



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Tuesday, 7 December 1999

Legislative Council

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

BILLS - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Acts Amendment (Police Immunity) Bill 1999.
2. Disability Services Amendment Bill 1999.

ADDRESS-IN-REPLY

Presentation to Governor - Acknowledgement

THE PRESIDENT (Hon George Cash): I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's speech, agreed to by the House. His Excellency has been pleased to make the following reply -

Mr President and members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-Reply to my speech to Parliament on the occasion of the opening of the third session of the thirty-fifth Parliament.

I have noted the other views expressed in the Address-in-Reply and am aware that this expression of views is already known to my ministers, upon whose advice I would act.

Michael Jeffery
Governor
7 December 1999.

NON-IMMUNE CHILDREN

Petition

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 88 people opposing any attempts to enforce the Education Department's and child care's exclusion policy of "non-immune" children.

[See paper No 515.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Trans-Tasman Mutual Recognition (Western Australia) Bill 1999 - Forty-sixth Report

Hon M.D. Nixon presented the forty-sixth report of the Standing Committee on Constitutional Affairs in relation to the Trans-Tasman Mutual Recognition (Western Australia) Bill 1999, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 516.]

Petition regarding Attention Deficit Hyperactivity Disorder - Forty-seventh Report

Hon M.D. Nixon presented the forty-seventh report of the Standing Committee on Constitutional Affairs in relation to a petition regarding attention deficit hyperactivity disorder, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 517.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Western Australian Trotting Association By-Laws, Notice of Amendment - Forty-sixth Report

Hon Simon O'Brien presented the forty-sixth report of the Joint Standing Committee on Delegated Legislation in relation to the By-laws of the Western Australian Trotting Association - Notice of Amendment, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 518.]

VOCATIONAL EDUCATION AND TRAINING AMENDMENT REGULATIONS (No 2) 1999*Notice of Motion for Disallowance*

HON LJILJANNA RAVLICH (East Metropolitan) [3.37 pm]: I seek leave to amend the disallowance motion in relation to the Vocational Education and Training Amendment Regulations (No 2) 1999 standing in my name by inserting after the word "That" the words "Regulation 6 of".

Leave granted.

OAKAJEE PORT AND HEAVY INDUSTRY SITE DEVELOPMENT*Urgency Motion*

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 7 December 1999 -

Dear Mr President

At today's sitting it is my intention to move under SO72 that the House at its rising adjourn until 9am on 25th December, 1999 for the purpose of discussing the continuing uncertainty surrounding the establishment of the proposed Oakajee port and heavy industry site.

Yours sincerely

Giz Watson, M.L.C.

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON GIZ WATSON (North Metropolitan) [3.40 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

It is important to raise an issue today regarding the proposed heavy industry site and port at Oakajee as it recently came to my attention that a number of amendments or extensions made to the state agreement Act under which the development is proposed to operate are to proceed without final approval by Parliament; that is, Parliament will not be permitted to disallow the variations to the agreement and the time extensions in which the proponent must produce a firm proposal. The variations are covered in provisions of the Iron and Steel (Mid West) Agreement Act. That raises specific issues relating to the Oakajee site proposal and some general issues concerning state agreement Acts, of which we have many in this State. I am worried that a contract entered into by a state agreement Act does not leave a role for Parliament.

The project is already way behind schedule. Questions were asked about whether the project was in breach of anti-competitive requirements of federal legislation. Members will be aware that the Iron and Steel (Mid West) Agreement Act passed Parliament in March and was proclaimed in June 1997. That Act is a binding agreement for 63 years on that site. The agreement legislation was passed despite the vigorous objections of the Greens (WA) and some vocal local opposition. A substantial proportion of the Geraldton community does not want that heavy industry sited on the coast. Although it supports the downstream processing of steel, it would prefer - to put it mildly - an inland site be utilised, not that site at Oakajee with the associated port.

A document was tabled in this place on 12 October; namely, the "Iron and Steel (Mid West) Agreement-Variation Agreement Between the State (WA) and Kingstream Pty Ltd and Kingstream Steel Ltd". As a result of the tabling of that document, I looked at the state agreement Act to consider those variations. I discovered that although it is possible to move a motion of disallowance for the variation, my expectation that the disallowance would come on for debate was false. The wording of the variation clause in the agreement Act means that if the debate is not brought to resolution, the disallowance fails.

The variations may not cause a major concern. The requirement is to be removed for the proponents, if they choose to construct and operate their own railway, to construct a narrow gauge railway. The variation will allow the proponents, if and when they are up and running, to operate a standard-gauge railway. I do not see that as problematic. Interestingly, I found it hard to ascertain from the variations or the explanatory notes provided the necessity or requirements for the change. A description of the changes was provided, but no rationale for them was outlined.

Another change defers the State's obligation to construct and maintain a railway at its own cost between Oakajee and Narngulu. This variation does not appear to be a bad thing. The agreement Act was very generous as the State was obliged to construct the railway line and to maintain and run it until such time as the company was operating at Oakajee. Also, it was a generous provision in that companies such as Kingstream Pty Ltd were not liable to pay back the cost of the rail construction by way of fees they were to be charged. It was a generous offer. However, the state agreement Act, as it stands, contains an open-ended commitment to provide roads, water and electricity transmission. This is of serious concern because all questions asked in this or the other place have not placed a firm figure on the State's commitment for the provision of those infrastructure requirements.

Hon Mark Nevill: What do you mean "requirements"?

Hon GIZ WATSON: It is for the cost of electricity transmission. Section 23(5) of the agreement Act refers to water and road infrastructure. The state agreement Act is very generous in the amount of subsidisation to be provided if and when a

company is established at that site. The question of cost has consistently not been answered. For example, Dr Constable, the member for Churchlands, asked the Minister for Resources Development a question in another place: What are the estimated costs of providing the necessary infrastructure for the development? The minister responded -

During debate on the Iron and Steel (Mid West) Agreement, the cost of the Oakajee Port was quoted as \$282 million. . . . The railway from Narngulu is estimated to cost \$35m. Other infrastructure is still subject to further design.

Hon Murray Nixon: Do you call that a subsidy?

Hon GIZ WATSON: Yes. The cost of the infrastructure is a subsidy.

As members are no doubt aware, the project is well behind its schedule for completion. A change of proponent has occurred, and major problems are still involved in raising establishment capital.

Hon Mark Nevill: Then you may have nothing to worry about!

Hon N.F. Moore: Exactly.

Hon GIZ WATSON: Perhaps.

The PRESIDENT: Order! Let us hear from Hon Giz Watson.

Hon GIZ WATSON: A concern about the claims of how well advanced this project is has been brought to my attention. At a Senate inquiry in February this year, Ken Court said that the site works had been substantially completed. That was news to me. I visited the site a couple of months ago and I saw that some areas had been bulldozed very flat and I noticed that tonnes of topsoil were disappearing out to sea in large clouds causing the developers to plant the area with rye grass to stabilise it but other than that there has been virtually no change to the site and I would hardly call that substantial site works.

I reiterate the point that I believe the project is in question. The other issue I wanted to raise is the proposal's viability is underpinned by the proposed An Feng-Kingstream steelworks and the value of iron ore has dropped since this agreement began. That means if Kingstream was to be the main company underpinning the proposal, the pay-off period would be further extended. It is acknowledged that at current rates it would take at least five years to pay off the cost of the port if Kingstream was the only backer. That was confirmed in an Industry Inland press release dated 3 December about a meeting the group had with the Premier. It states -

Richard Court was unable to name any report which showed a coastal location was more viable than an inland location. He also could not name any company or developer interested in locating at Oakajee other than Kingstream, nor did this appear to concern him, despite the fact that Kingstream alone cannot justify a deepwater port at Oakajee. The Premier further acknowledged that Kingstream still doesn't have the financial backing to begin any development nor to justify the State committing taxpayers to an unknown, open-ended debt.

At this time when the Government is looking at extending the time for the proponent to come up with a firm proposal, we suggest that we seriously rethink the whole project. An issue which needs to be examined is whether the project is in breach of competition policy. I know that the issue of the gas for this project and its competitiveness has been questioned. There are questions about the costs involved in constructing and operating at Oakajee. There are questions about discounted mineral royalties, the use of clay and gravel, other royalties, the royalty-free use of any water the proponent develops, and the capital cost of electricity transmission and road development. All these things will be done at taxpayers' expense and I am concerned that we are about to allow a further extension of time for this project when it is time to rethink it altogether and look at a site inland. On this point, I would be interested to hear whether any of the other members and the parties they represent in this House have changed their position, whether they still think the site at Oakajee is a goer and whether they are still in favour of a coastal site rather than an inland industry.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.54 pm]: When I read this motion I thought the Greens (WA) were concerned that the project was not progressing quickly enough. I was provided with a lot of information to explain why the project was not going ahead as quickly as the Government had hoped, that there were many good reasons for that and that the Government was optimistic that the project would eventually succeed. I guess hope springs eternal in the human breast. When I read this motion I thought the Greens may have at last worked out that we need some of these regional development projects to provide jobs for people in the regions of Western Australia. However, instead we heard another speech that we should not have it and it would be better if the proposal did not proceed - the same old stuff we get time after time from this party which is totally and absolutely opposed to any development of any significance at all. I do not know where the Greens think the jobs of the future will come from. They have no idea about that. They seem to want to stop any industry which anybody puts forward. They spend all their lives criticising anyone who puts forward capital to invest to create jobs and wealth for Western Australia. We get this ongoing and constant negativity about any development in Western Australia.

This matter has been well and truly debated by the Parliament. The Parliament passed the state agreement Act to allow the project to go ahead. The member knows that state agreement Acts are not compulsory. It is not compulsory for Governments to bring agreements with companies to the Parliament; it is quite possible and justifiable for Governments to enter into contracts without bringing them to Parliament. However, it has been a tradition in Western Australia for many years that when the State enters into a major agreement for a major project, that agreement comes to the Parliament by way of a state agreement Act and that basically the Act contains the agreement. However, Parliaments are not the best vehicle to negotiate changes to agreements. Can members imagine what would happen if a Government was trying to negotiate an

agreement with a major company and it had to come back to Parliament every time it wanted to make a small change to that agreement? It would be ludicrous. Governments would simply not bring agreement Acts to Parliament. We would never get a chance to negotiate changes to an agreement if we had to get the agreement of all sides of a Parliament like this every time we wanted to change a word or two. These agreements would never be brought to Parliament and we would never know the details of them. I have argued with Hon Mark Nevill over the years about whether agreement Acts are a good thing. I think they are a good idea because they give members of Parliament an understanding of what is contained in an agreement upfront. However, one must expect that circumstances will change and agreements between parties will need to be renegotiated. It would be ludicrous if a Government had to come back to Parliament every time it wanted to make a change to an agreement. However, there are agreements which require Parliament to be involved. Some agreements allow for disallowance in respect of certain changes which may be made.

The Government is very keen for the project to progress. It believes very much that the development at Oakajee with the potential Kingstream steel operation - and, with a bit of luck, down the track, Mt Gibson Iron NL will locate there - we will create an industrial zone north of Perth and Geraldton which will enable that part of Western Australia to deliver jobs and opportunities for itself. It is sad to hear this continual carping and negativity from the Greens (WA) who want to stop any development at all. It is interesting that they say the Government is providing all this money and support to the industry when the member says the cost of infrastructure is a subsidy. If one intends to develop a steel mill in Fremantle or in some other developed part of Western Australia, that infrastructure is already provided. Is the member suggesting that if somebody wants to set up an industry in the metropolitan area, he should make a contribution to the infrastructure which has already been provided by generations of Western Australians? It is quite conceivable and sensible for governments to provide basic infrastructure and I would regard ports as basic infrastructure in many cases. I regard railway lines, roads, power and water and so on as basic infrastructure. It is not necessary for governments to provide this infrastructure themselves if they can do a deal with the private sector to provide it.

However, over countless generations, Governments have provided basic infrastructure for industrial development. If we worked on the basis that companies should provide all their own infrastructure, they would develop in areas where it is already in place, which would save them a lot of money. It would also avoid the benefits of decentralisation, which this project will provide.

This project has been delayed for many reasons. Ever since the Kingstream project was first considered, everyone has known that its development would be fairly marginal. Some people may not have thought that, but I thought it would be difficult to put it together. Hon Mark Nevill will probably tell us that it will not be difficult. The proponents have faced a number of difficulties, such as financing the project and obtaining markets for their product in a somewhat depressed iron and steel market. Some opportunities are not available that were available a little while ago. I will not go through all the things the company is doing. However, the Government hopes this project will proceed. As we hear more about the company's financing arrangements, that optimism grows.

Surely we should all be in this House today supporting a company that wants to create wealth for Western Australia in the regions of Western Australia. Surely we should all be supporting Kingstream in its endeavours to get its project off the ground, supporting Mt Gibson Iron NL in its endeavours to develop an iron industry in Western Australia and supporting any potential further development in the mid west that will result in other industries growing in the Oakajee area.

Hon Giz Watson referred to the possibility of constructing this project inland. We had that argument when we debated the Iron and Steel (Mid West) Agreement Bill in the first place. The Parliament has passed that Bill. Retreading this issue does not help; it only adds an element of uncertainty.

Anyone who understands what is involved in exporting products from operations such as this appreciates the need for access to a port. Irrespective of whether the processing is inland or in the Oakajee area, access to a port is necessary because ships do not pull into Mullewa very often! They must be ready on the coast to take away the product of this operation.

Hon Kim Chance: Ships have been known to drop in at Geraldton.

Hon N.F. MOORE: They have. I am sure that anyone who had a close look at the tonnages involved in the operation and the effect their movement would have on the Geraldton port would not want to live in Geraldton. The potential development at Narngulu would have been of such magnitude that we believe it would have had a detrimental effect on Geraldton as a city. The combination of those two projects would turn Geraldton into what I suspect Newcastle or Port Kembla looked like in the past. The decision has been made that Geraldton will remain as a port and a very lovely town, and an industrial site, combined with a port, will be developed further north to enable the project to proceed.

It is disappointing that again we hear more negativity from the Greens, who continue to constantly denigrate anyone who seeks to create development in Western Australia and the jobs that children now going to school will need in the future. I hope that all sides of the House, with the exception of the Greens, will acknowledge that this process has been established and will do all they can to ensure it proceeds.

The PRESIDENT: Order! I welcome to Parliament House, Perth and in particular to the President's Gallery, Hon Gordon Oakes, who was a member of the House of Commons for more than 33 years. He is a former Minister for Higher Education and Science. With Hon Gordon Oakes are Mrs Lucy Walton and Mrs Pat Chamberlain. They are visiting Parliament House, Perth, as guests of Hon John Cowdell, Deputy President.

HON KIM CHANCE (Agricultural) [4.04 pm]: The Australian Labor Party remains a firm supporter of the proposal to establish new industrial opportunities in the mid west. We have had that uncompromising position for a long time, dating back to our period in government when Labor established Oakajee Industrial Park.

I have spoken before in this place of the future of the mid west but I will not spend much time on it now. However, in the main, the future of the mid west is dependent on development in the only two industries that cannot be described as being fully developed in the mid west. One of those industries is mining and mineral processing; the other is tourism.

It is reasonable to assume that the farming and fishing industries, that provide the vast bulk of the wealth in the mid west at present are fully developed, save some technical advancements. That is why the future mineral processing industries in the mid west are so critical and why Labor has been an unabashed supporter of them. However, a couple of issues should be considered in the context of this motion.

The Leader of the House referred to earlier discussions he had had across the Chamber with Hon Mark Nevill, vis-a-vis state agreement Acts, speaking, I imagine, as the Minister for Mines. When he said that we did not need to pass agreement Acts, he rather missed the point. Certainly a Government can form an agreement with a proponent to do something. However, the best description I have heard of an agreement Act is that it is an Act of Parliament that allows a person to do something that would otherwise be illegal. If that is a fair definition, it is then illogical to say in the same breath that we do not need to bring it into the House. If a mechanism is required that will allow something to proceed that is in breach of another Act or other Acts of Parliament an agreement Act must be passed. That cannot be achieved through the contractual process. The Government does us no favours introducing agreement Acts; it must do that.

The attack the Leader of the House launched on the Greens (WA) is somewhat hackneyed and was just a little over the top. Perhaps I misheard what Hon Giz Watson, who moved the motion, said, although I thought I was listening fairly closely. I did not hear the negativism that the Leader of the House obviously heard. It is not my role to defend the Greens; I am sure they are capable of looking after themselves.

I thought that Hon Giz Watson said there was concern about this process.

Hon Mark Nevill: The National Party already has its preferences.

Hon KIM CHANCE: I thank Hon Mark Nevill. There is concern about this process. When the Government, which has essentially driven this project ever since it has been in government, is divided down the middle on it - the Liberal party is saying one thing and the National Party is on the hustings campaigning against the Government, even though its members were part of the decision in Cabinet - why is it surprising that a member of an opposition party is concerned about the level of uncertainty?

Hon Mark Nevill: Which opposition party?

Hon KIM CHANCE: In this case I am referring to the Greens (WA).

I am concerned also because during that election, as a Labor Party candidate and campaign director, I held the line on Oakajee, only to watch a succession of 18 to 25-year-old voters walking past the people handing out Labor how-to-vote cards and taking National Party how-to-vote cards. That really hurt. It hurts me enough when young people take the Greens (WA) how-to-vote cards but it really stings when they take National Party cards when the National Party was a part of the coalition that committed us to that process. Labor did not tell Kingstream Steel Ltd to go to Oakajee. Who did tell Kingstream that project was to go onto the coast? It was the Liberal and National Parties. The National Party then made a virtue of its position by opposing the move to Oakajee. It fooled people in one election. It will not do it again because I will not sit there next time and carry the can for an element of the coalition. I will not allow the Labor Party to carry the can for that kind of perfidiousness by a government party.

Siting the proposed steel mill near the Oakajee site and the proposed construction of a deep water port adjacent to the site were not decisions made by Labor; they are the responsibility of the Liberal-National coalition Government. The steel mill proponent, Kingstream, never at any time pointed to Oakajee as its preferred site. The decision to locate at Oakajee was imposed on Kingstream by the Government. Kingstream's early analysis in fact indicated that the inland site at Eradu, where the gas pipeline and railway intersect, was the most economically viable site. Kingstream later opted for a location in the Narngulu industrial area. It is quite wrong to say that Narngulu was the first choice. Narngulu is on the outskirts of Geraldton. I agree with the comments of the Leader of the House about its unsuitability for that site. However, by that time the project had doubled in size from a projected production of 750 000 tonnes to about 1.5 million tonnes per year. Interestingly, it was at that point when Kingstream was ready to commit to the Narngulu site that the Government said that the project would not go there, probably for good reason - let us not argue about that. The Government did not tell Kingstream that the project would not go there but would go on Kingstream's earlier preferred site at Eradu. The Government said that Kingstream's project would go up the coast to Oakajee. Kingstream had very little choice, I imagine. It could either say that it would do that or the project would not go ahead. The really interesting aspect is what happened after that: Kingstream again very nearly doubled the projected size of its plant when the projected output became 2.5 million tonnes per annum. I am not a cynic, but one must wonder whether each time these changes were imposed on Kingstream for one reason or another, but in the last instance a government decision, Kingstream did not pump up the size of the project simply to make the critical mass meet the bottom-line conditions of the costs which had been imposed.

Labor has been supportive of this project but it has been supportive from the very beginning on the basis of two principle conditions. The first condition is simple enough; that is, that it meet all current environmental standards. The second condition is a little tougher; that is, that no unquantified future financial liability for Western Australian taxpayers will arise out of this project - not no future liability but no unquantified future liability. In other words, we must know what we are heading for. We will not sign a blank cheque. When one starts looking at the financial dynamics of not only the land-based infrastructure, to which Hon Giz Watson was referring, but also the future financial dynamics of the port infrastructure and the annualised cost of the unused portion of the port, those figures become horrendous. We must really consider the situation.

HON B.K. DONALDSON (Agricultural) [4.15 pm]: I am rather amazed, as is Hon Kim Chance, that the Greens (WA) through Hon Giz Watson have once again raised Oakajee as an issue in this Parliament. I heard her say words to the effect that a substantial part of the population is against the development at Oakajee. Oakajee is in my electorate. I am sure my colleagues would agree with me that is not the message we get out of Geraldton and the mid west; in fact, it is the opposite. I can well remember going to a public meeting at Geraldton at which a Greens senator, Dee Margetts, was trying to ask some questions. She got howled down at that forum. People from business and the wider community of Geraldton were there. They went along to hear what was to happen at Oakajee.

The message that I get loud and clear - I am sure Hon Kim Chance gets this - and the message I got loud and clear in Geraldton, in 1993, when we fought an election, and again at the end of 1996, when we spent a lot of time in that electorate, is that the people of Geraldton are telling us to get the project started and get it finished. They see employment opportunities for their children. Geraldton is a very funny place in many ways. It has a fairly wealthy hinterland with agricultural and very strong lobster and fishing industries. One might assume that it has a very healthy and wealthy economy. In fact that is not the case. I do not know where people spend their money but there has been a pessimistic mood in the Geraldton area for some time. Whether that has arisen from the expectation that Oakajee should have been built by now, I do not know. Certainly business people are saying that business is very flat.

One of the greatest disappointments is the lack of employment opportunities in Geraldton for young people. Geraldton has a growing education system which is becoming first class. One hopes that its facilities will be used and that at the end of the day employment opportunities will arise. That would be similar to building an industrial park because at the end of the day the effect will snowball. Mt Gibson Iron had a property in mind for establishing an iron and steel mill outside Geraldton. It had taken an option for a period of time over a private property, but it relinquished that option earlier this year because it realised that if its project were to proceed, it must transfer to Oakajee because it made a lot of sense.

When we talk about value adding, one of the great things about this particular iron and steel project in the mid west is that it is able to use low grade iron ore. Tallering Peak has not got a lot of high grade ore. Certainly most of the high grade ore was taken out of the Koolanooka deposits some time ago. What is left is a lot of low grade ore. To be able to have the benefit of value adding is tremendous because otherwise those deposits would be left unutilised. At present very good high grade ore can be mined in lumps or fines from the Pilbara. This is an opportunity to value add from low grade ore to provide employment opportunities in Geraldton, which Geraldton desperately needs. The Government showed great vision in not allowing the project to go ahead at Narngulu or Eradu. It is not true to say that Kingstream wanted to go to those areas. Kingstream would have done its sums. On the face of it those areas might have looked all right. However, one must look at where a workforce would locate. If any member were to go to Eneabba, for arguments sake, to see what happens when people knock off shifts and where they live, the member would see that they live out at Leeman. Eradu and Eneabba would be two of the hottest places in Western Australia in the summer. Almost religiously, Eneabba gets a mention, and Eradu would not be far behind if its temperature were recorded.

People are located on the coast in any event. As the Leader of the House and Hon Kim Chance indicated, a deepwater port is needed. The people at the Geraldton Port Authority say that there is room for both - a deepwater port and the existing one. They do not want three, or four, or five million tonnes of iron and steel coming through the port of Geraldton. First of all, that port would have to be deepened. Some optimistic people may think that is easy to do. I have news for them: A group of engineers has looked at that possibility, and the findings are not very encouraging, given the cost and what we would get for the money spent. People in the Geraldton area would prefer to see the deepwater port and the industrial park located at Oakajee. It is one of the most sensible things that has happened in Western Australia. It is visionary to locate the new port at Oakajee, rather than adding to the woes of what is located in Geraldton, not just now, but in the future.

If the size of the plant at Narngulu had been increased, which would have been needed, it would have had a dramatic effect on the flight path of the airport at Geraldton. A plane flying over the block of larger plant at Narngulu - Hon Kim Chance would have flown over it - would have had to change its angle of approach on the regular flight path. It would not have been very wise from an air safety point of view to locate this project where it was proposed originally. It would have meant double handling the ore coming to Narngulu: First, it would have to be processed and then it would have to be shifted continually to the deepwater port at Oakajee. It makes sense to locate the iron and steel plant close to the port.

