Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE ASSEMBLY

Thursday, 11 May 2000

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

WESTERN AUSTRALIAN CRIME STATISTICS

Statement by Minister for Police

MR PRINCE (Albany - Minister for Police) [9.10 am]: For the past 12 months the Government has been tabling crime statistics for Western Australia on a regular basis. As the first Government to adopt this approach, we have been prepared to weather the media storm that inevitably accompanies the release of such data. I am sure all members of the House will agree that this negative is outweighed by greater public awareness of the crimes committed in Western Australia, as well as public scrutiny over the clearance rate which measures the success of the Western Australia Police Service in bringing offenders to justice.

During my last statement to the House on criminal activity in Western Australia, I indicated that, since the last quarter of 1998, crime and clearance rates have shown a positive trend. This trend has stabilised through the March 2000 quarter. Compared with the same quarter in 1999, the offence rate remained reasonably static with a decrease of 0.6 per cent. During this period there were some encouraging results, including reductions in the rates of sexual assault by 42.1 per cent; armed and unarmed robbery by 9.2 per cent and 13.3 per cent respectively; fraud by 22.6 per cent; and graffiti by 32.2 per cent. The latter result reflects the success of the graffiti legislation introduced by the Government in 1999. Although these improvements are welcomed, there is still work to be done in reducing the rate of home burglary, which was up by 19.3 per cent, other burglary which increased by 10.1 per cent, and stealing which was up by 6.5 per cent.

The key measure of success of the Police Service is the clearance rate. During the March 2000 quarter, the clearance rate remained fairly stable in comparison with the March 1999 quarter, and fell by 1.9 per cent. The clearance rate for the current financial year shows a 0.1 per cent improvement over the same period for 1998-99. During the March 2000 quarter, positive clearance results were recorded in the areas of sexual assault, up by 31.1 per cent; deprivation of liberty, up by 18.3 per cent; graffiti, up by 6.2 per cent; drug trafficking, up by 9.8 per cent; and other drug offences, up by 9.3 per cent. Conversely, clearance rates fell in the areas of armed and unarmed robbery by 5.3 per cent and 6.7 per cent respectively, and home burglary by 3.8 per cent.

Following significant improvement since the commencement of this term of government, clearance rates have begun to plateau. Since 1993-94 there has been an increase in clearance rates as follows: Drug offences by 78.2 per cent; armed and unarmed robbery by 56.7 per cent; assault by 12.5 per cent; and total offences by 6.5 per cent. This record is testimony to the dedicated men and women of the Western Australia Police Service, the vast majority of whom are, in my experience, highly professional and ethical crime fighters. It is important that these remarks be placed on the public record at this time, following unjustified and unfair attacks from some quarters on the reputations of our police officers.

The increased success of the police in solving crimes is also a product of the Delta reform program introduced by the Government. As a result of this revolutionary program, the Police Service today is better resourced, better trained and better organised to deal with the job of policing in the twenty-first century. I table the recorded offence statistics for the March 2000 quarter.

[See paper No 885.]

TOM PRICE TO KARRATHA ROAD

Grievance

MR RIEBELING (Burrup) [9.13 am]: My grievance is to the Deputy Premier, who I am sure is listening through the sound system, and he indicated he would be in the Chamber shortly. My grievance relates to a road in my electorate between Tom Price and Karratha, which is an access road owned by Hamersley Iron Pty Ltd. It is the only link road between Tom Price and the most direct route to the coast. It has major significance for people living in Paraburdoo and Tom Price, and it is used extensively by those communities. Unfortunately, as the Government may or may not know, this road has been closed since 15 December last year. It was closed at that time because of cyclone activity and it has remained closed to all traffic to date. This has caused major problems for all sorts of commercial operations that can no longer use the road. One small operator, Snappy Gum Safari Tours, which is a very innovative business, has not been able to conduct tours to major tourist attractions because of the inability to access the Hamersley Iron road.

Last week I took it upon myself to travel along that road, even though it is closed. I found that in approximately 50 locations along its 320 kilometre length, the road is very rough. I know now why it is closed; it is not for cosmetic reasons but because it is in a dangerous condition and it should not be open to the public.

People who wish to travel between Tom Price and Karratha must now go through Auski - a distance of 700 kilometres compared with a distance of 320 kilometres. This lack of action by Hamersley to fix the road is compounded by the Government's lack of commitment to this road. In the last election campaign, the then Minister for Transport promised that the road would be built within four years. He stated on radio that the road would be built within four years after the Government was returned. The Government was returned, and a new Minister for Transport is now in place. The current

Minister for Transport wrote to me on 27 August 1999 and indicated that construction of this road has now been budgeted for in 2007-08.

I am advising the Government that the information has been relayed to the people of Tom Price and their anger at the decision is immense. The anger that community felt before December was at one level, and it has risen to a new level because they now cannot use the access road at all. There is now no direct route between Tom Price and Karratha because that access road can be used only by Hamersley Iron employees, who have heavy duty vehicles and know exactly where the danger spots on the road are located.

I call on the Government initially to try to persuade Hamersley Iron to bring the road up to scratch so that tourist operators and the like can use it. They would be happy if the road were in a fit condition for use by four-wheel drive vehicles. If Hamersley opens the road to four-wheel drive vehicles, companies such as Snappy Gum Safari Tours can get back on the road and continue their tours to Karijini, the Wittenoom gorges and the other gorges in the area.

An additional problem is that the Shire of Ashburton has limited funds - it is not flush with cash - and alternative routes into the Karijini National Park cannot be used at the moment because the shire has insufficient funds to repair the other roads into the Karijini.

Mr Bloffwitch: So you want the State Government to bail you out. Is that what you are saying?

Mr RIEBELING: No, I just want some commonsense.

Mr Cowan: Do you know which are the other roads?

Mr RIEBELING: The road to Python Pool is another way through to the Karijini National Park, and it has been fixed to the boundary of the Shire of Roebourne. That shire has done its part, but the Shire of Ashburton has not had sufficient funds to continue that project.

It is interesting to note that the tourism season in the north started late this year and those who had a desire to travel along the coast and visit the Karijini National Park and the inland gorges, cannot do that because of the lack of access. As a result, many tourists who would otherwise have used the coastal route to their ultimate destination of Broome, are not passing through the Karratha area. The Deputy Premier will be aware of the large impact on traders in Karratha and the downturn in economic activity in that area. The lack of availability of the access road has heightened the problems this year. The Tom Price to Karratha road used to be a very rough road; it is now impassable unless people are aware of the danger spots.

MR COWAN (Merredin - Deputy Premier) [9.19 am]: At the outset I apologise to the member for Burrup for not having received from the Department of Transport any notes on this grievance. I have some knowledge of this issue for the simple reason that, as I am sure the member for Burrup knows, the Pilbara Development Commission has made this one of the priorities. Its objective is to facilitate, in conjunction with other government agencies, to have that access road built and become a public road. I have had some discussions with Hamersley Iron Pty Ltd about that. It has a number of concerns that the member for Burrup has talked about as well. The Hamersley Iron group does not want to assume full responsibility for that road should it become a public access road. At the moment it is not a public road but everybody uses it. One is expected to get a permit.

Mr Riebeling: Not now; it is closed.

Mr COWAN: When it was in trafficable condition, people were required to get a permit. I do not know that too many people did. Nevertheless, that was the requirement if one wanted to gain access to that road. It is true that the former Minister for Transport recognised the traffic volume and the needs of the people in the Pilbara, and the need for a more direct route from Tom Price to Karratha. He indicated that the Government would seek to construct that road. When that was built into the program for road funding, it was found that the cost would push its construction right back to 2007-08. I agree with the member for Burrup that that is too long to wait. I also agree with his recommendation that in the first instance, the State should enter into some negotiations with Hamersley Iron to see whether we can get that road to an operating quality that will require some maintenance. That can best be negotiated between the State and Hamersley Iron. If we can get it to a condition where it can be opened, I also agree that we need to look at turning it into a public road - subject to Hamersley Iron's agreement - much sooner than 2007-08.

Road funding has been a contentious issue in this State for a considerable time. Today marks the eighth year in which the Premier will, as the Treasurer, be presenting a budget. When we began in government, the amount of funding to local government for roads from the State was $33m. We have increased that to in excess of $160m for local government for local roads, which is almost a fivefold increase. However, that still appears not to be sufficient for local government to be satisfied with road funding. Without giving away any great secrets, members will find that the level of funding for local government will continue to show that incline; and local government will tell us that is not enough. In this case that road should not necessarily be the responsibility of local government, just as it should not be the responsibility of Hamersley Iron. There will need to be some negotiation between the State and the Department of Transport to improve that road.

The member for Burrup also mentioned the road to Python Pool, and the inability of the Shire of Ashburton to improve the length of road that comes within its jurisdiction. Again, I do not have any information on that. However, I am prepared to give the member for Burrup the undertaking that I will get some briefings on that and get an indication to him about the support the State Government would be prepared to give or is giving to the Ashburton Shire Council. As the member knows, those areas were the subject of damage from cyclone Steve and there is a process by which local government

receives funding for up to 75 per cent of the costs associated with road repairs and maintenance. The Ashburton shire, if it wants to set about the task of repairing the Python Pool road, will not have to bear any more than 25 per cent of the costs. I am assuming it was cyclone Steve that put that road out of operation. The best I can do is indicate to the member my regret that I did not have access to up-to-date briefing notes from the Department of Transport.

Mr Riebeling: I am glad you did not because you probably gave a better answer.

Mr COWAN: I will ensure notes are provided to the member, because I am conscious of the desire of the people in that region to ensure direct access from the towns of Karratha to Tom Price via the Hamersley Iron access road. I do not want to give the member for Burrup a platform upon which he will certainly be returned at the next election. We would like to be in a position to indicate that the road will be built and constructed as a priority well before 2007-08.

BANK CHARGES

Grievance

MR TRENORDEN (Avon) [9.26 am]: I am getting an increasing number of complaints in a particular area, and I would be surprised if that situation were not replicated with other members in this House. Some years ago the banking industry was deregulated. In recent times bank charges have received a lot of air play and words have been written about how these charges are now starting to impact. There was a time when we groaned when we got our bank statements, and although we thought the charges were excessive, we lived with them. They are now getting to the stage when they are impacting on people on a daily basis. I will give an example which will put this matter into context. Heather Fraser of Pitt Street in Pingelly is a constituent of mine. She is a single mother with four regular sources of income: A part pension, maintenance through the Child Support Agency, the family allowance from the Federal Government, and she works casually. Those amounts go into her bank account on a regular basis, so her bank knows her circumstances. Recently, she was unlucky enough to damage one of her teeth and it required urgent attention. She rang her bank for an overdraft for the princely sum of $200 for a week. She believed she was told by the bank that would cost her $20. The *Koran* says that any interest rate of 10 per cent or over is usury. That is probably enough to turn us all away from being Christians.

Mr Bloffwitch: Under the laws of the *Koran,* they hang people who charge interest.

Mr TRENORDEN: I tend to have sympathy for that point of view. Nevertheless, she was prepared to pay $20 on a $200 overdraft for seven days. That was the arrangement with the bank. When she went to the bank to transact some business, she found her balance was $60 short of what she expected it to be. I admit that I would not normally get involved in this, but she also had some difficulty with her cat. She rang the bank the following week to get another $200 overdraft. I am not a cat lover and Mrs Fraser might fault me for that; nevertheless, she decided her cat was worth more than the $20 interest charge. She found that the bank was charging her $20 a day on a $200 overdraft. There is a real problem there. If it is not usury for an institution, which is supposed to be as responsible as a bank, to charge someone who has been a client for some time $20 a day for seven days to extend her overdraft by $200, I do not know what is. That is what is happening to people with bank charges. The Minister for Fair Trading will have an increasing number of complaints about banks during his ministerial life. People may say Mrs Fraser was a little naive. I would not say that because I could see myself being caught in the same circumstances. If I made a deal over the telephone and thought that I understood the agreement, I would be happy to accept the deal. She paid the money back in six days only to find that she was in the position I have outlined. In this case she was with the Commonwealth Bank.

Another case is that of a farmer in the town of Goomalling. Members will be aware that we have assisted people to go into community banking. Goomalling has established a community bank. The farmer decided to transfer from the National Bank. He telephoned the bank to find out what it would cost him to close his accounts, and he was told it would be $500. He proceeded with the transfer. He has now received a bill for a further $500 which the National Bank is demanding that he pay. He has told me in very strong terms that that amount is outside the arrangement that he first struck with the bank when he decided to close all of his accounts. Unfortunately, the minister, every member of this House and I will be meeting with an increasing number of disgruntled people in the community who will be complaining about steeply rising bank fees.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [9.33 am]: I thank the member for his advice on this matter. The activities of banks alarm me. They take people for granted and, in many cases, they think of people only as a number or a statistic. I am alarmed by the comments made by the member. Subject to the member's contacting his constituents, a member of my staff will get all the details from his constituents and take up the issue with the banks.

I had a personal experience with banks when I was sending $200 to an elderly pensioner, a dear friend of mine, on a weekly basis. My accountant was running my bank accounts. We found that the money had increased to $400 over a period, and my overdraft seemed to be going up on that account. I had my accountant check back. We found that I had been paying $400 for a three-year period rather than $200. I asked the bank for the document in which I had signed the authority to pay the extra $200. If members calculate that, they will find it represents $30 000 over the period. I was then alarmed to get a phone call from this elderly pensioner who told me that a demand for $30 000 had been made and that if it was not paid, the pensioner's house would have to be sold. I have had a bit of negotiating to do with that bank on a number of occasions, and I am sure we will resolve this amicably. However, I am alarmed when banks adopt that sort of attitude.

As for the charges on a loan of $200, I understand that costs are involved for the bank but banks go over the top. It is rather like a cricket club with 10 or 15 members being told by a local council that because of the council's user-pays policy, if the club wishes to continue to use the cricket pitch, it must pay $35 000 a year instead of the $1 000 it used to pay. Some of

these organisations - be they government, councils or banks - have a lot to answer for. However, banks have a particular responsibility. Sure they are businesses and they have shareholders, but in many instances they are in a very privileged position, and their heavy-handedness with their customers at times leaves a lot to be desired. My staff will take up the issue the member has raised. I hope the bank will provide me with a clear understanding of why it is necessary to charge someone $20 a day on a loan of $200.

Mr Bloffwitch interjected.

Mr SHAVE: The option is there, but I would like to get the details from the person direct and give the bank the opportunity to respond to my concerns. If the answers are not satisfactory, the Banking Ombudsman is an option.

Banks must understand that they have responsibilities. I read in the Press regularly about their huge profits increasing every year. However, those profits run across a bank's shareholders do not represent such a high return for shareholders. It depends on what basis the issue price of the share is calculated. One may be able to rationalise the argument by saying that the return on the share is not much when compared with the price paid for the share. However, the return on the issue price might give a completely different picture.

I sympathise with the issue that the member for Avon has raised. I assure him that we will take whatever action is necessary to rectify the matter. As I have said, the matter does concern me. As a local member, my constituents tell me about their concerns about the attitudes of banks. They must understand that small business and households in the community make society go round. The banks' total objective should not merely be to maximise their profits.

GOLDFIELDS ZONE OFFICE, KALGOORLIE

Grievance

MS ANWYL (Kalgoorlie) [9.37 am]: My grievance to the Minister for Family and Children's Services relates to the zone office based in the goldfields at Kalgoorlie. An answer to a question on notice last week detailed a decrease in the number of full-time workers in that zone since 1993-94. I am most alarmed to have seen that. I will detail to the minister some reasons that it is most important that consideration be given to increasing the number of workers in that zone.

The huge geographical zone takes in the central desert and the towns of Laverton, Leonora, Coolgardie, Esperance, Norseman and Leinster and a number of smaller towns such as Menzies. The zone has a high Aboriginal population. Although Aboriginal people make up a small percentage of the overall state population, children and young people make up a large percentage of the overall Aboriginal population. Aboriginal students in many schools in my electorate of Kalgoorlie, which is a very large area geographically, represent 15 per cent of the school population, and in the case of Coolgardie, 99 per cent of the school population. Of course, in the central desert, virtually 99.8 per cent of the school population is Aboriginal. We know from all the research that exists that Aboriginal people are particularly vulnerable to a range of child protection issues and are over-represented in the number of wardships, the number of child maltreatment allegations and the like. The Family and Children's Services' office in Kalgoorlie has an extremely large turnover of staff. When I was a solicitor in Kalgoorlie-Boulder, I took instructions from that office a number of times and, conversely, represented families and children on the other side of the bar table. Very few of those staff members, going back even five years ago, are left, so there is a lack of collective or corporate knowledge of the needs of the community. I sit on a range of committees in Kalgoorlie-Boulder, most notably those which deal with a number of issues in which I had an interest prior to being elected to Parliament. That includes the provision of services for youth, for which there are a number of committees, domestic violence prevention and suicide prevention.

One matter that is raised again and again at community meetings is the severe concern about the large turnover of people in the community. It is very difficult to have community development if the community is shifting constantly. Not long ago, the Department of Family and Children's Services was known as the department for community development. I do not know what has happened to community development in that department. I would like the minister to put on the record whether she believes the Kalgoorlie office should play a significant role in community development, because if that office has a lack of staff, or staff who are pressured and under the hammer in providing basic core services, it will be difficult for it to engage in community development. If the office has a continual turnover of new graduates from the metropolitan area, they will not have a clue when they first arrive about the needs of that town. I am not about bagging new graduates, because young people tend to have a bit more vigour than older people and therefore contribute considerable energy, but it is a difficult issue.

A raft of issues in Kalgoorlie-Boulder require some attention. I regularly walk down the main street of Kalgoorlie, often after dark, and find that a significant number of young Aboriginal children are running around. I often talk to those children, and I sometimes give them some money and put them in a cab to take them to where they tell me they are staying, because I am alarmed that they are running around the street, particularly in the middle of winter when it can get down to minus two degrees at night. I would like the Department of Family and Children's Services to put some proactive outreach workers on the streets to deal with these children, because at the end of the day it is left to the police to do that, and the police are already extremely pressed with solving crimes, let alone taking on a child welfare problem. The police officers to whom I talk regularly express their concern that the department's 24-hour-on-call officers are not always available.

I return now to the question on notice. I asked for a breakup of the number of full-time equivalents in certain zone offices, particularly Leonora and Laverton, where I believe some workers have been on stress leave because of the nature of their duties. Some fairly horrific jobs can eventuate. They do almost back-to-back patrols into the central desert, and they often

need to deal with some very nasty cases. There is no permanent presence of staff in those places. In 1993-94, there were 48 full-time equivalents in the goldfields zone, but now there are only 45. That is an absolute travesty, given the level of need of the goldfields zone, and I would like to hear the reason for this downsizing. I know the minister was not the minister in 1998-99, but we were told that the restructuring that was taking place at that time would deliver increased benefits. My feedback is that it has shifted further administrative burdens onto those zones and regional officers. It is not acceptable that over a period of seven years, one of the most difficult and one of the largest geographical regions in this State has fewer workers, and child welfare is suffering as a result.

MRS van de KLASHORST (Swan Hills - Minister for Family and Children's Services) [9.45 am]: I thank the member for Kalgoorlie for her grievance. I agree that the goldfields is a huge geographical zone and there are problems because of the distances involved. I have been concerned about this matter, and I recently made a three-day visit to the Kimberley and a one-day visit to the Pilbara to look at some the problems on the ground that people in those areas are experiencing. Family and Children's Services staff have problems on the ground simply because of the need, as the member pointed out, to travel from one area to another. We cannot compare this area with the metropolitan area, because it has a load of different types of problems. The Chief Executive Officer of the Department of Family and Children's Services, Bob Fisher, is planning to go to the Kimberley as soon as he can to look at some of the things that I am talking about, so that we can get a good on-the-ground knowledge. I have always been an on-the-ground person, so I have also been there to look at the situation, and I understand the concerns.

In 1993-94, there were 48 FTEs in the goldfields region. In 1999-2000, that number of Family and Children's Services officers decreased by three to 45. The loss of those three people was due to the fact that youth justice was transferred from Family and Children's Services to the Ministry of Justice. The services provided through the Craiggie Street hostel had a youth justice focus; therefore, the department reviewed its need for that facility and replaced that hostel service with the Best Start program, which is a very effective program that works with young people on the ground.

Ms Anwyl: That is not a hostel. It is an empty building in Laverton.

Mrs van de KLASHORST: It was a hostel in 1993 and was taken over -

Ms Anwyl: It is an unused building.

Mrs van de KLASHORST: The Millen Street hostel also had a youth justice focus, and because it was no longer needed, the department made that facility available to a non-government organisation, Crossroads West, which is funded by Family and Children's Services and employs seven full-time staff. Therefore, although Family and Children's Services lost some of the staff from the office, the seven full-time staff at Crossroads West, which is funded by Family and Children's Services, are working with the community, so it is really a net gain, even though it is not direct Family and Children's Services staff.

There has been a change of focus. I have been to Kalgoorlie and have seen some of the wonderful groups that work in that area on the ground, such as the Safer WA committee. The member may remember that I attended one of its meetings when I was the Parliamentary Secretary to the Minister for Justice. Services are being carried out on the ground.

Ms Anwyl: They are being carried out by volunteers.

Mrs van de KLASHORST: Many of those services are being paid. Crossroads West received $25 000 from the Government. A parent information centre has also been established in Kalgoorlie. What is more important, and what I find absolutely wonderful, is the mobile parent information centres that have been established around the State, which go to the community rather than ask the community to come to them. These services are going to the various areas and are providing on-the-ground solutions and help to parents.

Since this Government came into office in 1993, funding by Family and Children's Services has been increased by 50 per cent. Some of the services that are funded by the Government in Kalgoorlie are child care, parenting services, family and youth individual support services, family safety services, crisis support, child protection, care for children, family and children's services, and a range of other services. Although the full-time equivalent staff has reduced in actual numbers, people are being targeted in the community and more groups are being funded to work in the area.

Ms Anwyl: Who is looking after the young children running around the streets every night?

Mrs van de KLASHORST: There are many services including the Womens Refuge (Goldfields), the Aboriginal homeless and fringe dwellers support service, the emergency accommodation and referral service, the Kalgoorlie-Boulder youth crisis accommodation service, the Goldfields transitional women's service, financial advocacy and relief, the Golden Mile community house, domestic violence services, spouse abuse counselling and Kalgoorlie-Boulder youth services. The funding for those services amounts to $845 481. The department is directly funding those services.

The other question asked by the member related to the fact that the breakdown of services was not reaching the outer areas of Kalgoorlie-Boulder. If the member were to meet with Family and Children's Services staff she would discover that they now work on a case management basis whereby they are called in and targeted at the area of need. This is why a breakdown cannot be given of an individual area. If there is a problem in an area, the staff are targeted to that area.

When the Labor Government was in office in 1991-92, it cut Family and Children's Services staff by 140. This Government has provided 50 per cent more funding to Family and Children's Services.

PATIENT ASSISTED TRAVEL SCHEME

Grievance

MR MINSON (Greenough) [9.51 am]: I wish to grieve to the Parliamentary Secretary to the Minister for Health in the absence of the Minister for Health. My grievance relates to the patient assisted travel scheme, and more particularly to its administration. In the almost 12 years I have been in this place, the administration of the patient assisted travel scheme has caused more grief in my electorate office than any other government entity. I will start by reading a letter, with Mr Speaker's leave. I do not normally read in this House, but this letter is pertinent and illustrative. The letter is from a family in Dongara and for the confidentiality of the family I will not mention the name. I passed the letter to the parliamentary secretary yesterday for her research. The letter was sent to the president of the Rural Doctors Association of Western Australia who sought my help to try to sort out the problem. The letter reads -

> Dear Dr Pedlow
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> The following is perhaps something which you may wish to take up at your next Country Doctors Association Meeting.
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> My husband has recently been to Royal Perth Hospital to have tests being of a nature that could not be performed in Geraldton. Being a Health Care Card recipient we thought it prudent to apply for assistance towards travel and accommodation. On request, your surgery provided the yellow form without difficulty with the instructions to proceed to the Geraldton Regional Hospital where they would give us instructions as to the next step of the process.
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> Arriving at the Geraldton Regional Hospital, the clerk informed me that I was unable to have the form completed at this centre as I was in possession of a Dongara residential address. I was also informed that since my husband's doctor was resident in Geraldton the clerk doubted whether Dongara would be able to accept the form either. Requesting clarification, it was explained that the forms could not be signed or approved by the Hospital if the patient and/or the doctor is outside the designated regional area. That is, because Dongara has a hospital, with local doctors, it was necessary for my husband to make an appointment with the Dongara Medical Centre, to receive a referral for the PATS assistance scheme, if they felt so inclined to do so, as they were not my husband's doctor. After several attempts at discussing the situation, the clerk became agitated (as was I), stated that the rules were final and there was nothing that could be done about it.
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> Apart from the situation being able to be resolved as you attend the Dongara Medical Centre once per month - therefore giving you Dongara regional status as far as the PATS scheme is concerned - I do question what would have happened if by pure chance back in 1986 had I been directed to one of your other associates within the Augustus Street Medical Group. As far as I can ascertain, this would have made us ineligible for any assistance through the PATS scheme.
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> Travelling to Perth with the blue form now in our possession, on leaving Royal Perth Hospital it was discovered that the attending Doctor had not completed the PATS forms. Grabbing a Doctor that was passing by to complete and sign the form, on returning home it was discovered that the form had not been completed correctly (no accommodation included) and that only travel assistance had been approved. Having been informed before going to Perth that it was necessary for my husband to be in attendance by 7.30 am at the Royal Perth Hospital, accommodation the previous night was essential. Complications from the procedure that he received at the hospital required us to be within a short distance of the Hospital until the following morning, hence another nights accommodation required. The Dongara clerk fortunately was a lot more helpful than the Geraldton Clerk, and has rectified this situation for us.
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> It bamboozles me, as to what this Government scheme is trying to achieve. I was under the impression that the aim of PATS was to create equality for the rural sector so that we are able to have the same medical treatment as our metropolitan counter parts. I defy that if a patient has a doctor in Fremantle, but having an address in Rockingham, that they would be restricted to their regional hospital for treatment more to the point which is their regional hospital. It also appears that if we scrimp, save and go without, to enable the freedom of choice of a doctor, by taking out private medical benefits, as the Government is encouraging, we are being told that we can only receive inferior medical treatment because we have crossed boundaries. This is starting to resemble the education policy of "only if you get permission first". Perhaps the medical profession needs to set up clear boundaries with an application form for the crossing of our rural boundaries, to enable us to have a doctor of our choice and enable treatment requirements. (Something which I do dearly hope will never be the situation).
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> I forward this letter not as a complaint so much, but as an awareness that with a small amount of alteration and consideration that this part of a stressful situation could be easily simplified. It has also brought back to memory of an emergency situation that we found ourselves needing to be in Fremantle for treatment within the shortest time possible. The complications with the PATS scheme and the refusal to sign forms by the Geraldton Hospital did not warrant the time needed to be spent on the situation nor the loss of my husbands eye sight, hence he did not apply and left without.

The point of reading that letter, as members will probably agree, is that it is a neat, thumbnail sketch of the situation in which people find themselves. I know, because I was the shadow Minister for Health for some years, that the PAT scheme

has been misused at times. In the early years of the scheme it was rorted; we all know a little bit about that. However, it was established for a very good and honourable reason: To give rural and remote people fair and reasonable access, and, as far as possible, equal access, to medical treatment. The administration of this scheme could be vastly improved.

It occurred to me that I can go to a hole in the wall with an electronic card in some of the more remote countries of the world, as I have done, and pull out money from my account in Perth. Banking enables me to cross boundaries that are far larger than the ones I am talking about. I was stopped by a policeman the other day who, by using his two-way radio on his motorbike, was able to access my records in the central traffic unit to tell me how many points I had left. I must say he was kind to me when he found out. The point is there is no need for these rigid boundaries and no need for not being able to cross them. The time has come for it to not be beyond the wit of this Parliament and this Government to set up a scheme which is easily accessible, user-friendly and fair.

MRS HODSON-THOMAS (Carine - Parliamentary Secretary) [10.00 am]: In the absence of the Minister for Health today, I will respond to the member for Greenough's grievance. It is most disappointing to hear the unfortunate difficulties Mr and Mrs Clarke have experienced with the patient assisted travelling scheme, known as PATS, particularly given the Minister for Health's and the Government's commitment to ensuring the best possible-

Mr Kobelke: You cut the funding!

Mrs HODSON-THOMAS: Wait and hear what we have actually done, particularly given the Minister for Health's and the Government's commitment to ensuring the best possible assistance to people in rural and remote areas who need to travel to access specialist medical outpatient services. As the member for Greenough knows, there are a number of components to the scheme including assistance with the cost of travel, accommodation assistance when approved by a specialist, and assistance when required for an escort to travel with the patient for medical reasons. The Health department undertook a comprehensive analysis of PATS, I imagine partly as a result of information provided by members, but also as a result of consumer views. In 1999, a review of the PATS manual and guidelines was undertaken, again with public input and assistance. The guidelines were clarified following responses from consumer groups to agencies such as the Rural Health Development Unit and also via concerns raised through letters to the minister. The review was undertaken to provide clear advice to clerks administering the scheme in hospitals. It is anticipated that these guidelines will assist the clerks to more easily understand the processes when applying them to applications from patients seeking assistance.

