Hodgson; I have checked and she agrees I have not. I believe Hon John Halden is referring to an issue concerning the Prisons Act. I have made it clear at all times that the Court Security and Custodial Services Bill requires the authority of Parliament. One of the major problems with the Bill is that we do not believe that the people currently performing the work have the statutory authority to do all the things that we believe they should be doing. This Bill confers authority not only in general terms to perform the work that is required, but also on the people who are currently doing it. Without that, we are concerned that they do not have the full capacity to perform the work. Apart from any contractual point of view, the current authority of these people has been called into question.

I agree with Hon Helen Hodgson that this matter has had a great deal of airing; I know philosophical differences will remain. I take issue with Hon Giz Watson on what she gained from reading *The West Australian* which she said referred to a car fiasco. In succinct terms, the so-called car fiasco is not one. The arrangements that we implemented for car leasing have saved the Government \$39m. Due to the proposed introduction of the goods and services tax, the value of secondhand cars has dropped, with a loss in value to the government car fleet of \$30m. The truth is that value would be lost whether the fleet was owned or leased. We have a net saving of \$9m.

The PRESIDENT: Order! Attorney General, I do not understand the relevance of car leases to this debate.

Hon PETER FOSS: It has no relevance, Mr President, other than that it was referred to by Hon Giz Watson as an example of how contracting out has led to a fiasco. I am saying that not only has contracting out not led to a fiasco but it has also saved Western Australia a considerable amount of money; in the case of car leasing it has saved \$39m. Hon Giz Watson's problem is that if she reads *The West Australian* and believes its headlines, she will have an extraordinary misunderstanding of the facts. She should be listening to reality rather than reading the headlines of *The West Australian*. I again say on behalf of the Government that we will oppose the referral.

Question put and a division taken with the following result -

Ayes (12)

Hon Kim Chance
Hon J.A. Cowdell
Hon E.R.J. Dermer

Hon N.D. Griffiths
Hon John Halden
Hon Ljiljanna Ravlich

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (15)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Helen Hodgson
Hon Barry House

Hon Norm Kelly
Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Tom Helm
Hon Mark Nevill
Hon Cheryl Davenport

Hon W.N. Stretch
Hon Murray Montgomery
Hon B.M. Scott

Question thus negatived

COURT SECURITY AND CUSTODIAL SERVICES BILL 1998

Committee

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

Clause 1: Short title -

Hon JOHN HALDEN: It will not surprise anyone in this Chamber that on behalf of the Australian Labor Party and probably others I intend to oppose this Bill at the short title.

A motion to expose some accountability to this process has been defeated. I am glad it is on the public record. Considerable debate has occurred on the savings of police personnel that will be made as a result of this legislation. We also understand that savings will be made regarding the use of prison officers because they will be redirected to core services.

We are advised by the minister in his second reading speech as follows -

Existing service delivery arrangements in respect of the functions covered by this Bill are ill-defined, fragmented and complex - involving multiple public and private sector agencies operating under different service mandates. This leads to duplication of effort, service overlap and increased exposure to potential service failure. Currently, the State's investment in policing services is not being used to its full potential.

We must remember that the Australian Labor Party and, I think, others in this Chamber were prepared to have this "third force", but it did not have to be privatised. The minister's aims could have been achieved in a public service arrangement. However, that is not the ideological bent on this matter. The Government's aim is to continue down the path of contracting out and privatisation.

If we accept that this arrangement could have been public or private, we must ask: What, besides ideology, led the Government to this position? Was there a huge outcry from the public that it wants its court custodial and transport system privatised? Over the past 44 years of my life there has been a deafening silence on this matter. A bunch of ideological people, led by a former ideologue of the Liberal Party, are delivering their principal ideology.

When have people been breaking out of our courts? When were people being assaulted? Is the whole system in such a state of decay that it led to the view that private was better than public? The community was quiet on that front also.

The CHAIRMAN: Order! I trust the member is not revisiting his second reading speech.

Hon JOHN HALDEN: I would never do that, Mr Chairman. We are debating a proposal that did not have its genesis in any degree of public demand or concern. It had its genesis in ideology. When the ideology argument was failing in this place, the minister had to devise a series of amendments to accommodate the Australian Democrats. That was, principally, to introduce the idea of an inspector of custodial services, something the minister did not want when the Bills were originally drafted. We have not thought through the implications of including the inspector of custodial services provision set out in the Supplementary Notice Paper. We want to know how it interrelates and what is the interrelationship between the other Bill on today's Notice Paper and the Prisons Amendment Bill.

An issue concerning court security privatisation and outsourcing has been tagged onto another issue - the inspector of custodial services. Every one in his right mind has come to the view that an inspector of custodial services is necessary and that the powers and responsibilities of that office should be a priority for this place, but not a priority to be sold off with, and attached to, another issue of policy. Unless someone wants to play smart political brokerage, the issue of policy should not have been the link between an inspector of custodial services and the privatisation of these functions.

As we discuss the workings and the rationale behind the various clauses of this Bill, it will be interesting to hear an explanation for the necessity to privatise and outsource this function. I will be delighted to be enlightened by the pearls of wisdom of the Attorney General on where I am wrong, why this had to be privatised and what are the deficiencies of the existing system, in addition to those to which I have already referred.

If the issue of the inspector and this Bill are to be linked, a number of features of the Bill should be examined. I need only open the Bill and flick over the pages to clause 46 under division 2, "Vetting and control of contract workers in relation to high-level security work", to note that paragraph (a) refers to an offence for which the contract worker is convicted in any part of the world. Paragraph (b) refers to the payment of the whole or a part of a penalty under a traffic infringement notice. I do not know what the relevance of that may be, particularly if it is a minor offence.

I wonder whether many of these requirements are an infringement of people's rights. In fact a more thorough investigation of this Bill and its implications for contract workers' rights could have been provided by annexure to this Chamber rather than in this Chamber.

Hon Peter Foss: Are you reflecting on the vote of the House?

Hon JOHN HALDEN: I would never do that. I understand numbers; I do not have them, but that does not mean I cannot comment on the substance that might be here. The Government will yet again go down the path of contracting and outsourcing. On a number of occasions in this Chamber we have been assured of the financial savings, the efficiencies and guaranteed services that would improve. Do members remember the contracting out of bus services?

Hon Kim Chance: And orderlies at Sir Charles Gairdner Hospital.

Hon JOHN HALDEN: Yes. We were guaranteed that it was all for the betterment of mankind in this State. Here we go again being asked by a minister to accept that this Bill will provide the same degree of benefit.

We will be interested in establishing that on the record as we wander through this afternoon's debate. We will reflect on some of the problems that have been created in other places where this has happened. However, I would never, as the Attorney General earlier suggested, want to reflect on previous decisions of this place. The public record will provide that for us, unless the Bill is as successful as the Attorney General tells us it will be. The Labor Party opposes the short title.

Hon PETER FOSS: Some time has passed since this Bill was first placed on the notice paper, so I feel that I should remind members paying attention to the debate that there are 21 pages of clause notes relating to the original Bill and three pages of supplementary explanatory notes about the proposed committee amendments. I draw that to the attention of members who wish to follow the debate so that they can refer to them.

Hon John Halden's speech indicated that the Opposition objects only to one particular aspect of the Bill. By that I mean the Opposition objects to one aspect in principle. I am not talking about the detail because we have not reached those clauses. That objection is the capacity to contract out. Therefore, I hope the majority of the concern will be expressed in debate on part 3 of the Bill, which deals with contracting out, although some of part 2 also refers to contracting out. Therefore, I assume there will be a greater degree of agreement through the rest of the Bill.

It was stated that the Government had no intention of having an inspector of custodial services. That is incorrect. The Government has already put an inspector in place. The difference was that it did not propose it be a statutory position. Soon I will table the first report by that inspector. It was always the Government's intention to have the inspectorate separate from the offender management area. These amendments will turn that position from a creature of the Executive into a creature of statute. That is a significant change that Hon Helen Hodgson and the Australian Democrats were keen to see. The Government has no problem with that. Governments do not like to set up too many structures because it costs money every time such a structure is set up. Governments generally try not to put too much load on the public purse. I have no in-principle objection to a statutory inspectorate. The Government has agreed to that. What is proposed is very good. It goes even further. The inspectorate is not just for the custodial services in the prisons but also in the court area. I have also given the Australian Democrats an undertaking that the Government will introduce legislation to extend the inspectorate into juvenile facilities, because that is dealt with under a different Act than the one the Chamber is dealing with. I put it on the record that the undertaking has been given.

Hon Helen Hodgson: And community correction services.

Hon PETER FOSS: It will also be extended to community based services. This takes into account not only the lockups in the general court area but also those in the Police Service. It is a wide-ranging inspectorate. When we sit down and have dialogue, we end up with a good result. The Government would never claim that it came up with the best idea on the first go. The Australian Democrats' contribution was very useful to test the legislation and work out a satisfactory statutory position with a wide-ranging brief. The Chamber should be pleased that the processes of this place are such that we can have that result. It is to be commended.

I refer to the question of whether the inspectorate should be contracted out or whether there should be a third service. I understand that the idea of contracting out was originally floated with officers back in 1981 by Hon Joe Berinson. It is not a matter of the Government being ideologically committed to contracting out -

Hon John Halden: Did the Attorney General say 1981?

Hon PETER FOSS: It was 1981. Anyway, it was originally raised by Hon Joe Berinson.

Hon N.D. Griffiths: In what context was the idea floated and is it appropriate to talk about what went on under a previous Government?

Hon PETER FOSS: The Government is not ideologically committed to contracting out in the same way the Labor Party is ideologically committed to opposing it.

Hon N.D. Griffiths: I think the Government is committed to it.

Hon PETER FOSS: The Labor Party accuses the Government of ideology, but it has no ideological commitment to contracting out. The Labor Party has an ideological commitment to opposing it. Contracting out is suggested because Western Australia still has a limited capacity to make changes within the Public Service, unlike the Commonwealth Government - which was a change that occurred under the Labor Party - and most, if not all, Australian States. The ability to have flexible hours and to deal with people who do not perform is far more difficult in the Public Service than it is in private business. The answer to Hon John Halden's objections may well be to make the Public Service more competitive.

Hon N.D. Griffiths: You are the Government!

Hon John Halden: When the Attorney General wants to shed that responsibility, we will walk over there and take on the job.

Hon PETER FOSS: The interesting point is that the Government is prepared to do that. It thinks that one of the ways it can do that is by contracting out. The legislation does not compel the Government to contract out. Therefore, in the unlikely event of the Labor Party once again being trusted by the people of Western Australia with the fiscal and other management -

Hon N.D. Griffiths: Jeff Foss!

Hon PETER FOSS: The member can say Jeff whoever. What about Brian Burke?

The CHAIRMAN: Order! Perhaps comments should be directed to clause 1 of the Bill.

Hon PETER FOSS: I agree. References to former Premiers, whether they are Western Australian Labor leaders or Victorian Liberal leaders, are probably irrelevant to the debate. In the unlikely event of the people of Western Australia once again entrusting the management of the Government to the Labor Party, it may have to make a decision which is, I hope, not just based on ideology but good management.

Hon N.D. Griffiths: We would never behave like this Government.

Hon PETER FOSS: If the Labor Party then comes to the conclusion that contracting out is not such a good idea, it can create that third service. The interesting thing, which I mention in passing, is that the Rt Hon Tony Blair went into Government in the United Kingdom on the basis that he was ideologically opposed to private prisons.

Hon John Halden: The conservatives had locked him into 20-year contracts.

The CHAIRMAN: Order!

Hon PETER FOSS: Once Mr Blair assumed Government, not only did he come to the view that he should continue the current contracts, but he also built new private prisons. One of the things that must be understood is that Governments have to achieve the best value for money for the public purse.

Hon N.D. Griffiths: The Attorney General is certainly not doing that.

Hon PETER FOSS: One can make these wonderful statements and read *The West Australian's* headlines, but one does not always get a lot of information from that.

Hon N.D. Griffiths: I was actually talking about the congressional report.

Hon PETER FOSS: One can read congressional reports. One can also see what Rt Hon Tony Blair and Rt Hon Jack Straw - a man with a very historic name if ever I came across one - have done in the United Kingdom.

Hon N.D. Griffiths: What a gratuitous insult to one of our parliamentary colleagues in the United Kingdom.

Hon PETER FOSS: I would never make a gratuitous insult. I am not sure what the insult is.

Hon N.D. Griffiths: I will make sure Jack Straw reads your insult.

The CHAIRMAN: I am sure it might be a famous name, but I am not sure about its relevance to clause 1.

Hon PETER FOSS: The name is not terribly relevant. I want to assure the Chamber that by referring to the historic antecedents of the name I was not in any way indicating disapproval of Hon Jack Straw. I am sure that his parents chose that name with great care and attention, and I happen to think it is the name of a very important person in history.

The point is that Hon Tony Blair and Hon Jack Straw, despite having an ideological opposition to contracting out - as the Labor Party has in Western Australia - have not only continued with but expanded the provision of prison services through contracting. This legislation does not say that we must have contracting out; it says that we may have it. The Government has indicated up front that it wants to contract out. That is a decision that the Government is entitled to make. This legislation will allow us to do that. If members opposite do not like it, if and when they get a mandate from the Western Australian people they can decide whether to continue it.

Hon John Halden: You can tell the Democrats that sort of nonsense; they might believe it, but we will not. That sort of piffle will never go down with us.

Hon PETER FOSS: When we get onto issues to which the Labor Party has an ideological commitment, one can never expect to deal with the legislation; one must deal with catch phrases, insults and things like that. I would like to think that this Chamber can deal with the legislation. Members opposite have already indicated that they have a problem with only one part. I sincerely hope that as we go through the Bill that will show up in the debate. We can dispute part 3 when we get to it. Government members do not have an ideological commitment to contracting out; we are happy to have whatever is the most efficient method. The people who have the ideological block are members of the Labor Party. Rather than accusing everybody else of having ideological problems they should look at themselves. I know the Labor Party in Western Australia has this problem, as does the Labour Government in the United Kingdom. The realities of this are that when one is in government one must act responsibly. I know that the last Labor Government probably did not get that point. I hope the next Labor Government will have learnt the lesson and will act responsibly under those circumstances.

Hon Bob Thomas: Haven't you learnt anything from Victoria?

Hon PETER FOSS: One can always tell when it is an ideological hiccup for the Labor Party, because we get these taunts and noises. I intend to deal with the Bill. I sincerely hope the Labor Party deals with the Bill and does not spend the time engaging in political rhetoric. I hope it gets down to dealing with the Bill, because that is what I intend to do.

Hon JOHN HALDEN: This might be the appropriate time to raise this issue and to get an answer from the Attorney General. I understand that the Chief Justice has written to the Attorney on numerous occasions with numerous concerns about this legislation. What clauses do his concerns relate to, and has the minister addressed his concerns, so that we can consider the clauses in which his concerns have not been addressed? I know by way of question time in this place that the minister has said there are a number of those clauses, and I would like to know what they are.