Hon Kim Chance: The Oakajee industrial development is inland anyhow.

Hon B.K. DONALDSON: I realise that. It is close enough to the port so that transportation of the ore will not affect a lot of people. The Oakajee site is magnificent. The size of the buffer strip from the North West Coastal Highway has grown, and I am pleased to see that. Given the topography of Oakajee, people would be lucky to see anything worthwhile when driving on the road to Geraldton.

Modern technology has improved iron and steel plants. I have seen aquaculture in the middle of one of the biggest steel mills in Norway, including salmon in open ponds. That is the sort of technology that is now available. Members must think again about knocking something continually. Although Hon Kim Chance did not do that, I am disappointed with the comments of Hon Giz Watson. I think she has been led and fed by emotion, following comments to her from other people, without realising the dynamics of what this project is all about. I have used the concept of "Build it and they will come" before. It will snowball.

Hon Kim Chance: *Field of Dreams*.

Hon B.K. DONALDSON: That is right. That will happen once we commence the operations for a deepwater port. The continental shelf is very close to the coastline at very few places along the Western Australian coast - Oakajee is one, and

Breton Bay is another - which makes Oakajee very attractive for minimum construction of a deepwater port. This project will add to the economy of Geraldton, and I just cannot wait for it to happen. Countless thousands of people in Geraldton feel the same way. Members should get out among the people and talk to them about this project. Hon Giz Watson should do that.

Hon Giz Watson: I have done that.

Hon B.K. DONALDSON: The member must have spoken to a select few. My colleagues and I traverse that area pretty well and we know those who are for the project and those who are not. There is overwhelming support from the people in the Geraldton region for this project. That support snowballs to the outlying areas - to Morawa and Dongara - where the people believe there will be a flow-on effect. That is what normally happens. I am disappointed that we are having a regurgitation of negative comments concerning a project that, hopefully, will become a reality. It will benefit not just Western Australia, but the mid west region.

HON MARK NEVILL (Mining and Pastoral) [4.24 pm]: This motion calls on us to discuss the continuing uncertainty surrounding the establishment of the Oakajee project. That project was shifted by the Government from Narngulu to Oakajee. That is why the Government is liable to pay for some of the infrastructure costs. That was quite clear in the relevant agreement Act, which was supported by the vast majority of members in this House.

The Kingstream project started in about 1991, and was put together by the member for Eyre and Nik Zuks. It was to be based at Mullewa and was a 400 000 tonne or a 700 000 tonne per year project, and would use the Irwin River coal. It has evolved in the intervening eight years. The location for the proposal moved from Mullewa to the coast. We must have a steel mill on the coast. There are 300 000 tonnes of limestone coming in by ship, as well as scrap steel. It makes no sense to have steel mills inland unless they are in a massive industrial area, such as the Rhur area in Germany or mid west of the United States. The best place for this project is on the coast.

There has been some uncertainty surrounding the project. It revolves around the merger with An Feng, the Taiwanese company, which had a pretty stretched balance sheet. When the Asian crisis came, it got into some financial difficulty. It had put between \$20m and \$30m into the project. While An Feng was a partner, the project advanced. Since then, An Feng has gone into chapter X bankruptcy. That project has now dissociated itself from An Feng completely. The shareholdings have been disentangled and there is no residual link, although I think there are a couple of Taiwanese shareholders. The project now has a clear run in front of it again, and I am grateful for that. Originally it was to be a joint venture in which An Feng had 50 per cent of the project and Kingstream Resources NL had the other 50 per cent. Any expansion was to be half-owned by Kingstream. After the merger, Kingstream was left with about 8 per cent or 9 per cent of the whole project. The Australian shareholdings got only about 8 per cent of any future expansion.

This is a good development. There is no new technology in the project - none at all. It has none of the risks that have been associated with the hot briquetted iron plant at Port Hedland, or the nickel laterite. The technology is all off the shelf. There is no technological risk. All of the feasibility studies put the production costs in the lower 25 per cent, the lower quartile. It is near the bottom. The project needs a take-off contract for the steel slab and the finance. The finance is the tricky bit; however, I think the project is so strong that it will get it. The past two or three years with An Feng have been a dead end for the company, although a lot of engineering and feasibility studies were advanced during that period. We can look forward quite confidently in the future to Kingstream being able to raise that capital, but that will not be easy.

The project is important for Geraldton. There are houses for sale everywhere in that town. It has a very depressed economy and very high youth unemployment. A lot of the timber workers from the south west have gone to Geraldton looking for work. We will see a massive complex in that area within 20 years. If the cost of that steel mill comes out in the lowest quartile, it will double, treble, or quadruple in size. We are already running a \$10b deficit this year and that will not be offset with ecotourism. I caught the train home from Parliament yesterday. I saw about a thousand imported cars on the wharf, which people will have a penchant to buy. They must all be paid for. I would like the Greens (WA) to look at these sorts of projects and at the best environmental outcome for them. However, when Hon Giz Watson talks about these things, one thinks that it is just economic sabotage and not a question of getting the best environmental outcome out of a development. There is always a trade-off, and it is a question of where we strike that balance and what we preserve in the environment. However, it is a project worth supporting. I do not think there is any continuing uncertainty about which we should worry.

Motion lapsed, pursuant to standing orders.

NATIVE TITLE (STATE PROVISIONS) BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.31 pm]: I move -

That the Bill be now read a second time.

I will give members some background before addressing the detail of the Bill. For several years this Government has publicly stated that the commonwealth Native Title Act is an unworkable piece of legislation. We have done everything possible to make successive Commonwealth Governments aware of this problem. It has always been the policy of this Government that native title should be dealt with as part of the normal state land and resource management process. That process has always been the responsibility of the State Government and ultimately this Parliament.

This Government, however, was not prepared to take on the responsibility for native title while the federal Native Title Act remained fundamentally flawed and imposed an unworkable regime on any complementary state-based system. The amended Native Title Act came into force on 30 September 1998 and the Government introduced the Native Title (State Provisions) Bill 1998 into Parliament in October 1998. That Bill was laid aside after lengthy debate during which the Legislative Council made amendments to the Bill, which made it both unworkable and unacceptable to the Government.

The Government has prepared a new Bill which has again been drafted in accordance with the relevant provisions of the amended Native Title Act. Parts of the Bill will require a determination by the commonwealth minister before the Bill can be functional, and the minister's determination must also be laid before both Houses of the Commonwealth Parliament where it can be subject to a disallowance motion.

The Bill establishes a Native Title Commission to deal with future acts, but, unlike the previous state provisions legislation, the commission will not deal with registration and mediation of claims. It establishes a state-based regime for vacant crown land and most importantly it removes the failed right-to-negotiate regime on co-existing leasehold lands and replaces it with a fair, constructive and workable consultation regime. Changes to the Bill reflect, in part, discussions with Hon Mark Nevill.

The Bill will enable the State Government to replace the right to negotiate on pastoral leases and certain reserves with a prescribed regime of consultation. The right to negotiate will remain on vacant crown land and Aboriginal reserves and there is a new process for consultation for infrastructure titles and developments within towns and cities.

I will now deal with sections of the Bill. The Bill largely relies on the definitions used in the Native Title Act to ensure consistency. Provisions regarding the proclamation of the Bill are restricted by the need to have certain sections approved by the commonwealth minister. As a result, commencement of parts 2 and 3 and division 4 of part 5 cannot occur until determinations under the Native Title Act come into force.

Part 2 of the Bill provides consultation procedures for "alternative provision areas" in accordance with section 43A of the Native Title Act. The provisions deal with future acts which relate to an area of land or waters that is an "alternative provision area"; that is, non-exclusive land tenure such as pastoral leases and some crown reserves. Areas subject of a grant for the use and benefit of Aboriginal persons where native title has not been extinguished are excluded from the operation of this part under clause 2.1.

Part 2 acts can be validly done only when there is no valid objection lodged to the act; there are no registered native title bodies corporate or claimants; all objections are withdrawn or dismissed; an agreement is made and lodged with the commission; a recommendation made by the commission to allow the act to be done is not overruled or a recommendation by the commission that the act is not to be done is overruled by a state minister. A provision allows acts that would ordinarily fall under part 2 to be dealt with under part 3 on request from the applicant. This provision is intended to allow applications which traverse both part 2 and part 3 areas to be dealt with under part 3 to avoid the need for multiple processes for a single title.

Before the act can be done, there must be notification to registered bodies corporate, registered native title claimants and any representative bodies in accordance with the Native Title Act. The notices must nominate a closing day for objections that must be at least three months after the notice is given and there are requirements in the Bill as to the content of the notice.

Notice is to be given by the government party in the case of certain compulsory acquisitions and either the government party or persons prescribed by regulation in other cases. Regulations can be made about the giving of notice.

Any registered body corporate or native title claimant may object to the act on the grounds that the doing of the act would affect the person's registered native title rights and interests in relation to the land or waters to which the act relates. The commission has discretion to extend the closing date for objections in cases where there are exceptional circumstances. If a registered native title body corporate or a registered claimant does not make the objection, or the rights and interests claimed to be affected are not registered rights and interests of the objector, the Native Title Commission has the power to dismiss the objection.

The Bill defines the consultation parties as being the objector and the proponent in the case of mining or the objector and the government party in the case of compulsory acquisitions. The consultation parties are required to consult in good faith about minimising the impact of the act on registered native title rights and interests, including access to the land and waters or the way in which anything authorised by the act may be done.

The provisions allow for the commission to mediate if requested to do so by any of the parties. They provide the commission with a power to request the parties to meet together if either of the parties is not making sufficient attempts to consult. There are provisions to ensure that applications to do an act can be withdrawn and the parties will be notified. The objector may also withdraw an objection and any agreements may be lodged with the commission.

If after four months the objection is not withdrawn and no agreement resolving the issues on which the objection is based has been lodged, the commission may give notice that it intends to hear and determine the objection. The commission must attempt to make a determination within four months of the notice and the period may be extended at the minister's discretion. Consultation between the parties may continue while the commission is hearing the matter.

The commission is able to make a recommendation that the act may be done, may be done subject to conditions or may not be done. The commission must not determine that the objector is entitled to payments by reference to profits, income or things produced. The minister may overrule the commission's recommendation in the interests of the State after consultation with the Minister for Aboriginal Affairs and taking into account any recommendation or advice from that minister. The

Minister for Aboriginal Affairs must be provided with all non-confidential information received by the responsible minister or the commission in relation to the recommendation.

There are provisions that provide for judicial review by the Supreme Court of recommendations by the commission and determinations by the minister.

Part 3 of the Bill deals with provisions for future acts in areas other than alternative provision areas; that is, land which has always been unallocated crown land and Aboriginal land excluded from part 2. The provisions allow for part 3 acts to be validly done only when no valid objection is lodged to the act; there are no registered native title bodies corporate or claimants; all objections are withdrawn or dismissed; an agreement is made and accepted by the commission; a determination made by the commission to allow the act to be done is not overruled or a determination by the commission that the act is not to be done is overruled by a state minister.

There must be notification of the act to the public and by written notice to registered bodies corporate, registered native title claimants and any representative bodies. The notices must nominate a closing date for objections that must be at least three months after the notice is given. The notice may relate to two or more acts. Any registered body corporate or registered native title claimant in relation to the land to which the act relates may object. The objection must state the manner in which the act would affect the registered native title rights and interests.

The commission has the discretion to extend the closing date for objections in exceptional circumstances. The commission has the power to dismiss an objection if it is not made by a registered native title body corporate or a registered claimant or the rights and interests claimed to be affected are not registered rights and interests of the objector.

The negotiation parties are the objector/s and the proponent in the case of mining or the objector and the government party in the case of compulsory acquisitions. Any party may request that the Government be requested to be involved in relation to mining future acts. The negotiation parties are required to negotiate in good faith with a view to the objections being withdrawn or obtaining the agreement of the objectors to the doing of the act, which may be subject to conditions.

The provisions allow for the commission to mediate if requested to do so by any of the parties and to cause the parties to meet if insufficient progress is being made toward reaching an agreement. The objector may withdraw the objection and a copy of any agreement made may be given to the commission. The commission will accept the agreement if the appropriate parties have executed it properly and no party has established that the agreement was not entered into freely and voluntarily.

When any objection is not withdrawn within four months of the closing date or if no agreement has been lodged, the commission may give notice that it intends to hear and determine the objection. The commission must attempt to make a determination within six months of the notice and the period may be extended at the minister's discretion. The commission may determine that the act may be done, may be done subject to conditions or must not be done. The commission must not determine that the objector is entitled to a payment worked out by reference to income, profit or things produced. The criteria to be taken into consideration in making a determination are listed in clause 3.45 of the Bill and reflect section 39 of the Native Title Act.

The minister is able to make a determination when the commission is not likely to do so within a reasonable time frame, if it is in the state interest to do so, and after consultation with the commonwealth minister. Any such determination must be laid before both Houses of State Parliament. The minister may also overrule a determination of the commission within two months of the decision if it is in the interests of the State to do so.

Part 4 of the Bill implements a regime for the operation of section 24MD(6B) of the Native Title Act. The provisions apply to certain permissible lease, etc, renewals, third party compulsory acquisitions wholly within a town or city, the inter-tidal zone or for infrastructure purposes and the creation or variation of a right to mine for infrastructure associated with mining.

Acts can be validly done under part 4 when no objection to the act is lodged, all objections are withdrawn or dismissed, an agreement is made, a recommendation made by the commission to allow the act to be done is not overruled or a recommendation by the commission that the act is not to be done is overruled by a state minister.

Notification must be given to registered bodies corporate, registered native title claimants and representative bodies. The closing date for objections must be at least two months after the notification is given. Registered native title bodies corporate and registered native title claimants may object to the act on the grounds that it will affect their registered native title rights and interests in relation to the area subject to the act. The commission may dismiss an objection if it is not made by a registered native title body corporate or a registered claimant or the rights and interests claimed to be affected are not registered rights and interests of the objector.

The consultation parties are defined as being the objector and either the proponent, in the case of mining titles, or the government party, in the case of compulsory acquisitions. The consultation is to be in good faith and is to be about minimising the impact of the act on registered native title rights and interests, including access to the land or waters with the aim of having the objection withdrawn. The objector may withdraw the objection, and any agreement resolving the objection may be lodged with the commission. The commission may hear and determine objections if the matter has not been resolved four months after the closing date. The commission may hear an objection earlier if a consultation party so requests. The commission must determine the objection within four months of being asked to do so and may recommend that the act be done, the act be done subject to conditions, or the act must not be done.

The minister is able to overrule a recommendation of the commission if it is in the interest of the State, after first consulting with the Minister for Aboriginal Affairs and taking into account any advice given by that minister.

Part 5 provides for the commission to determine, on application, compensation in relation to future acts, other than compulsory acquisitions that are already covered under the Land Administration Act.

A procedure for claiming compensation is established for native title holders in relation to part 2, part 3 or part 4 acts when there has been a determination of native title by the Federal Court of Australia. The commission is able to determine compensation, and the determination is to be in accordance with provisions that reflect sections 49 and 51 of the Native Title Act. There are also provisions in relation to the recovery of compensation, the holding of compensation in trust, the payment of compensation from the trust, non-monetary compensation and the jurisdiction of the commission in dealing with trust moneys.

Part 6 establishes a Native Title Commission to exercise functions under the Native Title (State Provisions) Bill 1998 and to have delegated powers from the National Native Title Tribunal registrar in relation to the registration of indigenous land use agreements. The commission is obliged to perform its functions fairly, justly and expeditiously and to ensure that its procedures are informal and accessible.

The commission will consist of a full-time chief commissioner and a number of other commissioners who may be employed on a full-time or part-time basis. In compliance with the Native Title Act, a member of the commission must have been enrolled for at least five years as a legal practitioner of the Supreme Court of Western Australia or another State or Territory, or the High Court of Australia, or have special knowledge in relation to Aboriginal people. The Bill also allows the appointment of members who have knowledge in relation to land and resource management or dispute resolution. There must also be one member of the National Native Title Tribunal on the commission.

The commission has the ability to hold hearings. There are provisions in relation to matters such as offences, confidentiality, conflict of interest and use of interpreters that generally conform with those provisions in the Native Title Act.

The chief commissioner will have the power to engage staff to assist the commission in the performance of its functions. The commission will be an independent body and will not be subject to ministerial direction. It will not be a public sector body subject to the Public Sector Management Act.

Part 7 allows for the making of regulations, review of the Act after five years, and contains consequential amendments to the Land Administration Act, Mining Act, Petroleum Act and Petroleum Pipelines Act, as well as various ancillary acts. Part 7 also contains provisions for transitional procedures to be applied to the large backlog of mining title applications that has built up under the commonwealth NTA processes. These provisions will enable regulations to be made to ensure the orderly processing of the backlog.

This Bill is critical to ensure that Western Australia has a workable land and resource management system in place, which appropriately recognises the native title rights and interests of Aboriginal people. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

BILLS - ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Nuclear Waste Storage (Prohibition) Bill 1999.
2. Titles (Validation) and Native Title (Effect of Past Acts) Amendment Bill 1999.

PROSTITUTION BILL 1999

Second Reading

Resumed from 25 November.

HON N.D. GRIFFITHS (East Metropolitan) [4.46 pm]: The Prostitution Bill 1999, as it stands, is an affront to anybody in our community who has any respect for any reasonable notion of civil liberties. The minister's second reading speech said that the Government was introducing legislation that it considers will give police increased powers - and this is the purpose of the legislation - better to control child prostitution, street prostitution, kerb crawlers, and advertising and sponsorship. The Australian Labor Party agrees that a Bill should be before this House that would enable child prostitution, street prostitution, kerb crawlers, and advertising and sponsorship with respect to prostitution to be dealt with. This Bill goes much further. When those words were used by the minister in his second reading speech, they did not accurately describe what was contained in the Bill. We in the Australian Labor Party agree with what is said to be the purpose of the Bill, but we do not agree with much of what is contained in it. I give notice that the Australian Labor Party will seek to have the Bill dealt with by the House so that it properly reflects what the Government says the Bill is supposed to do, rather than what, on any rational reading of the Bill, it seeks to do.

The Prostitution Bill 1999 in its current form does not regulate some aspects of prostitution as much as prohibiting prostitution. In particular, this Bill goes further than dealing with matters to do with prostitution on streets with respect to prostitutes and customers. The involvement of juveniles in the role of street prostitutes has received much publicity. On its face, this Bill intrudes into areas far beyond street prostitution. It certainly deals with places which are not ordinarily considered to be public places. It deals with brothels, hotels and a variety of locations, notwithstanding misleading words used by those who promote the Bill as dealing merely with street prostitution and matters incidental to that, as I have described.

The Bill is framed in wide terms. It seems that is the Government's intent. One need only note its genesis. It purports to be a reaction to a Bill which emanated from the Australian Labor Party. It goes much further than being a mere reaction. It is a Bill which has been hanging around for some time. In part, it has been excised from some other Bill. It is a document which comprises what many quite reasonably would see as a police powers wish list; that is, "Please give us what we have wanted for so many years." In terms of public misbehaviour, the Bill does not deal with murder, mayhem or the sale of drugs for profit. We are talking about the oldest profession in the world, about something which has been and always will be with us. The usual phrases come to mind, including that we are using the Bill as a sledgehammer to crack a nut. The Bill is over the top and the penalties it sets out illustrate that. They are absolutely out of kilter with what is proposed in other jurisdictions, and in this jurisdiction, to deal with similar misbehaviour.

One of the worst aspects of this Bill is that it creates offences of which the substantive part will be dealt with by way of regulation. It creates an offence that is not something that is petty. It cannot be petty, because in one case the offence to be created by regulation carries a maximum penalty of 20 years' imprisonment. This sort of legislation is unknown to any comparable jurisdiction in the English-speaking world. It is alien to the way we behave. It is the sort of legislation that one would have expected in eastern Europe prior to 10 years ago, or in parts of western Europe prior to May 1945. It is outrageous legislation. It is outrageous to present before a House of Parliament in a Westminster system a proposition that by regulation we can create an offence which can carry a maximum penalty of 20 years' imprisonment. I know that these matters do not worry the Attorney General because he has no concern for civil liberties. However, as one goes through the Bill, one sees a reversal of the onus. The Bill contains the lovely words "conclusive presumption". We will have a regulation that will create an offence that carries a maximum penalty of 20 years' imprisonment. We are offered a reversal of onus and a use of language not well known to our courts, the language of conclusive presumption, in a Bill before the Legislative Council of Western Australia. If we are any sort of House of Review we must look at this legislation very carefully. Frankly, it must be amended so that it can deal with what the minister in his second reading speech said it was supposed to deal with - that is, street prostitution, matters relevant to street prostitution pertaining to children, kerb crawlers and some aspects of advertising and sponsorship. A number of categories of offence are capable of being substantially created by regulation. One involves a maximum penalty of up to 20 years' imprisonment; others have lesser penalties of imprisonment for five years and two years. This is anathema to the way we as a Parliament have always conducted ourselves.

I do not know who was responsible for this legislation. I have heard members opposite talk about the processes of their party room. Either they have no consideration whatever for civil liberties or they were all asleep. I do not know which ministers, if any, were involved in the preparation of this legislation - perhaps they were all asleep; I do not know. Whoever they are, they have no regard whatever for civil liberties.

I note that an aspect in this legislation deals with the issue of hindering of police. We are talking about prostitution. Aspects of prostitution can be serious. The Police Act deals with hindering of police, and it does not consider hindering a police officer to be a very serious offence. An exception to that is contained in the Misuse of Drugs Act, which refers to two areas of hindering; one carries a maximum penalty of three years' imprisonment and one a maximum penalty of two years' imprisonment. However, we are dealing here with prostitution. In the Police Act, which deals with hindering of police, across the board the maximum penalty is six months' imprisonment. The Government has gone overboard. The Bill will give the police a wide range of powers that they do not have and should not have for what is a minor area of public misbehaviour which will be carried on anyway, and which the Minister for Police says will be carried on anyway; although, when the minister says that in his public pronouncements, he gives the lie to the black letters on the white paper in this Bill.

We have before us a measure which will make people liable to a term of imprisonment for two years for failing to produce a document. So much for the right to remain silent! I do not know whether members opposite have any appreciation of or regard for our traditions - frankly, I do not think they have. I do not know how on earth they can go along with a proposition that people are not to refuse to answer a question or otherwise give information when required to and, if they fail to do that, will go inside for two years. Do members opposite not have any understanding whatever of our traditions, our common law and our parliamentary traditions? Do they not have any knowledge whatever of the sixteenth century and, more particularly, the seventeenth century and the constitutional changes which have occurred and which have brought into place assemblies such as this? This sort of provision in a Bill is an absolute affront to our civilisation. If we go along with this measure, we do not deserve to be here. It does not belong in this century, let alone in the next, and it certainly does not belong in this jurisdiction.

One of the points I note about this Bill is that a person cannot be prevented from refusing to answer a question or otherwise give information or produce a document or other thing because the answer or information would relate to, or the document or thing contains, information in respect of which the person claims legal professional privilege. That sums it up: Whoever is responsible for this document belongs in another time and another place. If this Bill as it stands becomes law, so many of our public health arrangements which have been in place for such a long time, and which seem to have worked very successfully, will be put at risk. The Health Act of 1911 contains a code that deals with the issues of sexually transmissible diseases.

We have a proper regulatory regime. There has been much publicity in recent times about street prostitution, kerb crawlers and so on. However, there has been no publicity about the regulatory regime in the Health Act 1911 not working. In fact, the only publicity we have seen and heard in recent times, since this Bill was introduced, is to the effect that the sections regulating that behaviour in the code will be put at risk.

[Questions without notice taken.]

