Legislative Council

Wednesday, 29 May 1991

THE DEPUTY PRESIDENT (Hon J.M. Brown) took the Chair at 2.30 pm, and read prayers.

MINISTERIAL STATEMENT - BY THE MINISTER FOR CORRECTIVE SERVICES

Imprisonment Rate Reduction Measures

HON J.M. BERINSON (North Metropolitan - Minister for Corrective Services) [2.33 pm] - by leave: When the present Government came to office in 1983, it was expressly committed to a reduction in the rate of imprisonment. The rate of imprisonment at that time had reached 110 per 100 000 of the Western Australian population. As foreshadowed in my ministerial statement on 28 October 1987 on reducing the rate of imprisonment, a wide range of measures has since then been implemented. They include the following -

(1) Statutory recognition of the principle that imprisonment should be the sentence of last resort.

(2) Significant changes to the parole system.

(3) Replacement of imprisonment in default of payment of fines by non-custodial work and development orders.

(4) The repeal of a number of provisions for mandatory minimum terms of imprisonment.

(5) The introduction of a court diversion program for drug offenders and a sex offenders' treatment program.

(6) The decriminalisation of drunkenness and its replacement by sobering-up centres.

(7) Most recently, the introduction of home detention as a further alternative to imprisonment.

Given this record, no-one could reasonably suggest that the Government has failed to meet in full its commitment to positive action in this problem area. To their credit, the Opposition parties have also supported all of these initiatives and I acknowledge that readily.

But what is the effect? It is this: Whereas in February 1983 the rate of imprisonment was 110 per 100 000 of the population, in February this year it was 114 per 100 000. In other words, after eight years of unprecedented decarceration action, the rate of imprisonment has actually increased. True enough, there have been some special factors at particular times. In mid-1989, for example, the rate of imprisonment was down to 98 per 100 000, but that was a quickly passing phase. Again, the prison muster in February this year included over 140 Indonesian trochus shell fishermen. However, even without any of those prisoners - and some have still not been released - we would still be looking at a rate of 106 per 100 000 - a negligible and entirely unsatisfactory change since 1983.

The rate of imprisonment of 114 per 100 000 in February this year translates into an actual prisoner population of 1 953, and at that point there was absolutely no spare bed capacity in the whole of the Statewide prison system. It is important to recognise that the release of the Indonesian fishermen to whom I have referred will still leave insufficient reserve capacity within the prison system. Moreover, even when Casuarina Prison opens in July this year and Fremantle Prison closes, the reserve capacity will still be below the required level. On earlier projections, Casuarina Prison was expected to open with a spare capacity of 50 to 60 beds. In the event, it will be fully occupied immediately. Sixty additional cells at Bunbury Prison are now under construction and will become available next year. At best, however, these will provide short term relief only. Inevitably, unless something is done to turn the tide, a new 400 bed prison will be required by 1993 at a capital cost to the State of about $100 million and an annual operating cost thereafter of about $18 million.

As members will be aware, the Government has already announced its intention to build such a prison in the metropolitan area within the 1993 timetable. That, however, is not the end of the story. In fact, if current trends are allowed to continue, another prison of comparable size

will be needed only seven to eight years later and more new prisons will be required which will result in massive financial and social costs to the State. By contrast, with the continuing Western Australian rate of imprisonment of about 110 per 100 000, the Australian national rate is significantly lower at 80 per 100 000. A State by State summary of imprisonment rates based on the daily average musters during October 1990 indicates the following -

State	Imprisonment Rate Per 100 000 Total Population
New South Wales	94.9
Victoria	53.6
Queensland	74.7
South Australia	66.1
Northern Territory	251.6
Australian Capital Territory	44.0
Western Australia	110.3

The source of these statistics is the Australian Institute of Criminology.

Obviously, a number of factors contribute to the difference between the various jurisdictions. However, there is no apparent reason why, over the next five to seven years, we should not be able to reduce our rate of imprisonment to the national average, or at least close to that mark. There is no apparent reason, for example, why the rate in Queensland should be so much lower than ours.

Based on current population figures, an imprisonment rate of 80 per 100 000 would equate to a prison population in Western Australia of 1 340, or about 600 fewer than the present number. Interestingly, the current number of open security beds is 655 and the number of prisoners meeting the criteria for this lowest security rating is about 690. If all or most of these offenders could be managed in the community - and it is a fair assumption that this is an important factor in enabling other States to keep imprisonment rates down - it would be possible to do away with almost all open security beds. A small number, say 100, would need to be retained, mainly to accommodate longer serving prisoners during the usual transition before their final release. Importantly, if we can make early progress towards a reduction of this order, it should be possible to defer the proposed new 400-bed metropolitan prison. Ultimately, the need for other new prisons could also be deferred. The resulting savings would be very substantial indeed and would be available for areas of greater community need and more constructive use. Less tangible but important social benefits would also result. These would follow from the reduced disruption to the lives of individual offenders, their families, and the general community. Supervision in the community would also provide opportunities for effective rehabilitation which, realistically, are not and cannot be provided within the prison system.

It may be thought by some that the high rate of imprisonment in Western Australia is a reflection of a less law abiding society than elsewhere. Alternatively, it might be argued that the community would be placed at increased risk if offenders, who are currently detained in open security prisons, were supervised instead in the community. Despite innumerable studies, there is no objective evidence to support either view. Rather, it seems likely that the high rate of imprisonment in this State reflects more punitive community attitudes which are reflected in turn in a relatively conservative approach to sentencing, especially by the lower courts. The outcome is that large numbers of relatively minor offenders - such as those convicted of driving, property, and good order offences - are sent to prison for very short sentences. Of prisoners received during 1989-90, over 60 per cent were imprisoned for three months or less and no less than 75 per cent for six months or less. Of all Aboriginal prisoners received that year, 76 per cent were in prison for three months or less and 92 per cent for six months or less.

The picture which emerges is of a prison system filled to capacity with minor offenders, many, and indeed most, of whom present no real threat to the safety of the public. There are others such as white collar criminals who are serving longer sentences, but who are also low risk. It is difficult, to say the least, to accommodate this position with the principle now expressed in legislation and in many decisions by the Court of Criminal Appeal that imprisonment should only be used as the sentencing option of last resort. It may also be the case in particular circumstances that alternative non-custodial penalties are still inadequate - for example, inadequate fine limits for major white collar offences.

Consistent with the general principle, a strong case can be made for the view that only those offenders whose physical presence in the community would pose a real threat to public safety should be detained in prison. To be more specific, the penalty of imprisonment, apart from exceptional cases, should be reserved for offenders who are convicted of serious offences against the person, serious drug offences, escaping from prison custody, serious repeat property offences, or refusal to comply with non-custodial orders. Effective community supervision orders are available or are being developed which should make imprisonment of the great majority of minor or low risk offenders unnecessary. Although most minor and low risk offenders are now held in open security, there are also significant numbers in closed security accommodation such as Greenough, Canning Vale, Fremantle and Bunbury. If these minor offenders could be diverted from the prison system, a significant number of closed security beds would be freed up and could then be used to meet, at least partially, the inevitable increased future need for closed security accommodation. In particular, the diversion of minor and low risk offenders from imprisonment would allow the construction of the proposed new secure prison in the metropolitan area to be deferred, especially if this were done in conjunction with the expansion of an existing maximum security prison. Put another way, the State is not getting value for money out of its prison system. Many minor and/or low risk offenders are being detained who do not need to be held in prison at all. Imprisonment does not facilitate their rehabilitation and, indeed, is more likely to make them hardened by their experience and more likely to offend again.

In prison, the "short termers" can be difficult to manage, especially as it is often impossible to provide enough activity to occupy their time. As a result, they are inclined to become bored, disruptive and prone to trying to escape. I never fail to be amazed by the number of escapees from open security prisons who are literally within weeks of the end of their sentence. Two weeks ago there was an escape by a prisoner with only four days to go.

All objective evidence and professional advice agrees that these offenders could be managed at least as effectively, and almost certainly more effectively, in the community. Community based orders, in particular the new system of home detention, are more appropriate and more effective both from a supervision and rehabilitation point of view. They are also a far less expensive means of dealing with these minor and/or low risk offenders. Experience elsewhere indicates that the achievement of a sustained reduction in the rate of imprisonment is a realistic goal.

Finland, for example, was able to reduce its prison population from a high of almost 5 600 in 1976 to fewer than 3 400 in January 1990. In the three years between 1986 and 1989 alone, the imprisonment rate was reduced from 86 to 79 per 100 000, and the 1990 figure represents a further sharp fall to 68 per 100 000.

West Germany also achieved a very substantial reduction in its imprisonment rate without any increase in the rate of crime. Between 1983 and 1988 the West German prison population decreased by about 3.5 per cent per annum, a total reduction of more than 20 per cent and about 11 000 prisoners, while that of most other European countries increased by a similar amount. It is worth repeating and stressing that the reduced use of prisons in West Germany was achieved without any increase at all in the incidence of serious crime.

England has also experienced a significant reduction in the rate of imprisonment in recent years, although its rate is still high when compared with some other European and Scandinavian countries. In 1989 England reported the first reduction in its prison population since 1973. Since December 1988 the total number of adult prisoners has decreased from 49 950 to below 45 000. It is interesting to note in passing that between 1981 and 1989 the number of juveniles in custody in England fell from 7 900 to 2 200. Perhaps the most dramatically rapid change in recent years in the rate of imprisonment has occurred in Austria where the rate has declined since 1987 from about 115 per 100 000 to about 75 to 80 per 100 000. That reduction occurred in a space of three years only.

In all the jurisdictions to which I have referred, the reductions resulted from concerted efforts to reform the criminal justice system. In the case of West Germany, concern about the rising capital costs of accommodating an increasing prison population, together with disillusionment with the assumed benefits of imprisonment, were important catalysts of change. The absence of any associated increase in the rate of offending in West Germany

has no doubt been an important factor in influencing other countries to adapt a number of German initiatives to their own requirements. It is premature to suggest more than tentative policies to achieve a sustained reduction in the rate of imprisonment in this State. These might include some or all of the following -

Improved coordination of criminal justice policy;

promotion of greater public awareness of the costs and failure of imprisonment, and of the effectiveness of community based sentencing alternatives for minor/low risk offenders;

development of a legislative framework to guide sentencing practice towards a sharper distinction between violent and non-violent crime;

expansion of the eligibility criteria for the home detention program to include selected prisoners serving terms of up to two years;

development of new "hard nosed" community based sentencing alternatives such as so-called "boot camps" and "sentenced to read" programs;

development of culturally appropriate community based sanctions for Aboriginal offenders, such as community run halfway houses, out-camps for offenders with alcohol and solvent abuse problems, and a boot camp-style program to meet the specific needs of younger Aboriginal offenders;

encouragement of the use of greater financial penalties which take more account of offenders' means, including increases in the penalties for white collar offenders; and

development of restorative justice and other programs which give greater attention to the interests and rights of victims.

Possibly, as has been suggested by the Home Office for England and Wales, it will be necessary at the same time to address the needs of, and community concern for, public safety, by the introduction of even heavier prison sentences for offences involving serious violence.

The development of a coherent package of policies and strategies is a priority concern. I am encouraged to believe, from discussion with the Joint Select Committee on Parole, that its report will constructively address a number of the issues and possible responses to which I have referred. However, more will need to be done. I refer in particular to the need to both enlist the judiciary in developing new responses, and to gain its acceptance of the effectiveness of measures which are eventually adopted. The pivotal role of the judiciary is, in fact, a striking feature of professional comment on the recent major changes in European penal systems.

In the context of the various considerations to which I have referred, the Government has agreed to the following measures -

1. All action on the proposed new 400-bed metropolitan prison will be deferred for a minimum of two years.

2. Albany Prison will be expanded by 60 security places, commencing as early as possible in the coming financial year. The estimated building cost is $18 million, and the expansion will provide permanent employment for about 40 extra staff.

3. A study group will visit Europe at the end of next month for discussions with Austrian, German, Finnish, and British authorities and judges. It will also visit a limited number of institutions. The group will include the Chief Justice, the Chief Stipendiary Magistrate, the Executive Director of the Department of Corrective Services, and me. It will be joined in Europe by the Solicitor General, who is already committed as a member of the Australian delegation to a United Nations Commission in Vienna.

We are at a stage in our law enforcement system where it is no longer good enough to provide more and more of the same. We must not simply do more, we must also do better. It is a measure of the scale of our current systems that, even allowing for the cost of the Albany Prison extension, a deferral of the major new prison for one year only would provide savings of not less than $20 million. However, savings are not the basic aim of the exercise. Whatever prisons are required, at whatever standard, will always be provided. However,

there is no apparent reason why we should continue to accept a rate of imprisonment which is so far above the levels elsewhere and so patently pointless in so many cases.

Hon D.J. Wordsworth: You have not mentioned the effect of decriminalising drunkenness.

Hon J.M. BERINSON: I have referred to it among the measures already adopted.

It is time for another attack on this problem, and I conclude with the hope that, as on past occasions, it will be possible to have substantial agreement in the Parliament on the issues I have raised and the Government's response to them. I commend the statement to the House.

On motion by Hon George Cash (Leader of the Opposition), resolved -

> That consideration of the ministerial statement be made an Order of the Day for the next sitting of the House.

MOTION - HEPBURN HEIGHTS

Housing Development Cessation - 6WF Transmitter Station Relocation

Debate resumed from 16 May.

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [2.57 pm]: It may be appropriate to recap the argument that I was pursuing because some days have elapsed since this matter was last debated. Members would recall that Hon Reg Davies, when introducing this motion, suggested that Hepburn Heights was a pristine area. I suggested that was one opinion but there were a number of other opinions and they ought to be considered in this debate. Hon Reg Davies referred to a report which suggested that there are 196 varieties of plant species in the area. I suggested to the House that there are a number of exotic plant species throughout the area. The report to which Hon Reg Davies referred states that there are 48 exotic species. The report refers to those exotic species rather quaintly as 48 "naturalised aliens". The term "naturalised aliens" is probably used to sanitise what really is the downgrading of an area of natural bush; I do not think that can be argued. The report to which Hon Reg Davies referred also refers to a number of matters such as weed contamination and the construction of two pipelines through the middle of this so-called pristine area. I suggest that this is not in anyone's recollection a pristine area. I cannot imagine how one could put those quaint phrases before the House. The phrase "naturalised aliens" suggests that there may have been some degree of quaintness about the report. I am not in a position to argue whether or not people had preconceived ideas. I am trying to put forward a fair and reasonable case, and put in a non-sanitised way the argument of other people in the northern suburbs.

I refer to a document from LandCorp which goes through the suggested proposal and I will read into *Hansard* some of the proposed parts of the development. The LandCorp report says that the proposed development was to consist of 381 single residential lots, 12 sites for group housing for aged persons, one service station site, one commercial or shopping centre site and a community centre site. In addition, approximately 10 hectares was set aside for community services. As members will remember, I referred to that 10 hectares the other day. Perhaps the catalyst for this community problem was the announcement that a mosque would be built in that area. Of the remainder of the land, approximately six hectares has been allocated to public open space which is intended to remain as native bushland. The report goes on to say this -

> The land was previously set aside as a Crown Reserve for Tertiary Education purposes. The reserve was vested in W.A.P.S.E.C. who in 1987 decided that it was surplus to their requirements.
>
> It is intended that up to 10% of the single residential lots will be allocated to Homeswest.

Again we see another reason why there has been a community blowout about this matter; people in the area have suddenly decided that they do not want Homeswest housing in the vicinity. Why that should be the case, bearing in mind the type of construction Homeswest has been building of late, is beyond my comprehension. The type of houses Homeswest has been building recently is well documented and can be seen throughout the metropolitan area. However, bigotry runs deep, and people's ability to perceive the realities of issues is often difficult when confronted with old biases and bigotries. To continue -

> The 10 ha (approx) Community Services Area is controlled by the Department of Land Administration. Sites will soon be allocated to Community Groups by the Minister for Lands.

That has not happened up to this moment. The area has the potential to house in excess of 2 000 people. Of those, it is proposed that a number will come from the middle to lower income groups and from first home buyers. The suggested average price per lot is in the vicinity of the low $40 000s, and strict planning controls will be enforced to coordinate the development. The first stage was originally given to the Town & Country Building Society to develop the required 50 single residential lots. All services have been restricted to road reserves to allow maximum retention of native vegetation. Again one must seriously question why it is that a community has been inflamed by a small group of people with a vested interest and an obscured vision of the conservation and environmental values of the area, and the damage which will be done by providing suitable housing for a substantial number of people. All those matters must be considered very carefully before this matter is resolved. There is no doubt that there is political gain in this issue, and that is what has happened.

Hon Reg Davies made a number of references to Councillor Rundle of the City of Wanneroo. I had the feeling that Hon Reg Davies felt that Councillor Rundle should be canonised for her absolute devotion -

Hon Doug Wenn: In front of a canon?

Hon JOHN HALDEN: Well, whatever. Councillor Rundle, it was felt by Hon Reg Davies, ought to be raised to great heights as an outstanding advocate of conservation and the environment. I have had an opportunity in the last 10 days to go through some City of Wanneroo minutes. I understand a special meeting was held on Monday, 13 May 1991 - not that long ago. At that special council meeting the City of Wanneroo discussed what to do about the Mindarie tip site.

Hon Sam Piantadosi: You would be interested in this, Mr Cash.

Hon JOHN HALDEN: It discussed whether it would continue to use the site for tipping rubbish.

Hon George Cash: Would you start that again?

Hon JOHN HALDEN: No, but the honourable member should listen.

Hon George Cash: Just on the Mindarie tip.

Hon JOHN HALDEN: I said there was a special meeting, and we are looking at the role of Councillor Rundle with regard to that special meeting. The Mindarie tip has caused considerable public debate and considerable concern. One would imagine that this great advocate of environmental issues, with probably the most environmentally sensitive issue in the City of Wanneroo, would have had some statement to make and would have been very keen to voice her opinion. The City of Wanneroo resolved to close Tamala Park tip, or Mindarie tip as it is commonly referred to, and go back to its original site at Badgerup. In going back to its original site it was faced with the same problems which occurred at Mindarie; various ingredients would leach into the watertable and a whole process of problems would occur with respect to contamination of the ground water supply.

Hon Sam Piantadosi: Is that an environmental risk?

Hon JOHN HALDEN: My understanding is that the environmental risk is the same at either site. I understand the councillors were aware of the environmental risks. It is interesting that when the substantive motion with regard to this motion was put, only two councillors dissented from that motion, and those councillors were Councillors Waters and Davies.

Hon Sam Piantadosi: Not Rundle?

Hon JOHN HALDEN: Not Rundle, no. Councillor Rundle was very silent by her inaction. One must ask why Councillor Rundle, this great advocate of environmental issues, was not concerned about the most crucial of environmental issues in the City of Wanneroo.

Hon P.G. Pendal: You tell us.

Hon JOHN HALDEN: I would love to, and the member will enjoy every minute of it.

Several members interjected.

Hon JOHN HALDEN: May I suggest that it is fairly obvious that Councillor Rundle has pursued this matter as a cheap political stunt. Hepburn Heights is in her ward, and the issue has resulted in her being elected a councillor. It has also assisted the Liberal Party in its various campaigns in regard to this matter. Quite a one sided environmental approach has been adopted by Councillor Rundle. The evidence is not there to suggest that this woman is a born again greenie, or that she is massively concerned about a variety of green issues. May I suggest that Councillor Rundle has taken a politically opportunist approach to this matter. If she wants to do that, that is okay, but I do not think it is appropriate that, as Hon Reg Davies tried to suggest, she should be canonised for the sake of one issue. It may suit Hon Reg Davies to try to inflate the councillor's ego and status in this Chamber and perhaps elsewhere, but the realities do not support that sort of assessment.

It is most unfortunate that Hon Reg Davies, and the member for Marmion, tried to bring together two contentious issues; that is, the 6WF site at Balcatta and the Hepburn Heights issues. That was a cheap political stunt. It is important to understand what the local people want. The local residents have had to endure living close to the 6WF site for some time and the problem needs to be addressed. However, it is also important to realise that the Government supports the view that the site should be acquired for urban or other community purposes. The site was identified by the State Government as a potential urban housing area some two or three years ago. Nonetheless, the fact remains that the transmitters are in place, and presently no alternative site is available.

Hon Sam Piantadosi: The transmitters have been there for some time.

Hon T.G. Butler: Perhaps we could put them at Hepburn Heights.

Hon JOHN HALDEN: That is a simple suggestion; perhaps Mr Davies ought to be told and he will follow it up. The transmitters have been there for a number of years. As I said previously, the costs involved in relocating them are significant and considerable. One must weigh up those considerations, and the Federal Government is doing that currently. The member for Balcatta and the Federal member for the area have been liaising. The Federal Minister has visited the area to acquaint himself with the problems associated with the transmitter site's being encompassed within a residential area.

Hon Sam Piantadosi: Several public meetings have been held. Who attended those meetings?

Hon JOHN HALDEN: That is an interesting question. I point again to the non-substantiveness of what the Opposition brings to this place. The public survey, the public meetings, the visit by the Minister, and the discussions with the local community were not brought about by Hon Reg Davies but by the member for Balcatta.

Hon Bob Thomas: And an honourable member he is.

Hon JOHN HALDEN: Yes. Hon Reg Davies has not done the hard work. He has presented petitions to the House and he has delivered speeches but he was not present when discussions took place with local people. I wonder at the sincerity of that approach. Hon Sam Piantadosi suggests, not through interjection but through another means, that perhaps I ought to ask where were the upper House Opposition members who represent the region during that process. Unfortunately, I do not have an answer, and I understand that Hon Sam Piantadosi does not have one either. However, it is an interesting point.