It is unfortunate that when there are problems with crossing rural boundaries, better customer relations cannot be enhanced. That is something that should be addressed as well. In addition to the revision of the manual, a new doctors' information kit has been developed to assist medical practitioners with PATS applications. The forms were also revised to assist consumers when applying for assistance. Also, an information brochure for consumers was developed to assist in education and promotion of the scheme. It is disappointing to hear that Mr and Mrs Clarke have experienced such difficulties especially given these measures which were clearly intended to simplify the process. The Government's intention is to provide the best possible service for people in rural and remote areas. I would encourage anyone experiencing difficulties with the scheme to raise the issue through the health service complaints mechanism or with the general manager of their health service. I am certain that the minister will be disappointed that, given the efforts embarked upon to improve the process, the Clarkes have experienced these events and I will forward the letter to him for his consideration and response. I understand that the guidelines and manual indicate that patients seeking assistance under the scheme should access the service from the closest health service in their region. It is unfortunate that this was not made clear to the Clarkes - Dongara is in the mid west region and not in Geraldton. I have been given a copy of the form which explains how people should apply for PATS assistance. It says that -

> Applications for assistance must be completed by a medical practitioner and lodged **before departure** at your nearest country public hospital.

It is unfortunate that there is not some way of remedying these across-boundary problems.

Mr Minson: That is really my grievance. The technology is there but there is no will in the bureaucracy to solve the problem and it has not been there for at least a decade.

Mrs HODSON-THOMAS: I will take up that matter for the member for Greenough. I reiterate that this Government is committed to providing the best possible care for people in rural and remote Western Australia. To answer the member for Nollamara's interjection: The Minister for Health's announcement last year to boost the allocated budget for PATS from $8.4m to $9.1m and to also increase the per kilometre rate for road travel from 10¢ to 13¢ a kilometre demonstrates the Government's commitment to providing the best possible service.

Mr Kobelke: The Government has reduced it by a major amount.

Mrs HODSON-THOMAS: It has not reduced it at all. Another example of the Government's commitment to rural health is the expansion of Health Direct, the Government's 24-hour a day telephone advice line to the Gascoyne, Murchison and mid west regions. As from yesterday, these areas can call the 1800 number for advice from a registered nurse on what health services they require and how urgently they are needed. It is expected that this service will be available to the remainder of the State by midyear. Again I assure all members that the Government is committed to providing services to the areas in which people live so that they do not need to be away from their families and friends. Nevertheless, where service provision is not available, people are able to obtain assistance through PATS. I will take up the member for Greenough's grievance with the Minister for Health.

Mr Minson: Some people find themselves out of pocket and sometimes they cannot afford the expenses. When they find that there is a scheme, they get home and make an application but are told that they need to do it beforehand. There has to be a time period in which people can claim retrospectively because I do not think it is good enough for the Government to tell them that they should have thought of it beforehand.

Mrs HODSON-THOMAS: I will take that up as well with the minister on behalf of the member for Greenough.

The SPEAKER: Grievances noted.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Appointment of Member

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

> That the member for Cockburn be appointed as a member of the Standing Committee on Uniform Legislation and Intergovernmental Agreements to fill the vacancy caused by the resignation of the member for Burrup.

OFFSHORE MINERALS BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Barnett (Minister for Resources Development), and read a first time.

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [10.08 am]: I move -

> That the Bill be now read a second time.

The Offshore Minerals Bill provides for the administration of mineral exploration and development in coastal waters adjacent to the State. At the Premiers Conference in 1979 the Commonwealth and the States reached an agreement known as the offshore constitutional settlement. This agreement included the development of standard offshore minerals legislation which would apply to all States and the Northern Territory. By arrangement with the Commonwealth, in respect to Western Australia, the operation of the onshore Mining Act 1978 currently extends to the outer limit of the first three nautical miles of the territorial sea of Australia. The state Offshore Minerals Act will assume jurisdiction over this three-mile coastal waters strip, commencing from the territorial sea baseline which was proclaimed by the Commonwealth in 1983. Offshore mining will continue to be governed beyond the three nautical mile limit by the commonwealth Offshore Minerals Act which came into operation in February 1994.

The administration of the minerals regime applying in commonwealth waters adjacent to Western Australia is shared between the Commonwealth and Western Australian Governments. Joint decisions are made in respect of the grant of titles, while the Minister for Mines is responsible for the day-to-day administration of the commonwealth legislation. State offshore minerals legislation has been developed under the auspices of the Australia and New Zealand Minerals and Energy Council, and each State or Territory will be solely responsible for its administration. The model Bill was developed by this State in consultation with parliamentary counsel in other States. In accordance with the offshore constitutional settlement, the Bill closely mirrors the Commonwealth's Offshore Minerals Act 1994. This will ensure exploration and mining proposals in commonwealth and state waters receive consistent treatment.

As the Offshore Minerals Bill deals with rights associated with mineral exploration and exploitation, the legislation is consistent with the operation of the Commonwealth Government's Native Title Act 1993. The provisions for the granting of licences are non-discriminatory, and administrative procedures will ensure that Aboriginal interests are advised when applications for any of the licences are made under this Act. Operators will be required to respect Aboriginal rights and interests.

The Bill has the same royalty-sharing provisions as contained in the commonwealth Offshore Minerals Act; that is, by agreement under the offshore constitutional settlement, royalties will be shared 60-40 in favour of the States. This sharing arrangement will apply to all minerals recovered under the authority of the common offshore minerals code. The State retains all fees received from titleholders and applications for titles.

There has been a significant increase in interest in offshore mineral exploration in Australian waters in recent years, and the coastal waters of Western Australia and the Northern Territory have attracted the bulk of mineral activity in offshore Australia. At present there are 35 titles either encroaching into or wholly within this State's coastal waters, the subject of this Bill, with most interest focused in and around Joseph Bonaparte Gulf in the Kimberley.

The Bill is divided into chapters. Chapter 1 covers the usual formalities, the constitutional and political background, and the basic principles and concepts flowing from the offshore constitutional settlement, and outlines the jurisdiction of this Bill as being from the baseline up to the three nautical mile limit of the territorial sea. This chapter includes an interpretation of words and terms used throughout the Bill and explains the effect a change in the baseline would have on titles within respective commonwealth-Western Australian jurisdictions.

Chapter 2 is the actual mining code, which is written to reflect modern mining administration practice. The main titles available in respect of coastal waters are effectively the same as those provided for under the State's onshore mining legislation, the Mining Act 1978.

The exploratory title is the exploration licence. The Bill clarifies how applications for exploration licences are to be received and treated. As a general rule, the applications will be allocated on a "first come, first considered" basis. The exception to this rule will be when applications for substantially the same area are received at the same time. On such occasions ballots will be used to determine the priority as to which application is to be considered first.

The Bill provides that the term of an exploration licence is for an initial period of four years plus an option of three renewals of two years each. The maximum total term is 10 years. The Bill provides for a mining licence as a production title with a term of 21 years, renewable for further periods of 21 years. The holder of an exploration licence may apply to convert to a mining licence at any time during the term; however, a person need not necessarily hold an exploration licence to apply for a mining licence.

The other major form of title is the retention licence, which is an intermediate form of tenure between an exploration licence and a mining licence. Its primary purpose is to allow the holder of an exploration or mining licence to retain, for a limited time, title to an area on which a significant deposit has been delineated and evaluated, but which is not a commercially viable proposition in the short term, although there is a reasonable prospect for development in the longer term. Under this title the holder will not be able just to sit on the area but will be required to undertake further work according to the conditions laid down by the minister.

The Bill provides for a works licence for situations when it becomes necessary for the holder of any of the three main licences to gain access to or make use of areas which are outside the licence area. For example, a licence holder may need to construct some form of structure outside the primary licence area in order to support the operations allowed under the licence. The Bill also provides for the creation of an instrument to be called a "special purpose consent" to enable scientific investigations and reconnaissance surveys to be undertaken, and for small quantities of minerals to be collected. The consent will be a non-exclusive authority and it will not give any right or priority should an exploration licence or any other title be applied for later.

The Bill requires applicants for a title to lodge securities as a condition of title. These securities, which may be varied during the life of a title, will be used to ensure compliance with the legislation, regulations and conditions of the title. The securities may also be used to pay for rectification of any environmental damage as a result of operations, rehabilitation of the environment and the settlement of any outstanding financial obligations.

Recent amendments to the Conservation and Land Management Act 1984 have introduced marine nature reserves, marine parks and marine management areas. This Bill provides mechanisms to control exploration and mining activities in these areas, the same as those inserted into the State's onshore Mining Act. Basically these protective measures are -

> the concurrence of the Minister for the Environment and the recommendations of the Ministers for Fisheries and Transport will be required before the Minister for Mines may consent to exploration activities within marine nature reserves or marine parks;
>
> the recommendations of these three ministers will be required for activities within marine management areas;
>
> before a mining licence may be granted within a marine nature reserve or marine park, the consent of both Houses of Parliament will be required; and
>
> no ground-disturbing activities will be allowed within a marine nature reserve or any designated restricted area within a marine park.

The remaining chapters of the Bill provide for the normal requirements associated with mining administration.

Chapter 3 of the Bill provides for the keeping of a register and the details that are to be entered into it and so on. It also provides for dealings in licences and authorities and the details of the procedures that are to be followed. Chapter 4 provides the administrative details of the offshore minerals code, such as information management, monitoring and enforcement, review of decisions, administrative procedures and finance. Chapter 5 provides for the application of state laws to coastal waters and miscellaneous matters.

The Bill mirrors commonwealth legislation which applies beyond the three nautical mile zone and establishes a uniform legal and administrative framework for the offshore mining industry. The Bill gives effect to the agreement for a common offshore minerals code to apply right around Australia.

The Bill was referred to the Department of Conservation and Land Management and Fisheries WA, as well as the WorkSafe Western Australia Commission, and their respective interests have been incorporated into the Bill. The Chamber of Minerals and Energy of WA Inc, the Association of Mining and Exploration Companies Inc, the Australian Mining and Petroleum Law Association Ltd and the Amalgamated Prospectors and Leaseholders Association have been kept informed of progress and content of the drafting of the legislation. Passage of the Bill will fulfil Western Australia's obligations under the offshore constitutional settlement. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

OFFSHORE MINERALS (CONSEQUENTIAL AMENDMENTS) BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Barnett (Minister for Resources Development), and read a first time.

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [10.17 am]: I move -

That the Bill be now read a second time.

This Bill amends the various Acts to be affected by the proclamation of the state Offshore Minerals Bill. They are the Mining Act 1978, the Conservation and Land Management Act 1984 and the Fish Resources Management Act 1994. The Bill is necessary to ensure that existing Acts affected by this legislation are consistent and mesh with the provisions of the Offshore Minerals Bill.

At present the Mining Act applies to coastal waters, the area to now come under the jurisdiction of the Offshore Minerals Bill. The Mining Act will be amended to clarify that it applies only up to the baseline. It is possible that the interpretation of the position of the baseline will change. A provision will therefore be inserted in the Mining Act to protect mineral titles that may be affected by such a shift.

At present the CALM Act stipulates that it does not override the operation of petroleum or mining legislation. The CALM Act will be amended to include the Offshore Minerals Act in this provision. Like the CALM Act, the Fish Resources Management Act provides that it does not override the operation of petroleum or mining legislation. The provision will be amended to include the Offshore Minerals Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

OFFSHORE MINERALS (REGISTRATION FEES) BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Barnett (Minister for Resources Development), and read a first time.

Second Reading

MR BARNETT (Cottesloe - Minister for Resources Development) [10.20 am]: I move -

That the Bill be now read a second time.

The Bill effectively mirrors the commonwealth Offshore Minerals (Registration Fees) Act 1994 and provides for the method of calculation and payment of fees required for the registration of certain documents affecting titles in state coastal waters; that is, titles to be granted under the Offshore Minerals Act. These registration fees effectively replace the payment of state stamp duty. Although the Offshore Minerals Act will be administered by this State, stamp duty can be collected in Western Australia only for land described as being part of the State. The Coastal Waters (State Powers) Act 1980 describes the jurisdiction of each State or Territory as being up to the territorial sea; that is, up to the baseline. As a consequence land and waters to be covered by the Offshore Minerals Act is not within the jurisdiction of the state Stamp Act. The fee system is the same as that which applies to offshore petroleum legislation. I commend the Bill to the House.

Debate adjourned, on motion by Mr Kobelke.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL 1999

Second Reading

Resumed from 16 March.

MR McGINTY (Fremantle) [10.23 am]: This Bill is substantially of bureaucratic interest and does not give rise to any significant policy issues. Most probably among the largely technical amendments, this Bill makes three changes that will assist in the administration of the Guardianship and Administration Board. The first of these relates to the enduring power of attorney. This Bill allows the appointment of alternative persons to exercise an enduring power of attorney in the event that the first appointee is unable to act.

The second matter of some minor significance relates to consent for treatment. The Bill provides a hierarchy of persons responsible for providing consent for medical treatment without the need to apply to the board for appointment of a guardian. We should bear in mind that we are referring to people who are incapable of managing their own affairs or making decisions for themselves.

The third change of some significance contained in this legislation relates to plenary guardians. Four additional functions will be vested in the plenary guardian - consent to education and training, to decide who to associate with, to act as the next friend and to act as guardian ad litem in matters.

They seem to be the major matters on which this Bill touches. If my reading of the Bill is correct, it is not a controversial Bill and it should not take up much time of the House today.

Section 6 of the Act is amended by rectifying an anomaly between the processes of appointing an acting President and acting Deputy President of the Guardianship and Administration Board.

Section 15A is amended to provide that the board may decline to hear an application when the application to the board is repeated or vexatious in its nature. Section 17A is amended to deal with the issue of review. Section 45 is amended in relation to the authority of a plenary guardian. Importantly, changes are made in this legislation that will assist the board to make limited orders and to assist guardians who are responsible for the affairs of incapable people to understand their responsibilities when given plenary authority.

Section 64 relates to the making of an administration order and section 70 is amended in relation to the administrator acting in the best interests of the represented person. Section 90 deals with the powers of the board on review and a number of amendments relate to the enduring power of attorney in sections 102 and 104, including proposed new section 104B, which is to be inserted in the legislation for the first time.

Section 104B, as it will become when the Bill becomes an Act, is to clarify the issue of substitute donees. This Bill will enable, first, the donor to nominate a substitute donee in the event the original donee is unable to Act; for example, when a husband wants his wife to act as sole donee during his death or incapacity and the role to pass on to a son or daughter. Secondly, the Bill amends the Act to enable a donee to appoint a substitute donee; for example, if a donee is unexpectedly required to go overseas for a lengthy time. This is based on experience the board has apparently had.

Other provisions relating to the enduring power of attorney are contained in proposed sections 106, 107 and 109. I refer to the amendments to section 119 which, as I indicated in my summary of the three major points, relate to medical and dental treatment. The consent for medical treatment is generally given to a guardian, although the guardian's consent is not required if treatment is urgently needed to save life, and is often not sought by doctors when the person is receiving minor treatment. This amendment seeks to clarify the role to be played by people consenting to medical treatment.

The other changes relate to the enduring power of attorney. As I have indicated, this is a non-controversial Bill which we hope will assist in the smooth administration of the Guardianship and Administration Board and, as such, has the support of the Opposition.

MR KOBELKE (Nollamara) [10.27 am]: I will make a brief comment on the importance of guardianship administration in this State and, therefore, indicate support for these changes that seek to improve the operation of the Guardianship and Administration Board and of the flexibility for people who act as guardians.

The whole area is one of growing importance as an increasing percentage of the population ages and, therefore, more people suffer from dementia and other conditions, which means they are no longer able to manage their own affairs. In addition, people with various disabilities are ageing and the parents who have looked after them can no longer maintain that responsibility, creating the need for some legal recognition of the transfer of responsibilities or guardianship to another party. A range of issues requires the law of the State to provide a form of protection for people who can no longer look after their own affairs.

This legislation provides changes that will seek to improve the Act and expand some areas to provide an effective mechanism to assist people who can no longer manage their own affairs.

Cases that have come to my attention through my electorate office have generally arisen because a large amount of money is involved. It may be through an accident that a person has become incapacitated and the grant from a court due to that accident means many hundreds of thousands of dollars have been awarded and placed in trust, whether it be with the Public Trustee or some other person as the guardian of that money.

Because large amounts of money are involved, there is a possibility that conflict will arise between various people who are supporting that injured or disabled person who becomes the subject of the guardianship. When those situations arise, there is a need to look after the interests of the individual who is the subject of the guardianship. I am, therefore, pleased to see that this legislation clearly articulates that the best interests of the represented person must be taken into account by the administrator. That is laid out in clause 10, which amends section 70. It is important that proposed new subsections (2)(g) and (h) be stated specifically. In part, proposed subsection (2) reads -

> . . . an administrator acts in the best interests of a represented person if he acts as far as possible -
>
> (g) in such a way as to maintain any supportive relationships the represented person has; and
>
> (h) in such a way as to maintain the represented person's familiar cultural, linguistic and religious environment.

Under the current arrangement, when there is a lack of flexibility, it may mean that the control passes over totally to the Public Trustee or someone who is in an administrative position and who does not have a close relationship with the affected person. There is a need to maintain and preserve to the greatest extent possible the relationships the person has with family members, because they are the people who take a real interest in the welfare of the person. Sometimes, because of the money involved and the difficulties of administration, these people may feel they become estranged from the person they are seeking to look after and that they must work through the bureaucracy in order to get money to assist that person.

One constituent of mine, whose case I will not go into, is finding it extremely difficult to deal with the trustees and to get money to do things that are necessary to assist his wife, who is no longer able to manage her own affairs. Because there is tension in the family between the husband and the children, the matter has been referred to the Guardianship and Administration Board. It then becomes a complex web of interrelationships between the trustee, the administration board and the husband who has the full-time job of caring for his wife. He has found the system very difficult. One hopes that

these changes will make the system work a little better. Now that the legislation clearly states the requirement for the best interests of the person, there will be a greater degree of flexibility to ensure that we look after the interests of the person and perhaps to get around some of the bureaucratic problems that arise when there is a formalisation of the guardianship. That formalisation moves the control away from the family members who, on a day-to-day basis, give support, love and comfort to the people in this difficult situation.

It is a difficult area. It is an area of growing demand; therefore, we must constantly review the legislation and the administrative policies which are in place and ensure they are improved and upgraded to meet the growing demand in our community. I support the Bill and hope that we will continue to review this important area so we can meet the growing needs of guardianship and administration in our community.

MR BARRON-SULLIVAN (Mitchell - Parliamentary Secretary) [10.33 am]: I will make a few brief comments before we go to the consideration in detail stage. Members would be aware that there are a couple of amendments on the Notice Paper. I put on record the Government's appreciation for the support expressed by the members for Fremantle and Nollamara today. The member for Nollamara made a very important point about the increasing number of people in the population who are elderly. There has been a lot of community debate about that and, over time, we will see an increasing and pressing need for a continual review of matters relating to guardianship. This legislation fits in with that requirement. Obviously, the point is that as the population ages, we will need to ensure that the protection available for people with decision-making disabilities is kept relevant and up-to-date and as workable and as fair as possible.

I would not entirely agree with the member for Fremantle when he said that these provisions were essentially bureaucratic. I know what the member meant, but the provisions in the legislation will resolve some difficult situations for people and families who are involved in some of these guardianship situations. As both members have indicated, it will assist in the smooth running of the guardianship system in this State. One issue I will put on record - it may come out during the consideration in detail stage - is that although this legislation tightens up the provisions for matters such as decisions regarding sterilisation of people with decision-making disabilities, other issues have been raised in the community consultation process. Obviously, there will be ongoing and further consultation, and I suggest that if there is a need for further legislative amendments in future, they will be considered at that time.

Again, I thank the Opposition for its support for these legislative provisions. I make the point that often Governments are accused of not being sufficiently compassionate in some areas. This legislation demonstrates that compassion is required and that the ongoing process of review of the guardianship system is well and truly under way and is being conducted in a very effective way.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clauses 1 to 17 put and passed.

Clause 18: Section 119 amended -

Mr BARRON-SULLIVAN: I move -

Page 9, after line 1 - To insert the following -

(1) Section 119(1) is amended by deleting "parent or person who apparently has the care and control of the person presented for treatment" and inserting instead "person referred to in subsection (3)".

(2) After section 119(1) the following subsection is inserted -

(1a) A practitioner may provide treatment under subsection (1) without the consent of the person referred to in subsection (3) if in the opinion of the practitioner it is not practicable to obtain that consent.

Page 9, line 10 - To delete "subsection" and substitute "subsections (1) and".

The reason for the amendments is relatively simple. After the Bill was initially drafted, a further amendment was required to ensure the provisions of the legislation complied with the common law requirements relating to the authority of doctors. It is a technical amendment.

Mr Kobelke: Is the first amendment the same?

Mr BARRON-SULLIVAN: The reasons are similar.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 19 to 21 put and passed.

Title put and passed.

PRISONERS (INTERNATIONAL TRANSFER) BILL 1999

Second Reading

Resumed from 16 March.

MR McGINTY (Fremantle) [10.42 am]: This Bill enjoys the Opposition's support. It is important legislation for the relatively small number of prisoners it will affect, although it will not have an enormous impact on the criminal justice system. The Bill complements the commonwealth International Transfer of Prisoners Act. The commonwealth Act provides mechanisms for Australians imprisoned abroad to be returned to Australia to serve out their sentences and for foreign nationals imprisoned in Australia to complete their sentences in their home counties. Most people would agree this is appropriate. Complementary legislation will apply throughout the Commonwealth to give effect to this two-way trade in prisoners, whereby Australians imprisoned in a foreign country and foreign nationals imprisoned in Australia are returned to their respective countries. It is appropriate for the Parliament to support this. I will make a number of points about the legislation because it is important people understand how the scheme will work.

The Commonwealth will administer the scheme and regulate the status of the prisoners to be transferred. It is a commonwealth scheme. Through this legislation, the State provides the necessary authority for state offenders to be transferred out of its jurisdiction and permits the detention of people convicted for offences outside of the State's jurisdiction. This legislation is necessary to give effect to those arrangements. Prisoners are accepted on the basis that they have demonstrated community ties with a particular jurisdiction. That test will be applied to determine whether a prisoner should be transferred to a Western Australian prison to serve out his sentence or whether a person serving his sentence in a Western Australian prison should be returned to his country. We are familiar with this concept. As a result of Western Australia's enormous size, our domestic legal system endeavours to ensure, so far as is possible, that people serve their sentences in proximity to their own community. In that way, the family and community ties necessary to provide support to prisoners are available. This applies mostly to Aboriginal prisoners in remote parts of the State, but also to other prisoners. A measure of dislocation has been recorded when prisoners are not detained close to their community, particularly when they near the end of their sentences and it is necessary to integrate them back into society. Unless a prisoner has the necessary family, social and community support, integration back into the community is often rocky. This legislation extends that concept to international arrangements and has merit.

The Commonwealth will meet the cost of the scheme, but the State will be responsible for the cost of transfer to Australia and incarceration. Given that the Commonwealth will no longer provide legal aid funds for state offences, the cost of detaining prisoners convicted of commonwealth offences in state prisons - the other half of the equation - should be thrown back at the federal Attorney General, Mr Daryl Williams. We should no longer work on the fanciful division that requires us to determine what are state matters for the purpose of legal aid funding, because we certainly do not work on that basis when it comes to the cost of incarcerating prisoners convicted of federal offences.

This Bill differs from the commonwealth legislation. I was concerned when I first noted this. When States moves to national uniform laws, as they are in many areas of the law, the notion of unique provisions could give rise to significant problems. However, the two areas in which the legislation differs from the commonwealth Act should not cause particular concern. The legislation differs in that the state legislation will not allow people on probation or parole to participate in the scheme. Uniform legislation is desirable. There are many reasons why parolees should be released not into our community, but into the community with which they have strong ties. However, the State Government has decided to create that difference. Although it does not appear to be a good idea on the surface, the Opposition will not seek to amend the legislation. It does not make sense to require a prisoner whose real community is with another country to stay in Australia while on parole. It would make far more sense for him to complete his sentences with his own community in his country. Nonetheless, that is what has been decided.

The second area in which our legislation departs from the commonwealth legislation is that only those prisoners with two or more years of their sentences to serve will be eligible to apply for international transfer. This does not cause me great concern, apart from the lack of national uniformity, because the cost of arranging international transfers is such that we should not be doing it in respect of short-term detention. The threshold that must be reached of having at least two years of a sentence to serve is most probably there for cost-efficiency considerations more than anything else. On the surface, that does not present any particular problems.

The federal Justice Minister has agreed to these variations from the commonwealth law - that is, she has signed off on them and is aware of them - and there is no reason that we should not proceed to enact legislation that is somewhat different from the commonwealth legislation. It is not envisaged that that will create significant problems. It must be noted that all transfers must have the approval of the relevant state minister, the Commonwealth Government, the prisoner concerned and the foreign Government. Therefore, it is not something that will establish a right for someone to be transferred to or from another country. Uniquely for prisoners, they are given the right to say no. It is something that can operate only on a consensual basis.

The commonwealth Act has two mechanisms for sentence enforcement: Continued enforcement and converted enforcement. Continued enforcement means the sentence of the foreign court is adhered to as closely as possible by the Australian authorities. Converted enforcement allows a different sentence to be substituted for the sentence imposed in the originating country. Continued enforcement is expected to be used predominantly, but the sentencing method may depend on the agreement of the foreign country. A number of details must be worked out for each individual prisoner. However, it is good to see a measure of flexibility.

It is difficult to quantify the number of prisoners who may be eligible for transfer. In 1996, it was estimated that 157 Australians were imprisoned overseas. If that is converted on the normal proportional basis that applies, probably about 15 Western Australians were imprisoned overseas - assuming that Western Australians do not have a greater propensity to commit crimes overseas. However, given the incredibly high incarceration rate in this State compared with the other States, perhaps we are more criminally inclined. In 1997, the commonwealth Department of Immigration and Multicultural Affairs estimated that 632 foreign prisoners held in Australian gaols would be eligible for transfer. In terms of the balance of trade in prisoners, it would clearly be a benefit to our justice system if the eligible 632 prisoners were replaced by the 157 Australians currently imprisoned overseas. Assuming the appropriate levels of take up of this scheme, there is an economic benefit to the State in terms of the cost of incarcerating these people.

Once this legislation is proclaimed, it is expected that only 20 to 30 prisoners will be transferred each year after the initial rush of dealing with the backlog of prisoners. We will probably not have a 100 per cent take-up rate. If Western Australia's usual 10 per cent of the national figure in these areas applies, and 20 to 30 prisoners transfer each year when the scheme settles down, only two or three prisoners will be transferring to and from this State. While a great number will be eligible, the take-up rate is not expected to be great. The source of that estimate is the Senate *Hansard* of 29 May 1997.

It is difficult to quantify the number of prisoners who will be eligible or who will participate in this scheme. Therefore, it is difficult to determine the cost impact on the State. It is clear that it will not be great. If the take-up rate is only two to three prisoners each year, that will be a minuscule either subtraction from or addition to the state budget each year. It will not have any significant budget implications unless the participation estimate is wildly out, particularly given the number of people who would want to be repatriated from Australian prisons to prisons in their own country. We might find that many Australian prisoners want to return to Australia, but perhaps not so many foreign prisoners in Australia will want to be repatriated to their own country to serve the balance of their terms.

The Commonwealth Government and the State Government have an agreement that the legislation will be reviewed after 12 months to assess its resource implications and how much it has been utilised. We are putting our foot in the water with some uncertainty about the likely take up of transfers. I will be interested to see the outcome of that review in 12 months. The Opposition supports the legislation.

MR PRINCE (Albany - Minister for Police) [10.56 am]: I thank the member for Fremantle for indicating support.

Question put and passed.

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

JURIES AMENDMENT BILL 1998

Council's Message

Message from the Council notifying that it disagrees to amendments Nos 1, 2 and 3, that it has agreed to substitute an amendment to the Assembly's amendment No 3 in which amendment the Council desires the concurrence of the Assembly, now considered.

Consideration in Detail

Amendment No 3 made by the Assembly, to which the Council had disagreed was as follows -

Clause 9, page 4, lines 3 to 16 - To delete the clause.

The Council's substituted amendment No 3 is as follows -

That the amendment be disagreed to and the following be substituted -

Clause 9, page 4, lines 12 to 15 - To delete the lines and insert instead -

challenge 5 jurors peremptorily,

Mr PRINCE: I move -

That the amendments made by the Council be agreed to.

When this Bill was introduced clause 9 provided that any party in a criminal trial, including those prosecuting for the Crown, could challenge peremptorily eight jurors except when two or more people were charged with the same offence, without affecting the right of challenge to the arraign or for cause shown et cetera. In the course of debate in the other place that was the subject of much toing-and-froing. We shall seek to delete lines 12 to 15 of the original Bill, which provided for challenge to eight jurors except where two or more persons are charged with the same offence and so on. We seek to insert instead that five jurors may be challenged. That will apply to everybody. That is the Government's intent. Originally in this House we wanted to delete the whole clause, and we moved to delete clause 9, page 4, lines 3 to 16 and elect the challenging system as it had been in the Juries Act for some time. That happened by way of amendment in this place. In the other place the amendment was disagreed to and the Legislative Council has suggested an alternative; that is, retain the provision in the original Bill to remove the last four lines of the clause which referred to eight challenges and insert instead five peremptory challenges.