Hon N.D. GRIFFITHS: Before question time I was talking about those who disobeyed the new proposed police powers being liable for a period of imprisonment of two years, and about the Government putting at risk longstanding public health measures dealt with in the Health Act 1911 under a regime which has not been the subject of criticism. This Bill reinforces a containment policy which had been in existence in Western Australia for a number of years. A few years ago it fell apart - I am no defender of that containment policy because I do not like hypocritical arrangements - and the prostitution industry became widespread under this Government, perhaps because of social and economic conditions. That containment policy is selective law enforcement on the part of the Police Force. If this Bill is not amended, that will continue to be the case.

I note that only police officers can bring complaints, notwithstanding the fact that we are dealing with simple offences as well as crimes. There is another containment policy and in some ways it is a more insidious containment policy, because the public of Western Australia have been made aware of the containment policy for which the police have been criticised for many years and they have been made aware of that by the actions of the Press. I note that in the second reading speech the minister said -

The Bill will prohibit anyone from publishing any statement promoting employment in prostitution or from entering into a sponsorship arrangement which promotes prostitution. In reflecting the seriousness with which this issue is viewed, a penalty of a \$50 000 fine has been provided.

I suppose that is well and good. The minister went on to say -

In addressing the issue of advertising, I take the opportunity to thank the *Sunday Times*, *The West Australian* and Community Newspapers of Western Australia for their efforts in working with the Government to develop a code of conduct that will limit the content of advertising for the purpose of prostitution. While the Government intends to monitor this accord, with a view to ongoing self-regulation -

For "self-regulation", read "containment" -

by the parties involved, I take this opportunity to commend them for adopting this position on the issue.

Therefore, the police are above the law and those good media organisations are also above the law. It is interesting to note that the media which seek to inform us of what goes on in the State of Western Australia have not bothered to tell us about the accord that has been developed. They have not publicised the fact that they have been involved in some deal with the Government of the day to protect their advertising revenue. So much for fearless reporting in Western Australia and so much for containment policies. We shall have not one, but two containment policies under this regime. I will ask the minister a question about that later on.

This Bill seeks to provide police powers in an area which the Government says is dealing with only street prostitution and matters pertaining to that, as I mentioned earlier. Of course, those who said that elsewhere lied about it. They deluded others and told lies, and that is fairly typical. Those powers are very wide and they refer to the police requiring something for the purpose of performing any function under the Act or any function in respect of an offence under the Act. A police officer can require the production of a document or other thing in the possession or control of a person. A police officer can inspect that, retain it and make copies of its content. A police officer can require a person to give that police officer such information as the police officer requires, and to answer any question put to that person. The Bill deals with how those requirements can be made but there are no proper safeguards. One area of the Bill which probably deals with the issue of street prostitution, with which the Bill purports to deal, is that where the police may direct a person to move on. Provided that is scrutinised properly, it may do the job that the Bill says should be done. So much of what is contained in the Bill goes beyond that. That particularly applies to the proposition that somebody can be detained, searched and seized without warrant, and that someone can enter and seize without warrant. Very wide search and, frankly, brutal seizure provisions are involved by which police officers can use force. This does not matter to the Attorney General, who, along with his colleagues, is probably the author of this rubbish.

We then have the interesting undercover officer provisions, the safeguard for which is the authorisation of the Commissioner of Police. Interestingly, that authorisation can be delegated. Therefore, the safeguard is the commissioner, but that is done away with through the powers of delegation. I suppose it is reasonable that a power is provided for a restraining order to be made; that is, to invite somebody in a positive way not to re-offend. It is almost certain that these people will re-offend, but I suppose something positive may be found in this provision. However, the Bill's wording extends far beyond that intent and leaves too much to be defined by regulation.

The Bill contains some fascinating evidentiary provisions. Every time prostitution is mentioned, the cry is heard: "It is hard getting evidence." It is hard to get evidence if one does not try to get evidence. This is a problem with policing, rather than evidence. The question of evidence has been overstated in the past, and it continues to be overstated. This relatively novel Bill needs to be scrutinised very carefully in that regard.

Draco would be proud of some of the Bill's other interesting provisions. A couple of weeks ago the House properly passed the Acts Amendment (Police Immunity) Bill 1999 with the agreement of all concerned. As the lead opposition speaker, I criticised the Government for the delay involved with that measure. It seems that the Government did not really want to pass that Bill, as then clause 5, and now section 137 (5), reads -

The Crown is liable for a tort that results from -

- (a) anything done by a member of the Police Force, without corruption or malice, while performing or purporting to perform the functions of a member of the Police Force, whether or not under a written or other law;

- (b) anything done by a person, without corruption or malice, in assisting a member of the Police Force who is performing or purporting to perform the functions of a member of the Police Force, whether or not under a written or other law.

Would it not be interesting if, in the course of considering the Prostitution Bill, a clause were discovered which contradicted that provision which we passed a couple of weeks ago? Would it not be interesting if the House reflected on that matter and came to the firm view that such contradiction was a mark of great incompetence? How would a Government be judged if it recently passed a Bill and then introduced a measure which in large part contradicted that Bill? So much for consistency! Frankly, the Government is incompetent. This is a very bad Bill drawn up by incompetent opportunists who have no regard for civil liberties or the state of civilisation in Western Australia.

If this Bill were substantially amended, it could do something worthwhile about street prostitution and related difficult matters which regrettably are prevalent in certain parts of Perth; therefore, the Australian Labor Party will agree to the Bill being second read.

HON GIZ WATSON (North Metropolitan) [5.45 pm]: The Greens (WA) cannot support the Bill in its current form as it has all the appearances of being hugely rushed in its preparation. I am adamant that it requires enormous amendment if it is to be salvaged in any shape or form. I place our position on this matter on the public record: The Greens (WA) acknowledge wholeheartedly the concerns of people affected by streetwalking in their neighbourhoods. A number of people have contacted my office, and I have engaged in extensive conversations with them about those concerns, which the Greens share. We agree that not only is it disruptive and unpleasant to have streetwalking occurring adjacent to one's house, but also an associated risk is involved for members of the public, particularly younger people, with such antisocial behaviour.

I now outline the policy or position of the Greens (WA) on the sex industry and prostitution: We would dearly love this industry not to exist. An enormous number of issues arise in the sex industry with the exploitation of women and the impact of such activities on workers and clients. We acknowledge that we will never be able to get rid of this industry. For me, this debate is not dissimilar to the debate on abortion which occurred in this place not long ago: We all agreed that we would dearly love abortion not to be necessary; likewise, we wish that there were no sex industry, but there will always be a sex industry.

The objective of any legislation to regulate the sex industry must be to treat it as a health issue, including occupational health and safety. The Greens (WA) are very much concerned about the rights and health of people who find themselves working, or who choose to work, in that industry.

A core concern which developed when I began examining this Bill is that it severely curtails the basic human rights of people working in this industry. The other issue which became apparent when I met various representatives who wanted to tell me their concerns about the Bill is that it is supposed to address only the issue of streetwalkers. It is important to realise that street workers in the sex industry are virtually a separate group from those working from premises or brothels. In fact, I am told that almost 99 per cent of those working on the street do so to get money for a drug habit.

This Bill is a reaction to a phenomenal increase in the number of people working on the streets, one of the underlying causes being that the issue of drug use and abuse is not adequately addressed in this State. Another cause is that those workers cannot get jobs in a brothel because the management will not employ people who have a drug habit. I am not saying that is right or that is wrong. We are trying to deal with a problem that is much bigger than the issue of people working on the streets. Unless we address the underlying causes for people turning to such a high degree of drug use in this State, we will never adequately tackle the issue of street prostitution; we will merely displace it to another more out-of-sight area. One acceptable alternative way of dealing with the issue is to go the way of a number of other States; that is, allocate an industrial area to be used legitimately for street prostitution.

My concern is that if we bring in heavy penalties and fines for street workers, those workers will be forced to turn to other activities to raise the money they need for their drug habit. It was suggested that street prostitution is a victimless crime, although nobody wants it in their area and everybody agrees there are problems and dangers associated with it, whereas drug users, who are put under extreme pressure to stop working on the streets, will find other ways of getting the money that they inevitably need, by housebreaking and bag snatching, for example. These are very difficult issues on which to take a right or wrong stance. One of the impacts of cracking down on street prostitution might well be an increase in other types of crime which, unfortunately, have victims. Apart from the connection with drug use of people working on the streets, there are also obvious issues of poverty and inequality that drive people to work in the sex industry. One of the fairly sobering aspects of prostitution is that by far the majority of women working in the sex industry have suffered sexual abuse as children. I am not saying that is true of all sex workers but there is a very frightening correlation in that area. We must increase the provision of services that are necessary to prevent people from choosing to work in the sex industry, in particular street sex workers.

This Bill is a very rushed piece of legislation and the inevitable result of a lack of a holistic approach to prostitution in this State. The current government policy of containment patently does not work. It leads to corruption and selective policing, and also erodes the ability to monitor the industry. The lack of a written policy has created a huge problem. It is very difficult for the police and those people involved in the industry when there is no legal framework in which they can work. One of the recent phenomena was the estimate of between 400 and 500 sex workers in this State in 1990-91; now it is estimated at more than 3 000. That figure comes from a government report on the draft prostitution control Bill of 1998. The report used those figures to show that the numbers of sex workers in Western Australia had increased rapidly. One must question whether those figures relate also to economic hardship.

Interestingly, an organisation called Phoenix, which represents sex workers, estimates that 3 000 is probably half of the real figure. We are therefore looking at an enormous number of people who are actually earning a living in this way. I guess the spilling out onto the streets is one result of the increased number of sex workers operating in WA. The objective of limiting or prohibiting people working on the streets has merit. A recent issue of violence towards and the disappearance of sex workers has created enormous concerns, among not only the general public but also those workers themselves. Those are extreme examples but most sex workers never report incidences of violence. An estimated 80 per cent of violent attacks on sex workers are unreported. A lack of protection for women, particularly on the streets, makes it even more dangerous to be working there. As I said, the problem is that those workers would be unable to get employment in the more protected environment of a brothel because the majority of them are drug users.

One of my key concerns about the Bill is that the whole approach of the Government is to leave the regulation of prostitution in the hands of the police rather than to treat it as an occupational health and safety issue. The main concerns that have been brought to me have come from members of organisations such as the Family Planning Association of WA and the Australasian College of Sexual Health Physicians, who took the time to write to me expressing their concerns on behalf of a range of health professionals providing services in this area. These people in their work obviously see a number of people, particularly workers in the sex industry. They have expressed concerns to me that the Bill will result in the approaches to limit the spread of disease and promote safe sex practices in the sex industry being set back drastically. The provisions in the Bill will result in the reluctance of those workers to come forward for health checks or consultations with any health professionals because of records being made available under the legislation or health professionals being required to provide the information on request to the police. One of the interesting myths about sex workers is that they all have a rampant rate of sexually transmitted diseases and are a health hazard. The reality is that most sex workers have a low record of sexually transmitted diseases compared with an average member of the public.

Sitting suspended from 6.00 to 7.30 pm

Hon GIZ WATSON: Before the suspension I was about to elaborate on one of the misconceptions that people working in the sex industry are more likely to spread sexually transmittable diseases among the unsuspecting general population. I received a letter from Dr Heather Lyttle, a sexual health physician and Chairperson of the WA Chapter of the Australasian College of Sexual Health Physicians, which reads -

In its current form -

She is referring to the Bill -

- it appears punitive and unworkable. Sexually Transmitted Diseases in the community are spread far more by the general population than sex workers who consistently use condoms. In Australia in the 1990's Sex workers have a lower incident of condom-preventable diseases than the general public.

That highlights one of the major concerns with the Bill.

The provisions requiring certain information to be made available will impinge on achievements within the industry, such as increased rate of practising safe sex and the use of condoms, which play a major part in reducing the spread of sexually transmitted diseases.

From speaking to people such as Dr Lyttle, the Family Planning Association of WA and the AIDS Council, irrespective of the intention of this Bill with respect to sex workers, I believe its implementation will have a retrograde impact on the advances made in sexual health within the industry.

In outlining some of the history that led to the introduction of this Bill, I refer to the failure of both major parties to introduce a comprehensive approach to prostitution in this State.

Hon N.D. Griffiths: And the Greens.

Hon GIZ WATSON: We have not had an opportunity to do anything until now.

Hon N.D. Griffiths interjected.

Hon GIZ WATSON: In 1990, the State Labor Government reviewed this issue by establishing a community panel on prostitution. Probably the overriding recommendation from that panel was that the best way to address prostitution was by decriminalisation. Since then there has been a lack of will to go that far.

Hon Peter Foss: Not lack of will; we do not agree.

Hon GIZ WATSON: Or lack of agreement, that is fair enough.

Another concern that has been raised about this Bill is the lack of consultation with health care professionals and workers in the sex industry. It seems that only in the past week or so have a number of health professionals and their organisations had an opportunity to realise what this Bill is proposing. They have responded very vigorously with their concerns. As a result, the House will be contemplating some major amendments to the Bill. We will be supporting the bulk of those amendments. I certainly think that they are pulling back a lot of the issues that looked as though they would go as far as to impinge on people's rights and set back dramatically the health agenda in this industry.

Another state government community panel recommendation is that one of the ways in which to have better regulation of the industry is to encourage responsible behaviour in sex workers and their clients, to encourage the free flow of information and education and to alleviate some of the stigma associated with those working in the industry. What is so fundamentally

wrong in the approach of this Bill is that it runs counter to all of those initiatives for encouraging responsible behaviour in workers and their clients. The Bill stands at the moment as an impediment to that flow of information and whatever efforts for education have been made to date. The Bill certainly does nothing to alleviate the stigma associated with the industry.

An extraordinary irony is that in *The West Australian* approximately three weeks ago, when an American aircraft carrier came into Fremantle - about the time of the discussion on whether a Bill on prostitution would be introduced into the Parliament - there was a picture of three very scantily clad young women at the port "welcoming" the sailors in. I thought that there we had double standards. We all think that prostitution is a terrible thing but when the sailors arrive it is just a bit of entertainment for those women in bikinis or whatever to sell their services to the sailors! It is one of the aspects I find appalling, because not only do these vessels come into our ports carrying nuclear weapons but also their sailors exploit our women. The community has an extraordinary double standard when it comes to what is acceptable and what is not.

Hon Ray Halligan: Are you suggesting that the community should condone it?

Hon GIZ WATSON: I am suggesting that sort of behaviour is seen in a different light from streetwalkers in Perth.

Several members interjected.

The PRESIDENT: Order! I remind Hon Ljiljanna Ravlich that it is not question time. Hon Giz Watson has the floor, and I am trying to listen.

Hon GIZ WATSON: Thank you, Mr President, I will try not to be distracted in my presentation on this matter.

The industry makes an enormous contribution to the economy. Another double standard is that although the industry is illegal, those working in it are required to pay tax.

Several members interjected.

The PRESIDENT: Order! Hon Nick Griffiths should be aware that I am trying to listen to Hon Giz Watson. As I have said before, she is in probably one of the most difficult places in the House from which to hear somebody speak.

Hon GIZ WATSON: I came across an article in the *Western Review* from December 1994 which stated that the estimated earnings from prostitution were between \$22.7 and \$63.3m annually. It is obviously an industry that contributes to the Australian economy in a major way. The article contains other interesting statistics. Again, I raise this to point out some of the double standards in our community regarding prostitution. It claims that seven out of 10 adult males have some direct experience of prostitution. I am pleased the Bill addresses the issue of prosecuting fines. In the majority of cases, regulations and punitive action are directed at the sex worker, rather than the client. I have found that to be exceedingly unreasonable. I acknowledge that the Bill makes some efforts towards penalising the client.

I will reserve the bulk of my comments concerning the detail within the Bill and what the legislation is supposed to achieve for the committee stage. We will be able to address the clauses in some detail then. In general, this legislation is intended to address kerb crawling and street prostitution. I acknowledge the need to address that issue and the impact it is having on the people living in North Perth, in particular.

Another intention of the Bill is to protect public health by reducing the likelihood of prostitutes who become infected and who subsequently infect clients, before the prostitutes realise they have an infection. There is a problem in terms of the exact time at which people know they have become infected with a disease; for example, people could go to a health professional and be told that they are okay and an hour later could have a contactable disease. It is a very difficult area in which to prescribe laws. With HIV AIDS there is a window of up to three months during which people can carry the infection, but it will not show up in any tests. To try to make provisions that prove people should have known they had a disease is very difficult. It is less likely that people will visit a health care professional because of the onus on them that, once they had the check-up, they might be liable under the new legislation.

Legislating to provide access to information is also difficult. I am not comfortable with these proposed changes. As I understand it, this provision will remove the excuse of legal professional privilege so that members of the medical profession will be required to give access to medical records if requested to do so by the police. That is unacceptable and would be an extremely retrograde step in the health of not just the sex workers but also their clients.

Hon Cheryl Davenport interjected.

Hon GIZ WATSON: I have not had the opportunity to check that out thoroughly, but it has been said that it is likely to contravene issues like privacy legislation.

We applaud the move to address the issue of under-age people being involved in prostitution. The question is whether the proposals under this Bill are the best way to deal with that. However, we acknowledge that existing laws probably are not adequate to address the specific issue of children being involved in prostitution. The Bill is reasonable on that score.

The next point which has raised major concerns is the provision of police powers to enforce the Act and to stop and search to obtain information. The whole suite of powers proposed under this Bill are totally over the top and are an enormous additional power. For example, under this legislation, police will have powers to stop, detain and search without a warrant and to confiscate anything that will afford evidence of the commission of an offence. If someone were stopped in the street and happened to have a packet of condoms in his or her back pocket, would that mean that that person would be suspected of either soliciting or seeking a prostitute? I hope that a large majority of the people who go out on a Saturday night have condoms in their back pockets, because that is one of the messages that safe sex education has promoted. It worries me when

the Bill states "anything that will afford evidence as to the commission of an offence". That could easily capture a lot of people who were being very responsible and were not about to solicit or seek out a prostitute.

The powers of entry and seizure without a warrant are extraordinary. The Bill proposes to give police the power to enter without a warrant and also to search and seize with reasonable force, which includes searching premises other than those at which a prostitution business is being carried out. That leaves a broad power to enter any other premises as well.

The Greens (WA) also have concerns about the issue of entrapment. We note that there is an amendment in the name of Hon Norm Kelly on this issue and we do not support the use of entrapment procedures and the authorisation of undercover operations. In the area of police relations with the sex industry, there is a pre-existing degree of mistrust and suspicion of police, and the use of entrapment should not be supported. I do not support it, in the context of sexual offences, in this way.

My final point on the detail of the Bill concerns the exchange of information between state authorities. Dealing with the disclosure of information in respect of juveniles, the issue has been raised with me that the Bill, as it is drafted, will override a section in the Young Offenders Act which states that anyone who discloses the fact of a juvenile's conviction commits a crime. The fact that it overrides that section worries me greatly, because obviously that provision was included to protect juveniles. Again, this is an indication that this Bill is exceedingly heavy-handed and punitive in its approach. I look forward to the debate in the committee stage, because some detailed matters concerning the clauses need thorough debate.

The Greens (WA) seriously doubt that they can support the Bill in its current form. We see it as being hastily put together. It is positively dangerous in some of the powers that it seeks to provide to the police. If the Bill were allowed to proceed, it would have an impact on safe sex messages and issues concerning the health, not just of the sex workers, but also their clients, and it would cause a major disruption to outreach programs and other initiatives which involve street workers and other workers in the sex industry and which seek to promote positive health messages and to manage the activities in a way that protects both the clients and the workers. In conclusion, it is unfortunate that prostitution law reform is tackled in this piecemeal way. We look forward to a comprehensive and holistic approach to the issue of prostitution in this State, rather than the politically motivated piecemeal approach that this Bill represents.

HON CHERYL DAVENPORT (South Metropolitan) [7.53 pm]: As Hon Nick Griffiths indicated, the Opposition supports the second reading of this Bill, but it will seek to amend it during the committee stage. Hon Nick Griffiths has covered in some detail concerns which have become apparent since the Bill was dealt with in the other place. At that time, as *Hansard* reveals, the Bill sought to deal with three specific issues: First, it sought to provide offences for street soliciting for both prostitutes and clients, who have effectively become known as kerb crawlers. This essentially is an attempt to deal with the visible problems that are currently being experienced by many residents and business owners in the Northbridge area. I am sure that many members have been contacted by those local residents, as I have. Secondly, the Bill sought to prevent children from being involved in prostitution and to prevent their exploitation. Thirdly, the Bill sought to empower the Police Service to deal effectively with prostitution, public health issues and the involvement of children in street soliciting. It is fair to say that when the Legislative Assembly passed this Bill in the last parliamentary sitting week, a number of significant consequences of this legislation were not well known. Those consequences have since become major issues of community concern. Like many other members of this House, I have been contacted over the past week by a range of organisations and individuals with genuine concerns about the Bill. We must acknowledge the vigilance of those people for doing the detailed study which none of our colleagues in the Legislative Assembly was able to do before the debate.

I will make a couple of observations about the Government's handling of the legislation from that perspective. It is a long-awaited Bill. It has already been mentioned that my party failed to tackle the issue when it was in Government, despite reports done at the time. However, this piece of legislation has been in the drafting process for the best part of two years and it now seems to be an attempt, cobbled together, to deal with three specific areas. It is nothing short of a disgrace. If ever a piece of legislation ought to be dealt with by the Standing Committee on Legislation, this is it. I know the difficulty of debating and dealing with issues of moral law reform after our experiences in this place last year. The way to deal with a Bill like this is to submit it to a committee and allow public hearings so that the groups and organisations that deal with this issue on a daily basis and the people who work in the industry can have some input. We could at least tease out what the problems are and try to deal with this legislation in a much more calm and rational way. There is no doubt this is important legislation. We all know that matters such as prostitution and abortion law reform are difficult public issues to deal with. As legislators, we are sometimes far more conservative than the general community. The general community is seeking leadership from us in issues such as this. It wants us calmly to put forward rational legislation that is not dealt with in the rush of the last weeks of the parliamentary session before the Christmas break. I am sorry we have to deal with the legislation in this manner. It would have been much better to have more scrutiny and access to information by referring the Bill to a parliamentary committee. The Standing Committee on Legislation could deal with this in an appropriate way. I feel very sad that the facilities of this Parliament have not been made available to allow this Bill to be dealt with properly. I blame the Government because it and the parliamentary management could have prevented this Bill from getting to this stage.

The Bill provides the Police Service with extraordinary extensions of powers. In my limited ability to read this Bill, those powers seem punitive. I think there are few, if any, preventive measures in the Bill. Some of the organisations that contacted me over the past week want specific issues raised. I felt it was appropriate to bring some of those concerns to the attention of the Parliament. I first refer to a letter I received from Family Planning Western Australia. That organisation not only deals with issues of reproductive health, but also now provides, in a very proper way, counselling and medical services for many Western Australian sex workers. I shall read into the record some of the issues raised by Family Planning, which it regards as serious issues that this Bill cannot adequately deal with. The letter addressed to me states -

The Bill directly contravenes a number of national and international recommendations regarding the maintenance of optimal sexual health and prevention of sexually transmissible infections.

Hon Giz Watson has dealt with that aspect adequately. The letter continues -

It makes no provision for occupational health and safety measures.

It then refers to STD and HIV health prevention strategies and says that the Bill contravenes the individual rights of HIV-infected persons to have sex. It also sets back HIV-AIDS campaigns which have been in force since 1980. None of us has any illusion about the millions of dollars that were ploughed into those campaigns, and which have made a positive difference in the incidence and spread of HIV-AIDS in this country. The letter alludes to the fact that the minister said in his second reading speech that numerous government and non-government agencies in the inner city and Northbridge area have responsibility for providing an appropriate welfare response. The association argues that in its current form -

This legislation makes the capacity to provide any welfare or health services impossible.