Hon PETER FOSS: I am in a curious position because Hon Nick Griffiths tells me that it is appropriate to seek the views of the judiciary but not to quote them. Not only do I have some sympathy with that view, but I agree with his point that the judiciary should be consulted but not cited. I will explain what we generally did. The Chief Justice had a particular problem about the ultimate authority over the control of the affairs of the courts. We sought to deal with his concerns in division 4 of part 2. We inserted clause 33, which is in division 3 of part 2. It is probably fair to say that on some issues we agreed to disagree. However, I do not take the view that we should be dictated to by the Chief Justice on everything. It is necessary to meet his concerns on certain matters; in other matters it is for the Chief Justice to put his views forward and for the Government to decide whether he is the most important person to contribute on it or otherwise. He was very concerned about clause 34 on a matter that related to the court's powers. He also asked that the chief judicial officer be consulted, which is contained in clause 35. He raised a number of other matters. On some he is satisfied, and on others we took his comments on board but did not necessarily adopt them, although we tried to accommodate them where possible. The Chief Justice is not the ultimate legislator for this State. It is important to deal with those areas which are legitimately matters he says must be addressed, otherwise his position as Chief Justice and the person in charge of the courts is affected. We have definitely tried to accommodate those matters. However, in matters where we think one thing, he thinks another and Parliament might think something else and a decision must be made, it is a legitimate role of Parliament rather than a role of the Chief Justice. We have dealt with those matters in which he has a legitimate reason to insist upon being satisfied. Where we have been able to accommodate him we have, but there will be some matters where we differ, but it is not a matter of going to the wall over it.

Hon JOHN HALDEN: It is hard to believe that the Attorney General has just said that we should not table the comments of the Chief Justice, and we could not possibly refer to them. What about openness and accountability? We have had one demonstration that we will not have that today. Although we can refer to documents obtained under the Freedom of Information Act, I had hoped that the Attorney General would go through these matters with frankness.

Hon Peter Foss: You should ask Hon Nick Griffiths to ask me to do that, because I know that he does not agree with you on that.

Hon JOHN HALDEN: The Attorney is not dealing with Hon Nick Griffiths but with me. Under FOI legislation we have procured information which clearly shows that for a protracted period the Chief Justice had considerable concerns with this legislation. Some of these concerns related to clauses 34 and 35, but they also related to clauses 37, 57, 21, 34, 46, and 53(5) - just to name a few on that page of his letter. It may be that some of his concerns have been resolved. However, as I said in my initial comments, I am interested not so much in what has been resolved but in what has not been resolved so that we can look at those issues.

Hon Peter Foss: I will make sure that we do. However, I make the point that I do not regard the Chief Justice as the arbiter of what we should do in this legislation, nor do I regard his comments as necessarily being the be all and end all of what is right and wrong. I will be happy to tell you how we have addressed them.

Hon JOHN HALDEN: I do not want to make the Chief Justice the arbiter in this matter.

I am looking at the comments of the person who is physically responsible in a day-to-day sense as well as in an overall sense to see whether Government has given consideration, whether right or wrong, to those views.

Hon Peter Foss: I will get Dr Ken Michael's summary of the situation. I do not have it here at the moment. His view as to how that has been resolved will probably help the member.

Hon JOHN HALDEN: During this debate questions will be asked about the employment conditions of these contract workers, how they will be dealt with, and - to use the words of the minister a littler earlier - the flexible hours, and how people who are not performing will be dealt with. We will seek information as to the best value for money concept to which the minister referred. I draw his attention to those matters so that if he requires more information, he is able to get it.

Question put and a division taken with the following result -

Ayes (15)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Helen Hodgson
Hon Barry House

Hon Norm Kelly
Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien

Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (12)

Hon Kim Chance
Hon J.A. Cowdell
Hon E.R.J. Dermer

Hon N.D. Griffiths
Hon John Halden
Hon Ljiljanna Ravlich

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Pairs

Hon W.N. Stretch
Hon B.M. Scott
Hon Murray Montgomery

Hon Tom Helm
Hon Mark Nevill
Hon Cheryl Davenport

Question thus passed.

Clause 2: Commencement-

Hon PETER FOSS: I move -

Page 2, after line 7 - To insert the following new subclause -

- (2) Part 5 comes into operation on the day on which the Inspector provisions as defined in section 2(4) of the *Prisons Amendment Act 1999* come into operation.

This amendment refers to proposed subsection (2) which, in turn, refers to part 5, which covers the custodial services inspection.

Amendment put and passed.

Hon PETER FOSS: I move -

Page 2, line 6 - To insert after the words "This Act" the words "subject to subsection (2)".

Amendment put and passed.

Hon JOHN HALDEN: I seek some information about the commencement provisions. I understand originally this service was due to start on 1 July of this year. I wonder whether the minister can confirm that.

Hon PETER FOSS: There have been a number of start-up days. All of them must be adjusted in accordance with what is done practically. July was not the first of those. The project has been in place for four years; that would have been the second last projected start-up date. Any start-up date will have been adjusted in the light of when the legislation is passed.

Hon John Halden: When is it expected at the moment that this contract will start up?

Hon PETER FOSS: April is now seen to be the date. Again it very much depends on what happens here. Some of the happenings in this area have been a little unpredictable. That is the desired start-up date.

Hon JOHN HALDEN: In light of the fact that there has been a tendering process, to this date has the tenderer been paid any moneys as per an agreement?

Hon PETER FOSS: Nothing.

Hon JOHN HALDEN: I ask whether the successful tenderer is likely to be paid any moneys before the start-up date.

Hon PETER FOSS: No.

Clause, as amended, put and passed.

Clause 3: Definitions -

Hon PETER FOSS: I move -

Page 6, line 6 - To insert after the words "**lock-up**" the words "subject to section 6,".

Amendment put and passed.

Hon GIZ WATSON: My question relates to an issue which is vital to an understanding of this Bill, and I raised it when I spoke in the debate on the referral of the Bill; that is, reasonable force. I notice in this clause there is no definition of "reasonable force". Will it be defined and will it include lethal force?

Hon PETER FOSS: The word "reasonable" is often used in law because it can be well interpreted by the courts. As soon as one starts to define "reasonable", nothing is more certain than circumstances will arise indicating that the definition was inappropriate. It is a word beloved by lawyers as it is left for the court and the ordinary man to determine whether an action was reasonable in the circumstance. Does the person think that what was done in the circumstances was reasonable? The English test is the man on the Clapham omnibus, and I suppose our equivalent would be the person on the Wanneroo train. It is a matter of whether a person in the crowd, an ordinary sort of person, would think an action was reasonable. The law has defined what is reasonable, without defining the circumstances in certain cases. Circumstances can vary greatly, and "reasonable" can be determined only in the circumstances involved. The legislation contains no proposal to define "reasonable" because the term is well known and broadly used in law. To define it would lose the benefit derived by courts over many years in the concept of a reasonable person.

Hon GIZ WATSON: I thank the Attorney General for the explanation, which I accept. Does reasonable force include lethal force?

Hon PETER FOSS: In view of the answer I gave, it depends on the circumstances. Take a situation: Three armed, masked men burst into a court and take the judge hostage. They threaten to do something to the judge if the prisoner in the dock is not released. Under those circumstances, it may be appropriate for lethal force to be used if the only way to free the judge and save his or her life were to shoot one of the masked men holding the judge hostage. Under those circumstances, I hope the member would think it was reasonable force. It is up to the member. If she thinks it is reasonable, and she is a reasonable person, we probably would have the answer - the court would say it was reasonable force. If she thought it was excessive and unreasonable, which is a general test, it would not be reasonable. It is a matter to be interpreted not by a lawyer, but by an ordinary person. The test is what an ordinary man or woman would say is reasonable.

Hon Giz Watson may not be able to give circumstances in which she believes it is reasonable to use lethal force, but I am

sure she could give circumstances in which such force was unreasonable. However, the test is the same in every case. I would not mind hearing from the member whether she thinks the example I gave was an exercise of reasonable force. If she believes it is, I have given an example of reasonable force. If she does not regard it as reasonable, we may need to pose a more extreme example regarding when lethal force is justified.

Hon GIZ WATSON: Are there any other examples the Attorney General can give in which a private contractor will be given the right to use lethal force?

Hon PETER FOSS: Every citizen may have the right to use lethal force in certain circumstances. We had a very complicated Criminal Code provision relating to the use of force. It is still complicated in some areas. One can use reasonable force in preventing a crime. If it is reasonable to use lethal force, it is reasonable. It is not to say that one can use lethal force. One can use reasonable force. Reasonable force includes lethal force only if it is reasonable. If it is not reasonable, it cannot be used. It is not giving people an open cheque to use lethal force. It is the same as the case with ordinary citizens. Such force cannot be used unless it is reasonable. If one behaves unreasonably, one has no protection, and protection will be afforded only if one behaves reasonably.

I did not hear Hon Giz Watson answer my earlier question: Does she think that the example I gave would have justified lethal force? I think it would. Such a circumstance justifies that force, whether it be a police person or a private citizen. The circumstances must be reasonable.

It would be more reasonable in the example I gave if the person using that force has the responsibility to look after a judge, as opposed to a person simply sitting at the back of the court in attendance as a witness. If someone who happens to have a firearm on him or her were at the back of the court and decided to open fire to protect the judge, that would be different. All circumstances must be taken into account, including the duty of the person applying the force.

We have the concept of an officious bystander. People who decide to intervene in an argument by pulling two parties apart can be in trouble because they are officious bystanders with no interest in the matter. A member of a group of friends would be more justified in stopping a fight than an officious bystander. Reasonable can be determined by considering whether an officious bystander or a person with a duty or responsibility is involved. It is not a matter of whether the person is a contractor, but whether he or she has responsibility to care for the safety and life of that judge. Please tell me if I have not dealt with the problems raised.

Hon GIZ WATSON: I apologise for taking some time, but this point is important. Is it envisaged that the contractors will carry arms? Are the powers to be conferred by this legislation in the use of force to be equivalent to that currently given to the police?

Hon PETER FOSS: No provision of this legislation will allow the carrying of firearms. It is not intended that people should have firearms. We have not defined reasonable force, certainly in the use of lethal force, because reasonable force is interpreted often by the courts, and is a well-known concept. Therefore, one would only detract from it by seeking to define it. It is something well in the control and understanding of the courts, which do not need the assistance of Parliament to interpret that concept.

We are not doing anything new, or giving an extra right to use lethal force. Reasonable force adopts meaning from the Criminal Code. It applies whether people are police officers or members of the public. It is not intended to change that concept of reasonable force. Reasonable force in most cases does not include lethal force. That does not mean it cannot include lethal force, but, generally speaking, extraordinary circumstances must be involved to justify the use of lethal force. I am not trying to change the meaning of "reasonable force", as the courts have always interpreted it. We are not trying to change a well-developed and well-tested concept.

Hon JOHN HALDEN: The definition of "frisk search" on page 5 of the Bill is "a quick search of the person by the rapid and methodical running of hands over the person's outer garments". That is perhaps not the best definition; in fact, it is particularly open-ended and able to be abused, and could be particularly offensive to people involved in such a search. The whole concept of frisk searching is difficult to the extent to which one invades someone's personal space and exceeds the letter of the law. My concern is that this definition is inappropriate. It leaves an enormous amount open to interpretation. It could be the interpretation of a court, but it may well leave too much to the interpretation of a worker. What is quick and what is not; what is rapid? There is the concept of methodical and rapid rolled into one. Running hands over a person's outer garments may cause the odd problem, embarrassment or worse. The definition needs to be improved for the protection of people conducting the search and those on the receiving end.

Hon PETER FOSS: I think most of the member's concerns will be addressed if he turns to pages 57 and 58 where the words are used. Schedule 1, clause 4 gives the power to search persons and their possessions. Subclause (1) refers to the power to ask a person who is about to enter, or who is already within, court premises to allow a search to be made of his or her person; and to allow a search to be made of any thing in a person's possession, for any property that the authorised person believes on reasonable grounds is likely to adversely affect the security, good order or management of the court premises. Subclause (2) indicates that regulations may prescribe persons or members of classes of persons who are not to be searched under subclause (1). Subclause (3) states -

- (3) A search under subclause (1) -
 - (a) may be conducted by one or more of the following means . . .
 - (iii) by frisk search;
 - and

- (b) must be conducted expeditiously and with regard to decency and self-respect.

That qualification relates to the point the member is making. Although the general power to frisk search is given, there are several qualifications. Subclause (5) reads -

A search under subclause (1) of a person apparently 10 or more years of age that involves the removal of clothing -

- (a) is not to be conducted unless the person to be searched has first been asked whether the person has with him or her any property that is likely to adversely affect the security . . .
 - (b) is not to be conducted unless the person to be searched has been given the opportunity to have the search conducted in private and, if the person so chooses, the search is conducted in private;
 - (c) is to be conducted, where practicable, by an authorized person of the same sex as the person searched;
 - (d) is to be conducted, where practicable, in the presence of only persons of the same sex as the person searched; and
 - (e) is to be conducted in the presence of not more than 2 authorized persons.
- (6) A search under subclause (1) of a child apparently under 10 years of age that involves the removal of clothing is to be conducted -
- (a) by a female authorized person;
 - (b) in the presence of the person accompanying the child unless that person refuses to be present; and
 - (c) otherwise in the presence only of female persons.

The point the member raised has been anticipated by parliamentary counsel and has been provided for in that schedule. Of course, there is further capacity to anticipate it in the regulations under the Act.

Hon JOHN HALDEN: Subclause (6) refers to a child apparently under 10 years of age. I am not sure whether this point is covered: If a parent, guardian or the person with the child refuses to accompany the child, is it mandatory that such a search be conducted with two people present? One would think that there is a requirement to some degree of safety both ways. If an adult was incapable or refused to be involved in the supervision of a search, there should be at least two adults present with a child under the age of 10 years.

Hon PETER FOSS: It is not statutorily required. The Bill provides that the person accompanying the child must be present unless the person refuses to accompany the child. That provision is obviously there so that the searching of the child is not defeated by the refusal to be present. It is not usual that people refuse to be present. The only reason they would have for refusing to be there would be if the statutory provisions allowed defeat by refusing to be there. This echoes a provision in the Prisons Act and regulations. This is due to the unfortunate fact that a fairly common method of smuggling things into jail is to conceal them on the persons of children. One may comment on the morality of the adult who does that. However, I would expect that generally speaking there would not be a problem. Once that exception is there, I do not see any reason that the person accompanying the child would refuse to be present. We do not have the requirement that there be two persons; in fact, we have the requirement in the previous clause that there be no more than two authorised persons. We do not want such a search to be done in front of a large gaggle of people. I accept the point the member makes, but I expect that in the unlikely event that the parent refuses to be there, which does not happen because it would not do him or her any good, there would be likely to be two persons present to make up for the absence of parents. There might even be two persons even if a parent is present.