Mr McGinty: Is the net effect to agree with what has been done?

Mr PRINCE: Yes. We seek to agree to the amendment from the Legislative Council, which was itself a disagreement to the amendment made to the Bill in this place. The net effect is to change the right of peremptory challenges to five, whether there is one accused or multiple accused persons.

Mr McGINTY: I was at a meeting with the Attorney General late last year in connection with the impasse between the Government and the opposition parties over this question of changing the jury procedure. In that meeting we reached an agreement that would enable the Attorney General to achieve what he wanted and the Opposition to achieve what it wanted; that is, a greater efficiency in cost saving in the jury selection process by reducing the number of challenges to jurors in certain circumstances. However, that would not occur to the extent originally proposed because the original proposition was dangerously close to impacting on some of the established rights of the accused persons in criminal proceedings. The Opposition agreed that the maximum number of peremptory challenges in all cases would be five. I thank the Minister for Police for indicating that this amendment gives effect to that agreement which has already been put through the Legislative Council. On that basis, the Opposition is happy to indicate its support for this legislation.

It is interesting to note that on the Notice Paper this week there are eight pieces of legislation relating to the Justice portfolio and the administration of the law in Western Australia. I am sure that by five o'clock this evening we shall have dealt with them all. All eight of those matters are proceeding by way of agreement between the Opposition and the Government, as we take the opportunity to point out ways in which matters can be improved. This is probably one of those occasions on which, following extensive debate last year in this House and the other place, we are able to do something that the community is calling for in the administration of justice; that is, to the extent possible there has been a bipartisan approach and we have put our heads together and come up with the best possible arrangement. That was evidenced on Tuesday this week in debate on the Protective Custody Bill, when the Opposition did not seek to move amendments to force issues to be changed, but suggested ways in which to improve the Bill. I was delighted that the House functioned for once in the way it should; that is, merit was seen in the proposition put forward by the Opposition, and the Minister for Police agreed to effect a change to bring that legislation into conformity with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. That is how the House should proceed, perhaps on more occasions than it does.

Similarly, yesterday when debating the fines enforcement legislation, a simple suggestion was made to the minister, to which I hope he will give consideration; that is, in dealing with work and development orders, a magistrate should be able to rely on an administrative procedure to ascertain the financial position of an applicant, rather than have a fine imposed for a work and development order in the case of an impecunious defendant. I believe that suggestion has some merit as a way in which to improve the functioning of that legislation. I hope the minister will have regard for that. Similarly with the legislation that is before us we were able to sit down with the Attorney General and agree on a change to the law relating to juries, which will have some benefits in streamlining the criminal justice system and making trials more efficient. It will certainly save costs with the number of jurors who are required to be called up for the jury selection process.

I will conclude my contribution by observing that with a great number of justice matters, particularly those which touch on criminal law which are close to the hearts of many people in Western Australia, the Parliament is doing its job and arriving at sensible arrangements and taking into account different points of view, which will I hope result in a more workable system in the long run. That is very encouraging progress, albeit in respect of legislation which may not be earth-shattering but is important.

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

The Council acquainted accordingly.

ACTS AMENDMENT (EVIDENCE) BILL 1999

Second Reading

Resumed from 23 March.

MR McGINTY (Fremantle) [11.11 am]: I take this opportunity to address a number of matters that relate to criminal trials in Western Australia. The Bill is designed to facilitate the presentation of evidence in trials. I will talk about a particular problem that exists in our criminal justice system today and will propose for the consideration of the Government ways in which that matter might be able to be addressed and resolved. I refer particularly to the delays which are occurring in our criminal justice system, most notably in the District Court where there is now a completely unacceptable level of delay in people who commit quite major crimes being processed. I will also make some reference to the Children's Court because of the importance of matters in that jurisdiction.

I begin by referring to the speech by the Chief Justice, Hon David Malcolm, at the closing of the 1999 legal year of the Supreme Court of Western Australia. He made the quite lengthy speech to the court on Wednesday, 22 December 1999. Under the heading of "District Court Criminal Jurisdiction", he said -

> In the year to 31 October 1999, 662 trials were listed in Perth of which 446 proceeded to trial as listed. A total of 186 trials were listed in Circuit Towns of which 124 proceeded to trial as listed. In the year to 31 October 1998, 637 trials were listed in Perth of which 394 proceeded as listed and 195 were listed outside Perth of which 141 proceeded as listed.

That is important background information, but the essence of what he said was this -

> The backlog of trials awaiting hearing during the year to 31 October 1999 was 903 compared with 728 a year ago. Regrettably, this is a new record. The delay in obtaining a trial is now about 16 months from first appearance. A year ago the delay was a year. This is far from satisfactory.

There is an old saying that justice delayed is justice denied. I believe that is clearly the case here when we are dealing with this very important area of major criminal offences occurring in Western Australia. Previously major criminal offences were dealt with in the Supreme Court. However, over recent years there has been a change in the jurisdiction of the Supreme Court relative to the District Court, resulting in the Supreme Court shedding a deal of the major criminal work it previously undertook. I refer particularly to an array of sexual assault cases. It is true that part of the problem with this completely unacceptable delay in the administration of justice for major crimes in the District Court has come about as a result of changes in jurisdiction because this Government changed the court in which certain cases can be heard. The Supreme Court has shed a number of types of offences which are now dealt with in the District Court.

At the other end of the scale a change has occurred in the jurisdiction of magistrates which has taken from magistrates a number of cases which they would previously have dealt with. For instance, I refer to a number of burglary cases in circumstances of aggravation which would once have been dealt with by magistrates, I might say very efficiently and expeditiously. Those cases must now go to the District Court and are dealt with there. If I may give a very simple example of burglary with aggravation, the sort of case to which I am referring is burglary in company. Frequently the nature of the offence is relatively minor in the overall scheme of things when one takes into account some of the more horrendous crimes. A circumstance of aggravation is doing something in company. For example, two people may return home drunk one night and they may enter a place to try to effect a crime. A few years ago a matter of that nature was dealt with by a magistrate but today, because the crime is classified as burglary in circumstances of aggravation, it is dealt with by the District Court. So some crimes, not necessarily the more serious crimes, have been taken out of the Magistrate's Court and are dealt with in the District Court.

One of the causes for what the Chief Justice described as far from satisfactory delays - I would describe them in stronger terms - which require urgent, remedial intervention is the change to the jurisdiction of the District Court which means it now deals with offences which would previously have been dealt with by the Supreme Court or the Magistrate's Court. However, the matter cannot be simply described as jurisdictional. This problem is impacting adversely on a whole series of relationships in this State and urgent intervention by the State Government is required. As I have said, the Chief Justice, Hon David Malcolm, has indicated that this represents a new record in delays. He has also described it as being far from satisfactory. I want to take the time of the Parliament today to describe in some detail the nature of the problem and to indicate, based on my recent trip to the United Kingdom, the way this same problem of inordinate delays in the criminal justice system is being tackled there. I will come back to the situation in the United Kingdom in a few minutes, because it can be accepted by this Parliament as a useful, perhaps even necessary way in which to proceed.

I want to deal with the nature and extent of the delays in our current criminal justice system. I will relate to the House what occurs when someone is charged with the type of indictable offence which would be dealt with by the District Court. Normally, under the current law and procedures, it takes two years from the date of arrest for someone who commits an indictable offence in Western Australia to be sentenced. That 24-month period is far too long. It is longer than the period described by the Chief Justice in his report at the close of the legal year in December 1999. The delay in obtaining a trial is now about 16 months from the first appearance of an accused person before a court. The 16 months referred to by the Chief Justice was the time from when an accused person first appears in the District Court to the date the trial commences. However, the true figure from the time a person is arrested and charged to when he or she is sentenced is 24 months, far longer than that which has been indicated by the Chief Justice. I do not say that by way of criticism of the Chief Justice. He was using the figures to say that is the time it takes the District Court to deal with these crimes. However, the justice system takes a far greater length of time to deal with them.

As I indicated, the impact on criminals, knowing they will not be dealt with and punished for two years, and on the victims of crime knowing they have to live with the matter hanging over their head before they can be provided with any sense of justice from the criminal system, is enormous. It brings the whole judicial system into disrepute if people think that in two years the system may get around to punishing them for what they have done wrong. The impact is particularly enormous when we are dealing with young people, bearing in mind that most offenders who are incarcerated for serious crimes are younger people, not necessarily youths or children who come under the jurisdiction of the Children's Court. Nevertheless, if one visits an average prison in Western Australia, except one set aside for paedophiles and middle-age sex offenders, one finds that the prison population is young and male; that is the nature of our prison population. It is crucially important, in the proper administration of justice, that there be a close proximity between the offending behaviour and the punishment for that offending behaviour if we are to have any hope at all of bringing home to people the nature of their offending behaviour. The fact that our courts today are tied up with lengthy bureaucratic procedures and that justice is not administered in a timely and efficient manner is a major challenge facing the Government, the Attorney General and the people responsible for the administration of justice in this State. It is unfortunate that no great sense of urgency comes from the Government about this problem that the Chief Justice has said is regrettably a new record and far from satisfactory. They are strong words from the Chief Justice of the Supreme Court of Western Australia and we have seen no initiatives to meet this problem.

I return to how long it takes for a case to go through the system and I will relate what the law currently provides for in Western Australia. I will start with section 99 of the Justices Act which lays out the procedure to be followed when someone is charged with an indictable offence. In the normal course of events, if someone is charged and bailed to appear

in court on 1 January, it would be about January two years hence when that person would be ultimately dealt with by the court and punished. The procedure runs this way: If someone is charged and bailed on 1 January, that person would appear in court around 4 January when the magistrate would read the charges. Generally speaking, at that first appearance, no plea is required and the matter is adjourned, on average, once or twice each for a period of two weeks. That then takes the matter to February when there would still be no plea entered by a person charged with an indictable offence. In February, the magistrate would fix an election date for six weeks hence. That then takes the matter through to the middle of March when effectively nothing has occurred in the justice system, other than the person being brought before the court, an election date being fixed and no plea entered.

Mr Prince: I don't think that is fair. A great deal is happening in that the prosecution brief is being prepared in a proper form to be given to the person who has been accused and his or her lawyers; that is a lot of work.

Mr McGINTY: It is. However, the real problem is that people who are very closely associated with the system take it as it is with all its imperfections and are not prepared to challenge it and say that what is happening currently is not good enough.

Mr Prince: I am not disagreeing with that proposition. I was disagreeing with your comment that nothing is happening.

Mr McGINTY: I will give the minister an example of something which requires dramatic action to be taken to stop it. If someone is caught red-handed, taken before a magistrate and says that he or she wants to plead guilty and if it is an indictable offence, the matter must be transferred to the District Court. From the time the person says to the magistrate that he or she is guilty, wants to plead guilty and wants the matter to be dealt with quickly, there is built into the system a two-month delay before that person can be sentenced by the District Court. No-one can justify that; it is unacceptable. Either the Chief Judge of the District Court or the Government or other people associated with the criminal justice system should enable a person who wants a conviction dealt with expeditiously to be able to have it done forthwith. There should not be a two-month delay. I cannot for the life of me understand why that is the case and why people associated with the criminal justice system allow that to remain the case. That is the kind of example I mean.

Mr Prince: Until one sees the whole of the prosecution's prima facie case one cannot come to the conclusion that the person is guilty.

Mr McGINTY: However, if the person stands up and says, "I am guilty, I did it, I want to plead guilty and I want to be punished," that person must wait two months to be punished in the current system.

Mr Prince: It is not that simple.

Mr McGINTY: I think it is. The minister has been caught up in a system of which he has been a part for too long to be able to see the wood for the trees.

Mr Prince: Okay, I have defended a lot of people and perhaps you haven't.

Mr McGINTY: If a person is arrested in January, the election date will come forward about mid-March when that person can elect to have a preliminary hearing and if he or she elects a preliminary hearing there is then a further three-month delay before the hearing takes place. That election would be made on 15 March, so the hearing would take place on 15 June, nearly six months after the person was charged when no action has been taken up to that point in the justice system. Assuming the magistrate decides there is a case to answer at the preliminary hearing in the middle of June, that person would be committed to the District Court. There is then a further two-month delay for that person to make a first appearance in the District Court. We are now talking about an indictable offence whereby the person was arrested and charged on 1 January when, in an average case, that person will make a first appearance on 15 August in the court that will ultimately deal with the person. Generally speaking, on that first appearance in the District Court nothing will happen and the 16-month period that the Chief Justice spoke about as being a regrettable and unsatisfactory delay starts to run. There have already been nine months of preliminary matters and no-one can justify that length of time in which to conclude those matters. The whole system currently builds in unnecessary time delays. On 15 August the accused person would make a first appearance in the District Court and, according to the Chief Justice in his report last year, that person would go to trial 16 months later. In other words, in December of the following year, nearly two years after that person committed the offence and been charged, that person would go to trial, there would be an expeditious verdict, as these matters are generally jury matters, and one would expect a sentence to be handed down in January of the following year. I ask the minister if that is unfair.

Mr Prince: No, not when you are talking about a plea of not guilty at trial. You ignore the fact that more often than not there is no preliminary hearing so that at the election date the person is remanded and the matter comes straight on for hearing. You also ignore the fact that at that time the person can enter a plea of guilty, and that is often done. Then they wind up in the District Court on the plea list and are dealt with more quickly. It is only with a not guilty plea - in approximately 10 per cent of cases - that the length of time you are talking about occurs. I agree with you otherwise that the length of time is far too long.

Mr McGINTY: The interesting aspect about all of this, if I can describe it in a broad sense, is that a report by the Law Reform Commission, headed by Wayne Martin, QC, has much to recommend it. In the light of the delays in the administration of criminal justice, I expected a greater sense of urgency to be shown in implementing the recommendations in the report. Essentially, after cutting through the thousands of pages of the report, it is apparent that a shift of resources has occurred away from the end of the criminal justice process, namely the trial, back to the beginning, which is the time

the charge is being laid and of the initial dealing with the accused person. I strongly urge the Government to embrace the recommendations made by Wayne Martin, QC and the Law Reform Commission with a sense of urgency. They will cut many months off the time taken for those trials to proceed.

One of his recommendations was to abolish the preliminary hearing. Although that recommendation is somewhat controversial, when compared with the problem of a person waiting two years before he is sentenced for a crime or an indictable offence at the more serious end of the scale, it is clear that it should be embraced. Interestingly, the preliminary hearing has been abolished in England. It is not as though a radical proposition is floating around here in Western Australia.

Mr Prince: The historical reasons for the preliminary hearing, or the committal as it used to be called, have long since gone.

Mr McGINTY: Exactly. However, we are not seeing any sense of urgency about abolishing the committal proceedings here. Surely, in the light of the problem we have with delays in the administration of justice, that might be given a greater sense of urgency. That is perhaps one of the easier concepts in Wayne Martin's report for people to grasp. It is part of a package designed to shift the resourcing of the processing of an accused before the courts to the beginning of the process, so that pleas of guilty can be quickly addressed, as can cases with the proper disclosure of information, as recommended by Wayne Martin.

Mr Prince: Do you agree with what he is proposing about the prosecution making available all brief evidence well in advance?

Mr McGINTY: Absolutely. As I indicated in the example I gave - perhaps the headline in today's *The West Australian* is another example - and as we have seen in recent times, rather than everything coming to a head about the time of trial, and unfortunately all too often the Director of Public Prosecutions withdrawing the complaint or presenting no evidence to the hearing at the end of the proceedings, that should be done as part of the charging process during the first appearance in court.

Mr Prince: I hope you will not be surprised to hear that I agree with you entirely. I speak with 20 years experience as a defence lawyer.

Mr McGINTY: I would not have expected the minister to say anything different. However, it is not occurring. We must have a sense of urgency on this matter and learn not only from our own local experts - the Law Reform Commission and the excellent work done by Wayne Martin, QC - but also from the situation in Britain. In 1997 a very important report known as the Narey report was prepared for the Home Office. It was entitled "Review of Delay in the Criminal justice System" and was presented to the Government. Strong action has been taken to implement it with, on early indications, remarkably good results.

Mr Prince: When was the action taken?

Mr McGINTY: I was in England in April this year when action was taken and in December last year. Action has been taken progressively. I will outline what has occurred; the issue is current. People to whom I have spoken, not only in the United Kingdom but also here, have said the results have been spectacular in reducing delays in the criminal justice system in that country.

I agree with what the Minister for Police had to say. The period of two years from arrest and charging in the Magistrate's Court, to committal hearing, then to the District Court and ultimately sentencing is based on an ordinary example which was derived from a compilation of comments from a number of criminal lawyers who said that was how long the different steps take. We are talking about 25 months from arrest and charging in January of one year, to the sentence being handed down almost two years later. That is completely unacceptable and it is time for strong action and leadership.

In certain cases a plea of not guilty will be entered. In some cases, as I have already indicated in the example I gave, someone who is caught might want to be dealt with quickly, get the sentence out of the way and get on with his life. The system has built into it an automatic delay of two months before someone can be sentenced by the District Court even though no issues are at stake that warrant a two-month delay. That kind of plea should be able to be addressed within days, if not weeks, and it should be removed from the system rather than left hanging around contributing to the ongoing delays.

There is no justification for the two-year delay. Some exceptional cases will be outside this rule, but this Government should set six months as the target within which average cases that are disputed before the courts should be dealt with, so that the waiting time is reduced from two years to six months.

We need to talk about time limits within our system. That is occurring in the UK and I will outline to the House today the success Britain has had in stipulating targets. No-one supports a two-year delay, although six months is a little on the adventurous side. The nature of the problem and the benefits that will accrue from solving it are such that we need to consider statutory time limits on matters proceeding before the courts. The alternative is that those responsible for the administration of justice - the judges, the Ministry of Justice, the Attorney General and others involved in the system - should change the procedures so that these matters are dealt with within acceptable time frames.

I am not outlining to the House a radical proposition. Case management already exists as do the expedited lists in the superior courts in this State. I am referring essentially to them applying to every case, rather than just those with a sense of urgency.

Recently I appeared before the Supreme Court when the Minister for Fair Trading decided to sue me for defamation.

Mr Prince: It was civil action.

Mr McGINTY: Yes; nonetheless, the minister made an application for the matter to be placed on the expedited list so that it would be dealt with quickly. He failed, no doubt in part due to my advocacy in opposition to that application, but probably due more to the advocacy of the Queens Counsel who was representing West Australian Newspapers Ltd.

Ms Warnock: Don't be modest; you are a brilliant lawyer, there is no doubt about that.

Mr Prince: I would say it was entirely due to the member on the Bench. Advocacy has very little effect.

Mr McGINTY: That was probably the case. The system already has capacity to fast track, expedite and case manage applications. Anything that goes before the superior courts in this State should be handled in that way and not left to languish, as is often the case, resulting in inordinate delays.

One of the comments made by Justice Templeman in the application to go onto the expedited list was that it was already substantially full of urgent cases. He was referring to people who were dying of mesothelioma and who would probably die before their cases came on for trial unless they were expedited. Obviously those cases have a far greater priority than the case of a precious minister who felt offended because he was reported to the police for breaking the law.

Mr Prince: Almost anything does.

Mr McGINTY: That is my experience. Every case that proceeds before the District Court and the Supreme Court should be dealt with in that way. If they are, we will ultimately do away with waiting lists and the associated problems. Getting rid of the backlog is a resourcing issue. I will look with some interest at the budget this afternoon to see whether an allocation is made to implement the recommendations of Wayne Martin, QC and the Law Reform Commission to deal with the backlog. Every new indictment or indicatable offence for which someone is charged should be dealt with in line with the recommendations of the Law Reform Commission. That requires statutory, administrative and regulatory changes. It should be driven to ensure that it happens, or this problem will continue to blow out.

Mr Prince: Many of the trials that cause significant delays for others are the very long trials. There are not many - the Connell case is classic. It ran for nine months and finished because Mr Connell died. Would you look at trying to deal with those commercial fraud cases differently from other cases involving violence or property theft and so on? Do you see a distinction between the two and can you justify dealing with them differently?

Mr McGINTY: Yes I can. It would probably not be necessary if we were to accept the recommendations of Wayne Martin, QC and the Law Reform Commission. Many of the recommendations about procedural change, the exchange of information and the evidentiary burden, which often cause these trials to be drawn out -

Mr Prince: It does in the commercial fraud cases. However, in cases involving someone charged with having committed grievous bodily harm, unlawful wounding and so on, the defendant always has the right to stay silent and require the court to prove the charge. Such a person can opt not to say anything to the prosecution. Are you advocating a change to that similar to a civil exchange of information, or are you advocating that only in relation to the very long commercial fraud cases?

Mr McGINTY: One of the Law Reform Commission's recommendations was to enable certain assumptions to be drawn from the silence of the defendant. This is also drawn from the English experience, which I believe is not unfair.

Mr Prince: I agree.

Mr McGINTY: If that change were implemented - it would probably require a statutory change -

Mr Prince: It does.

Mr McGINTY: That would reduce the duration of some lengthy trials. A number of things can be done to expedite lengthy white-collar crime trials - the Connell, Bond and other similar trials. Those changes relate to what must be proved beyond reasonable doubt. When dealing with assault and theft indictable cases, which are the bulk of cases -

Mr Prince: The crimes of violence.

Mr McGINTY: Yes. I am referring to crimes against the person and property, which have been of greatest concern in the community. In those cases, the recommendations from the Law Reform Commission, if accepted and implemented with a sense of urgency, would see the time frame reduce dramatically.

Between the two extremes I have outlined - the indictable offence that meanders its way through the Magistrate's Court with a preliminary hearing, taking two years to get to sentencing and the extreme of someone wanting to plead guilty on day one at their first appearance, which would still involve three months before sentencing - there is the middle course to which the minister has referred. That would involve someone pleading not guilty but not wanting to go through a committal proceeding or a preliminary hearing. In the ordinary course of events, without extraordinary applications for adjournments, if someone worked his way through the Magistrate's Court, did not have a preliminary hearing and went to the District Court, it would still take between 20 and 21 months for the case to be heard and for a sentence to be handed down.

Mr Prince: That is as a trial, not as a sentence.

Mr McGINTY: I am not referring to a plea of guilty.

Mr Prince: You are probably right if you are talking about the Central Law Courts in Perth, but not if you are talking about country sessions, which vary widely. They deal with a much smaller number of offences.

Mr McGINTY: That is correct.

I will refer only to the time involved. All members are aware of the buck's party case in the Perth northern suburbs where a father and his son were charged as a result of the death of the groom at the buck's party. The event occurred on 25 September 1999. Gavin Williams was assaulted by two gatecrashers at his home in Roberts Road, Quinns Rock. He suffered severe head injuries, was admitted to intensive care and ultimately died as a result of his injuries.

Two people were charged with various offences arising out of that matter - one was an adult and one a child in terms of the law. The child has been charged and dealt with in the Children's Court. The offence occurred on a Saturday night and the 38-year-old father and the 14-year-old son were charged the next day. I accept that the father's case is still before the courts, and I will not make any comment about it other than to refer to the time taken to deal with the matter.

Mr Prince: The charges are different.

Mr McGINTY: They are. Initially charges of murder were laid, but they were subsequently downgraded. The son was ultimately charged with assault occasioning bodily harm and the father was charged with manslaughter. Two issues have delayed this matter: First, the initial charge of murder after the death being subsequently downgraded.

Mr Prince: It largely arises from post mortem examination and so on.

Mr McGINTY: The second issue was the unfortunate non-appearance of the Director of Public Prosecutions in the Children's Court and the magistrate's dismissing the charges against the son and needing to have those charges reinstated. Those things may have caused a delay of one week or so.

Five to six months elapsed between the charging of the 14-year-old boy on 26 September 1999 and his sentencing on 3 March. The case relating to the father, who was charged on the same day arising out of the same set of circumstances, is still languishing in the Magistrate's Court without a preliminary hearing having been held.

Mr Prince: But a charge of manslaughter, which is unlawful killing, is at the top of the scale. Assault occasioning bodily harm is in the middle of the scale. If the charge is against an adult, the matter can be dealt with in the Magistrate's Court. You are talking about different offences.

Mr McGINTY: Of course. The minister may have been involved in the system too long and as a result may accept its imperfections without question. If we can deal with one person involved in a situation within five or six months in the Children's Court, why is the other matter still languishing in the Magistrate's Court awaiting the committal hearing?

Mr Prince: I cannot comment in relation to that case.

Mr McGINTY: I am not asking the minister to do that. This is the common practice and it is a serious problem.

Mr Prince: If the election date is six weeks after the first appearance, the papers should be served in good time so that, at election, the person can say whether he wants a preliminary hearing and plead guilty or not guilty. That is what should happen but it does not. It used to, but it does not. That in itself would speed things up. For indictable matters, it would also help if the DPP got involved in the brief much earlier than is the case at the moment and made a decision about whether to proceed or change the indictment a lot earlier than a day before the trial.

Mr McGINTY: Yes.

Mr Prince: As well as the resourcing issue.

Mr McGINTY: As we have touched on the question of the Children's Court, I might deal with that because in the Chief Justice's close of legal year speech he said -

> There have been significant changes in the listing procedure in the Perth Children's Court in the last year as a result of the introduction of case management principles in relation both to criminal listings and hearings for child care and protection applications. As a result of this, delays in obtaining hearing dates for all matters have been considerably reduced. There is virtually now no delay for trials for criminal offences.

With respect, that is not good enough. In the case that I just cited, we were talking about a five to six-month period elapsing from the charging to the sentence. I appreciate that a great number of cases before the Children's Court do not take that long. From the figures I have seen from the Ministry of Justice, perhaps three-quarters of all matters dealt with in the Children's Court are dealt with within three months. However, too many cases are still taking too long. It is interesting to note that under the system that has now been introduced in Britain, as a result of the Narey recommendations in 1997, the then average time for a case against a young offender to be dealt with by the courts was 142 days. The Government set a target of 71 days, that is just over two months - not to be dealt with within the court system, because that is the time period the Chief Justice is talking about, but from the time of charging to the time of sentencing. We should also be looking at an average of 71 days or two and half months.

Mr Prince: I agree.

Mr McGINTY: That is what we should look at here as to what people can expect. That has been achieved in Britain as

a result of the imposition of statutory time limits.

I refer briefly to a document put out jointly by the Home Office, the Lord Chancellor's Department and the Crown Prosecuting Service. It is titled "Time Targets for Handling Persistent Young Offender Cases" and is dated 23 August 1999. A little bit of time has elapsed since it came out, but it is still fairly current. On page 2 the report states -

> 1. The Government is committed to halving the time persistent young offenders spend from arrest to sentence. This is a key commitment, reflecting the need in the interests of effective justice to end unnecessary delays in the youth justice system. Swift justice is an important contributor to the youth justice services' statutory aim of preventing offending. For persistent young offenders the average time from arrest to sentence was 142 days in 1996. The objective is to halve this average to 71 days as soon as possible.
>
> 2. The need to cut these delays is clear: they impede justice, frustrate victims and bring the law into disrepute. They do no favours to young offenders themselves: increasing the risk of offending on bail, diminishing the link between the offence and the consequences for the young offender and postponing intervention to tackle offending behaviour.
>
> 3. Good progress is being made in many areas, and as a result, the most recent figures show a clear reduction in average days nationally - down to 125 days for 1998 as a whole and 106 in December.

Good progress was being made there in achieving that goal. On page 4, the report deals with the statutory time limits that are currently imposed on a trial basis in a number of areas. The following is a list of the time taken to deal with cases with in the Youth Court, which is the equivalent of our Children's Court: From arrest to charge, two days; charge to first appearance, seven days; first appearance to start of a trial at the Youth Court, 28 days - that is radically different to our own; and from the verdict to the sentence, 14 days. That is the maximum that is allowable in this area. For more serious cases, bearing in mind that this relates only to children's cases as we would see them now, the cases committed to the Crown Court, which is equivalent of our District Court the times are: From arrest to charge, two days; charge to first appearance, seven days; first appearance to committal to the Crown Court, 28 days; committal to the Crown Court to PDH, 14 days; PDH to start of the trial at the Crown Court, 28 days; verdict to sentence, 14 days. They are very efficient time lines. Everyone in the system knows what they have to do. It is being driven at a very senior level, jointly by the Home Office, which is the equivalent of our Ministry of Justice, the Lord Chancellor's Department and the Crown Prosecution Service.

Mr Prince: What is the sanction if the time limit is not adhered to - for example, the 28 days for a trial in the Children's Court? What happens if it does not get tried within 28 days?

Mr McGINTY: No penalty is imposed. The trial is not aborted or anything of that nature. If there is one organisation in government services that one would expect to comply with statutory requirements, it would be the courts and the Ministry of Justice. It is understood that there will be exceptional cases.

Mr Prince: So it does not act as a statute of limitations?

Mr McGINTY: No. It is, nonetheless, prescribed in statute that that is what should occur.

Mr Prince: There is an objective without a sanction.

Mr McGINTY: I would not want to diminish it on that basis. It is certainly taken very seriously by government and by those responsible for administration. The minister is right in his summary of it. That is what has happened in respect of child offenders and I think that everyone in this House would agree that, with young offenders, the proximity between the offence and the punishment is crucial and there is, in my view, an acceptance of too long a time frame for dealing with it and an acceptance that the Children's Court here runs quite well. It runs well relative to the District Court but it does not run well in comparison with what is being piloted in the United Kingdom in respect of dealing with young people. The issues are the same and are those that I read from this report. It is not just the children's issue. I highlighted that by reference to the buck's party where a 14-year-old child was dealt with within five to six months by our system. This might have been one of exceptional circumstances that required longer to deal with it, in which case, the judge, must, in open court, explain the reasons that the time frames have been breached or not met. It would have been dealt with in half that time had it been heard in the UK under its pilot scheme. That is the point that comes out of this.