The letter then refers to the issue of confidentiality -

This Part of the Bill is to the detriment of sex workers and their clients who will be reluctant to access health services for HIV and STD testing in the event that the information may be used to prosecute them. The implications will be that the industry will be forced underground and outreach health workers will find it impossible to access workers. This will do nothing to encourage testing, seeking information or any activities that support health promotion activities.

The legislation overrides confidentiality legislation requirements for health providers and places them -

That refers to health providers and not workers in the industry or those seeking to be their clients. It continues -

- in an ethical and legal dilemma.

The letter continues and refers to police powers as follows -

The legislation gives unwarranted powers to police with no accountability requirements. Entrapment activities have the potential to compromise police integrity. Police offences against street workers are already a serious problem. Section 31, Provisions about searching a person, is ambiguous. What would police be looking for on someone's person? Evidence about STDs or child prostitution?

The letter concludes by saying that workers fearing entrapment will not be prepared to speak to outreach workers, and this compromises the capacity of health and welfare organisations to provide the services for which they have been funded by the State. These are real concerns for Family Planning, which deals with sex workers on a daily basis.

I also will read into the record a small raft of concerns from the WA Aids Council. It argues that the Bill -

- (i) contravenes tried and true Public Health strategies, undermining the HIV/AIDS and Sexually Transmissible Diseases response;
- (ii) contravenes basic human rights through draconian entrapment, investigation and imprisonment measures;
- (iii) contravenes anti-discrimination legislation at the Federal level and appears to be in direct contravention of Australia's Human Rights treaties;
- (iv) provides unwarranted powers to police with no apparent accountability requirements;
- (v) makes impossible the capacity to provide any welfare or health services;
- (vi) overrides confidentiality requirements for health providers . . .

Both organisations have similar concerns.

I refer now to a telephone call I received from Mr Garth Eichorn, who is the metropolitan representative on the Safer Western Australia Council outlining two major concerns about this legislation. First, he argues that the approach to streetwalkers is particularly punitive, and secondly, that the Bill seems to be restricted primarily to the Police Service rather than involving other agencies. He told me that a basic tenet of the Safer WA Council is to coordinate an interagency approach to services dealing with problems within the inner city area. He sees this legislation as not a positive approach to managing the industry in that area. He also stated that the Safer WA Council had input into the Minister for Police's original prostitution Bill, but had not been consulted on the new legislation. That lends truth to the suggestion that this Bill has received little consultation outside the Police portfolio.

I had a long conversation with Mary-Anne Kenworthy, a brothel madam in Western Australia, who raised a range of matters, but her chief concern was that this legislation will give police absolute control over the sex industry. Her observation was that the Government, through this legislation, will bring back the whole notion of the containment policy. Also, she believes the potential exists for the number of brothels in Western Australia to be reduced to between nine and 11. She argues that Perth currently has 50 to 70 sex businesses, which she termed as "best practice" for anywhere in the world with a population of the size of Perth's. She also raised a number of concerns about the Kalgoorlie situation, to which I will refer in more detail later. I will raise some questions on behalf of the member for Kalgoorlie, who requested that I do so as she was unable to be present during debate in the Legislative Assembly.

Ms Kenworthy also raised the issue of the involvement of younger women, particularly those under 20 years of age, in the sex industry. A reason for that involvement is the difficulty accessing work and the money that can be earned through prostitution. A younger person may earn about \$300 a week in other employment areas, but she might earn \$700 to \$1 000 a night as a prostitute. The potential for earning is quite amazing. Having said that, Ms Kenworthy also stated that young women do not make the decision lightly to enter the sex industry; they consider it for a long time. As an employer in a sex outlet, she is very careful when interviewing younger women and women coming into the industry and counsels them against it if she picks up the fact that they might be feeling nervous and may be unsure of whether that is the way to go. She said that one of the essential aspects in dealing with the issue is the necessity for training on how to deal appropriately with clients as technically, as we all know, the profession is illegal. It is very difficult to be able to provide that kind of training now. She went on to tell me that in the 15 or 16 years in which she has owned operations in Western Australia she has never had a health inspection check, been provided with fire standards information or received requests from councils that she provide adequate parking - all of the things to which proper legislation would attend. It is wrong to allow this legislation effectively to be run by the police because a range of other things must be considered when providing adequate and appropriate business.

As I said, Mary-Anne Kenworthy also raised the issue of the Kalgoorlie situation, which has certainly become known since the legislation was passed in the other place. I will deal briefly with some of the other concerns raised with me by the member for Kalgoorlie who is a lawyer and has read the legislation. She pointed out to me that there are existing provisions in the current Child Welfare and Police Acts which are not being used to control underage and street prostitution. She also cited the leaked report from the WA Police Service last year which was prepared in response to the New South Wales Wood royal commission and which demonstrated that the Western Australian child abuse unit does nothing to prevent or prosecute those people involved in child prostitution, mainly due to the lack of resources available to do so. That is another area in which there has been little debate and which could be covered by this Bill. Specifically in relation to the Kalgoorlie-Boulder situation, the member for Kalgoorlie believes that the Bill in its current form makes provision to charge skimpy barmaids, some of whom actually engage in physical contact; strippers; and the prostitutes who work in the three brothels which operate under containment in Kalgoorlie. She believes these activities would be picked up in the current legislation under the definition of "a public place".

I want to refer to two articles from the *Kalgoorlie Miner*. The first article carried a response from the Minister for Police and the second article in today's edition carried a response from the police superintendent in Kalgoorlie. I will read those articles into the record because it would be useful if the minister were able to respond to those articles when he sums up the second reading. The first article entitled "New law may not apply in Hay Street - Prince" reads -

Police Minister Kevin Prince admitted yesterday that legislation designed to control Perth's street prostitution problem could impact on Kalgoorlie-Boulder's historic "starting stall" brothels, although that was not the intention of the Bill.

But Mr Prince said he expected Kalgoorlie police would exercise their discretion when applying the law and would allow the century-old tradition of prostitutes displaying themselves in public view at the three Hay Street brothels to continue.

The article says further on -

Mr Prince said he did not expect police would want to change what had become an accepted practice in Kalgoorlie.

"It is possible to suppose . . . that somebody might try to stretch (the legislation) to cover the starting stalls", he said.

"But I think that that is unlikely and I would certainly not as a matter of policy like to see that done because that is not the practice that this law is designed to stop."

Although we know that the potential exists under this legislation for people to be caught by it -

Hon Peter Foss interjected.

Hon CHERYL DAVENPORT: I know and I agree, but the definition of "public place" would ensure kerb crawlers were caught.

Hon Peter Foss: It will not make it any wider.

Hon CHERYL DAVENPORT: No, but I am seeking clarification on this issue. As I said, it is obviously of concern. I defy anyone here who has been to Kalgoorlie to say they have not been to see Hay Street in Kalgoorlie. I suspect it is a tourist attraction. Certainly there is potential for the Bill to cause concerns for those workers in the industry and for any person seeking to be a "client". Even someone driving up the street who shouts raucously could be caught because they could be suspected of seeking to be a "client".

Hon Peter Foss interjected.

Hon CHERYL DAVENPORT: I acknowledge that is a problem that has been ignored under the existing legislation. However, this legislation has drawn attention to it and it has become a problem due to the perception that the powers the Bill provides to the police could cause them to crackdown in some of those areas.

On 4 December the *Kalgoorlie Miner* reported that the Australian Family Movement was seeking to stamp out prostitution altogether, which is somewhat unrealistic in this day and age.

Hon Peter Foss: In any day and age.

Hon CHERYL DAVENPORT: That is their view which no doubt many people in the community may share, but I am sure they are in a minority. The *Kalgoorlie Miner* of today reported some comments made by the superintendent of police, which read -

Speaking on the issue for the first time yesterday, Kalgoorlie's new police superintendent Haydn Green said the Bill would not end the century old practice of prostitutes publicly displaying themselves in the "starting stalls".

But, he said current arrangements would be "firmed up" to ensure prostitutes remained within the confines of their stalls and did not venture outside to solicit clients.

He said a line would be drawn in the sand and if prostitutes chose to cross it, they could expect to be charged.

"My view is that if they stay within the stalls, that's fine. But if they come out and meet prospective clients on the street then it won't be allowed", Supt Green said.

I understand what he is trying to say, and although that may not affect the prostitutes, the "clients" on the other side of that line may be caught under this legislation. As I said earlier, I ask the Attorney General to give his view on that.

I have tried to outline why this legislation could have been improved had it been dealt with by the standing committee process. As I said earlier, issues of moral law reform are difficult to deal with; nonetheless, as politicians we have a responsibility to grapple with this issue. I look forward to debating the issue in its entirety before too much longer. By dealing with only one small aspect of prostitution we are ducking an issue that must be dealt with.

HON LJLJANNA RAVLICH (East Metropolitan) [8.20 pm]: In supporting the Bill, I want to put on record my concerns and, I feel, the concerns of many people in our community about this legislation. I am surprised that the Government has brought before this place this legislation to deal with kerb crawlers and street prostitution, because I would have thought that dealing with those aspects of the sex industry could have been much simpler than the Government's proposals in this Bill, which are very draconian. The Bill will do little more than drive the sex industry underground. I have grave reservations about many aspects of the legislation. The Australian Labor Party will be moving a number of amendments.

I started my research by having a look at the second reading speech, which is not a bad way to start. When one compares the second reading speech with the Bill, one quickly finds that the devil is certainly in the detail. I accept that street prostitution and kerb crawlers, particularly in the inner city, constitute a problem that needs to be dealt with. However, I am not convinced that what is proposed here will necessarily be effective in producing a desirable outcome. In the second reading speech the Attorney General comments on the delay in presenting this Bill to the Parliament. He states that the delay is not the result of any lack of commitment on the part of this Government to pursue reform of prostitution law in Western Australia. I do not know who the Attorney is trying to kid, but the bottom line is that it does not take six years to deliver prostitution legislation to this Parliament. In fact, the delivery of the legislation occurred only after it was made public that the Australian Labor Party was drafting a Bill to address this issue. The Government very quickly cobbled together this piece of legislation. I have grave concerns about the speed with which it was done and with which the Bill proceeded through the other place. The Bill was on the Table of the other place for a matter of about only 24 hours before it was debated. The Bill was pretty much rammed through the other place by the Government's use of its numbers. I guess, therefore, it is beholden on this House to go through the detail of the legislation and act in the interests of all Western Australians to ensure that what we end up with is a piece of legislation that is workable and equitable in treating all Western Australians fairly.

The Government said that the delay in introducing the Bill was occasioned by the need to achieve a position on this issue which at the end of the day is not only acceptable to the community generally but is also enforceable. Although most Western Australians know that legislation is before this place to deal with prostitution, they certainly do not have any idea of the detail of the legislation.

Some of the contents of the Bill are quite scary. One is the question of the unlimited powers given to the police under clause 27: The power to search without a warrant, to detain without a warrant, and to seize without a warrant. I am not a lawyer, but, in practice, the police require a warrant for most areas of their operations, particularly when they take people into custody, or charge them, or undertake any other processes of their work. It begs the question of why this is an exception. I will be interested to hear the comments of the Attorney General in that regard and also to hear under which other circumstances we have legislated for police to undertake their activities without the requirement for a warrant.

When I got to the bottom of the first page of the second reading speech, I thought this is not such bad legislation because the Bill aims to do three things: First, to preclude children from being prostitutes and to prevent their exploitation for sexual gratification. No member in this place would have any objection to that, and we see it as being a very good outcome of the legislation. I do not have a problem with it and I do not think anyone in the State would either. It is a very positive intent. The second objective is to protect the community by creating offences relating to health. On the face of it, that appears to be a good objective, as does the third objective, which introduces an offence to make street soliciting and kerb crawling illegal, regardless of who instituted the action - the prostitute or the client. Most Western Australians would accept that is fair and reasonable. It shifts the burden of responsibility for this activity. It is equally the responsibility of the client, as it is of a prostitute.

In real terms this Bill does much more: It creates a new class of citizens for whom the normal laws of this State do not apply; these people are an exception under this legislation. I refer here to sex workers. It also creates a situation in which, under certain circumstances, police have pretty much unchecked powers. That would be of major concern to most Western

Australians. That is one of the major problems of this legislation. My colleagues have already said that this Bill has not had much community consultation, which is evidenced by the fact that so little of the detail in the Bill is known. My view is that it is a very heavy-handed piece of legislation and has been likened to using a sledgehammer to crack a walnut. In my view, it goes further: It is like using a sledgehammer to crack a peanut. I am sure many people will concur with my sentiments in that regard.

The decision on what to do about prostitution is a very important one. I guess the question is very much dependent on the views one has about prostitution per se. I hardly thought about prostitution because I did not have much cause to do so; however, I did think about it when this legislation became public. I have some mixed feelings about prostitution because in a perfect world we would not have prostitution, but we must accept that it is not a perfect world. As legislators, we have a responsibility not to bring our prejudged views and prejudices to this place. However, we have a responsibility to the community as a whole to come out with good, workable legislation which is in the interests of all parties concerned. The fact that prostitution is closely linked with people's morality makes it even harder to deal with this complex matter.

At the end of the day, it is fair to say that we can deal with health and safety issues in the prostitution industry, and I am disappointed that that is not the focus of this legislation. Our aim should be to have a well-run, contained sex industry and to take prostitution off the streets. Given that it is the oldest profession in the world, in a modern and democratic society it is unlikely that we will ever get rid of prostitution. It will not be outlawed, so the best way we can deal with this very vexed issue is to ensure that we manage it properly. The real question before us tonight is whether the legislation before us puts in place the mechanisms by which we can best protect the community, street prostitutes and their clients. From my reading of this Bill the answer is no. The legislation will lead to a new set of problems, because principally this legislation has been done on the run. Prostitutes, particularly street prostitutes, are some of the most vulnerable people in our community. Before us we have a piece of legislation which will make them even more vulnerable.

I was interested to hear Hon Giz Watson say that there are now approximately 3 000 sex workers in this State. I am sure that number has grown since last year and probably the year before that, and it is a number which will continue to grow. One of the fundamental issues that must be addressed is why individuals go into this industry, and this legislation does not do that. Clearly, there is no high regard for the industry or for sex workers. Although that may be the case, as legislators we must ensure that when we legislate, we do so in the interests of all members of our community, and that includes sex workers. Hon Giz Watson made a pertinent point in that these people also make a contribution to our society, and there is little in this Bill for them. In fact, under this Bill they are pretty much guilty until they are proved innocent. One need only look at clauses 54 and 55. Clause 54, which is headed "Intention presumed in some cases", states -

- (1) A person loitering in or frequenting a place in circumstances giving reasonable grounds for suspecting that the person had an intention described in section 5(4)(b) or 6(3)(b) is to be presumed to have had that intention unless the contrary is proved.

This is fundamentally opposed to what we should be about in a democratic society. Surely, under the law as it currently stands - maybe Hon Peter Foss can explain this to me - we are all presumed innocent until such time as proved guilty. However, in this situation, a group of people who are sex workers are guilty until such time as they are proved innocent. That represents a grave concern. Apart from anything else, people who are in the sex industry and working as sex workers are often destitute. They are people without financial means, who are often dependent on other people; that is, their pimps, or the people who control them or work them, or whatever the term is. At the end of the day, the most vulnerable people in our community will be made scapegoats, because I would bet my bottom dollar that most of those sex workers will not have the financial means, the contacts or anything else to be able to give themselves an even break or an even chance to prove their innocence. They will not be in a position to do that. Given what has happened to legal aid funding in this State since the present Government came into power, they will have even less of a chance.

Hon Peter Foss: It has gone up since we have been in Government.

Hon LJILJANNA RAVLICH: This is a disgrace. How on earth can the Government put in the legislation that somebody is guilty until proved innocent? I will be waiting patiently and listening intently, for a change, to what the Attorney General has to say about why these people are presumed guilty until such time as they are proved innocent.

Hon Peter Foss: They are not.

Hon LJILJANNA RAVLICH: This is contained in clause 55 of the Government's legislation. I will be waiting for the Attorney's explanation of this clause, as I will be with many other clauses.

Hon Peter Foss: Get your facts right about legal aid.

The PRESIDENT: Order! Let us not worry too much about legal aid unless it relates to the Bill. Let us move on to the Prostitution Bill 1999.

Hon LJILJANNA RAVLICH: Thank you, Mr President. I agree with the President on that matter. What some members here fail to realise is that sex workers are not just sex workers.

Hon Peter Foss: They are prostitutes.

Hon LJILJANNA RAVLICH: Listen to that - what a pathetic interjection! The point I am trying to make, which the Attorney General would not understand, is that sex workers happen to be the daughters and sisters of somebody, and they often happen to be the wives and mothers of somebody. They are not just prostitutes. What an absolute disgrace. Most of them are in very serious need of help. Because most of them are in a predicament in which society has failed them and they

are at the point at which many of them do not know how to deal with the problems or issues confronting them, they are into a cycle in which they fail themselves. There is nothing in this legislation for any of these workers.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: They are. There is nothing in this legislation for these workers. It is all punitive. This Government has done absolutely zip in the past six years to address why these women are going down the path of prostitution. It has done nothing about that, and now 3 000 people are working in this industry. It is a trend which will continue to grow. Rather than take any positive action which goes to the source of the problem and which tries to analyse why women and men who end up as sex workers go down that path, and consider preventive solutions, the Government has come out with something which is punitive and which at the end of the day will be bad for society as a whole.

Hon Bob Thomas: Does Hon Ljiljanna Ravlich think the Bill will cure prostitution?

Hon LJILJANNA RAVLICH: No, this Bill will drive prostitution underground.

Hon Ray Halligan: Does Hon Ljiljanna Ravlich want the prostitutes on the streets? What does she mean by underground?

Hon Peter Foss: She wants people to become child prostitutes.

Hon LJILJANNA RAVLICH: The Attorney General should not be so absurd.

Hon Ray Halligan: Hon Ljiljanna Ravlich should explain herself.

Hon LJILJANNA RAVLICH: My research officer today made contact with some people who have some involvement with sex workers. One of the people contacted was Mr Graham Brown, the Acting Executive Director of the AIDS Council of Western Australia. Mr Brown said that in other parts of the world where police have wide-ranging, heavy-handed powers similar to those in this legislation, street crawling has not stopped and sex workers have just become clever and stopped carrying evidence of their trade. Rather than having the police suspect them of being sex workers and finding them with condoms and whatever else might indicate they were sex workers, they just became smart about it. The sex workers started to leave the condoms at home. As a result, the incidence of sexually transmitted infections increased. There is a lesson in that: When health issues are mixed with the Criminal Code, as the Government has done with this Bill, the questions of what is more important and how health issues relating to sex workers are dealt with are lost.

Mr Brown is also concerned that this legislation undermines the "safe sex" message. He believes - and I have also heard this, although I am not a medico - that people can have safe sex even if they are HIV positive, provided that a condom is used and there is no exchange of body fluids. I do not advocate that HIV positive people service clients, but this legislation is focused on sexually transmitted diseases and HIV.

Hon Mark Nevill: The same thing can happen with hepatitis C.

Hon LJILJANNA RAVLICH: Yes. This legislation is sending out a mixed message. The AIDS Council is telling people they can have safe sex if they are HIV positive and the legislation says that people could end up with 20 years of imprisonment if that happens. I do not know how much consultation has occurred, but I share Mr Brown's concerns. There are some genuine concerns. The legislation should provide that it is an offence for infected sex workers not to disclose their infection or to have unprotected sex. There is nothing in the legislation about unprotected sex. That would have been a good place to start, if the Government really wanted to reduce the incidence of sexually transmitted diseases and HIV. I understand most sex workers have protected sex, because they want to protect themselves. Many sex workers are married, have partners or boyfriends. I am sure that most, or all, of them do not want to infect anybody else. The sexually transmitted diseases and HIV provisions in this legislation are draconian. I do not know that they will have the effect that the Government thinks they will have. I think this legislation will cause more problems than it will solve. My understanding is that street work is already illegal - perhaps someone will correct me down the line. If that is the case, we can say that the police have not been effective in dealing with that illegality. Is it legal?

Hon Peter Foss: You obviously have done no research on the topic until today otherwise you would know why the police were not able to take action against street workers.

Hon LJILJANNA RAVLICH: Instead of giving them some restricted access or powers, the Government proposes to give them unlimited powers so that they can go into doctors' surgeries.

Hon Peter Foss: You are wrong; you obviously have not read the Bill.

Hon LJILJANNA RAVLICH: I have read the Bill and I am not wrong. I look forward to the committee stage of this Bill because I will put to the minister, clause by clause, the concerns I have about this legislation.

Hon Peter Foss: You are welcome to debate it, but you are wrong.

Hon LJILJANNA RAVLICH: Everybody who has a view which is different from that of the minister is always wrong.

Hon Peter Foss: No, but you have not researched it.

The PRESIDENT: Order! If Hon Ljiljanna Ravlich will address her comments to me, I will not interject and we can get on with the debate.

Hon LJILJANNA RAVLICH: There has been a problem with the police not having sufficient resources to move streetwalkers off the streets. The Government is now proposing to give them carte blanche in the whole area rather than give

them some additional powers. My interpretation, which may be wrong but I do not think it is, is that fewer police officers will have much more power. I do not think that is an adequate substitute for providing more police officers with a better framework of proper checks and balances in place to deal with the issues relating to sex workers.

I find many clauses in this legislation offensive. I have major difficulties with the clause allowing a person with a sexually transmissible infection to act as a prostitute. Clauses 9 and 17 provide that people with certain health conditions may not use prostitutes. I have problems with that provision. Also the legislation contains provisions whereby clients who infect prostitutes are subject to heavy penalties. I am interested to know how the Government will ascertain that a client has a sexually transmissible infection. How will the Government in practical terms track down these people, and what will it do when it finds them? Will it go to Mrs Smith, ask to have a word with her husband and take him to the police station to test him for a sexually transmissible disease? I do not know how this proposal will work in practical terms and I do not think the Government has worked that out. Because this legislation has been put together so quickly, some of the practicalities have not been thought through. Interestingly, clause 10 deals with employment in the prostitution industry. One will not be able through clause 10(b) -

The PRESIDENT: Order! The member should not go through the committee stage now. Nothing was wrong with skimming over clauses 9 and 17 in referring to health matters. However, Hon Ljiljanna Ravlich seem to be dealing with the detail of clause 10. She can mention clause 10 regarding promoting employment in the prostitution industry, and talk about it in broad terms. However, she cannot go into detail at this stage.

Hon LJILJANNA RAVLICH: Thank you for your guidance, Mr President.

Clause 10 provides that no advertising can occur for the sex industry. In fact, it states that one can incur a penalty if one publishes a statement which is intended, or likely, to cause a person to seek employment as a prostitute or a position in a business associated with prostitution. My interpretation is that if I applied for a position as a receptionist in a brothel, I would be in breach of that provision. That is a matter of great concern to me and many people.

Members know that extensive advertising is found in *The West Australian* on Saturdays; members opposite are real killjoys as many people look forward to those advertisements! This legislation will result in no more such advertisements, which is another example of the Government not considering the practicalities of its legislation. For the life of me I cannot work out how it will be applied. *The West Australian* of Saturday, 4 December contained three or four pages of such advertisements. How will the Government work out which ads are for what? The Government will need to set up a special unit to do nothing other than call all people who have advertised in the newspaper to question them about their ads. How else will it be determined whether these are advertisements by sex workers for the purposes of prostitution? I will read a few advertisements to members to highlight the complexity of this legislation. The Attorney General does not know his legislation. I refer to one advertisement for GoldFinger International, where one can get "unlimited services". I am not breaching standing orders am I, Mr President?

The PRESIDENT: Not at all.

Hon LJILJANNA RAVLICH: It outlines that one can receive -

Sexy Bi Babes, Toys, Lingerie Silk 'n' Lace Hot Mutual French! Steaming XXXX Striptease ★ Roleplay, Greek and Shower Couples, Fantasies.