Hon JOHN HALDEN: I raise this because of an experience I was advised of when I worked in the department. The Attorney General is correct when he says that, on occasions, children are used for smuggling.

Hon Peter Foss: All too often.

Hon JOHN HALDEN: Yes. The difficulty that was reported to me was that the child was not with a parent or guardian but was accompanying a friend when used in this activity. Once the suspicion arose that the child might well be carrying contraband, the person who was with the child denied that the child had anything to do with the person and that the person had not brought the child in. In fact, the person wanted to leave. To establish that the child had contraband on him or her a search had to take place. If someone denies supervision - I am not talking about a parent or guardian but the next door neighbour, for the sake of argument - to establish that any illegal activity is about to occur or is occurring, the first prima facie step is that the child must be searched. As I understand it, this was not an intrusive search, but it had to happen in the way we are looking at in this Bill. In such difficult circumstances there should be no ambiguity as to the safety of the child and the protection of the workers involved. The allegation followed that the child had been searched and molested. The next allegation 15 minutes later was that the drug had been planted on the child and that the prison officers were out to get the adult.

What is a manageable situation at one point with two workers could become a highly inflamed situation if there were a degree of vulnerability one way or the other. It appears that there is an ambiguity that should be covered. I do not believe it will cause great expense, but it could prove to be valuable.

Hon PETER FOSS: We must distinguish between legislation that deals with those matters that must be dealt with legislatively - that is, those conferring a power that does not otherwise exist - and proper management. This legislation confers the power to do something that cannot otherwise be done. There has been a tendency for legislation to be the instruction book. In fact, some time ago, Cabinet adopted a resolution that we should try to go back to the concept of legislation doing only those things that it is required to do.

I agree with regard to operating procedures that it would be sensible to instruct that there be two people present. However, there is a difference between an operating instruction stipulating that someone not do something for his own safety and an Act of Parliament providing that to exercise this power two people must be present. We are dealing with the provisions required for the protection of the child, not for the protection of the searcher. Those things can be done without the authority of Parliament and they can be adjusted from time to time using operational rules. It may very well be that the operational rule requires that three people be present. However, we must make the distinction between what is in the Act that must be there because Parliament is altering the common law rights of individuals, and operational matters. Operational matters that can and should be capable of being changed from time to time should not be in the legislation.

We pass a huge quantity of legislation. We sometimes see a 10-page Act repealed and replaced by an 80 or 90-page Act. Half of the content is not necessary because it is telling the story. We now tell people the story in Acts of Parliament. Of more concern is the fact that, because those details are in the Act, they become the subject of court action. That causes another problem, so we add another 10 pages to overcome that problem. The simplest method is to include only what is required in an Act of Parliament. The number of activities that need to be covered by an Act of Parliament is very small indeed.

I urge members not to fall into the trap of having an Act of Parliament as the story of how all this will happen. An Act of Parliament must deal with those activities that require legislation. They are usually when the State wishes to impose a penalty, to give a right to do something that is not possible under common law, to create a statutory corporation, to impose a tax or to spend government money. Traditionally those activities had to be the subject of an Act of Parliament. Old Acts of Parliament - not those of the 1890s because that was also a bad time - are remarkable for their brevity. If we could get back to that position, the world would be a better place. We introduce legislation which is far too long, far too detailed and far too prescriptive and which deals with activities that do not require legislation.

This clause is correct. The point the member makes is good. I am sure it has already been noted but, if it has not, it will be noted now. I will ensure that the point raised is dealt with as an operational matter rather than as a statutory matter.

Hon GIZ WATSON: This is an important point. I refer not only to children but also to those who are incapable. The point has been made that it is important not to have too much detail in legislation. This could well be an issue if a charge or legal challenge came out of the circumstance that Hon John Halden mentioned.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon JOHN HALDEN: With regard to the issue of the number of people who should be present at searches and not making legislation any longer than it needs to be, I accept all the Attorney General has said. I accept also that he may take some cognisance of the issue I have raised in future considerations.

I refer to the definition of "court premises". Paragraph (e) refers to -

the car parking and other areas within the external precincts of the building that are used for court purposes;

I understand that currently in some courts there is provision for security to be provided by private agencies. Will those private agencies continue to provide that service under this legislation or will that service be taken over by the successful tenderer? If not, are there likely to be considerable costs associated with this additional function if it is not already performed?

Hon PETER FOSS: That contract will not be renewed when it expires; it will be taken over by the new contract. It has been renewed on a monthly basis in the meantime. It is purely a matter of issuing a termination notice and allowing this contract to take over.

Hon JOHN HALDEN: Until I saw this recently I was not aware that security was provided in this manner. There will obviously be additional costs for this service. Without breaching confidentiality, can the Attorney General provide details of the current costs associated with this service?

Hon PETER FOSS: The current contract is a little over \$800 000 per annum. It covers perimeter and corridor security, but does not include court security. I am not sure whether I have dealt with the question.

Hon JOHN HALDEN: What is the current cost of providing security in the car parks and other areas as mentioned here? Will that be added to the contract that supersedes this contract and will it include all the privatised work outlined in this Bill?

Hon PETER FOSS: There is no additional cost. The contract provides for all those services to be undertaken by one person. The current contract will be terminated and the new contract will take over all responsibilities for the perimeter, the car park, the corridors and inside the courts. The difference is that this contract will cover the entire premises, unlike the current contract, which covers only the outer areas.

Hon JOHN HALDEN: I refer the Attorney General to the definition of "contract worker". To what extent can contract work be subcontracted?

Hon PETER FOSS: In part that will be determined by the contract. To the extent the contract permits subcontracting, it is subject to the same processes of the Act. This definition is included because it covers everyone.

Hon JOHN HALDEN: I have read that the one thing the contractor cannot do is subcontract the totality of the contract.

Hon PETER FOSS: That would not be a subcontract.

Hon John Halden: I know. I am referring to the contract as a whole. Can the minister confirm that the contractor cannot contract out the primary responsibility of the contract in totality or near totality.

Hon PETER FOSS: The member is dealing with a legal concept rather than something which is covered by the Bill. If we assign a contract, we still maintain contractual responsibility. There is no way that we devolve our responsibility for that contract. If we contract with a particular contractor, that contractor is obliged at all times to perform the contract. It cannot pass that obligation onto someone else. In the terms of the contract, it may subcontract and the contract will define what it is entitled to do. However, the contractor can never get rid of the primary responsibility and will be held contractually responsible, irrespective of who is actually doing the work.

Hon John Halden: That answers my question and I thank the minister for that. We have not reached clause 7 yet but it is related to this matter. I am confused about the definition of "court custody centre" in clause 7 which states -

"court premises" does not include any court custody centre that is part of those premises.

Clause 3 states -

"court custody centre" means a part of court premises, other than the dock in a courtroom -

Hon PETER FOSS: The member is saying there is a conflict?

Hon John Halden: Yes.

Hon PETER FOSS: The definition in clause 7 is for that clause only. In clause 7, "court premises" does not include any court custody centres; in clause 3 "court premises" does include a court custody centre. Clause 7 makes it clear that its provisions do not refer to court custody centres because there is another set of provisions for that definition in clause 3.

Hon John Halden: It is probably a game for simple players to be caught like I was. However, it should be clear, as the minister just explained it, in the definition clause. In other words, the exception should be made clear in clause 3 in addition to clause 7.

Hon PETER FOSS: It is not usual for the parliamentary counsel to do that.

Clause, as amended, put and passed.

Clause 4: Interpretation of "hospital" and "person apprehended under the Mental Health Act" -

Hon JOHN HALDEN: I seek some clarification, specifically in regard to subclause (2) which reads -

A reference in this Act to a person apprehended under the Mental Health Act is a reference to a person who has been apprehended under an order made under section 34, 41, 71, 84 or 195 of the *Mental Health Act 1996*.

Hon PETER FOSS: The member is asking me a legal question and I am sure the answer would be in the Act but offhand I do not know.

Hon John Halden: There is no power under this Bill, which will presumably become an Act, to apprehend a person?

Hon PETER FOSS: No. First, there has to be somebody who has already been apprehended and therefore we are talking about that person. We are trying to refer here to a class of persons who have been given that status by virtue of action taken under another Act of this Parliament. This does not alter that status. It interprets whom we are talking about when we refer to a person apprehended under the Mental Health Act.

Hon John Halden: Why is this provision required?

Hon PETER FOSS: Sometimes those people end up in custody. They are persons who have been apprehended by a police officer, on the order of a doctor, for assessment and who may be placed in custody pending placement in an authorised hospital. They could well be in a lockup awaiting transport to a mental hospital. This provision will clarify who is being referred to. They will not be under arrest; they will have been apprehended. We must use the correct terminology. It is the tying up of the two provisions.

Progress reported and leave granted to sit again.

NEW TAX SYSTEM PRICE EXPLOITATION CODE (TAXING) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.58 pm]: I move -

That the Bill be now read a second time.

The object of this Bill is to support the New Tax System Price Exploitation Code (Western Australia) Bill, and it is intended to come into operation on the same day as that Bill. Essentially, this Bill provides that if a fee is a tax in connection with the regulation of the New Tax System Price Exploitation Code, this Bill will impose the fee. These fees must be paid to the Commonwealth.

A separate Bill is required to deal with this matter due to legal and constitutional issues which arise from the operation of section 46(7) of the Constitution Acts Amendment Act 1899 relating to taxation matters. I commend the Bill to the House.

For the information of members I seek leave to table the explanatory memorandum.

Leave granted. [See paper No 279.]

Debate adjourned, on motion by Hon E.R.J. Dermer.

NEW TAX SYSTEM PRICE EXPLOITATION CODE (WESTERN AUSTRALIA) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.00 pm]: I move -

That the Bill be now be read a second time.

The object of this Bill is to assist in the prevention of price exploitation under the Commonwealth Government's new tax system. As part of its new tax system, the Commonwealth has introduced a New Tax System (Trade Practices Amendment) Act 1999. The purpose of the commonwealth Act is to prevent suppliers from profiteering, either by failing to pass on to consumers the benefits of lower taxes on goods and services, or by unjustified price increases.

The commonwealth Act inserted a new part VB into the Trade Practices Act 1974. It also created a schedule version of part VB which was modified to refer to "persons", rather than "corporations". The schedule version of part VB, combined with the other relevant provisions of the Trade Practices Act, form the basis of the New Tax System Price Exploitation Code.

Although the Trade Practices Act will apply to activity within the Commonwealth's legislative power - for example, conduct by corporations, or interstate trade and commerce - certain activities, such as transactions involving individuals or partnerships, may fall outside the scope of the Act. Accordingly, state and territory legislation is required to ensure that the code applies across the entire economy. The Western Australian Bill is designed for this purpose; that is, to overcome limitations of the legislative power of the Commonwealth Parliament.

At a special Premiers Conference on 13 November 1998, and at the Premiers Conference on 9 April this year, all States and Territories signed an intergovernmental agreement and undertook to introduce legislation to implement the price exploitation code. Owing to protracted negotiations in Federal Parliament over the GST legislation, it was not possible for States to implement the code by 1 July 1999 as initially intended. However, all States and Territories are taking action to introduce such legislation, and it is anticipated that Australia-wide legislation will be in place by early December 1999.

Under the code, price exploitation will be prohibited where a corporation or person supplies a good or service at a price that is unreasonably high, having regard for the new tax system changes. The code empowers the Australian Competition and Consumer Commission to take action to prevent price exploitation by publishing guidelines on when prices will be unreasonable; issuing notices that specify the maximum price that should be charged for a particular product; prosecuting suppliers guilty of price exploitation and seeking fines of up to \$10m for bodies corporate and \$500 000 for individuals; obtaining injunctions against suppliers who engage in price exploitation; and orders to cap prices and require refunds.

The code empowers the ACCC to monitor and report on prices in the 12 months leading up to, and in the two years following, the introduction of a goods and services tax. The ACCC can require the disclosure of information as part of this monitoring role. While the GST will not commence until July 2000, the commonwealth code commenced on 9 July 1999 for the following reasons -

wholesale sales tax on certain luxury items was reduced from July 1999 - the code will apply to prices charged for these items from this period; and

the ACCC needs to monitor prices from July 1999 to set benchmarks for prices after the introduction of the new tax system.

In addition, state legislation is needed to empower the ACCC to compel the provision of information by businesses which would otherwise be outside the legislative power of the Commonwealth. The prohibition on price exploitation applies only to transactions within two years of the introduction of the GST. The Commonwealth Act, with complementary legislation in States and Territories, will establish a national scheme for the administration and enforcement of the codes of the various jurisdictions, as if they were a single law. This will allow the various codes to be administered consistently and in the same manner as the new part VB of the Trade Practices Act.

To give effect to this national scheme, state and territory Bills contain specific provisions on the administration and enforcement of the New Tax System Price Exploitation Code. The code and the Western Australian Bill have an important part in the new tax system. In most markets, competitive forces will be sufficient to prevent unscrupulous traders exploiting

consumers and business; however, the Commonwealth and State Governments have agreed that legislation is warranted on this occasion to provide that extra level of protection.

The Western Australian Bill, in conjunction with the commonwealth Act, will ensure that Western Australian consumers and business receive the full benefit of lower prices under the new tax system by protecting them from price exploitation. I commend the Bill to the House, and I also table the explanatory memorandum.

I seek leave to table the document.

Leave granted. [See paper No 280.]

Debate adjourned, on motion by Hon E.R.J. Dermer.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Leader of the Opposition), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.05 pm]: I move -

That the Bill be now read a second time.

One of the most controversial issues in Western Australia today is the proposal by Pangea Resources Australia Pty Ltd to establish an international nuclear waste dump in WA. The public outcry was immediate and unequivocal. Western Australians do not want their State treated as an international nuclear waste dump.

Before I go through the provisions of the Nuclear Waste Storage Facility (Prohibition) Bill, I will give some background to the proposal. In December 1998, the Friends of the Earth released Pangea Resources' promotional video which outlined what the company calls the "Pangea Concept". This video sent shockwaves around the country. Pangea identified Australia - specifically outback Western Australia - as a potential waste dump for high-level nuclear waste. Significantly, it proposed that the nuclear waste would be imported from overseas.

I refer briefly to two main elements of the Pangea proposal. Firstly, it wants to establish a disposal facility in a stable democratic country that has the appropriate geology and biosphere conditions. Secondly, it wants to provide countries that want to use Pangea's services with an alternative to disposing of high-level nuclear waste in their own countries. Put simply, using Pangea's services means Western Australia's accepting the world's nuclear waste for a period of 40 years. After that time, the site would be permanently sealed off.