Another document that I got from the Home Office dealt with the equivalent of our Magistrate's Court and District Court. It deals with the criminal system and delays in the criminal justice system not the Children's Court. I referred to the fact that in 1997 the Narey Report recommended a number of changes. I was provided by the Home Office with a briefing memorandum on the measures they have implemented to reduce the delay in the criminal justice system. I will quote from parts of it. It stated -

> In 1996, the then Home Secretary set up a review to identify 'ways of expediting the progress of cases through the criminal justice system from initiation to resolution, consistent with the interests of justice and securing value for money'.
>
> The report of the Review of Delay in the Criminal Justice System (the 'Narey Report') was published in February 1997. Interested parties were invited to comment on its 33 recommendations by the end of May, . . .

In a sense, the Law Reform Commission report - that is, the Wayne Martin recommendations in Western Australia - to the extent that it deals with delays in the criminal justice system and recommended changes - is our equivalent of the Narey

Report in the United Kingdom. It continued -

> . . . the Government announced in July 1997 that it accepted most of them.
>
> Where statutory provision was necessary it was made in the Crime and Disorder Act 1998.

Again, there was very quick action on the report embodying it in one of the major pieces of legislation affecting crime in the UK. It continued -

> The resulting measures to speed up the progress of cases through the criminal justice system were piloted in the following six areas . . .
>
> The measures that were piloted were as follows: . . .

There are five key measures I wanted to briefly relate, and most of them can be easily translated into our system. The first measure requires bail cases to be listed for a prompt first appearance, pursuant to section 46 of the UK Crime and Disorder Act. I do not think that that is a problem in Western Australia. The second measure is to locate the crown prosecuting staff in police criminal justice units which are responsible for file preparation. In a broad sense, that is the equivalent of either the Director of Public Prosecutions taking over prosecutions or having closer liaison between the police and the DPP in matters before the Magistrate's Court. This involves coordinating activities so that the DPP does not withdraw a complaint once it has been processed through, perhaps, the Magistrate's Court because of no evidence. There should be far greater cooperation between the prosecuting service and the police in the early days of dealing with these matters. The central thrust of the recommendation of Wayne Martin QC is that resources be provided at the beginning of the process and not the end. The third measure which was piloted in the United Kingdom was to introduce on a phased basis the use of specially trained, non-legally qualified crown prosecuting service staff as designated case workers to undertake the review and presentation in court of limited categories of cases. The fourth measure is to give defendants at expedited first appearance access to free representation by either the court duty solicitor or a duty solicitor of choice. The final measure is to allow a range of court powers to be exercised by single justices and suitably modified by justices' clerks.

The pilots were undertaken and monitored by the United Kingdom Government, and ultimately evaluated by Ernst and Young, which reported a great reduction in the average time taken to deal with cases. I will briefly relate to the House the pre-pilot experience in dealing with criminal matters before the courts in the United Kingdom, and the situation today. The percentage of pleas of guilty at the first hearing prior to this pilot was 30 per cent of cases. During the pilot scheme in which these changes were made, the equivalent figure was 53 per cent. Before the pilot was run in the United Kingdom, the number of days to disposal in criminal cases for adults was 85.5 days; it was 30 days in the pilot scheme. That was even more dramatic when guilty pleas were made in the first hearing, which resulted in a time reduction from 39.3 days to 9.9 days. The number of hearings was also reduced as a result of the implementation of this pilot scheme. It is expected that this month and next month more comprehensive data showing the effects of the reform will be made available in the United Kingdom. Our law enforcement and Ministry of Justice officials should monitor that closely.

The report prepared for me in April 2000 by the Home Office said that Ernst and Young accordingly recommended that the Narey measures should be adopted nationally. This was done in the United Kingdom from 1 November 1999 under the oversight of local interagency groups. Major legislation has passed through the Parliament since the report was delivered in 1997. The matter was driven at a senior level in government as a top priority issue, and remarkably good results were achieved in reducing those time delays. That is obviously something that should be done in Western Australia as well.

The details of the statutory time limits in the pilot areas - those are the matters to which I have just referred - are contained in a Home Office circular dated 26 October 1999. That goes into considerable detail of how - appreciating that the delays were too long in dealing with children's matters and also with other criminal matters in the Crown Courts in the UK - strong action was taken and success was achieved. I am happy if any members of the House wish to have copies of any of those documents. I was considerably heartened during the briefing I received from the Home Office on this matter to see what we know to be the biggest problem in the courts in the administration of justice - namely, the delay in dealing with criminal matters and its consequent bad effect on the whole administration of criminal justice in Western Australia - being tackled successfully by the United Kingdom Government. It saw this as a problem and acted in a way which one might think at first blush would lead to revolt by the judiciary; that is, imposing statutory time limits within which different stages of criminal cases must be dealt. However, the impression I had is that they work. Although there might be some reaction from people who have been associated with the system for a long time saying that it is not necessary, frankly, the extent of delays in dealing with criminals in our District Court at the moment is such that radical action is necessary. If the courts and the Ministry of Justice cannot do it by themselves, this is a classic case that calls out for assistance to be rendered by Parliament to ensure our criminal justice system works efficiently.

We expect an election to be held later this year. I was considerably heartened by what I saw in the UK and what has been piloted in those places. An incoming Labor Government will tackle those unacceptable delays in the administration of justice in Western Australia. It should never have been allowed to reach the point at which it takes two years for people who break into someone's home and commit an indictable offence such as grievous bodily harm to work their way through the system before justice is dealt out to them. It is unacceptable; it is a failure in the system. The Labor Party will tackle that problem, because justice delayed is justice denied to the victims of these crimes. As the system is not working, it encourages greater proliferation of crime. Knowledge that justice will be swift will have a salutary effect on the committing of crime generally in our community. It will be regarded that our highest priority within our court system is to get those times for criminal trials down to acceptable levels. This can be achieved by implementing the recommendations of the Law Reform Commission, Wayne Martin QC and others. I cannot see why it currently takes two years for matters such as

grievous bodily harm or burglary in company to work their way through the courts. Why can they not be dealt with by our courts within six months, not 12 months? That will be a target we will aim to achieve, and it is eminently achievable by a combination of measures.

This is partly a resourcing issue. No-one would deny that. However, it is also important to note that this explosion in waiting time before the District Court came on the heels of the creation of a number of new courts for the District Court. It is not exclusively, but is importantly, a resourcing question.

Mr Prince: Given that you have now given your manifesto for the election, in relation to the Bill before the House, do you agree with it and do you have any problem with the amendment on the Notice Paper?

Mr McGINTY: I shall dedicate a significant part of the remaining time to that question, minister.

The solution to this problem of delayed justice in our criminal system is, firstly, a question of resourcing. Implementing the Martin recommendations from the Law Reform Commission will require a commitment of resources, particularly in the office of the Director of Public Prosecutions to enable him to tackle these matters at the beginning of process, not the end. It is that essential issue which has caused delays and the clogging up of our courts at the moment.

The second issue is structural change. I have spoken at some length about the recommendations of the Law Reform Commission. The third issue is jurisdiction. I cannot see why a number of cases that are currently committed for trial in the District Court cannot continue, as they once were, to be dealt with by the Magistrate's Court. I am referring here to some of the less serious cases of burglary in company and aggravated burglary. Those are matters with which a magistrate should deal, if he can, and, if they are at the more serious end, which he could refer to the District Court. However, I believe that is unnecessary and that that area of jurisdiction is adding to the problems that the District Court seems incapable of resolving.

The fourth issue is leadership. The report of Wayne Martin has been handed down, but very little has happened on it. The English experience has shown that this matter must be driven at a senior level by government.

Mr Prince: It had a report in 1997, and it is still making changes now. We have had the Martin report for about four months.

Mr McGINTY: I think for six months.

Mr Prince: That criticism is unfounded. Are you going to address the Bill?

Mr McGINTY: I will, in a minute. It is a question of leadership and of having the courts, the Justice ministry, the Attorney General, the Chief Justice and the Chief Judge driving this issue in the public interest to reduce the delays. A Labor Government will do that, and it will be a top priority. It is unfortunate that it does not appear to be a priority for this Government.

I am delighted to indicate the Labor Party's support for this measure, and for the proposed amendment, as one measure that will expedite trials.

MR PRINCE (Albany - Minister for Police) [12.11 pm]: I am delighted to hear the expression of support from the member for Fremantle, and I make no comment on the remainder of his 59-minute speech.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clauses 1 to 9 put and passed.

Clause 10: Section 73A replaced -

Mr PRINCE: I move -

> Page 9, after line 18 - To insert the following -
>
> (7) This section does not apply to or in respect of a copy of a document if the copy is admissible under another written law.

It is not intended that any amendments in this Bill to the admissibility of reproductions of documents and so on will override any specific Act that deals with a particular document that is encompassed by that Act. In other words, this is a general applicability and will not override a particular where that exists. This amendment makes that explicit.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 43 put and passed.

Title put and passed.

CRIMES AT SEA BILL 1999

Second Reading

Resumed from 23 March.

MR McGINTY (Fremantle) [12.17 pm]: The Opposition is happy to support this Bill, although I profess no personal knowledge of these matters beyond the territorial limit.

Mr Cowan: If you do not know, no-one will know, apart from my ministerial colleague the Minister for Primary Industry, who has some knowledge, so we are relying heavily on you.

Mr Brown: About the crimes, you mean?

Mr Cowan: No, the sea.

Mr McGINTY: The purpose of this Bill is to give effect to a cooperative scheme to simplify the application of the criminal law in waters surrounding Australia. It involves the repeal of the Crimes (Offences at Sea) Act 1979 and the amendment of the Off-shore (Application of Laws) Act 1982. The current scheme presents difficulties with regard to the imposition of state criminal law on conduct by reference to the destination of a vessel and the State in which a vessel is registered. The purpose of this Bill is to give effect to the cooperative scheme in Western Australia. Under the scheme that has been agreed to, the Commonwealth and the States will enact Acts containing an identical schedule that constitutes the scheme for the extraterritorial application of state criminal laws in the sea surrounding Australia. The criminal law of the State is to apply to a distance of 12 nautical miles from the baseline of the State; and beyond 12 nautical miles, the criminal law of the State is to apply with the force of a commonwealth law. The Bill also details amendments about areas such as investigative procedures, crimes committed on foreign ships and relevant proceedings. In general terms, the State will have primary responsibility for investigating and prosecuting crimes committed in its adjacent waters out to the 200 nautical mile limit. The scheme will be operative once the legislation is enacted in all jurisdictions.

The Bill is subject to a report from the Standing Committee on Constitutional Affairs, which recommends its passage without amendment. The Opposition supports the legislation.

MR PRINCE (Albany - Minister for Police) [12.19 pm]: I thank the Opposition for its support.

Question put and passed.

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

NURSING ENTERPRISE AGREEMENT, BACK PAYMENT

Statement by Member for Bassendean

MR BROWN (Bassendean) [12.20 pm]: I rise on behalf of a constituent of mine who was formerly employed by the State Government. I raise this matter because of the extraordinary mean-mindedness of the Government towards its former employees. My constituent was a nurse employed in Kalgoorlie by the childcare division of the nursing services at the Kalgoorlie Regional Hospital. She worked there until February of last year. She then left that service amicably. Prior to leaving, an enterprise agreement was being negotiated, but it had not been concluded by the time she left the service. The agreement was concluded some three or four months after she left the service, but because it had taken some 12 months for negotiations to take place, it was made retrospective to 1 January 1999, some two months before my constituent left.

The Health Department refuses to pay any back payment to my constituent and relies on the technical legal ground that because my constituent was not an employee at the time the agreement was ratified, she is not legally entitled to it. This is despicable and shows the Government's mean-mindedness towards its former employees.

ANIMAL PROTECTION SOCIETY, KITTEN SHEDS

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.22 pm]: I was recently invited to officially open the kitten sheds at the Animal Protection Society of WA in Southern River as part of its annual open day. The refuge, which is run by the members of the society who are all volunteers, does a wonderful job of looking after the unwanted cats and dogs. They find new homes for the animals and ensure that they are properly vaccinated and looked after. They have their own veterinary surgeon, whose husband is the honorary treasurer of the society. The open day was a huge success, and special thanks must go to the organiser of the event, Mrs Claire Mills, and her husband, Michael, who cooked an endless supply of hot dogs and onions to raise money for the society.

An enormous amount of work goes into keeping the animal refuge running smoothly, and the society and its volunteer members are to be commended for their dedication. The changes they have made to the refuge over the past year are enormous and have greatly enhanced the facilities. Their next venture is to build new kennels for the dogs, and I have no doubt they will put all their efforts into ensuring they are of the highest standard, to match the rest of the facilities.

During the course of the open day I was also pleased to learn that several animals had found homes. If anyone wishes to find a good companion, I have no compunction or hesitation in recommending that they go to the refuge in Southern River.

DOCTORS, KWINANA ELECTORATE

Statement by Member for Peel

MR MARLBOROUGH (Peel) [12.23 pm]: I raise the situation of the low ratio of doctors to patients that presently exists in my electorate at Kwinana. In yesterday's budget papers, the Federal Treasurer cited figures that showed one doctor to 1 000 patients in the city and one doctor to 1 500 patients in rural areas. In Kwinana we presently have one doctor to 3 000 patients. That compares, for example, with the eastern goldfields' current figures of one doctor to 1 377 patients. As a result of this, as the local member I was responsible, along with local doctors and the local council, for submitting an application under section 19AA of the Health Insurance Act to Dr Michael Wooldridge on 10 February this year. That Act allows the federal minister to make a decision on provider numbers, which would allow for more doctors in Kwinana within a period of 10 days. It is now approximately three months after that event, and we are still waiting for a reply from Dr Michael Wooldridge. In the meantime, the stress on existing doctors and the waiting time for patients to see their general practitioners have gone beyond that which is acceptable to the community. This matter requires urgent attention. We need doctors in the Town of Kwinana now - not in some weeks, but now. I ask the federal minister and the state Minister for Health to assist in bringing this matter to a head so that a decision can be made as quickly as possible

SWIMMING POOL, GERALDTON

Statement by Member for Geraldton

MR BLOFFWITCH (Geraldton) [12.25 pm]: I congratulate the State Government for providing the bulk of the funds to build a heated swimming pool in Geraldton. The cost of the pool complex was $6.5m. It provides a hydrotherapy pool and a kids' fun slide pool. More importantly, it provides a pool for our water polo players to enable them to play in the state competition. In the past, they have been prevented from playing in the state competition because they did not have a heated swimming pool. The extra $750 000 provided by the Ministry of Sport and Recreation enabled that pool to be constructed. I am pleased about that, and I know the water polo players are thrilled to bits. When it is borne in mind that two or three people from Geraldton have been members of Australian water polo teams, one realises the importance of this complex.

Also of interest is the hydrotherapy pool. There is a stainless steel wheelchair so that people can wheel themselves down the ramp into the hydrotherapy pool. They can then float in the pool, do their exercises and enjoy the surrounds of the swimming pool. The number of people using the pool complex has increased steadily since it opened, and it is a popular venue in Geraldton. Once again I thank the Government.

ENVIRONMENT CENTRE, ROCKINGHAM

Statement by Member for Rockingham

MR McGOWAN (Rockingham) [12.26 pm]: I rise to mention the Rockingham regional environment centre in my electorate, which has recently been opened. The environment centre was constructed with the assistance of a management committee, and, particularly, the Rockingham-Mandurah branch of the Western Australian Naturalists' Club. The environment centre was constructed largely through the efforts of volunteers. In particular, I single out Bob and Ann Goodale, who are the directors of the centre. It is designed to provide tourism and educational opportunities in relation to the environment of the Rockingham area.

I believe this environment centre will be the best in Western Australia. It combines all the assets of the Shoalwater Islands Marine Park, Lake Richmond and Point Peron, and it integrates them into a single concept which, first, will provide tourism jobs and tourism income in the Rockingham area, and, second, will bring in people from schools and provide educational opportunities for people who want to go to Rockingham for an environmental experience. It has been a long haul for the people involved. They have done a magnificent job. The formal opening will take place in the near future. I thank and congratulate all those people who have done all the hard work in their own time on behalf of the Rockingham community.

TIDY WA IN MAY

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.28 pm]: I use this brief opportunity to remind members of an important initiative of the Keep Australia Beautiful Council scheduled for Sunday, 21 May this year, known as Tidy WA in May. The 1999 Tidy WA in May was a great success, with over 40 000 volunteers from local communities throughout Western Australia collecting over 400 tonnes of litter from 500 sites in our State. The object of the annual event is to keep Western Australia a litter-free, beautiful and environmentally friendly State, while at the same time encouraging local communities to bind together and to promote the local attributes of their suburbs and towns.

I encourage members of this House to fully cooperate with their local communities in this endeavour, to nominate needy local sites and to act as area or site coordinators. I cannot think of a more proactive way in which members of Parliament can play an active role in enhancing the amenity of their towns and suburbs while at the same time displaying leadership and also getting some damn good exercise. Local governments, tidy towns committees, community organisations, environmental care groups, local businesses and schools will all be working to make this a great day. Please team up with one of these groups to work in a needy area.

BUDGET SPEECH

Media Photograph - Statement by Speaker

THE SPEAKER (Mr Strickland): I take the opportunity to advise the House that today at two o'clock when we have our budget speech, I have given approval for the print media to take a still photograph of the Premier as he gives his speech. Therefore, a couple of photographers will be operating through the door.

[Questions without notice taken.]

Sitting suspended from 1.08 to 2.00 pm

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 1) 2000

Introduction and First Reading

Bill introduced, on motion by Mr Court (Treasurer), and read a first time.

Second Reading

MR COURT (Nedlands - Treasurer) [2.00 pm]: I move -

That the Bill be now read a second time.

In bringing down Western Australia's first budget of the twenty-first century it can best be summarised in two words - stability and growth.

It is a responsible plan, not for the next six months, but for the next four years.

It is a plan that ensures increased service delivery in key social areas with an ongoing priority to education, health, disability services and law and order. At the same time we provide the climate and unrivalled infrastructure development for continuing strong economic growth.

There are no increases in State taxes in this budget.

Using the Australian Bureau of Statistics uniform national measures, there is an operating surplus for the general government sector of $42m and for the total public sector of $304m.

There is $8.3b funded by way of appropriations. The total public sector capital works expenditure will be a record $3.3b.

The Government's net worth, that is the balance sheet position, will grow to $32.8b compared to $15.5b for the 1993-94 year.

This budget includes the effect of the GST and related changes to Commonwealth/State relations.

The stability and diversity of the Western Australian economy has enabled us to trade strongly through the Asian downturn and with the lift in commodity prices we are now well placed to capitalise on export growth.

As we are a relatively young economy it is critical we keep investing in infrastructure to further stimulate our strong economic growth, forecast to again be 4 per cent in the budget year.

Although it is anticipated that two major assets, AlintaGas and Westrail Freight, will be sold this year, they have not been incorporated in the budget figures. This continues our policy of not including major asset sale proceeds until they are concluded.

It is our intention to use all of the Westrail Freight proceeds and a significant proportion of AlintaGas proceeds to further retire debt.

Debt, as a percentage of GSP, has fallen from 20 per cent in 1991-92 to 8.4 per cent this year.

When we took office in 1993, Labor’s crippling debt level was at a massive $20 000 per family or, put in another way, debt of $5 046 for every man, woman and child in Western Australia.

At the end of next month, that debt level is estimated to be down to $2 861 per person. That means, Mr Speaker, that nearly $2 185 of net debt for every man, woman and child has been wiped from the State's books.

The State's economy will be 45 per cent larger in this budget year than it was when we took office.

In framing the 2000-01 budget there were ten fundamental principles:

1. strong economic growth;
2. strong employment growth;
3. the delivery of quality health, education and other social services;
4. a Safer WA;
5. the Government operating in surplus;
6. infrastructure development for future growth;

7. an Online Strategy to keep Western Australia at the forefront of the technology revolution;

8. early intervention strategies to tackle community issues;

9. protection of the natural environment; and

10. strong regional development.

THE ECONOMY

The major economic aggregates that this budget is framed around are:

- Gross State Product growth of 4 per cent;
- employment growth of 2.5 per cent;
- an unemployment rate of 6.5 per cent;
- wages growth of 3.5 per cent; and
- an underlying CPI of 3 per cent.

STRONG ECONOMIC GROWTH

The Western Australian economy bounced back after the Asian downturn and this year will again see economic growth at 4 per cent.

Some forecasters are more optimistic with Access Economics predicting 5.8 per cent, following 7 per cent in 1999-2000. To assist economic growth:

- there will be no increases in State taxes. We are the second lowest taxing State;
- there will be no State increases in electricity and gas tariffs. All GST-related savings will be passed on, resulting in a GST effect of 9.3 per cent;
- we will continue significant investment in major economic and social infrastructure to stimulate healthy growth;
- we will continue to support competition policy to keep government operations efficient. With many traditional government monopolies now facing competition for the first time it is critical we plan ahead for the effect of these changes; and
- we will maintain the underlying efficiency and diversity of our very competitive export industries that has helped us weather tough times and to capitalise on growing global markets.

STRONG EMPLOYMENT GROWTH

Since 1993, 186 700 jobs have been created and given the State the reputation as the one with the most consistently stable employment rates.

Employment growth this year is forecast at 2.5 per cent and the unemployment rate at 6.5 per cent.

And of great importance, Mr Speaker, we have the best youth employment statistics in the country.

In the March quarter, youth unemployment was 20.1 per cent compared to the national figure of 23.2 per cent.

Wages growth is forecast at 3.5 per cent, one half of a percentage point higher than the expected CPI forecast, excluding the inflationary impact of the goods and services tax.

Western Australia has the second strongest population growth. It is forecast to grow at 1.5 per cent compared to 1 per cent nationally.

To assist job opportunities, the Government is investing $243m in employment and training programs.

There will be approximately 13 000 new apprentice and traineeships and more than 30 000 job seekers will benefit through the State Employment Assistance Strategy.

Capital works valued at $34.8m will include new and improved vocational education and training facilities at Moora, Geraldton, Katanning, Broome, Fremantle, Henderson and Mandurah.

OPERATING IN SURPLUS

With strong population growth and healthy economic expansion ahead, the demand for government services is increasing at a phenomenal rate.

This budget accommodates incremental spending on essential service requirements. It does not include any new revenue raising initiatives, yet delivers a general government sector surplus of $42m and a total public sector surplus of $304m.

Capital expenditure has been held at a high level for the second year in succession so we are well positioned for high economic growth in the future. At $3.26b, the 2000-01 capital works program is $68m higher than the expected 1999-2000 out-turn.

Interest payments on the State debt will account for around 5.6 per cent of total public sector revenue next year, compared with 12.1 per cent when we took office in 1993-94.

The overall result is a very strong balance sheet with net assets growing from $15.5b in 1993-94 to $32.8b in 2000-01.

Health

The Coalition Government has spent more per capita on health than any other Australian State.

The allocation of $1.9b this year is approximately a quarter of the entire budget and $86m more than last year.

In 2000-01, the Coalition Government will allocate recurrent funding of $584m more than the last Labor Health budget. It's an increase of 48 per cent.

We are taking treatment to the patient rather than the patient having to travel long distances to centralised facilities.

That's why, under this government, three new hospitals have been built with a fourth under construction. Our health infrastructure will be further enhanced in 2000-01 with expenditure of $94m for capital works.

In this budget, $25m has been provided to complete that fourth new hospital, the 190 bed Armadale-Kelmscott Memorial Hospital. This will become operational next year at a total cost of $48m and joins Joondalup, Peel and Bunbury as the most modern hospitals in Australia.

Major regional health projects with ongoing funding in this budget are $1.6m for Kalgoorlie, the $3.1m Narrogin Regional Hospital and the $1.4m Nannup Hospital. We have allocated $12m for multi-purpose health services at Goomalling, Jurien, Lancelin, Katanning and Pemberton.

A major success story is the Central Wait List Bureau which has reduced its elective surgery lists to their lowest levels in nearly five years, and by 3 260 in the last year.

In this budget, we will:

- provide $7.6m to expand the Oral Health Program so that publicly-subsidised dentistry will be available to those holding health care cards. Visiting dental services will also be expanded for people in aged care facilities with rural and remote areas to also benefit from the program. The Government has allocated $19m to join with the University of Western Australia in constructing a purpose-built Oral Health Centre, adjacent to the QE II site, with $10m provided in this budget;
- we will spend $10m on major imaging and diagnostic equipment;
- expand the State-wide Renal Dialysis Program, which currently operates in Bunbury, Armadale, Albany, Joondalup, Peel, Geraldton and Kalgoorlie, to Midland, Melville, Port Hedland and Broome; and
- provide $2m to support the Western Australian Institute of Medical Research, which specialises in research into adult diseases.

Education

Mr Speaker, we are proud of our record in overhauling the education system and providing first class tuition, facilities and equipment. This will continue in the coming year and beyond.

The $1.47b allocation for 2000-01 is $54m more than the estimated out-turn this year. Recurrent expenditure increases by 5.8 per cent. A separate total of $157.5m will go to non-government schools.

Early childhood education and technology are priority areas.

From 1995 to 2002, this government has and will allocate $251m for new and refurbished facilities for early childhood education and for almost 800 additional teachers and assistants. In this budget, another $39.8m goes into this vital area.

More than 17 000 four year olds are attending kindergarten and almost 21 000 five year olds are attending pre-primary classes.

In 2001, the kindergarten program expands from two to four half-day sessions a week.

To assist teachers to implement a new modern curriculum, $2.5m has been provided for their professional development.

Capital works expenditure in 2000-01 will be $131m. Of this:

- $17.7m will be used to complete five new primary schools in Bunbury, East Eaton, Florida, North Quinns and Swanbourne and the replacement of the Kimberley School of the Air;
- almost $31m goes to complete a substantial enhancement and re-organisation of secondary schooling in the Perth metropolitan and Peel areas. The key elements include:
  - $10.1m to Shenton College, $8.9m to the Sevenoaks Senior College and Middle School Campus at Cannington, $4.8m for the Halls Head Community College and $4.3m to Ballajura Community College; and
  - Mandurah Senior College, co-located with the South Metropolitan College of TAFE, will receive $7m.

  All of these state-of-the-art new schools will open in 2001.

Country and regional high schools are well catered for with additions and improvements in the Eastern Goldfields, Albany, North Albany, Tom Price, Kununurra, Cunderdin and Denmark.

The First Aboriginal School

A highlight of this year's allocation is funding for Perth's first Aboriginal government school - the Community College for Aboriginal Education in Midland. The school will open next year for students from kindergarten to Year 3.

SAFER WA

Mr Speaker, Safer WA is one of the best examples of cross agency and community co-operation.

Its beneficial effect in crime prevention was reflected in the December quarter. There was a marked decrease in car theft, home burglary, robberies against people and a 5.5 per cent decrease in all recorded crime.

We anticipate these statistics will improve further, particularly with the return of another 96 police officers to front line duties.

The graduation of new statutory officers responsible for custody and transport during court hearings will free up these officers for operational duties.

Altogether, a total of $853.7m will be spent on law, order and justice in 2000-01.

Police

$440.4m is allocated to the Police Service.

The IT component will see $14.3m being made available for the next phase of the Delta Communications and Technology Plan.

In addition, $33m has been provided for the new state of the art Police Academy at Joondalup. A further $2.2m in 2001-02 will complete the complex.

$10.5m has been provided for initial construction of the new $42m operational support facility at the old Midland railway workshops.

In the regions, major capital works include the development of the Bunbury District Police Complex at a total cost of $9m.

Justice

Recurrent funding for the Ministry of Justice has been increased to $359m. This is 10.6 per cent higher than the estimated out-turn for this year.

In this budget:

- $21.4m will be allocated to complete the Acacia Prison at Wooroloo in 2000-01. This will be the State's first privately operated prison with an additional 750 medium-security beds;
- a $14.8m upgrade of the Bandyup Prison will continue;
- $8.8m over four years will enable the expansion of mobile work camps;
- there is $14.6m for criminal injury compensation payments and $1.7m for increased costs to successful defendants;
- funding of $2.2m over the next four years will result in a 15 per cent increase in criminal sitting times in the District Court; and
- the establishment of an independent office of a statutory Inspector of Custodial Services who will report to Parliament on any custodial related matter that is in the public interest.

There will be more funding for the young Aboriginal mentor program and the Aboriginal Cyclic Offending Project which address the causes of crime.

Disability Services

Disability Services, which has received funding of $166.5m in this budget, has a range of programs to assist those who will be left behind unless care is provided.

An additional $34.5m will be spent over the next five years for the Making A Difference program. Another 6 700 people with disabilities and their carers will be assisted.

INVESTING IN THE FUTURE

A Commitment to Infrastructure

In a vibrant economy like Western Australia, superior infrastructure such as roads, transport, energy and water services are essential.

Resource projects approved or under consideration in this State over the next four years will require the construction of infrastructure to the value of $1.2b.

When we came to government seven years ago, we knew that we could not maximise our mineral wealth, boost our farm production or develop new tourism destinations unless we had better roads.

Our $2.4b program has now provided us with the finest road network in Australia.