Anything you Want! Anytime At All!

Hon Mark Nevill: They pay three times as much for those ads as ads placed to sell a motor vehicle.

HON LJILJANNA RAVLICH: Indeed. *The West Australian* will not be happy with the Attorney General!

Hon Peter Foss: It is big money for them.

Hon LJILJANNA RAVLICH: It is an issue. The Bill provides that no advertising should appear for anything to do with procuring sex.

Hon Peter Foss: That is not what it says.

Hon LJILJANNA RAVLICH: The Attorney General can explain his point of view later.

Hon Peter Foss: You have misinterpreted the clause.

Hon LJILJANNA RAVLICH: Do not interrupt me. The Attorney General can make a speech later; this is my contribution to the second reading. My interpretation of the clause is that it will be a nightmare for the Government to track down people advertising with a view to sell sex, or indeed to advertise for positions within the sex industry, such as a receptionist in a brothel. It will be a big job. This is further evidence that the Government does not know what its legislation contains.

Hon Peter Foss: You certainly don't know.

Hon LJILJANNA RAVLICH: Do not worry - I will get the chance to ask the Attorney General about his legislation. If I had introduced legislation, I would know what it contained.

Hon Peter Foss: You should read it for a start.

Hon LJILJANNA RAVLICH: I have read the legislation, and it is horrific stuff. At this point I am not allowed to go into it clause by clause; I will leave that for the committee stage. The Attorney General need not worry, as I will be asking the

right questions. I will go through the detail of the legislation. Suffice to say that I have grave concerns that what the second reading speech highlights as being the case, in some ways is not a true reflection of the detail of the Bill. I have grave concerns for the people working in the sex industry. My biggest concern is about the unchecked power to be given to the Police Force. The Australian Labor Party will be moving amendments to deal with those matters.

HON MARK NEVILL (Mining and Pastoral) [8.56 pm]: I do not want to exaggerate my comments on this Prostitution Bill but it is the worst piece of legislation I have seen come into this House in 16 years and I will be opposing the second reading. I know that is a forlorn action but I believe the Bill is beyond repair and I will be supporting many of the amendments in the committee stage.

The Bill has resulted from what I call political games. Street prostitution has been a huge public issue in recent months. The Opposition brought in a Bill and there was a bit of one-upmanship, with the Government coming back with a Bill a few weeks later. The Opposition played along with the issue and feels obliged to support the legislation. What do we get? We get a mess. It is legislation made on the run. Privately many members have said they are very embarrassed by this Bill, and they should be, because it is an embarrassment to this Parliament.

I thought members would have learnt a lesson about making legislation on the run. In 1992, Carmen Lawrence, the then Premier, introduced the Crimes (Serious and Repeat Offenders) Sentencing Bill. The Bill came into the Parliament in record time when there were large rallies for justice of 20 000 or 30 000 people outside Parliament House. The Bill looked good and made all the right noises but it was a disaster. We spent the next two years trying to patch it up and repair the damage that had been done. When we make legislation on the run we usually get into trouble. This Bill is an even worse example than that 1992 Bill, which I opposed in the Caucus. I do not make a habit of reading second reading speeches because usually they do not have much to do with the Bills. I always read the Bill.

I have not read the second reading speech in this debate but I read the Bill last Thursday, as one of the madams made an appointment to see me at Parliament House about the legislation. I read the Bill about half an hour before she arrived and the hair on the back of my neck was bristling. I just could not believe that this Bill had passed through the other place. I read the *Hansard* and there was one speaker after another welcoming the Bill, chanting about its benefits and championing its cause.

I was interviewed on ABC television last Wednesday or Thursday of which only one or two grabs were used, and I identified just about every problem in this Bill about which I have heard subsequently. I think the ABC used my criticism of the police powers and the fact that clauses 5 and 6 and the definition of a public place would put out of action the three brothels in Kalgoorlie. That town is my stomping ground. The Bill appears to be drafted by someone who has little practical knowledge of anything outside the metropolitan area.

Other issues that I identified when I first read this Bill were access to medical records and penalties, which I think are over the top. I think the Criminal Code provides for a penalty of 10 years for someone practising sex who knows they are HIV positive.

Hon Peter Foss: Practising sex with someone who has HIV is 20 years.

Hon MARK NEVILL: I do not think it is anything like 20 years. Many of the provisions in this Bill are in other legislation.

Hon Peter Foss: That is true. Some of the criticisms about the legislation are funny because much of it is not new law.

Hon MARK NEVILL: That is true. The focus in the Bill on imprisonment is appalling. Most of the women involved in street prostitution are addicted to drugs. They need alternatives to custody. Jailing them will not do much good. They need to be put on drug rehabilitation programs.

Under this Bill, if I were to ask a young woman in the street the time, I could be jailed for two years, although I acknowledge that is a rather facetious example.

Hon Peter Foss: What do you think should be the appropriate penalty for a person who solicits an innocent person walking along the street?

Hon MARK NEVILL: I would not put the person in jail for two years; I would consider a fine.

Hon Peter Foss: That is obviously what the court would do in the first instance, but what if the offender did it again?

Hon MARK NEVILL: I would consider alternatives to custody, such as impounding his vehicle if he were a persistent kerb crawler. Why cost the taxpayers \$66 000 a year by keeping those people in jail?

Hon Peter Foss: All of those penalties are available. A judge can impound his vehicle.

Hon MARK NEVILL: I am not sure whether some of our magistrates know that. I am not sure they even know what rehabilitation courses are available. I understand the Government is working on that.

I have had a fair bit to do with madams over the years because I have an office in Kalgoorlie and they have often told me that I am the only politician to whom they can talk, but I do not know exactly what that means. Over the years, most of them have told me that women working in brothels should be over the age of 21. It is a difficult lifestyle to cope with and the more mature women can handle it much better than the younger women.

Hon Peter Foss: The Democrats have suggested an amendment be moved to bring the minimum age to 16.

Hon MARK NEVILL: I will not support that, except in one case in which a prostitute solicits a male. The Attorney General will see later how I vote on that. I am opposed to women under the age of 21 working as prostitutes. I remember when Les Ayton, who is now the champion of freedom of information, used to sit on information when he was in the Police Force. He was one of the most secretive policemen I knew. He never answered any of the questions I asked. He seems to have recently undergone a road to Damascus conversion. When he was in the Police Service he came to Kalgoorlie and announced that the girls in the brothels must be 21, but those doing escort work could be 18. I cannot imagine a more stupid policy. A lass in a brothel has much more protection than an 18 year old doing escort work and going out to mining camps. That was the sort of nonsense with which he carried on.

I have covered most aspects of the Bill. We must be very careful because when we crack down hard on something like this phenomenon that has seemed to develop in the past two or three years, it appears in some other form somewhere else very soon. We might get rid of street prostitutes this week, but those people have drug habits and need money. We may find that the problem will reappear and we have merely shifted the problem. The same applies to home invasions and bag snatching. The number of burglaries has been dropping in recent years. Perhaps street prostitution is going up in sympathy with that drop in burglary numbers in the sense that it provides a source of money, but that is pure speculation.

I am not exaggerating when I say that this is the worst piece of legislation that I have seen. It is beyond repair, but the Australian Labor Party is probably a bit embarrassed about the Bill getting under its guard. Normally where Labor members would vote against a Bill at the second reading stage, I suppose they will try to amend the Bill to be something less offensive.

Hon Peter Foss: They assured us of bipartisan support through the whole of the Parliament.

Hon MARK NEVILL: The Bill has not got my support. There are better ways of tackling these problems. I feel that the amendments I have seen on the Notice Paper will improve this Bill, which I find very offensive. I will be opposing it at this second reading stage.

HON NORM KELLY (East Metropolitan) [9.07 pm]: It is extremely disappointing to see that after three years of waiting and of the Government's promises to introduce legislation for the sex industry, this is the best the Government can come up with. The Bill was part of a bigger draft Bill which has been torn apart and now part of it has been introduced into the Parliament to deal with the immediate focus on street prostitution. The Australian Democrats support initiatives to deal with the problems involved in street prostitution and also support the need to address problems of child prostitution and the like. However, we are extremely disappointed that the Bill does not extend to the broader sex industry, because it is very difficult to come up with a policy and statute which address the sex industry when the Bill is addressing only about 5 per cent of the overall sex industry. Street prostitution is very much the tip of the iceberg. It is the very visible part of the sex industry. In our estimation, it would probably account for only 100 to 200 workers amongst up to 3 000 workers in the sex industry in this State.

It is difficult to support the Bill in its current version. The Australian Labor Party has said that it will support the Bill through this stage. Prior to the ALP expressing that support, the Democrats looked very closely at the Bill when it was introduced and realised there was a need for massive change to it. After listening to the comments of ALP members in the other place and hearing the ALP policy position, we were amazed that they would give such support for - as Hon Mark Nevill said - a lousy piece of legislation. We appreciate that the ALP has done more work on the Bill since that debate and it has seen the need for changes. I encourage the ALP to look at the Democrats' proposals. We believe that the ALP has not fully addressed all of the issues. Many of Hon Nick Griffiths' amendments and mine which are contained on the Notice Paper are identical, although the two of us do not always agree on various matters.

Some of the problems with the Bill are obvious and that is probably why there is commonality in the amendments on the Supplementary Notice Paper. For the past few years the Government has said that there is a need to regulate the sex industry in Western Australia; yet it is still unable to introduce such legislation. We hear of the dangers to and the infringements of the legal rights of sex workers; yet the Government is willing to address only that tip of the iceberg. Workers are being assaulted and raped, and even murdered in recent times; yet the Government still will not introduce thorough legislation for this industry.

It is an industry which is willing to embrace a proper form of regulation. This is especially so for the brothels and escort agencies; they do not want to remain under a containment policy which has been abused over the past few decades. Likewise, police officers do not want to enforce this containment policy, or not enforce it, as the case may be; they want to get rid of this policy as well. I quite regularly receive reports from my contacts in the industry regarding abuses by police officers in their job of regulating the sex industry. Successive Governments have given them the job of managing organised crime in this State, and that is what it is. The police do not want that role, but are forced to take it on. Quite often we hear of police officers demanding free sex, assaulting workers and the like. It is very difficult to lay complaints against these officers, because they are the very same people who control the livelihood of the sex workers.

Hon Peter Foss: There are very few complaints against them. Unlike with the drug squad, there are few complaints against the vice squad.

Hon NORM KELLY: The vice squad is organising the sex services from brothels. That is a very different matter. Drug squad officers do not control the livelihood of drug runners and the like; whereas the vice squad officers necessarily are controlling the livelihood of these sex industry workers. It is a very difficult problem to resolve. As I say, we are very disappointed that it appears that the Government does not have the capability to legislate for such change.

Earlier speakers referred to some of the consultation they had had on this issue. One of the stark differences in the approach

taken by this Government and by others in coming up with other legislation is its lack of consultation in formulating a reasonable piece of legislation that is agreeable to all sides. Earlier this year I asked the Attorney General about consultation on this issue. He revealed that there had been none, that the Government was relying on the Beryl Grant report of nine years ago as the basis of its information, and that there had been no subsequent consultation to formulate the legislation.

Hon Peter Foss: We spoke to Sierra about it, and Phoenix.

Hon NORM KELLY: How many years ago was that? A question in the Parliament showed that there had been consultation in the past few months -

Hon Peter Foss: I spoke to them earlier.

Hon NORM KELLY: I remember that the Attorney General answered a question in his capacity of representing the Minister for Police. The answer was no, and then the Attorney General elaborated on his discussions.

Hon Peter Foss: This would have been in 1996.

Hon NORM KELLY: The fact that the Minister for Police had had no dealings with groups such as Phoenix -

Hon Peter Foss: He wasn't the police minister in 1996.

Hon NORM KELLY: No, but he has been the Minister for Police for over a year, and has undertaken no consultation with the industry in developing the legislation.

We have consulted with various groups, and I will firstly refer to the Law Society of Western Australia, which is currently considering this Bill. It referred me to a report about the changes which should be made to the legislation in this State. The report states -

The objects of any legislation controlling prostitution should include -
to safeguard public health . . .

This Bill fails to do that. Even though clauses relate to sexually transmissible infections, these clauses will be counterproductive to good public health. It also states -

. . . to protect children from exploitation in relation to prostitution . . .

The Bill works towards that and we support the Government on that. It continues -

. . . to protect the social and physical environment of the community by controlling the location of brothels . . .

There has been no progress on that matter. It continues -

. . . to promote the welfare and occupational health and safety of prostitutes . . .

There has been absolutely no progress on that matter. The Law Society goes on to say that legislation should provide for things such as a licensing or registration system. There has been no progress on that matter. There has been no progress on the licensing authority, nor has there been progress on the registration of all prostitution businesses, unless the Government considers this containment policy as a way of selective registration. A good point is self funding of the licensing system. The establishment of a prostitution board or something of a similar name could easily be a self-funding body which would, with work, have the trust and respect of people in the industry and benefit the industry in that way. The report also refers to the control of advertising relating to prostitution. The Bill of course acts on that matter. Absolutely nothing has been done about licensed premises meeting minimum health standards. Even though the Bill contains some aspects in relation to public health, the Government still has completely ignored any actions which would improve the health standards or ensure minimum health standards in brothels in this State. It is totally inadequate legislation. In last week's media release by the Western Australian Aids Council, its executive director, Chris Carter, stated that the Bill contravenes tried and true public health strategies, provides unwarranted powers to police and makes impossible the capacity to provide any welfare or health services. There is a very real concern that this legislation will drive people away from those services that they have been able to access quite readily and with the knowledge that the information would be kept confidential. That is why we have one of the lowest rates of sexually transmitted diseases in the sex industry compared with other States. This Bill seeks to undermine that build-up of trust. Mr Carter is reported as saying -

This Bill is ill-conceived, poorly advised, and undermines the basic health of every Western Australian . . . this Bill only creates more problems in what is a complex social matter.

Family Planning Western Australia highlights the problems with the Bill. It states -

This Bill is a punitive rather than a preventative response to the community's concerns about prostitution.

The Bill directly contravenes a number of national and international recommendations regarding the maintenance of optimal sexual health and prevention of sexually transmissible infections.

The provisions for health measures in this Bill go over the top. The penalties do not relate to existing penalties in the Criminal Code and the Health Act. There is no comparability with what is trying to be achieved here. It would appear that, in a general sense, the police have been given a free run to get into this Bill any powers they have requested, because those powers are also over the top. Family Planning goes on to state that the part on confidentiality is "to the detriment of sex workers and their clients who will be reluctant to access health services for HIV and STD testing in the event that the information may be used to prosecute them". It also states -

This legislation overrides confidentiality legislation requirements for health providers and places them in an ethical and legal dilemma.

There is a real concern that this legislation will drive a lot of the work underground away from those services, increasing the risk of the spread of sexually transmitted diseases. Family Planning Western Australia goes on to say -

Our concern is that workers fearing entrapment will not be prepared to speak to outreach workers. This compromises health organisation's capacity to provide the services they have been funded by the State to provide.

This is understandable feedback that we are getting on this Bill. It is feedback of which the Government would have been aware had it had the decency to ask these people. I want to hear from the Attorney General in his response about the consultation the Government had on what turned out to be the final draft of this Bill before introducing it into Parliament, or whether there was a knee-jerk reaction to try to get something into the Parliament prior to the summer recess.

A few weeks ago I moved an urgency motion in this place on issues relating to street work and prostitution. In the same week, the Government gave notice that it would introduce this Bill, and the Australian Labor Party, through the member for Midland, introduced its Bill to deal with street work. When I examined the Government's Bill and the ALP's Bill, I thought that the ALP's Bill was an overly simplistic and hastily drawn-up attempt to deal with what can be a complex issue. I thought that maybe the ALP did not look at the problems within the Australian Capital Territory's Act. Having examined the Government's Bill, I saw that it was far broader in its implications. However, when I started to pare it back and take out all the clauses which were unreasonable, I found that it was getting closer to the ALP's Bill. That is why it is difficult to decide whether this Bill is redeemable. As I said, given the ALP's position of support, it is important to ensure that if this Bill does progress, it does so with significant amendments, which take away the draconian police powers and the negative impact on public health but which keep intact those provisions relating to child prostitution and street work for which the Government said it introduced the Bill in the first place.

A significant problem in the Bill relates to the definition of "public place", because it is that definition in its current form which extends this Bill to impact upon brothels in this State. I am aware that the Government's opinion and the police legal department's opinion is that that is not the case. However, I have not been able to find any other opinion to support the Government or the police on that basis. The various legal opinions we have sought confirm our belief that the definition of "public place" in this Bill enables the Bill to go far beyond what the Government states is its intention. For that reason, it is best to look back at what is contained in the Health Act with regard to public places. That Act deals extensively with sexually transmitted diseases.

The definition of "prostitution" in the Bill is also fraught with problems as to the extent to which sexual services constitute prostitution and where the line is drawn. After reading the Bill and trying to imagine the various scenarios, it is apparent it contains loopholes which streetwalkers could exploit if the current definition is retained. I put one such scenario to some workers and other people involved in the industry, which was the case of a streetwalker offering stripping services to a client. The client could masturbate. There would be no physical contact between the two and it would not be regarded as prostitution under the definition in the Bill. It would be difficult to pick up offenders because they would not be offending under this Bill.

Hon Peter Foss: Is Hon Norm Kelly suggesting they should be picked up?

Hon NORM KELLY: I am suggesting it is a simple loophole that could be exploited.

Hon Peter Foss: It is not a loophole. We have been working on this for five or six years. The Government must look at the consequences of everything it puts in the Bill. The Government has gone much further than defining prostitution.

Hon NORM KELLY: We will be applying the definition of prostitution to only one scenario. The Australian Democrats would much rather see a Bill that encompasses the sex industry in its entirety.

Hon Peter Foss: That may be so, but this definition of prostitution was argued for years.

Hon NORM KELLY: It was argued only by certain members of the Government and the Police Force; it has not been argued in the broader context or about how it will apply in Western Australia.

Hon Peter Foss: If the definition is extended, more people will be caught. Those little parlours where people strip and the men sit -

Hon NORM KELLY: Like peepshows?

Hon Peter Foss: If the member wants to -

The PRESIDENT: Order! Attorney General, we can discuss at length the meaning of the word "prostitution" when we get to the committee stage.

Hon NORM KELLY: There will always be that question as to where to draw the line on these definitions. However, we believe there are deficiencies in the definition for the purpose this Bill seeks to cover; that is, street workers. The Bill, the Government's statements in the second reading speech and other comments connected with the Bill clearly show that the Government is not addressing the issue of why there are street workers at all. The Government sees street workers as criminals, as people who should be locked away. It is not investigating the underlying reasons why these people, predominantly women, are walking the streets in the first place. The Bill does not address issues such as poverty, homelessness or drug dependency. Those issues must be addressed if we are to make a change and improve these people's lives.

There is a need to address the concerns of the residents whose lives have been impacted upon by streetwalkers. Those residents are experiencing a legitimate problem. Earlier this year, the residents around Hyde Park, in Glendower and Palmerston Streets, suffered problems which were relieved because of police action. The sex workers moved down to Stirling and Pier Streets and started working there. The problem was transferred from one residential area to another. It is interesting that the Minister for Police said he would consult with those residents prior to the introduction of any legislation. I received a telephone call today from a person I dealt with earlier this year. He asked what had happened to the Government's promise. He expressed his concern about the Bill. Various matters could have been better addressed in the Bill if the Government had consulted. The move-on powers in clause 26 are significant and could be very effective in controlling street prostitution.

Hon Peter Foss: Do you not think street prostitution actions should be more against clients than against prostitutes?

Hon NORM KELLY: Yes. It is very important to target clients more than workers and that is why we believe there should be a scale of penalties so that the kerb crawlers are more heavily penalised than the workers. There are some difficulties in the Bill whereby workers are subject to the same penalties as their pimps or controllers. We believe pimps and the like should be more heavily penalised than the workers. Sending these workers to Bandyup Women's Prison is not the answer to the Government's problems, and that is why the Australian Democrats oppose the use of custodial sentences for the workers. The women's prisons are already significantly overcrowded and this proposal will add to that. At the same time, no response has been received from the Government on how it will address the significant overcrowding that is already apparent. The custodial sentences will make women double victims and will increase the chances of recidivism, so they are not the answer. The Democrats will move amendments to change the custodial penalties to monetary penalties. We do not believe that is necessarily the answer but we must reduce the penalties for those victims.

Hon Peter Foss: You will cause them to go back on the streets to earn the money to pay the fines.

Hon NORM KELLY: That is why I believe monetary penalties are not necessarily the answer. I hope magistrates will use their discretion when imposing penalties and ordering programs for these people.

The move-on powers are significant and they could be very effective. They could also quite easily be abused. There should be proper regulation of this legislation to ensure that abuses are minimised. In the discussion paper released by the Australian Democrats a few months ago, reference is made to safe houses in red-light districts as a way of regulating street work. Street workers would have somewhere to take their clients; the safe houses could be self-funded; and they would allow access to the workers to provide them with assistance and counselling. That is not the Democrats' policy but it is an initiative that we believe should be more widely discussed. The proposal was included in the paper to generate public discussion. We have received many responses from various sectors of the industry about the way in which that proposal would work. There are still problems but it should be contemplated.

Reference is made in the Bill to a person who could reasonably be expected to know that the prostitute had a sexually transmissible infection. I would like to hear the Government's interpretation of reasonable in that context.

Hon N.D. Griffiths: It would have no knowledge of reasonable.

Hon NORM KELLY: It gives a little indication about the introduction of mandatory testing; that is, a mandatory requirement for testing for sexually transmitted diseases to meet this reasonable test. That is an unfortunate change, as mandatory testing is resisted by the industry. Regular testing is already established within the industry, and the idea of mandatory testing would not necessarily achieve anything. I have a copy of the Royal Perth Hospital's sex health clinic's screening protocol. It indicates that the ordinary protocol for voluntary testing is for four-weekly swab testing, and 12-weekly blood testing.

Hon Peter Foss: The main reason for opposing the imposition of compulsory testing is that it would not be payable under Medicare.

Hon NORM KELLY: Is that against mandatory testing?

Hon Peter Foss: If it were made compulsory, one would not receive a refund of the costs under Medicare.

Hon NORM KELLY: We already have widespread voluntary attendance for testing, so I am not sure that the Attorney General's argument stands up.

Hon Peter Foss: I am telling you the main reason why they oppose it.

Hon NORM KELLY: It is in place. A case management unit adequately deals with people who are regarded as a threat of spreading disease.

Clause 60 of the Bill refers to the transfer of information to and from various departments, which would be totally counterproductive; that is, it would drive people away from the testing for fear of being targeted and the information being given to police officers. Therefore, the Australian Democrats will oppose that clause.

The "Final Report of the Community Panel on Prostitution" of 1990 stated on page 15 -

... evidence suggests that sexually transmitted diseases amongst prostitutes are not common, nor are they common amongst clients. "Within Australia the incidence of HIV infection amongst sex industry workers is currently the lowest in the world."

The last 15 years of public health initiatives have worked very well on a voluntary basis, yet the Government wants to apply punitive action to try to make it out to be a bigger problem than it really is.

Hon Peter Foss: Murder is pretty rare too.

Hon NORM KELLY: The Attorney General refers to another problem with this Bill: Existing legislation could apply to crimes outlined in the Bill through the Criminal Code and the Health Act. These measures could adequately deal with people who spread such infections. Another problem in our research in the past two weeks has been to cross-reference various Acts with the Bill to see which areas are already covered. This Bill is often a duplication. In many cases, a minimal change to an existing Act would be sufficient to meet an offence outlined rather than creating new offences in this Bill.

Hon Peter Foss: It is helpful to have them in one place, don't you think?