The concept, as described, involves a dedicated port and rail link to the inland site, covering approximately five square kilometres on the surface and 20 square kilometres underground, 500 metres down. It is planned that over the 40-year life of the project, 75 000 tonnes of imported spent fuel and high-level waste will be deposited. This is estimated to be about 20 per cent of the spent fuel generated each year by commercial reactors worldwide. It is unclear where the world's high-level nuclear waste will be dumped after the 40-year lifespan of the Pangea repository has passed. One might well ask whether agreeing to the Pangea proposal would open the floodgates to new, additional sites throughout Western Australia. It is proposed that once the repository is sealed, the nuclear waste will become the property of the Australian Government forever. This means that all the risks of storage will be transferred to the Australian people in perpetuity. Not surprisingly, Pangea and its supporters claim there will be substantial economic benefits for Australia and this State.

Access Economics has undertaken an analysis for Pangea of the purported economic benefits flowing from the proposal. It estimates that over the life of the project, export revenues of \$200b would be generated, with payments of approximately \$90b to Australian Governments through royalties and payroll and company taxes. Western Australia's share of royalties is estimated at \$300m per annum, as well as payroll and other taxes. Access Economics also claims that an additional \$36.2b would be added to the gross state product over the period 2000-2049. Undoubtedly, these represent significant economic benefits. However, there is an important qualification to the Access Economics analysis. It specifically does not provide any comment on the technological, social and environmental issues. It is the technological, social and, most importantly, the environmental issues that go to the heart of the public's concerns. The public is aware that nuclear waste is highly radioactive and that it contains Pu-239, which can be used to make nuclear weapons. Also, several previous attempts at waste disposal have failed and led to the contamination of the environment.

Western Australians are telling their elected representatives that their progress, wellbeing and quality of life are not solely dependent upon, nor measured by, the gross state product. It is fair to say that the Western Australian public has a much broader and, indeed, better balanced view of its wellbeing than Governments and decision makers have recognised. In any event, as the Access Economics study points out, the long-term care of the facility after its closure must be factored into any purported financial benefits.

The site would be operational for a 40-year period. After that time, all the responsibility - legal, financial, security and environmental - would be Australia's. We would be talking of another 10 000 to 20 000 years, which is hardly an insignificant time in human history and all the mistakes that can be made.

As to safety, Pangea claims that its operations will be undertaken to the highest safety standards, with the risk minimised. To quote Pangea's own promotional material, the risk will be "in line with ALARP (as low as reasonably practicable) principles". Pangea's standards for the facility's long term safety are based on not exposing future generations to any risks

that are higher than those judged acceptable by today's population. Firstly, this standard excludes the possibility that future research may show that higher levels of safety standards and practices than we know of today are needed. Secondly, the public knows that nothing is risk-free. There are no guarantees that even a well-resourced and planned strategy would be effective to ensure the site's safety and security, for example, in cases of natural disasters or even terrorist attacks.

The environmental impact and the risks during transportation are other reasons for public concern. Among Western Australia's greatest attractions are its natural beauty and its clean, green image. This means that Western Australians are able to enjoy a wonderful quality of life that is hard to beat. It is also the major drawcard for tourists to this State. An international nuclear waste dump, wherever it is located, would have a devastating impact on the tourism industry. I know this is of grave concern to many people in the industry. It would make a mockery of our image as a clean and green State.

The environmental concerns are not restricted to the site itself, but involve all sectors of the transportation chain, from the country where the waste is generated - the United States, Britain or Europe - to its eventual disposal in Western Australia. This will involve transporting the waste by sea to Western Australia and then overland by rail or road to the site itself. It is worthwhile remembering that in other countries, such as Germany, there has frequently been a public outcry and controversy about the transportation of radioactive wastes and other nuclear materials within and across national borders. For example, in 1997 in Germany, 30 000 police in full riot gear were needed to protect the first shipment of nuclear waste in that country, at a cost of more than \$57m. That was coupled with extensive public disruption and sabotage of the railway lines. A subsequent shipment also resulted in serious protests and violence. Later, all shipments were halted because of the discovery of contamination from the casks used to ship the waste. Despite the public outcry over the Pangea proposal, the responses at both federal and state levels are best described as ambivalent.

I acknowledge that government ministers have given assurances that it is currently not government policy to import high-level nuclear waste. Last month a motion was moved in the federal Senate opposing the Pangea proposal and it was unanimously supported by all parties. However, the public remains concerned. The public is not convinced that either coalition Government is genuinely committed to opposing the proposal. For example, we know that a Pangea representative has already met with Wilson Tuckey, the federal Forestry and Conservation Minister. Senator Ross Lightfoot has also predicted that more than half of the coalition members of Parliament would support the project. Only last week, the federal member for Kalgoorlie said that the proposal may well have to be considered in the future.

Of course, more significant for the debate in this Parliament is the response of the State Government and its members. The Deputy Premier has confirmed that he and the Premier's former chief of staff met with representatives of Pangea Resources in November 1997. Since those meetings, the Premier's office has received updates from Pangea about its progress and approaches to industry.

However, in many respects, what is more disturbing are the attempts by some senior coalition members to draw a link between mining uranium and a so-called obligation that we have to accept imported nuclear waste as a result of this mining activity. This is contrary to the present international understanding that each country is ethically and legally responsible for the disposal of any nuclear wastes it has generated. The state Labor Party supports this approach, and I was pleased to see in the *Sunday Times* on 29 August that the Premier also accepts that Western Australia should not be expected to import other countries' nuclear waste.

The member for Cottesloe has publicly stated his support for the establishment of a uranium industry in Western Australia. In respect of the nuclear waste dump proposal, in answer to a question on notice dated 1 July he stated -

I think that any country that is a significant uranium producer has some moral and international responsibility to be part of the debate on the disposal of nuclear waste.

Trying to draw this link between uranium mining and the disposal of nuclear waste gives rise to many questions about the Government's future intentions in respect of the Pangea and similar proposals.

Labor recognises that there is a high degree of public scepticism about official claims that it is not government policy to allow an international nuclear waste dump in this State. Unfortunately, there is a basis for this public scepticism, when people remember that the Premier said "no" to a gold royalty before the 1996 state election, and then promptly introduced one after winning a second term. The Prime Minister promised that he would "never ever" introduce a goods and services tax! Let us look at the very words that the Premier and his senior ministers used when questioned about a gold royalty in 1996. On 17 September the Premier told *The West Australian* -

The Government has not got the issue of the gold royalty on the agenda.

Earlier in the story, it stated -

I have not considered it (a gold royalty) as a source of revenue and it has not been built into our forward estimates for the next three years.

The next day, 18 September, the Minister for Resources Development told the Parliament, in what seems to be the most simple and straightforward language -

There is no proposal for a gold royalty.

For his part, the minister took the betrayal of voters' confidence to new lows. On the election campaign trail in Kalgoorlie, he did not mince words: He promised not to be part of any Government that broke its promise not to introduce a royalty. On 7 December, the Deputy Premier was reported in *The Kalgoorlie Miner* as saying -

. . . if there is going to be a clear statement as there has been that a gold royalty is not on the agenda, then very clearly I am not going to be part of any Government (which) having said that, then breaks that commitment.

When asked to justify this backdown after the election, he rubbed salt into the wounds by saying -

. . . unless it is over an issue that was far more serious than a gold royalty.

So brazen was the coalition Government in its efforts to deceive, that coalition candidates even made a feature out of this deception.

Point of Order

Hon N.F. MOORE: I seek advice on whether a second reading speech must relate to the Bill that it seeks to describe; or whether it can be anything it likes.

The PRESIDENT: Order! It must relate to the Bill which it supports. A subsidiary question is whether, I assume, the gold tax is somehow related to the banning of the storage of nuclear material. I understand that the comments being made at the moment are incidental to the storage of nuclear material, in so much as they are attempting to indicate a pattern of conduct or circumstances that the Parliament is being encouraged to believe have occurred, or may occur, in seeking its support for the Bill.

Debate Resumed

Hon TOM STEPHENS: Members will remember that in the election campaign, National Party candidates produced these advertisements and posters claiming that a gold royalty was not on the agenda. Mr President, let me remind you that these advertisements said -

Hon N.F. Moore: Tell us about the \$10m Brian Burke got.

Hon TOM STEPHENS: Do some new standing orders relate to second reading speeches by ministers? If there are, in future we will avail ourselves of the opportunity.

The PRESIDENT: Order! I call the Leader of the House to order. I want to hear the balance of the speech.

Hon TOM STEPHENS: As I was saying, these advertisements stated -

There will be NO gold tax!! This is NOT an issue! How many times do Labor need to be told?

It is now obvious that it does not matter how many times the coalition Government promises the public something, because its words do not mean a thing. It was on that basis that the Australian Labor Party considered it necessary to introduce a Bill to ensure that this Government did not do another about-face.

Hon N.F. Moore: It did not do that.

Point of Order

Hon E.R.J. DERMER: It is my clear understanding that second reading speeches are not to be interjected on.

The PRESIDENT: Order! It is usual for second reading speeches to be heard in silence. There is no standing order against members interjecting but the member's understanding is correct: It is the convention and the practice of this House for members not to interject when a member is giving a second reading speech, and I ask the Leader of the House not to interject.

Debate Resumed

Hon TOM STEPHENS: I now turn to the Nuclear Waste Storage Facility (Prohibition) Bill. The aim of the Bill is to ensure that the Government's stated "policy" of opposing the establishment of an international waste dump is actually enshrined in state law. Given the Government's official opposition to the Pangea proposal, I can see no reason that it should not be prepared to adopt a genuinely bipartisan approach and show its support for this Bill. I will now turn to the provisions of the Bill.

The Bill is intended to prohibit the construction and operation of a Pangea-style nuclear waste storage facility in Western Australia. The object of the legislation is to protect the health, welfare and safety of Western Australians and the environment in which we live, by prohibiting a waste facility for any radioactive material derived from the operations of a nuclear reactor, nuclear weapons facility, nuclear reprocessing plant or isotope enrichment plant. It implicitly recognises that any potential economic benefits must be balanced against the social and environmental implications. In so doing, it also recognises that there are more ways for Western Australia to progress and develop than as the world's nuclear waste dump.

Clause 7 provides that the penalty for contravening this law will be a fine of \$500 000. This penalty can also be levied on directors of a corporation. Clause 9 provides that no government or public money can be made available for the purpose of encouraging or financing any activity associated with the development, construction or operation of a nuclear waste storage facility. This law will also bind the State. Clause 10 makes a consequential amendment to the Nuclear Activities Regulation Act 1978 so as to provide that this Bill prevails over it. It is important to note that the definition of "nuclear waste" in clause 3 excludes nuclear waste that has been generated in Australia or material that has been used under licence for scientific, industrial or medical purposes in accordance with the provisions of the Radiation Safety Act 1975. The Bill is not intended to prevent the use, and consequent disposal, of radioactive material for the very worthwhile scientific,

industrial and medical purposes already occurring in this State. The Radiation Safety Act already provides a regulatory regime for this material. Labor recognises that countries which generate nuclear waste should be responsible for the disposal of that waste. I reiterate that this reflects the general international principle.

It would be highly hypocritical if Australia wanted to avoid its own international responsibilities and tried to dispose of its own nuclear waste by exporting it to another country. This is exactly the situation Australia finds itself in with the Pangea proposal. We need to be consistent and principled in the way we respond to our international obligations.

Finally, Labor recognises that a future Government, if it wanted to, could simply repeal this Bill and allow the establishment of an international nuclear waste dump within the State. However, the state Labor Party believes that the Pangea and like proposals are fundamental issues of importance to the State.

Importantly, our legislation constrains the Executive. I refer members to clause 9, which provides that no consolidated fund or other moneys can be granted or advanced to any person for the purpose of encouraging or financing the development of a nuclear waste storage facility. It should be up to State Parliament, not only the Government of the day, to decide. Any future attempt to reverse this proposed legislation would require the passage of a repeal Bill in both Houses of Parliament, which would provide more accountability and the opportunity for full debate on the issue.

I am pleased that the Government has chosen to support the Bill in the other place. I welcome the amendments it introduced and which were passed as improvements to the Bill, recognising the significantly greater resources the Government has at its disposal when compared with those available to the Opposition. Any moves to strengthen the prohibition of an international nuclear waste dump in WA is welcomed by the ALP and the public, and I commend the Government for giving its support for this Bill. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.22 pm]: I move -

That the House do now adjourn.

Olden, Mr Jon - Adjournment Debate

HON KIM CHANCE (Agricultural) [5.22 pm]: I gave notice last night in the adjournment debate that a small part of an issue I raised needed to be finished off today. I spoke on a matter concerning a rock lobster fisherman, Jon Olden, who believes he has been unfairly treated by the Fisheries WA administration and the judicial system. Mr Olden believes that the actions of the officers involved in his apprehension were tantamount to an ambush: He was misled about why his attendance was required when invited to attend the Fisheries WA office. Then there is the matter of evidence presented in the case. He gave evidence in court that Fisheries WA officers could not demonstrate evidence of a single tag lobster at the time of the interview. This was crucial evidence. The Fisheries officer prosecuting maintained that the animals were tagged and that this was able to be demonstrated to Mr Olden. The fact is that this was never demonstrated.

Another issue diminished Mr Olden's confidence in the case: When his summons appeared, he was charged with taking 126 undersize lobsters, yet we know that the Fisheries WA officers had told Mr Olden that they found 140 lobsters when they pulled his pots on the thirtieth of that month.

That brings us to the evidence presented in the case. If, as Mr Olden maintained, he freed up the exits of the blocked pots in question, and to his eye there was no evidence of tagging - none was brought forward - how did Fisheries WA officers know which undersize lobsters had wandered into the pots in the intervening two hours from Mr Olden setting the pots and the Fisheries officers pulling them? Indeed, they may have been in and out on a number of occasions.

Mr Olden also feels that in many ways he was made an example of for his actions in this matter. He maintains that Fisheries officers have been aware of the practice of seeding pots with live undersize lobster for some time and that local fishermen did not regard this practice as illegal; and in a sense this was a test case. If Fisheries officers had been aware of the practice, I would be disappointed if they had acted to set up a patsy rather than deal with the practice by way of a consistent and perhaps informational approach to all fishermen. I recognise that Mr Olden has been found guilty in a court of law. Nonetheless, the way his case was treated has caused this man considerable financial loss, which, as I indicated earlier, was \$18 000 in penalties alone, quite apart from fines. Additionally, and I think this is much worse, what has been created in his mind at least, and also in the mind of others, is a loss of confidence in the administration of both Fisheries WA and the justice system. In short, he feels aggrieved, and he believes that at this stage he has no avenue for redress other than to seek a costly legal appeal. As I indicated last night, I hope the Minister for Transport representing the Minister for Fisheries will take this matter to the minister for his consideration.