And, Mr Speaker, we have an ongoing commitment. In 2000-01 we are spending nearly $700m to keep the roads program at full speed ahead.

In the city, we are already benefiting from the Graham Farmer Freeway and, early next year, the Narrows Bridge duplication will be opened. This new $48m bridge will relieve traffic congestion to the southern suburbs, improve safety and reduce pollution.

In this budget, $61.3m will facilitate substantial progress on the $159m extension of the Kwinana Freeway to Safety Bay and the link into Mandurah Road. This work will include fly-overs to replace five existing controlled intersections on the freeway.

When it is completed, motorists will have a non-stop run from Perth to Mandurah.

Work will begin on the Lake Clifton section of the Perth to Bunbury Highway and the Busselton bypass road will be nearing completion after an injection of $7m .

In the regions there is the $85m construction of the Mt Magnet-Sandstone-Agnew Road, the $19m Outback Highway from Laverton to Docker River and substantial upgrades to major arterial routes in the rural areas, such as the Albany and South Western Highways.

Western Power will spend $276m on its capital program in 2000-01, including more than $150m for expansion and improvements to the State's transmission system and services outside the South West grid.

Westrail's capital expenditure of $184m includes $87m dedicated to track improvements and $36.8m for locomotives and rolling stock.

Our public transport infrastructure is being boosted this year by the acquisition of 123 new buses at a cost of $35m. Over ten years we will buy 800 new buses.

In this budget, $203m has been provided to support metropolitan rail and bus services.

The south west metropolitan railway to Rockingham and Mandurah and expansion of the suburban rail system north is a government priority. $9.3m has been allocated in this budget for planning and preliminary works.

We are currently assessing a range of funding options so that we can fastrack this project and build it with an uninterrupted schedule.

The Water Corporation’s capital program in 2000-01 amounts to $473m.

When the new $275m Stirling-Harvey Water Scheme is commissioned next year and the Neerabup and Lexia groundwater project are in full production, they will increase our water supplies by 25 per cent.

The story on housing is quite remarkable. In seven years we have boosted the State's housing assets by almost $4b.

New Living is one of the biggest urban renewal programs in Australian history and has converted old, run-down areas into rejuvenated award winning housing precincts.

The Government's annual loan programs, managed through Keystart, have more than doubled since 1993. Demand is expected to increase rapidly when the new $7 000 First Home Owners' Scheme becomes available on 1 July. It is expected that there will be 16 000 grants in the first year.

ONLINE STRATEGY

Mr Speaker, there are certain times in history when there are new and far reaching developments which influence the human race.

The agrarian and industrial revolutions were two such milestones.

When man walked on the moon it heralded the beginning of a new scientific and technological age.

We are now in the middle of a revolution in information technology.

The Internet, Online, the Web are everyday terms.

It is sometimes known as surfin in the schools or the computer curriculum, techno tots or electronic chalk and talk.

In medicine, it is downloading the doctor or dial-up diagnosis.

Within five years we want all Western Australians to be able to participate in this revolution if they so desire, regardless of their financial position or geographic location.

Throughout this budget, across every portfolio, there is a common thread - implementing information technology for agencies, businesses and homes to go online.

The Office of Information and Communications will soon launch the Single Doorway site. This is a one-stop seamless service so that everyone, no matter where they are in the State, can access the Government, even to pay their bills.

The Ministry of Housing is already in joint ventures developing what we call smart towns.

The Ellenbrook development is a pilot scheme with intranet facilities. Each household can receive an electronic service including a community notebook for schools to send messages to parents.

Clarkson and Butler in the metropolitan area, and Seacrest in south Geraldton, will have the same facilities.

The additional $100m program for school computers continues to be implemented with a further $25m provided in this budget.

Another initiative is the allocation of an additional $1.5m over four years to equip 250 teachers in rural areas with laptop computers and for a two year training program.

The computer revolution is such a remarkable event that Western Australia now has programs where our computer literate children are teaching their parents.

DotU, our user friendly youth website, recently reached a milestone of more than one million hits in the past 12 months.

In the rural and remote regions we are spending more than $6m over four years to build new Telecentres and to enhance existing ones. People of all ages can access the new technology at the 76 Telecentres from Kununurra to Hopetoun to Onslow. In the next 12 months the network will be expanded to 90 centres.

I have already mentioned the $14.3m earmarked for Release 2 of the Delta program. In addition this budget provides for:

- the extension of the State-wide Telecommunications Enhancement Program to enable schools to have better access to online and other services;
- satellite services will be extended to regional areas with 35 new installations;
- Commerce and Trade is developing new online services such as videoconferencing of TeleHealth, TeleJustice and TeleLearning. The department will assist regional community groups to develop and manage Web sites;
- the new Tourism Network will open up our destinations to the world. This marketing platform means potential travellers can tap into any of our locations whether it be Northcliffe in the south or Broome in the north;
- Agriculture WA is developing a customer focused online system for the worldwide promotion of our primary products;
- digital technology in the resources industry including a one to half a million scale geological map of Western Australia in digital format and the use of electronic mapping and title information on mining tenements;
- there will be new online land titling services and other land administration initiatives include access to satellite imagery for all areas of the State and high resolution aerial photographs of the metropolitan area;
- there will be a new automated system in the Library Service, including world-wide Web access;
- in the courts, we will spend $4m to continue a sophisticated case management system called "Genysis";
- in the Wheatbelt we are giving people a hands on opportunity to learn cutting edge technology with the mobile facility called "Experience IT"; and
- ethnic communities will benefit through an online service set up with the help of the Office of Citizenship and Multicultural Interests.

As you can see, Mr Speaker, this will not be a State of "technological haves and have nots".

EARLY INTERVENTION

Strategies to Tackle Community Issues

Mr Speaker, drugs, family violence, youth suicide, alcoholism, crimes of violence and a range of other problems have been at danger levels across the western world.

Many of these difficulties begin with family breakdown when young lives are plunged into chaos.

By the time many children reach adolescence they are already in crisis.

To tackle these issues long term we need effective preventative strategies and cross agency co-operation within government.

This budget encourages agencies to discard historic inward thinking, to break down barriers and work together.

These issues are too serious for any departmental inflexibility.

In this budget, Mr Speaker, we are intensifying our intervention strategies to record levels.

A major new program is Building Blocks which focuses on child development in the first two years of life.

Every mother in the State with a newborn baby will be offered an initial home visit and families requiring additional visits and support will receive it.

A child's early years are critical in the formation of intelligence, personality and social behaviour.

The effects of early neglect can be cumulative. Research shows that significant social and economic benefits can flow from investment in antenatal, early childhood development and family support programs.

The Government has allocated $9m over the next four years to make Building Blocks operational and effective.

This program will help mothers and families with new children to cope with the challenges of those formative first years of life.

Building Blocks is one of many programs.

Family and Children's Services, for example, will receive $145.3m in this budget to continue its care and family support programs.

Additional funding of $2.5m in 2000-01 and $3m in each of the forward estimates will meet the department's increased obligations to look after children placed in care and for family support. Another $3.9m will be spent next year on the construction of long day care centres.

Since this government came to office it has increased annual funding for positive parenting programs from $285 000 in the Labor years to more than $8m.

There are family conferences, the parenting and family help lines and the Best Start Program for Aboriginal children.

Across government, more than $50m has been allocated in 2000-01 to programs and initiatives to combat drug abuse and to provide support services for those affected by it.

This budget includes $5.5m over the next four years to establish a Drug Court.

This special jurisdiction will direct more offenders into treatment and result in a safer community.

The sale of solvents by retailers to children who they suspect of being engaged in sniffing will be outlawed. New laws could result in the shopkeeper being jailed or fined.

The Drug Abuse Strategy Office will continue with its series of other programs aimed at combatting this grave social problem.

Family Violence Court: One of the Government's most successful public information campaigns was the award winning Freedom From Fear campaign on domestic violence. Now we have a specialised Family Violence Court helping victims and ensuring greater accountability of offenders and effective monitoring of sanctions and treatment programs.

Seniors: Under the Safer WA program, we recently began security inspections in the homes of senior citizens in the northern suburbs. Any senior citizen can ask for advice on a range of safety measures.

The Government will continue its strong focus on positive ageing generated by last year's International Year of Older Persons.

The five-year Time on Our Side program continues next financial year and we are supporting the Global Conference on Ageing to be held in Perth in 2002.

DNA: The criminals in this State are in for trouble when we extend the use of DNA testing. DNA is potentially the most significant intervention strategy against crime since the discovery of finger printing. DNA testing has been clearing up serious crime cases overseas. Some had been unsolved for half a century.

Youth: The Government is funding numerous youth development, enhancement and training programs.

We are undertaking a comprehensive youth survey. The results will give us a unique insight into the requirements of our youth as they see it.

As an intervention strategy, the Cadet Corps has been a great success with 150 units and 7 000 cadets. Ten more units with 500 cadets will be commissioned before the end of this financial year and in this budget period we expect another 20 new units and 1 600 new cadets.

We have Youth Forums and Advisory Councils, leadership courses and co-ordinating networks. Scores of young people are being given a kick start under the Youth Grants WA Scheme with funding of $5 000 for approved activities.

Grants of up to $10 000 are offered to local councils to provide skate facilities with the young people themselves involved in all stages of the development.

Last week, the Minister for Family and Children's Services told the House that we will find shelter for homeless children. We are also keen to win a share of the $15m the Commonwealth has dedicated to assisting homeless children.

Our primary aim as part of this intervention strategy is to get the children back into the family unit.

In Youth Suicide prevention we have been supporting programs promoting life-enhancing skills and assisting young people at risk.

Pilot projects have been operating across the metropolitan area and targeted regional areas.

At Rangeview Remand Centre $3.3m is allocated to provide extra facilities including education and special programs directed at juvenile offenders.

We are spending an additional $1.8m over four years to employ more specialists to work in our Language Development Centres. Another 100 children with speech and language difficulties will benefit from this funding.

The Constable Care initiative this year is based on early intervention strategy using the ever-changing jargon of today's children to teach them street survival life skills.

Roadsmart assists young drivers.

The early intervention programs funded in this budget are not quick fix, short term remedies. They have real substance and will go a long way towards reversing disturbing social trends.

ABORIGINAL AFFAIRS

An essential part of the Aboriginal reconciliation process is to ensure the effectiveness of a wide range of programs with education, health and employment being important components.

This budget includes:

- an additional $20.5m over four years from the Ministry of Housing to provide essential services;
- funding to complete the expansion of the Aboriginal regional office network and community patrols initiative;
- $2.6m for the regional office expansion program to enable closer contact with and resolution of issues facing Aboriginal people;
- continued funding for the Aboriginal Justice Council and the Commission of Elders;
- $200 000 for urgent Aboriginal heritage site protection and $100 000 for anthropological services; and
- funding for the Aboriginal Communities Warden's Scheme has been doubled to $500 000.

In the regions there will be further incentives to involve Aboriginal people in business, specialist services, tourism and agriculture.

Funding has been made available to secure the employment of one Aboriginal officer in each Regional Development Commission.

PROTECTION OF THE NATURAL ENVIRONMENT

Agriculture Western Australia, CALM and other agencies are combining in the war against salinity, which is the greatest environmental issue this State needs to address. This year, $43.6m has been spent on this cross-agency program.

Science and the best skills available in soil technology are being harnessed in the salinity campaign.

Through the Land Monitor program, maps predicting salinity are being developed and distributed to land-owners in danger areas. Advice and management options are also provided.

Tree planting, both for plantation timber and salinity control, is vital in reversing the erosion. The planting of 41 million seedlings by CALM this winter equates to a tree being planted every second of every hour this year.

The Government is focusing to an increasing extent on the need to preserve all of our natural resources and, in particular, those supplying industry.

There is probably no better example of protecting our sustainable resources than fisheries.

Western Australia has an international reputation for its management of the State's fisheries and the Western Rock Lobster Managed Fishery was recently certified as the world's first ever sustainable fishery.

Resource management, the fight against salinity and other programs will now come under the umbrella of EcoAction, the most ambitious environmental program in the State's history.

Some $97m has been allocated over the next four years to address a number of conservation issues, including the addition of 15 new national parks and three conservation parks.

In this budget we have allocated $1.4m, increasing to $2.05m a year from 2002-03 onwards, to expand our marine parks, conserve important wetlands in the South West and maintain pastoral leases under the Gascoyne Murchison Strategy.

The preparation and development of the Perth Air Quality Management Plan will be completed in 2000-01. Additional funding of $3.5m has been allocated over the forward estimates.

Our commitment to remediate contaminated sites is demonstrated by the provision of $1.2m in 2000-01 for the initial clean up of the Gidgegannup site.

This is in addition to the $6.9m previously provided to clean up the OMEX petroleum site.

Over the next four years, $1.29m will be provided to establish the Cockburn Sound Management Council, which will co-ordinate environmental planning and management of the Sound.

The Government has committed a total of $7.4m to protect Bunbury's Back Beach from erosion and $1m of State/Commonwealth funding to continue the Coastwest/Coastcare Grants Scheme.

Over the next four years, $4.15m has been allocated for implementation of the Green Power Policy. This is a mix of initiatives. Customers can pay extra for green power supplies, there is support for private sector development of renewable energy and an energy efficient campaign.

STRONG REGIONAL DEVELOPMENT

The Government recognises that vibrant regional economies are crucial to Western Australia's continued development. Our efforts in enhancing the economic potential of the regions include -

- $4.8m this year for the development of Stage 2 of the Ord Irrigation Scheme. This is expected to bring major economic and social benefits to the East Kimberley including 550 additional new permanent jobs;
- at Bunbury, we will expand the Kemerton Industrial Park to meet the needs of industry in the South West region for the next half century. It's a program which will create jobs and other significant flow-on effects. In this budget, $2m will be allocated for the acquisition of the necessary land at Kemerton; and
- $2.8m will support the State's network of 37 Business Enterprise Centres, 27 of which are in the regions.

At the same time we are working hard at improving the amenity of the regions -

- the Mid West Commission will receive $3m to complete the $6.8m Batavia Coast Marina Redevelopment;
- the Pilbara Commission will receive $2.9m to complete the $3.9m visitors centre in the Karijini National Park;
- the Peel Commission will get $1.8m over four years to build the Rail Heritage Centre in Pinjarra;
- the Gascoyne Commission gets $1.1m over two years to give Carnarvon greater protection from flooding and there is further funding for the Carnarvon Aboriginal Heritage and Cultural Centre;
- the Goldfields Esperance Commission will receive an allocation for higher education in Kalgoorlie Boulder, including a huge range of tertiary units on-line and "live" lectures from Perth. $300 000 has been allocated for an Aboriginal cultural and civic centre at Warburton;
- $2m will enable the Government to continue its improvements to regional airports and plans for the relocation of the Broome International Airport will be finalised;
- new pens will be built at Port Denison at a cost of $1m and $600 000 has been allocated for ramp facilities at Kalbarri; and
- LandCorp will invest almost $13.8m in land development for the Mandurah Ocean Marina with associated tourist, marine, commercial and residential infrastructure.

In addition to the online projects I have already mentioned, $500 000 has been allocated in this budget for satellite phone handsets to assist people living outside the coverage of normal land-based mobile services.

Over the next four years $7m in recurrent funding will be invested in the Collocation Initiative bringing together government services in regional Western Australia. This will give country and regional people further access to quality government services and associated infrastructure.

To increase regional schoolchildren's access to educational facilities, nearly $8.5m will be spent in 2000-01 on significant improvements to the Country High School Hostels Authority's Geraldton and Narrogin residential colleges.

SUPPORTING KEY INDUSTRIES

Not only Western Australia's prosperity, but the nation's continued economic well-being, hinge on the strength of agriculture and mining. They account for a large proportion of the State's export earnings.

Agriculture

Agriculture Western Australia will be funded to the tune of $102.2m in 2000-01, an increase of $7.9m or 8.3 per cent more than in 1999-2000.

Technology and modern science will be the feature of new regional agricultural centres and offices at Bunbury, Katanning, Geraldton and Manjimup. The centres, with total funding of $13.7m, will house advanced research laboratories and decentralise the delivery of services.

This budget reflects the Government's continued support for the dairy industry.

It incudes the first payments of the proposed $27m State Dairy Assistance Package to assist the industry in adjusting to a deregulated market.

This package is in addition to federal help. It supports the processing sector, and dairy workers.

Minerals and Energy

The minerals and energy industry is a cornerstone of Western Australia's economy.

Our competitive energy price is opening many new export opportunities and is very attractive to domestic value adding projects.

The strong Asian interest in LNG for environmental purposes is particularly evident in China, Taiwan, Korea, Japan and India.

In iron ore, several projects are moving forward. Hope Downs and Nammuldi are progressing through the approvals stage, West Angelas will go into construction and Koolyanobbing is to expand.

Among the value added projects, the Syntroleum gas to liquids project and the Plenty River ammonia/urea plant on the Burrup Peninsula will move a step closer. The Syntroleum project has the potential of 1 000 new jobs and 200 permanent jobs.

A number of other proposed projects have good prospects for downstream processing including nickel, steel and petrochemical projects.

Government recognises the importance of the geological survey program in attracting exploration to Western Australia. Total funding of $14.9m will be provided in 2000-01 including $3.5m for petroleum exploration initiatives.

The $4m drillcore storage facility at Kalgoorlie will be finalised in 2000-01 with $1m being committed in this budget.

Mining companies will be waiting with some hope for greater clarity of Native Title. The Government has committed $1.6m in this financial year and $4.8m in the following years for the new State Native Title Commission.

Tourism

Tourism continues its exciting growth pattern and now employs more than 8 per cent of the State's workforce or between 72 000 and 76 000 people.

We are building on that success.

The preferred provider for the Perth Convention and Exhibition Centre will be announced in the near future. It is estimated that in its first 10 years the Centre will generate between $1.5b and $2b of economic benefit to the State including the regional areas. As part of the Convention Centre tender, the Government has made mandatory the inclusion of a multi-purpose stadium for soccer and rugby.

The centre will provide 2 000 jobs during construction and 600 when it is operational.

Only last week, we launched the five-year Partnership 21 program and the funding for the start of this program is included in this budget.

Marine Industry

Other examples of diversifying our economy are the Marine Industry Technology Park and the Jervoise Bay Infrastructure Enhancement project. In this budget $47.6m has been earmarked to progress the $159m Jervoise Bay development and $20.3m for the Technology Park at Henderson.

Our high speed lightweight ferry industry is a brilliant success and the Government supports it.

The decision by Greg Norman to choose a Western Australian company to build his new luxury expedition yacht will give us a big boost in this growing international market.

Our goal at Jervoise Bay-Henderson is also to win over those industries which service Western Australia’s burgeoning offshore oil and gas industry. Currently, this valuable business is lost to other countries.

The major Fremantle-Rockingham industrial development is about industrial expansion and diversity. This zone will ultimately create 12 000 new jobs.

In this budget, $5m has been allocated to this development with $50m over 10 years.

These funds will ensure that affected property owners of Wattleup and Hope Valley can plan their future with greater certainty.

Forest Products

The Forest Products Commission, the Conservation Commission and the Department of Conservation will be formed to provide the basis for sustainable forest management. They will assist the industry to produce higher value-added products from greatly reduced native forest logging levels.

The forest industry is currently undergoing a major transition. There is a large reduction in the karri and jarrah sawlog harvest and the conversion of the woodchip industry from native forest to plantation timbers is progressing rapidly.

These policy changes are having a significant effect on the local economy and the employment mix in the South West communities.

To assist with this transition, support is provided as follows -

- more than $5m in support over 10 years for the re-opening of the Whittakers Greenbushes Sawmill which will eventually create 113 jobs;
- $1.58m in redundancy and termination payments to timber industry staff;
- completing the $5.8m expansion of a maritime pine nursery;
- Manjimup: $1.145m in financial assistance over two years to re-establish a wholesale export fruit and vegetable facility and $400 000 to re-establish a light engineering workshop following the closure of Bunnings Engineering Works;
- special funding to identify the best locations in the South West and/or Great Southern regions for new wood processing industries; and
- $1m to create a scenic forest drive linking several major tourism attractions in the Pemberton area.

Funding is provided in this budget and the forward estimates to maintain service levels of nature conservation and visitor levels. These were previously funded, in part, from timber royalties. An additional $8.1m in 2000-01, rising to $15.3m in 2003-04, has been provided for this purpose.

OTHER INITIATIVES

Mr Speaker, when members read the full documentation tabled today they will find many more initiatives which time does not permit me to detail now.

I can exemplify the wide-ranging nature of these programs by mentioning just a few more.

- We have allocated $23.6m in 2000-01 to begin the $35m world class Maritime Museum at Fremantle. It will be completed next year.
- Funding of $1.2m has been provided to begin building a facility to accommodate the dance, production, lighting and design courses at the WA Academy of Performing Arts.
- A new RSPCA animal welfare centre will be built at Malaga with government assistance of $480 000.
- We are building a $16m motor sport complex at Kwinana.
- The Community Sporting and Recreation Facilities Fund has been a marvellous fillip to clubs and organisations all over the State. From Halls Creek to Corrigin these grants have paved the way for new facilities or to enhance existing ones. 175 projects valued at $39.3m have already been approved this year.

CONCLUSION

Mr Speaker, this budget achieves the right balance between providing quality services today at the same time as building infrastructure for future growth.

It simultaneously positions the State to take advantage of economic upswings and insulates it against more difficult times.

It will continue to provide benefits for all Western Australians.

I would now like to go to the formal purposes of the two Appropriation Bills which seek the sums required for services in the coming financial year. Appropriation Bill No 1 is for recurrent services and Appropriation Bill No 2 is for capital services.

The recurrent expenditure estimates of $7 557 245 000 include a sum of $885 945 000 permanently appropriated under Special Acts, leaving an amount of $6 671 300 000 which is to be appropriated in the manner shown in the Schedule to Appropriation Bill No 1.

The capital expenditure estimates and financing transactions of $700 442 000 comprise a sum of $131 125 000 permanently appropriated under Special Acts and an amount of $569 317 000 which is to be appropriated in the manner shown in the Schedule to Appropriation Bill No 2.

Mr Speaker, before commending the Bill to the House, I would like to thank the team at Treasury, the minister who assisted me in the preparation of this Budget; the Under Treasurer, John Langoulant; the Acting Assistant Under Treasurer, Andrew Chuk; the Director of Fiscal Policy, David Imber; the Director of Resource Management, Ray Ilich; the Acting Director of Capital and Ownership, Anthony Kannis; and all the team at Treasury. Preparing a budget is a 12-month exercise. We are fortunate in this State to have an incredibly professional team in our Treasury and I say a special "thank you" to them.

Mr Speaker, I commend the Bill to the House and seek leave to table:

- *Budget Speech* - Budget Paper No 1
- *Budget Statements Vols 1-3* - Budget Paper No 2
- *Economic and Fiscal Overview* - Budget Paper No 3.

[See papers Nos 886-890.]

Debate adjourned, on motion by Mr Kobelke.

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 2) 2000

Introduction and First Reading

Bill introduced, on motion by Mr Court (Treasurer), and read a first time.

Second Reading

MR COURT (Nedlands - Treasurer) [2.52 pm]: I move -

That the Bill be now read a second time.

The budget speech dealing with the consolidated fund estimates outlined details of both recurrent and capital outlays. I do not intend, therefore, to say more at this stage.

The Bill seeks supply and appropriation from the consolidated fund for the capital services and purposes during the 2000-01 financial year as expressed in the schedule to the Bill and as detailed in the agency information in support of the estimates in the 2000-01 *Budget Statements*.

Included in the capital expenditure and financing transactions estimates of $700.442m is an amount of $131.125m authorised by other statutes, leaving an amount of $569.317m, which is to be appropriated in the manner shown in the schedule to Appropriation (Consolidated Fund) Bill (No. 2). I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

TREASURER'S ADVANCE AUTHORISATION BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Court (Treasurer) and read a first time.

Second Reading

MR COURT (Nedlands - Treasurer) [2.54 pm]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorisation Bill authorises the Treasurer to make certain payments and advances for authorised purposes chargeable to the consolidated fund or the Treasurer's advance account within the monetary limit available for the financial year commencing 1 July 2000.

The monetary limit specified within clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to $300m for the financing of payments and advances in the 2000-01 financial year. The purpose for which payments and advances may be made from the Treasurer's advance are set out in clause 5 of the Bill and remain unchanged from those authorised in previous years. Where payments are made in respect of a new item or for supplementation of an existing item of expenditure in the consolidated fund, those payments will be charged against the fund and submitted for parliamentary appropriation in the next financial year.

Members would be aware that a number of activities, such as works and services, are initially financed by way of a Treasurer's advance, which is subsequently recouped from the department or statutory authority on whose behalf the service was performed.

The Bill does not seek any increases for this or the following financial year. It simply establishes the existing limit in 2000-01. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION - RESIGNATION OF MEMBER

Suspension of Standing Orders

On motion by Mr Barnett (Leader of the House), resolved with an absolute majority -

That so much of Standing Orders be suspended as is necessary to enable a motion to replace the member for Wanneroo on the Joint Standing Committee on Delegated Legislation to be considered forthwith.

Appointment of Member

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

That the member for Carine be appointed as a member of the Joint Standing Committee on Delegated Legislation to fill the vacancy caused by the resignation of the member for Wanneroo; and that the Council be acquainted accordingly.

RAIL FREIGHT SYSTEM BILL 1999

Returned

Bill returned from the Council with amendments.

ACTS AMENDMENT (FINES ENFORCEMENT) BILL 1999

Second Reading

Resumed from 10 May.

MR RIEBELING (Burrup) [3.00 pm]: This legislation attempts to address a problem which has existed since the inception of the fines enforcement procedure. From day one there have been problems with the system and this is an attempt to fix them. One of the major problems that still exists is that when drivers licences are suspended under the fines enforcement procedure, there is no notification. It is interesting to note that when dealing with work and development orders it is imperative under this legislation to ensure people are present before an order is made for a penalty, instead of the imposition of a fine. For the life of me I cannot understand why that is the case. Most of the time the courts insist upon the appearance of the defendant when there is a likelihood of imprisonment, suspension of a drivers licence or some penalty which the person needs to know about because the breach of that penalty in itself could create an additional problem. This Bill provides that people should be in the court so they can be examined on oath.

The member for Fremantle mentioned this point in earlier debate and said it was desirable that the courts use the best method of obtaining information. The Minister for Police indicated by interjection that the best evidence was that given on oath. I was trying previously to explain to the House that in regional and remote areas particularly, the majority of people who will be caught up in this legislation are Aboriginal people in towns such as Roebourne and Tom Price. I have had extensive dealings with Aboriginal people and the court system, because I lived in Wyndham and I was the registrar of the courts in Wyndham and Karratha. I also worked in Geraldton and Narrogin. As a result of my involvement, I know that when Aboriginal people appear in court their main objective is to get out of court as quickly as possible and to forget the experience even more quickly.

The minister indicated in connection with proposed new section 57A(5), that an examination in relation to the imposition of a fine by means of a work and development order will occur at the instigation of the defendant. The likelihood of the vast majority of people at whom this legislation is directed actually knowing about the legislation and wishing to avail themselves of the opportunity to be examined at length, to satisfy the provisions of proposed section 57A(5)(b)(i)-(v), is very remote. That would apply even if a solicitor assisting the court or a legal aid field officer explained the benefits of sitting down, being sworn in, and going through the five points.

It is worth considering the five conditions. First, the defendant must not have the means to pay the fine, either within 28 days or pursuant to a time to pay order. The Supreme Court decisions in Western Australia indicate that a court should not impose a fine when the defendant does not have the means to pay. That is now being dealt with. It is not a new provision but is a restatement of the obvious; a fine should not be imposed if a person does not have the means to pay. The second condition is that the person is not the holder of a vehicle licence. I assume that refers to the vehicle itself. The vast majority of vehicles owned by Aboriginal people, especially in the Roebourne area, are not licensed. That is probably because of the provisions in the fines enforcement procedure, so the police will be able to prove that. The third condition is that the person must not have any personal property that could be seized under a warrant of execution. That is the case for many Aboriginal people in remote areas. The fourth condition is that the person will be unlikely to have the means to pay or the property to seize in a reasonable time. If the court is of the view that a person is in receipt of social security benefits, that would be difficult to prove. All these riveting matters that the court must determine are not of any great moment. The courts can be informed of those details if the representing solicitor is well-briefed and tells the court the position of the defendant, as happens in 99 per cent of cases.

Mr Prince: A lot of the time they are not represented.

Mr RIEBELING: There are field officers.

Mr Prince: What about in a place such as Wiluna?

Mr RIEBELING: In Roebourne, Wyndham and those sorts of places, when the vast majority of people were before the court someone was providing assistance. There could not be anywhere much more remote than Wyndham in 1980 when I lived there.

Mr Prince: That is 20 years ago.

Mr RIEBELING: That is right, but even in those days rarely did we allow defendants to appear without some sort of representation. That representation almost always deals with the ability to pay a fine, and the reasons one should be imposed or should not be imposed. I agree that the new section should be included, but I stress that the Government has made a mistake in stating that the information must be provided on oath. This information is almost always provided in

a plea of mitigation, and the lawyer who has extracted the information and presented it is believed by the court. That is as it should be. The whole basis of the legal system is that the court believes the statements of the counsel who are engaged to represent people's interests.