Hon Sam Piantadosi: Was Hon R.G. Pike at the meetings?

Hon JOHN HALDEN: I do not know. Returning to the Hepburn Heights issue, Hon Reg Davies suggested that one report represented almost the Bible. That was one report among many. The report stated, contrary to what Hon Reg Davies suggested, that the Hepburn Heights area had potential for environmental significance but nothing more. It has potential only in the same way as have Bold Park and Kings Park. Those areas have been contaminated and downgraded by a range of urban pressures. When making a comparison between urban pressures and pristine areas, I must remind Hon Reg Davies that the area is not pristine; it is a relevant comparison. Hepburn Heights has not as yet had to sustain the urban impact sustained by Bold Park or Kings Park. In time it will, and one is left with the question whether an area which only has potential currently, and which is surrounded by and

has felt the considerable impact of urbanisation over the years, will continued to be identified as having potential. It must be remembered that Hepburn Heights is a very small area of some 53 hectares. That is not a significant area when compared with a range of other areas, including Kings Park. Again, one is left with the question why it is that this matter has continued to vex the honourable member.

As to the 6WF site, it is important that as time goes by this matter be dealt with in an appropriate way. The Government supports the relocation of the transmitters but that must be done in an environment not charged with short term political solutions of the sort suggested by Hon Reg Davies.

Hon Sam Piantadosi: Hon P.G. Pendal will enlighten us later.

Hon JOHN HALDEN: Perhaps he will. I do not know whether he has read a book about this matter; he bases his speeches on the latest book he has read.

Hon P.G. Pendal: I am reading the Budget at the moment; there is not a good speech in it.

Hon JOHN HALDEN: The Budget does not contain a speech. If the member wishes to read a speech on the Budget he should try elsewhere; perhaps he should try *Hansard*. I do not want to help the member too much.

The issue has been cheapened. People's concerns should not be cheapened by the short term political solutions suggested by Hon Reg Davies. They are political solutions. They are not real solutions. We cannot pick up the development at Hepburn Heights and superimpose it on another site. Had the member considered that proposition seriously, he would not have advocated it. The matter has been taken up by the local members; it would be appropriate for that process to continue, and for the Federal Government to delineate its housing timetable.

As to where the Hepburn Heights development stands at the moment, I understand that the matter will go to the High Court. Yesterday, Hon Reg Davies asked the Attorney General to clarify whether money would be made available for the payment of the legal costs incurred by Mrs Rundle in this matter. I am astounded by that request. The Minister's reply basically was that Mrs Rundle should not hold her breath, and that was most appropriate.

Hon Sam Piantadosi: Hon Reg Davies is committed.

Hon JOHN HALDEN: Perhaps he ought to be. Development of the Hepburn Heights land has ceased pending a Full Court hearing. The zoning of the area has reverted to the pre-existing public purpose; the Government has the option to develop the site for that purpose or to initiate further rezoning for urban and community purposes. If that is the only option, this appears to have been a very good exercise in publicity for Mrs Rundle and the member. However, that does not help people who need low cost housing.

Hon P.G. Pendal: A fat lot Government members care about low cost housing. What hypocrisy!

Hon JOHN HALDEN: Hon Phillip Pendal considers himself to be an advocate of the working class; he is a representative of South Perth, and he rarely steps out of the area. The situation is amazing.

Hon Reg Davies: There are no working class people left; everybody is unemployed.

Hon JOHN HALDEN: That was a good contribution to the debate! The greatest thing that could happen in this place would be for Hon Reg Davies to become unemployed as that would make room for someone else.

Hon T.G. Butler: It is strange that a member should suggest that we should not house the unemployed.

Hon JOHN HALDEN: Stranger things have been said in this place. The Government housing policy, realistically, stands without exception. I can recall the days of the conservative Government and the policies it adopted over nine years.

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! It is not fair to the member on his feet for members to indulge in cross-Chamber interjections. If members want to have a debate, they know the rules. Hansard has a great deal of difficulty with exchanges across the Chamber while a member is addressing the Chair.

Hon JOHN HALDEN: To end that little matter, I am sure members on this side of the House will stand by the Government's housing policy compared with the conservatives' housing policy any day, any time. We would be proud to take on the Opposition at any time on that debate.

The Minister for Planning has indicated he will ask the State Planning Commission to reconsider the matter with a view to commencing a fresh rezoning of the Hepburn Heights area. Those who think that this is a chance for political opportunism and that the Government will run away from these cowardly attacks are wrong. The Government has no intention of setting the land aside for recreational regional open space. As a previous member for that area, it is obvious to me that the northern corridor is well serviced by a series of local and regional open space reserves. Unlike the Opposition when it was in Government, the present Government has a proud record of -

Hon P.G. Pendal: Losing money.

Hon JOHN HALDEN: Hon Phil Pendal cannot help himself; he cannot contain himself beyond one issue. The Government will take him on any time he likes on any issue. However, at this time we will be very clear about this issue. I do not know whether other members remember Star Swamp and how we called for it to be made into a reserve. Did that take place?

Hon P.G. Pendal: It is a monument to Mr Clarko, the member for Marmion.

Hon JOHN HALDEN: Hon Phil Pendal brings up a significant point which again shows his ignorance beyond any doubt. The member to whom he refers was the Minister for Education. The land at Star Swamp was vested with the Education Endowment Trust Fund. Who was responsible for that? Jim Clarko. Was it ever made a nature reserve? No, of course it was not. He had no intention of allowing that to happen. The matter was left to the Labor member for Scarborough and upper House Labor members of the day to encourage the Government to declare Star Swamp a nature reserve. Although the Opposition had nine years in Government to do that, it was never the Opposition's intention that that should happen. The situation was a sham; and although Hon Phillip Pendal points out his environmental credentials, he was wrong and he is continually wrong.

Hon P.G. Pendal: Mr Clarko has a very proud record of achievement with Star Swamp.

Hon JOHN HALDEN: Hon Phil Pendal can say what he likes, but we should listen to the facts and not his drivel.

Did the Opposition support the establishment of the nature reserve surrounding Lakes Joondalup and Goollelal, referred to colloquially as the Kings Park of the north, with which I had some involvement? No, of course not. It was the most significant area put aside for nature reserve in the northern corridor.

Hon George Cash: I strongly supported it; you know that. Hon John Halden has lost track since he went south.

Hon JOHN HALDEN: The Opposition now wants to make another small and insignificant area into a national park. However, in its scurrilous attack upon the Government it does not refer to the Government's significant record. The Opposition's record is far inferior; it is that of an Opposition indulging in rhetoric and trying to hide its inactivity when in Government. Its record is beyond the realms of belief when we look at the facts. The motion as moved by Hon Reg Davies and the facts do not match. It is an example of political opportunism gone wild. Between the honourable member and the councillor on the City of Wanneroo little credibility is left once their point of view is taken apart step by step. The matter started with significant overtones about a mosque being built in an area which would also include State housing. By virtue of those bigotries and values the Opposition has -

Hon Reg Davies: You are a disgrace.

Hon JOHN HALDEN: I am not a disgrace at all. The Opposition has come into this House on repeated occasions and tried to present a picture that the area is of significant environmental value. The people of the northern suburbs know full well what the issue is about; it is a sham, like the member who introduced the motion. I hope the motion is defeated.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.27 pm]: Mr Deputy President -

Hon John Halden: I bet $2 you would speak first.

Hon GEORGE CASH: - I strongly support the motion moved by Hon Reg Davies for the cessation of land clearing at Hepburn Heights. I was interested in comments made by both Hon John Halden and Hon Sam Piantadosi. It is clear from some of Hon John Halden's comments that now that he is a member for the South Metropolitan Region he has lost touch with the people from the North Metropolitan Region. His comments indicate he has either forgotten where Hepburn Heights is or he is totally confused about representations made to him by the many people in that area while he was a member for the area.

I will deal with Hon Sam Piantadosi's comments at length when I next have the opportunity to speak, because I am aware that the debate finishes at 3.30 pm. I, and many members of the Opposition, share Hon Sam Piantadosi's concern for the need to protect the wetlands in the northern metropolitan area and, indeed, across the metropolitan area. I refer to the matters he touched on for which he sought support of the House to reduce pollutants seeping into the watertable. There is no question that he will find many friends on this side of the House concerning that issue.

To return to the Hepburn Heights argument, Hon Reg Davies presented to this Parliament a petition signed by 14 000 people, most of whom live in the north metropolitan area. The petition called on the Government to ensure that that important area of bushland was retained in its natural state. Members would be aware that the area to which we refer in this Parliament as Hepburn Heights is about 53 hectares of land and is the last remaining area of natural bush in the northern suburbs. It is interesting that in some of Hon John Halden's final comments he claimed that the people who signed the petition did no more than commit a sham in wanting to retain that area of land. In due course, I, along with Hon Reg Davies and other Liberal members in the north metropolitan area, will go back to the people who signed that petition and let them know that a Labor member said in this House that, in signing that petition, they did no more than commit a sham; that is, Hon John Halden did not believe they were dinkum in wanting to retain the 53 hectares of natural bushland.

Hon Reg Davies: He was speaking on behalf of the Government, wasn't he?

[Debate adjourned, pursuant to Standing Order No 195.]

MOTION - SHARK BAY MARINE PARK

Disallowance of Order

Order of the day read for the resumption of debate from 28 May.

Debate adjourned, on motion by Hon Doug Wenn.

ADDRESS-IN-REPLY - SIXTEENTH DAY

Motion

Debate resumed from 28 May.

HON DOUG WENN (South West) [3.30 pm]: I thank you, Mr Deputy President (Hon J.M. Brown), for the opportunity to speak in the Address-in-Reply debate. It has been a stop start debate for some of us; however, I have finally got to speak on it. I congratulate Sir Francis Burt for the excellent way he opened Parliament. I am aware that Hon Garry Kelly is not keen on the Governor's opening this place every year. However, Sir Francis Burt did a wonderful job. I had the opportunity to meet with him recently in Collie, as did Hon Bill Stretch and the member for Collie. The conversation that I had with him was extremely free flowing. There was none of that "I am the boss; you are the worker" attitude. I had a hearty discussion with him. It was amazing to see how he communicated with the young schoolchildren who were also there. While having these discussions he referred to a dispute in which he acted for the Collie miners when a horse called "Red" caused serious disruption and problems at the mine. Hon Bob Pike is probably aware of what happened at that time. Red was so frisky that every time he went down the mine he played up and became dangerous. The unions and the workers refused to work with the horse and stopped

work. For some reason still unknown to almost everyone but the management at the time, management refused to take the horse out of the pits and a long and protracted strike took place. Sir Francis Burt was the legal adviser to the miners and acted for them in the arbitration case. It ended happily with the horse being taken away and the workers going back to work.

Hon T.G. Butler: It sounds like one of the horses I back.

Hon DOUG WENN: I follow the horses, too. However, I have never had any joy there. It is only about 12 months since I moved in this place that the workers in Collie be permitted to extend their shifts. That motion was tied in with the days when horses were used down the pits. Therefore, the horse is still closely associated with Collie.

The way Sir Francis Burt communicated with the school kids was gratifying because it is not often that children of that age have an opportunity to meet with people like Sir Francis Burt and talk with him. I was amazed. The kids loved it and went away with an entirely different view from the view they held before they met him. Again I congratulate him for the job he is doing.

All members are aware, because I have spoken in this place before, about the Collie coal issue. It is history now that the Government made a good decision to go with coal and not with gas. Not everyone in Collie was totally happy with that decision. However, 99 per cent of people agreed with it with only 1 per cent disagreeing. Collie's future, at least for the next 40 or 50 years, is now assured. The people of Collie have now taken the bull by the horns. They see a future for Collie. They have lifted themselves off the ground where they lay before the announcement and are getting on with their lives. There has been a huge influx of people who want to invest money in the town. One real estate agent told me that he had a block on his books that he could not sell, no matter what the price was at which he offered it. After the announcement of the new power house development, six people were interested and he could have put any price on it he wanted. That is how people have reacted to the decision. Every person in Collie can be proud of the part he or she played in achieving a future for the town. Even the children have a different outlook on the future of Collie and they are the future not only of our area, but of our nation. As I said, the Government's decision was the right one and I congratulate it for making it.

Over the last couple of weeks, people from Perth have approached me with confidence about investing in Collie. The Wellington Heights group led by Colin Lofts wants to establish a second stage and is excited about that. He brought a number of business people through the town about three days after the announcement of the development of the coal fired power station. These people were also interested in investing in the area. That can only enhance the place. Collie's future is looking better all the time because there is also a proposal to extend the Worsley alumina refinery. Worsley Alumina Pty Ltd proposes spending a huge sum of money not only to upgrade the refinery but to extend its works on that site. There is also talk of a company turning coal into small bricks. I spoke to one of the company's people on Saturday at a luncheon for members of the Belgian Chamber of Commerce who were invited to Collie by the local chamber of commerce. I was told that a silicon factory outside Bunbury is eager to buy some of these and the surprising part is that a market has also been found for small barbecue bricks. Obviously there is a market for them. What is more amazing is that that company has cornered the American market with the same small bricks. That company comprises a couple of people from the south west who took on a challenge and secured a contract that will make their business extremely viable. When they took over that company, it was a failed company which had not marketed its product properly. They experimented and found that they could eliminate the combustion problem that was experienced when we tried to export Collie coal in the past. It has closed down at the moment to rearrange the equipment in the factory so that it can be much more productive and obtain maximum use for the work being done.

Hon Peter Foss: Are you referring to a company called Australian Carbon Ltd?

Hon DOUG WENN: No, it is a local group but I cannot recall its name at the moment. That is the type of initiative being demonstrated in Collie at the moment. The people of Collie have picked themselves up; they now see a future for themselves and they are getting on with it. Also the people of Western Australia are seeing potential in Collie, and the future is looking very rosy.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on p 2276.]

SUPREME AND DISTRICT COURTS (MISCELLANEOUS AMENDMENTS) BILL

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 1990

Second Reading

Debate resumed from 28 May.

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [3.42 pm]: At the outset I thank members for their general support of the Conservation and Land Management Amendment Bill. However, I need to address a number of issues raised in the debate which are pertinent to the Bill. Hon Phillip Pendal spoke of the performance of the Liberal Government, as opposed to this Government, in the creation of new national parks.

Hon George Cash: Did you get a list of the parks we created?

Hon KAY HALLAHAN: The number of parks created by the previous Government paints a sad picture. There was a substantial increase in the area designated as national park during the period from June 1974 to June 1983. However, I want to make it clear - because members opposite seem to hang out on what was created during that period - that it was not such a glorious period at all. Of the 2.6 million hectare increase in national park areas, 2 million hectares related to the gazettal of the Rudall River and Drysdale River National Parks. Both those parks are remote and very few people visit and enjoy them.

Hon Peter Foss: Are you saying they should not be national parks?

Hon KAY HALLAHAN: No, I am saying that in one easy sweep large areas were created as national parks.

Hon Peter Foss: What makes them easy?

Hon KAY HALLAHAN: Hon Peter Foss should listen to my comments. This Government is left with the legacy of the creation of the Rudall River National Park by the former Government.

Hon Peter Foss: Are you opposed to the creation of the Rudall River National Park?

Hon KAY HALLAHAN: No, but it was created without a great deal of thought and a number of problems are being worked through at the moment as a result of that. The Liberal Party should not claim great credit for having created this national park when it is easy to go around with a great sweep and create large areas of national parks. It is not so easy to create national parks these days because of the many conflicting land uses and interest groups which must be considered. These include pastoralists, mining interests and Aboriginal communities. Members must concede, if they are honest, that these days it is much more difficult to resolve the conflicting land uses, which are evident today, than it was a decade ago.

Hon P.G. Pendal: It has not stopped your Government from trying to make difficulties over Mt Lesueur.

Hon KAY HALLAHAN: I would like Mt Lesueur to be established as a national park, and that matter is on the Notice Paper for discussion later today.

Sitting suspended from 3.45 to 4.00 pm

Hon KAY HALLAHAN: Before the suspension I was making the point - which seemed to be rather contentious, but despite that I will repeat it - that this Government has made difficult decisions on the further need to create national parks, many of which are readily accessible and will be heavily patronised by people in the State's south western population

centres. It follows that I am very proud of this Government's record of creating parks. We have increased national parks by 0.4 million hectares; we have created 0.3 million hectares of marine parks; and we have created 0.2 million hectares of conservation reserves, most of which will be converted to the new land category of conservation parks when this Bill is passed.

Hon Phil Pendal queried the status and management of the proposed conservation parks. These new reserves will not have the status of a national park - they will not be of national significance - but they will nevertheless be very important conservation and recreation areas for the people of Western Australia. The conservation parks will be managed as if they were national parks, balancing the recreational needs against conservation values, and they will have the same management constraints and protection that are afforded to national parks, except for some factors which I will touch on in a few minutes.

Hon Phil Pendal spoke at some length about mining issues. I agree with him, and compliment him on his view about our need for the mining industry, and about the need for the conservation movement to reach a more positive and workable relationship with the mining industry. As a community we need to see a coming together of, and an understanding between, those two bodies rather than the divisive debate which is often a feature of this area. However, the issue of mining in national parks and conservation parks is not a province of this Bill. Section 4 of the Conservation and Land Management Act allows various mining Acts to take precedence over the Conservation and Land Management Act. As a consequence of the Government's announced policy for mining in conservation reserves, changes to the Land Act and to the Mining Act are now required. However, those changes are not appropriate to this debate and they will not be dealt with as consequential amendments to this Bill. There will be a later opportunity to embark on a debate about the specific legislative changes that will come before the House.

Hon Phil Pendal indicated that he believes the fate of a new mining venture will be sealed once an area is declared a conservation park. That is clearly not the case. An amendment to the Mining Act will require that mining in conservation parks will need the approval of the Parliament. Most of the proposed conservation parks are currently either State forest or A class conservation reserves. Their creation will also require the approval of the Parliament to revoke the State forest or to amend the purpose of the A class reserve. The creation of a new national park will be subject to approval of the Parliament.

Hon Phil Pendal queried the logic of planting pine trees in the Shannon National Park. I am advised that the last planting of pines in that park occurred in 1971.

Hon P.G. Pendal: I understand they were still doing it in the mid-1980s.

Hon KAY HALLAHAN: My advice is that whatever it is the member believes has taken place may have been on adjoining areas or on private land, but certainly not in the national park.

In regard to the maximum lease period for conservation land, the Government indicates its willingness to accept the main thrust of the Opposition's tabled amendment to clause 39, which amends section 100 of the principal Act. However, we suggest that the Opposition consider amending subsection (3) to remove the need to table leases and lease renewals in the Parliament. It is the Government's view that providing those lease details in the tabled annual report of the Department of Conservation and Land Management would be more satisfactory and would put those leases or renewals in the public domain, which is maybe what the Opposition wanted to achieve, and that would avoid the tendency which we may get into of swamping this institution and other institutions with paperwork. Therefore, I call for a reconsideration of that matter. Those leases and renewal leases could feature in the Department of Conservation and Land Management's annual report which is tabled in this place and thereby becomes a part of the public knowledge available to our citizens.

The proposed amendment on the Notice Paper to clause 51 will, I believe, create a misleading title for what is intended for the proposed Nature Conservation Trust of Western Australia, because that trust is primarily a vehicle to obtain cash or land donations to allow additions to the conservation estate. While any private land obtained and added to the estate will protect flora and fauna species on that land, the species may not be what the member regards as rare and endangered. Therefore I believe that term has been somewhat loosely

used, because it is a term used for declared species under the Wildlife Conservation Act, which describes those species which are likely to become extinct but are rare or otherwise in need of special protection.

It may be that land purchased by the trust could be cleared farmland which will be added to a national park or, indeed, to a conservation park in order to provide picnic facilities and perhaps parking areas; it could even provide land for ranger accommodation. Therefore I ask the Opposition, as we approach the Committee stage of the Bill, to give some thought to the purpose for which the trust is envisaged, and the somewhat misleading title it would have if the Opposition's amendment were adopted. I would even suggest that we use the term "threatened species", but the Government's preference is that we leave the title as it appears in the Bill as printed.

I have not discussed this next matter with Hon Phillip Pendal, but an additional function is sought for the trust in the Opposition's proposed paragraph (ca). That would be acceptable to the Government if the word "lawful" were removed; because I am advised that the proposed amendment implies that the trust may do unlawful things.

Hon P.G. Pendal: It was not the department we were worried about; it was the Government.

Hon KAY HALLAHAN: I will overlook Hon Phillip Pendal's very uncharitable comment. Parliamentary Counsel's advice is that the word "lawful" does not add anything useful to the legislation. Perhaps Hon Phillip Pendal, despite his rather cryptic and ill-advised comment, might think about removing that word in this instance.

Hon Phillip Pendal also expressed a number of concerns about the financial penalties. I stress that those penalties are maximum penalties. As we know, it is up to the judiciary to decide upon and impose penalties, but it is the Government's view that the maximum penalties would be imposed only for premeditated offences which are considered to be of a very serious nature. It is important that the judiciary have the capacity to impose quite significant penalties, so it is appropriate that that capacity should be there. On that same theme, the imprisonment penalties mentioned in clause 42 and currently existing in the Conservation and Land Management Act apply only to offences on State forest or timber reserves, and the Bill spreads these penalties across the whole of the CALM estate and has matched the maximum financial penalties with the maximum gaol terms. A fine of $10 000 is commensurate with an imprisonment term of 12 months, and a $4 000 fine is commensurate with imprisonment for six months; so there is a relationship between those financial and imprisonment penalties.