Hon NORM KELLY: It is extremely helpful to have them in one place; in fact, the Government has promised to have police search and seizure powers in one piece of legislation. When the Police Amendment Bill is enacted, search and seizure powers will be found in one piece of legislation. Until then, such powers will be found in places like the Prostitution Bill, the Misuse of Drugs Act, the Weapons Act, the graffiti implements legislation and other measures. However, these powers are not uniform as some are pre-arrest and some post-arrest, which makes it difficult for police officers to think about different Acts each time they wish to initiate a search and seizure. I agree with the Attorney General that it is wrong to have search and seizure powers in this Prostitution Bill because it goes directly against the Government's policy. We have been waiting years not only for a Prostitution Bill, but also for other amending Bills to the Police Act 1892, which the Government promised in order to consolidate these various powers, but still they have not appeared.

Several members interjected.

The PRESIDENT: Order! The member has limited time. I happen to be interested in what is being said and members are preventing me from hearing.

Hon NORM KELLY: Thank you, Mr President. It is crazy to continue making ad hoc amendments to every single Bill that comes before this place. That is the reason that the Australian Democrats will support the removal of the police powers contained in this Bill. The powers should go into the Police Act where they are needed. The Australian Democrats did not support the reversal of the onus of proof in the Police Amendment Bill last year and we will not be supporting it this year in this Bill either. We remain consistent in our position in that regard.

In regard to public health, it has been brought to my attention in the past week or so that medical records have been shredded in fear of this Bill being enacted. The medical profession fears the powers that the police could have to search premises and obtain medical records and like information as they will not be required to obtain search warrants. Clauses in the Bill refer to searches without warrants. Why would police bother to obtain a warrant if they have the option to search premises and seize documents without one?

Hon Peter Foss interjected.

The PRESIDENT: Order! The Attorney General should not interject, because I am trying to listen. There are five conversations going on in the Chamber at the moment.

Hon NORM KELLY: The Australian Democrats are also concerned that the Bill contains no accountability measures for the broadening of these police powers. At the same time that police will be able to use these powers relating to street work and the power to enter brothels and search them without a warrant, they also have control of these very same brothels by way of the containment policy. Combining the fact that the police have to contain criminal activity in brothels with the wider power of being able to search them without a warrant will exacerbate the already stated problems - which are very much in the minority of complaints - of police abusing those powers against workers in those establishments.

Clause 37, which relates to undercover officers, deals largely with the possibility of entrapment and the extent of the authority of the Commissioner of Police to control the way in which undercover officers can operate. Basically, they can have sex with one of these workers and then charge that worker with the offence of having sex. That is totally bizarre. If there must be such powers, there should at least be a limitation on the extent to which the powers can be used. It would be irresponsible for the House to support such powers without ensuring there was some form of restriction or the ability to say to what degree such powers should be used.

Hon Nick Griffiths referred to the limitations on liability contained in clause 59. I am not sure whether that was included in ignorance of the recent Bill passed in this place.

As I said before, the move-on powers, together with the restraining orders, are probably sufficient for the police to deal effectively with the problem of street workers. However, I understand that move-on powers for kerb crawlers and the like also exist. That is a significant power, which must be carefully used; nonetheless, it could be effective.

The penalties throughout the Bill are excessive. As I said, custodial penalties for sex workers are unwarranted. A penalty of \$50 000 for advertising prostitution is bizarre. I would like to hear the Attorney General's rationale for that amount.

Hon Peter Foss: You have already told me how much they are making out of publishing.

Hon NORM KELLY: I did not.

Hon Peter Foss interjected.

Hon NORM KELLY: Does the Attorney General think it is fair for a local community newspaper to be fined \$50 000 for running a small advertisement?

Hon Peter Foss: How much do you think they earn from advertising?

Hon NORM KELLY: I find it interesting that the ability to pay in a general sense is a benchmark for setting that limit on the penalty.

Hon Peter Foss interjected

The PRESIDENT: Order! When the Attorney General replies, he can let us know how much he thinks they are earning from it, because that is the appropriate time for him to tell us.

Hon NORM KELLY: Thank you, Mr President. The Democrats believe that the clauses covering custodial sentences for children are also badly thought out. They will not achieve any benefit for those people. If we are referring to children who are workers - there is also an argument to differentiate between children below the age of 16 years and 16 and 17 year olds - custodial penalties are not warranted. Proper care and work with those people is necessary and will help them. Custodial sentences will not help them.

The Attorney General was wrong when he interjected earlier about what the Democrats believe should be the minimum age for sex workers. We do not have a policy on age. From consultation, we found that it is generally believed within the industry that 18 is a reasonable age and that people younger than 18 should not be working in the sex industry. Some people believe the minimum age should be 21. It is rare to hear people agreeing that 16 is old enough for someone to work in the industry. However, a 16 or 17 year old who is a client of a prostitute should not necessarily attract the penalties in this Bill. It would be bizarre if boys aged 17 years and 10 months were subject to a possible jail term for visiting a brothel. Likewise, this has been ill thought out. What is driving such penalties for such offences?

Hon N.D. Griffiths: It would be interesting to know where that idea came from.

Hon NORM KELLY: Exactly. Also, if the Government had conducted research, it would have realised that is not an issue in the industry. The number of 16 and 17 year olds attending brothels and the like constitutes a very small percentage. I do not have the figures with me but it is only a couple of per cent or so.

It is difficult to say that this Bill is redeemable. The Australian Democrats' position is that it would be far better for this Bill to be defeated at the second reading stage and for the Government to go away, do some work over the summer recess, conduct some proper consultation and come back with a better thought out and more comprehensive Bill with which to regulate the sex industry. However, given the likelihood that the Bill will progress past the second reading stage, we will be doing our utmost to move our amendments to make the legislation stronger and fairer. We encourage all members in this Chamber to consider all of our amendments to make the Bill as strong as possible. As I have said, we are very disappointed that the Government has not taken the bit between its teeth and come up with thorough, comprehensive legislation to address the issues in the sex industry and as such, we are unable to support the Bill at this stage.

HON J.A. COWDELL (South West) [9.52 pm]: I support the second reading of the Bill. Some commendable initiatives are fully outlined in the Attorney General's second reading speech, particularly the goals. The Bill proposes to preclude children from being prostitutes and prevent their exploitation for sexual gratification. It protects the community by creating offences relating to health and introduces offences to make street soliciting and kerb crawling illegal, regardless of who initiated the action, whether a prostitute or a client. The Attorney General went on to outline the worth of these initiatives for curbing street prostitution, curbing sexually transmittable diseases, limiting sex advertising and providing for greater child protection. These are commendable initiatives. However, by the time one gets to page 6 of the Attorney General's speech, doubts start to arise where other matters are outlined. The Attorney General stated -

However, there are occasions when the person acting as a prostitute or seeking the services of a prostitute, is himself or herself a child and therefore it is essential that the actions of a child in these circumstances should constitute an arrestable offence.

The minister then went on to refer to the fact that the child being at risk, it would be appropriate to place that child in the care of an appropriate authority. I am not quite sure how this equates with clause 21 which states -

- (1) A child is not to seek another person to act as a prostitute.
Penalty: Imprisonment for 6 months.

This is the start of a number of clauses of the Bill which raise severe doubts about what the Bill is proposing to do.

The minister then outlined the power of entry without warrant, at any time, to any place from which a business involving the provision of prostitution is, or is suspected of, being conducted. I foolishly considered that this provision had something to do with street prostitution, but I cannot see the relevance of this clause in that regard. Then there is the clause, which the minister outlined, enabling police officers to operate covertly in order to obtain evidence of the commission of an offence. Surely we have enough natural offenders on the streets, without getting the police into the act as well. I recall some years ago, when I was the Assistant Secretary of the Australian Labor Party, being called upon to act in my capacity as a justice of the peace next door at Curtin House. A standard procedure of the police was to send an attractive policewoman into the nearby park to entrap elderly, ethnic gentlemen and to charge them. After a number of these occasions, I indicated to the police officers that although they might want to indulge in these things, I did not want to waste my time to aid and abet them in this activity. We are enshrining that sort of activity in this legislation. My impression of this legislation, although it has some commendable initiatives, is that it is a Christmas tree Bill - everything the police ever wanted for Christmas is tacked onto this legislation. We have entry, search and seizure without a warrant. We have entrapment.

Hon Barry House: The same as for the fisheries inspectors.

Hon J.A. COWDELL: Indeed. The police have always been envious of the fisheries legislation.

Hon Simon O'Brien: The apple and pear board inspectors.

Hon J.A. COWDELL: The police are in catch-up mode!

Hon Mark Nevill: I think you should apply it to the dog catchers.

The PRESIDENT: Order! More importantly, members should apply themselves to the Prostitution Bill, which is what we are talking about.

Hon J.A. COWDELL: It contains a list of powers which have been tacked onto the first convenient Bill to go by. It covers entry, search and seizure without a warrant; entrapment; reversal of evidentiary provisions; the definition of a public place to include brothels; disproportionate penalties - some are higher than those for willful murder, I suspect; abolition of confidentiality of health records; and a huge level of police discretion, as admitted by the minister in his media statements. I suggest this is part of the problem with the current regime, and this new Bill merely perpetuates the police discretion.

Many of the provisions contained in this Bill are appropriate only to a public order or state of emergency Bill. I expect they would be appropriate if we were dealing with the Ulster emergency, or perhaps the threat of the Bader Meinhoff group. I hardly think they are appropriate to deal with the curbing of street prostitution. I look forward to the passage of this Bill, minus the extraneous provisions which are not warranted in the initiatives we seek here.

HON PETER FOSS (East Metropolitan - Attorney General) [9.58 pm]: The first thing I make quite clear is that prostitution legislation is not moral legislation, and never has been. A difficulty we have had -

Hon Ken Travers interjected.

The PRESIDENT: Order! The Attorney General has been speaking for 23 seconds. I ask members to let him get on with the reply to the second reading debate, and then they can interject during the committee stage.

Hon PETER FOSS: As I was saying, that is a difficulty people have had. It is extraordinary to hear Hon Cheryl Davenport saying that this is moral legislation. Many people have been opposed to any action being taken in regard to prostitution in the mistaken belief that we have moral legislation for prostitution; whereas anybody with any knowledge of the law relating to prostitution will know that none of the current regulation of prostitution has any moral ground to it whatsoever. It is based purely on the question of public order; for instance, soliciting is illegal because of the effect it has on everyday life. Members need only talk to the people in Palmerston Street and around Hyde Park to know that it is a substantial public order problem. Another area of control was living off the earnings of prostitution. Again, that is plainly a public order offence because it is a way in which women have been traditionally exploited. Prohibiting living off the earnings of prostitution was a way in which that exploitation could be prevented. The third area of control was keeping a bawdy house. Such houses were regulated not for moral reasons but because bawdy houses, by the very name they were given, had a tendency to attract a large amount of noise and undesirable characters. Living next to a bawdy house was not pleasant, because it used to be very loud and disturbing. Each of those offences relating to prostitution which are currently in the law were not related to the morality of prostitution. The civil law has always frowned on prostitution and it has always been considered an unlawful act. However, the reason behind the offences in our current law are not related to morality; they are related to public order.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.01 pm]: I move -

That the House do now adjourn.

Shenton Park Land Sale - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [10.02 pm]: I take this opportunity to place a few comments on the record about an issue in my constituency which has been brought to my attention; that is, the Shenton Park bushland area and concerns that residents in the area have about plans for that land to be sold to be used for residential housing. The land in question is at Underwood Avenue in Shenton Park. The 32 hectares of land involved is owned by the University of Western Australia, which plans to sell 22 hectares. The land is currently zoned urban. It is a planning issue about which we cannot do a great deal in the context of disallowance procedures in this place. However, most people would have identified that the matters that get residents most concerned are either planning issues or environmental issues, and this one combines both.

The proposal is that 10 hectares of this land will be left, of which 8.5 hectares will remain as bushland and 1.5 hectares will become cleared parkland. The reason that the residents are concerned about this issue is that this piece of remnant bushland is quite important in terms of the Perth Bushplan and the need to protect the ecosystem. In the recent Bushplan the land in question was considered a significant area. It contains three types of ecological communities: Jarrah, tuart and banksia woodland. The development that is left would leave less than half of the jarrah and even less tuart. The bush that is to be left would simply be a remnant of a remnant and would not be sufficient to preserve any viable ecosystem. This will have an impact on wildlife in the area. I note that the Bushplan has identified a number of species of fauna. A limited survey indicated that 12 species of birds and three species of reptiles use that piece of bushland. It is an important connection between the Kings Park and Bold Park bushland in terms of greenways. I appreciate that, because the zoning has already been done, there is very little we in this place can do in reviewing the zoning issues. This highlights a fundamental problem to which I have referred previously in this House; that is, education funding. The University of Western Australia is now selling a piece of what is considered to be prime real estate in order to meet its commitments to continue funding the operations of the university. We all know how short of funds the university has been when, for example, it must put out a public appeal to alumni to fund improvements in its medical program. What will happen is that ultimately this important

piece of bushland will be lost because of the funding strictures on the university and the need for it to realise assets to deliver an adequate level of programs.

We have referred previously to the problems with the higher education contribution scheme, with the decreases at the federal level in funding per student. The State Government must also take its share of responsibility for ensuring that our universities are able to deliver an appropriate level of university education. I refer to some notes that I have here on the "West Report on Higher Education Financing and Policy". That report indicated that the Senate's debate on higher education funding uncovered a proliferation of illegal charging of fees, the closure or downsizing of university campuses and faculties, and that about 29 000 students were over-enrolled, which accounted for about one-fifth of the full funding available in the university system. Therefore, both the State and Federal Governments must take some responsibility for the under-funding of universities. As I have already said, what we will see here is a small area of bushland which will be sold to realise funds for the university. It is a small but very important part.

I commend the people in the community who have taken steps to draw this to my attention. I presume that the other members representing that region would also be aware of some of the issues. It takes people in the community to be active on these issues, to draw them to our attention and to give us the opportunity to see what we can do about trying to change some of the fundamentals. It is unfortunate that we cannot do anything on the planning issue. However, the University of Western Australia should be reminded of the importance of this piece of bushland and should be encouraged in whatever way possible to preserve it and not to go ahead with the proposal to sell it.

Oakajee Agreement Act, Disallowance - Adjournment Debate

HON NORM KELLY (East Metropolitan) [10.07 pm]: I will make a couple of points on the urgency motion in relation to Oakajee that was dealt with today. Unfortunately, I did not have an opportunity to speak at that time. My first point, to which I think Hon Giz Watson referred this afternoon, concerns the inadequacy of disallowance procedures within these types of agreement Acts. The Iron and Steel (Mid West) Agreement Act 1997 is a short, straightforward Act containing only four sections. However, the bulk of the Act is contained in the schedule, which is the agreement for Oakajee to go ahead. The disallowance procedure is in the schedule, not in the first part of the Act. Clause 32(3) of the schedule to the Iron and Steel (Mid West) Agreement Act states -

Either House may, within 12 sitting days of that House after the agreement has been laid before it, pass a resolution disallowing the agreement, but if after the last day on which the agreement might have been disallowed neither House has passed such a resolution the agreement shall have effect from and after that last day.

In preparation for the urgency motion today, I did some research and looked at the debate in 1997 when the Bill was going through this place. I made some interesting comments on the disallowance procedure.

Hon Barry House: It must have been really urgent if you knew about it and you could not prepare for it.

Hon NORM KELLY: I knew about it a couple of weeks ago. In that 1997 debate, I am recorded on page 4366 of *Hansard* as stating -

I refer to clause 32. The Minister said that on listening to my comments during the second reading debate I was being too negative about this project. At this stage, I express the Democrats' appreciation for this clause because it provides that any changes to the agreement must be tabled in both Houses of Parliament. That is a good accountability mechanism to have in such an agreement Bill.

I must admit that at that stage I had been in this place for less than a month. I do not mind admitting my naivete at believing it was a good government initiative. It is a useless initiative. No mechanism allows such a disallowance motion to come to finalisation. If members choose to study the disallowance procedures in the Land Administration Act, they will find them indicative of what is in this Act. It is now occurring in other agreement Acts. No mechanism allows such a motion to be resolved one way or the other, short of calling for a question to be put. This type of legislation is severely inadequate.

During today's debate various members stated whether they thought government spending was an investment, a cost or a subsidy. Members debated the real worth to this State of spending government money. Members place different values on progress and development. Some of us place a higher rating on environmental protection than others, and it is important to assess such projects and whether spending government money is beneficial. The Australian Democrats moved an amendment during that 1997 debate which stated -

Commencing 2 years from the day on which this Act comes into operation, and thereafter not less than once in each subsequent 5 year period throughout the term of the Agreement, the Auditor General shall report to each House of Parliament on the performance of the Agreement by the Government.

Unfortunately, it was a very close vote - 14 all. Therefore, the amendment was not passed. I am not arguing that one side is right or wrong. However, it is interesting, given that we are debating the worthiness of government actions, that the Auditor General could produce a report giving the House an indication of where money was spent and what government action took place on that project. It would not necessarily have resolved some of the arguments, but the House would have been informed about whether the contentious issue of spending government money on infrastructure was beneficial to the State.

Question put and passed.

House adjourned at 10.13 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

282. Hon LJILJANNA RAVLICH to the Minister for Transport:

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 Transport's 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 M.J. CRIDDLE replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19/8/99.

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

393. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) For all Government departments and agencies under the Minister for Health'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) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to the member's Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT CONTRACTS, CHAMBER OF COMMERCE AND INDUSTRY

587. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Health:

- (1) Have any of the Government agencies for which the Minister for Health 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 MAX EVANS replied:

Healthway:

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

(2) Not applicable.

Health Department of Western Australia :

(1)	(a)	1996-97	Nil.
	(b)	1997-98	\$109 350
	(c)	1998-99	\$123 993
(2)		1996-97	No applicable
		1997-98	
		Membership	\$48 170
		Consultancy	\$61 005
		Publications	\$175
		1998-99	
		Membership	\$51 310
		Consultancy	\$48 125
		Courses	\$24 178
		Publications	\$380

Office of Health Review :

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

(2) Not applicable.

PERTH DENTAL HOSPITAL

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

- (1) What are the current waiting list numbers and times for dental treatment at the Perth Dental Hospital and each of the dental clinics?
- (2) What was the actual recurrent expenditure in the 1998/99 financial year at the Perth Dental Hospital and each of the dental clinics?
- (3) What was the actual capital expenditure in the 1998/99 financial year at the Perth Dental Hospital and each of the dental clinics?
- (4) What is the budgeted recurrent expenditure for the 1999/2000 financial year at the Perth Dental Hospital and each of the dental clinics?
- (5) What is the budgeted capital expenditure for the 1999/2000 financial year at the Perth Dental Hospital and each of the dental clinics?

Hon MAX EVANS replied:

(1)	Perth Dental Hospital	2971	5 months
	Liddell	335	5 months
	Fremantle	1054	7 months
	North Perth	462	4 months
	Sir Charles Gairdner	163	6 months
	Bunbury	723	9 months
	Albany	204	6 months
	Goldfields	102	3 months
	Rockingham	380	3 months
	Warwick	1119	5 months
	Swan	172	2 months
	Mt Henry	57	4 months
	Vasse	62	4 months
	Geraldton	166	7 months
(2)		\$	
	PDH	12,209,735	
	Liddell	609,753	
	Fremantle	901,008	
	North Perth	597,323	
	SCGH	386,137	
	Bunbury	629,310	
	Albany	304,131	
	Goldfields	155,636	
	Rockingham	719,585	
	Warwick	808,592	
	Swan	604,164	
	Vasse	198,229	
	Mt Henry	860,116	
	Geraldton	150,986	
		<u>15,925,373</u>	

(3)		\$
	PDH	51,206.25
	Liddell	32,032.50
	Fremantle	-
	North Perth	36,457.50
	SCGH	3,211.80
	Bunbury	-
	Albany	-
	Goldfields	-
	Rockingham	-
	Warwick	30,450.00
	Swan	5,810.00
	Vasse	-
	Mt Henry	31,093.00
	Geraldton	-
		<u>159,168.05</u>

(4)		\$
	PDH	10,424,000
	Liddell	622,500
	Fremantle	920,000
	North Perth	610,000
	SCGH	394,000
	Bunbury	642,500
	Albany	310,500
	Goldfields	159,000
	Rockingham	734,500
	Warwick	825,500
	Swan	617,000
	Vasse	202,500
	Mt Henry	878,000
	Geraldton	154,000
		<u>17,494,000</u>

(5)		\$
	PDH	50,000
	Liddell	30,000
	Fremantle	-
	North Perth	30,000
	SCGH	-
	Bunbury	-
	Albany	-
	Goldfields	-
	Rockingham	-
	Warwick	30,000
	Swan	-
	Vasse	-
	Mt Henry	-
	Geraldton	-
		<u>140,000</u>

MAIN ROADS WA, ROAD MAINTENANCE EXPENDITURE

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

- (1) For each of the last five financial years -
 - (a) what has Main Roads WA spent on road and highway maintenance; and
 - (b) what was that amount as a percentage of each years total expenditures?
- (2) For each of the last five financial years what was the total amount of money Main Roads WA allocated to local government for the maintenance of roads under local government control?

Hon M.J. CRIDDLE replied:

- (1) (a) Expenditures by Main Roads Western Australia under its Road Preservation Program in each of the last five financial years were as follows:

1994/95	\$ 158.546 million
1995/96	\$ 217.496 million
1996/97	\$ 196.533 million
1997/98	\$ 192.395 million
1998/99	\$ 175.186 million
- (b) Expenditures under the Road Preservation Program expressed as a percentage of Total Expenditures in each of the last five financial years are as follows:

1994/95	45%
1995/96	41%
1996/97	35%
1997/98	34%
1998/99	26%
- (2) Expenditures on local government roads by Main Roads Western Australia under the Road Preservation Program in each of the last five financial years were:

1994/95	\$ 26.402 million
1995/96	\$ 38.442 million
1996/97	\$ 41.983 million
1997/98	\$ 40.731 million
1998/99	\$ 40.722 million

ABORTIONS, BREAST CANCER RISKS

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

I refer to the Health Department of Western Australia 1998 publication entitled "Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term - Information for General Practitioners", which states "In a landmark study of 1.5m Danish women, information derived from registries showed no increased risk of breast cancer in women who had undergone induced abortion". This statement is made with reference to the paper Melbye M and Wohlfahrt J, Olsen J et al. Induced abortion and the risk of breast cancer. *The New England Journal of Medicine* 336 ,81-85 (1997), and I ask -

- (1) Is the Minister for Health aware that the Melbye, M. et al (1997) paper referred to above found a statistically significant increase in risk of breast cancer among women with a history of second-trimester abortion?
- (2) How does the Minister reconcile the finding referred to in (1) above with the statement that "In a landmark study of 1.5m Danish women, information derived from registries showed no increased risk of breast cancer in women who had undergone induced abortion", which was included in the publication "Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term - Information for General Practitioners"?
- (3) Why is there no reference to the finding referred to in (1) above, in either the "Medical Risk of Induced Abortion and at Carrying a Pregnancy to Term – Information for General Practitioners" or the other Health Department of Western Australia 1998 publication entitled "Medical Risk of Induced Abortion and Carrying a Pregnancy to Term - Information for Women"?
- (4) Does the responsibility of medical practitioners to properly advise women of all relevant medical risks pertaining to induced abortion and carrying pregnancy to term, oblige the Health Department to provide only accurate information to general practitioners and other medical practitioners?
- (5) If not, why not?
- (6) Given the inconsistency between the publication "Medical Risk of Induced Abortion and on Carrying a Pregnancy to Term – Information for General Practitioners" and the Melbye M et al (1997) finding referred to in (1) above, when will the Minister act to withdraw this Health Department publication?
- (7) What action will the Minister take to advise all Western Australian medical practitioners of the inconsistency referred to in (6) above?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(3) It is recognised that the HDWA publication presents a summary of Melbye et al and as such does not expressly reflect this specific finding of the study. The authors expressly advise that this finding be interpreted with caution. Melbye et al conclude that induced abortions have no overall effect on the risk of breast cancer. Articles which support an associated risk and articles which do not support an associated risk are cited. The articles are fully referenced. The overall conclusion reached by noted authorities is that there is insufficient evidence to support either a decreased or an increased risk of breast cancer with induced abortion.
- (4)-(5) In attempting to assist medical practitioners to meet their obligations in regard to advising women of all relevant risks the HDWA has endeavoured to provide accurate information in summary form. However, as the question states, it is the responsibility of medical practitioners to properly advise women of all relevant risks.
- (6) It should be noted that the publications general tenor on this issue is that there is insufficient evidence to support a relationship between induced abortion and the risk of breast cancer.