The Bill contains a provision under which the registrar of the enforcement agency has a right to remove the suspension where a person is already on suspension as a result of the fines enforcement procedure. What it does not indicate to me, and I hope the minister may be able to explain, is that if there is an existing suspension of a drivers licence and a person's capacity to hold one, and if a work and development order is imposed instead of a fine, will that have any impact on existing orders that are going through the fines enforcement procedure? The Bill makes an attempt to allow people to get on with earning incomes where a suspension stops them from doing that under section 57B. That is what used to be called an extraordinary drivers licence. It is a very good idea. Until now there has been no ability under the existing legislation to remove a suspension on the grounds that the suspension is the obstacle by which a person cannot pay the fine. That is quite apparent. A truck driver who does not pay his fine, whose only income is driving a truck and for whom the enforcement procedure takes away his ability to earn income, is likely to be in a catch 22 situation for a long time; he cannot drive because he has not paid the fine, and he cannot pay the fine because he cannot drive. This legislation is designed to allow a little more flexibility. That is one of the reasons that this legislation in part will be successful. There is a severe weakness in the legislation in the area of examining people under section 57B, Aboriginal people especially. The same result could be achieved without the need for the swearing-in of a person. The method of obtaining information that we have relied on for the past 100 years, of records and what the solicitor says, has served us well.

MR BROWN (Bassendean) [3.13 pm]: I will make some observations on this Bill because of some comments made when this legislation was introduced in 1994-95. I want to go over a few comments which were then made and deal with what has occurred since. Not this minister but the former minister engaged in some misinformation when this legislation was previously before the House. I am sorry that the former minister is not here to hear this. It may be that he is hearing it on a loud speaker and will run back to the Chamber to defend the indefensible, but I am not holding my breath. The former minister assisting the Minister for Justice issued a media statement on 21 July 1995 in which he said -

> "It seems the Opposition has not yet grasped the process involved with this legislation, which has been operating since January this year, despite the fact it has been clearly and publicly explained," Mr Minson said.
>
> "Indeed, their justice spokesman is clearly suggesting we return to the old farcical system of jailing fine defaulters, at a cost of about $200 a day to taxpayers.

It is easy to see why he is now the former minister. I was the opposition Justice spokesperson to whom he referred at the time. I repeat what he said -

> "Indeed, their justice spokesman is clearly suggesting we return to the old farcical system of jailing fine defaulters, at a cost of about $200 a day to taxpayers.

He was putting around the propaganda that I was saying on behalf of the Opposition that we should be moving back to that old system. This is not a statement where the journalist has got it wrong but is an authorised media statement written by the then minister and his advisers. I took the opportunity of asking him question on notice 3377, which was answered on 19 December 1995. The question is in three parts. The first part reads -

> Did the Minister issue a media statement on 21 July 1995 concerning the operation of the Fines, Penalties and Infringement Notices Enforcement Act 1994?

The answer was yes. The second part reads -

> If so, did the Minister claim in that media statement that the "opposition justice spokesman is clearly suggesting we return to the old system of jailing fine defaulters"?

The answer was yes. The third part reads -

> If so, did the Minister have any evidence for making that statement?

The answer reads -

> Given that the Opposition has not put forward any alternative proposals and apparently does not support the new fines enforcement system, one can only assume it supports what happened in the past.

I raise that in this debate because we can see that the former minister in promoting the Bill before the Parliament went to extraordinary lengths to quite blatantly misrepresent the Opposition's position. When the former minister was asked whether he had any evidence for the statements that he had made, it is clear from the answer he gave in the Parliament that he had no evidence and that the previous answer was made up at the time.

I put on the record that we have not had honest dealings from the Government when it comes to this legislation. The Government has attempted to portray matters which are not true and which ministers have made up from time to time. When they have been taken to task about it here in the Parliament and when they have been asked to justify the statements they have made in authorised media statements, not statements that other people have made about what they have said, they have been unable to do it. Given the Government's track record and the propaganda and misinformation that has been used by the Government in the past and its capacity to have absolutely no ethical standards at all when it comes to reporting the

truth of these matters, one must be very suspicious of other changes that come forward from time to time which are said to seek to achieve certain objectives but which may be seeking to achieve other objectives. I am pleased to at least have the opportunity in this Parliament today of correcting the record. One of the privileges of being in this place for some time is that, first, we have some recall about what occurred earlier and, secondly, if we wait patiently for long enough when people misrepresent our position, we will have an opportunity of correcting them at some time. I am pleased today to have an opportunity of correcting that which was wrong then and which is still wrong.

At that time the then minister issued a number of media statements in which he lauded this Act on the basis that not a single fine defaulter had gone to prison and suggested - I will not say claimed - that that was the way of the future. Anyone who had examined the legislation knew that it would take a long time to process breaches. Even the handouts provided to the Opposition by the Government indicated that a breach period would not occur until 112 days after the infringement notice had been issued or the fine had been imposed. According to the Government's own information it would take four months. That would occur only if every single letter and procedure worked like clockwork exactly on the stroke of the twentieth day. That was unlikely because, as we know, things occur in 28-day cycles.

Even after all of that, the 112 days was only the time of the licence suspension, which of course is the first stage in the process. Obviously it would be a year or two before we started to see the real impact of that legislation. It was clear that a new and lengthy process would occur before anyone was imprisoned. Knowing all of that, which the minister should have known - it was his Bill -

Mr Bloffwitch: What would you do if they flatly refused to pay the fine? Would you let them go?

Mr BROWN: The member for Geraldton is confused so I will go through it for him again. I indicated in my earlier comments that the Opposition's stance on this legislation has been misrepresented. I produced proof to that point. I do not think it is necessary to go through all the quotes again. I urge him to read the *Hansard*. The next point I was coming to was that the minister issued media statements relatively shortly after the legislation was proclaimed, saying it had been a great success because no-one had been imprisoned.

The point I am making is that of course nobody had been imprisoned because it takes 112 days just to reach the licence suspension point. Following that, a range of other processes must occur before someone is sent to prison. The minister was not too dumb to understand it would take many months. The final step if people did not pay their fine, with which we all agreed, was to send them to prison.

Mr Bloffwitch: When people got a fine and refused to pay, they were to go to jail for 14 days; he was trying to talk them out of that.

Mr BROWN: No. This legislation set in place some mechanisms to coerce, in the true sense of the word, payment out of people. The first way was to take away their drivers licence to cause them inconvenience. If they did not have a licence, their vehicle registration would be confiscated. That was not a penalty, but a coercive measure to extract payment. The second step was to issue a warrant of execution to remove goods to the value of the fine that were not the necessities of life.

The third step open to one stream of offenders, which I think were fine defaulters, but which was not for infringement notices, although I stand to be corrected, was work and development orders and finally prison. From my recollection, a restriction applied to the use of WDOs, although I have not had an opportunity to thoroughly check that. It was obvious that it would take a long time from the stage of the infringement notice or the fine until someone ended up in prison.

The point I am making is that it is one thing to know and understand that. It is obvious no-one will go to prison during that period. It is not that the system is working well; it is just that it takes so long to reach the point at which prison is the end result. My point is that the minister was issuing media statements claiming that the Act was a great success because no-one had gone to prison. If it were five years after the event we could say this had been a huge success because nobody had gone to prison and the problem had been overcome. That was not the case.

In issuing those media statements, the minister endeavoured to confuse the public and to misrepresent the results of the Act by falsely claiming it was having this great effect.

As I said earlier, if we wait around this place long enough, amazingly, manna will come from heaven and we will receive some indication that what we said earlier was correct. I have already referred to one area and pointed out the minister's erroneous views. If we continue to wait around here long enough, we will find some other pearls of wisdom. More recently I asked a question - not in this House relating to this Act, but an entirely different question - of the Minister for Justice. My question on notice 1713, which was lodged on 14 March 2000, is in four parts and reads -

(1) Is the minister aware -

(a) of the article that appeared in *The West Australian* newspaper on 22 December 1999 which reported that Western Australia recorded Australia's biggest increase in prison numbers in the past year according to the Australian Bureau of Statistics; and

(b) that a Ministry of Justice spokesperson said "Western Australia's high imprisonment rate was based on several factors, including tougher penalties for breach of court orders."?

That was followed by two more questions not relevant to this debate, but the question continued -

(4) If not, what are the other reasons?

The minister said in his reply -

> Yes, the article referred to the 12 months to September 1999. The latest ABS statistics released on 30 March 2000, relating to the December 99 quarter, show that the number of prisoners in Western Australia has subsequently decreased by 3 per cent. By comparison Victoria and Queensland recorded increases of 3 per cent and 1 per cent respectively.

It is interesting that the minister confirmed in the first part of his answer that the prison population had increased, as claimed, but he then claimed that there had been subsequent decreases.

What is more intriguing and interesting for the purposes of this debate is the answer that the minister gave to question (4), which was -

> If not, what are the other reasons?

The minister gave a five dot point answer, and in the fourth and fifth dot points he said -

> Increase in imprisonment for driving whilst under suspension (not necessarily related to fines).
>
> A gradual increase in the number of fine defaulters being imprisoned after the dramatic fall . . . following the introduction of the new fines enforcement legislation in 1995.

He then said -

> It has taken some time for defaulters to flow through the system.

That is exactly what we were saying. If we wait long enough and ask the right questions, and if ministers change and they forget what the previous minister has said and they do not think they will get themselves into hot water by giving a truthful answer, they will give the answer to the question. That is exactly the point that we made. There it is - manna from heaven - if we wait long enough and do not develop Alzheimer's disease in the time we are waiting.

We need to look carefully at what is said by the Government about the efficacy of this Bill, because the Government does not have a good track record in this area, and we need to see whether some of the things that are advocated in this Bill are correct. I have checked the *Hansard*, and when this Bill first came before the Parliament in 1994, the Opposition supported it. However, we raised a number of concerns about the methodology that was proposed in the Bill, and there was a lot of debate about that issue. Some changes were made in 1995 by the then Minister for Justice and, from my recollection, those changes were also supported. The opposition spokesperson on Justice has made it clear that the Opposition also supports this legislation.

If as a result of this speech we get some honesty in media statements in the future, this speech will have been worthwhile. If we do not get some honesty in those statements, one can only hope that some of us will remain in this place for long enough to correct the misrepresentations that have been made about this legislation and about the Opposition's position.

MR McGOWAN (Rockingham) [3.35 pm]: The Acts Amendment (Fines Enforcement) Bill deals with the enforcement of fines and the loss of drivers licences, which has been law since about 1995, when the Government put in place rules to deal with people who fail to pay their fines, of whom there are a great many in the community. There are also a great many people who are caught by Multanovas and fail to pay their fines for various reasons. I was intrigued by the comments of the member for Geraldton, who seemed to think that, on the one hand, people who did not pay their fines should go to jail, while, on the one hand, people who were speeding and were caught by Multanovas should be allowed to get off.

Mr Bloffwitch: I had a photograph in which no detective could ever recognise me, and I paid the fine. Get that clear.

Mr McGOWAN: I find it difficult to believe that no-one could recognise the member for Geraldton in a photograph, because he is a very distinctive looking fellow. I would recognise him anywhere.

Mr Omodei: Not if the flash went off the top of his head. It would have blinded the camera!

Mr McGOWAN: That is an interesting comment from the Minister for Local Government. He is lucky the Liberal Party does not have caucus ballots for the ministry.

This Bill is designed to address some of the rules that were put in place in the last decade and which resulted in the suspension of people's drivers licences if they failed to pay their fines. I believe those rules are reasonable. Many people fail to pay their fines, and it costs the police a large amount of money and effort to pursue them. The police have to go through a time-consuming, cumbersome and costly process to serve summonses on people who fail to pay their fines and to ensure that those people go to court; and when those people are subsequently dealt with by the court, to ensure that they pay their fines.

I support the system that the Government has put in place to remove a person's drivers licence, but it is often very difficult to get a person who has failed to pay a fine to stop driving, because a person who fails to pay his fine is probably also a person who will ignore the loss of his drivers licence. People who are not good corporate citizens like the member for Geraldton will be unlikely to heed the fact that they have lost their drivers licence. Although the system puts penalties in place for people who fail to pay their fines and provides a method to try to make sure they adhere to the judgments of

courts, at the end of the day it is another system under which people may well ignore the decision to take away their drivers licence.

Mr Bloffwitch: Most people who have a drivers licence do not ignore it; they do something about it.

Mr Riebeling: In Aboriginal communities they do not.

Mr McGOWAN: The point is that if people are not paying their fines, many of them will not take any notice of the loss of a drivers licence. One need only go into the court, which one can do on any Tuesday morning in my electorate, to see people who have been charged with driving without a drivers licence, an offence under the Road Traffic Act. When I used to represent people, I saw people who had six or eight convictions for that offence. It is difficult to come up with a system to make sure people pay their fines. I advocate that people should spend time in prison for not paying fines in the most extreme circumstances only. There is a range of reasons that people do not pay their fines. Most commonly it is because they cannot afford to, they do not have employment and their income is not high.

Mr Bloffwitch: They can ask for time to pay. They can pay it off at $2 or whatever a week.

Mr McGOWAN: Yes, people can ask for time to pay at the time, and they can apply at a later stage for further time to pay their fines. However, the fine can be converted to a work and development order in certain circumstances. The problem is that many people ignore the fact that they do not have a motor drivers licence. This legislation is designed to avoid that situation. The system is not perfect, but it is hard to conceive of a system that would be. There is an old saying that justice delayed is justice denied. This legislation is trying to put in place a mechanism to allow someone who has lost his motor drivers licence to convert that loss of licence into a work and development order under the fines enforcement system . That is a good idea. That can be done under the current law, but this amendment Bill will allow it to be done up-front in the court before a magistrate or before the registrar of the fines enforcement registry. The conversion can take place at that time. Therefore, when someone is to lose his motor drivers licence under this system, he can convert such a loss into a work and development order whereby he is supervised by people from the Ministry of Justice and is doing valuable work for the community. That seems to be a good system that we will put in place.

The problem is - I was alerted to this by the member for Fremantle - that under this system an offender would have to jump a number of hurdles in order to convert his fine into a work and development order. Those hurdles are laid down in clause 10, proposed section 57A(5) of the Bill. They include a range of matters that the convicted person must prove to the court. The person must make a number of statements, produce a range of documents, produce evidence on oath and the like. For many people, that will be difficult. Secondly, it will be very time consuming. Thirdly, the courts will convene and seek this information from an individual, and the individual will either not turn up or not produce the evidence, so the court will have to reconvene, with that individual appearing before it, in order to seek the information. This is a cumbersome and time-consuming process, and with the current state of the court waiting lists, it is a matter that we should address.

The member for Fremantle has told me that the minister representing the Minister for Justice is considering some amendments to allow these sorts of issues to be addressed without the need to provide such evidence. That would be a good thing if the system is to have any semblance of workability and be able to achieve anything worthwhile. I support the amendments that the member for Fremantle has proposed. I hope that the Government takes note of those reasonable and workable amendments suggested by him.

Mr Riebeling: What about mine?

Mr McGOWAN: The amendments that the member for Burrup has suggested are absolutely outstanding. In fact, they will go down in the annals of this Parliament as being some of the best amendments that have ever passed by the Parliament. Therefore, I hope the Government will take notice of them.

Unfortunately, the member for Geraldton provoked me into saying something earlier that I should not have said at that point in my speech. I did intend to refer to the fact that under the road traffic amendments we passed the other week, we failed to address the issue of the identification of drivers convicted under the Multanova laws. Two standards have been put in place whereby someone can lose his licence for not paying a fine for a matter totally unrelated to a driving offence. Under one system, which I support, that person could be a driver who never speeds. On the other hand, we have the system that the Government has put in place regarding the photographs of people who have broken the law because they were speeding. We must remember the old adage that speed kills - and it does; it kills many people in our community - yet we have a system in place whereby, under the laws passed by this House, I think last month, people will be allowed to speed and get away with it, particularly those who are willing to lie, cheat and defraud in regard to who was driving their vehicle.

I supported the owner-onus laws. They would have gone a long way towards fixing the situation. It is not amusing; in a way, it is kind of sad that some people sitting on the government benches do not care that people will die as a result of the rules they put in place on the Multanova laws because people who should not be driving will be driving. Those members should have a good, hard look at themselves, because it is an absolute disgrace that they have allowed that system to continue when every other State has changed the owner-onus laws and has treated the issue seriously. I am sure that there are one or two reasonable people in the Government, but those people have been overborne by others. The member for Moore is a reasonable person. He lives in my electorate. He is a magnificent man. I am sure he would not have any truck with those laws that were put in place by people like the member for Geraldton and the member for Mitchell. I am not sure that I would call the minister a reasonable person. I found the double standards that were imposed in that matter, compared with what we are doing in this situation, very hard to take.

Mr Bloffwitch: You don't live in the real world.

Mr McGOWAN: I would like to see people survive on our roads. The member for Geraldton does not live in the real world if he thinks that allowing people who drive dangerously to continue to drive is a good system.

I support the Bill and hope that the Government takes heed of the Opposition's proposed amendments.

[Quorum formed.]

MR KOBELKE (Nollamara) [3.53 pm]: I apologise to members for calling a quorum, but we needed to provide the opportunity for the minister to return to the Chamber to conclude the debate. I am sorry I have interrupted those members looking over the budget speech, but this Acts Amendment (Fines Enforcement) Bill impacts harshly on many people. It would be fitting for this place to have a fines enforcement system for ministers who are not in the Chamber when they are required. Unfortunately, the legislation does not extend to such misdemeanours. I am sure that the minister has staff who have advised him or that he has been able to listen to the debate on the audio system and that he will be able to respond to the many points raised by the Opposition. As the minister is now in the Chamber, I will give him the opportunity to respond.

MR PRINCE (Albany - Minister for Police) [3.54 pm]: I thank the member for Nollamara for his graciousness. I have been in discussion with the chief executive officer of the Fire and Emergency Services Authority about the firefighter who was killed yesterday, otherwise I have would have been in the House.

The most cogent points raised in this debate were raised by the member for Fremantle yesterday. I do not often pay him compliments, but he was right to the point with several of the issues he raised. Since then what he said has been elaborated upon and repeated tediously by others.

I refer to the way "fine enforcement (WDO) order" appears throughout the amending Bill. The member asked whether that was a typographical or drafting error. I have raised the matter with parliamentary counsel, who was suitably offended that the member and I would question his style. It is a matter of style.

Mr McGinty: It is a quaint style.

Mr PRINCE: He says it is the most appropriate way for this to be written given the nature of the amendment we are seeking to make. Far be it from us to try to amend what he has written.

Mr McGinty: Does it make sense to you?

Mr PRINCE: It is a strange way of doing things. I agree with what the member said yesterday, as I did at the time by interjection. However, parliamentary counsel says - it is not an unreasonable observation - that we are talking about fine enforcement by means of a work and development order, among other things, so this terminology is appropriate. It does not go to the sense of the law that is written; I am sure the member will agree with that. It is a stylistic exercise, and given that he is busy drafting my criminal investigation legislation, simple offences legislation and other pieces of legislation, I do not want to offend him. Apart from that, he is a very good draftsman.

The most substantive point raised relates to proposed section 57A(5)(v), which refers to the offender's being present in the court and the court's being satisfied on oath with regard to means to pay and so on. Much of the debate has been interesting, but to some extent based on a wrong assumption of the system as it is.

With due respect to the member for Burrup, he and I were perhaps in practice some time ago and the system has changed. We are not referring to the ability to impose upon a person in court either a fine or a work and development order. I ask members to remember that this is an amendment to the Sentencing Act, part 8. It relates to what we do when a fine is not paid. It is not a matter of an alternative means of punishment, a fine or a WDO; it relates to a situation in which a fine is imposed by way of punishment. Many Acts contain no alternative to a fine. That is the case with traffic-related legislation, local government legislation and many of the provisions of the Police Act and so on. If it is not expressly written in a statute, we have a wealth of case law stating that a term of imprisonment should not be imposed. Section 12 of the Criminal Code states that imprisonment is the sentence of last resort and we have had umpteen statements from the Supreme Court to that effect over the years. We must predicate this discussion on the basis of the sure and certain knowledge that this is a situation in which the court will fine the person before it; there is no alternative - that is it.

At present, if a person appears in the Central Law Courts in Perth or in Wiluna, a fine is imposed. Here in Perth we have busy courts - many are sitting at the same time and many people are flowing through. There is no intention that the system be changed here. If a person lacks the ability to pay, through the fines enforcement system, in due course - about six months - the process effectively converts the fine into a work and development order. That is an administrative exercise and requires no action on the part of the magistrate sitting in court when the offender is before him or her and the fine is imposed.

That system also operates in Wiluna. In places like Wiluna, Roebourne, Tom Price and so on - not necessarily where there are justices of the peace as opposed to stipendiary magistrates, because it also happens in cases involving a peripatetic stipendiary magistrate - the fine is imposed and that is it. The system has difficulty catching up with and dealing with, in particular, the itinerant Aboriginal who, because of his lifestyle, may well not be found for far too long. The conversion exercise to work and development orders passes by and effectively that person winds up going to jail to cut out a fine. Members might recall that during interjections yesterday, the member for Burrup, the member for Fremantle and I agreed

that part of the object of the exercise is that people do not go to jail to cut out fines. If a fine is the appropriate punishment, it should be paid, or something equivalent - but not jail. If a person goes to jail, he should do so because it is the appropriate punishment. In order to overcome the problems that largely exist in the remoter parts of the State, it is envisaged under this legislation - particularly proposed section 57A(5) - that the justice or stipendiary magistrate sitting in Wiluna or Tom Price will be able to tell the offender at the time of fining that the fine is some thousands of dollars because it is the second drink driving offence under the Road Traffic Act, or whatever. The situation could be dealt with with the person present and under oath in the witness box.

Mr Riebeling: I do not know if the minister misunderstood what I said. That is exactly what I said would happen.

Mr PRINCE: No, I did not. The member for Burrup was the one who said that no defendant will know that this law exists. I agree with him. I was the one who said that the court, whether it is composed of a justice or a stipendiary magistrate, has a positive obligation to advise the person concerned.

Mr Riebeling: No. Proposed section 57A(5) reads -

> The court must not make a fine enforcement (WDO) order unless -

and it goes on. As I read that, the obligation is on the offender.

Mr PRINCE: No, I am sorry, the member must read proposed section 57A(3) which states -

> The court, in addition to imposing the fine, may -

Mr Riebeling: Yes, it is an enforcement.

Mr PRINCE: Initially it is up to the magistrate or justice whether he even considers making a fine enforcement work and development order.

Mr Riebeling: Yes, he may do; however he cannot do it unless evidence is given under oath as stated under proposed section 57A(5).

Mr PRINCE: In the process through the court, the person appears and is sworn, the charge is read, the magistrate finds him or her guilty, gives that person a record, and fines the offender $2 000 because that is the minimum fine. Up to that point, there has been no discretion other than the plea of guilty or not guilty on the part of the offender.

Mr Riebeling: My point was that this information can, and should, be given more easily in the plea of mitigation or in a record form. That is more accurate.

Mr PRINCE: When counsel attends, whether it be a solicitor - I am not sure whether the Aboriginal Legal Service still has field officers -

Mr Riebeling: I think it does.

Mr PRINCE: It has fewer than it used to. If the ALS has a field officer or somebody who is acting as a next friend, it can give that information to the magistrate. However - this has been long debated by the Attorney General and others - it is a proper exercise of the judicial function to have that information on oath, particularly if the person is likely to be less than honest about his or her situation.

Mr Riebeling: Why is this different from any other record?

Mr PRINCE: The solicitor or person who is acting on behalf of a defendant tells the magistrate what the offender told him to say. That person does not make inquiries as to whether it is true. Clearly if he has reason to believe that what he has been told is untrue, he would challenge the person, but he would never give that information in court. To do so may make that person an accessory to some form of contempt at the very least. That is a basic proposition of being a counsel in court.

Mr Riebeling: We always believe solicitors.

Mr PRINCE: When people are not represented - which is frequently the case - it is surely far better for the justices to ask them, "What is your income? Do you get social security? Are you receiving a pension of some description? How much is it? How many people is that for? Is it for you and your children? Are you the holder of a drivers licence?" The magistrate would ask them about those provisions under proposed section 57A(5). For matters such as a drivers licence, the police officer is there and has the records which may show whether the licence exists or is under suspension.

Mr Riebeling: No, the court has to take sworn evidence.

Mr PRINCE: The point I am making is that the magistrate or justice would be able to ask the offender questions, for example, about a drivers licence, and the police sergeant would be at liberty to give the magistrate further information, for example, if the licence was suspended, or had expired and had not been renewed. The magistrate would then receive accurate evidence. The member for Burrup made the point that many Aboriginal people in the remoter areas do not have licences -

Mr Riebeling: They do not, because this system simply does not work.

Mr PRINCE: - either because they have never had them or because they have been suspended, cancelled or not renewed.

One way or another the magistrate winds up with accurate evidence as to whether the person has a vehicle licence. The issue as to property and so on is also fairly straightforward. If an offender is unlikely to have the means to pay the fine, it is then up to the judgment exercised by the court. That discretion also applies to offenders who are either mentally or physically incapable. I am not sure whether it was the member for Burrup or the member for Fremantle who discussed the issue of someone who is on a disability support pension. If a person clearly has a physical disability that renders him incapable of doing any form of work and development order, that is fine. If a person has a mental incapacity the same applies. If someone is on a disability support pension because, for example, he has diabetes or is on some form of renal dialysis - of which there are varying kinds - it may be that he is capable of doing some things but not others. Those are judgments that must be made by the court about the personal circumstances of each offender before the court. It flows on from there. I understand what the member is saying about doing that administratively; however, the administrative side is the Fines Enforcement Registry.

Mr Riebeling: Yesterday, by way of interjection, you said that what could happen will be that the registrar who is a justice of the peace would examine the defendant outside the courtroom and then come back.

Mr PRINCE: What I said could be done - and this will depend on how busy the court is - is that if an offender fronts up to the court and there are only half a dozen charges to be dealt with in that day, the magistrate or justice who is sitting at the court would have time. It would not work at the central law courts. Because there are a number of people at the central law courts who hold the qualification of justice of the peace, as a matter of administrative organisation, the magistrate could say, "I fine you $2 000. I reserve until later in the day whether to make a fine enforcement work and development order. You will now go with this gentleman, who will take you to a justice of the peace to be examined on oath, and it will be reported back to me." That could occur in a larger and busier court. That may also be done in the regional centres from time to time. I am thinking about places like Albany, Kalgoorlie, Geraldton and Bunbury, where some days there may be a relatively light list and on other days, because for example it might be the arrest day, there may be a lot of people and on a day like that they could run that system. The rest of the time could be another system.

Mr Riebeling: This will create an administrative nightmare. If you change it to say that the court must consider these things instead of taking the word under oath, you can do it in whatever manner the court then considers appropriate rather than forcing them to make an oath.

Mr PRINCE: Magistrates develop their own method of consideration, and more often than not they will wind up saying, "I want this on oath."

Mr Riebeling: No, they won't.

Mr PRINCE: The magistrate will want the evidence either in the form of writing which has been deposed to, or from the person standing in the witness box and giving his or her evidence, which is the way a judgment summons works.

Mr Riebeling: I am not talking about a judgment summons.

Mr PRINCE: It is a similar process.

Mr Riebeling: A similar process is when the court is satisfied that the defendant understands the charge, if it is an Aboriginal person, or the person has the capacity to pay.

Mr PRINCE: That cannot be done under oath. Want or lack of understanding of a charge has nothing to do with whether a person is sworn or not.

Mr Riebeling: You have to work out whether they are mentally capable.

Mr PRINCE: Want or lack of understanding of the charge has nothing to do with whether the person accused is on oath. It relates to whether the psychologist, psychiatrist or other mental health professional is on oath when he gives his expert opinion that this individual knows what he is doing.

Mr Riebeling: Now you are saying that when a person's capacity to pay is decided, we will have psychiatrists there as well.

Mr PRINCE: No, I did not say that. If the member for Burrup would listen to what is said rather than make things up, it would help. The member proffered the example of a want of understanding. I told the member that that has nothing to do with the accused individual being on oath. It is concerned with experts.

Mr Riebeling: Every day in regional areas magistrates and justices must ensure in their own minds that defendants understand the charge.

Mr PRINCE: That has nothing to do with whether the defendant is on oath.

Mr Riebeling: They do that without swearing the person in. On every day of the week they must ensure that a person has the means to pay a fine without swearing him in.

Mr PRINCE: At the moment they do not do that, because when a fine is imposed, according to the legislation, the magistrate does not make a determination as to whether the individual has the ability to pay.

Mr Riebeling: This legislation will ensure that the Courts of Petty Sessions, the busiest courts in this State - busiest by 1 000 per cent - will get an extremely large increase in what they have to do in the court.

Mr PRINCE: When did the member for Burrup finish as a clerk of courts?

Mr Riebeling: In 1992.

Mr PRINCE: The system has changed in 10 years.

Mr Riebeling: It has not changed that much. The system the minister described is exactly the system we had then.

Mr PRINCE: When a fine is imposed, capacity to pay is not a part of the consideration. The fines enforcement legislation allows the fine to be converted to a work and development order months later, because that is what our legislation has stipulated since it was proclaimed in 1995-96. In remote areas, and particularly with itinerant Aboriginal people, the system does not work as well as it could. For the overwhelming majority of people who hit the courts and get fined, this works very well, and the fine is paid.

Mr Riebeling: How much do you write off annually in fines?