Hon Phillip Pendal also spoke of an offence under clause 42, proposed section 105, being unworkable. I make it clear that this offence relates only to State forest and timber reserves and the only change from the Act is to increase the financial penalty. Proposed section 105 makes it an offence to have an open fire on land contiguous to a State forest without the prior knowledge of a fire officer. The penalty is designed, I think sensibly, to discourage neighbours from burning off during unrestricted burning times when flying embers might ignite a nearby, resin rich pine forest. The term "contiguous" in proposed section 105 would not involve distances of up to five kilometres from the forests, and that was suggested by Hon Bill Stretch. The Department of Conservation and Land Management liaises with owners adjacent to pine plantations to acquaint them with the need for prior notice for fires, and proposed section 105 will apply only during unrestricted burning times to properties adjacent to pine plantations. We do not believe that its application will require undue liaison between property owners and the department's officers.

Hon Bill Stretch's concern that proposed section 105 may prevent sensible back burning by volunteers is, we believe, quite unfounded. The proposed section will not be applied to restrict legitimate firefighting procedures. It is understandable that proposed section 105 is a little confusing. It is somewhat cryptic and I am told it is a very little used power; however, it is required to protect the department's valuable and quite vulnerable pine plantations.

Hon Bill Stretch spoke of the amendments placed on the Notice Paper to clause 42, proposed section 108C, regarding unbranded cattle on CALM land. The amendments sought are generally acceptable to the Government; however, we see a need to include a definition of pastoral regions. I have indicated that in the amendments I have now tabled and which appear on the Notice Paper. Members will see that that definition begins "land other than the

South-West division" and includes, I think, two shires; but we will come to that during the Committee stage. They are the usual definitions CALM uses relating to pastoral regions.

Hon Bill Stretch also indicated some ambivalence with respect to whether unbranded cattle under 12 months old should be excluded from any destruction program. I hope that Hon Phillip Pendal, who is handling the debate for the Opposition, will agree to the addition of the words "appearing to be" prior to the words "over the age of 12 months" in the amendment on the Notice Paper. I have now tabled that amendment too, because we think it would at least give the department and the Agriculture Protection Board some degree of flexibility in dealing with young cattle. I assure members that it is not the intention of the Department of Conservation and Land Management to make money out of the application of proposed section 108C, nor is it intended to deprive pastoralists of stock which have accidentally or temporarily strayed on to CALM lands. The department is merely seeking to be able to prevent damage by unbranded cattle to the land that CALM is obliged to manage. CALM assures me that its officers will always make diligent attempts to determine the owner of straying livestock so that the owner can come and remove the animals. I must say that it is a significant cost to the department either to muster or, indeed, shoot such livestock. I emphasise that the powers contained in proposed section 108C relate only to unbranded cattle, and that is a fairly important area of the Bill.

Hon Murray Montgomery indicated concern regarding the nature of the conservation trust, as he thought it might have the potential to take away land from farming areas. I assure him that the trust can acquire private land only if the owner wishes to sell that land. Therefore, it is not compulsory acquisition. If a private landowner wanted to sell his land to the trust, I am sure that the member would not wish to stand in the way of that transaction. If the owner wishes to sell part of his land, the land acquired by the trust will be capable of encouraging tourism and it will add to the park area and enhance the preservation of conservation areas. In many cases the land could be used for servicing the more valuable conservation areas of the parks with parking, accommodation and other such features.

I am very pleased with the general agreement the Bill has received. A couple of areas of contention will be addressed during the Committee stage. We are dealing with a major overhaul of the 1984 Act. Undoubtedly, the passage of this Bill will improve the management of the land handled by the Department of Conservation and Land Management as it will increase the department's flexibility in planning the conservation of land without any undue or excessive increase in its powers. This overhaul of the Act is warranted and will lead to a more effective piece of legislation on the Statute book. I thank members of the House for their support. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

Clauses 1 to 38 put and passed.

Clause 39: Section 100 amended -

Hon P.G. PENDAL: The Opposition seeks to amend this clause to be consistent with the position it attempted to establish a year or two ago. That occurred when we dealt with an amendment to the Parks and Reserves Act regarding future development in Kings Park. Members may recall that the Opposition parties opposed the concept that a 40 year lease should operate on the Kings Park restaurant; similarly we oppose any suggestion that a virtual freehold lease - as I call it - should be inserted into section 100 of the principal Act, as the Government is seeking to do. Since my amendment was circulated I have been given to understand that the Government is prepared to accept it except for the part involving the tabling of the lease in the Parliament upon its completion.

Therefore, I will not refer at length to proposed subsections (1) and (2), other than to indicate that the Government has agreed that a lease with a period of up to 40 years is excessive. The argument previously was that one could not hope to attract investment capital if it was for the conventional period of 20 or 21 years. We dispute that. If members talk to a person in an

investing frame of mind - although few of them are left these days - he would argue that he could get a return in 20 or 21 years. For him to say otherwise would be to go into something with eyes closed. By the same token, the Opposition is prepared to accept that someone who invests for a 21 year period should be preferred to someone who comes along at a later stage. Proposed subsections (1) and (2) express our views on that. Therefore, I move -

Page 23, lines 2 to 4 - To delete the clause and substitute the following -

39. Section 100 of the principal Act is repealed and the following section is substituted -

100. (1) The Executive Director may grant a lease of any land to which this Division applies for a term not exceeding 21 years on such terms and conditions as he thinks fit.

(2) A lease granted under subsection (1) may include an option or options to renew that lease for a further term or terms not exceeding, in the aggregate, 21 years.

Hon KAY HALLAHAN: The Government prefers the 40 year period because in some circumstances good quality facilities will be expensive to provide. However, the Government is willing to accept the amendment proposed by Hon Phillip Pendal.

Hon MURRAY MONTGOMERY: The National Party supports the amendment. As Hon Phil Pendal indicated, the extra years included within the Kings Park leasing agreements will allow people to know exactly where they are going. Twenty-one years will be added to the current 21 years. In fact, lessees will have an extra two years on top of that which the Government advocates, providing a 42 year lease for a potential developer.

Amendment put and passed.

Hon P.G. PENDAL: I move -

Page 23 - To insert after proposed subsection 100(2) the following -

(3) A lease granted under this section shall be laid before each House of Parliament within 14 days of its execution by all parties to the grant or renewal.

There may be contention on this matter. The Opposition believes it is not proper for the Parliament to involve itself in what is included in the contents of lease documents. No suggestion is made - nor was there in 1989 or 1990 in the Kings Park Board matter - that the Parliament ought to have some form of scrutiny over such documents. I did not suggest then and I do not suggest now that the Parliament ought to have the chance to negotiate lease documents, even though it has been suggested that the Opposition may have had that in mind. If a Government is to be made open and accountable documents of this kind should be presented to the Parliament, thus making them public documents.

It is difficult to discuss these amendments without referring to the amendments to be proposed later. Lease documents should be tabled rather than their details being included in an annual report of the Attorney General's department. During the second reading debate the Government expressed its unwillingness to begin a paper chase in the Parliament. I suggest that we already have a paper chase in the Parliament. I do not think that that can be minimised by including lease details in a departmental report which is subsequently tabled in the Parliament. Those details should be tabled in the Parliament separately. The world will not stop on its axis if the method I have suggested is adopted. Hon Murray Montgomery made an important point when he referred to the first part of the amendment as being consistent with the benchmark established two years ago. I urge all Opposition members to support new subsection (3) to ensure that lease details will be tabled in Parliament. There has been no suggestion that we are seeking to limit it to 14 sitting days.

When dealing with lease documents or any other contractual arrangements we must remember we are not dealing with anyone's private property. Essentially, these agreements are with the State and in effect the lessees will have control over areas of the State for the next 21 years and, possibly, for the next 42 years. It is a case of the Government's not only being open and accountable but also being seen to be open and accountable.

Hon MURRAY MONTGOMERY: Hon Phillip Pendal's amendment is an attempt to make

sure that the Government is accountable to the people. If this amendment is not passed the details of such documents would be left to be outlined in annual reports of the Government department. Reports are usually drawn up at the end of a financial year or at the beginning of the next financial year. It can take 18 months for reports to be tabled in this House. This amendment is really an attempt to make sure, without interfering in the negotiations, that the commercial confidentiality of such deals is maintained and that the Government is accountable not only to Parliament but also to the people. It will also prevent some of the problems that have occurred in the past. The Government has said that it wants to be accountable to the people. The proposed subsection will make sure that the Government is made accountable without creating undue delays in these negotiations. The National Party supports the amendment.

Hon KAY HALLAHAN: I move -

> That proposed subsection (3) be amended by deleting the words "laid before each House of Parliament within 14 days of its" with a view to substituting the words "included in the annual report of the department after".

I believe that the appropriate way to handle this amendment is to have the details of such lease agreements outlined in the annual report of the Department of Conservation and Land Management. I have not been persuaded that there is any great need to publish the whole of the lease documents separately. In fact, as the member spoke, I wondered whether any aspects of commercial confidentiality would apply to any of the leases. For that reason I am more strongly of the view that the Government's proposed amendment should be included in the legislation. I understand the argument about accountability; however, details of these leases have not been tabled in the Parliament previously. I see a case for doing that and it could be satisfactorily achieved through the annual reporting process. I acknowledge that there could be a time lag, but people use that argument excessively. Of course, the time lag may be greater on some occasions than on others, especially when a lease occurs in the early part of a financial reporting year. On the other hand, the lease could occur in the latter part of the financial reporting year and, in that case, the details would be laid before the Houses of Parliament in a short time. I strongly urge members to support my amendment.

Amendment on the amendment (words to be deleted) put and a division taken with the following result -

	Ayes (10)	
Hon T.G. Butler	Hon B.L. Jones	Hon Doug Wenn
Hon Graham Edwards	Hon Garry Kelly	Hon Fred McKenzie
Hon John Halden	Hon Sam Piantadosi	*(Teller)*
Hon Kay Hallahan	Hon Bob Thomas	
	Noes (12)	
Hon George Cash	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Reg Davies	Hon N.F. Moore	Hon Margaret McAleer
Hon Max Evans	Hon Muriel Patterson	*(Teller)*
Hon Peter Foss	Hon P.G. Pendal	
Hon P.H. Lockyer	Hon R.G. Pike	

Pairs	
Hon Tom Helm	Hon W.N. Stretch
Hon Tom Stephens	Hon Barry House
Hon Cheryl Davenport	Hon D.J. Wordsworth
Hon Mark Nevill	Hon J.N. Caldwell
Hon J.M. Berinson	Hon E.J. Charlton

Amendment on the amendment thus negatived.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 40 and 41 put and passed.

Clause 42: In Part IX, Divisions 1 and 2 repealed and Divisions 1, 2 and 2a substituted -

Hon P.G. PENDAL: I move -

Page 29, lines 2 to 5 - To delete proposed section 108C and substitute -

> **108C.** Unbranded cattle over the age of 12 months found depasturing within the pastoral region in any land to which this Part applies are the property of the Crown, and may be disposed of as the Executive Director may direct.

The Opposition's amendment will be explained in detail by Hon Bill Stretch. The amendment touches on the age of unbranded animals and it applies mainly to the pastoral region. In advance of Hon Bill Stretch's persuasive argument, I commend the amendment to the Chamber.

Hon W.N. STRETCH: This clause deals with unbranded cattle found depasturing on pastoral land. The Opposition opposes the amendment to the parent Act because it would impinge unfairly on pastoral cattle. It would also seriously affect cattle in the south west of the State and I explained that during the second reading debate.

The amendment proposed by the Minister to the Opposition's amendment appears to be of some assistance to the officers who will be undertaking a shoot-out of unbranded straying cattle. The Minister's amendment will include the words "appearing to be over the age of 12 months". As I pointed out in the second reading debate there is some difficulty in accurately establishing the age of young cattle. It is a question of goodwill on the part of the station owners and the officers who are charged with the eradication of these cattle. The amendment is satisfactory to the Opposition. If the Minister's amendment to the Opposition's amendment is passed the clause will state that unbranded cattle appearing to be over the age of 12 months found depasturing within the pastoral region may be disposed of as the executive director may direct.

The definition of "pastoral region" in the Minister's amendment meets with our approval. I am unsure without referring to a map whether the South West Land Division definition takes in sufficient of the northern Murchison stations. I understand the south west land division includes quite a bit of the inner pastoral area in the nearer Murchison so perhaps the Minister will clarify where the division line runs. There are pastoral cattle running within the line the Minister has defined. I would not go to war over this matter as I believe this is a more controlled area of the pastoral region and there would not be the same difficulties as are experienced in the Bungle Bungles, the Kennedy Range, the Leopolds or similar sorts of territory. Will the Minister clarify that line of the south west land division so as to make the matter clear to the Committee? The rest of the clause appears to be a satisfactory compromise between the points of view of the department, the Minister and the Opposition.

The successful operation of this clause will depend on cooperation between officers carrying out the eradication program and landholders. I have had discussions with officers of the department and the Minister and it seems that provided the department gives notice to landholders of its intention to move in and eradicate cattle then, knowing my rural colleagues, they will go out and scour the area for any valuable animals and remove them before the shoot takes place. I therefore see no problem with the Minister's amendment to our amendment.

Hon PETER FOSS: This is a rather interesting clause. The matter with which it deals has been the subject of litigation in Western Australia and is clearly old law. The method by which owners of pastoral land historically dealt with the question of unbranded cattle was to carry out a boundary muster. That was done in conjunction by the owners on both sides of a boundary. They swept the boundary for a distance in on either side and mustered the cattle. Any calf following a mother was assigned to the brand that the mother carried. The unbranded cattle were divided equally between the owners. This approach worked fairly well over the years and was approved by the Supreme Court in a cattle trespassing case nearly 20 years ago.

The other interesting part of the law is that applying to animals that are running wild on Crown land. They are generally believed to belong to no-one and it is a matter of a person taking possession of those animals in order to render them in the ownership of that person. The concept in English law is not one of absolute ownership of personal or even real property but involves the concept of a prior right to possession. A person who takes

possession of property can hold that possession against anybody except a person who is able to show a prior right to possession of that property. What is happening to some extent here, I suppose, is that the Crown is moving away from the concept of people being able to take possession of property on their own land and make it their own by taking that possession and moving away from the concept of a boundary muster where the cattle are split between the two adjoining owners. Certainly, it would be impossible for somebody to come along and say, "That calf is following a cow carrying my brand, therefore that is my calf." The amendment proposed by Hon Phillip Pendal at the behest of Hon Bill Stretch certainly has the effect of picking up an ability for an owner to say, "Because this calf is following a cow carrying my brand it is my calf because it is the progeny of a cow belonging to me." New section 108C as originally written referred to all unbranded cattle. I know nothing about cattle, so I am not sure at what age they stop following their mothers. Perhaps Hon Bill Stretch can tell me that.

Hon W.N. Stretch: It is up to two years, at times.

Hon PETER FOSS: Then perhaps the appropriate period is 24 months rather than 12 months because the effect of the clause is to depart from the general rule that a calf following a cow is, I think, by reasonable supposition the progeny of that cow and, if the cow is branded, should belong to the owner of that branded cow. It therefore seems a possibility, certainly as originally written and even a possibility to some extent with the amendment as it stands, that one could have a branded cow with a calf following it and yet under the proposed new section the Crown would be able to say, "That is ours because it is unbranded." That would be contrary to logic and the effect would be to deprive somebody of ownership of a calf they would otherwise be entitled to.

Hon W.N. STRETCH: Two years is an exception. During lactation, if a calf follows its mother, the mother tends not to come in heat and breed again, so it is a practice discouraged by landowners. In answer to the member's question, calves will follow their mothers for that time but we certainly would not recommend that. I recommend strongly that the age of 12 months remain in the Bill because that is the age at which an animal can survive away from its mother.

Hon KAY HALLAHAN: A great deal of cooperation is required in relation to this matter. It is not a situation where the department will go out and confiscate unbranded calves that appear to be 12 months old. It is an impossible exercise from the department's point of view. If it can give notice to nearby landowners that animals are on Crown land then it is in the department's interest that those people are notified and retrieve those animals. The benefits to be derived from the department confiscating a few unbranded calves that are wandering behind branded or branded mothers on Crown land is negligible, given the size of the exercise required to remove them. From the department's point of view, if straying animals are doing damage and are branded the department would be pleased to see the pastoralist concerned take possession of the animals and remove them.

The second point raised by Hon W.N. Stretch was what constitutes the South West Land Division. I have circulated the information to members. Not every member has a copy, but it would be no trouble to get one for those who would like one.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon Kay Hallahan (Minister for Education).

[Continued below.]

[Questions without notice taken.]

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

Clause 42: In Part IX, Divisions 1 and 2 repealed and Divisions 1, 2 and 2a substituted -

Progress was reported after the clause had been partly considered.

Hon PETER FOSS: A small problem arises with clause 42. At present it is the custom in the

pastoral region for a pastoralist, if he is travelling near his boundary and notices cleanskin cattle on Crown land, to take possession of those cattle, brand them and place them in his herd. He can do that provided those cattle do not have brucellosis and it is a step that would be desired by the Department of Conservation and Land Management. However, the problem with this clause, as originally drafted, as proposed to be amended and as it appears in the original Act, is that by deeming unbranded cattle on Crown land to belong to the Crown - and because every person is deemed to know the law - if a pastoralist then enters Crown land, takes those cattle, brands them and then adds them to his herd, he is properly considered to be stealing them.

Hon E.J. Charlton: From whom?

Hon PETER FOSS: From the Crown, because proposed section 108C says that they belong to the Crown. I do not think that is the intention of the clause. In fact, the cattle could have wandered from a pastoralist's land onto Crown land and they would, once on Crown land, be considered to belong to the Crown.

Hon Kay Hallahan: Most people brand their cattle.

Hon PETER FOSS: It is desirable that they do brand their cattle.

Hon R.G. Pike: They do not brand all of them.

Hon PETER FOSS: That is true. If a pastoralist's cattle wander onto Crown land he cannot touch them because once they are on Crown land they will be deemed to be Crown property by virtue of this proposed section. If a pastoralist takes back what was his property and brands them he will be considered to be committing a stealing offence. We should further amend the amendment by adding words to proposed section 108C to the effect that "the Crown may take possession of any unbranded cattle over the age of 12 months found depasturing within the pastoral region in any land to which this Part applies" and instead of the word "are" insert "which cattle shall thereupon become the property of the Crown". The advantage of that would be that while the cattle were there and nobody knew they were there, the old rule could apply. A pastoralist could take those unbranded cattle and add them to his stock. As soon as the Crown takes those unbranded cattle there would be no argument about who owns them, because by virtue of proposed section 108C they belong to the Crown.

The only problem with the amendment in that form is that it is intended that cattle with brucellosis will be shot from helicopters. I do not know if shooting cattle from helicopters constitutes taking possession of them. I am not sure how such cattle will be identified from the air. However, a problem arises with the words "take possession of" and it would probably be appropriate if other words were added, such as "or otherwise exercises rights of ownership over" at the beginning of proposed section 108C also. It concerns me that the effect of this proposed section would make thieves out of pastoralists who muster cleanskin cattle on Crown land. That would be an undesirable thing to do even if there is no intention to prosecute. The fact remains that an undesirable consequence exists which relies on the Crown not prosecuting.

The prior rights to the possession of the cattle may also be disturbed. A pastoralist may be not able to prove that he owns the cattle once they have strayed onto Crown land. The proposed section is contrary to the practice and it does not take into account the fact that owners could go onto, and presently do go onto, Crown land, muster cleanskin cattle, brand them and put them into their herds. Words should be drafted by Parliamentary Counsel to ensure the previous practice is preserved and also takes into account that when these cattle are found on Crown land by department officers it is established they are not owned by a pastoralist.

Hon E.J. CHARLTON: We must be careful when trying to overcome the problem of establishing ownership because a number of complications are associated with such changes. The last thing we need is the creation of a mechanism by which the Department of Conservation and Land Management takes over ownership of cattle. The last thing CALM wants is to be involved in the ownership of cattle. We are all aware that CALM is fully extended in trying to appropriately fund its operations at present, and I am sure we do not want to set up a mechanism whereby it could become the owner of cattle and be responsible for managing and disposing of them. This matter is not defined in the Bill at present and it should be given further consideration; we do not want to create a situation that did not exist previously because these matters were dealt with unofficially.

Hon P.G. PENDAL: The Minister has foreshadowed some amendments to my amendment and Hon Peter Foss has foreshadowed a further amendment. Perhaps we should report progress in order to accommodate the point raised by Hon Peter Foss, which is not addressed in either my amendment or the Minister's proposed amendments to my amendment. I am not happy about dealing with the amendment foreshadowed by Hon Peter Foss on the run and, therefore, we should report progress.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): Before we report progress, it would be desirable to give Crown Law Department officers an indication of the Opposition's view of the Government's foreshadowed amendments. In that way, they would be aware of whether to incorporate those amendments in any material prepared.

Hon P.G. PENDAL: Discussions were held privately about the Minister's foreshadowed amendments to my amendment, and the Opposition supports those amendments.

Hon KAY HALLAHAN: I quite agree that we should not deal with the foreshadowed amendments of Hon Peter Foss on the run, but should receive some advice on the matter. Only one other amendment appears on the Notice Paper after these amendments have been dealt with. If the Government's proposed amendments to the amendment were dealt with by the Committee at this stage, we could then deal with the remainder of the Bill and, after receiving advice on this question, we could deal with the further amendments to this clause tomorrow. I move -

That the amendment be amended as follows -

(a) by inserting after the section designation "108C" the subsection designation "(1)";

(b) in subsection (1) by adding the words "appearing to be" prior to "over the age of 12 months"; and

(c) by inserting the following subsection -

(2) The term "pastoral region" in subsection (1) means land other than the South-West division of the State as described in section 28 of the Land Act 1933 and other than the municipal districts of the Shires of Esperance and Ravensthorpe.