Dairy Deregulation - Adjournment Debate

Hon KIM CHANCE: Another matter of some urgency which has been brought to my attention is that today, or perhaps yesterday, the Senate inquiry into dairy deregulation in Australia presented its report. The dairy deregulation issue is a matter on which I believe the Western Australian Minister for Primary Industry has offered no leadership whatsoever; and I have been on record as saying that for some time, at least since mid-1995. This proposition threatens to overwhelm dairy farmers in Western Australia, who will, along with dairy farmers in Queensland and New South Wales, be the most affected by this proposition, which will provide great advantage to dairy farmers in Victoria but destroy virtually everyone else. Unlike the Governments of Queensland and New South Wales, however, which have been active in this matter, the Western

Australian Minister for Primary Industry has simply sat back, Pontius Pilate-like, and allowed events to run without providing any leadership.

It is apparent from the tabling of the report of the Senate inquiry that the Federal Government has signed off on a compensation package but has not yet developed an industry plan for the future of the dairy industry. That is probably a summary of the findings of the Senate committee. The Federal Government, particularly the three National Party ministers who have responsibility for this area - Anderson, Vaile and Truss - have failed to prepare the dairy industry and regional communities for the impact of further deregulation. The Federal Government has also failed to articulate any strategy for the future development of the dairy industry's export performance. I remind members that when Labor took office in the Federal Parliament, the dairy industry was the backwater of Australian primary industries, but by the time the Labor Party had completed its term in office, it was an industry with great direction and was exporting in the order of \$2b-worth of product. Indeed, it is the domestic marketing scheme which Labor put in place and which will reach its sunset in July 2000, that has caused this crisis. However, neither the Federal Government nor the State Government in Western Australia has made any attempt to soften the blow or to prepare Western Australian dairy farmers to meet this crisis. The industry needs to develop a new vision for the future. The Federal Government has been totally incapable of assisting it to do so. The State Government in Western Australia has simply sat back and let events wash over it.

The Senate committee commented on the restructured package in the summary of information section of its report when it stated -

The Committee is further concerned that the consequences of deregulation for individual farmers, their businesses and communities are significant and include:

- an abrupt loss of income by farmers across Australia as farmgate prices drop;

My understanding is that for a quota producer in Western Australia the average price drop would be 12.4¢ per litre. On a typical farm producing 1.4 million litres of milk per annum, that would be an annual loss of income of \$173 000. It continues -

- a reduction in the value of capital assets;
- a loss of the value of quota entitlement in some states;

That applies particularly to Western Australia. It continues -

- the disappearance of countervailing market power by farmers who will be subject to the force of the major processors and retailers.

A little further on when referring to the quota compensation, the committee's finding was -

The Committee notes the revised package announced by the Minister for Agriculture, Fisheries and Forestry, but is still concerned at some elements of the package, particularly the lack of commitment on the part of state governments in relation to compensation for quota losses.

The difficulty here is that legislation to take away the quotas, which is the act of deregulation, is an Act of the State Government, not the Commonwealth. The Commonwealth may come up with some rosy \$1.8b scheme but the body which must make the tough decision of taking away the statutory power and ownership of farmers' property will be the State Parliament, not the State Government. We will be left holding the baby. The Senate committee said that one of the shortfalls of the deregulation process is that not only this State Government, but all State Governments, have failed to make any commitment. They have made no commitment because they will not; it is beyond the power of a State Government to compensate in this matter. My federal colleague, the shadow Minister for Agriculture, Fisheries and Forestry, Gavan O'Connor, has called for the state ministers and the commonwealth minister to get together to try to resolve the dairy deregulation issue. I use this forum to support and underline that call.

Business of the House - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [5.33 pm]: During the time I thought I would be having a meeting this evening with the business management committee, I will say a few words on the issues we must address in the way the business of this place is being handled. I have chosen to raise this issue in this forum because we need to address a breach of standing orders as a result of the business management committee's not meeting.

Hon N.F. Moore: It does not have to meet.

Hon HELEN HODGSON: Standing Order No 125A reads -

- (2) The Committee shall meet at a time and place fixed by the Leader of the House.
- (3) The Committee is to discuss with the Leader of the House:
 - (a) the content, order, and routine of business for each sitting day in the following week;
 - (b) a day or days by which each or any of the remaining stages of a bill might be completed;
 - (c) the referral of a bill or other matter to a specified committee and, if desired, a date on which that committee report on the bill or other matter;
 - (d) such things, consistent with the rules and orders of the House, as will facilitate the orderly conduct of business.

I take the interjection of the Leader of the House that the committee does not have to meet, because the Leader of the House gets to fix the time and place. However, it is also clear in the context of the language that follows that it is intended that the meetings be sufficiently frequent during sitting sessions to discuss the business of the following week. That implies that the meetings should be weekly when the House is in session. We have heard much complaint over the past couple of weeks of the slow progress of business in this place. I admit to being one of those who are extremely frustrated by the lack of progress. We can divide the matters on the Notice Paper essentially into those that we know will take some time and those that we know will not take a lot of time. The problem is that while we do not have meetings to get together to talk about it, we are unable to sit down and work out a way of managing the matters on the Notice Paper. There were 45 matters on the Notice Paper; eight of them are disallowances, and three matters were finalised today but three more were added. That means that effectively there are 37 orders of the day including some non-government business. We are facing the same sort of situation we faced last year when, because the Government decided some items were essential, we sat right up until the day before Christmas Eve. I do not think any of us want that to happen again.

Hon Derrick Tomlinson: New Year's Eve this year.

Hon HELEN HODGSON: That is the point I am trying to make - we must address this situation. We have four sitting weeks left. We have not received the official list, I believe because of the absence of the manager of the other place, but I am aware that the Government wants to complete the AlintaGas legislation, the prisons legislation, the two native title Bills and the Rail Freight System Bill 1999 on which we have completed the second reading but not commenced the committee stage.

Hon N.F. Moore: I told you that last week.

Hon HELEN HODGSON: Exactly.

Hon N.F. Moore: It is not news.

Hon HELEN HODGSON: It is not news, but I am saying that this is a breach of standing orders; it is a mechanism which is not being used. I recognise the frustration of the Leader of the House with the fact that the business management committee has not been operating as efficiently as it could. I say this as a person who has attended all but about four of those meetings when I was replaced by my colleague. It seems that people allow their desire to reserve strategies and keep them up their sleeves to interfere with their ability to sit down and cooperate and get something happening. Last week Hon Nick Griffiths represented the Australian Labor Party and put on the table that the Labor Party was prepared to expedite four Bills. At no stage was an undertaking given that the Labor Party would be ready to do that on Tuesday, and when the time came and the Labor Party was called on to deal with those Bills the reaction was that members did not know they were coming on on Tuesday. That is not the way the business management committee is supposed to work. There will be times when members want to keep cards up their sleeves, but they must also be prepared to offer something and to say, as the Greens (WA) and I did last week, "Of these Bills we are ready to deal with this number." I find it extraordinary that the Greens (WA) who have 4.5 staff members and the Democrats who have three staff members are able to say what we are ready to deal with and to list those Bills. Members should not take that to mean in any way that we have sufficient staff; I believe the President knows our views on that matter. However, it is intriguing that the Labor Party is not prepared to do the same thing.

There are mechanisms we can adopt from other jurisdictions; I raised an issue at the business management committee meeting last week which I intend to develop further and circulate. I refer to the way expedited Bills are dealt with in the Senate. It has an allocated time during which non-contentious Bills - those issues on which everybody is in agreement - can be progressed. I believe that half of the matters on the Notice Paper fall into that category. However, we are faced with a situation where neither party wants to reveal its strategy. The Government has the right to order the Notice Paper and to say which Bills are the most important. It puts the most important Bills - which also happen to be the most controversial ones - first, knowing that it will take a whole week of debate on one issue when we could complete three or four of the other equally important but less contentious Bills in that time. It is time we began to say that we are being made a laughing stock. We must look at our processes. The business management committee was put together to deal with things in this way and we must find a way of saying that it is a matter of our being more efficient with our time, and working out a way to meet the legislative program in a timely fashion. I will not pretend that there will not be times when we all want to have our say on contentious matters and when the program blows out because of that. However, at the same time, it is an absolute disgrace for us to look at the Notice Paper at this stage of the session and to know that we will have to start cancelling plans we have made for Christmas because there is no way we will get all this done.

Members must start looking at this in terms of the big picture; they must start looking at business as opposed to strategy and tactics and to separate the two and say that when it comes to business they are willing to make these commitments but strategy and tactics are no go areas. There is so much confusion between those areas at the moment that we are not getting anywhere; we are not progressing any of the important business on the Notice Paper.

I conclude by putting on the record that I have a Bill on the Notice Paper which has been delayed by all of this. I have formally asked the Leader of the House if we can debate the Acts Amendment (Sexuality Discrimination) Bill 1997, but I know that when there is a logjam of government legislation, the chances of any time being allocated to debate non-government legislation are minimal. I have not even touched on the issue of motions. I believe there has already been some discussion in that area, but it is another issue which we must look at seriously. It is time we started to look realistically at this place as a place of business and to say that, while political strategy and tactics are a part of the business we are in, they should not be allowed to derail what we are here to do.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.40 pm]: In reference to the way the upper

House operates in terms of the orderly progress of legislation, it is important for recent arrivals within the Parliament to recognise that they have an obligation to understand the way Governments have tended to operate in the past - both this and previous Governments. In the face of that obligation, it was always my hope that eventually the Democrats, in particular, would recognise the need to reform the standing orders of this place so as to advance in an orderly way both the non-government and the government agenda.

Regrettably, the Democrats have demonstrated in the period they have been here that unless a change or an improvement has their imprimatur, it will not get a guernsey. The Democrats need to rise above their preoccupation with their precarious political position and recognise their obligations to the taxpayers and the people of Western Australia. They have arrived in this place with the opportunity to do great things for the people of Western Australia by changing the shape and character of the upper House. They could have done that in collaboration with a willing Labor Opposition. However, unless the initiative has come from them they have not been prepared to support it.

I have been patient as a Labor leader waiting for the Democrats to come up to speed on the need for reform in this place.

Hon Norm Kelly: Give us a proposal.

Hon TOM STEPHENS: I have been waiting for the Democrats to show that they have an appetite for change and reform of the standing orders of this place, but they have not demonstrated that propensity. If they are now saying they are ready, I will advocate to my party room that there be no further progress of anything through this place until the Government agrees to reforms that will give both sides of the Chamber a fair go in the orderly progress of legislation and government and non-government business and motions. I am referring to Democrat, Green, Labor and coalition initiatives, not simply those issues the Democrats want to advance.

Hon Helen Hodgson: Where do you stand on the rewrite of the standing orders currently under way? Are you prepared to see what is coming out of that process?

Hon TOM STEPHENS: I beg for the standing orders process to be advanced. I have been begging that in the entire period I have been Leader of the Opposition. My first meeting with Hon Helen Hodgson was between Christmas and New Year immediately following the state election when I flagged for her the need for reform in this place. I have been waiting ever since for an indication of the Australian Democrats' appetite for reform of the standing orders in this place.

Hon Helen Hodgson: But you have not put forward any formal document. I would like to see your propositions first. I am not going to give you a blank cheque.

Hon TOM STEPHENS: Hon Helen Hodgson does not respond and hedges her bets on every initiative that is ever talked about in front of her. The Australian Labor Party is determined to reform this place and make it a Chamber where the Government is held accountable and where the government and non-government agendas are advanced in an orderly fashion.

My family once had a pet cow called Moo which was inseminated artificially. It came to us in a pregnant state with an obvious bewilderment, knowing something wonderful had happened. It did not know how it had happened, but it was pregnant. I regret to say that is the state in which the Democrats find themselves. They are in the Parliament, they have the balance of power, they know something wonderful has happened to them, but they do not know how it happened and where they are going. It is time for them to grab the opportunity and not waddle around bemused like the old cow Moo. I have been patient and tolerant and I have put up with jibes from the Democrats, including their complaints to the media about who is at fault for the failure to progress matters through this House. Basically, I have had enough. The Labor Party demands of the Australian Democrats that it lives up to its charter and reforms this place with us. It should not let this crowd go any further down the path of riding roughshod as a Government through this Parliament but get on with the task of reforming this place, changing the standing orders and allowing us in this place to advance the legislative agenda in an orderly way.

Hon Helen Hodgson: You will notice that the change to the standing orders that were initiated following the setting up of the business management committee under Standing Order 125A is now being breached.

Hon TOM STEPHENS: It has been, regrettably, a useless development.

Hon Norm Kelly: Partially because the ALP does not contribute to it.

Hon TOM STEPHENS: That is not the case. We need certainty about the orderly progress of legislation and motions from this side of the House in addition to the Government's program. I know that members of the Democrats do not understand how they got to this place and are worried about whether they will be here in the future. They do not deserve to be here unless they grab the opportunity. Politics is about grabbing the opportunity to look after the people of Western Australia. The Australian Democrats have an obligation to make this place responsive to all of those needs. Governments will not do it. It is the obligation of those on this side of the House to grab the opportunity. The Australian Democrats must seize the moment. They have been here long enough, they are big enough and they come from a party with sufficient experience of Australian politics to know that they must seize the moment to reform the standing orders of this place and join in with a willing and determined Labor Opposition that wants to produce those changes. We want to see an upper House that can function in an orderly way. We do not want to see a carping, negative critique to the media, blaming the Government, blaming the Labor Party and blaming everyone but themselves.

Hon Helen Hodgson: This is positive, is it?

Hon TOM STEPHENS: This is the Democrats' opportunity to join in the process of reform of this place to get the orderly progress of the government and non-government legislative agendas, including motions and the issues with which the people of Western Australia expect us to deal, through this place.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.48 pm]: Mr President, I hate to see friends falling out, especially when they do it publicly. I would like, firstly, to respond to the comment by the leader of the old cows and then I will come back to the comments of the bull in the china shop.

What an extraordinary speech from the Leader of the Opposition! As the Attorney General said, I think he has just taken a Dale Carnegie course. How does he win friends and influence people by demanding that they go along with something that he has in mind? That is outrageous!

We should get a couple of things straight about the so-called management committee. Standing Order No 125A has not been breached. It provides that the committee will meet at a time and place fixed by the Leader of the House. It does not say every day, every week, every month or every year. It says at a time and place to be fixed. That was the agreement I had with various parties when I agreed to have this provision included in the standing orders.

Hon Tom Stephens should remember that I am the first Leader of the House to have been given a committee of management to assist in running the business of the House. In the past, every leader prior to me made all the decisions. I was prepared to go along with this management committee because I thought it might be a helpful mechanism for progressing business. I found that increasingly, despite the meetings every Thursday afternoon, it was having the exact opposite effect. I would come into the House expecting things to happen, only to find that tactics were employed by the Opposition - quite rightly; that is what this place is about - which completely threw my plans and the decisions of the committee into jeopardy. That is the problem, as Hon Helen Hodgson succinctly indicated in her comments.