Mr PRINCE: We receive far more than we ever did. The system works extremely well. However, it does not work well for a small minority.

Mr Riebeling: How much do you write off?

Mr PRINCE: I do not know. This amendment will enable the system to work far better for that class of people about whom we are talking. I thank the members for their support.

Question put and passed.

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

ADJOURNMENT OF THE HOUSE

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

That the House at its rising adjourn until 2.00 pm on Tuesday, 23 May.

House adjourned at 4.15 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MOTOR VEHICLES, STAMP DUTY

1752. Ms McHALE to the Minister representing the Minister for Transport:

I refer to the increase on stamp duty on motor vehicle sales and ask the Minister-

(a) how many cars have been transferred between 1 September 1999 and 29 February 2000;

(b) how many of these were valued at less than $20,000;

(c) how much additional revenue has been raised in the first two months of the new sliding scale compared with 1998-99;

(d) how many vehicles incurred a reduction in stamp duty charges; and

(e) what was the total amount of this reduction?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(a) 137 086.
(b) 117 161.
(c) Nil – ($894 004 less than collected for the first two months of 1998-99).
(d) 114 200.
(e) $2 702 568.

WESTRAIL, CHUBB SECURITY SERVICES

1758. Ms MacTIERNAN to the Minister representing the Minister for Transport:

Since Chubb Security was contracted to provide security services to Westrail -

(a) how many training courses for security officers have been run;

(b) how many Chubb officers have been trained in each of these courses;

(c) how many of the officers who have received such training are still employed to provide security services to Westrail; and

(d) what is the estimated cost to Westrail for training each Chubb security guard?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(a) 10.
(b) 168.
(c) 104.
(d) Average cost - $10 143.00.

GOVERNMENT DEPARTMENTS AND AGENCIES, ONSITE CHILD CARE

1860. Mr BROWN to the Minister for the Environment; Labour Relations:

(1) What departments and agencies under the Minister's control offer or provide on-site childcare facilities for employees?

(2) What is the nature of the facilities offered?

(3) Are any departments or agencies under the Minister's control giving consideration to offering such on-site childcare facilities?

(4) If so, what departments and agencies?

(5) Do any departments and agencies under the Minister's control have the plans to offer or provide on-site childcare facilities to employees?

(6) If so, when?

(7) What is the nature of the facilities that will be provided?

Mrs EDWARDES replied:

Department of Environmental Protection:
(1) No.
(2) Not applicable.
(3) No.
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

Department of Conservation and Land Management:
(1)-(2) The Department of Conservation and Land Management (CALM) does not currently provide on-site child care facilities for employees.

(3)-(7) CALM has negotiated an enterprise bargaining agreement that recognises the needs of employees with family responsibilities and is examining a range of options including the provision of an on-site family room for emergency child care.

WorkSafe Western Australia:
(1) WorkSafe Western Australia

(2) A dedicated family room is provided where an employee can continue to work and supervise their child due to normal care arrangements breaking down.

(3)-(7) See answers (1) and (2).

Perth Zoo:
(1) No.

(2) Not applicable.
(3) No
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

WorkCover WA:
(1) No.
(2) Not applicable.
(3) No.
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

Department of Productivity and Labour Relations:
(1)-(2) The Department provides a dedicated family room where an employee can continue to work and supervise a child when normal childcare arrangements break down.

(3)-(7) Not applicable.

Department of the Registrar Western Australian Industrial Relations Commission:
(1) No.
(2) Not applicable.
(3) No.
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

Botanic Gardens and Parks Authority:
(1) No.
(2) Not applicable.
(3) No.
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

Commissioner for Workplace Agreements:
(1) No.
(2) Not applicable.
(3) No.
(4) Not applicable.
(5) No.
(6)-(7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, ONSITE CHILD CARE

1872. Mr BROWN to the Minister representing the Minister for Transport:

(1) What departments and agencies under the Minister's control offer or provide on-site childcare facilities for employees?

(2) What is the nature of the facilities offered?

(3) Are any departments or agencies under the Minister's control giving consideration to offering such on-site childcare facilities?

(4) If so, what departments and agencies?

(5) Do any departments and agencies under the Minister's control have the plans to offer or provide on-site childcare facilities to employees?

(6) If so, when?

(7) What is the nature of the facilities that will be provided?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

Fremantle Port Authority
(1)-(7) Fremantle Port Authority provides teleworking arrangements for a number of employees with family responsibilities.

Department of Transport
(1) Transport provides a Family Care Room at the Murray Street office.

(2) The Family Care Room is available for employees to bring children into work when they are unable to arrange any alternative child care arrangements. The room is to be used for short-term emergency use only and not on an ongoing basis. The room has facilities for the parent or carer to work while supervising the child. The room contains a TV and VCR for use by the child, together with a stock of videos, books and games. A cot is available for use in the room by younger children.

(3)-(7) Not applicable.

GREAT EASTERN HIGHWAY, TAMMIN, LAND TAKEN

1926. Ms MacTIERNAN to the Minister representing the Minister for Transport:

For each portion of land taken by Main Roads under Main Roads Taking Order for improvements to Great Eastern Highway near Tammin, signed by the Minister for Transport on 14 October 1999, will the Minister advise-

(a) the name of the principal proprietor or reputed principal proprietor;

(b) the area of land taken; and

(c) how much was paid to the principal proprietor?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(a) Principal Proprietor or Reputed Principal Proprietor	Occupier or Reputed Occupier	(b) Area	(c) Amount Paid
Mather and Bright Pty Ltd	Commissioner of Main Roads vide Caveat H204459	30 m²	$880
Mather and Bright Pty Ltd	Commissioner of Main Roads vide Caveat H204459	241 m²	$3 190
Mather and Bright Pty Ltd	Commissioner of Main Roads vide Caveat H204459	217 m²	$2 750
Commissioner of Main Roads	Commissioner of Main Roads	651 m²	Nil
Commissioner of Main Roads	Commissioner of Main Roads	2 273 m²	Nil
Tammin Aboriginal Progress Association (Inc)	Tammin Aboriginal Progress Association (Inc)	435 m²	Not settled as yet
Tammin Aboriginal Progress Association (Inc)	Tammin Aboriginal Progress Association (Inc)	489 m²	Not settled as yet
Tammin Developments	Commissioner of Main Roads vide Caveat H143744	1 167 m²	$2 200
Co-operative Bulk Handling Limited	Commissioner of Main Roads vide Caveat H60464	7 780 m²	$2 750
Colin Arthur Tremlett	Commissioner of Main Roads vide Caveat H15534	5.9914 ha	$20 000
Neville Frederick Carter and Helen Marjorie Carter	Commissioner of Main Roads vide Caveat H88307	2 290 m²	$275
Gary Michael Caffell and Kathleen Louise Caffell as joint tenants of one undivided half share and Patrick John Caffell and Joyce Carese Caffell as joint tenants of one undivided half share	Commissioner of Main Roads vide Caveat H23675	553 m²	$275

KALGOORLIE-ESPERANCE, LANDSCAPE MANAGEMENT GUIDELINES

1957. Mr BROWN to the Minister for Planning:

(1) Has the Government prepared landscape management guidelines to identify and preserve the landscape values of the Kalgoorlie/Esperance region?

(2) If so, are the management guidelines publicly available?

(3) If not, does the Government plan to provide such landscape management guidelines?

(4) If so, when will the guidelines be available?

(5) Does the Government intend to require new developments such as housing, industry or mining to be in harmony with existing landscapes?

Mr KIERATH replied:

(1) No. In 1994 a document titled *"Reading the Remote: Landscape Character Types of WA"* (CALM) was released. The report documents the broad landscapes of Western Australia.

(2) Not applicable.

(3) No.

(4) Not applicable.

(5) No specific requirements are anticipated for the Kalgoorlie-Esperance Region.

AQUACULTURE, DEVELOPMENT STRATEGY

1964. Mr BROWN to the Minister for the Environment:

(1) Has the Government prepared a strategy for the development of aquaculture in inland/desert saline waters which addresses the issues of -

(a) availability of project resource and funding;
(b) environmental management, including the disposal of salt water;
(c) access to industry support such as seed stock, food and markets; and
(d) provision of appropriate infrastructure such as power?

(2) If not, does the Government intend to prepare such a strategy?

(3) If so, when?

(4) If not, why not?

Mrs EDWARDES replied:

(1)-(4) The Department of Environmental Protection has not been involved in the development of a strategy for the development of aquaculture in inland/desert saline waters to date.

DRIVERS LICENCES, REPLACEMENT OF STOLEN LICENCES

2035. Ms McHALE to the Minister representing the Minister for Transport:

(1) What is the cost of obtaining a replacement drivers licence in the case of a stolen licence?

(2) How many replacement licences due to theft would be issued per annum?

(3) Has the Police Department considered providing replacement licences at no cost where the original licence has been stolen and can be proven as such?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(1) $9.80.

(2) Figures of replacement licences due to theft alone are not available. However, there were 36 598 replacement licences issued during the 1998/99 year due to either loss, theft, damage or to update information on the licence such as the attainment of an additional class or a change of name.

(3) Responsibility for vehicle and driver licensing was transferred from the Western Australian Police Service to the Department of Transport on 1 February 1997. Since that time there has been no consideration given to the free issue of replacements for stolen licences.

WESTRAIL COUNTRY BUS SERVICES

2036. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) What West Australian towns are serviced by Westrail country bus services?

(2) What services have been discontinued since March 1993?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(1) Westrail's country road coaches service 190 stopping places. For the Member's information I have provided a separate list of those stopping places.

(2) The Perth-Northam-York road coach service was discontinued in September 1995. The discontinuance of this service coincided with the introduction of AvonLink train services between Perth and Northam. The member may not be aware that the following new road coach routes have been introduced since March 1993:

Albany to Ravensthorpe.
Boxwood Hill to Bremer Bay.
Augusta to Pemberton via Nannup.
Crossman to Boddington.

Also, the following additional road coach services on existing routes have been introduced since March 1993:

Bunbury to Perth and return on Fridays.
Perth to Bunbury on Sundays.
Perth to Augusta and return on Sundays.
Perth to Esperance on Sundays.
Esperance to Perth on Mondays.

Westrail Road Coach Stopping Places.

Location

Albany.
Armadale.
Arthur River.
Augusta.
Australind.
Badgingarra.
Bakers Hill.
Balingup.
Ballidu.
Bannister.
Beacon.
Beaufort River.
Bencubbin.
Beverley.
Bindoon.
Binnu.
Boddington.
Borden.
Boulder.
Bow Bridge.
Boxwood.
Boyanup.
Boyup Brook.
Bremer Bay.
Bridgetown.
Brookton.
Broomehill.
Bruce Rock.
Brunswick.
Bullsbrook.
Bunbury.
Bunbury City.
Bunjil.
Buntine.
Busselton.
Capel.
Carnamah.
Cataby.
Perth.
Clackline.
Collie.
Cookernup.
Coolgardie.
Coomalbidgup.
Coomberdale.
Coorow.
Corrigin.
Cranbrook.
Crossman.
Cuballing.
Cue.
Dalwallinu.
Dalyup.
Dangin.
Dawesville.
Denmark.
Dongara.
Donnybrook.
Dowerin.
Dumbleyung.
Dunsborough.
Eneabba.
Esperance.
Falcon.
Gairdner River.
Geraldton.
Gibson.
Gingin.
Gnowangerup.
Goomalling.
Grass Patch.
Greenbushes.
Greenhills.
Greenough.
Harvey.
Highbury.
Hopetoun.
Hyden.
Irwin.
Jerdacuttup.
Jerramungup.
Kalbarri.
Kalgan.
Kalgoorlie.
Kambalda East.
Kambalda West.
Karlgarin.
Karridale.
Katanning.
Kirup.
Kojonup.
Kondinin.
Kondut.
Konnongorring.
Koorda.
Kukerin.
Kulin.
Kununoppin.
Lake Grace.
Lake King.
Latham.
Mandurah.
Marchagee.
Margaret River.
Mawson.
Maya.
Meekatharra.
Midland.
Mingenew.
Mogumber.
Moora.
Morawa.
Mt Barker.
Mt Madden.
Mt Magnet.
Muchea.
Mukinbudin.
Mullalyup.
Mullewa.
Mumballup.
Mundaring.
Mundijong.
Munglinup.
Myalup.
Nannup.
Narembeen.

Narrogin.
New Norcia.
Newdegate.
Nornalup.
Norseman.
North Bannister.
North Dandalup.
Northam.
Northampton.
Northcliffe.
Nungarin.
Ongerup.
Palgarup.
Pantapin.
Pemberton.
Perenjori.
Perth Terminal.
Piesseville.
Pingelly.
Pinjarra.
Pithara.
Popanyinning.
Quairading.
Ravensthorpe.
Regans Ford.
Rockingham.
Salmon Gums.
Sawyers Valley.
Scadden.
Serpentine.
Shackleton.
Spargoville.
Strawberry.
Tambellup.
Tarin Rock.
Tenindewa.
The Lakes.
Three Springs.
Trayning.
Tuckanarra.
Tunney.
Utakarra.
Wagin.
Walebing.
Walpole.
Wamenusking.
Wannamal.
Waroona.
Warradarge.
Watheroo.
Wellstead.
Wialki.
Widgemooltha.
Williams.
Witchcliffe.
Wongan Hills.
Woodanilling.
Wubin.
Wyalkatchem.
Yalgoo.
Yallingup.
Yandanooka.
Yarloop.
York.

TRANSPORT, CAPITAL WORKS PROGRAM

2084. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to pages 1458 to 1460 of the 1999-00 Budget papers which display the capital works program for the Department of Transport. Will the Minister provide a similar breakdown of the capital works program for –

(a) 2000-01;
(b) 2001-02; and
(c) 2002-03?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(a)-(c) The 2000/2001 Budget is being prepared and the figures that you have asked for will be available after the budget has been brought down.

MAIN ROADS WA, CAPITAL WORKS PROGRAM

2085. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to pages 872 to 877 of the 1999-00 Budget papers which display the capital works program for the Main Roads Department. Will the Minister provide a similar breakdown of the capital works program for –

(a) 2000-01;
(b) 2001-02; and
(c) 2002-03?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

The 2000/2001 Budget is being prepared and the figures that you have asked for will be available after the budget has been brought down.

TRAFFIC CALMING, RECOMMENDATIONS OF MINISTERIAL TASK FORCE

2125. Mr PENDAL to the Minister representing the Minister for Transport:

I refer to the report by the Ministerial Task Force on Traffic Calming of April 1995 and ask -

(a) which of the report's recommendations were accepted and implemented;

(b) which of the recommendations regarding local distributor streets were accepted and implemented;

(c) will any of the recommendations be implemented in the future; and

(d) if not, why not?

Mr COWAN replied:

The Hon Minister for Transport has provided the following response:

(a) The Report contains 27 recommendations from the Task Force ranging from administration of road safety to physical changes to roads. The following are the recommendations and actions taken.

Recommendations 1, 2 and 3: Replace Traffic Board with Office of Road Safety, establish a Ministerial Council on Road Safety and implement a revised administrative structure.

Action: The Traffic Board was replaced by a Road Safety Council under the Road Traffic Act 1974. An Office of Road Safety has been established within the Department of Transport. A Ministerial Council on Road Safety has also been established.

Recommendation 4: All revenue from traffic infringements be allocated to road safety.

Action: One third of all monies from red light camera and speed camera infringements are allocated to the Road Trauma Trust Fund for road safety enhancements. The monies allocated directly to this fund, which is administered by the Road Safety Council, has risen significantly in recent years.

Recommendation 5: Funds used by the Office of Road Safety be allowed to accrue.

Action: The Road Safety Council allocates funds to annual programs. Funds, including interest accrued, can be carried-over from one year to the next.

Recommendation 6: The Office of Road Safety develop a ten year plan to improve road safety education through the schools system.

Action: A strategic plan for road safety has been published. Improvements to road safety education have been implemented in the school system. A Task Force on Driver Training and Licensing has been established to review driver training needs, particularly in the novice driver area. A youth safety strategy and action plan has been adopted and is being implemented.

Recommendation 7: The Office of Road Safety use 60 per cent of its funds in education areas and give priority to primary schools.

Action: Approximately 60 per cent of the funds are used for road safety education.

Recommendation 8: Main Roads WA in cooperation with other agencies and local government establish a functional road hierarchy. Include the hierarchy in Municipal Planning schemes.

Action: A hierarchy for the majority of Perth roads, developed in conjunction with Local Governments, has been in place for several years. A hierarchy for Country towns is being developed by Main Roads WA.

Recommendation 9: Shared Zones be legally defined.

Action: Main Roads WA has a policy and guidelines for Shared Zones. Implementation requires changes to traffic regulations and these are expected to be made in coming months.

Recommendation 10: New subdivisions to promote safety.

Action: The Ministry for Planning has adopted this principle as part of its policies. The Ministry for Planning is an active participant in road safety planning.

Recommendation 11: Establish a speed hierarchy for road types.

Action: The Ministry for Planning has adopted a speed hierarchy for new sub-divisions. A speed hierarchy for existing roads, based on current legal limits, is in place. Main Roads WA is proposing a review when traffic regulations enabling other speed limits are made.

Recommendation 12: Implement 40 kilometres per hour speed limits past schools, retirement villages and hospitals.

Action: 40 kilometres per hour limits are in place on local roads outside all schools in WA.

Recommendation 13: All road design to be approved by qualified designers.

Action: Local Government and Main Roads WA have conducted Road Safety Audit courses to assist practitioners with an understanding of road safety principles. State funds allocated to metropolitan local governments are required to be road safety audited by accredited Auditors.

Recommendation 14: Road Safety Auditors be accredited by the Institute of Engineers or other process.

Action: An accreditation course is conducted by a joint Main Roads WA/Institute of Municipal Engineers Committee.

Recommendation 15: Mayor and Town Clerk to certify resident groups consulted.

Action: Involving local residents in decision-making is understood to be part of local government practices.

Recommendation 16: Mayor and Town Clerks to certify that appropriate information is collected for local traffic schemes.

Action: Local governments were provided with a manual on traffic calming on local streets by Main Roads WA in 1991. It included the requirements for relevant data. The Speed Management Task Force has prepared and distributed a code of practice for the installation of traffic devices in local streets.

Recommendation 17: Main Roads WA to promote solutions other than traffic lights at hazardous locations. Right turn facilities to be only at major road intersections.

Action: Traffic lights are only used where other treatments are not appropriate. Right turn lanes are installed where necessary to overcome safety problems. These mostly occur at intersections of major roads.

Recommendation 18: WA Government fund the development of an emergency vehicle traffic light priority system.

Action: Emergency vehicles have exemptions to traffic laws that include travelling through red lights provided they display emergency lights and sound alarms. Devices that change signals to give priority to emergency vehicles will not overcome the problem of traffic queues blocking lanes even when the signals change to green.

Recommendation 19: Legislate to prevent the installation of speed humps.

Action: Speed humps are a legitimate device to "calm" traffic under special circumstances. Adoption of road safety audit principles limits the use of humps to appropriate locations.

Recommendation 20: Office of Road Safety to investigate "excellence" awards for innovative traffic engineering design.

Action: This has been established.

Recommendation 21: Speed cameras to be used on local streets; to be used as a safety tool; purchase additional cameras; and utilise interstate and international experience to develop a speed management program.

Action: The location of speed cameras is determined by a Speed Camera Placement Committee (Police, Main Roads WA, Office of Road Safety, Local Government and RAC). The purchase of additional cameras is part of the CAP Speed project. Utilising interstate and international experience is ongoing.

Recommendation 22: Office of Road Safety to set the policy framework of the speed camera program. Utilise civilian operators for speed cameras.

Action: The Speed Camera Placement Committee determines the location of speed cameras. Civilian operators are used to operate speed cameras.

Recommendation 23: Office of Road Safety to consider vulnerable road users of paramount importance when deciding an enforcement threshold mechanism.

Action: Enforcement thresholds are partly linked to vehicle design parameters. However, campaigns that highlight the problems of speed and the particular vulnerability of pedestrians are ongoing.

Recommendation 24: The Department of Transport together with Perth City facilitate car-pooling and high-occupancy traffic lanes on freeways.

Action: A Perth Access plan that addresses access to and around Perth has been developed and is in the process of being implemented. Additional bus lanes are part of this plan. Car-pooling is a matter for individual organisations.

Recommendation 25: Main Roads WA to build and enhance a network of cycleways, and with local government build cycle lanes along major roads.

Action: Main Roads WA has built high standard shared paths for both cyclists and pedestrians alongside its freeways. The Department of Transport in cooperation with local governments has identified cycling routes for Perth and major towns. These include bicycle lanes, shared paths and roads along which cycling is relatively safe. Improvements to facilities are part of on-going maintenance programs.

Recommendation 26:
(i) Introduce a "no fault" road crash compensation scheme for all road users.
(ii) The Office of Road Safety commission a review of cycling accidents.

Action:

(i) As the sole insurer for Third-Party insurance in WA, the Insurance Commission of WA continues to evaluate the merits of a "no fault" system. However, currently there is no evidence to suggest that moving to a "no fault" system would prove affordable or practicable for Western Australians.

(ii) The Office of Road Safety reviews cycling accidents that are reported to Police as well as those that are recorded through hospital records. These are published in the Road Safety Council's annual crash statistics report.

Recommendation 27: The Office of Road Safety review pedestrian accidents and facilities with a view to improving safety.

Action: All agencies concerned with road safety review crash data and implement strategies to address problems. In particular, pedestrian crash data is reviewed by Main Roads WA and local governments when formulating black spot programs. The Task Force on Vulnerable Road Users also examines data to determine whether other community-wide counter-measures are required.

(b) Report recommendations 11 and 17 directly relate to local distributor streets. However, other recommendations also impact on these roads as well.

(c) All recommendations have been addressed.

(d) Not applicable.

ATLAS SITE, MIRRABOOKA, PLANNING APPROVALS

2235. Mr KOBELKE to the Minister for Planning:

(1) How many approvals has the State Planning Commission given that allow non-conforming use at the Atlas site in Alexander Drive in Mirrabooka?

(2) For each such planning approval what was -

(a) the date of the granting of such approval;
(b) the purpose of the planning approval; and
(c) the period for which the approval was granted?

Mr KIERATH replied:

(1) I am informed that the "Atlas site" (Lot 1 Alexander Drive, Mirrabooka) has been used as a sand quarry and brickworks since 1954. Any use which existed on Lot 1 prior to October 1963 has non-conforming use rights under the Metropolitan Region Scheme (MRS). The Western Australian Planning Commission and its predecessors, have approved 16 development applications for the site since the late 1970's. These have included five applications which expand the types of land uses allowed on Lot 1 beyond the original non-conforming uses and a number of development applications approving the construction of buildings and other structures associated with the original and additional uses.

(2) The five approvals issued by the Commission which expand the types of land uses permitted on the subject land, are as follows:

(i) (a) 20 November 1980
(b) Concrete batching plant.
(c) Expiry Date: 30 November 1990

(ii) (a) 22 December 1993
(b) Outdoor display, builders display (support facilities for brickworks) and waste reduction research office (including methane gas extraction).
(c) Expiry Date: 31 December 2008

(iii) (a) 30 November 1994
(b) Aerobic digestion and composting facility
(c) Expiry Date: 30 November 2009

(iv) (a) 31 August 1995
(b) Comprehensive application for approval to all existing and other ancillary uses and development. These include the brickworks, sand extraction, soil blending, refuse disposal, waste digestion sheds/office, methane gas production/extraction, concrete batching plant, outdoor display, building display, office/administration, earth moving workshop, maintenance sheds, weighbridge, and staff amenity building.
(c) Expiry Date: 31 May 2010

(v) (a) 30 June 1998
(b) Outdoor display, builders display (support facilities for brickworks) and waste reduction research office (including methane gas extraction).
(c) Expiry Date: 30 June 2008

GLOUCESTER PARK, DEVELOPMENT PROPOSALS

2240. Ms WARNOCK to the Minister for Planning:

(1) Has the East Perth Redevelopment Authority (EPRA) received any development proposals for Gloucester Park from the WA Trotting Association?

(2) If yes -

(a) when does EPRA anticipate commencement of the development;
(b) what is the anticipated completion date of development;
(c) what are development proposals being considered by EPRA;
(d) what are the estimated costs and profits of the development; and
(e) will the Minister table any design plans of the development, and if not, why not?

Mr KIERATH replied:

(1) No.

(2) Not applicable.

PERTH GIRLS SCHOOL SITE, EAST PERTH, DEVELOPMENT

2241. Ms WARNOCK to the Minister for Planning:

(1) Does the East Perth Redevelopment Authority (EPRA) intend developing the former Perth Girls School site in East Perth?

(2) If yes -

(a) when does the EPRA anticipate commencement of the development;
(b) what is the anticipated completion date of development;
(c) what are development proposals being considered by EPRA;
(d) what are the estimated costs and profits of the development; and
(e) will the Minister table any design plans of the development, and if not, why not?

Mr KIERATH replied:

(1) No.

(2) Not applicable.

PERTH GIRLS SCHOOL SITE, EAST PERTH, DEVELOPMENT

2242. Ms WARNOCK to the Minister for Heritage:

(1) Has the Heritage Council undertaken any assessment or comment of development proposals for the former Perth Girls School site?

(2) If yes, for each proposal assessed will the Minister provide the following information -

(a) on what date the proposal was submitted for assessment;
(b) when the proposal was assessed;
(c) who submitted the proposal; and
(d) a brief description of the proposal?

(3) Will the Minister table any assessments or comments undertaken by the Heritage Council?

(4) If not, why not?

Mr KIERATH replied:

(1) No.

(2)-(4) Not applicable.

PERTH GIRLS SCHOOL SITE, EAST PERTH, DEVELOPMENT

2243. Ms WARNOCK to the Minister for Planning:

(1) Has the East Perth Redevelopment Authority (EPRA) engaged any consultants or other contractors for any work relating to the former Perth Girls School site in East Perth?

(2) If yes, for each contract can the Minister provide the following information -

(a) the name of the consultant or contractor;
(b) the date they were engaged;
(c) if the contract has been completed, the completion date;

(d) the original contract cost;
(e) if the contract has been completed, the final cost; and
(f) a brief summary of the services provided?

Mr KIERATH replied:

(1) Yes. The Perth Girls School at East Perth is in the ownership of the WA Police Service and was offered to the Authority. The work listed below was undertaken to determine the feasibility of the development. As a result of the feasibility, a decision was made not to proceed further.

(2)

(a)
(i) Chesterton International
(ii) Stanton Hillier Parker
(iii) Stanton Hillier Parker
(iv) Chesterton International
(v) Cox Howlett and Bailey Woodland
(vi) Chesterton International
(vii) Stanton Hillier Parker
(viii) Chesterton International
(ix) Coffey Partners International Pty Ltd
(x) CMPS & F
(xi) Chesterton International

(b)
(i) November 1999
(ii) November 1999
(iii) June 1999
(iv) June 1999
(v) May 1999
(vi) March 1999
(vii) January 1999
(viii) June 1998
(ix) June 1998
(x) May 1998
(xi) April 1998

(c)
(i) November 1999
(ii) November 1999
(iii) June 1999
(iv) June 1999
(v) June 1999
(vi) March 1999
(vii) January 1999
(viii) June 1998
(ix) June 1998
(x) May 1998
(xi) May 1998

(d)
(i) $840
(ii) $750
(iii) $1 000
(iv) $2 400
(v) $15 000
(vi) $3 500
(vii) $5 500
(viii) $280
(ix) $6 500
(x) $2 800
(xi) $2 240

(e)
(i) $840
(ii) $750
(iii) $1 000
(iv) $2 400
(v) $15 000
(vi) $3 500
(vii) $5 500
(viii) $280
(ix) $6 500
(x) $2 800
(xi) $2 240

(f)
(i) Valuation services
(ii) Valuation services
(iii) Valuation services
(iv) Valuation services
(v) Assess potential of land to assist with a decision whether or not to purchase
(vi) Valuation services
(vii) Valuation services
(viii) Valuation services
(ix) Geotechnical Investigations
(x) Environmental report
(xi) Valuation services

TRANSPERTH SITE, ADELAIDE TERRACE, DEVELOPMENT

2244. Ms WARNOCK to the Minister for Planning:

With regard to the East Perth Redevelopment Authority's (EPRA) proposed development of the old Transperth site in Adelaide Terrace -

(a) when does EPRA anticipate commencement of the development;

(b) what is the anticipated completion date of development;

(c) what are development proposals being considered by EPRA;

(d) what are the estimated costs and profits of the development; and

(e) will the Minister table any design plans of the development, and if not, why not?

Mr KIERATH replied:

(a) 2001.

(b) 2002.

(c) There are no detailed plans yet.

(d) Not known until detailed plans are prepared.

(e) No, because there are no designs available yet.

PORT HEDLAND, SOCIAL IMPACT ASSESSMENT OF PROJECTS

2302. Mr BROWN to the Minister for Planning:

(1) Does the Minister recall making a statement in the Legislative Assembly on 18 November 1997 concerning the Port Hedland area?

(2) In that statement did the Minister say "The Government may consider requiring a social impact assessment for both the construction and operational phases of such projects under a State Agreement Act so that any detrimental impact on regional towns can be avoided"?

(3) What social impact studies of the type referred to by the Minister have been carried out since that time?

(4) Is it Government policy that social impact assessments will be carried out on similar projects so that any detrimental impact on regional towns can be avoided?