Amendments on the amendment put and passed.

Further consideration of the clause postponed, on motion by Hon Kay Hallahan (Minister for Education).

Clauses 43 to 50 put and passed.

Clause 51: Part IXA inserted -

Hon P.G. PENDAL: I move -

Page 33, line 16 - Delete "NATURE CONSERVATION" and substitute "RARE AND ENDANGERED SPECIES".

Page 33, line 20 - Delete "Nature Conservation" and substitute "Rare and Endangered Species".

We referred to this matter in the course of the second reading debate. The Government is seeking to set up a trust whose task it will be to do a variety of desirable things. Not only do we not oppose that, we support it, but we want to go one step further. A strong case exists for us to get to the real heart of the matter - that is, the protection of rare and endangered species in Western Australia - rather than the broader aspect of a trust to look after nature conservation. Therefore, we seek two substantial amendments: First, to alter the name of the trust to become the "Rare and Endangered Species Trust", and, secondly, to add a new part to the functions of the trust that are listed at page 35 of the Bill. We believe that will inject into the trust a sense of urgency about what it ought to be about. I am not sure that people understand the seriousness with which many people view the matter of endangered flora and fauna in Western Australia. The list of endangered species makes disturbing reading, and that list is available from both State and Commonwealth sources.

Hon Garry Kelly interjected.

Hon P.G. PENDAL: That is so endangered that it has disappeared. That is why I am concerned.

The amendments that we are seeking will inject a sense of urgency into the matter, and will confer a new status on threatened plants and animals. It would be a different matter if we were trying to dilute the functions of this trust. We are leaving the trust intact in its entirety and seeking to add to it a further dimension. I could canvass other matters, but in view of the hour and the fact that the Bill will be recommitted, I will not pursue them any further other than to say that it makes a lot of sense that we take the opportunity in creating a new trust - and we congratulate the Government for that - of going one step further by giving the trust a vital function which it would not otherwise have. As a matter of interest, at the moment the trust will be confined largely to questions of acquiring land and land use and, by the amendments I have moved, we could go one step further without in any way disturbing the intention of the trust. I commend the amendments to the Committee.

Hon KAY HALLAHAN: If Hon Phil Pendal insists on going down this track, attractive though it may appear to be on the surface, he will be entering into an exercise of misleading the public, because this trust will then have a much broader range of functions than is encompassed in the title. I explained in my response to the second reading debate that the trust may acquire land which has upon it no rare or endangered species. That land might be pastoral or farming land which is needed to provide facilities adjacent to some area of greater conservation value; for example, a ranger's cottage or parking facilities. The notion of rare and endangered species has particular connotations for people. The member knows that we do not have the numbers in this House to impose our will on legislation, but if the member insists on going down this track he should at least change it to "threatened" rather than "endangered" because "endangered" has a particular meaning in the public mind. I believe the trust will have a broader range of functions, even though this function will be added to it. It will not be the prime function of this trust, and the member should not delude himself that it will be. Perhaps the member could consider the terminology of a "threatened species conservation trust".

I believe it would be much better to leave it as it now stands in the Bill because that covers all the conservation concerns and conveys accurately to the community of Western Australia what the trust will be about; namely, conservation and enhancing our conservation areas. Even though the trust may acquire a piece of land which has no species of wildlife on it because of the uses to which it has previously been put, that may nevertheless enhance the facilities adjacent to it, or over time a revegetation program may be built up. I ask the member to consider my argument because I am sure he would not want to mislead the public. The Bill in its current form has a very sensible title. I will be asking Government members to oppose this amendment because, although it may have been born out of good intentions, it would complicate the functions of the proposed trust.

Hon P.G. PENDAL: I thank the Minister for that response. We are now starting to quibble over words. If we leave aside for a moment the word "rare", which has its own connotations, the Minister is suggesting that we ought to change the word "endangered" to "threatened". In the two minutes that I have had to think about that, I doubt that there is a lot of difference between an endangered species and one that is threatened.

Hon Kay Hallahan: There is a technical difference.

Hon P.G. PENDAL: I do not accept that there is a technical difference. Equally, the list that is used widely and commonly in Western Australia refers to rare and endangered species.

Hon Kay Hallahan: That means something that is about to become extinct.

Hon P.G. PENDAL: There are many of those species, and some of the species which we mentioned in the course of the debate about dieback are in that category. Therefore, I suggest that unless we hear a more compelling argument, I will be inclined to stand with the amendment. As we are going to report progress, and as the Opposition in this Chamber is always reasonable, as the Minister knows, we will be provided with an opportunity to consider the word "threatened" and then make a final decision when we return to the debate. In the meantime, I do not think that the words "rare and endangered" conjure up the incorrect or misleading term that the Minister suggests but convey the best impression of all. For the time being, at least, if we are to report progress I propose that we stay with the amendment in the form I have moved it.

Hon KAY HALLAHAN: I ask honourable members to read page 35 relating to the functions of the trust. If people read the functions of the trust thoroughly they will see they have broad implications and that the terminology suggested would not effectively convey to the public what the trust is about.

Progress

Progress reported and leave given to sit again, on motion by Hon Kay Hallahan (Minister for Education).

Sitting suspended from 6.03 to 7.30 pm

ADDRESS-IN-REPLY - SIXTEENTH DAY

Motion

Debate resumed from an earlier stage of the sitting.

HON DOUG WENN (South West) [7.30 pm]: The House will remember that on 15 March this year I spoke about the future of the Bunbury and Albany Telecom manual assistance centres. I said that eight jobs would be lost from the district. It turns out that in Bunbury alone 24 jobs will be gone. I do not have the figures for Albany, but I am sure it would run to another 20 people. Since then I have had many discussions with the people in Bunbury about the effect of this move. The question always is, "Why is Telecom doing this?" I have been able to get hold of some pieces of paper with information on them, and I intend to read from these documents. Many of the people are asking why. One of the things we must remember is that many of the ladies who work in the manual assistance centre are around 40 or 45 years of age. They are becoming middle aged, and some have been there since the centre was established in Bunbury. They are looking at a fairly bleak future, because some of them rely on the work in that place. This document which I intend to read was sent out to all operator assisted services staff. It reads -

> As you would be aware, Country Division plans to establish a Fault Bureau in Geraldton . . .

One must question, why Geraldton? I shall return to this in a short while. To continue -

> . . . and this has understandably caused some concern amongst all those people affected - both the Geraldton people whose role will change completely and those in the other MAC's who will lose the 1100 traffic.

As members will be aware, the 1100 number is for faults. To continue -

> The purpose of our note to you all is to inform you why the decision has been taken.
>
> First, it is important to consider carefully what is happening to Telecom overall.

I can assure members that while reading the Press daily it is hard to work out what is happening to Telecom. To continue -

> You would be well aware from the amount of internal information flowing around the Corporation that we are under serious threat from external competition. We see that the best way to ensure that we retain the maximum market share is through providing the best possible service to our customers. Our fault handling and repair process is critical to this objective.

As members will be aware, I had 14 years in Telecom, starting as a technical assistant. In other words, I was running wires and cables, and the technician would do the other part. One works one's way up through the system and finally becomes a technician. As I have just mentioned, I have no objection to what Telecom is saying - that it must look at ways it does things in order to maximise the market share. To continue -

> Fault reporting is an integral part of the total fault handling process and should not be segregated. The question then is, what is the best way of providing a professional fault repair service that gives 100% customer satisfaction?
>
> You all would have experienced the frustrations of not being able to fully satisfy a customer because you are just one link in a very long chain.

He is very close to the heart there. To continue -

> In other words your credibility relies on other people to doing their job properly.
>
> Our aim with the Geraldton Bureau is that it will be more than just a fault reporting centre, it will be a FAULT MANAGEMENT CENTRE, WITH VERY MUCH A CUSTOMER FOCUS.

Then comes the real question of why; why is it being placed in Geraldton? I am not in any way reflecting on the township of Geraldton itself.

Hon Margaret McAleer: It is a city.

Hon DOUG WENN: I retract that; I am not reflecting on the City of Geraldton. All of us who have spent some time up there can appreciate the beauty of the place. I can remember when it was only a town. Even at that time I appreciated that Geraldton was a wonderful place. One has to ask why all these fault allocations and servicing are to be switched to Geraldton. Why pick Geraldton?

Hon Margaret McAleer: It is a very important place.

Hon DOUG WENN: It is an important place in the eyes of many.

Hon P.G. Pendal: Those are discerning people up there.

Hon DOUG WENN: The letter goes on -

> A critical factor in the success of this proposal will be the development of the skills of the people operating the centre. By having a concentrated group we believe that they can quickly develop and maintain the skills necessary to provide an excellent service. They will need to be skilled in the products that they are dealing with, have an understanding of the technical aspects of the job, be totally customer focused with an understanding of the Business and liaise closely with the technical staff around the Region. This will be particularly important when we have to deal with fault reports generated by a third party and competitor networks.

We must ask why one would put a fault recording centre in Geraldton to cover the whole State. I cannot see the rationale behind that. I am not knocking Geraldton as a city, but I am asking, when the largest part of the population of the State is in the metropolitan area and in the south west, why put this facility in Geraldton?

Hon Margaret McAleer: Why leave it down south?

Hon DOUG WENN: It is not in Bunbury. The reality is, with the 1100 number, it is around the State. Calls record in their own areas, except when a MAC closes down. Those faults are handed out to the faults and repair men in the morning when they go out on the job. As it is, when a fault is sent out on a fax, it is in triplicate and no-one can follow it at the best of times. This document states -

> Geraldton has been chosen because of the strategic importance of the town, the space available to house the people (with expansion possibilities into the future) . . .

Telecom states there that housing the people is part of the exchange; it is not putting them into homes. It talks about having the centre operational within budgetary constraints. Now it really starts to talk about the future and other things. To continue -

> As the proposal gets underway we know that you will give them your full support and cooperation with this project.

That paragraph causes some dismay to those people in areas such as Bunbury, Albany and Kalgoorlie when they are seeing their livelihoods put in jeopardy because somebody in the organisation has decided that Geraldton is the place to go. Telecom has not really come down to the main argument at all, but I think I have found what the real argument is, and I will talk about that later in my speech.

The removal of the 1100 faults and service difficulties number from country areas leads to another major problem; that is, knowledge of the district. That relates also to the 000 emergency number. Recently a lady in the south west had occasion to ring 000. It took some time for someone to answer, which did not delight the lady as she needed a doctor and an ambulance in a hurry. When the operator answered she said, "Where are you?" The lady said, "I am in Eaton"; she was distraught and in need of emergency support. The operator's next question was, "Where is Eaton?", and the lady had to explain where it was. For those

members who do not know, Eaton is just outside Bunbury. The operator's next question was, "What is the area code number?" This situation will only get worse if manual assistance centre operations are shifted out of country areas. This is an important matter because operators with local knowledge can be of great assistance, especially in emergency situations.

Hon Peter Foss: This sort of thing could be centralised out of sight, couldn't it?

Hon DOUG WENN: I think that in the end all these services will probably be delivered from Sydney or Melbourne.

Hon Peter Foss: So if someone said they were in Eaton, the operator might think they were in New South Wales.

Hon DOUG WENN: Hon Peter Foss is right; it could be that another town has the same name. That is what I believe Telecom's aim is in the long run, and this is just the beginning.

Hon Peter Foss: Yes, just as air traffic control is now run from Melbourne.

Hon DOUG WENN: That is right. Telecom staff in country areas have held meetings, and when I started speaking to some of them they asked similar questions. The main argument put forward to the question "Why Geraldton?" is that in Geraldton Telecom has room to house the equipment and the people who work there. A little later members will find that that is not really the main argument, but the argument Telecom is putting to the staff is that Albany is not big enough to house another 10 or 12 switchboards. Perhaps it is right about Albany; it is 20-odd years since I have worked in that exchange; however, I know the Bunbury exchange and I know that by knocking out one wall there Telecom could expand the manual assistance centre area to any size it wanted. Rumours are also afoot that Telecom will expand the whole exchange overall, and someone mentioned that area may be taken up. My information is that it will not be used in the next 20 years, so that area in Bunbury is available.

Another question was: How much would it cost to alter the manual assistance centre and to accommodate the new boards? Being a Government department, Telecom came up with a figure of $300 000 to $400 000. I am not sure what it costs to install a new board nowadays, but if that figure includes alterations to accommodation and so on it seems rather excessive just to knock out a couple of walls. The next question was: Why Geraldton? The answer given is that Geraldton has a greater area, that it was not the choice of the operator assisted services, but affected all country regions. As to the loss of the 1100 facility in the metropolitan area - and this is the beginning of what Hon Peter Foss was talking about; it is not just being lost to country areas - the question was put to Telecom, which advised that the loss of the 1100 facility will turn the Westend manual assistance centre into a medium MAC, which is a lower classification than it has at the moment. The loss of directory assistance in the metropolitan area from Wellington Street East will put 11 supervisors out of employment in Perth alone when this restructuring starts in Western Australia. The new bureau will take up some of the supervisors, but I understand it will take only a couple of them; so from what I gather at least six or seven supervisors will be out of work.

Hon Garry Kelly: Are you saying that the 013 service will be lost to the city as well?

Hon DOUG WENN: Yes, it will be operated from Geraldton too.

Hon Garry Kelly: Air traffic control is now being operated from Melbourne.

Hon DOUG WENN: Yes, Hon Peter Foss and I were talking about that a moment ago. It is a similar situation.

Referring again to Albany, the country installation crews which install new telephone exchanges have stated that they want the existing floor space in Albany, and it is economical to put the 12 positions in Albany out of work. That is what will happen - 12 positions will disappear. It has been pointed out that statistics do not count, in Telecom's judgment. In reality, for survival purposes Telecom is pitting one manual assistance centre against another so that it can put up its own argument. It recalls the old adage, "United we stand, divided we fall", and that is Telecom's aim. Statistics are not taken into consideration when deciding the future of any manual assistance centre.

The next question posed to Telecom was: What security do people have throughout

Telecom? The answer was nil; it is as simple as that. It relates not just to the operator assisted services, but across the board. Six managers will have to go from different areas. It is rationalisation across the board in Telecom - I have never seen Telecom behave very rationally at all since I have known the organisation. As to a question relating to the number of operators who would be put out of work, Telecom could not give an answer.

Hon Garry Kelly: Is this because of foreign competition?

Hon DOUG WENN: I will come to that. A question was also asked, quite rightly, about the people with workers' compensation and repetitive strain injury claims outstanding, as to whether they would get the same redundancy payments as operators. There was no answer - that was the response to those people off work through illness and so on. At least, that was the response from one individual; another said that Telecom has to give workers' compensation and repetitive strain injury operators two options: For those on light duties, find them all employment and pay the difference in wages; or, secondly, pay them full compensation until age 65 years. I understand Telecom has no intention of doing either.

In relation to the closure of the Bunbury and Albany exchanges, Telecom was asked whether the period before closure could be more than two years, or less. The answer was that it would not be less and it could be more. That is doubtful, and the person who took these notes placed about 10 question marks alongside that answer. One disadvantage of putting all our eggs in one basket - that is, centring the 1100 service in Geraldton - is, what happens if there is a breakdown? What happens if a heavy loader cuts cables, whether it be coaxial cable or optic fibre? I know it is a fine art to join optic fibre cable together.

Another question was: How do part time staff get paid out if they have no superannuation? The answer states that they receive the same amount of payment as wages but without any superannuation whatsoever. However, if they wish very quickly to get into the superannuation system at five per cent they are able to do so. But from now on all employers are liable to pay the three per cent.

The next question was: Will Telecom transfer operators to different States? I will go into detail later because I know the problem of shifting manual assistance centres is not confined to Western Australia. The answer was that it can apply but it is up to the other States to accept or not. We are talking about a national body; Telecom is a huge conglomerate and it should be able to dictate where its staff can or cannot go, but it says that it will leave it to the managers in other States. The next question was: If you cannot take a package, can you get another job; if you cannot get another job will Telecom sack you? The answer was that Telecom will not pay anyone just to sit around doing nothing. At the same time, Telecom will not do anything to find anyone another job; the onus is on the individual. The next question was: Why had Telecom not looked at Bunbury MAC for paging? The answer was that there were already 22 positions in Telebusiness and there were no plans to expand.

Hon Garry Kelly: What is MAC?

Hon DOUG WENN: It is a manual assistance centre. Telecom does strange things. It once picked out new equipment, one piece of which was called TRIPE. Members can imagine the names that were added to that; some names had to be taken off the walls where people walked through certain areas. The next question related to people being put out of work, and members will be aware that many people are on training courses. The question was: Did Telecom know that the exchange was being closed when it stopped training for what is called the leopard system? That is a computerised system where a number is fed in and, if a fault is reported, the computer picks out the area of the fault. The computer does all the thinking and indicates where the officer needs to start looking. I refer here to the female workers who had started training on the leopard system. The answer was that it was always Telecom's intention to place the leopard system in Geraldton and Perth. So why train country people? There are enough trained people in the south west already. Of course, the real insult is whether Telecom knew about the situation before people undertook the image course. The female workers had to go through an image course so that they would know how to speak to individuals on the telephone. The answer was that the image course was conducted for the benefit of the customers and the staff had to accept the change.

The next question was: Did Telecom know before spending money on upgrading the exchange? The answer was that the air-conditioning was installed because it was needed.

Things change so rapidly now compared with 10 years ago. The answers are abominable. Who made the final decision to close the exchange when we had more than enough room for extra boards? How much bigger are the Geraldton and Kalgoorlie exchanges? The answer was: Much bigger. That is almost the same as Hon Peter Foss' comparisons between football ovals.

Hon Peter Foss: My answer would be much worse.

Hon DOUG WENN: The next question was: Will Telecom transfer us to other exchanges in South Australia, the Northern Territory, or other Western Australian regions? No answer was received. Under specific guidelines on redeployment, the question asked was: If no jobs are available, should sections close? As I said earlier, it is MAC against MAC. It is splitting them so that people have nowhere to go. The situation is not confined to Western Australia. Another question was: Can Telecom find out whether Darwin, Alice Springs, Kadina, Port Pirie, and Murray Bridge exchanges will remain open? Are our exchanges the only ones affected? The answer was: No, they will all be affected. That is, exchanges across the country will be affected. I will cite the relevant figures later of the numbers of people affected. One individual was asked whether he knew that Waymorth and Gawler exchanges would be closed, but he could not answer. Another question was: Are we closing because our work output is not good enough? In other words, do we not work hard enough? The answer was no. Does that mean no, they did not work hard enough, or does it mean no, that is not the reason? What about the three to five years' notice of closure as stated in the union redundancy notice? The answer was: That has not been updated and should have read 12 months' minimum. That will help people! Can people be redeployed to technical or lineyard areas? I know straight away when I look at the age of the female employees that they will not get a job. They are closing down those areas as well; when people leave they are not replaced.

If the whole south west area becomes isolated owing to a major cable being cut near Perth or Kalgoorlie, what will happen? The answer was that that was a country or a Western Australian region question. In other words, the question could not be answered. Another question was: After taking a redundancy package, can we apply for another position in Telecom? The answer was: No, absolutely not. Another question refers to Bunbury. It refers to a rumour; but it is not a rumour, it is a fact - and that was the word 20 years ago when I was working for Telecom. If the technical staff were to move into the front office in Bunbury, and if the post office were relocated, would we not have ample room? No comment. It goes on and on. Telecom cannot give the answers.

Hon Garry Kelly: This is a Telecom recording.

Hon DOUG WENN: I have not reached that stage; that will happen.

Hon T.G. Butler: Where were these questions asked?

Hon DOUG WENN: The Telecom management was asked these questions in Bunbury. A question was put to the unions about where people would be located. I have talked to Nick Clark and the Australian Telecom Employees' Association. They have put maximum support behind the people in the south west, because once the centres go the technical staff will be affected. The comment was made that the document fell off the back of a truck, and we all know that happens everywhere.

Hon Garry Kelly: From the back or the front of the truck?

Hon DOUG WENN: It did not look as though it had been run over. I think it might have come from the back. The directory assistance charges will come in with the computerised voice announcements. The systems will be upgraded and Telecom will have staff on or off as required. I do not know what LWOP means but perhaps it means "left without other people". Perhaps "LWOP if traffic is not sufficient" means they will cut back and switch to other exchanges and close those down or use computerised voice announcements. No doubt the unions - particularly the Federal unions - are outraged; they will do their utmost to counteract these moves. I must admit, knowing Telecom, I do not like their chances.

Hon T.G. Butler interjected.

Hon DOUG WENN: I have been part of the union movement in this area for a long time. I hope that the member is right.

Hon T.G. Butler: We can only push people so far.

Hon DOUG WENN: That is right. The workers were asked whether they would take the wages, or take the redundancy pay. What are they going to do? The recommendation is that if the worker is found another job, he should take the lump sum; if he is not found another job, he should look at optional careers. At that age where does such a person find an optional career? Telecom will determine how the packages will be allocated, and these will not necessarily go to the people who are most deserving. The allocation will not depend on whether the worker was in the old or the new employment system; Telecom does not know. It does not take into account the long service leave provisions; it does not know. It will not necessarily pick people who have lived in the area for 30 years. If someone in that organisation does not like the person, it is too bad. It goes on and on. No guarantees are provided that packages will be provided to the right people. As I have clarified today, the union in most States are backing the MAC, and they are working hard to make the most of the situation; if they are not stopping the closures, they will make sure that members are treated in the proper manner.