The Opposition will not tell me at the management committee its tactics for the following week. Why should it? However, its members expect me, as Leader of the House, to tell them the Government's plans. If I do not tell them, they say there is no point having the management committee meeting. I am supposed to tell them in the meeting what the Government intends to do the following week, irrespective of whether I have tactics up my sleeve. Otherwise they say I am reneging on an arrangement to advise them of the program. At the same time, I am expected to negotiate with the Labor Party, the Democrats, the Greens and an Independent, Hon Mark Nevill, to achieve a conclusion. The problem some people do not appreciate is that five groups are now in this House, which makes things very difficult.

Hon Kim Chance: Six.

Hon N.F. MOORE: I do not know how many are in the Labor Party. In the past, the Leader of the House and the Leader of the Opposition dealt with each other. I must now deal with all the different groups separately and that takes time. If I cannot get agreement from one group while another group agrees, I must try to bring them together. It is almost impossible to do that. Members must understand that it does not work as easily as some people would like.

I have been prepared to consider any suggestions about changes to our way of operating to progress legislation. However, I have a problem with time management. I do not believe any House of Review should have a time management arrangement. I might be stupid or old-fashioned or have a regard for this place that is out of date, but that is my philosophical position. I do not like the idea of time limits being placed on debates.

Hon E.R.J. Dermer: What about the labour relations legislation?

Hon N.F. MOORE: Hang on, Hon Ed Dermer should sit outside. As a general rule, in principle, I would rather we did not have time limits on debates.

Hon E.R.J. Dermer interjected.

Hon N.F. MOORE: If Hon Ed Dermer would like me to do that, I will go along with time management and I will ensure he does not open his mouth if that is what he thinks he wants to do. To my knowledge it has been used only once.

Hon E.R.J. Dermer interjected.

The PRESIDENT: Order! I do not know what has got into Hon Ed Dermer. He is usually one of the more responsible members in this place. He clearly knows the standing orders better than most. He should not look at me to allow him to interject again. I ask him to please not interject, as the Leader of the House has the floor.

Hon N.F. MOORE: It is my view, in general principle, that this House should not have a time management system, such as the system in the Assembly that requires that a certain number of Bills be passed within a certain period, regardless of what happens in the House. My view is obviously a bit old-fashioned and out of date. Perhaps I should come up to date on these issues. Perhaps, if Hon Ed Dermer wants it, we should start saying we will put six Bills to the vote between now and next Thursday, irrespective of whether members speak on them. That is not the role of an upper House. However, members must decide that.

Hon Tom Stephens says he has a number of reforms lined up. I have not heard what they are, and I have been Leader of the House for four years.

Hon Helen Hodgson: He wants more question time.

Hon N.F. MOORE: I am happy to talk about more question time, provided we get more time in the House. If I were him I would not ask any more questions because he makes such a fool of himself now. That is 30 minutes of sheer -

Hon Tom Stephens: If that is the case, you should increase it.

Hon N.F. MOORE: If members of the Opposition judge their use of question time by the amount of information that appears

in the media, they will realise that they are wasting every minute of it. I am happy to talk to the Leader of the Opposition about that. The Leader of the Opposition has never come to me and told me what he would like changed; yet he demands that the Australian Democrats and the Labor Party get together to fix up the House. The Labor Party never made any attempt to fix the House when it was in government, other than to frustrate and delay things like the committee system. Do members recall when Hon Joe Berinson sat in this seat? He had a report about a committee system in front of him and he left it there for at least 12 months without even debating it. He then froze the only committee we had of any money so it could not operate. The Leader of the Opposition should not dare tell me about how this place should work! I have been here long enough, as has the Leader of the Opposition, to know that most of what he said a moment ago is total and absolute gross hypocrisy. I nearly used the "b" word in front of hypocrisy, because he knows as well as I do that the speech he made today was absolute rubbish. If he has any great desire to improve this House, why did he not do it when he was in government? He could have put forward some ideas about changing the House, but all he did was try to stop this place from doing anything. He actually closed it down on one occasion, while it was still sitting, in case a committee decided to investigate something that the Labor Party was doing. It was called giving money to Aboriginal groups, with no accountability whatsoever.

I take great exception to the suggestion by the Leader of the Opposition that he will threaten the progress of the Government's legislation. He said that if the Democrats do not agree with his changes, the Opposition will stop government legislation.

Hon Tom Stephens: I did not.

Hon N.F. MOORE: That is paraphrasing what he said. One of the good things about this House is that the Leader of the Opposition can read his speech afterwards. However, that is what he meant; he threatened our legislative program. If that is what he wants to do, he should say it to the world. He should say that he does not want to deal with it. We are going slow because the Opposition wants to go slow.

Hon Tom Stephens: Rubbish!

Hon N.F. MOORE: How many people have spoken at great length on the Rail Freight System Bill? The Opposition amended the Address-in-Reply three times for the first time in the history of this House.

The idea about debating a heap of small Bills and then coming back to the hard ones is that the Labor Party will go to the President and say that it has passed 27 Bills and, therefore, is making great progress. However, those Bills took only three minutes each because they were not of great consequence. The fact is that those opposite are not dealing with the issues of substance that are reflected in the Bills I spoke of last Thursday. They are Bills at the top of the Government's priority and we will stay here and deal with them until they are finished. Members of the Opposition can make up their own minds about whether they will support them, and then all they must do is vote yes or no. If they vote against them, the Bills will be rejected; if they vote for them, they will be passed. However, members should spare us day after day and week after week of repetitive speeches on the same subject. They should just tell us what they will do and then vote. That would make life pass very quickly. I know they are important Bills and most people want to have a say about them. However, members should not blame me if it takes a long time; they should blame the system that gives us an upper House which allows people to make speeches if they wish.

Hon Tom Stephens: Who has been filibustering on the first motion? You.

Hon N.F. MOORE: I have not complained to the media about the progress of the House in the past few weeks. I have not initiated that comment and I have advised those in the media who told me that people are complaining that I am not lodging a complaint and that I will work my way through this. Last week I had a meeting with the management group to explain what were the Government's main Bills - Hon Helen Hodgson read them out - and I said that we would stay here until we passed them, however long that took. That is what will happen. It is a different House from that which it was in the past. Our standing orders are being looked at and will always be looked at. There have been more changes to our standing orders since I have been the Leader of the House than in the previous 100 years. I cannot recall any changes in my first 20 years in this place, because I do not think the committee ever met in those 20 years. Significant changes have been made to give the Opposition more time to promote its arguments.

The PRESIDENT: Under the standing orders, the Leader of the House has wound up the debate. The adjournment debate is a limited time debate. It lasts for only 40 minutes. However, that is not the question; the question is that the House do now adjourn.

Question put and passed.

House adjourned at 5.59 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIREARMS BUYBACK SCHEME, NUMBER RETAINED

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

Further to questions on notice 547 of 1997, 71 of 1998 and 970 of 1999 -

- (1) In 1996 how many firearms that were handed in were kept by the police and not destroyed?
- (2) For what purpose were these firearms kept?
- (3) Where are these firearms located?
- (4) Have the details of these firearms been retained by the Firearms Branch?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1) Information regarding firearms retained by police has been archived and is not readily available. I am not prepared to commit the resources required to extract the information unless the Member has a specific concern.
- (2) Firearms have been retained by the Police Service as evidence, for reference purposes in outstanding inquiries and forensic matters, or for licensing as a result of an application by the owner.
- (3) Firearms pending licence applications are stored at the police station to which they were handed-in, until the licensing process is complete. All other firearms are forwarded to the Police Ballistics Section for long term storage. firearms being used as evidence are transported to the relevant court for the required time period.
- (4) Details of all firearms in possession of police are recorded on police indices.
- (5) Not applicable.

FIREARMS BUYBACK SCHEME, NUMBER RETAINED

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

- (1) Were all the guns handed in prior to and during the Gun Buy-Back Scheme destroyed?
- (2) If not, how many were retained by police?
- (3) If so, for what purpose?
- (4) Has the Firearms Branch kept details of these guns?

Hon PETER FOSS replied:

- (1) No.
- (2) Information regarding firearms retained by police has been archived and is not readily available. I am not prepared to commit the resources required to extract the information unless the Member has a specific concern.
- (3) Firearms have been retained by the Police Service as evidence, for reference purposes in outstanding inquiries and forensic matters, or for licensing as a result of an application by the owner.
- (4) Details of all firearms in possession of police are recorded on police indices.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

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

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Police portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?

- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon PETER FOSS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

293. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Emergency Services:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Emergency Services' portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon PETER FOSS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999.

BANDYUP PRISON, DEATH OF TAMMY LEE GREEN

357. Hon MARK NEVILL to the Attorney General:

In reference to Tammy Lee Green who died in custody at Bandyup Prison, what medical care was given to Tammy Lee Green between being arrested and her arrival in Bandyup Prison?

Hon PETER FOSS replied:

Tammy Lee Green was admitted to the Fremantle Lockup at 3.35 pm on March 8, 1999. She was conveyed to the Fremantle Hospital at 4.25 pm for psychiatric assessment but no treatment was given and she was returned to the Fremantle Police Lockup at 5.20 pm. At 11.29 pm she requested her ventolin inhaler from her property and self administered two doses. No other medical treatment was given. She was escorted from the Lockup to Bandyup Women's Prison at 3.15 pm on March 9, 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH SPEAKING BACKGROUNDS

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

- (1) For all Government departments and agencies under the Minister for Police's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
 - (a) electronic media; and
 - (b) print media, in -

- (i) 1994/95;
- (ii) 1995/96;
- (iii) 1996/9;
- (iv) 1997/98; and
- (v) 1998/99?

Hon PETER FOSS replied:

(1)-(4) Please refer to the answer given in response to question on notice 381 of 7 September 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

380. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Emergency Services:

(1) For all Government departments and agencies under the Minister for Emergency Services' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -

- (a) 1994/95;
- (b) 1995/96;
- (c) 1996/97;
- (d) 1997/98; and
- (e) 1998/99?

(2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?

(3) If not, why not?

(4) If yes to (3) above, how much was spent on -

- (a) electronic media; and
- (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon PETER FOSS replied:

(1)-(4) Please refer to the answer given in response to question on notice 381 of 7 September 1999.

CONSERVATION TRUST FUND

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

How much money has been raised through the Conservation Trust Fund and where has it been allocated for the last five financial years?

Hon MAX EVANS replied:

It is assumed that the question relates to the Nature Conservation and National Parks Trust Account, established pursuant to the *Conservation and Land Management Act 1984*.

The tables below summarise the revenue and expenditure from this account.

1. Revenue

Year	Amount
1994/95	\$159,296
1995/96	\$132,345
1996/97	\$155,493
1997/98	\$130,842
1998/99	\$185,563

2. Expenditure

Projects	94/95	95/96	96/97	97/98	98/99
	\$	\$	\$	\$	\$
Seal Research			6,332	10,000	
Rare Flora Database	34,284	33,016	36,595	43,356	42,919
Wildflower Industry Research	36,544	54,734	41,340	74,952	61,637
Breeding Waterbirds, South Coast					
Wetlands	600				
Frogs In South Coast Wetlands		-600			
<i>Verticordia eriocephala</i> Research	36,366	1,293			
<i>Boronia megastigma</i> Research	3,000	852			
Narrogin Threatened & Priority					
Flora	1,635	17			
Two Pythons Research		12,206	-1,706		

Numbat Research					
Dibbler Research	1,250		1,220	-492	
Quokka Research	2765		4,557	404	
Priority Flora Survey	1,193	19,977	25,023		
Antina Survey		4,250	13,155		
Black-footed Rock Wallaby Survey		6,178	-2,222		
Total	111,829	107,326	112,966	170,041	104,468

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

525. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

Can the Minister for Labour Relations provide the following details of land sales in -

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

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

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

Hon PETER FOSS replied:

Department of Labour Relations:

- (a)-(b) Nil.

WorkCover WA:

- (a)-(b) Nil.

Department of the Registrar, Western Australian Industrial Relations Commission:

- (a)-(b) Nil.

Commissioner for Workplace Agreements:

- (a)-(b) Nil.

WorkSafe Western Australia:

- (a)-(b) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

528. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

Can the Minister for Police provide the following details of land sales in -

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

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

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

Hon PETER FOSS replied:

- (a) No rural and one metropolitan sale.

- (b) The property sold was zoned commercial.

- (i) Old Cannington Police Station, Albany Highway, Cannington.
- (ii) 17 September 1998.
- (iii) Sold by private treaty to NT (WA) Pty Ltd.
- (iv) The sale of this property was processed through the Department of Land Administration, Stanton Hillier Parker were commissioned by LandCorp to sell the property on behalf of the Western Australia Police Service.

- (v) \$800,000 (Property settlement on 23 April 1999).
- (vi) The only associated revenue from the sale of this property is stamp duty for the amount of \$33,605.
- (vii) \$30,889.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

529. Hon TOM STEPHENS to the Attorney General representing the Minister for Emergency Services:

Can the Minister for Emergency Services provide the following details of land sales in -

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

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

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

Hon PETER FOSS replied:

The Fire & Emergency Services Authority has not sold any land since 1 September 1998 which had a sale value of \$500,000 or more.

GOVERNMENT CONTRACTS, CHAMBER OF COMMERCE AND INDUSTRY

594. Hon KEN TRAVERS to the Attorney General representing the Minister for Police:

(1) Have any of the Government agencies for which the Minister for Police is responsible had contracts with, or made payments to, the Chamber of Commerce and Industry in each of the following years -

- (a) 1996/97;
- (b) 1997/98; and
- (c) 1998/99?

(2) If yes, what was the nature of each of the contracts and what was/were the payments made?

Hon PETER FOSS replied:

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

(2) (a) A payment of \$60 was made in 1996/97. The relevant batch file containing this payment is retained in storage with a fee charged to recall. I am not prepared to recall the file, given the cost involved as compared to the low value of the payment.

(b) A payment of \$110 was made for Training Course Fees.

(c) Not applicable.

POLICE OFFICERS, LEAKING OF INFORMATION FROM COMPUTERS

595. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

Since the commencement of the operation of the Professional Standards Portfolio -

(1) How many Police Officers have been investigated for or accused of leaking information from police computers?

(2) How many of those officers were reprimanded in any way?

(3) How many resigned before any reprimand?

(4) How many were demoted?

(5) How many were counselled?

Hon PETER FOSS replied:

Since the commencement of the operation of the Professional Standards Portfolio -

(1) The Internal Investigations and Internal Affairs Units' databases do not provide the specific information sought. Statistics are grouped under the category of "Unauthorised Access" (not work related). A total of 164 investigations have been conducted during the period 1 March 1996 to 23 September 1999 and are recorded under the said category. The circumstances associated with the "unauthorised access" and the purpose for which the information was obtained and used dictates the level of jurisdiction and penalty that may be applied.