(5) If not, why not?

Mr KIERATH replied:

(1)-(2) Yes.

(3)-(5) There have been none because no new State Agreement Acts for similar projects have been used. However, in both the Karratha and Geraldton areas, through the Infrastructure Coordinating Committee of the Western Australian Planning Commission, examinations of the current social and community infrastructure have been undertaken to determine the readiness of those centres for any announcements of proposed major projects in each area. When major projects arise, these studies have been undertaken through the Department of Resources Development, supported by a range of government, local government industry and community interests.

BUSHPLAN AND PERTH'S GREENWAYS FINAL REPORT

2337. Mr PENDAL to the Minister for Planning:

(1) Will the Government reserve and acquire all Bushplan sites which contain threatened ecological communities?

(2) Will the Government reserve and acquire all Bushplan sites which have less than Bushplan's 10 percent of vegetation complex target?

(3) Will the Government identify additional bushland to meet the needs of endangered flora and fauna in need of special protection?

(4) Will the Government implement the Perth's Greenways Final Report's recommendations?

(5) If so, when?

(6) If not, why not?

(7) Will Perth's Greenways Final Report recommendations be incorporated into Bushplan and endorsed by the Government?

(8) How does the Government plan to integrate bushland and wetland conservation as promised in the draft Bushplan Report?

Mr KIERATH replied:

(1)-(2) Most sites will be protected. Existing approvals and commitments need to be considered and through negotiation threatened communities will be given priority for protection.

(3) Areas outside existing Bushplan Sites should be considered in the context of future local bushland strategies to be developed by Local Government.

(4)-(5),(7) Perth's Greenways is a resource document. It is complementary to Bushplan and many Greenways are also Bushland Sites. Other Greenways are areas of local bushland which can be further investigated for protection through local bushland strategies.

(6) Not applicable.

(8) Significant wetlands areas are identified as part of Bushplan Sites where they contain regional significant vegetation or are integral to the ecology of a Bushplan Site. Significant wetlands outside Bushplan Sites can be nominated as part of the review of the Environment Protection (Swan Coastal Plain Lakes) Policy 1992 - released by the EPA as a draft policy in November 1999.

SUPERANNUATION REGULATIONS, IMPACT ON BENEFITS

2338. Mr PENDAL to the Minister assisting the Treasurer:

(1) I refer to clause 38(3) of the State Superannuation Bill 1999 which states that regulations cannot be made for State Government superannuation schemes if they reduce the amount of a benefit that accrued or became payable before the regulations came into operation and ask will the Minister confirm that the amount of benefit that accrued or became payable after the regulations come into operation will also not be reduced?

(2) If the answer to (1) is no, will the Minister confirm that the currently defined future benefits for members of the now closed contributory schemes, both Gold State Super and Pension Scheme, will not be reduced?

(3) In relation to the State Superannuation Bill 1999, will the Minister advise if any communication has been sent to members of the Government Employees Superannuation Fund advising them of the purpose of this Bill, and providing the members with an opportunity for comment?

(4) If not, why not?

(5) I refer to the State Superannuation Bill 1999 proposal in Clause 28 and 38 that the State Government Superannuation Schemes will be described in regulations recognising that there is no provision for members to transfer their superannuation benefit to another fund of the member's choice and ask will the Minister undertake to include requirements that members will be informed and given that chance to appeal before any regulation or changes to regulations are introduced?

Mr KIERATH replied:

(1) No. The amount of benefits payable in the future is dependant upon different factors for each scheme, such as years of membership or service, salary at retirement, contribution rate, unit entitlement and earning rate. Given these factors, it is not possible to protect the future accrual of benefits when they are subject to these variables.

(2) This Government has no plans to make regulations that will alter the present defined-benefit formula in Gold State Super and the Pension Scheme so as to disadvantage members. Pension Scheme members can also be reassured by the fact that since the scheme was closed in 1986, the only changes made by successive Governments have been to enhance the scheme. And this is likely to continue because the Government has approved changes to introduce salary packaging, remove gender discriminatory provisions and make provision for spouse accounts.

(3) No.

(4) The Bill has been developed in consultation with the Government Employees Superannuation Board, which includes member representatives from relevant unions. Given the large member base of 240 000 it is not practical to consult individually with members in advance of any regulation or change to any regulation.

(5) As the member is aware, the Standing Committee on Delegated Legislation requires that adequate consultation occurs in the preparation of any regulations. Given the large member base of 240 000 it would not be practical to inform members individually before any changes to the regulations were progressed. However, I can assure this House that information about proposed changes to the schemes will be made available to members in a timely yet cost effective manner, for example, by publishing this information on the Board's website.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE, CORRUPTION

800. Dr GALLOP to the Minister for Police:

I refer to the Commissioner of Police's statement yesterday that there is corruption in the Western Australia Police Service.

(1) Does the minister now accept Terry O'Connor's claim that a not insignificant number of police officers are involved in corrupt or criminal conduct?

(2) If not, why not?

Mr PRINCE replied:

Neither I nor the Government, nor the commissioner, has ever denied what Mr O'Connor has said. Indeed, every time this issue has been beaten up publicly, the commissioner has been at pains to say - as have I - on a number of occasions that it is inevitable that from time to time there will be people who are corrupt. There are 4 800 police officers, many of whom are dealing with some of the worst people in our society. Therefore, there will always be a certain small number of people in the Police Service who are corrupt.

Ms MacTiernan interjected.

The SPEAKER: I call the member for Armadale to order!

Dr Gallop interjected.

Mr PRINCE: Yes, and he has not put a number on it.

Ms MacTiernan: How many do you reckon there are?

Mr PRINCE: We have 4 800 sworn police officers and a number of other people in the Police Service who are not sworn. Mr Matthews has said that the Chairman of the Anti-Corruption Commission has provided him with new information about detectives, which arises from allegations the commission is investigating, and that naturally he is always concerned about these allegations of corruption in the Police Service. However, he wishes to reiterate that the new matters raised by the ACC "still relate to a small minority of detectives and not the vast majority of honest, hard-working detectives".

Dr Gallop: So you disagree with that?

Mr PRINCE: No, I do not. Mr O'Connor is certainly right; there are some who are corrupt. That is why his organisation exists. Again, I will give members opposite the history lesson I gave them on Tuesday. When the Opposition was in power it had an internal affairs organisation in the police which was very small and poorly resourced. What has happened since we came into power? The Ombudsman supervises the investigation of all complaints made against police; we have a professional standards unit commanded by an assistant commissioner, which is significantly larger than the Opposition's ever was; and we have the Anti-Corruption Commission, which has extraordinary powers - I am sure opposition members would agree - to deal with not only the police but also the public sector and which has been in operation for the past two and a half years. People keep forgetting that we also have the courts, where many allegations can be made and tried. No organisation within our society is as subject to check, balance and accountability as is the Police Service of this State. Furthermore, the structural changes and the establishment of those organisations pre-empted the Wood royal commission recommendations which said that there should be a body like the ACC. We had already created it, and we had already put in place the systematic changes that Justice Wood said must happen. The cultural change is happening. There is corruption, and it is being rooted out. Past, present and future corruption will be rooted out only if the culture and structures are changed so that we can deal with it, and that is what we are doing. Eighty per cent of the people have confidence in our police - the highest level for any police service in Australia.

POLICE SERVICE, CORRUPTION

801. Dr GALLOP to the Minister for Police:

Is it true that a not insignificant number of police officers in Western Australia engage in corrupt or criminal conduct?

Mr PRINCE replied:

Mr O'Connor, chairman of the three commissioners of the ACC, has said so. I accept his judgment without question, but that is a matter for him and the Commissioner of Police to sort out.

Mr Kobelke: Accept your responsibility!

Mr PRINCE: Nonsense.

Dr Gallop: That is a ridiculous answer.

Mr PRINCE: No minister, member of Parliament or the Parliament itself goes into the business of rooting out a corrupt police officer. That is done by the Anti-Corruption Commission, the police and the other agencies and bodies that have oversight of the Police Service - certainly not the Opposition.

Ms MacTiernan: Pontius Pilate. Wash, wash, wash!

Mr PRINCE: What must be done is being done, has been done for the past several years and will continue into the future. The police, particularly through the professional standards portfolio and the other organisations I have already mentioned, will continue to work to ensure that corruption is kept to an absolute minimum. Any officers who are found - not in a royal commission - to be corrupt are, as John Quigley said, tried in courts and convicted, because that is what justice means.

Ms MacTiernan interjected.

The SPEAKER: Before I take the next question, I advise members that one of our rules says that interjections are disorderly. I allow a fair bit of interjection because it adds to the atmosphere, and members are trying to put the Government under scrutiny. That is fine. However, it concerns me when members interject from all over the House. It does not achieve their objective. I called the member for Armadale to order, but it must have gone over her head. I inform her that she has interjected seven times before the third question has been asked. I am watching the member.

ST GEORGE BANK LTD, LEGAL ACTION

802. Mr NICHOLLS to the Minister for Fair Trading:

(1) Can the minister advise the House whether any action is likely to be taken against St George Bank Ltd, as banker to failed finance broker Graeme Grubb?

(2) If so, will the Government assist in such action?

Mr SHAVE replied:

(1)-(2) I thank the member for some notice of this question. I am pleased to advise the House that the liquidators and supervisors of the failed finance brokers, Grubb Finance and Global Finance, are actively pursuing avenues to recover funds for investors. I advise the House that I have received legal advice that there is a very strong case against St George Bank, as the banker to failed finance broker Graeme Grubb, for its conduct in allowing trust accounts held by Grubb and his company to be overdrawn over a lengthy period. In order that there is no delay in the commencement of appropriate recovery action, I have approved the provision of funding to the liquidator of Grubb's company, Rowena Nominees Pty Ltd, to enable the commencement of appropriate civil action against St George Bank. This is entirely consistent with the Government's twofold objective in relation to the finance brokers problems; that is, first, to recover the maximum amount possible for those investors who have lost their funds through the actions of unscrupulous finance brokers and borrowers; and, secondly, to ensure that all wrongdoers are punished to the full extent of the law. I am confident of being able to inform the House of further recovery action in the near future.

FINANCE BROKERS, LEGAL AID TO BORROWERS

803. Mr McGINTY to the Minister for Fair Trading:

Will the minister extend this grant of legal aid to assist other borrowers of failed finance broking companies to sue the directors of those companies as this is the most constructive way in which he can assist those borrowers to get back their money, as he promised earlier?

Mr SHAVE replied:

All issues are being considered by my advisers. I will not say to the member that I will look at an open government action in every civil dispute between borrowers, lenders and brokers. All of these issues will be looked at and assessed in the appropriate manner.

GOVERNMENT CONTRACTS, AGGREGATION POLICY

804. Mr BAKER to the Minister for Works:

(1) Has the minister seen a Labor Party invitation to small business to attend a function in Mullaloo next week?

(2) Did the minister notice the Labor Party's claim suggesting that the Government has a policy of aggregating small contracts into large ones which are more difficult for small business to win?

(3) Can the minister inform the House whether there is such a policy?

Mr JOHNSON replied:

(1)-(3) I certainly have seen that invitation, and it is a joke. I have a message for small business: Do not waste your time and money with the Labor Party. Businesspeople should learn from the past. I state categorically that there is no policy of aggregation. It is as simple as that. This is another example of one of the Labor Party's political beat ups without any facts. The best option for small business is this Government's move to more outsourcing of government activity, especially in regional areas. The Labor Party talks about helping business, yet it consistently opposes outsourcing. The Labor Party's opposition to private contractors reflects its anti-private enterprise ideology. Labor is a threat to small business, especially in regional areas, because it will aim to reduce the amount of work contracted to the private sector. Members opposite are a bunch of ideological Luddites who are a threat to small business, large business and the prosperity of all Western Australians.

CITY OF MELVILLE, INQUIRY

805. Mr McGOWAN to the Minister for Local Government:

Given the front page story in the *Melville Times* community newspaper this week revealing that Melville mayor, Katie Mair, has called for a full inquiry into the City of Melville and actions by staff similar to the inquiry just completed into the City of Cockburn -

(1) Will the minister agree to call such an inquiry?

(2) If not, will he explain why dissent and allegations of improper practices at the City of Melville, which principally covers Liberal-held seats, are different from the situation in the City of Cockburn?

Mr OMODEI replied:

(1)-(2) Does the member think that the situation at Melville is as serious as that at Cockburn?

Mr McGowan: I am asking you.

Dr Gallop: This is the mayor calling for an inquiry.

Mr OMODEI: I have read the article and I am aware that the mayor has raised issues with the executive director of the Department of Local Government. The executive director released a statement yesterday indicating that he does not believe the situation is in any way similar to that in Cockburn. The matters before the department will be analysed, and I am sure a response will be sent to the mayor of the City of Melville. That is the appropriate way to deal with the matter.

MAIN ROADS, REQUESTS OF EVANS AND PECK MANAGEMENT

806. Ms MacTIERNAN to the minister representing the Minister for Transport:

I refer to the minister's claim yesterday that Main Roads had made a number of requests for advice from Evans and Peck Management in the past two months, and ask -

(1) Will the minister specify what each of those requests was?

(2) In particular, which requests or requests for advice was Mr Geoff Watson involved in responding to?

(3) Will the minister confirm that Main Roads has approached the Crown Solicitor's Office in the past four weeks to seek advice on the status of at least one of the reports being prepared by Evans and Peck?

(4) Can the minister advise which report this is?

Mr COWAN replied:

The Minister for Transport has provided the following response -

(1) Main Roads has a service contract with Evans and Peck Management for advice on contract and project management issues relating to the construction of the Graham Farmer Freeway. Under that contract verbal advice is routinely sought and has been sought over the past two months. In addition, one report has been progressed relating to a number of claims from the design and construction contractor and a second report has been requested in response to a notice of a possible claim from residents in the Highgate heritage area.

(2) A number of Evans and Peck Management personnel have had input to both of these reports, including Mr Watson.

(3)-(4) Legal advice has been sought on the report being prepared in response to a possible claim.

ARMADALE ROAD-TAPPER ROAD INTERSECTION

807. Mrs HOLMES to the minister representing the Minister for Transport:

Following on from our on-site meeting last November, can the minister advise the current status of the work being undertaken by Main Roads regarding the intersection at Armadale and Tapper Roads, Atwell?

Mr COWAN replied:

The Minister for Transport has provided the following response -

> I thank the member for her continued interest in the improvements being made to the Armadale Road-Tapper Road intersection. The problems at this intersection are due to traffic trying to turn into the CSR asphalt plant that is located on the northern side of the Armadale Road 100 metres west of the intersection with Tapper Road. The CSR driveway site generates a number of semi-trailer and road train movements. These vehicles obstruct westbound Armadale Road traffic when waiting to turn right into the driveway due to insufficient passing space.
>
> In 1998, following representation from the member, a left-turn lane was provided for westbound Armadale Road traffic entering Tapper Road and, in addition, a raised median strip in Armadale Road and a bus bay were installed to improve safety.

During November, the Minister for Transport met with the member and representatives on site. Following that meeting, Main Roads intends to undertake modifications at the Tapper Road intersection on Armadale Road, adjacent to the driveway, to better define the turning movements. Final design is nearing completion. It is anticipated that the modifications will be completed by 30 June 2000. This will assist with improving traffic flow and road safety on this section of Armadale Road.

EDDYSTONE AVENUE BRIDGE

808. Mr BAKER to the minister representing the Minister for Transport:

I refer to the previous representations concerning the need for the construction of the Eddystone Avenue bridge, further providing the suburbs of Beldon, Padbury, Craigie and Heathridge with a more direct route to the Joondalup central business district. Can the minister confirm that the Federal Government has permitted the surplus funds from the Mitchell Freeway extension to be used for this purpose?

Mr COWAN replied:

The Minister for Transport has provided the following response -

An approach has been made to the Commonwealth regarding the application of funds towards the construction of the Eddystone bridge and a response is expected shortly. About $7m is likely to be available for this project depending on the finalisation of the current project to extend Mitchell Freeway to Hodges Drive. Planning estimates put the cost of construction of a two-lane bridge to take Eddystone Avenue over the freeway at about $6m. Additional costs for the connection of roadworks on Eddystone Avenue, including a pedestrian underpass, would need to be funded by the local council.

A thorough consultation process will be required as part of the project as a primary school and private residences are located adjacent to Eddystone Avenue and may be affected by changes in traffic patterns resulting from the construction of the bridge. I will keep the member advised of the progress with commonwealth approvals.

KING EDWARD MEMORIAL HOSPITAL, OBSOLETE EQUIPMENT

809. Ms McHALE to the Minister for Health:

Given that the report by Glover and Child into King Edward Memorial Hospital for Women has now been leaked to the media and has been the subject of extensive reporting and public comment, I ask -

(1) Does the minister accept the finding that much of the equipment at the hospital is obsolete and malfunctioning?

(2) Does he now concede that the hospital is suffering as a result of the Government's indifference and lack of funding?

(3) Will he table the Glover and Child report into the hospital and if not, why not?

(4) Will he table the terms of reference of the ministerial inquiry and if not, why not?

(5) Does the minister know who leaked the report to the media and if not, what action is he taking to find out?

Mr DAY replied:

I thank the member for some notice of this question.

(1) I am advised that the reference in the report to the equipment relates to items such as cots and neonatal units. Action is being taken to replace those units that are in need of replacement. Of course, as with all hospitals, any equipment found to be malfunctioning or unsafe is either immediately replaced or repaired, whichever is appropriate. A review was commissioned within the Metropolitan Health Service from the ECRI organisation to assist in determining the priorities for the acquisition of new equipment at King Edward Memorial Hospital and Princess Margaret Hospital for Children. The report by Dr Child and Ms Glover also refers to the Hensman Road outpatients clinic as being less than desirable. I entirely agree with that comment. That is why a new clinic is about to be constructed. Tenders for that project have closed and are being assessed.

(2) I do not agree with the contention expressed in the statement. Out of this year's Health budget of $1.8b, which is about to be increased in the budget speech to be made this afternoon by the Premier, approximately $140m has been provided to the King Edward Memorial Hospital and Princess Margaret Hospital complexes, which is $2.7m a week. That is substantially more than the last allocation in the last year of the Labor Government, which was $105m. The matter of equipment standards does not appear to be related to the amount of funding provided by the Government, rather to how the use of the funds which have been provided has been prioritised within the hospital.

(3) I am considering whether it would be appropriate to table an edited version of the report when the terms of reference have been finalised. Editing would be necessary to ensure that the interests of any individuals who can be identified are not prejudiced in the absence of full procedural fairness. The essential elements of the report were well presented in the articles written in *The West Australian*.

(4) The terms of reference for the ministerial inquiry are currently being developed in consultation with the Solicitor General. I am keen for the terms of reference to be finalised as soon as possible. As soon as that has been done, they will be made public and made available to Parliament.

(5) I am not aware of who leaked the report. It would be a fairly futile exercise to seek to identify the person who has made that known.

Mr Kobelke: It was not you?

Mr DAY: No, it was not me.

Dr Gallop: It was not someone in your office?

Mr DAY: No, it was not my office. I am the only person in my office who has read the full report. Given the attitude of the Labor Opposition to the investigation which was established into the leak at Main Roads, I am surprised that this question has been asked.

BHP HOT BRIQUETTE IRON PLANT

810. Mr GRAHAM to the Minister for Resources Development:

Over the construction period of the BHP hot briquette iron plant, the town of Port Hedland looked forward to that plant providing increased employment and financial security for the foreseeable future. Recent announcements by BHP that the future of the plant is in doubt are a major cause of financial uncertainty and personal distress in the town.

(1) Is it certain that the plant will close down; and if so, when?

(2) Is BHP committing resources in an attempt to make the plant function effectively?

(3) What other industrial developments are likely in the town of Port Hedland?

(4) Will the minister give an undertaking that the Government will do whatever is necessary to secure the future of the town of Port Hedland?

Mr BARNETT replied:

(1)-(4) I thank the member for some notice of this question. He and I have not always agreed on the mechanism by which we might get further processing of this State's mineral resources. However, I acknowledge and respect his commitment to encouraging further processing. He has always been strongly supportive of this project. As members are aware, BHP has written down the total construction cost of this plant which means in one sense its survival depends on its operating revenue exceeding operating costs. The hurdle for the project to survive is now significantly reduced. I do not believe the plant will close. I am optimistic. However, BHP is taking a careful look at it and has committed extra resources. Its announcement about the write-down included a commitment to spend a further $46m this year on trying to improve the technology to overcome the problems. That must be acknowledged as a major and serious attempt to make sure the plant can perform to capacity. As I said a week or so ago when this issue arose, there are technical solutions to making the plant operate effectively. The problem is finding a technical solution which is also an economic one. That is the challenge.

With respect to other aspects in the future, the member for Pilbara is aware that a group called Hi-Tech Energy Pty Ltd is well advanced on plans to develop an electrolytic manganese dioxide plant in the area. That would be an investment of $140m. Hopefully that might get under way towards the end of this year or some stage next year. It is well advanced and is going through the bankable feasibility study. In that sense, there is a greater recognition that although the iron ore, salt and petroleum industries are dominant, a more diverse mineral resource endowment exists in the Pilbara. With improvements like the Woodie Woodie Road upgrade and, hopefully, pipeline infrastructure extending out that way, we will see more diverse mineral developments and processing.

The State is working closely with BHP. I have appreciated the way it has informed the Government of the full details of its technical problems.

Mr Grill: As it has the Opposition.

Mr BARNETT: Yes; that is to its credit. Port Hedland has a strong economic future even though this is a difficult and unsettling time for it. The State is committed to the township. As part of the BHP direct-reduced iron process plant, the Government joined with BHP in the $7m upgrade of the South Hedland township. The State also committed resources for the access road to the development of the Bidarri development industry which is an in-situ environmentally cleared site for new industry. The Government will continue to support and encourage further investment in the area. I am optimistic and hopeful that the plant will prove to be viable, but there is still some way to go.

BUSSELTON BY-PASS ROAD

811. Mr MASTERS to the Deputy Premier:

I refer to the Government's strong commitment to investing in important road infrastructure across the State. Can the minister provide an update of the Busselton by-pass road construction project?

Mr COWAN replied:

Again the Minister for Transport thanks the member for notice of the question. The minister has provided the following response -

> Possession of site was granted to the successful tenderer, Henry Walker Eltin Contracting Pty Ltd, for Contract 62/99 on 8 December 1999. The contract comprises two separate portions at a total contract value of $14.5m. Part A is the Sabina River to Busselton section; that is, the construction of a new west-bound carriageway from Sabina River to Causeway Road and the reconstruction of the 5 kilometre east-bound carriageway. Part B is the Busselton by-pass; that is, the construction of a new road from Causeway Road to Bussell Highway at Vasse with a length of 10.7 kilometres. It includes construction of bridges over the Vasse River and the Vasse River diversion.
>
> The west-bound carriageway of the Sabina to Busselton section has been essentially completed, aside from minor ancillary works, and was open to traffic on 13 March 2000. The section includes the Causeway Road rotary, which was open to traffic on 16 April 2000. Reconstruction of the east-bound carriageway of the Sabina to Busselton section is well advanced with base course construction nearing completion. Primer sealing of this section commenced on 4 May 2000. Opening of the east-bound carriageway to traffic is expected by mid-2000, provided there are no significant interruptions by rain. Bulk earthworks on the by-pass section are approximately 90 per cent complete. Sub-base construction has commenced with approximately 4 kilometres being completed to date. Winter stand-down is scheduled to commence in mid to late May 2000. Recommencement of works on the by-pass is scheduled for October 2000. Pile driving for the Vasse River and the Vasse diversion bridges commenced on 2 May 2000. The expected completion of these two structures is late July.
>
> Completion of the overall contract is well ahead of the target date for final completion of May 2001. It is anticipated that the by-pass will be open to traffic in early March or well before Easter in 2001. This project is only one of many major works which highlight this Government's strong commitment to improving vital transport routes around the State. This commitment will continue for a number of years, and certainly for at least the next 10 years. It is also interesting to note that the current state road program for 1999-2000 stands at over $800m, compared with $370m in 1992-93, which was the last financial year of the previous Labor Government.

REGIONAL FOREST AGREEMENT, COMMONWEALTH FUNDING

812. Dr EDWARDS to the Minister for Forest Products:

I refer to the minister's bizarre answer yesterday in which he claimed the $15m promised by the Commonwealth for the Regional Forest Agreement timber industry restructuring was in the bank.

(1) Has the money allocated to WA been received?

(2) Which bank is it sitting in, and why?

(3) How much forest industry structural adjustment package money has been spent in this State in the current financial year?

(4) Does the minister concede that he was wrong to claim yesterday that the $4.6m in FISAP, identified in the federal budget papers, was for the whole of Australia and had nothing to do with Western Australia?

Mr OMODEI replied:

(1)-(4) I am aware that the member has again been talking to the media about this subject.

Dr Edwards: Why was the minister not available? Why did he decline an interview?

Mr OMODEI: I am always available to talk to the media about any matter to do with my portfolio. I refer to the statement by the federal Minister for Forestry and Conservation yesterday. Mr Tuckey stated -

> Gallop's claim is just plain wrong. His embarrassment is compounded because the national funding of the RFA was appropriated by the Keating Government in the 1995/96 Budget. He shows his political immaturity in not understanding the budget process.

That sounds like a Tuckey speech. To continue -

> The appropriations made included $100m for the science and assessment of the comprehensive, adequate and representative forest reserves system. An additional $100m was appropriated at the same time to fund the FISAP component.
>
> The Coalition Government re-affirmed and endorsed that earlier appropriation in the 1996/97 Budget. The money, apart from the sums paid to various states on completion of satisfactory terms and arrangements for the FISAP funds remains on the books of the Commonwealth for payment when negotiations are finalised.
>
> The WA RFA signed by the Prime Minister and the Premier in May 1999 was accompanied by an announcement that WA would be paid $15m in FISAP and a further $5m for tourism projects subject to the completion of agreed terms.

I met Mr Tuckey on 27 April and we discussed this matter. He reaffirmed the commitment, and in colloquial terms said that the money was in the bank. If the Opposition does not believe that, I suggest it takes it up with Mr Tuckey.

SOUTH WESTERN HIGHWAY, UPGRADE

813. Mr BRADSHAW to the Deputy Premier:

I refer to the Government's strong commitment to investing in important road infrastructure across the State and helping to get rid of some black spots.

(1) Has the road upgrade of the South Western Highway between Pinjarra and Waroona commenced?

(2) If yes, what upgrade is taking place?

(3) How much money will be spent on the upgrade?

(4) When is the upgrade expected to be completed?

Mr COWAN replied:

I thank the member for some notice of this question. The Minister for Transport has provided the following response -

(1) Yes. Works commenced in February 2000.

(2) The works to upgrade the Pinjarra to Waroona section of the highway - an approximate distance of 23 kilometres - are part of an overall project to substantially upgrade the South Western Highway between Pinjarra and Manjimup. This upgrade includes work to realign, reconstruct and widen sections of the existing highway. Parking bays and four overtaking lanes will also be constructed on the highway as well as improvements to a number of intersections, including Old Bunbury Road, Valley Road, Storey Road, Mayfield Road, Peel Road East and Patterson Road.

(3) The work on the Pinjarra to Waroona section of the South Western Highway is part of a contract awarded to McMahon Contractors WA Pty Ltd, valued at $9.63m. That also includes construction of 6.7 kilometres of the Old Coast Road near Lake Clifton. The value of work between Pinjarra and Waroona is approximately $7.22m.

(4) Work is expected to continue until the onset of winter rains at which time the contractor will stand down for the winter. Work will recommence after winter and will be completed by June 2001.

FARM BUSINESS IMPROVEMENT AND RURAL ADJUSTMENT SCHEMES

814. Mr GRILL to the Minister for Primary Industry:

I refer to the minister's claim in *The West Australian* today that Western Australia had received no new funding for the farm business improvement and rural adjustment schemes in Tuesday's federal budget because it received about $11m several years ago which had been held in trust and not spent.

(1) When specifically was the $11m allocated to WA?

(2) Why has the minister been sitting on the money instead of giving it to the farmers?

(3) Will the minister table correspondence between the State and Commonwealth relating to the $11m allocated and then held in trust?

Mr HOUSE replied:

(1)-(3) I thank the member for some notice of this question. I confirm that Western Australia's allocation for this financial year is approximately $11m. It comes about as a consequence of an arrangement made between this Government and the Federal Government. The original scheme of rural adjustment was scheduled to finish about three years ago, when a bulk amount of money was allocated to the States. When the then federal Labor Government made a decision that the scheme would end, it asked for the money to be returned that had been allocated to the States in bulk amount and held in trust by the States for the Commonwealth. I refused to return that money and negotiated an arrangement with the then minister, Senator Bob Collins, for this State to keep that money in trust for Western Australia's farmers to use. We have been using an appropriate amount of that money each year; that is, the same amount that would have been allocated every year. There has been no shortage of funding to Western Australian farmers; in fact, they have been getting the appropriate amount that would have been allocated by the Commonwealth every year. The State only holds that money in trust for the Commonwealth.

Mr Grill: Are you saying then that this money is coming through this year?

Mr HOUSE: No. We have had that money for two or three years held in trust for the Commonwealth. It is not state money; it is federal money held in trust by the State to be allocated under that scheme. The rural adjustment scheme is basically a federal scheme, and the States administer the money. It is not state money; it is federal money administered by the State.