When this centre is put on the map, as it will be, the people involved will protect themselves. Some sections are saying, "Let us do our thing and you do yours." This will not be for the betterment of all. The general feeling of all concerned, as I said earlier, and as Mr Foss pointed out, is that Telecom will eventually move the lot to the city and finally to the Eastern States. A plan was released known as the "West Australian MAC Plan - 1991-92 to 1995-96". This refers to the factors affecting the manual assistance environment over the next five years. It refers to the devolution of service difficulties and faults from operator assistance services to divisional responsibility. The metropolitan 1100 Telecom residential category will take in a new section in the country divisions. The plan refers to the impact of these changes with the loss of operating positions. At one point it refers to the loss of country 1100 numbers and the staff levels will be reduced. Automatically, a reduction of 24 staff will apply in Bunbury and 12 in Albany. This also applies to other areas around the State with the flow-on effects created by such redundancies. The plan also refers to the increased call targets - I refer this to Hon Garry Kelly - on directory assistance with computerised voice announcements.

Hon Garry Kelly: Are we being called targets?

Hon DOUG WENN: If the member calls directory assistance, he will ultimately receive a voice announcement which will probably tell him to hold on while he is transferred somewhere else!

Hon Garry Kelly: Telecom is not charging for those calls.

Hon DOUG WENN: That is not true. In some areas the telephone answering service backs up the directory assistance number to a charging system, and Telecom has attempted to introduce that system. I believe it is connected in the city but that is not the case in some country areas. If the honourable member rings the exchange, he will be charged.

Hon Garry Kelly: One person told me that he could not work out a way of connecting charges for the call - although certain exceptions exist.

Hon DOUG WENN: I do not know how this would be done with a call from a public telephone, but it can be done with a home number because it is registered.

The plan then indicates how Telecom will be able to enhance some areas, while at the same time centralising and closing many MACs around the State. It is also indicated that two metropolitan centres will be created, although my understanding is that many more than that operate at the moment. Therefore, the smaller exchanges will be cut back with a decrease in staff numbers and the staffing designation levels will be at the prerogative of Telecom residentials; that means that the individual sitting on his high horse will determine who will work and who will not. The 1100 fault servicing bureau was supposed to be established on 1 July this year in Geraldton. The staff were obviously concerned about this move; some will be transferred to Geraldton, but that will not involve a large number at all. Most of the 1100 services are coming out of Kalgoorlie, Katanning and Northam, and that will be offset by the MAC - these funny machines being introduced. The report also indicates that the Wellington building cannot be sustained. Will this building be sold, or is something else in mind? The plan refers to the closure of the Albany MAC and it indicates -

> Advice has been received from W.A. Country Division that they will require OAS to vacate the current Albany MAC in order to facilitate Exchange Network expansion.
>
> This, allied with the introduction of the new OAS Switch replacing 10C, facilitated the need to review the future of the Albany MAC.
>
> A new MAC at another location in Albany could not be justified.
>
> Therefore, it is proposed to close the centre in the 1992/93 year.

The system 12 OAS switch is to exchange to 10C - another one of those things Telecom refers to as part of its switching equipment - which will be operational in WA in 1993-94 to cater for national, international and wake up reminder products. The plan indicates that as OAS policy does not involve installations of less than 12 operating positions for new switches, the Bunbury MAC could not meet the specifications. Through everything to which I have referred, mention has been made of the size of the building and the fact it is not able to hold the equipment; again I cannot speak for Albany, but Bunbury has more than enough room to expand at any time. In Telecom's little manual it states -

> Because OAS policy is not to have installations of less than 12 operator positions for the new switch, Bunbury MAC could not meet this specification.

That was not stated in the first instance. It also indicates -

> Additionally, the cost of establishing a new MAC in Bunbury could not be justified.
>
> Therefore, as well as Wellington, it is planned to convert Kalgoorlie to OAS Switch working.

The final paragraph of the manual states -

> Because of the factors and implications outlined in the introduction of the new OAS Switch, it is planned to close Bunbury MAC concurrent with the OAS Switch cut-overs in 1993/94.

Those ladies know full well that that is how much time they have left. This is not confined to Western Australia. I have referred to approximately 30 to 34 jobs from the Bunbury and Albany branches, so we shall now examine the Eastern States: The plan states that the closure of North Sydney will result in a loss of 120 jobs; the Edgecliffe closure will result in the loss of 50 jobs; and the Penrith division will become a single 11 service, and it is believed that some jobs could be absorbed there - however, I cannot see that happening. Once staff cutbacks begin, staff are very rarely redeployed to those areas. It is stated that the Campbelltown service will receive a new board with a possible increase of staff of up to 30, but in reality I cannot see that happening. The number of hours worked is also to be cut back at Nowra and Albury as they become a single function MAC centre, with a small increase in the number of jobs because of the limited hours of operation. Staff can expect to lose 20 per cent of pay through lost penalties, which is explained in the shift statements. The North Sydney centre will lose 10 supervisory positions and the other exchange at North Sydney and Edgecliffe will be closed totally. The manual then refers to the bright light of it all, as follows -

> The MAC manager at Campbelltown may be upgraded from OS4 to OS5 depending on the staff numbers and may justify one additional OS3.

A huge number of jobs will be lost in that area, and I am talking about the Eastern States, not Western Australia.

> . . . operating positions when national, international and wake-up traffic is combined. The new OS switch is considered very costly because it requires PCM links and therefore OAS has rationalised the number of MACs with national and international traffic down from 25 to 6.
>
> This plan results in:
>
> > Barrack Street closure with loss of 90 jobs,
> >
> > All MACs (except Campbelltown) will be single function MACs with the majority working reduced hours and five days a week;

That is a 20 per cent cut in wages. The plan continues -

> Pitt International and National amalgamation estimated loss of two hundred jobs;
>
> No MAC will justify an OS6 in charge position with the possible exception of one or two new products area if they are successful.

At the very bottom of the page it states -

> It is therefore very unlikely that the new products area will generate enough permanent jobs to come anywhere near the losses.

How do members feel about that? Telecom makes these you-beaut statements that it will now be competing in the international market, but what did we learn yesterday? Up go the costs of phone calls. Most companies are trying to give the best service and costing to its customers, but not Telecom.

Hon Derrick Tomlinson: Perhaps it needs a bit of competition.

Hon DOUG WENN: That is what Telecom is frightened of. My information is that if one of the girls handled a 1100 call in Bunbury today it would cost $1.60, but by the time all this equipment is switched to Geraldton it would cost Telecom $10. How can Telecom justify that? There must be some sort of irrational thinking involved, but that is the costing Telecom has put forward. Telecom talks about competition, but one of its major advisers in Australia - who is from America - is also one of the top gurus in a company that is coming into Australia to compete with Telecom.

Hon Derrick Tomlinson: He is not stupid.

Hon DOUG WENN: Someone is, but it is definitely not him.

I referred to the lack of local knowledge of the areas. If a person were living in the Bunbury area and he rang the Bunbury exchange, the operator on the 000 emergency system would know automatically who to contact and how to get that service where it was needed as quickly as possible. It is not satisfactory for a caller on the emergency line to have to explain to the operator where he lives, and to provide the area code, before help can be organised because the operator is not familiar with the local area. I know of one such instance; however, once the individual was connected with the emergency service the ambulance did arrive.

Hon Derrick Tomlinson: What happened?

Hon DOUG WENN: The ambulance arrived and it all ended up okay. But what would have happened if it had not arrived?

Hon Peter Foss: I was on a bus that broke down in New South Wales and needed a tow, and one cannot get anybody to tow a bus. I rang the local directory assistance and asked for somebody who could tow buses. One would not get the same service by ringing someone in Geraldton if one were in Bunbury.

Hon DOUG WENN: Hon Peter Foss has pointed to some problems. If a tow truck were needed down south urgently and the caller rings the Geraldton boys, it will not be much help.

Hon Peter Foss: Especially a bus; one cannot tow an 11 tonne bus with a Mobi-Tow.

Hon DOUG WENN: Hon Peter Foss could have a go; it would be interesting.

As has been mentioned by me and other members in this place, Telecom needs competition, and I have been saying that for a long time. On 15 May I said that many of my friends who are ex-Telecom workers, who had been 20 and 35 years in the job, were disenchanted with the way Telecom was going. They could not find out where it was going; no-one could give them a direction. Telecom came up with "Telecom 2000" and two weeks later it was "Telecom 1990"! Every fortnight they had something special. At two o'clock on Fridays we would knock off work and bundle into the tearoom to watch a new you-beaut video of how we should be doing things. Some bright spark eventually woke up to carrying a carton in at the same time, but that is not really how it should have been done.

Hon Derrick Tomlinson interjected.

Hon DOUG WENN: Before Mr Tomlinson leads me into a trap, I do not agree with the

selling off of Telecom, but I do believe there is no harm in a bit of competition. That is in *Hansard* so Mr Tomlinson cannot trap me on that.

An article in today's *The West Australian* headed "Phone calls up 2 cents" states -

> The cost of local telephone calls will rise 2¢ to 24¢ on July 3.
>
> Short distance trunk calls will increase but there will be virtually no change in charges for calls beyond 165km.
>
> Private telephone rentals will go up 73¢ a month to $12.96 and business rents will increase $1.37 to $24.33.
>
> New phone connections will rise $13 to $253.

I thank heaven that we have a good Government. The article continues -

> One bit of good news from yesterday's Telecom announcement is that calls from public telephones will stay at 30¢.
>
> They jumped 50 per cent to 30¢ in August 1986.
>
> Telecom said some of the increased revenue would go towards the $3 billion being spent on upgrading its communications network.

I commend Telecom for that side of its operation. It has always been very progressive in installations and the type of equipment it has. Telecom is recognised right around the world and is getting contracts around the world to install its system. When one compares the Australian system with systems in other countries, it is so far advanced that Telecom is in a league of its own. But Telecom must take a good look at itself - it may need better management. I am 100 per cent behind country MACs; there is no need to close them. Telecom must take a rational look at its aim for the centralisation of all Telecom operations in Sydney or Melbourne. That is its real aim. As Telecom keeps increasing charges, in time we will be screaming for charged calls even on local phone calls.

Hon Derrick Tomlinson: Just like the Australian Securities Commission, which is centralised in Sydney and Melbourne.

Hon DOUG WENN: The airways are doing the same. I have given Telecom a piece of my mind, and tonight my remarks have been polite compared with what I said when I was working in Telecom.

In closing I want to talk about the building in which we work.

Hon T.G. Butler: Some of us do.

Hon P.G. Pendal: Some of us do.

Hon DOUG WENN: I do - I do not know about other members. When members first come into Parliament, as all new members and the older members will recall, they take notice of the decor and the magnificent building. I would not like to see anything happen to the design and layout of Parliament House, but as a workplace it is diabolical. Members must share offices with sometimes two and three to a room.

Hon Murray Montgomery: Have you got a room?

Hon DOUG WENN: One of my colleagues from the other place is sharing with five members.

Hon Peter Foss: And all Labor Party members; that would be difficult.

Hon DOUG WENN: All good people too, and they are all confined to one area. As members know, it is very difficult to hold a private discussion with a constituent if one has someone else in the office. We, as members of Parliament, must take the bull by the horns.

Hon Peter Foss: What about Hansard's conditions.

Hon DOUG WENN: As I said, the decor of this place is an asset.

Hon Peter Foss: Why don't you do something about the courtyard being filled up with bars and gymnasiums?

Hon T.G. Butler: What is wrong with that?

Hon John Halden: Maybe we should agree to ban smoking in Parliament House.

Hon Reg Davies: And drinking.

Hon DOUG WENN: Hon Reg Davies should be careful. I know that he buys cigarettes for his wife, but he smokes them.

Hon Reg Davies: I am more concerned about banning drinking.

Hon DOUG WENN: Hon Peter Foss is dead right. It is a disgrace that Hansard has to work in those conditions upstairs.

[Leave granted for the member's time to be extended.]

Hon DOUG WENN: The area in which officers of Hansard must work for long hours is incredible. It should not be allowed.

Hon George Cash: An amount of $10 million was set aside in the Budget before last for renovations and maintenance to Parliament House and the part construction of a new building. Unfortunately the Government found a need to spend the money elsewhere.

Hon Graham Edwards: It could not get a bipartisan approach to the whole thing.

Hon DOUG WENN: When I came here in 1986, a magnificent plan was laid out. All new members and old members were invited to have a look at it. When we viewed that plan, most of us agreed that it was a good idea. However, there were a few members from both sides who agreed that the public would scream very loudly about it. I invited a friend of mine to Parliament House for the opening of Parliament on a very hot day. He had said that we should not spend the money on this place. I then gave him a picture of what we wanted to do and showed him the air-conditioning in this Chamber and told him that, if the windows were open, we have better air-conditioning! He went away knowing that we had to spend money on this place. Tom Helm and I will not be able to get into our offices soon because of the rag wall partitions associated with the computers of this place. They keep pushing those areas into the corridors. Proper offices and facilities for members must be provided. When I talk about facilities, I am not talking only about telephones, although they too need to be looked at. Fax machines and photocopiers must be available to members. I am lucky because I can use Brian Howe's photocopier in stationery. If there is nothing near a member's office, where do they go?

Hon Derrick Tomlinson: Where would you suggest that these facilities go?

Hon Graham Edwards: In the northern suburbs.

Hon DOUG WENN: The original plan provided for office space for the Legislative Council to be built on this side of the building and a car park to be put on the other side of the building under a new building to be used by the Legislative Assembly.

Hon Peter Foss: Why not put it over the road so that you do not ruin the outlook of this building?

Hon DOUG WENN: Today's technology would allow new buildings to fit in with the decor of this place.

Hon Derrick Tomlinson: You would still have to look at the dimensions and the balance.

Hon DOUG WENN: Maybe I should get the plans that were presented to us in 1986 and show members what was in them. I believe they would still be in the building.

Hon Derrick Tomlinson: I think they should be put on display.

Hon DOUG WENN: I do also. If members have any friends out there who doubt the value of the proposal, they should invite them to the opening of Parliament on a stinking hot day. That gets them every time. Again, this place needs to be looked at seriously by members. We must show a little bit of guts and fortitude and insist that money is spent on this place.

I also have a great concern about the security of this place. I am not knocking the people in charge of security because they do the best they can. However, proper security should involve a security guard sitting in an office, not necessarily at the front door, watching screens which cover every part of this building.

Hon Peter Foss: We don't want to look too scared. We must give the appearance of being up front and accessible.

Hon DOUG WENN: I do not want armed guards. I want somebody who can keep an eye on the whole building at the one time.

Hon T.G. Butler: What about the guy who walked in with a rifle?

Hon DOUG WENN: The rifle was not loaded. However, a very courageous policeman approached the man and talked him into giving him the gun.

Hon Derrick Tomlinson: Perhaps it is better to have courageous policemen than electronic eyes.

Hon DOUG WENN: The member could be right. When we leave this place, there are no courageous policemen on duty. A night security service comes in and the minute the security guard leaves the post downstairs, the whole of the front of the building is open for anyone to enter the building.

Hon W.N. Stretch: You are right. Somebody walked out with a ballot box.

Hon DOUG WENN: Yes, and a flower pot. However, there is a need for the members of this place to take the bull by the horns and do something about this place. Again, even this Chamber needs attention.

Hon Peter Foss: The ceiling above the visitors' gallery is about to fall down.

Hon DOUG WENN: When the sky falls in, Mr Foss will know he is in deep trouble.

Hon Peter Foss: This part of the roof above me is about to fall down.

Hon DOUG WENN: It is a bit difficult for me to go up there and look at what the member is pointing at. I will take his word for it while I continue to stand on this side. There is a need for us to be truly dinkum with ourselves and have a good look at the layout of this place and the conditions under which we work. Other people would not work in the conditions in which we work here. We only do it because we must be here and because our offices are the only places available to us. Other rooms could be converted without any problems. Hon Clive Griffiths did the right thing when he found that the members' dining room had a false ceiling. He had it ripped down and found a most beautiful ceiling above it.

Hon Peter Foss: I would not mind seats that don't give me a backache.

Hon DOUG WENN: Again, there were plans for the refurbishment of this Chamber, but what happened? They got pushed aside and it will not now happen. Does Hon Peter Foss complain about a backache like I do?

Hon Peter Foss: I have a piece of wood on my chair.

Hon DOUG WENN: Why?

Hon Peter Foss: Otherwise I would not be able to get out of my chair.

Several members interjected.

Hon DOUG WENN: Another point I want to raise is the conditions under which the staff at Parliament House work. They should be given a fair go. The extended sitting hours of Parliament require the staff to work very long hours and the conditions they must tolerate is something that members should consider. The staff look after our every whim. They should be congratulated for the excellent job they do and they are entitled to better working conditions.

Hon Max Evans is giving me the wind up sign; I thank members for giving me the opportunity to contribute to this debate. I hope the comments I made about Telecom will reach the people at whom they were directed. When Telecom is confronted by competition from other companies it will be on for young and old. Telecom must get its act together because other companies will move in and they will offer cheaper and better services to the public. I hope that Telecom lifts its game.

Debate adjourned, on motion by Hon Margaret McAleer.

POLICE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss, and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan) [8.35 pm]: I move -

That the Bill be now read a second time.

This Bill is identical to a Bill that was introduced to the Assembly in 1987, and which was defeated on the second reading, and in the Council last year, but which did not proceed beyond the second reading stage. It arose from the non-reinstatement of the now MHR for Moore, Paul Filing, who had been a detective constable prior to resigning from the Police Force to contest, as it turned out unsuccessfully, the Federal seat of Cowan. Emotions were quite high at the time and this may have in part contributed to the defeat of the Bill. I will be consciously avoiding referring to the particular case and any political comment because I believe that this Bill is right in principle and should be enacted and I would rather that it be dealt with on its merits than resolve itself into a reconsideration of the merits of the Filing case. If I refer to some of the facts and statements made at that time it is purely to explain to members why this Bill is necessary.

Necessity to resign to contest elections: I suppose the first question is whether it is necessary that police officers resign in order to contest an election. This may be dependent on two things - the requirements of the police officer's employment and the requirements of the relevant electoral provisions. The electoral requirements differ depending on whether the officer is standing for a State or Federal seat. Section 213A of the Western Australian Electoral Act provides -

> The Governor may make regulations -
>
> (a) requiring a person who holds any office or place mentioned in Part 2 of Schedule V to the *Constitution Acts Amendment Act 1899*, not being an office also mentioned in Part 1 of that Schedule, and who is nominated for election under this Act to take leave of absence from that office or place and - . . .

This distinction between parts 1 and 2 arises from the provisions of sections 31 to 42 of the Constitution Acts Amendment Act 1899. Section 34 of that Act disqualifies the holders of certain offices from membership of the Legislature. These are set out in part 1 of schedule V. Section 36, inter alia, provides for the converse position to that we are determining with Commonwealth public servants. Section 32 provides for the vacating by reason of being elected of positions held which fall within part 2 of schedule V but which are not within part 1. Police officers fall within part 2 and, other than the commissioner, do not fall within part 1 of schedule V. There is plainly a statement of legislative intent that those persons in part 2 should be able to stand and to take leave of absence for that purpose.

Section 44(iv) of the Commonwealth Constitution provides that -

> Any person who -
>
> . . .
>
> (iv) Holds any office of profit under the Crown, . . .
>
> shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

Unless the Crown can be limited to the Crown in the right of the Commonwealth there would appear to be a problem with policemen standing for Federal Parliament so far as the electoral requirements are considered.

Requirements of employment: It has been suggested that police officers are prevented from standing for Parliament by section 32 of the Police Act 1892 which provides that -

> No member of the force shall in any manner influence any elector in giving his vote for the choice of any person to be a member to serve in the Legislative Council or Legislative Assembly -

This is no obstacle to a police officer standing for Federal Parliament because there is no reference to Federal parliamentary seats. It provides a serious practical problem to a police officer standing for State Parliament. Although it does not prohibit him from standing, he would not be a very good candidate because he would not be able to campaign. It is also suggested that administrative instruction 606 under the Public Service Act also bears on the

point. I do not have this administrative instruction, but I fail to see how it can bear on the matter because a police officer is not an officer within the meaning of the Public Service Act. Apart from this, there is the very serious practical difficulty that the senior level of the force takes the view that officers are required to resign and there is, therefore, considerable pressure on them to do so. It is not really practical to suggest to a member of a force under discipline, such as a police officer, that he should defy his superiors and insist on his rights. If there is a serious belief in the force that he should resign, or if he does resign that he not come back at the same level, a clear direction of Parliament would be required to overcome this.

There is no specific provision in the Electoral Act regarding reinstatement after unsuccessfully contesting an election. I suppose this is because it envisages that a person will be taking leave instead. The Police Act has also made no specific requirement for officers to resign so that it is unlikely to provide for reinstatement. It is even a little difficult to resign from the Police Force. Section 12 of the Police Act provides for noncommissioned officers and constables to give one month's notice if stationed below the eighteenth parallel and three months' notice if stationed above the eighteenth parallel. If the police officer is commissioned he can be reappointed only by the Governor. If noncommissioned he can be appointed by the commissioner. It would appear that there is no entitlement to be appointed at all, let alone to any particular position and rank. On the other hand, there is nothing in the Act to prevent the commissioner from offering complete reinstatement and this has occurred on three occasions in the past, in 1930, 1956 and 1960. This appears to have been the policy of the force until the Filing case. It has been stated that the commissioner would prefer that an officer go through the normal recruitment procedure and commence at the bottom again so that he can be certain of the career commitment of that officer. The position was discussed in the report on offices of profit of members of Parliament and members of the Crown - a report of a joint committee of both Houses of Parliament - which was tabled on 1 November 1982.