Research^{1,2,3} published since the production of the HDWA booklet support no association of induced abortion with subsequent breast cancer. A further meta analysis by the University of California⁴ of studies researching the association between abortion and breast cancer concludes 'At present, level II-2 evidence (cohort and case control studies) supports a class B recommendation (fair evidence) that induced abortion does not increase a woman's risk of breast cancer later in life'. Given the current state of research withdrawal of the publication on this basis would not appear warranted.

- (7) Given the overall conclusion of the Melbye et al study and given the findings of subsequent research further advice to medical practitioners at this stage is considered unwarranted.

¹ Fioretti F, Tavani A, Boscetti C, La Vecchia C, Negri E, Barbone F, Talamini R, Franceschi S. Risk factors for breast cancer in nulliparous women. *British Journal of Cancer* 1999 Apr;79(11-12):1923-8

² Marcus PM, Baird DD, Millikan RC, Moorman PG, Qaqish B, Newman B. Adolescent reproductive events and subsequent breast cancer risk. *American Journal of Public Health*. 1999 Aug;89(8):1244-7.

- ³ McCredie M, Paul C, Skegg DC, William S. Reproductive factors and breast cancer in New Zealand. *International Journal of Cancer*. 1998 Apr 13;76(2): 182-8
- ⁴ Bartholomew LL, Grimes DA. The alleged association between induced abortion and risk of breast cancer: biology or bias? *Obstetric and Gynecology Surveillance* 1998 Nov;53(11):708-14.

ALBANY PRIMARY SCHOOL, LEASING OF PLAYING FIELDS

765. Hon BOB THOMAS to the Attorney General representing the Minister for Planning:
- (1) Is the Minister for Planning aware that the Albany Primary School is considering leasing a part of it grassed playing fields to an adjacent shopping centre for use as a temporary car park during its redevelopment?
 - (2) Does the proposed new use comply with the departments policies which govern the change of use of reserve from public use to commercial?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The land to be leased is reserved "Public Use" under the City of Albany Town Planning Scheme No 1A. The Scheme provides discretion for the City to approve applications to use the land having regard to the reserves intended purpose.

GILLEECE, MR JACK, COST OF INQUIRY

773. Hon TOM STEPHENS to the Leader of the House representing the Premier:
- (1) What was the total cost of the inquiry into the business dealings of the Premier's former righthandman Mr Jack Gilleece?
 - (2) What is the breakdown of that total?

Hon N.F. MOORE replied:

- (1)-(2) The inquiry into the conduct of Mr Gilleece was not specifically costed. The Inquirer was seconded from the Ombudsman's Office from 4 August 1999 to 8 October 1999 on a public service salary. He received assistance from officers within the Ministry of the Premier and Cabinet and had access to stationery, sundry consumables and Ministry equipment including a motor vehicle, mobile phone, computing and office equipment. In addition the Ministry of the Premier and Cabinet engaged a probity auditor to ensure the integrity of the inquiry at a total cost of \$4,347.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

812. Hon KEN TRAVERS to the Leader of the House representing the Minister for Employment and Training:
- (1) On how many occasions did each department under the Minister for Employment and Training's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
 - (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon N.F. MOORE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

820. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Disability Services:
- (1) On how many occasions did each department under the Minister for Disability Services' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
 - (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants

engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

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

- (1) On how many occasions did each department under the Minister for Housing's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

823. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) On how many occasions did each department under the Minister for Water Resources' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

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

- (1) On how many occasions did each department under the Minister for Works' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

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

- (1) On how many occasions did each department under the Minister for Services' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

826. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

- (1) On how many occasions did each department under the Minister for Citizenship and Multicultural Interests' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

827. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Youth:

- (1) On how many occasions did each department under the Minister for Youth's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon MAX EVANS replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

830. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) On how many occasions did each department under the Minister for Local Government's responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon M.J. CRIDDLE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

GOVERNMENT DEPARTMENTS AND AGENCIES, PUBLIC RELATIONS-MEDIA CONSULTANTS

833. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) On how many occasions did each department under the Minister for Aboriginal Affairs' responsibility use the services of a public relations/media consultancy in 1998 and during the current year?
- (2) For each occasion what was the -
 - (a) nature of the occasion/event/project;
 - (b) name of the contractor/consultancy; and
 - (c) cost of the contract/consultancy?

Hon M.J. CRIDDLE replied:

- (1)-(2) The member would be aware six monthly reports are tabled in Parliament that provide information on consultants engaged by Government agencies. The member should access these reports to obtain information on public relations and media consultancies.

"THE WEST AUSTRALIAN HEALTH SERVICE GUIDE", COSTS OF PRODUCTION AND DISTRIBUTION

859. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) What is the cost of production of "The West Australian Health Service Guide"?
- (2) What is the cost of distribution of the guide?

Hon MAX EVANS replied:

- (1) The production cost was \$1,096,749.
- (2) The distribution cost was \$44,927.

JUSTICES OF THE PEACE, VISITS TO CORRECTIONAL INSTITUTIONS

867. Hon TOM STEPHENS to the Minister for Justice:

- (1) Will the Minister for Justice table a list of all Justices of the Peace who visit Western Australia's correctional institutions?
- (2) If not, why not?
- (3) What functions do these Justices of the Peace carry out within Western Australia's correctional institutions?

Hon PETER FOSS replied:

- (1) I assume the member is referring to Visiting Justices under the Act and not merely Justices who happen to visit. In which case yes. [See list below.]
- (2) Not applicable
- (3) Duties of a visiting justice: A visiting justice shall attend the prison for which he is appointed as soon as practicable upon being notified by the superintendent that a charge of a prison offence has been laid and shall –
 - (a) in the case of a minor prison offence inquire into and dispose of the charge;
 - (b) in the case of an aggravated prison offence, exercise the discretion conferred by section 73.

Visiting Justices
Mrs D L Annear
Mr B H Bailey
Mr G M D Bailey
Mr J Biggs
Mr R M Bignell
Mr W A Boys
Mrs S E Brennan
Mr A J Bridger
Mrs J Brown
Mr R K Brown
Mr J F Carpenter
Mr R J Cooper
Mr B D Coventry
Mrs M A Cowley
Mr O J Davies
Mr M V Fawcett
Mr R H Fawcett
Mrs G E Fenech
Mrs L A Forbes Righton
Mr V N Haley
Mr B M Handcock
Mr I G Handcock
Mrs V H Hayward
Mr J Holmes
Mr M J Joyce
Mr M L Knowles
Mr R Lambie
Mrs B Logan
Mrs G E McDonald
Mrs L P Mills
Mr J A Minervini
Mr G A Murphy
Mr J P Murphy
Mr R D Prestage
Mr B R Purdue
Mr J K Rankin
Mrs K M Rickerby
Mr L Robinson
Mr E A Rochester
Mrs C A Russell
Mr M Selby
Ms R M Sharp
Mr R A Shepherdson

Mr K L Slee
 Mr A F Smith
 Mr R M Syme
 Mr A J Taylor
 Mrs C M C Veen
 Mr R H Veen
 Mrs L D Wareham-Burns
 Mr D W Wenn
 Mr A R White
 Mr W C Wiffen
 Mr R R Wiggins

COLLEGES OF TAFE, COLLEGE MANAGEMENT INFORMATION SYSTEM

918. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

What was the total expenditure by the Western Australian Department of Training and Employment and TAFE colleges on hardware and networking used to implement the College Management Information System (CMIS) on a "stand alone" basis in TAFE colleges between June 30 1996 and June 30 1999?

Hon N.F. MOORE replied:

The information sought by the hon member is not readily available and the Minister is not prepared to direct the Department of Training and Employment to commit the time and resources required to compile this information. However, if the member would like a briefing on this issue, the Minister would be pleased to make the necessary arrangements.

BANKSIA FARM

932. Hon GIZ WATSON to the Minister for Finance representing the Minister for Lands:

With regards to the public open space in Mt Claremont known as Banksia Farm -

- (1) Is the Minister for Lands aware of any sale, or transfer of land, or transfer of ownership on the parcel of land on Fortview Road, Mt Claremont, involved in the Bold Park transaction?
- (2) If yes, when did this transfer occur?
- (3) If yes to (1), please detail the exact nature of the transaction/s?
- (4) Has any transfer or sale occurred during 1999?
- (5) Who is the purchaser or the party that currently owns the land in question?
- (6) What was the purchase/sale/transfer price or amount of consideration?
- (7) Will the Minister provide the names of the parties that facilitate, or negotiated, or were involved in any way with sale or transfer?
- (8) What were the terms of sale or transfer?
- (9) Will the Minister table the terms of sale or transfer?
- (10) Why did the sale or transfer occur?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) The land was transferred from the Town of Cambridge to Her Majesty Queen Elizabeth II on 11 March 1998 at no cost. The land involved in the Bold Park transaction and situated on Fortview Road is held in Certificate of Title Volume 2128 Folio 534.
 (b) A contract of sale was entered into between the Department of Land Administration (DOLA) and LandCorp on 29 June 1999 however no transfer has occurred at this time.
- (3) (a) Refer (2)(a).
 (b) Refer (2)(b).
- (4) Refer (2)(b).
- (5) Purchaser is LandCorp and the Crown currently owns the land.
- (6) \$3.7 million subject to final subdivision conditions.
- (7) DOLA and LandCorp
- (8)-(9) Sale at Valuer General's Office valuation subject to revaluation should any unforeseen conditions be imposed on the subdivision of the land. Existing playground to be retained within public open space area of 2,189 m².
- (10) To provide funds as part of the agreement to establish Bold Park.

BANKSIA FARM

933. Hon GIZ WATSON to the Minister for Finance representing the Minister for Lands:

With regards to the public open space known as Banksia Farm, Lot 87, Mt Claremont -

- (1) Will the Minister for Lands provide the identity of the current Trustee/s over the Trust protected Banksia Farm in Mt Claremont, portion of Swan Location number 1911 Lot 87 on Plan 7542, Title Vol. 1809, Folio 190?
- (2) How and when was this Trustee appointed?
- (3) Will the Minister provide details as to the exact nature of any transactions involving Lot 87, Banksia Farm, being gifted to the Crown at any time?
- (4) Who was the party/s that gifted the land in question?
- (5) When did this occur?
- (6) Who was the land gifted to?
- (7) Was there any transfer of funds or consideration involved in the transaction?

Hon MAX EVANS replied:

- (1) The Town of Cambridge.
- (2) The Trustee was appointed on 7 December 1961 as the City of Perth. However, with the restructure of the City of Perth, control of the lands subject to the City of Perth Endowment Lands Act 1920 passed to the Town of Cambridge.
- (3) Lot 87 was transferred to the Crown by the Town of Cambridge on 11 March 1998 at no cost to enable the creation of Bold Regional Park. A Commissioner's Caveat protecting Declaration of Trust No. 30/1961 remains upon the title. Concurrent with the transfer, Treasury advanced \$6.5m to the Town of Cambridge. The \$6.5m is to be returned to Treasury following the sale of Lot 87 and an adjoining parcel by the Department of Land Administration.
- (4) The Town of Cambridge.
- (5) 11 March 1998.
- (6) Her Majesty Queen Elizabeth II.
- (7) No.

COLLEGES OF TAFE, COLLEGE MANAGEMENT INFORMATION SYSTEM

934. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

For each TAFE college, will the Minister for Employment and Training table the following information -

- (a) what year the College Management Information System (CMIS) was implemented;
- (b) what year the (CMIS) was implemented on a "stand alone" basis;
- (c) the total student contact hours recorded on the college CMIS for -
 - (i) 1997;
 - (ii) 1998;
 - (iii) 1999;
- (d) the target student contact hours for -
 - (i) 1997;
 - (ii) 1998; and
 - (iii) 1999?

Hon N.F. MOORE replied:

- (a) In 1994, the Department acquired the South Australian Department of TAFE's Student Management System to manage its student enrolments. This sub-system of the CMIS was initially implemented using a distributed database, with some data held in a central location, while other data was held locally at the TAFE colleges. Implantation of the CMIS commenced at the South East Metropolitan College of TAFE in late 1994 and progressively implemented to most colleges during 1995. CMIS was implemented in the Leederville campus of Central Metropolitan College of TAFE (CMC) in 1996 and remaining CMC campuses in 1997.
- (b) During 1996, the centralised portion of the database was devolved to colleges and included as part of the CMC implementations. This phase is what was termed 'stand alone'.

(c)

	1997	1998	1999****
Advanced Manufacturing Technologies Centre **	561 278	0	0
Central Metropolitan College of TAFE	5 916 198	6 300 708	6 372 804
Central West College of TAFE	858 019	853 994	759 815
CY O'Connor College of TAFE	515 455	488 937	387 186
Great Southern Regional College	789 806	771 486	829 155
Hedland College	274 559	445 664	355 229
Karratha College	288 580	272 128	229 769
Kimberley Regional College	329 217	317 097	241 673
Midland College of TAFE	1 590 114	1 584 121	1 566 900
Pundulmurra College ***	159 259	0	0
South East Metropolitan College of TAFE	3 518 501	3 421 912	3 144 570
South Metropolitan College of TAFE	3 590 607	3 441 982	3 241 177
South West Regional College of TAFE	1 463 431	1 479 107	1 528 316
West Coast College of TAFE	3 042 864	4 095 211	3 044 133
TOTAL	22 897 888	23 472 347	21 700 727

** Advanced Manufacturing Technologies Centre merged with Central Metropolitan College in 1998

*** Pundulmurra College merged with Hedland College in 1998

**** 1999 Figures are YTD as at 14 August 1999

(d)

	1997	1998	1999
Advanced Manufacturing Technologies Centre	577 434	0	0
Central Metropolitan College of TAFE	5 137 355	5 692 532	5 848 096
Central West College of TAFE	780 127	835 294	831 634
CY O'Connor College of TAFE	491 437	565 701	509 254
Great Southern Regional College	759 933	914 952	961 433
Hedland College	277 921	392 667	426 463
Karratha College	265 965	260 189	258 208
Kimberley Regional College	260 622	283 218	345 848
Midland College of TAFE	1 484 295	1 696 456	1 589 676
Pundulmurra College	270 639	0	0
South East Metropolitan College of TAFE	2 984 801	3 081 533	3 138 010
South Metropolitan College of TAFE	3 029 068	3 450 131	3 235 080
South West Regional College of TAFE	1 447 197	1 468 845	1 594 268
West Coast College of TAFE	2 586 381	2 838 412	3 037 632
TOTAL	20 353 175	21 479 930	21 775 602

** Advanced Manufacturing Technologies Centre merged with Central Metropolitan College in 1998

*** Pundulmurra College merged with Hedland College in 1998

NB: The figures stated in sections (c) and (d) of the reply are not comparable as the figures are required for different purposes and interpret different elements of information.

GANTHEAUME POINT, PEARL BAY RESORT DEVELOPMENT

939. Hon GIZ WATSON to the Minister for Finance representing the Minister for Lands:

With reference to the preferred developer chosen to pursue the Gantheaume Point proposal in Broome -

- (1) Has the Minister for Lands conducted a check on the financial status of each of the Directors of Pearl Bay Resort Development?
- (2) Is the Minister aware that at least one of the major shareholders still owes money in Broome?
- (3) Has Pearl Bay Resort Development fulfilled all the Governments requirements to date, including meeting deadlines for bank guarantees?
- (4) Does the Government have confidence in the capacity of Pearl Bay Resort Development to successfully manage this proposed development?

Hon MAX EVANS replied:

- (1) The project Government working group did commission a check on Pearl Bay Resort Developments Pty. Ltd.
- (2) No.
- (3) No deadline has been set.
- (4) The capacity to manage any developments will be clarified during the due diligence and consultation phase.

GANTHEAUME POINT, PEARL BAY RESORT DEVELOPMENT

940. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

- (1) What financial checks were carried out by the Government to ensure Pearl Bay Resort Development had the resources to carry out the large scale development at Gantheaume Point?
- (2) Who carried out the checks?
- (3) When were they carried out?
- (4) Can the Minister for Lands explain why the \$10m performance bond has not been provided despite the signing of the Memorandum of Understanding?
- (5) Why is the form this performance bond will take still undecided?

Hon MAX EVANS replied:

- (1) A financial background review was undertaken.
- (2) Dun and Bradstreet.
- (3) January 1999.
- (4) Pearl Bay Resort Developments are negotiating the bond with a provider.
- (5) The form of the performance bond will depend on the negotiations by Pearl Bay Resort Developments with the provider.

LOCAL GOVERNMENT ACT, AMENDMENT

941. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Can the Minister for Local Government advise whether there are any proposals to amend the *Local Government Act* in relation to amalgamations between councils?
- (2) If yes, what form are those amendments likely to take and what consultations will you carry out prior to doing so?

Hon M.J. CRIDDLE replied:

The Minister for Local Government has no plans to amend the *Local Government Act* in relation to amalgamations between Councils.

ROEBUCK ESTATE LAND DEVELOPMENT, BROOME

943. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

I refer to the Roebuck Estate land development associated with the Broome airport land and ask, what number of blocks will be purchased for public housing in the Roebuck Estate?

Hon MAX EVANS replied:

This is a private development and the Ministry of Housing is not involved in public housing in the estate, however the Ministry of Housing has endeavoured to obtain a small number of lots without success. There is Government Employees' Housing Authority presence.

ELECTORAL ENROLMENT, REDUCTION

956. Hon J.A. COWDELL to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:
Why did the WA electoral enrolment reduce from 1 157 418 at June 30, 1999 to 1 152 709 at September 30, 1999?

Hon N.F. MOORE replied:

The net drop in total enrolment of 4709 (0.4%) between 30 June 1999 and 30 September 1999 stemmed from objection action undertaken by the Australian Electoral Commission as part of the Joint Enrolment Arrangement. This objection action resulted from non-voter follow-up associated with the October 1998 Federal Election. As a result of this action, 6338 names were removed from the roll on 21 July 1999 and a further 2700 on 31 August 1999. Accordingly, in the three month period in question, there were more deletions than additions from the State Roll. It is worth noting that as at 24 November 1999, total enrolment stood at 1,174,859. The increase can largely be attributed to enrolment activity associated with the recent Federal Referendum.

MINIM COVE CLEAN-UP

957. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the clean-up of the Minim Cove development and ask -

- (1) How was Octennial Holdings' contribution to the clean-up of contaminated soil calculated?
- (2) What proportion of contaminated soil was on -
 - (a) Octennial Holdings' land; and
 - (b) LandCorp's land?
- (3) What proportion of land at the development, in percentages and hectares, is owned by -
 - (a) Octennial Holdings; and
 - (b) LandCorp?
- (4) On what basis will profits be shared by the joint venturers?
- (5) What was the actual total cost of the clean-up incurred by LandCorp and by Octennial Holdings?
- (6) Why did the cost of the clean-up blow out from the estimated \$5m when the work commenced two years ago?

Hon MAX EVANS replied:

- (1) Each party is to meet the proportion (calculated by volume) which the quantity of contaminated soil obtained from their land bears to the total quantity of contaminated soil obtained from the total land area.
- (2)

(a)	Octennial Holdings land	-	10.4%.
(b)	LandCorp land	-	89.6%.
- (3)

(a)	Octennial Holdings land	-	3.8657 ha (28%).
(b)	LandCorp land	-	9.9205 ha (72%).
- (4) Each party retains its own subdivided lots for sale.
- (5) \$13.6 million for the clean up of the LandCorp and Octennial land.
- (6) Increases in costs were due to the increase in volume of contaminated soil recovered from the site and the requirement of the Minister for the Environment to transport some of the soils to offsite disposal facilities.

GOVERNMENT VEHICLE FLEET, AUDITOR GENERAL'S REPORT

962. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:

I refer to the Auditor General's report "*Selecting the Right Gear – The Funding Facility for the Western Australian Government's Light Vehicle Fleet*" and I ask -

- (1) How many of the Auditor General's 14 recommendations have been implemented by the relevant Government departments?
- (2) Why have all of the recommendations not been implemented?
- (3) When will they be implemented?

Hon MAX EVANS replied:

- (1) Each recommendation has been implemented or, is in the process of being implemented.
- (2)-(3) Not applicable.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND OPERATIONAL PLAN

963. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Can the Minister for Employment and Training confirm that Part 1 of the 1999/2000 BCITF Operational Plan relates to a consultative process for the new BCITF Board and that Part 2 will be completed for Ministerial approval by December 6 1999?
- (2) Is the Minister concerned that this is the second annual operational cycle of the BCITF in which an Operational Plan has not been completed and available for distribution to the industry as it is in those States which have levy funds (that is Tasmania, South Australia and Queensland)?
- (3) Can the Minister outline all instructions that he has provided to the BCITF Board under Section 9 of the BCITF Legislation for the last two financial years?

Hon N.F. MOORE replied:

- (1) The Minister for Employment and Training approved the BCITF Operational Plan on 22nd June 1999 on the basis that the Board had provided firm budgeted proposals for the first six months of the financial year and would make another submission to the Minister for approval of firm proposal and budgets for the second half of the financial year. Information relating to the second half of the year was considered notional. The Board intends to have a final Operational Plan submission to the Minister for the complete 1999/2000 Operational Plan year before 6 December 1999. The Board, in its Operational Plan submission in June 1999, indicated an intention to consult widely in regard to formulating proposals for the second half of the financial year.
- (2) Once the Minister for Employment and Training has approved a BCITF Operational Plan which is based on firm proposals for the full year 1999/2000 it will be available for distribution to the industry. The industry was appropriately informed about the conditions applying to the Interim Operational Plan which was in place during 1998/1999.
- (3) The only instructions the Minister for Employment and Training has given to the BCIT Board under Section 9 of the BCITF & LC Act have been in regard to the Interim Operational Plan put in place by the previous Minister, the Hon Cheryl Edwards MLA. The Minister's instructions to the Board on this matter extended the Interim Operational Plan until 30th June 1999 without change to the terms established by the previous Minister. The Minister has not issued any instructions to the Board under Section 9 in this financial year.

COLLEGES OF TAFE, COLLEGE MANAGEMENT INFORMATION SYSTEM

964. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Can the Minister for Employment and Training confirm that the Department of Training is considering replacing the College Management Information System (CMIS)?
- (2) What is the estimated cost of an alternative system?
- (3) When will the contract for the replacement of CMIS be put to tender?

Hon N.F. MOORE replied:

- (1) The Department of Training and Employment is currently considering the future requirements of a system for managing college information. This will include a balanced assessment of the full range of options available including:
 - (i) Continuing to enhance the existing CMIS
 - (ii) Implementing a commercial off-the-shelf package
 - (iii) Continuing redevelopment of CMIS
 - (iv) Purchasing off-the-shelf software to integrate with the existing CMIS

One of the steps in this process will be to issue an expression of interest to explore the options.

- (2)-(3) This will not be known until such time as the deliberative processes are concluded.

QUESTIONS WITHOUT NOTICE

HANCOCK, MR LANG, CORONIAL INQUIRY

673. Hon TOM STEPHENS to the Attorney General:

I refer to the decision to authorise a Supreme Court action by Mrs Gina Rinehart in her bid for a coronial inquiry into the death of Mr Lang Hancock.