(2) Of the 164 investigations conducted, 32 officers were reprimanded.

- (3) Nil.
- (4) One.
- (5) Of the 164 investigations conducted 36 officers received either formal or informal counselling.

QUESTIONS WITHOUT NOTICE

ALBANY HIGHWAY, BEDFORDALE HILL

404. Hon TOM STEPHENS to the Minister for Transport:

I refer to road ancillary works on Albany Highway Bedfordale hill and ask -

- (1) What costs have been incurred by Main Roads WA on this project since 23 June including additional drainage works?
- (2) Who has been paying the costs of the personnel directing road work around the hazards, and what costs have been incurred since 23 June?
- (3) What was the value of the contract when it was first granted?
- (4) Has Henry Walker Contracting Pty Ltd billed Main Roads for the \$234 815 for corrective works?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Approximately \$728 800 to 30 September. This figure includes expenditure on landscaping, driveways, measurements, drainage, traffic management and repairs.
- (2) Main Roads at a cost of \$171 000 up to 30 September.
- (3) \$13.460m.
- (4) Yes.

GREAT EASTERN HIGHWAY, NORTHAM BYPASS

405. Hon TOM STEPHENS to the Minister for Transport:

- (1) Who won the design contract for the Northam bypass on Great Eastern Highway?
- (2) What was the original cost of the contract?
- (3) What was the final cost of the contract?
- (4) Were any variations made to the contract?
- (5) If yes, what were the variations and the cost of the variations?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The planning and design contract was awarded to the design consultants Halpern Glick Maunsell.
- (2) \$797 570.
- (3) The contract is still to be concluded. It is in the final stages.
- (4) Yes. The contract comprises two phases: Phase 1 being the master plan - concept development - and phase 2 being the preliminary and detailed design and documentation stage.
- (5) Approved variations in phase 1 total \$160 755 and approved variations in phase 2 total \$403 116. In addition, the contract provided for adjustments to fees at the end of phase 1 to reflect the increased definition of the design requirements arising from the development of the master plan. This amounted to an additional \$144 494.

TREASURY CORPORATION, FINANCIAL ADVICE

406. Hon N.D. GRIFFITHS to the Minister representing the Treasurer:

- (1) Do the functions of the Western Australian Treasury Corporation include advising government on financial matters, including project and structured financing, and assisting authorities with managing their financial exposures?
- (2) Was the initial advice of the corporation sought prior to the contract to sell the Government's light vehicle fleet to a subsidiary of the Matrix Group Ltd?

- (3) Was the initial advice of the corporation to the effect that the deal was commercially adverse?
- (4) Was it said to be commercially adverse because, if any residual value was reduced, the Government had to make up the difference with a higher premium?
- (5) Why was the advice of the corporation ignored?
- (6) Did the Government's economic modelling used to consider the deal adopt the best case scenario?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) The initial advice of the corporation was supportive of the Matrix structure due to the considerable benefits that it could generate.
- (4) No. However, it was noted that the residual value issue needed to be managed throughout the life of this lease.
- (5) The advice from the Western Australian Treasury Corporation was not ignored.
- (6) A range of sensitivities were undertaken in the economic modelling.

APIARY SITE PERMITS

407. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

- (1) Has the minister been asked to consider making apiary site permits tradeable leases?
- (2) If so, by whom?
- (3) Does the minister intend to progress such a proposal in any way?

Hon MAX EVANS replied:

- (1) Yes.
- (2) By some members of the Beekeepers Consultative Committee.
- (3) The minister is awaiting further advice on the proposal and other options from the chairman of the Beekeepers Consultative Committee.

CHILD PROTECTION SERVICES REGISTER

408. Hon NORM KELLY to the minister representing the Minister for Family and Children's Services:

- (1) How many children's names were on the child protection services register as of -
 - (a) 30 June 1998;
 - (b) 30 June 1999; and
 - (c) currently?
- (2) How many offenders' names are on the child protection services register as of -
 - (a) 30 June 1998;
 - (b) 30 June 1999; and
 - (c) currently?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)
 - (a) 2 519.
 - (b) 3 853.
 - (c) 4 060.
- (2) There are no longer any names recorded on the register of persons convicted for offences against registered children. As part of the trial of the register, some registrations of convicted offenders were made, but the Police Service advised the manager of the register that, without legislative protection, it was unable to provide information on convicted offenders to the register. The legislative amendments to the Child Welfare Act currently before Parliament will enable the provision of conviction records between the Police Service and the child protection services register. The data recorded during the trial was removed and no further names of convicted offenders will be recorded until such time as Parliament has passed the relevant legislation.

TRAFFIC ACCIDENT, MANGINI STREET, MORLEY

409. Hon SIMON O'BRIEN to the Attorney General representing the Minister for Police:

- (1) Is the Commissioner of Police aware of a traffic crash that occurred at approximately 8.50 am on 26 May 1999 in Mangini Street, Morley adjacent to the Morley Sport and Recreation Centre car park?

- (2) Did the driver of the silver hatchback Ford Laser sedan and the driver of the Toyota Corolla sedan, which was leaving the Morley Sport and Recreation Centre car park when it collided with the Ford Laser, report the traffic crash; and, if so, on what date and at which police station?
- (3) Following the collision, did the driver of the Ford Laser immediately approach the driver of the Toyota Corolla and ask whether she had been injured?
- (4) Did the driver of the Toyota Corolla advise the other driver that she was sorry for causing the traffic crash, admit the collision was her fault, advise that she had just picked up her daughter, who was unwell, from school and further advise that at the time of driving out of the car park onto Mangini Street, she was asking her daughter whether she was still feeling sick?
- (5) Did the driver of the Corolla say to the driver of the Ford Laser, "I did not see you coming"?
- (6) When is it intended to interview both drivers?
- (7) Is it an offence for a person to drive a vehicle from land abutting a public road into the path of an oncoming vehicle and cause a traffic crash when the other vehicle is being driven in a lawful manner on a public road?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The driver of the Corolla completed a crash report form at the Morley Police Station at 12.26 pm on 27 May 1999, which states that the crash occurred at 9.00 am on 27 May 1999. The driver of the Laser completed a crash report form at the Morley Police Station at 10.26 am on 26 May 1999, which states that the crash occurred at 8.45 am on 25 May 1999 or 26 May 1999. The crash was not attended by police.
- (3) This information is unknown; it was not recorded on the crash report form. However, the driver of the Laser did record injuries.
- (4)-(5) This information is unknown; it was not recorded on the crash report form.
- (6) Both drivers have completed crash report forms. Statements conflict and indicate that both drivers contributed to the crash. There are no independent witnesses. The drivers will not be interviewed further and no further action will be taken.
- (7) Regulation 606 of the Road Traffic Code states that a driver entering a road or carriageway from land abutting the road or carriageway shall give way, first, to all vehicles travelling in either direction along the carriageway; and, second, to all vehicles turning or intending to turn preparatory to leaving the carriageway at the point that the driver is entering that carriageway, unless instructed to the contrary by a traffic control signal. Statements from both drivers conflict and indicate that both contributed to the crash. There are no independent witnesses and no further action will be taken.

MINISTER FOR FINANCE, OVERSEAS AND INTERSTATE TRIPS

410. Hon KEN TRAVERS to the Minister for Finance:

For the period April 1998 to 21 October 1999 -

- (1) What overseas and interstate trips did the minister make?
- (2) What was the duration of each trip?
- (3) What was the cost of each trip and what class did he travel?
- (4) On which of these trips was he accompanied by his wife?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(4) Reports detailing overseas and interstate travel undertaken by ministers and government officials are tabled in the Parliament. Reports for the period in question have either been tabled or will be tabled in due course.

I point out that ministers and committees travelling overseas always travel business class. I travelled to one meeting I attended in Adelaide on a cheap weekend fare of \$479. I do not expect a refund for that! On one trip I went to Brisbane in connection with the important issue of limitation of professional liability. As some members of this House know, I dealt with the Labor Attorney General, Matt Foley, who was trying to get legislation to match the legislation in Western Australia. I also visited the chairman of the Totalisator Agency Board in an attempt to save between \$2m and \$3m on computers. Unfortunately, just after our visit it was decided to privatise that TAB. That is still proceeding. There is money to be saved in that area. I made another trip to the Premiers Conference but I think that was paid for by the Ministry of the Premier and Cabinet. I stopped at Sydney on the way home. Yes, I have travelled with my wife; I do not have de factos or partners to travel with me. As was my practice in my previous business life, I do not normally take someone with me to carry my bags, write minutes or notes, or keep the petty cash accounts. I travel without incurring those costs. The member can obtain all the information he wants from the report to the Parliament.

PURSE SEINE FISHERY, ALBANY ZONE

411. Hon KIM CHANCE to the minister representing the Minister for Fisheries:

- (1) Is the Minister for Fisheries aware that the management plan for the south coast purse seine managed fishery was circumvented in 1998, as a result of an exemption for selected licensees, which was authorised by the executive director on 25 September 1998, in respect of 400 tonnes of small pelagic fish - yellowtail scad - over the total allowable catch which had been set for the Albany zone of this fishery?
- (2) Is the minister aware that the effect of the decision was to significantly increase the existing over-exploitation of the Albany zone of this fishery?
- (3) Is the minister aware, and was he party to the fact, that at the same time the executive director was circumventing the management plan, he had commenced an action - which is now completed - in the Supreme Court to overturn a fisheries objections tribunal decision, which was to allocate 120 tonnes of additional quota to a licensee in the Esperance zone of the same fishery, despite the fact that this zone's quota allocation is only half its total allowable catch?
- (4) What evidence can the Minister for Fisheries provide that he and the executive director of Fisheries WA have acted fairly and without bias or favour in their dealings with the Albany and Esperance zones of this fishery?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The issues referred to by the member are quite detailed and will take some time to research. I ask the member to place the question on notice.

JERVOISE BAY PROJECT, COST SAVINGS ANALYSIS

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

With regard to the proposed Jervoise Bay project, the Minister for Commerce and Trade has stated there would be no significant cost savings if he shifted the complex to the BHP Kwinana site, and that there would also be environmental problems.

- (1) Will the minister inform the House who provided the independent analysis of the site?
- (2) What are the estimated cost differences between the sites?
- (3) What environmental problems are associated with the BHP Kwinana site?
- (4) Will the minister table the analysis; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The Minister for Commerce and Trade has stated that the expression of interest process had attracted two submissions to build the facility at an alternative site. These have been examined in detail by an independent engineering firm which was unable to substantiate claims that a cheaper equivalent facility could be built at the alternative site. The alternative site is centred on land owned by LandCorp.

- (1) Sinclair Knight Merz Pty Ltd.
- (2) An equivalent facility at the alternative site would be within engineering estimating accuracy approximately \$10m to \$12m dearer to construct.
- (3) A full environmental assessment will be required to assess the impact of the development of the alternative site.
- (4) The minister is not prepared to table the analysis because it contains commercially sensitive information. However, if desired, a personal briefing by the Jervoise Bay project director can be arranged for the member.

GOVERNMENT-OWNED PARKING BAYS

413. Hon LJILJANNA RAVLICH to the minister representing the Treasurer:

- (1) How many government-owned parking bays are there in the Perth metropolitan region?
- (2) What is the monthly cost of those parking bays?
- (3) How many of those bays are suitable for secure on-site parking?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) The information is not centrally maintained and would require a considerable amount of administrative effort to collate. In the circumstances the Treasurer is not prepared to devote valuable resources to such a task. As Hon

Ljiljanna Ravlich knows Parliament House is within one kilometre of the central business district and fringe benefits tax is paid on all its car parks. Records are kept by individual departments.

Hon Ljiljanna Ravlich: Can't you collate the information?

Hon MAX EVANS: The Treasurer said he was not prepared to devote valuable resources to such a task. We used to get this answer many times when we were in opposition and members opposite will get it now.

COMMERCIAL SALMON FISHING LICENCES

414. Hon MURIEL PATTERSON to the minister representing the Minister for Fisheries:

With regard to the two major mortality events involving pilchards in Western Australia coastal waters -

- (1) How many commercial salmon fishing licences are currently held by operators working the southern coast?
- (2) Is a tonnage limitation attached to these licences?
- (3) Is the Government considering reducing the number of licence holders operating in this area?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) There are currently 18 licences in the A-south coast salmon managed fishery.
- (2) No.
- (3) There are no specific programs to reduce south coast salmon licences.

MINISTER FOR THE ARTS, ART PURCHASES

415. Hon TOM STEPHENS to the Minister for the Arts:

I refer to the minister's purchase of \$31 000 worth of art through Pen and Paint Pty Ltd run by those people with whom the minister says he does not have a relationship.

- (1) Did the minister seek quotes from between three and five suppliers as required by the State Supply Commission guidelines in reference to the purchase of art on behalf of his office?
- (2) If not, how do the minister's actions comply with the requirements of the State Supply Commission?

Hon PETER FOSS replied:

- (1)-(2) Hon Tom Stephens has not been listening, because I purchased a large number of pieces of art from a large number of artists. The most expensive purchase was \$3 000 and most were under that, and were probably for a couple of hundred dollars.

Hon Tom Stephens: They were all on one invoice from one supplier.

Hon PETER FOSS: I am well aware of that. One of the things Hon Tom Stephens will need to learn when he buys from artists is that he either gets someone to do it on his behalf or he does it personally. Hon Tom Stephens can argue about that all he likes. I know precisely what occurred. They got a large number of artists to contribute their art and I bought that art, and I used an agent to do it for me. It was a sensible way to do things. If I buy a work from a particular gallery which represents a particular artist, I cannot go along to another gallery to ask for a quote, because artists have relationships with particular galleries. If I want a particular artist I can get a quote only from that artist.

I am not quite sure how I can get three different quotes for a work by, say, Sidney Nolan. We could get one of his paintings either from the gallery or from him.

Hon Tom Stephens: He is dead.

Hon PETER FOSS: I will pick another artist - Robert Juniper.

Hon Kim Chance: For \$25 000.

Hon PETER FOSS: It is a bit more expensive. At that price, we would not get too many.

Hon Kim Chance: Are you saying that you cannot get three quotes from three agents.

Hon PETER FOSS: Really! This is lovely.

Hon Kim Chance: Is there only one agent in Western Australia?

Hon PETER FOSS: I was trying to get a collection of art in my office. I asked for the assistance of somebody who knew something about art and who could gather together a group of work that would be representative and go well. The idea of getting three agents to give three different quotes is extraordinary. I can imagine how complete that would be. I was purchasing pieces of art from individual artists; I was not buying computers or furnishings or anything of that nature.

Hon Tom Stephens: You have offered a job to your friends.