Situation in other States and the Commonwealth: Similar provisions exist in other States with regard to electoral conditions. Of course, as has been stated earlier, the Commonwealth Constitution requires a different approach. Similar provisions apply with regard to employment in all other States, some of which specifically refer to the relevant Police Act. I will now set out in summary form, to the degree that I have been able to ascertain, the relevant provisions in each State. My research has not been exhaustive; it has been by way of requesting parliamentary libraries in each State to supply information. I believe it is accurate so far as it goes, but there may very well be omissions.

The Commonwealth: The Commonwealth Public Service Act has special provisions relating to re-employment. Section 47C of the Public Service Act provides that officers who resign are entitled to reappointment. Section 82B of the same Act deals with employees in the same way. The provisions relating to the armed services are slightly different from those relating to the Public Service. This is because of the fixed period of enlistment in the services which may be terminated by a serviceman standing for Parliament. The services have the ability to cause the ex-serviceman compulsorily to resume his employment. Some doubt also exists as to exactly how the provision of the Constitution affects public servants. It may not bite until election day or even declaration day. There is provision for public servants to take campaign leave without pay under section 71 of the Public Service Act.

New South Wales: In New South Wales the Constitution (Public Service) Amendment Act 1916 deals with the position of public servants contesting State elections. Unless elected, they are not required to resign. The usual leave, with or without pay, provisions apply. In New South Wales a public servant who stands for Federal Parliament must resign prior to the closing date for nominations. For this purpose, the Public Service (Commonwealth Elections) Act 1943 provides, in very similar terms to this Bill, for public servants who retire to contest Federal elections. Section 10A of the Police Regulation Act 1899 has since 1939 made specific provision for persons who resign from the force to contest Federal elections. That Act has provisions much the same as those proposed in this Bill.

Victoria: In Victoria section 61 of the Constitution Act 1975 provides -

> Notwithstanding anything in . . . the Police Regulation Act 1958 . . . a person shall

> not be disqualified or disabled from or be ineligible to be a candidate at any election . . . by reason only of his being the holder of any office or place of profit under the Crown or in any manner employed in the public service of Victoria . . .

Members will note that this specifically mentions the Police Regulation Act.

Queensland: Section 5(2) of the Officials in Parliament Act allows a person holding public office to be elected, but deems the place to be vacant as soon as he is elected. Subsection (3) allows any such person leave of absence for a period not exceeding two months for the purpose of contesting an election.

South Australia: In South Australia the Constitution Act Amendment Act No 57 of 1982 by section 2 makes it quite clear that there is no need for a candidate to resign from the Public Service until just before the date of declaration of the poll. On the other hand, if a public servant does resign he can use section 62(1) of the Government Management and Employment Act to obtain re-employment.

Tasmania: Tasmania has the Constitution (State Employees) Act 1944. This entitles a State employee to two months' leave of absence to contest parliamentary elections and requires him to resign forthwith on being elected.

Should there be specific provision in the Police Act? So far as the commissioner is concerned, this Bill does not propose any change. On the face of it there seems to be no special reason why police officers should not return to the Police Force after they have been unsuccessful at an election. It cannot be said that their announcement of political allegiance should cause any more concern than that of any other person serving the State. There are points of difference between them and others in the Public Service. In general, these favour the reinstatement of police officers rather than the converse. Police officers are less involved in political matters in their day to day work than are civil servants. They enforce the laws as they stand rather than involve themselves in the formulation of what those laws should be. In general, I think overt political partiality in a civil servant is less desirable than in a police officer.

It could be that political partiality in a particular officer could lead to a person not being prosecuted, but this is unlikely because there are many other officers who could act in a particular case. In any event, it is incorrect to think of any person in the Public Service or Police Force as being a political eunuch. Each may have his own personal political convictions and each is quite used to divorcing his private beliefs from his official behaviour. To the extent that it becomes publicly known and a public statement is made on how an officer thinks politically, I do not believe that police are any worse off than civil servants. I am pleased to say that the report of the Joint Select Committee, referred to above, states in recommendation No 17 -

> that the Constitution provide that all officers of the Police Force below the rank of Commissioner be accorded the same opportunity as other members of the Government service of being elected to Parliament and that conditions for taking of leave shall apply as in Recommendation No. 17.

This leave, as proposed in recommendation No 17, is from the date of closing of nominations. Another reason for allowing reinstatement of police officers is that it is extremely expensive to train police officers, and their length of experience is a vital factor in their efficiency. Not to encourage them to resume their position could penalise the public purse and the Police Force. A similar consideration is recognised in the Commonwealth armed services with their ability to require servicemen to return to the forces.

It might be argued that because of the special regard the community has for police officers, the policy enunciated by section 32 of the Police Act should be maintained, and that police officers should be required to surrender their positions so that they go into the campaign on equal standing with other candidates. I share that feeling and, for that reason, have not proposed that police officers be able merely to take leave.

The final question is whether police officers should resume their exact position. The commissioner has raised the desire to check whether the officer has a long term commitment to his police career. I believe this could be a concern of the Public Service also, but this Legislature has said that that is not a proper inquiry. I see no reason why we should discriminate against policemen in this regard. We, probably better than any others, can

understand that standing for Parliament is not necessarily a disavowal of one's former career; often the former career is left with great reluctance. However, the desire to serve the State or nation in Parliament should not be discouraged. Parliament needs as wide a variety of representatives as it can obtain. It would not be in the interest of the Parliament to discourage any one group. I do not think it is proper for the Commissioner of Police to question the career commitment of an officer merely because he seeks election to Parliament, and I believe the commissioner must be in the same position as the heads of departments in the Public Service.

Summary: Accordingly, I have proposed a Bill which -

(a) leaves in place the requirement that a police officer resign to contest a State election - the Commonwealth Constitution possibly operating in the case of a Federal election; and

(b) entitles him to reinstatement if unsuccessful.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Graham Edwards (Minister for Police).

ACTS AMENDMENT (EVIDENCE) BILL

Second Reading

Debate resumed from 15 May.

HON DERRICK TOMLINSON (East Metropolitan) [8.47 pm]: The matters of competence and compellability of husbands and wives to give evidence in criminal proceedings were referred to the Law Reform Commission some 18 years ago. The commission produced a working paper on 8 February 1974 and a final report on 5 January 1977. Most of the provisions recommended in the Acts Amendment (Evidence) Bill before the House are derived from the recommendations of the Law Reform Commission's report on the competence and compellability of spouses. The long delay, between the presentation of the report of the commission on 5 January 1977 and the introduction of the recommendations in a Bill before this place on 15 May, is proof that it is not only the mill of God which grinds slow but sure. It is perhaps also less to do with the mill of God and more to do with the fact that the Chairman of the Law Reform Commission at the time the report was prepared is now the Chief Justice.

The law relating to the competence and compellability of spouses is found in several references in the Evidence Act, the Criminal Code, and the Justices Act. In the main, the several references to competence and compellability in the Criminal Code are compatible with the provisions of the Evidence Act; the exceptions which were identified by the Law Reform Commission related to sections 189 and 190 of the Criminal Code. Section 189 deals with indecent dealing with girls under 16 and others, and section 190 deals with defilement by a guardian. The commission's report proposed that this apparent conflict between those provisions of the Criminal Code and the Evidence Act could be resolved by the application of what it called "a recognised principle of statutory construction". As one who is illiterate in jurisprudence I was rather intrigued by the footnote which explains what the recognised principle of statutory construction is. I will read it for the benefit of members who, like me, are illiterate in jurisprudence. It states in footnote 18 at page 8 of the report of the Law Reform Commission, project 31 -

> The relevant rule is that where a specific provision is inconsistent with a later general provision the former provision may be read as a proviso or exception to the general provision. Section 190 and s.8(1) commenced operation on the same day (30 December 1913) and if the rule were to apply when the special provision and the general provision commence operation on the same day there would be no conflict between s.190 and s.8(1) of the Evidence Act, as the former would constitute an exception to the latter.

Having read that, and instantly comprehended it, I understand and commend the decision of the Government to clarify the law by various amendments to the Criminal Code as proposed in the Bill so that the provisions of the Criminal Code are made directly compatible with the provisions of the Evidence Act, and where those provisions are to be changed within the Evidence Act so, too, are they to be changed within the Criminal Code.

The only other anomalous provision is contained in section 71 of the Justices Act. Members will observe that clause 13 of the Bill proposes that the anomalous provision be repealed. Hence, one function of the Bill before the House is to make compatible the provisions of compellability and competence of spouses among the three Statutes in which the matters are dealt with. Within the Evidence Act the present law is specified relating to the compellability and competence of husbands and wives in criminal proceedings and is dealt with in sections 8, 9 and 10. Without going into the details of those sections, they outline specific circumstances under which a husband or a wife of an accused is compellable for the prosecution or the defence and the specific offences in which that is possible.

To understand the proposed changes, it is necessary to refer to the comprehensive report of the Law Reform Commission in which the present law and the difficulties in the application of that law are explored. Proposals in other jurisdictions, both in Australia and the United Kingdom, for changes to their respective provisions for competence and compellability of spouses are considered and there is an explanation of the decisions and recommendations that the commission arrived at. I do not want to deal with every one of those provisions, but since they are a comprehensive discussion of the relevant law I want to look at some parts of, and the justification for, those recommendations because I will be recommending later that the Bill be referred to the Standing Committee on Legislation. In part I will do so because there is some division of opinion within the legal fraternity about the need for change and the direction of change in laws relating to competence and compellability. For that reason, it was proposed that the Bill should lie on the Table of the House until the spring session. That would provide an opportunity for interested parties to respond and for the Government or Opposition to propose amendments to the Bill. I proposed to the Law Society that, rather than allowing the Bill to lie on the Table of the House and by some process of attrition there be response to it, we should refer it to the Legislation Committee.

Hon J.M. Berinson: Not "attrition" but consultation.

Hon DERRICK TOMLINSON: The passage of time and consultation on the part of the Attorney General; I should acknowledge that. Through the process of consultation some amendments could be framed. Rather than that, and to formalise the process, I proposed referring it to the Legislation Committee so that interested parties such as the members of the legal fraternity could make submissions to that committee which would in turn be communicated to the House.

To illustrate some of the matters which could be contentious, it is interesting to look at the discussion that the Law Reform Commission presented on the question of compellability. It presented that discussion under a subheading "The Dilemma". The very fact that the term "the dilemma" was used was a warning to me when I read it. The report explains that there are two opposing interests at issue when considering compellability. The two are rather similar to the opposing interests whenever matters of law - and the criminal law in particular - are considered. The first is the interests of society in the detection and punishment of offenders. That, I think, is a universal interest in the application of the criminal law. The second in this particular instance of compellability of spouses to give evidence in criminal proceedings is the interest of society and parties to a marriage in preserving marriage and its confidential nature. The interest of society in detecting and punishing offenders is not always directly compatible with the latter interest in preserving marriage and its confidential nature.

The resolution of the choice that has to be made between the alternatives in resolving such a dilemma is the law. The law is always a choice among alternatives. One of the choices considered by the Law Reform Commission was an opinion proposed by the then Chief Justice of Western Australia, Hon Sir Lawrence Jackson, who favoured compellability in all cases. The arguments in support of his position are interesting. The first argument he presented was as follows: All relevant evidence as to guilt or innocence should be available to the court so that a correct decision is more likely to be arrived at, and this is a more important consideration for the public good than the risk of harming or disrupting marital relations. Hon Sir Lawrence Jackson thought that the pursuit of guilt and the bringing to justice of the guilty should have priority over considerations of maintaining or preserving marital relations.

This morning some members of this side of the House engaged in a discussion with Judge

Jackson of the Children's Court about the question of juvenile justice. At one point in that discussion Judge Jackson illustrated a dichotomy of positions that could be taken on the question of juvenile justice by comparing what he called the American approach to the law relating to juveniles with the French approach. He characterised the American approach as the moralistic approach, where the guilty person was pursued and punished regardless of whether he was a juvenile or an adult. If a person were serially or successively convicted, the penalty imposed would become cumulatively more harsh. I guess if one followed the moralistic approach to the law to its ultimate resolution, one would come to a statement of the kind that the wages of sin is death. In contrast with the American approach, which was characterised as the moralistic approach, the French approach was described in terms of reconciliation. The French do not prosecute juveniles, and they certainly do not incarcerate juveniles. Some time ago there was a strike in juvenile prisons in France, and it was decided that juveniles would no longer be incarcerated. Rather than follow the moralistic approach of the application of the law through punishment, the French approach is to bring together the offending juvenile and his family, and a conciliator, so that they can reconcile the problem. I do not know which is the more effective approach in terms of combating juvenile crime or misbehaviour, but I believe that dichotomy illustrates the different approaches that are embedded in the cultures of those two societies.

Having drawn that dichotomy, Judge Jackson characterised the Australian system as being closer to the American than to the French system. Our system is possibly also embedded in our culture. It probably is derived from our colonial antecedents of this nation's having been a prison where punishment to fit the crime was a concept which was transported with the convicts from Britain. The authoritarian approach to justice which emerged in the colonies and became characterised in our Commonwealth and State Statutes is embodied in an approach to the law which says the principal function of the criminal law is to bring offenders to justice and to punish them. That attitude to criminal law is contained in Hon Sir Lawrence Jackson's approach that all relevant evidence as to guilt or innocence should be available to the court so that a correct decision is more likely. I accept that the argument that a correct decision - in other words, bringing the offender to justice and a proper consequence - is a more important consideration for the public good than the risk of harming or disrupting marital relations is a valid argument to pursue.

Hon Peter Foss: That would lead to the conclusion that you would get rid of the right to remain silent rather than to convict oneself on one's own evidence, and it would also get rid of the right of legal professional privilege.

Hon DERRICK TOMLINSON: It becomes particularly pertinent in respect of the question of the compellability of a spouse. If a spouse were given the choice of giving evidence or of being a witness either for the prosecution or for the defence in a criminal case involving his or her wife or husband, the dilemma of choice would be compounded by attitudes about the sanctity of marriage and the confidentiality of relationships in marriage. It would also raise questions about the reliability of witnesses in cases where the choice was made.

Hon Peter Foss: That is the reason that spouses would not be competent.

Hon DERRICK TOMLINSON: Spouses are competent at law, and the Law Reform Commission reported that the submissions which it received suggested that there was general satisfaction with the question of competence. However, Hon Peter Foss's remarks are pertinent. While spouses are competent at law, the question of the reliability of a witness who is given the choice is to be tested in the proceedings. It follows also that where a spouse is compelled to give evidence, that evidence likewise has to be tested. Would a wife or a husband tell the truth, the whole truth and nothing but the truth if that represented a threat to the marriage? Would a husband or a wife bear true witness against his or her respective spouse if the threat to the marriage represented a threat to his or her economic wellbeing? Would the wife bear true witness against her husband if the evidence that she gave threatened the welfare of her children? These are the dilemmas which are confronted in the application of compellability.

Hon Peter Foss: May I suggest one other problem? It may be that the spouse has been charged with a very minor offence, but the wife or husband called to give evidence is tempted to commit a more serious offence - the offence of perjury. The reluctance of a husband or a wife who is compelled to give evidence against a spouse could lead to a more

serious crime being committed than the offence about which that husband or wife has to give evidence.

Hon DERRICK TOMLINSON: Precisely.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! Before we get much further, I suggest to the member that he make that contribution in his own time rather than interrupt the proceedings. That would be helpful for us all.

Hon DERRICK TOMLINSON: Thank you, Mr Deputy President. I was hoping that Hon Peter Foss would make such a contribution because I am sure he will be able to enlighten us on matters of law where I can merely stumble around the fringes.

In the philosophical position he proposed, he has represented a further problem for a spouse compelled to give evidence, or alternatively electing to give evidence, and that is the distress which a spouse must confront. Will he or she perjure himself or herself? Because of love? Because of concern for personal welfare, or concern for the welfare of the children? What a dilemma! What a question to confront! What is more important to me: The man I love, the woman I love, the children I love, or being a good person and obeying the law? It is not difficult to estimate the distress that a spouse would feel in such a situation.

While the position argued by the then Chief Justice has a certain legalistic compulsion to it, a certain impeccable logic, impeccable logic is not what is being considered here. We are really talking about human involvement in questions of law. When it comes to the relationship between a husband and wife, there will inevitably be disputation which cannot be resolved by legalistic argument. The question of resolving that dilemma in legalistic terms by saying that all relevant evidence of guilt or innocence should be available to the court, and should have priority over the risk of harming or disrupting marital relations, is the position which the Law Reform Commission took in its recommendations on compellability on behalf of the prosecution. The extant law, now and at the time the Law Reform Commission was considering this matter, was that the spouse of an accused was compellable and is compellable for the prosecution in the case of indictable offences only where the charge relates to certain sexual offences, offences relating to taking advantage of females, or offences involving the property of the accused's spouse. It was a limited range of offences which could be generally characterised as offences of a sexual nature; offences against conventional morality. The commission gave consideration to a proposal advanced in both England and Queensland to extend that compellability in the law to relate to serious offences committed against a child of the same household as the accused. It argued that that raises a great deal of technical difficulty and anomalous propositions. It raises questions such as at what age a person ceases to be a child. Would a son who normally resides at boarding school but who is at home for two weeks' holiday or less be regarded as a child of the same household? Would the son's friend who accompanied him to his home for a holiday be regarded as a child of the same household? And so the questions go on.

Having considered those technical difficulties, and some of the anomalies connected with the limited extension of the extant law proposed in England and Queensland, the commission came down with the resolution that it considered that compellability is warranted on general policy grounds over a wider range of circumstances. It adopted the position argued by the then Chief Justice. Having adopted the position argued by the then Chief Justice that having complete evidence of innocence or guilt was of prior importance to the preservation or protection of the marriage, it came down with -

Hon Peter Foss: Two years after the passage of the family law Act.

Hon DERRICK TOMLINSON: Two years after may or may not be considered relevant. The commission came down with a qualifier, and the qualifier was that while it accepted that the prior need is for the availability of all evidence of innocence or guilt, and therefore the questions of compellability should be acceptable over a wider range of offences than the limited range of offences against morality specified in the then Statutes, having regard to the importance of the marital relationship, perhaps it should not be the full range of offences under the Criminal Code where a spouse could be compelled to give evidence. It looked at the question of whether the judge might be given a discretion to decide whether a spouse could be compelled to give evidence on behalf of or against the respective husband or wife. The Law Reform Commission rejected that, but then resolved its uncertainty by saying that

in some instances there should be compellability and in some instances there should not. It then identified in an appendix to its report, which is very much the second schedule of the Bill now before the House, a range of offences, from treason through to reckless and dangerous driving, where it might be appropriate for compulsion to apply. The list includes not only what we would characterise generally as sexual offences, but also offences where there is an intent to inflict actual injury. It includes cases involving negligence; for example, in the Road Traffic Act 1974, section 59, dangerous driving causing death. It includes cases where a person's life or health is endangered; for example, in the Criminal Code section 296A, endangering persons in an aircraft, and section 302, endangering life and health by failing to provide necessaries, and so on. It includes cases where the offence is against the person's liberty even though no actual physical harm results; for example in the Criminal Code, section 333, deprivation of liberty.

The commission's report resolved the dilemma. Having accepted a position that it was more important to have all of the evidence than to protect the special relationship of marriage, it opened up the dilemma of whether that should apply to all offences under the Criminal Code or to a limited number, and identified a range of offences where it should apply and a range of offences where it might apply. As I said, the Bill, in the second schedule, accepts many of the offences which the Law Reform Commission's report of 1977 identified as being offences where compellability should apply - offences under the Criminal Code, the Road Traffic Act, the Police Act and the Child Welfare Act, and the Misuse of Drugs Act. However, it did not accept all of them; neither does the Bill resolve those offences where the Law Reform Commission suggested that compellability might apply. Some of the offences the Bill chooses to leave out have been made redundant by amendments to the Code between 1977 and the present - treason, accessory to treason, assaulting or arresting a minister, indecently dealing with children under 14 -

Hon Graham Edwards: I would be interested in the one concerning assaulting or arresting a minister.

Hon DERRICK TOMLINSON: Yes, I assume it refers to a Minister of the Crown rather than a minister of religion; therefore if Hon Graham Edwards is assaulted or arrested the suggestion is that his wife cannot be compelled to give evidence against him. Or perhaps it does refer to a minister of religion.

Hon J.M. Berinson: I am pretty sure it does, although I missed the beginning of that exchange.

Hon DERRICK TOMLINSON: It could well refer to a minister of the Catholic church then, in which case there would be no compellability of the spouse, would there? However, the Bill, having accepted the general proposals of the Law Reform Commission's report and the recommendations, then makes a choice. The very choice itself must open up some questions as to why, and whether, the schedule of offences is too broad or too narrow, whether some of the offences left out should be included, and whether some that are included should be eliminated. These are the sorts of matters where I think it would be appropriate for the legislation to be open to public scrutiny and public comment through the Legislation Committee.

I turn now to another illustration of the concerns that might be opened up for public discussion. The present law quite clearly refers only to the compellability of a husband or wife; it does not make provision for an ex-husband or an ex-wife. The question was raised by the Law Reform Commission as to whether the same protection of the accused or the spouse of the accused should be extended to the ex-husband or ex-wife in the case where a marriage has been annulled. The commission came to the conclusion that -

> As the basis for non-compellability is the preservation of the marital relationship, it follows that once that relationship has been dissolved the need for non-compellability no longer exists.