- (1) Did the Attorney General discuss Mrs Rinehart's request with her or her legal representatives? If so, on how many occasions?
- (2) Was Mrs Rinehart's request ever discussed in Cabinet, or did the Attorney General otherwise discuss it with the Premier or any minister? If so, on how many occasions?

- (3) What are the Attorney General's reasons for allowing a Supreme Court action by Mrs Rinehart in her bid to obtain a coronial inquest into the death of Mr Hancock?
- (4) Did he seek and/or obtain legal advice before making this decision? If so, from whom and what was that advice?
- (5) What is the anticipated cost to taxpayers and the duration of the Supreme Court action Mrs Rinehart has been authorised to undertake?

Hon PETER FOSS replied:

- (1)-(5) It is thrilling to get this question because I have had a lot of advice from the Opposition on this topic. First I was told by the former opposition legal spokesperson that it was clear I should issue a fiat, and I was urged to do so. I suppose one could say I took that legal advice to some extent. I then read in the newspaper that the current opposition legal spokesperson totally disagrees with the former spokesperson and believes that I was acting corruptly; that is, for political and monetary reasons. I do not know from where he got that information. He probably decided out of the blue that that was the basis upon which I made the decision, notwithstanding the fact that his predecessor said I should make it. I do not think he had any basis for doing that, and that is now clear because he knew absolutely nothing. I do not believe that the same could be said about Mr Theophanous without any basis.

My guiding rule has been to take the Solicitor General's advice, and I have done so throughout this saga. It has been my decision, and I obviously have the right to make it. However, at all times I have acted on his advice, and his latest advice is that I should issue a fiat. I have acted on that advice, and that is appropriate.

Hon Tom Stephens: Will you answer the questions?

Hon PETER FOSS: I do not think the leader is entitled to answers because the questions are irrelevant. The only relevant point is that I have acted on the advice of the Solicitor General; I have completely disregarded anything else.

I have met Mrs Rinehart. She sought an audience with me and I met with her.

Hon Bob Thomas: So, she had a regal audience!

The PRESIDENT: Order! We are on the first question and I do not want it to be the last. Members will not interject.

Hon PETER FOSS: I use that word advisedly. She wanted to be heard and I gave her that opportunity. Is the member suggesting that I should not have?

Hon Bob Thomas: I am suggesting that you are pompous.

Hon PETER FOSS: I have had numerous representations from her legal representative - more than one would think possible. I even organised for her legal representative to see the Solicitor General.

The issue has not been discussed in Cabinet, and cabinet members have behaved with absolute propriety. They know this is a particular issue for me. I have informed them that I either have or have not made a decision. I have certainly not discussed it with cabinet members because I have always taken the view that it is my decision to make. Cabinet members, particularly the Premier, have scrupulously respected that view. I have never been approached by the Premier, who has respected my right to make the decision, and I am happy that he has done so.

The Leader of the Opposition wants to know my reasons for making this decision. The Solicitor General's advice -

Hon Tom Stephens: What were his reasons?

Hon N.D. Griffiths: It is your decision.

Hon PETER FOSS: I said it was my decision.

Hon N.D. Griffiths: You have rubber stamped his decision.

Hon PETER FOSS: I never rubber stamp his decisions. I read them and either agree or disagree with them. The member was not listening. One of the problems with members of the Labor Party is that they never listen. I listened to the Solicitor General's advice, as was appropriate, and I acted on it because I agreed with it. Most of the time he advised me against issuing the fiat. However, evidence was provided that he said was appropriate; in fact, he went further and said that he would pass the documents on to the coroner in case the coroner wished to review his position. I understand those documents have been sent. What view the coroner will take, I do not know.

Hon Tom Stephens: Did he tell you how much it would cost?

Hon PETER FOSS: I have never bothered to inquire of him, nor would I bother. However, complete propriety has been observed and members will be pleased to know that on most occasions I agree with the Solicitor General's legal advice.

I do not know what the cost will be because I do not know what Mrs Rinehart will do. Until we see what she does, we cannot estimate the cost. However, the possible impost on taxpayers was one of the reasons I initially refused the fiat. Notwithstanding that I had numerous people, including the then legal spokesperson for the Labor Party, telling me I should issue a fiat, I was concerned about the cost. It was not until the evidence was such that the Solicitor General advised me to do so that I allowed the fiat to go ahead. I am sure the former legal spokesperson for the Labor Party will be very pleased that ultimately he has been proved correct.

MEDICAL ASSESSMENT PANELS

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

- (1) How many medical assessment panels under the Workers Compensation and Rehabilitation Act were convened in 1998-99?
- (2) Will the Attorney General table the names of all the medical practitioners who served on such MAPs in 1998-99?
- (3) For each medical practitioner who served on such a MAP in 1998-99, will the Attorney General table -
 - (a) the number of times he or she served on a MAP; and
 - (b) the total remuneration paid for this work?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Sixty-two panels were convened.
- (2)-(3) Medical practitioners who serve on panels are drawn from a register of 248 practitioners developed in consultation with the minister and the Australian Medical Association (WA Branch). Without physically examining individual files, the detail requested by the leader is not readily available. However, the minister can advise the total cost of medical assessment panels in 1998-99 was \$223 119.

BELL GROUP LIQUIDATION, COST BLOW-OUT

675. Hon N.D. GRIFFITHS to the Minister for Finance:

I refer to the corporate recovery action by the liquidator of Bell Group being funded by the Insurance Commission of Western Australia.

- (1) Why have the costs blown out to more than \$40m when the liquidator predicted in 1993 that the action, if fought vigorously, would cost between \$1m and \$2m?
- (2) What is the latest estimate of the size of the claim and how does the minister explain the increase from the \$280m figure estimated by the liquidator in 1994?
- (3) Has the ICWA or the minister at any time sought or received legal advice recommending that the ICWA drop its action?
- (4) Has the minister issued any written directives to the ICWA regarding this action? If so, what was the nature of any such directives and will they be tabled?

Hon MAX EVANS replied:

- (1) This question would be more appropriately answered by the liquidator. However, there is a concern that the 20 banks are pursuing a policy of maximising costs to eventually make ongoing funding of the liquidator politically unpalatable. In spite of this, as from 1 April the ICWA does not have a material balance sheet exposure to the future funding of the liquidator as a result of the placement of the world's largest ever legal costs insurance package.
- (2) The liquidator has been quoted as saying the claim could exceed \$1b as a result of the inclusion of interest in the claim.
- (3)-(4) No.

MOTORSPORT COMPLEX, KWINANA

676. Hon J.A. SCOTT to the Leader of the House:

- (1) Did the Leader of the House write to the Minister for the Environment in his capacity as Minister for Mines or Minister for Sport and Recreation expressing concern about the motorsport complex at Kwinana?
- (2) Did his letter include advice from the Fire and Emergency Services Department?
- (3) Will he table a copy of that letter and the advice from the Fire and Emergency Services Department? If not, will he inform the House about his concerns and the advice he received from the Fire and Emergency Services Department?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. In my capacity as Minister for Mines I wrote to the Minister for the Environment relaying the concerns of the Department of Minerals and Energy about this proposal.
- (2) No.
- (3) No, because this matter is currently the subject of government deliberations.

FORMER GREENBUSHES MILL WORKERS

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

I refer to the 12 former Greenbushes mill workers who are currently assigned to recreation projects in the Blackwood district and who are due to complete their term of employment with the Department of Conservation and Land Management on 20 December.

- (1) Is the minister aware that these recreation projects have not been completed because the workers were redeployed to other projects?
- (2) Will the minister give an assurance that the workers' employment with the Department of Conservation and Land Management will be extended beyond the original three-month term? If so, for how long will their term be extended?
- (3) If the minister is unable to give this assurance, when will a decision about the future of these workers be made?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The recreation projects to which the 12 former Greenbushes mill workers were assigned were larger than could be completed in the time available, as they are part of an ongoing plan to improve recreation and tourism facilities in the district. The workers will complete a new ablution block and fencing at Golden Valley. Work at Wrights Bridge includes improving campsites and car parks. Landscaping will also be completed, according to a staged plan. The redeployment of these workers to other projects has been relatively minor. Those projects include fire control and specialist tasks that have served to diversify their work experience.
- (2) The workers' employment will be extended as part of the forest enhancement project until the future of the Greenbushes mill is clear.
- (3) Not applicable.

TIMBER PROCESSING, GOVERNMENT SUPPORT

678. Hon MURIEL PATTERSON to the minister representing the Minister for Commerce and Trade:

Can the minister provide details to the House of the efforts the Government has made to ensure that companies involved with the secondary processing of hardwood timbers are receiving sufficient government support so that timber processing can remain a viable and growing industry?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The State Government is in the final stages of negotiating a financial assistance package with a consortium of business interests that intends to purchase and reopen Whittakers Limited's Greenbushes mill. A ministerial statement on the assistance package will be made when those negotiations are complete. The new business established at the mill will include value-adding initiatives that will aid the continuing development of a responsible and sustainable native forest industry in Western Australia that is both efficient and internationally competitive. In addition, the Department of Commerce and Trade has developed the South-West Industry Restructuring (RFA) Program to provide assistance to industries and businesses in the three shires affected by the Regional Forest Agreement. Under this program, Cutts Transport Pty Ltd has been offered financial assistance to reopen the Bunnings' engineering works in Manjimup. A number of other businesses have sought assistance under the program and those requests are being evaluated by the department. These requests include value-adding proposals for the secondary processing of native hardwood timber.

HANCOCK, MR LANG, CORONIAL INQUIRY

679. Hon KEN TRAVERS to the Attorney General:

I refer to weekend media reports that the Governor forcefully intervened in the Attorney General's decision on behalf of Mrs Gina Rinehart's bid for a coronial inquiry into the death of Mr Lang Hancock.

- (1) Did the Governor raise the matter with the Attorney General? If so, what was the nature of the Governor's intervention?
- (2) Will the Attorney General table any correspondence on this matter between him and the Governor in relation to this matter?

Hon PETER FOSS replied:

- (1)-(2) It is most inappropriate for this House to ask for the content of any communication between the Governor and his ministers to be revealed.

Hon Ken Travers: The Attorney General should be defending him.

Hon PETER FOSS: I said it was inappropriate for the question to be asked. However, I make it clear that the Governor had nothing to do with my decision. I relied, to a large extent, on the opinion of the Solicitor General and his recommendation. It is standard practice for the Governor to send documents to my office. It does not occur only with this

matter. Whenever the Governor receives a document in which someone has petitioned or sought some form of relief from or intervention by him, his official secretary forwards the document to my office. My office usually prepares a reply which is sent back to the Governor. That is what occurred in this case. I do not know how many documents exist but I doubt there are very many. That is the practice and I regard the correspondence between my office and the Governor about this issue as totally normal. Such correspondence is treated in the normal way. I do not intend to table that correspondence because I do not think it is appropriate. I assure Hon Ken Travers that the matter was dealt with in the normal way. There was nothing out of the normal. I think the Governor's obligation, when he receives any form of representation by a Western Australian citizen, is to take the advice of his ministers.

PEARL BAY DEVELOPMENTS PTY LTD, PERFORMANCE BOND

680. Hon TOM STEPHENS to the minister representing the Minister for Lands:

I refer to the failure of Pearl Bay Resort Developments Pty Ltd to provide a \$10m performance bond as the winning tenderer for the development of Gantheaume Point in Broome.

- (1) Were the proponents asked to provide a bank guarantee as a performance bond if selected as the preferred developer? If so, when was the bank guarantee to be provided?
- (2) When was the memorandum of understanding signed by the representatives of Pearl Bay Resort Developments and the minister or his representatives?
- (3) Why was this document signed when no date was set for it to be operative?
- (4) Will the minister table the memorandum of understanding, which has already been signed by the proponents? If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes, the preferred developer is required to provide a performance bond but no time limit applies.
- (2) The memorandum of understanding was signed on 26 August 1999.
- (3) The memorandum of understanding becomes operative when the performance bond is provided.
- (4) The memorandum of understanding will be tabled when it becomes operative.

SENIOR HIGH SCHOOLS, RETENTION RATE

681. Hon J.A. COWDELL to the minister representing the Minister for Education:

Will the minister table the year 12 retention rates for Mandurah Senior High School, Coodanup Senior High School, Collie Senior High School, Australind Senior High School, Bunbury Senior High School and Newton Moore Senior High School for the years 1996 to 1999 inclusive?

Hon N.F. MOORE replied:

Yes. I seek leave to table the paper.

Leave granted. [See paper No 519.]

HANCOCK, MR LANG, CORONIAL INQUIRY

682. Hon KIM CHANCE to the minister representing the Premier:

I refer to Mrs Gina Rinehart's campaign for a coronial inquiry into the 1992 death of Mr Lang Hancock.

- (1) On how many occasions did the Premier or his office receive correspondence from Mrs Rinehart on this matter?
- (2) On how many occasions did Mrs Rinehart discuss her request with the Premier in person?
- (3) What action did the Premier take after Mrs Rinehart's demands for an inquest?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Correspondence was received from Mrs Rinehart on approximately 17 occasions.
- (2) Mrs Rinehart raised the matter at functions on several occasions. She was advised that it was a matter for the Attorney General, who was seeking independent advice.
- (3) The correspondence was referred to the Attorney General where appropriate. Mrs Rinehart was advised that under the Coroners Act it was a matter for the Attorney General. Otherwise, no action was taken when correspondence consisted of copies of correspondence sent directly to the Attorney General.

SHARK BAY, NATIVE TITLE CLAIM

683. Hon GIZ WATSON to the minister representing the Premier:

I refer to native title claims over the Shark Bay area.

- (1) Is the Premier aware that the Malgana people are the traditional owners of the Shark Bay area?
- (2) Has the Premier consulted with the Malgana people about the agreement made on 28 October 1999 between the State, Mitsui Salt Pty Ltd, Salt Investments Pty Ltd and Shark Bay Salt Pty Ltd?
- (3) Can the Premier confirm that any creation or variation of a right to mine that takes place as a result of the agreement will comply with the right-to- negotiate process under the commonwealth Native Title Act by giving the Malgana people the right to negotiate over the tenements in question?
- (4) Has the Premier obtained legal advice about whether the agreement constitutes the creation or variation of the right to mine and is therefore subject to the right-to-negotiate process under the commonwealth Native Title Act?
- (5) If not, can the Premier provide an assurance that the agreement is not invalid because of failure to comply with the Native Title Act?
- (6) Is the Premier seeking to avoid the application of the commonwealth Native Title Act to the operations of Mitsui Salt, Salt Investments and Shark Bay Salt in the Shark Bay area?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) There has been no determination in relation to native title in the area and it is premature to make any comment as regards the identification of native title holders or traditional owners, if any, and as regards the existence of native title.
- (2) No.
- (3) Any rights granted by the State must comply with the provisions of the Native Title Act where applicable.
- (4) It is not appropriate to comment on legal advice obtained, if any. Suffice to say that the Government has acted and will act in a manner consistent with the Native Title Act.
- (5) Refer to answers (3) and (4).
- (6) No.

ALINTAGAS SALE, COST TO AGENCIES

684. Hon HELEN HODGSON to the Leader of the House representing the Minister for Energy:

What was the cost to 31 October 1999 to each of the following agencies of obtaining advice, or other preparations, in respect of the proposed sale of AlintaGas -

- (1) AlintaGas.
- (2) The Office of Energy.
- (3) The WA Office of Gas Access Regulation.
- (4) Any other agency.

Hon N.F. MOORE replied:

I thank the member for some notice of this question and request that it be placed on notice.

HYNAM COURT FLATS

685. Hon RAY HALLIGAN to the minister representing the Minister for Housing:

- (1) What is the cost of and the timetable for the redevelopment of the Hynam Court flats?
- (2) Have all the residents of the former Hynam complex been resettled in permanent housing?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The redevelopment of the Hynam Court flats site is included in the Ministry of Housing's Eastern Horizons New Living project. Demolition of the units commenced on 3 December. Redevelopment of the site into single residential lots and public open space will take place following the demolition work. The total cost of the redevelopment of the site will not be known until finalisation of the project; however, current projections are in the order of \$730 000. These costs will be offset by the proceeds from the sale of the newly created lots. The works are expected to be completed by the end of the 2000-01 financial year.

- (2) The complex comprised 42 units in three blocks and the Ministry of Housing commenced relocating tenants as part of the project in June 1999. At that time 10 of the units were vacant and 32 tenants were relocated to accommodation in areas of their choice. Tenants received Homeswest assistance to relocate.

TAXIS, LEASE DRIVERS' RETURNS

686. Hon CHERYL DAVENPORT to the Minister for Transport:

Last week the minister announced that he would be acting on the major principles of the taxi drivers buy-back scheme and that he would be establishing a review to take place over the next two years. In the meantime, can the minister advise what action he is proposing to take to address the very serious concerns identified by the taxi review concerning the returns to lease drivers and, in particular, the finding that lease drivers are having to work up to 70 hours a week to achieve just an average income?

Hon M.J. CRIDDLE replied:

I am concerned about the lease drivers who may well have had a problem in that area and the Government would not do anything which would upset their operations. Any rise in lease costs would have to be accompanied by a fare rise that would protect their interests, but there is no immediate indication that that will happen. Certainly there would have to be an arrangement to protect their interests in the future.

SWARBRICK FOREST, YELLOW TINGLE LOGS

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

- (1) What contracts have been signed for the grade 1 yellow tingle logs from Swarbrick forest, and are the contracts specifically for yellow tingle logs or just for grade 1 logs generally?
- (2) What use is to be made of the grade 1 yellow tingle timber cut from the logs?
- (3) What, if any, contracts have been signed for the second and third-grade logs from Swarbrick forest, and are these contracts specifically for yellow tingle logs or lower grade logs in general?
- (4) What use is to be made of the grade 2 and 3 yellow tingle timber cut from the logs?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(4) No sale contracts have been signed specifically for yellow tingle sawlogs from Swarbrick. Sale contracts are not normally signed for individual forest blocks. Generally, jarrah and karri are the main species of hardwood sawlog sold under contract, while other hardwood species produced as a result of harvesting the main species can be included, such as blackbutt, wandoo, yellow tingle or marri.

Yellow tingle is included as such a species in a contract with Franey and Thompson for first and second-grade jarrah sawlogs. Yellow tingle is included in Franey and Thompson's value-adding requirements applying to first and second-grade jarrah sawlogs. There are no sale contracts specifically for third-grade yellow tingle sawlogs from Swarbrick forest.

TAFE COLLEGES, GOVERNING COUNCILS

688. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

I refer to the recommendation contained in the Auditor General's *Report on Ministerial Portfolios to November 5, 1999*, page 16, that "In the creation of agencies, Government should ensure they are properly established and constituted so that they are able to fulfil their legislative obligations."

- (1) Has the minister finalised the appointment of members to the governing councils of technical and further education colleges where the term of appointment of current members expires on 31 December 1999?
- (2) If yes, will the minister table a list of the members of each TAFE college governing council effective 1 January 2000 and the term of their appointment?
- (3) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) All the appointments are currently under consideration.

SCARBOROUGH SENIOR HIGH SCHOOL SITE, DEPARTMENT'S ENTITLEMENT TO SELL

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

Will the Minister for Education table copies of the documents which certify the entitlement of the Education Department to dispose of the Scarborough Senior High School site? If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The Education Act 1928 contains provisions for the management of educational resources. Section 6 vests all lands vested in the minister or acquired for the purposes of the Act to be vested in the Minister for Education. Section 5 of the Act creates a body corporate under the name of the Minister for Education and empowers the body corporate to "be capable of . . . alienating real and personal property, and of doing and suffering all other such acts and things as may be necessary or expedient for carrying out the purposes of the Act". The Education Department was authorised to undertake the disposal of the Scarborough Senior High School site by the Minister for Education.

BUNBURY BACK BEACH PROJECT

690. Hon BOB THOMAS to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Has Cabinet approved the Bunbury back beach project?
- (2) If yes, when will the project commence and how much will be spent in each of the years of the project?
- (3) How much of the funds will be provided from the consolidated fund?
- (4) Will the 1999-2000 funding be a simple journal entry on the South West Development Commission's books?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3)-(4) No decisions have yet been made in regard to funding for this project.

WESTRAIL, PERFORMANCE BONUS

691. Hon KIM CHANCE to the Minister for Transport:

- (1) Can the minister confirm whether Westrail is paying a performance bonus to employees on workplace agreements; and, if so, what is that bonus?
- (2) Can the minister also confirm whether workers employed under an enterprise bargaining agreement or the award will also be paid a performance bonus; and, if they will not, why not?
- (3) Can the minister confirm whether Westrail is paying a bonus to employees on workplace agreements in relation to their interstate passes; and, if yes, what is that bonus?
- (4) Can the minister also confirm whether workers employed under an enterprise bargaining agreement or the award will be paid a similar bonus; and, if they will not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Westrail pays a performance payment to employees on a workplace agreement and whose terms of employment contain provision for such payment. The payment varies according to a ratio which is determined by an employee's performance rating and a corporate ratio which is determined by Westrail's performance under the Australian Quality Council business excellence framework.

The total performance payments amounts payable for the period 1 November 1998 to 31 October 1999 are -

Employee Performance Rating	Percentage of Annual Salary
Unsatisfactory	0
Satisfactory	1.4
Superior	2.8
Outstanding	3.5

- (2) Westrail is not party to any award or enterprise bargaining agreement which has provision for a performance payment.
- (3) Westrail is paying compensation of \$200 per annum to employees on workplace agreements, through a wage increase, for the loss of interstate travel concession entitlements.

- (4) Most Westrail employees employed under an award or enterprise bargaining agreement are entitled to interstate travel concessions. Westrail has made offers to the relevant unions of monetary compensation for the removal of the entitlements; however, the offers have not yet been accepted.

KWINANA FREEWAY, EXTENSION TO MANDURAH

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

With respect to the answer provided to parliamentary question without notice 280 of 22 September 1999 -

- (1) Has the study on the Kwinana Freeway extension from Safety Bay Road to Pinjarra Road, due in October, been completed?
- (2) If no, when will it be completed?
- (3) If yes, what are the preliminary cost estimates for this section of the Kwinana Freeway?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The study is now expected to be completed by the end of the year.
- (3) Not applicable.

WYNDHAM TOWN SITE, LOSS OF POWER

693. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

With reference to the recent power failures for the entire town site at Wyndham -

- (1) Will the minister table a schedule of the known dates and periods of lost power for the Wyndham town site since the connection of the town to the Ord Hydro Pty Ltd power supply scheme?
- (2) What mechanism is in place to alert Western Power to the loss of power to the Wyndham town site? Is there an automatic alert, or does Western Power rely on telephone advice from customers?
- (3) At what time on Thursday, 2 December 1999 was Western Power first advised of the loss of power to the Wyndham town site?
- (4) What steps were required to restore power to the town site?
- (5) What efforts are being made to secure a local backup power source for the Wyndham community, in the face of this regular loss of power to the entire town, to ensure continuity of supply of power?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. I seek leave to table the schedule of the known dates and periods of lost power.

Leave granted. [See paper No 520.]

- (2) While each situation differs, depending on the nature of the disruption, it is often the case that Western Power is alerted to a disruption by a call to a dedicated call centre.
- (3) Western Power was first advised of the loss of power at Wyndham at 2.57 pm on 2 December 1999.
- (4) A helicopter was used to patrol the line to find the damaged item that caused the fault. It was also used to open the end of the 33 kilovolt feeder to allow the opportunity to re-close the respective section of the line, allowing the Gooda Gooda Aboriginal community to have power restored. This patrol also assisted in pinpointing the location of the fault. At the same time as the helicopter was undertaking the patrol, a line crew was sent along the line to assist in locating the fault. This crew undertook repairs once the insulator, which had been damaged by lightning, had been identified as the fault.
- (5) Western Power is currently considering recommendations, in consultation with key interest groups.
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