Hon PETER FOSS: Oh, dear, dear, dear! I have never -

The PRESIDENT: Order! As long as all members understand that we will not get through all the questions I have on my list today, they can continue their interjections.

Hon PETER FOSS: The Labor Party redneck arts spokesman keeps trying to find a way in which he can object, in the same way as he did in his first reaction to my buying art. I find it most extraordinary that, from the moment he was appointed as spokesperson for the arts, he has spent his whole time hammering even the slightest amount of money being spent on the arts. I will tell the Leader of the Opposition the best thing he can do, if he wants to reassure the artists of Western Australia: He can stand up and applaud the Government, first of all, for its 1993 commitment and, secondly, for making a policy decision that all government departments and all ministers should be buying art and craft. If anything, he should be going out and finding those departments that have not been carrying out that policy.

I happen to think it is one of the best things to happen for artists in Western Australia. Had he listened to people, he would know that. Instead he is trying to find as many different technical objections as he can to my spending money on art. He should applaud that, and perhaps follow my example. He should do something to show support for the arts, instead of continually moaning and groaning about a Government that has consistently supported the arts. As I told him the last time he had a go at this issue, those opposite cut the money to the West Australian Ballet, to the Western Australian Opera Co, to the theatre companies, to the library and to the Western Australian Museum, and I can see why. They are a mob of rednecks just like him, who think that even a cent spent on art is too much. People like him -

Hon Tom Stephens: I spend my own money.

Hon PETER FOSS: That is not right. Hon Tom Stephens spent \$98 000 of government money in 83 days, and he knows he did that. This is the 83-day minister. That was in 1992 - seven years ago.

Hon Tom Stephens: I buy my own paintings.

Hon PETER FOSS: Seven years ago he managed to spend \$98 000 in 83 days. I do not apologise for spending taxpayers' money on buying art in the same way as I do not apologise for spending it for artists or for theatres.

Hon Tom Stephens: Give it to the Art Gallery.

Hon PETER FOSS: Hon Tom Stephens says I should give it to the Art Gallery of Western Australia. What a wonderful example that would be to the people of this State: Art can be found only in art galleries. We should not buy one piece of art. Art should be bought only by the State Art Gallery. All of us should have bare walls in our homes because that is good for Western Australian artists. If people followed that advice, all artists would be broke, because not a single person would buy art. I happen to be giving a very good example, which we made a commitment to give in 1993, and which we have followed. I am very proud of that policy. The public of Western Australia needs to know the attitude of the Labor Party; that is, people should not put art on the walls, but keep it in the Art Gallery! Members opposite did not even want it in the Art Gallery when in government! When I became Minister for the Arts, the Art Gallery was being allocated \$6m a year, and its acquisition of art with government money had dropped to \$200 000 and was about to disappear. Why? The Art Gallery's budget kept being cut. When was it cut? The gallery received its poor budget in December.

Point of Order

Hon BOB THOMAS: I inquire about the relevance of this part of the answer.

The PRESIDENT: I have listened carefully and the minister seems to be speaking with great relevance to the question asked and myriad interjections made. It seems members prefer to ask questions by interjection. I allow the minister to complete his answer. If members want to interject, we will miss out on the other questions listed to be asked; that is, about 12 members remain on the list. Members determine how many members ask question through the number of interjections made, we will be here until 5.00 pm if members continually interject and ask the minister additional questions.

Questions without Notice Resumed

Hon PETER FOSS: That was caused by the Labor Government's wonderful ways! Not only did the Art Gallery receive its budget about December, but midway through the year all departments were sent a message to cut budgets back by 10 per cent. People have forgotten the way government was run. The then Government was about to go screaming over its budget, and everyone had to cutback by 10 per cent. The Art Gallery was in the unfortunate situation that its only discretionary fund was its acquisition budget. Each year, when the absolutely mismanaged request for budget cutting went out, it could cut only its acquisition budget. When I first became minister, it had \$200 000 of purchases in the previous year, and was about to get rid of the entire acquisition fund.

The PRESIDENT: Order! Please conclude your answer, minister.

Hon PETER FOSS: If the Opposition had its way, no art would be in the Art Gallery. The suggestion was made that the only place for art is the Art Gallery, but members opposite did not put art in the gallery. The Leader of the Opposition is a redneck in his attitude that people should not have art in their offices, businesses and homes.

HOME LENDING MARKET, REAL INTEREST RATE

416. Hon J.A. COWDELL to the Attorney General:

- (1) Will the Government follow the lead of the New South Wales Labor Government in introducing a compulsory comparison rate in the home lending market - that is, a real interest rate?

(2) If not, why not?

Hon PETER FOSS: I would love to answer that one, but it is actually one for the Minister for Fair Trading.

The PRESIDENT: Order! I would have thought it was a Fair Trading matter. If it relates to the minister's portfolio, he can answer the question.

Hon Max Evans: It is for Fair Trading.

ROACH, MR ARCHIE AND HUNTER, MS RUBY

417. Hon GIZ WATSON to the Minister for Justice:

- (1) Were internationally renowned artists Archie Roach and Ruby Hunter denied permission to perform at Casuarina Prison?
- (2) For what reasons were they denied permission?
- (3) Was security one of the reasons? If yes, how was security a factor?
- (4) In what corrections facilities have these artists been granted permission to perform, and why was security not considered a risk in those facilities?

Hon PETER FOSS replied:

- (1) Yes.
- (2)-(3) Yes. Casuarina Prison is still in the process of returning to a normal regime now that the security upgrade resulting from the Christmas Day riot is almost completed.
- (4) They performed at Banksia Hill Detention Centre, Bandyup Women's Prison and Canning Vale Prison. Security risks considered in allowing concerts at the three institutions were assessed as manageable in comparison to the situation at Casuarina. I doubt that it would ever be sensible to have such an aggregation of people at Casuarina. Casuarina Prison holds our maximum security prisoners, many of whom pose a considerable danger to the community, and we need to keep in mind the difference between aggregating those people together in a concert as opposed to bringing together all the young people in Banksia Hill, all the women in Bandyup Women's Prison, and all the medium security prisoners in Canning Vale Prison. They are a very different kettle of fish, and I am not sure that Casuarina Prison, because of its nature, will ever be suitable for a concert of that nature.

SCHOOLS, PEOPLESOFT COMPUTER SYSTEM

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

- (1) Is the Minister for Education aware of concerns among school principals and deputy principals that school-based human resources management using the PeopleSoft computer system has greatly increased the workload on these school administrators?
- (2) What extra allocation of resources has been made to schools to assist them to accommodate this extra workload?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The minister is aware that such concerns have been expressed by some school administrators. Schools have been allocated additional administrative time to assist with any workload arising from the system. Training has also been provided to school administrative staff, and a help desk has been established to assist school personnel.

GRAIN HARVEST, TRANSPORT

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

- (1) What proportion of this year's grain harvest will be carried by truck and rail?
- (2) What is the maximum carrying capacity of grain by Westrail over the harvest season?
- (3) How could this be increased without putting increased pressure on the State's road and rail systems?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Westrail currently handles around 67 per cent of the total volume of grain received into Co-operative Bulk Handling receival points. Westrail has historically transported around 90 per cent of the total volume of grain produced in rail-serviced areas. It is expected that this proportion will apply to the 1999-2000 harvest.
- (2) Currently Westrail has the ability to transport around 7.3 million tonnes of grain, based on averaging the rail haulage task over the full year.
- (3) Several key initiatives are under way to increase the carrying capacity of the Westrail system -

Seventy-six new grain wagons are being built and will be progressively introduced from July next year. These will increase the capacity by about one million tonnes.

The Grains Logistics Committee has endorsed a proposal for CBH, Westrail, the Australian Wheat Board Ltd and the Grain Pool of Western Australia to jointly fund the construction of fast out-loading facilities at the strategic receival points over the next five to six years. This will significantly increase the capacity of the rail system.

As production increases, further investment will be made by Westrail in rolling stock.

In the event that the sale of Westrail Freight proceeds, members should note that the new operator will be required, as a condition of sale, to complete the five-year \$126m maintenance program on the grain network, which was commenced by Westrail in 1997. In addition, it is intended that the new operator will be required to participate as a member of the Grains Logistics Committee.

FAMILY AND CHILDREN'S SERVICES, FINANCIAL ASSISTANCE APPLICATIONS

420. Hon BOB THOMAS to the minister representing the Minister for Family and Children's Services:

- (1) How many applications for financial assistance worth \$3 000 or less were received by the minister's department in the last full financial year?
- (2) How many of those applications were rejected?

Hon M.J. CRIDDLE replied:

To provide the information in the time required is not possible and I ask the member to place the question on notice.

MINISTER FOR THE ARTS, ART COLLECTION

421. Hon TOM STEPHENS to the Minister for the Arts:

- (1) In reference to the minister's \$31 000 private art collection, which he constantly refers to as his art collection - Several members interjected.

The PRESIDENT: Order! I ask Hon Greg Smith not to interject, so that I can hear what is being said.

Hon TOM STEPHENS: Can the minister assure the House that there are absolutely no paintings or ceramics held in the Western Australian Art Gallery's vast art collection which are robust enough to withstand at least a yearly rotation through his office, as happens between the Premier's office and the Art Gallery, particularly given that the minister presumably has air conditioning and blinds that for part of the day can protect those paintings?

- (2) If the minister cannot give that assurance, will he check with the Art Gallery as to whether it has any ceramics and paintings which are robust enough to survive in his office, which would have saved the expense?
- (3) If there are such works, will he undertake to rotate the new Foss ministerial collection through the Art Gallery, so that more Western Australians can come to appreciate the artworks that he has purchased with their funds for his office?
- (4) Will he also undertake to table by the close of business tomorrow, the number of people who have had appointments with him or his staff in his office each week during the past month, who have had the opportunity thereby to see his art?
- (5) Will the minister come with me after question time to the viewing of my latest personal acquisition of a painting that I paid for out of my money for my office, to go on my wall at my expense, rather than dipping into taxpayers' funds to please my artistic tastes?

Hon PETER FOSS replied:

- (1)-(5) I know that the Leader of the Opposition calls it my personal collection. However, may I draw the distinction between this Government and his? Amongst the art collection I have is some art which has been very kindly donated to that collection. Ministers often have things donated to them. Interestingly enough, members will find that those donated paintings are not only in the art collection on the walls of my office but also in the asset register of the Government and in the art bank register which we established at the Art Gallery, pursuant to the undertaking that we gave to the people of Western Australia in 1993. The Leader of the Opposition's calling it my personal art collection is purely his snide way of bringing out his usual redneck aversion to art. Some of the art in my office is in fact mine and paid for out of my money. I suggest that he come along and look at that too. In my electorate office, all of the art is paid for out of my pocket. However, as a Government, unlike his Government, we support artists with taxpayers' funds.

I forgot to mention when the Leader of the Opposition asked the last question that his Government did another little thing to undermine the acquisition of art in Western Australia. His Government gave the undertaking to the foundation for the Western Australian Art Gallery that it would contribute to an appeal dollar for dollar. Not only did his Government not put the dollar for dollar in, but also it cut the consolidated fund budget. One of the first things I had to do when I became Minister for the Arts was to approach the Treasurer and the Minister for Finance

and ask for money to put in place the undertaking that the Leader of the Opposition's Government did not honour. It defrauded the people of Western Australia by taking money out of the Art Gallery instead of putting it in, as it had promised. That is his Government's attitude to art and the way he treats these artists. The attitude of the Leader of the Opposition to this issue shows the redneck attitude his Government adopted and what a redneck he is now. The Art Gallery can let me have ceramics but I cannot cover my walls with them. The Art Gallery cannot let me have any paintings. I asked officials there if I could have paintings and they said that I could not. One of the reasons is that the paintings require 24-hour air conditioning.

Hon Tom Stephens: They gave them to the Premier.

Hon PETER FOSS: That is because his office has the ability to have 24-hour air conditioning. If I want 24-hour air conditioning in my office, I must pay during the week for an extra 11 hours of air conditioning for seven floors in the building, at a cost of \$120 an hour, and for 24 hours of air conditioning at the weekend. The cost per year would be over \$500 000. I would also have to put protective film on the windows at a cost of \$10 000. That would have to be replaced every 10 years. I would also have to replace every fluorescent tube in the office. Therefore, the Leader of the Opposition's wonderful idea would have cost about 10 times as much for no benefit whatsoever to the people or artists of Western Australia. It might have helped Western Power or the foreign manufacturers of film for windows or the foreign manufacturers of fluorescent tubes but it would not have done anything for the people of Western Australia. I cannot believe the Leader of the Opposition is such a penny-pinching miser that he resents \$30 000 being spent on artists. Will the Leader of the Opposition go out there and tell the artists of Western Australia that he resents the spending of \$30 000 on art work in this State? I would have thought the Leader of the Opposition would be saying "Clap, clap, well done." I will not tell the House about all the people who come to my office.

The PRESIDENT: Minister, would you conclude your answer; we have other business to deal with.

Hon PETER FOSS: I will not tell the House about all the people who come to my office but I will tell members about one person.

Hon Tom Stephens: The numbers. We don't want their names, just the numbers.

Hon PETER FOSS: I will not waste my time or taxpayers' money because the Opposition wants me to waste taxpayers' money on stupid things. I will tell members about one person. Yesterday I received the High Commissioner for South Africa. He probably said on no less than six occasions -

Hon N.D. Griffiths: What a nice table you have?

Hon PETER FOSS: He said that once but on six occasions he said, "It is a real pleasure to walk down the corridor and see what wonderful Western Australian art you have." It may be that he was being highly diplomatic but it shows that we go to a lot of trouble to entertaining foreign dignitaries; we lay on cars, drive them around and arrange meetings for them. I think it is worthwhile for the people of Western Australia when a person coming from overseas who had expressed a considerable interest in art - we discussed art exchange for some time because we have a project for the Indian Ocean rim nations - on no less than six occasions - I carefully counted them - complimented me on how good the art was, what a difference it made and how he found that very pleasing. I was glad to receive a representative of one of our neighbours. I raised this because I know the Opposition believes that only people who entertain ambassadors and high commissioners should get this treatment and that women, poor people, the disabled - I cannot remember the other group the Labor Party named in criticising the Minister for Family and Children's Services - and disadvantaged people should not receive this treatment. I thought I would pick up a Labor Party theme and point out that even the posh people come to my office and even the posh people are impressed by it. I knew that, as a Labor Party, the Opposition would be happy with that.

Several members interjected.

The PRESIDENT: Order! I know it is Thursday afternoon and members have other things they want to do but we have some work to do.

Hon N.F. MOORE: I ask that the business of the House be resumed. Next time I provide additional time to compensate for long answers and questions, Mr President, would you please bring me back to my senses.

The PRESIDENT: Leader of the House, not only will I but I think most of the other members will too.

Hon Tom Stephens: Just sack the Minister for the Arts.

The PRESIDENT: Order! We have finished question time now.