Again, it is impeccable logic. It is a legalistic approach which, if one accepts the legalistic approach to the law, one must accept. What then happens in the case when the marriage has not been annulled but where the parties to the marriage are separated? It is no longer possible to have a legal separation, but let us suppose the marital relationship has been disrupted and the couple no longer cohabit. What then of the resolution that, as the basis for

non-compellability is the preservation of the marital relationship, if the marital relationship has broken down it follows that there is no need to preserve that non-compellability? Does that apply also to a marriage which has not been annulled but in which the partners are no longer cohabiting? What then of the evidence of the husband or wife? Members should bear in mind that we are talking about 1977 - a mere two years after the enactment of the Family Law Act 1975, as Hon Peter Foss pointed out - and should consider the changes in attitudes towards marital relationships and de facto relationships since that time.

I think that members would find a heated defence of the proposition that a de facto relationship has many of the special characteristics of a legal marriage. It does not have the protection of a legal marriage as Hon B.L. Jones and the Select Committee pointed out in its report. However, the special relationship between the de facto partners is in many respects the same as the special relationship between married partners. If the question of compellability is argued on the basis of protecting that special relationship in a marriage, and if the special relationship also exists in a de facto relationship, should it not follow that the protection of the marital relationship through compellability or non-compellability might also apply to the de facto relationship?

The Bill before us takes account of the annulment of marriage - for example, in clause 5, the proposed amendment to section 7 - in civil cases by deleting reference to husbands and wives and substituting wives, former wives, husbands and former husbands. It has not satisfactorily resolved the question of de facto relationships. I know that there is a simple legalistic explanation of that, I know that this matter has been dealt with by the courts and I know that there are precedents that can be argued to resolve the special relationship of the de facto. At law, it does not exist. At law, de facto couples are not offered the same protection as married couples, but the issues we are looking at here are not the mere legalistic issues; they are the human issues that will follow from amendments to these laws.

Again, it is appropriate that there should be an opportunity for public response to this legislation. I could spend more time talking about the protection of communication between spouses; the communication between spouses has a sanctity in our community. It certainly has a special protection at law and it certainly is dealt with in the amendments contained in the Bill before us.

Hon Peter Foss: That protection should not go past the dissolution of marriage.

Hon DERRICK TOMLINSON: It is not simply a dissolution of marriage. The protection of the communication between spouses is protection within the marriage because the special quality of communication is within the marriage. Certainly it does extend the question of the communication that ex-husbands and ex-wives might have had, or the communication that ex-husbands and ex-wives do have. Again, it extends also to the question of de facto relationships. If we make special provisions in the law to protect communication between spouses in compellability for the prosecution, should that protection also extend to de facto spouses?

The matters contained within the Bill are worthy of progress through this Parliament and support by this Parliament. However, I also recognise two things: First, many of the matters contained within the Bill involve deep social and moral issues about which we would not find unanimity within our community. If we cannot find unanimity within the community and since, in this case, this House is charged with making a decision about whether these recommendations are acceptable, it behoves us to give interested members of the community an opportunity to respond to the Bill and to inform our decision. On the basis of the information given to us in a community response so too might we make a wiser decision on the acceptability of the amendments proposed.

The second matter I recognise is that the basis of the legislation is a report of the Law Reform Commission which is some 14 years old. Fourteen years is only a matter of a blink for those of us of advancing years - and I see Hon J.M. Berinson nodding in agreement. However, in those 14 years considerable changes in community values have occurred. I do not say that to criticise the report of the law reform commissioners; it is an excellent report. At various points I would challenge the logical consistency of their arguments and the conclusions they arrive at on the basis of their arguments, but I would not criticise the report. Neither would I criticise a decision to translate its recommendations into law. However, I recognise the passage of time and that, while there was community response between

1972 and 1977 when the Law Reform Commission was deliberating on the matter, a whole new generation of people would now respond, and might respond differently.

One of the reasons for setting up the Legislation Committee was to extend the opportunity to the community to respond to legislation before this Parliament and to inform the decision making process of this Parliament. This is one of the Bills where that opportunity must be made available. While I support the general thrust of the legislation I will, at a later stage, be recommending that the Bill be referred to the Legislation Committee.

HON J.N. CALDWELL (Agricultural) [9.38 pm]: I intend to give a short, straightforward response to the Acts Amendment (Evidence) Bill. The issue has been studied by the Australian Law Reform Commission; much of the Bill is the result of the Western Australian Law Reform Commission's recommendations. The purpose of the Bill is to compel the spouse of an accused to give evidence against the accused in criminal proceedings. Every member of the National Party has a conflict of conscience with this Bill. On the one hand we would do nothing to undermine the family unit, and on the other we have difficulty with the Bill. Members would have seen National Party members in this place support the family in every possible way; the three members in this place can also demonstrate that we are happily married family people and have brought many fine children into the world.

Hon B.L. Jones: Did you say that only three members in this place can say that?

Hon J.N. CALDWELL: Only three National Party members.

Hon B.L. Jones: I see.

Hon J.N. CALDWELL: I am sure that plenty of other members in this place have happy families. Although we protect the family unit, how many times have National Party members indicated in this place that we have difficulty giving more protection to the criminal elements of our society? Therefore, this aspect must be considered. We must draw some kind of balance between the two aspects, and that is the dilemma upon which we must draw conclusions.

The current practice is that spouses cannot be compelled to give evidence against an accused person except when expressly provided for. That is rather interesting because some areas exist in which spouses are compelled to give evidence; generally, that is regarding sexual offences and offences against spouses' person, property or liberty. A reasonably wide range of offences is covered in the principal Act. However, this Bill goes much further and proposes a more serious and extensive range of offences as listed in the schedule of the Bill. Three or four pages of offences are listed in the Bill. Hon Derrick Tomlinson explained these areas, and if the Bill is referred to the Legislation Committee these areas must be considered.

This area of law has been examined in quite a few countries around the world, as well as by the Australian Law Reform Commission. It is interesting to note that the proposals vary greatly in attitude towards this subject. Some countries allow judicial officers discretion to exempt from giving evidence all persons who have a close personal relationship. No single approach has been followed. This is probably the area which causes conflict because no-one has come to a conclusion regarding what should happen. We are attempting to make a definite conclusion with this Bill.

If a spouse is giving evidence against the person to whom they are married, or in the case of the de facto relationship, with whom they live, that person will practically always have a biased approach in his or her evidence. If the marriage were not progressing very well - as is the case in many marriages these days, unfortunately - the biased approach would be against the accused; in many cases such a person would like to see the accused behind bars because the marriage is on the rocks. On the other hand, if the marriage is going reasonably smoothly and love is felt on both sides, the opposite bias would be displayed, and the evidence given would definitely lean towards the accused. In either case, the evidence may not be a true indication of the events leading up to the committing of the crime. This is the conflict facing National Party members.

Hon Derrick Tomlinson gave an extensive summary of this Bill; I do not intend to do that. I simply express the views of National Party members and the conflict of conscience we face. It will be very difficult for us to give a positive answer to this question; therefore, I would very much like to see this Bill referred to the Legislation Committee.

HON D.J. WORDSWORTH (Agricultural) [9.47 pm]: I have not done the amount of research carried out by Hon Derrick Tomlinson on the Acts Amendment (Evidence) Bill. However, I find it interesting that at the time this legislation is before the House, the wife of a man currently in gaol in Tasmania for bribing an MP has been harassed by police seeking evidence for a Royal Commission. That person is the well known media magnate, Edmund Rouse. The police are endeavouring to implicate the former Premier of Tasmania, Mr Gray, in certain activities. It is a very fine line on this issue. The examination by the police of Mrs Rouse is questionable regarding whether she is in a position to implicate her husband or other people who could be charged as a result of the activities of the Royal Commission. However, this issue is causing quite a stir in Tasmania. It is a question of whether a wife should be put in the position of giving evidence against her husband, particularly when he is in gaol. At such a time, the wife is living at home alone and the police may suddenly arrive at her front door. We should make a decision on the side of the present legislation rather than opening up the can of worms involved with this Bill. Hon Derrick Tomlinson suggested that our moral attitudes have changed over the last 14 years; however, we cannot look at the Australian average, it is a matter of looking directly at some groups to which this legislation would apply. I am referring to certain religious and ethnic groups. It is all very well to say that the average family would have no objections and there would be no great complications, but some families in the community would have problems. It is not hard to use one's imagination and consider some of the different religions. We are no longer just a Christian community; we have encouraged immigration from all parts of the world. For certain races the relationship between husband and wife is not typical of the broad scope of the Australian community. It may be an idea to put this matter before the committee, although I must admit that I am not sure whether it would get the public hearing that was suggested. I would like to see it aired before more than just a few members of Parliament. Two members have been forced to their feet and the rest have been inclined to sit and wonder a little. I would like to see the Bill open to public comment so that various ethnic and church groups could give their views on how it will affect members of their community. As it stands now it would be better to leave the law as it is than to interfere as proposed.

Standing Orders Suspension

On motion without notice by Hon P.G. Pendal, resolved with an absolute majority -

> That so much of the Standing Orders be suspended as would allow a motion to be moved to refer the Acts Amendment (Evidence) Bill to the Legislation Committee before the second reading is agreed to.

Referral to Standing Committee on Legislation

HON P.G. PENDAL (South Metropolitan) [9.55 pm]: I move -

> That the Bill be referred to the Standing Committee on Legislation for consideration and report.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.56 pm]: There has been much discussion this evening around the word "dilemma". The Law Reform Commission was quoted as having been in a dilemma; Hon Derrick Tomlinson found himself in a dilemma.

Hon Murray Montgomery: Are you in a dilemma?

Hon J.M. BERINSON: And Hon John Caldwell found himself quite regularly in a dilemma. One only needs to recognise that to understand why it has taken 14 years for this Law Reform Commission report to reach the Parliament.

Hon P.G. Pendal: This is only the start.

Hon J.M. BERINSON: Nonetheless, without being able to say that I either welcome the support of Opposition members, or regret their lack of support, since I am in something of a dilemma as to whether they are supporting the Bill or not, I make the point, as I have done previously in private, that I agree that this is an appropriate Bill to be considered by the Legislation Committee. I am frankly not at all sure about the significance of allowing this process to go ahead in advance of the completion of the second reading debate as the Standing Orders provide, but I do not believe that anything hangs on that. So as far as our consideration of this legislation is concerned I have therefore been agreeable to the

suspension of Standing Orders as well. The Legislation Committee is an appropriate forum for the further consideration of this Bill before we come to finally establish our decision as a House and I therefore support the motion.

Question put and passed.

STATE ENERGY COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 9 May.

HON N.F. MOORE (Mining and Pastoral) [9.59 pm]: The State Energy Commission Amendment Bill is a fairly short Bill which seeks to provide the State Energy Commission of Western Australia with the power to charge interest on overdue accounts. We are told that the commission does not operate a system which enables it to penalise those people who do not pay their accounts on time, and it is suggested in the Bill that all overdue accounts in excess of $1000 be charged interest at the rate of 12 per cent, the current commercial rate. The State Energy Commission has argued that the cost associated with overdue accounts is approximately $1 million per annum. In the circulated version of the second reading speech, instead of $951 000 a figure of $951 000 million per annum was written.

Hon J.M. Berinson: The speech was not read as such.

Hon N.F. MOORE: The printed version shows that figure, and when I read that I thought we had a very serious problem! However, the problem is not to that extent but is approximately $1 million.

The Opposition does not oppose the Bill. It has accepted that it is a fair and reasonable commercial decision that people should pay interest on overdue accounts. Quite obviously people in commercial activities are entitled to be paid moneys owing to them by a certain date, and the State Energy Commission is no exception from any other commercial organisation in that respect.

The problem the Opposition has is the timing of the Bill, which relates to the current economic circumstances in Western Australia, particularly among small business. The Bill relates to accounts of $1 000 or more and therefore it would be more inclined to catch people in the commercial sector and small business rather than household consumers. It is aimed at a section of the community which is currently suffering very hard times. Any further impost on the small business sector should be avoided if at all possible. The unemployment figure in Western Australia is an incredibly high 11 per cent. At a time when businesses are desperately trying to hang on to their employees, it is unfortunate that the SEC feels a need to add an additional burden. It is a burden, because some businesses that stray from the path of righteousness by not paying their accounts on time will now be charged for that indiscretion. Obviously, people who do not pay their bills on time do so on many occasions because they do not have the money to pay them. Some businesses at present do not have the resources to pay every account on time. The problem is that that multiplies through the community and everybody feels the pinch. Therefore, there is no argument with the logic of the SEC. However, it is a pity that this is happening at a time when the small business sector is suffering. When one considers the amount of money that the SEC will save totals approximately $1 million and compares that with the sort of money that it is involved with, it is not a significant amount.

Hon J.M. Berinson: To be fair, $12 on $1 000 is also a modest figure.

Hon N.F. MOORE: It is, if one has the $12. However, if one does not have $1 000 in the first place, finding another $12 is pretty difficult.

While we are prepared to go along with the principle of the Bill because it is an acceptable practice, the timing of this is inappropriate. If ever there were a time in the future when the economy turned up, maybe that would be the time to introduce this measure. The Opposition accepts that it is necessary and supports the legislation.

HON MURRAY MONTGOMERY (South West) [10.02 pm]: I support in principle the State Energy Commission Amendment Bill. It relates to interest charged on overdue State Energy Commission accounts. The second reading speech states -

> Members will no doubt be familiar with various department store credit cards, bank cards, and so on, that charge interest if accounts are not paid within the due time.

A store credit card and bank cards attract the highest rate of interest possible.

Hon Garry Kelly: You could even say it is punitive!

Hon MURRAY MONTGOMERY: Yes. Using that example, I wonder whether the Government will allow the SEC to charge interest at a higher rate, although I am not suggesting that the SEC should charge that rate of interest.

Hon J.M. Berinson: There is no question that it would.

Hon MURRAY MONTGOMERY: No. However, there is no reference in the second reading speech or in the Bill to the rate to be charged and that is an omission that should be corrected at some stage.

The Attorney General, in the second reading speech, also referred to the Hydro Electricity Commission of Tasmania charging interest on unpaid quarterly accounts over $1 000. The SEC bills people on a monthly or two monthly basis. Maybe the Government should look at other areas in which to enforce efficiency practices. During the negotiations for a new power station in Collie, the Government negotiated with the coalminers and the Muja power station to reduce costs so that electricity would be cheaper. However, at no stage has the Government suggested that the Perth head office should reduce its administration charges so that savings can be made there. Obviously, changes that would produce lower electricity rates should be made from the top, with all inefficient practices being eliminated.

Rural people were encouraged to have only one meter on their properties and they are then charged at what is called a commercial and domestic rate which is somewhat higher than most people in the metropolitan area are charged at.

Hon J.M. Berinson: Higher than what? Commercial?

Hon MURRAY MONTGOMERY: Higher than the domestic rate. They are allowed 150 units a month for domestic. Therefore, every two months they are allowed 300 units. We did an experiment on our property. We did not use power in one of our sheds. For two months we used another shed that had a meter put on it and we actually used in the cottage around double the amount of power which was allowed under the combined rate. Therefore, we were using around 700 or 800 units as opposed to the 300 units that we would have been allowed at the domestic rate.

Hon J.M. Berinson: You said you were encouraged to use a single meter, but you have a separate one. Do you have a choice?

Hon MURRAY MONTGOMERY: No, we have one from which we take electricity to the sheds except where the distance is too great, in which case we are allowed to put in a separate meter. There is a real problem in the rural community to bring the units used up to a realistic level when one considers that we are encouraged in this consumer society to have a second fridge and a second freezer; and air-conditioning, particularly in country areas, is not a luxury. We are encouraged to use additional energy even by the fact that mostly we no longer use wood stoves. I believe that the SEC has not kept up with the levels of energy being used in homes.

The purpose of this Bill is to charge interest on overdue accounts above $1 000. I have no problem with that. However, there is no reference to indexing that amount because many urban people would be paying bills of $200 or $300 every two months or even more in some instances. There is nothing to say that over a time the electricity tariffs will not increase. We have been assured that they will decrease in the near future. The Government has not given an assurance that interest will not be charged on overdue household accounts in excess of $1 000. The National Party wants an assurance that that will not be the case and that the Government will give consideration to electricity charges being determined on the number of units of power used. Electricity tariffs in Western Australia are 40 per cent higher than in any other State in Australia. The State Energy Commission of Western Australia must give consideration not only to power generation efficiency, but also to efficiency in all aspects of its operations. Western Australia has a problem attracting industry to this State because of its high electricity tariffs. The National Party acknowledges that some people are delaying payment of their accounts, but as Hon Norman Moore said, many of them do not have the

funds to pay their accounts. However, everyone, including the Government, should pay their accounts on time, if not sooner. The National Party supports the Bill.

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.13 pm]: I thank the Opposition for its support of the State Energy Commission Amendment Bill. The debate did go somewhat beyond the narrow limits of the amendment that is proposed, but I will convey the various comments to the responsible Minister. I am able to respond to some of the matters that have been raised and, to that extent, I will do so now.

I refer, firstly, to the comment by Hon Murray Montgomery that the efficiency drive associated with the recent decision on the new coal fired power station should extend to the administration of the State Energy Commission of Western Australia. That is not only self evident to us all, but also is positively accepted by the SECWA administration. I recall that part of a briefing which its senior executives provided included specific acknowledgment that SECWA had to accept an obligation to look at its general administration performance in the same way as it was looking to that sort of recognition of current needs from the rest of the work force. Hon Murray Montgomery took the Government gently to task for using the comparison with the credit card system and its interest rates. The Government could just as readily, and perhaps more appropriately, compare the measure in this Bill with the existing practice in respect of land tax, water rates and local government rates, all of which have the capacity to look to interest after specified periods. All of them are really justified on the same basis as this move is justified; namely, an attempt to avoid the use of a delaying tactic as a means of increasing the credit of individual clients. The only other matter the honourable member was concerned with was the question of a lack of indexation in the $1 000 provision. As was indicated in the second reading speech it was the view of SECWA that it should set the base figure for the application of interest at a level high enough to make the collection of the interest cost effective. By the time, which I hope will not be soon, that Hon Murray Montgomery's estimate of a tripling of energy costs arrives, I think that SECWA will certainly be in the same position of having an ineffective system if it still looks at the $1 000 rate. In other words, the value of money will have so far declined that the sort of tests it is applying now will need to be adjusted. We can rely on SECWA to do that, although we all share the fervent hope that the tripling of its rates, which are acknowledged already to be too high, will be far into the future. Again I thank members for their general indications of support and I commend the Bill to the House.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.20 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Prison Program - Answer to Question Correction

Hon J.M. BERINSON: I take the opportunity to correct an answer I gave in question time earlier today. The Leader of the Opposition had asked whether the prison program which I announced today was simply a cost cutting measure. I replied that it was not, and that part of the answer was absolutely correct.

Hon George Cash: With a variation on the balance of the answer.

Hon J.M. BERINSON: As I was saying, that part of the answer was absolutely correct and perhaps, with that interjection, I might add that it is a shame I did not quit while I was ahead. In the course of my reply I went on to say, or at least give the impression, that the revised program would actually cost very much more in the next financial year than the original program. The reason I gave is that the $18 million for the extensions to the Albany prison would be spent in the next financial year, while substantially less would have been required for the planning stage only in the earlier 400 bed prison proposal. I have since checked the

position with the Department of Corrective Services, and I understand that the Albany extension is due for completion in 1993 and not in 1992, as I believed. The effect is that spending at Albany in the next financial year is likely to be much the same as would have been required by the original program. In fact, it will probably still be greater but, if so, by a relatively modest amount and not by the very substantial figure I previously had in mind. I thought I should take this first opportunity to correct the record.

Adjournment Debate - Churchill Estate, Wanneroo - Subdivision Location

HON SAM PIANTADOSI (North Metropolitan) [10.23 pm]: I would like to draw to the attention of the House some information I have recently become aware of. Both Hon John Halden and I have spoken in the past couple of weeks in this place about the Opposition's using the Hepburn Heights development as a political exercise when Hon Phillip Pendal and others expressed their concerns about the environment. I refer the House to a question on notice asked by Hon Phillip Pendal with respect to a certain Churchill Estate. He asked the Minister for Education, representing the Minister for the Environment -

> What action, if any, has been taken to ensure that endangered flora and fauna at the proposed housing subdivision at Churchill Estate at Wanneroo are protected?

The Minister's answer is very interesting and is as follows -

> The subdivision referred to is not known to the Department of Conservation and Land Management. Will the member please provide advice regarding its location.

The following note is attached to the answer -

> The City of Wanneroo has been unable to locate a subdivision with the name referred to.

Hon P.G. Pendal: You do not know where it is.

Hon SAM PIANTADOSI: Hon Phillip Pendal is the born again greenie - and I am sure he does not take offence at that title. Members opposite are talking about their concerns for the environment, and this is a clear indication that the whole thing is a political stunt. They cannot get their facts right and they do not know where the subdivision is located. Therefore, how can we in this House and the people they represent believe what they say about their concern for the environment?

Question put and passed.

House adjourned at 10.25 pm

QUESTIONS ON NOTICE

CHURCHILL ESTATE, WANNEROO - HOUSING SUBDIVISION PROPOSAL
Endangered Flora and Fauna Protection

214. Hon P.G. PENDAL to the Minister for Education representing the Minister for Environment:

What action, if any, has been taken to ensure that endangered flora and fauna at the proposed housing subdivision at Churchill Estate at Wanneroo are protected?

Hon KAY HALLAHAN replied:

The subdivision referred to is not known to the Department of Conservation and Land Management. Will the member please provide advice regarding its location?

Note: The City of Wanneroo has been unable to locate a subdivision with the name referred to.

POLICE - VICTORIA PARK REGIONAL COMMITTEE OF COMMUNITY POLICING
Additional Police Resources Request

403. Hon P.G. PENDAL to the Minister for Police:

(1) Has the Commissioner for Police received the request for additional police resources from the Victoria Park regional committee of community policing?

(2) Will the request be treated with urgency, as requested by the regional committee?

(3) Does the commissioner agree with the assertion that the area under discussion is consistently in the top three "worst" crime areas in Western Australia and in some cases double that of other metropolitan regions?

(4) Does the commissioner agree with the committee that the Victoria Park region is receiving a dramatic increase in offences in proportion to other regions?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) There is a firm commitment to establish an anti-theft/truancy unit in the region subject to the priorities of the Manpower Review Board of the Police Force.

(3) The Victoria Park area is unique in that it contains high levels of commercial premises as well as high levels of high density dwellings and this feature contributes to the high crime rate.

(4) For the year 1989-90 reported offences increased by double that of other regions.

CAR THEFT - KARAWARA STATISTICS

437. Hon P.G. PENDAL to the Minister for Police:

Would the Minister provide -

(a) the monthly statistics for car theft in Karawara in each of the past six months; and

(b) the monthly figures for Karawara in March 1989 and 1990?

Hon GRAHAM EDWARDS replied:

(a) Vehicles stolen from Karawara -

April 1991	-	6
March 1991	-	10
February 1991	-	6
January 1991	-	6
December 1990	-	6
November 1990	-	3

Vehicles recovered from Karawara -

April 1991	-	16
March 1991	-	10
February 1991	-	6
January 1991	-	6
December 1990	-	8
November 1990	-	3

(b) Vehicles stolen from Karawara -
March 1989 - 2

Vehicles recovered from Karawara -
March 1989 - 4

Vehicles stolen from Karawara -
March 1990 - 2

Vehicles recovered from Karawara -
March 1990 - 4

GOATS - POPULATION EXPLOSION, PASTORAL AREAS
Agriculture Protection Board Control

470. Hon MARK NEVILL to the Minister for Police representing the Minister for Agriculture:

What action is being taken or proposed by the Agriculture Protection Board to arrest the "explosion" in the goat population in pastoral areas of Western Australia?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

A feral goat eradication program has been initiated by land conservation districts in the Gascoyne, Murchison and Goldfields regions. The Agriculture Protection Board, in conjunction with the Department of Agriculture, will be the Government agency responsible for the coordination of the program.

A project steering committee has been convened which represents all interested organisations which will have some impact on the success of this program. Funding is expected to come from individual pastoralists with support from the APB 1991-92 budget and national soil conservation program funding.

The need for immediate implementation of this program has become apparent with the release of population data from the Australian National Parks and Wildlife Service which indicate an increase in the feral goat population over the last three years of 78 per cent. This increase has occurred despite the commercial destruction of over 560 000 goats. The figures suggest a feral goat population of approximately one million goats. The eradication program has commenced and is expected to take up to five years to achieve its objectives.

FERAL ANIMALS - ERADICATION PROGRAMS
Aborigine Involvement Inquiry

471. Hon MARK NEVILL to the Minister for Police representing the Minister for Agriculture:

(1) Has the Agriculture Protection Board investigated ways of involving Aborigines in the eradication of feral animals?

(2) If not, would it undertake such an investigation?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

(1) Yes.

(2) The Agriculture Protection Board has involved Aboriginal people in feral animal control programs. A recent example is a project to eradicate feral pigs from islands off the Kimberley coast. Opportunities for involving Aboriginal people in further such projects are continually under review.

DINGOES - BAITING
Sheep Station Policy

473. Hon MARK NEVILL to the Minister for Police representing the Minister for Agriculture:

(1) Does research show there is any justification for baiting dingoes outside existing sheep stations, other than a 20 kilometre wide buffer zone around sheep stations?

(2) What is the Agriculture Protection Board's policy on baiting in areas outside sheep stations and the 20 kilometre buffer zone?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

(1) Yes.

(2) The Agriculture Protection Board's policy is that baiting should be restricted to station country and the appropriate buffer zones where the presence of dingoes has been demonstrated.

CRIME - BREAK AND ENTER OFFENCES
Wanneroo, Warwick, Nollamara Police Divisions

476. Hon GEORGE CASH to the Minister for Police:

(1) How many -

(a) break and enter offences; and
(b) break and enter and steal offences

have been reported in the Wanneroo police division since 1 July 1990?

(2) How many of these offences were -

(a) at private residences; or
(b) at commercial premises?

(3) How many -

(a) break and enter offences; and
(b) break and enter and steal offences

have been reported in the Warwick police division since 1 July 1990?

(4) How many of these offences were -

(a) at private residences; or
(b) at commercial premises?

(5) How many -

(a) break and enter offences; and
(b) break and enter and steal offences

have been reported in the Nollamara police division since 1 July 1990?

(6) How many of these offences were -

(a) at private residences; or
(b) at commercial premises?

Hon GRAHAM EDWARDS replied:

(1)	(a)	660
	(b)	690
(2)	(a)	787
	(b)	563
(3)	(a)	1 278
	(b)	836
(4)	(a)	1 449
	(b)	665
(5)	(a)	961
	(b)	491
(6)	(a)	836
	(b)	616

SOBERING UP CENTRES - ESTABLISHMENT STATISTICS

481. Hon DERRICK TOMLINSON to the Minister for Education representing the Minister for Health:

How many of the approved hospitals (sobering up centres), provided for under the Acts Amendment (Detention of Drunken Persons) Act 1989, have been established and are now operating?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

The Government is committed to establishing four sobering up centres - one in each of the following locations: Perth, Hedland, Halls Creek and Fitzroy Crossing. The Perth centre commenced operations in May 1990. An interim centre in Hedland currently accepts admissions, while a purpose built centre is being constructed. A purpose built facility should be in operation in Halls Creek by the end of 1991. Negotiations with the local community in Fitzroy Crossing are continuing to take place and projected time frames indicate that a centre will be operational by early 1992.

ABORIGINAL LEGAL SERVICE - FIELD OFFICERS

492. Hon GEORGE CASH to the Minister for Education representing the Minister for Aboriginal Affairs:

(1) What are the criteria and qualifications required for appointment as a field officer with the Aboriginal Legal Service?

(2) How many field officers are currently employed by the Aboriginal Legal Service?

(3) What are the salary and conditions applicable to the position of a field officer with the Aboriginal Legal Service?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1) The Aboriginal Legal Service is an autonomous body with no direct connection to the State Government. Any questions about its

administration or operation should be referred directly to the Aboriginal Legal Service.

(2)-(3)

Not applicable.

POLICE DEPARTMENT - MOTORISTS' UNPAID FINES
Collection Directive

514. Hon GEORGE CASH to the Minister for Police:

Has there been any directive from the Minister's office to the Police Department to collect unpaid fines by motorists regardless of how many years the fines have been outstanding?

Hon GRAHAM EDWARDS replied:

No.

QUESTIONS WITHOUT NOTICE

PRISONS - 400 BED PRISON PROPOSAL
Building Plans

266. Hon GEORGE CASH to the Minister for Corrective Services:

I refer to the ministerial statement delivered earlier this afternoon and ask, in respect of the 400 bed prison which the Minister acknowledges would be required by 1993, will the Minister advise how far the department is advanced with the planning of this institution?

Hon J.M. BERINSON replied:

No planning had begun on the building of that prison. That was precisely because it was realised some months ago that a more comprehensive approach to the general problem was needed.

PRISONS - 400 BED PRISON PROPOSAL
Deferral Decision - WA Inc Loss Contribution

267. Hon GEORGE CASH to the Minister for Corrective Services:

Will the Minister advise the House whether the substantial losses suffered by the Government as a result of its business dealings in what is commonly known as WA Inc played any part in the decision not to proceed with the proposed prison?

Hon J.M. BERINSON replied:

No part at all. On the contrary, the position is that the program which I outlined earlier this afternoon will actually cost more in the forthcoming financial year than would have been involved in a decision to proceed immediately with the 400 bed prison which was previously announced. The reason for that is that the deferral of the new major prison requires an immediate start on planning and construction of a 60 bed extension of the Albany Prison. That is estimated to cost $18 million in the forthcoming financial year. The planning alone for the major new prison would not have required that amount of money in the first year, and it would have taken the best part of 12 months to finalise. The long and short of it is that, while the deferral has significant potential for long term financial savings, it will actually increase our expenditure in 1991-92.

COLLEGES - PUNDULMURRA ABORIGINAL COLLEGE
Hedland College - Merger Proposal

268. Hon P.H. LOCKYER to the Minister for Education:

Is it the Government's intention to merge the Pundulmurra Aboriginal College in Port Hedland with Hedland College?

Hon KAY HALLAHAN replied:

The state of Pundulmurra college is at present under review because of differing opinions about how that college can most effectively operate. Professor Gordon Stanley from the Office of Higher Education is undertaking the review, which is subsequent to the review of the independent colleges in the Pilbara which he previously undertook. The matter is currently the subject of some attention.

UNIVERSITIES - STUDENT GUILDS
Investment Policies Control

269. Hon N.F. MOORE to the Minister for Education:

(1) Does the Government propose to legislate or take any action to control the investment policies of the student guilds at our universities?

(2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

It is not a proposal which the Government is working on at all, but I understand that the tertiary institutions are currently considering the matter of investment policies of student guilds, and I shall be looking with some interest at the determinations they come to.

SCHOOLS - HARVEY AGRICULTURAL SENIOR HIGH SCHOOL
Agricultural Wing - No-Split Assurance

270. Hon BARRY HOUSE to the Minister for Education:

Can the Minister confirm that the agricultural wing of the Harvey Agricultural Senior High School is not to be split from the school?

Hon KAY HALLAHAN replied:

I have indicated to the people at Harvey that the agricultural wing will not be split from the school. I understand it has been a matter of concern for some time. I have indicated to the people at Harvey that unless there is a change in the community opinion about the benefit of splitting the agricultural wing from the main school, or until such time as there is an increase in enrolments, the matter will be deferred. I shall not be giving the matter any further attention until one or both of those things happen. I understand another school has gone down that path, and it might be an opportunity for the community in Harvey to examine what happens at that school over a period of time. They may see some benefits. If their enrolments increase significantly, they may want to change their position. I have indicated that I believe the matter has been laid to rest.

TEACHERS - ISOLATED SCHOOLS
Government Incentives

271. Hon E.J. CHARLTON to the Minister for Education:

In view of her statement yesterday regarding isolated schools and incentives for staffing, has the Minister done any research into how to encourage teachers to remain in country schools if they desire to stay there, rather than forcing them to move and replacing them with teachers who do not want to go to country schools? It should be borne in mind that those transfers cost approximately $2 000 per teacher in transport costs.

Hon KAY HALLAHAN replied:

The whole question of ensuring stability and experience in the teaching staff of schools in country areas is a matter which occupies the attention of the ministry. There are areas of concern, but not in the way suggested by the question. Teachers very often want to transfer rather than are forced to transfer. The whole question of morale within the teaching profession and the quality of education for all our students are broad issues which are being

examined in order to encourage teachers to stay for longer periods than some currently do in many country centres. Some country centres do not have that problem; people want to live there indefinitely.

Hon E.J. CHARLTON: That is the point I am making; once they get there they want to stay, but they are forced to move because of the mechanism in the ministry.

Hon KAY HALLAHAN: Hang on a tick. Promotion is something teachers apply for.

Hon E.J. Charlton: People do not just get promoted. People do not go up the ladder unless they make an effort.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon KAY HALLAHAN: It is true that staff will pursue promotion and that means they will take various opportunities to receive professional development and wider experience. I am not sure what we can do about the situation, but the question of promotion is being looked at. Significant changes will be made regarding merit based promotion. That suits some people but not others who feel they will be disadvantaged in a system to which they have become accustomed. These are contentious matters. As announced last week, and as mentioned in this place yesterday, we are considering incentives to overcome the concerns of the member.

TEACHERS - ISOLATED SCHOOLS
Government Incentives

272. Hon E.J. CHARLTON to Minister for Education:

I welcome that information and I congratulate the Minister on the proposed review of the situation. When will conclusions be reached on the review, and will the recommendations as a result of the review be announced in Parliament?

Hon KAY HALLAHAN replied:

Perhaps the member might like to define his question and put it on notice; I will be happy to answer it. Alternatively, I could arrange a briefing by officers of the ministry. As indicated yesterday - and I was very pleased that I was not accused of making a ministerial statement - when Hon Tom Helm indicated interest in the announcement last week in the Kimberley, I will bring that information to the House.

SCHOOLS - HARVEY AGRICULTURAL SENIOR HIGH SCHOOL
Agricultural Wing - No-Split Announcement

273. Hon BARRY HOUSE to the Minister for Education:

Further to my earlier question on the Harvey Agricultural Senior High School, I understand there is general community support for not splitting the agricultural wing from the senior high school.

(1) Why was an announcement made only by media release to the local newspaper, the *Harvey Reporter*?

(2) Can the Minister explain why her office apparently refused to officially acknowledge that decision and to notify the Harvey Senior High School P & C Association?

Hon KAY HALLAHAN replied:

(1)-(2)

If that is the case, I will look at the matter. The announcement was made in the local newspaper because my office had been telephoned incessantly by local reporters. When I made the decision on the matter, within a short time the reporters telephoned and were advised of my decision. That explains the announcement in the local media. I would be surprised on examination of the file to find that no letter was sent by my staff to the P & C association, or indeed that there was any resistance to advising the association. My staff

would be of the view that we were carrying out the wishes of the local community and, therefore, we would be bringing the community some pleasure through the announcement of the decision. Therefore, no reason exists for me or my staff to not make available that information. I will check the correspondence file, now that the matter has been raised. If a letter has not been sent to the association, I will see that that is done promptly.

EDUCATION MINISTRY - SAVINGS IMPLEMENTATION
Graffiti Removal Instruction

274. Hon R.G. PIKE to the Minister for Education:

(1) Did the Minister issue a circular or information release to other Ministers and/or executives which stated that savings she was implementing or suggested be implemented are - education $3.7 million; TAFE $1.7 million; Department of Employment and Training $225 000; higher education $63 000; Art Gallery, Library and Museum $0.5 million, totalling $6.213 million?

(2) Did the Minister say she would endeavour to make these savings before 30 June 1991?

(3) Did the Minister issue an instruction to headmasters that no graffiti be removed unless it was obscene and that no repairs be made to school buildings unless the buildings were dangerous?

Hon KAY HALLAHAN replied:

(1)-(2)

Hon Bob Pike is not usually weeks behind the news but on this occasion he is. We dealt with this matter in this place some weeks ago following a report in the media about a memorandum I had signed indicating that suggested savings could be made by the end of the financial year, within my portfolios. As I indicated to the House then, that was good financial management because agencies often are able to restrain expenditure towards the end of the financial year. Some agencies have a history of spending their allocations as the end of the financial year approaches. I have not had a close working relationship with the majority of the portfolios I now hold, so I do not indicate that I thought there was any unwise practice. I asked that some restraint be exercised where that was possible, given the tight economic times. The education budget is almost $1 billion; that is, about $963.5 million was allocated last year. The Ministry of Education had indicated that it would overrun that budget by about $10 million. It has been promoted by members opposite, and not appreciated by me at all, through every local newspaper across the State that the Ministry of Education had returned savings to the Treasury. That is patently untrue. The ministry has managed to restrain its overexpenditure of the budget allocation. On the last occasion that I addressed the Chamber on this matter, I commended the ministry for its efforts to pull back on what would be a significant overrun. Savings have not been made; it is only that the ministry will not overexpend to the extent it otherwise would have. The ministry is to be congratulated for that.

(3) I am not in the habit of sending memorandums to principals. I have on a couple of occasions promoted a program about the elderly, and one or two other matters. Probably some indication has come either from the ministry or from the Building Management Authority regarding graffiti or repairs to school buildings; that is, unless graffiti was of an offensive nature or the buildings were regarded as unsafe, they would not receive urgent attention.

UNIVERSITIES - STUDENT GUILDS
Investment Policies Control

275. Hon N.F. MOORE to the Minister for Education:

Will the Minister advise the House whether universities have the authority to control the investment policies of the student guilds?

Hon KAY HALLAHAN replied:

That is something they are now examining.

QUESTION ON NOTICE 467 - DEPUTY PREMIER
Answer Request

276. Hon R.G. PIKE to the Attorney General:

Will the Attorney General ask the Deputy Premier, Mr Taylor, to expedite his answer to question 467 asked on 14 May dealing with the activities of Mr Terry Burke? It is appropriate that a question of this manifest public interest be answered before the Parliament rises on 13 June.

Hon J.M. BERINSON replied:

I will ensure that this question is drawn to the Deputy Premier's attention.

POLICE - REVENUE
Overruns Reduction

277. Hon E.J. CHARLTON to the Minister for Police:

In view of the answer given by the Minister for Education about minimising overruns in her area, can the Minister for Police advise the House whether he has taken similar action in his portfolio or has he encouraged the police to earn greater revenue?

Hon GRAHAM EDWARDS replied:

I take the opportunity to thank Hon Eric Charlton for his constant contribution to police revenue. Police activities on the road in relation to traffic, in particular, and other matters are not revenue generated, but are generated in an endeavour to keep down the incidence of road trauma. It is unfortunate that despite their best endeavours there has been an alarming increase in road deaths in country areas. The police budget is often difficult to forecast because it is dependent on the level of criminal activity or incidents which may occur in the community. Under that general description the police have been excellent managers and despite having to manage with a very tight budget - along with every other department and instrumentality - they have managed quite well.

I congratulate the police for the way in which they have responded to what has been a very tight financial year. In some areas they have had overruns, but that has been complemented in other areas where they have underspent. The police budget will be maintained within the allocation that was made available at the start of the financial year.

POLICE - OVERTIME
Car Chases

278. Hon E.J. CHARLTON to the Minister for Police:

Will the Minister advise the House whether the following statement, which was put to me to seek his response, is based on solid ground? Is it true that police officers, who had found a stolen car and had seen someone running into bush near the scene, did not act until they had received approval for overtime?

Hon GRAHAM EDWARDS replied:

There is not a policeman that I know of in this State who, in pursuing an offender, would stop to check his watch to see whether he was on overtime. Given the calibre, quality and character of police officers in this State their practice is to get on with the job. Overtime is controlled, as it should be, by those people who have the duty of managing the budget, but it is my understanding if it is felt that overtime must be worked then overtime is worked.

SCHOOLS - HARVEY AGRICULTURAL SENIOR HIGH SCHOOL
Gymnasium Construction

279. Hon BARRY HOUSE to the Minister for Education:

Will the Minister confirm that the commitment made by the former Minister for Education, Dr Geoffrey Gallop, to complete the gymnasium at the Harvey Agricultural Senior High School will be honoured by the Government?

Hon KAY HALLAHAN replied:

It is very difficult for me to indicate where that building lies on priority. At present I am being assailed by - it feels - people from every community that has a need for an educational facility. I am resisting giving undertakings about the outcome of the Budget. That has always been my practice as I approach Budget time. It is not possible to give people certainties about the outcome until one sees the actual Budget allocation, and this year is no different from any other year. I will take on board that the honourable member would like to see that building given priority and certainly it will be given every consideration in the formulation of the Budget and the new facilities that are to be provided in 1991-92.

EDUCATION MINISTRY - BUDGET
Overrun $10 million - Cutbacks

280. Hon N.F. MOORE to the Minister for Education:

My question follows on from the question asked by Hon R.G. Pike.

(1) What caused the Ministry of Education to expect a cost overrun of $10 million in this year's Budget?

(2) What cutbacks have enabled the ministry to reduce its expected overrun?

Hon KAY HALLAHAN replied:

(1)-(2)

When I spoke on this matter some weeks ago in the Parliament I had the details with me of the areas where the reductions in overexpenditure could be achieved. I do not have that information with me today, so if the honourable member would put his question on notice I will provide that information.

Hon N.F. Moore: Why did they need to go over in the first place?

Hon KAY HALLAHAN: I am not carrying financial information on my portfolios around with me.

Hon N.F. Moore: You do not recall $10 million?

Hon KAY HALLAHAN: There is no way I could provide that information when my department has an expenditure of $963.5 million. It is most unrealistic to expect that I would carry that around in my handbag.

Hon George Cash: Not from someone like you.

Hon KAY HALLAHAN: I accept that I am an exceptional Minister, but even I cannot carry that information around with me. If the honourable member would put his question on notice -

Hon N.F. Moore: I am sick of doing that.

Hon KAY HALLAHAN: Well, do not put it on notice.

EDUCATION MINISTRY - MATHEMATICS COURSES
Girls' Encouragement Program, Victoria

281. Hon KAY HALLAHAN:

I want to expand on my response to question 254 asked by Hon Derrick Tomlinson. At the time there was some distraction in the House and I did not hear all of his question. When I read my response this morning I thought that it was too brief. In the discussion about the program that would encourage

young women to consider mathematics and the career options that would open up for them, there were matters of concern about the program; the strengths of the program and the perceived weaknesses of the program. Considerable and informed discussion took place. I do not know whether that emanated from advisory services within the Ministry of Education. Certainly, the discussion did not run along the line of that indicated by the member in his question. All I can say is that the chief executive officer supported the allocation of funding for the program and at least two or three meetings of the trust took place before the decision was made to fund the program.