

Legislative Assembly

Thursday, 3 September 1992

THE SPEAKER (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

PETITION - ABORIGINAL HERITAGE AMENDMENT BILL, ACTS AMENDMENT (ABORIGINAL HERITAGE) BILL

Inadequate Consultations

MR PEARCE (Armadale - Leader of the House) [10.04 am]: I present the following petition -

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

We, the undersigned residents of Western Australia, wish to express our concern that the process of consultation on the "Aboriginal Heritage Amendment Bill (5th Draft)" and the "Acts Amendment (Aboriginal Heritage) Bill 1992" was inadequate. We call on the Western Australian Parliament not to consider these Bills until there has been a minimum of six months available to interested parties to consider the implications of the proposed amendments and have opportunity to make submissions if they so desire.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 14 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 90.]

PETITION - COLLIE COAL FIRED POWER STATION PROPOSAL

Rejection

DR ALEXANDER (Perth) [10.05 am]: I present the following petition -

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

The petition of the undersigned citizens of Western Australia respectfully sheweth that:

1. We wish to reject the proposed 600MW coal-fired power station to be built at Collie.
2. We wish you to urge SECWA to implement a peak load avoidance scheme.
3. We wish you to urge SECWA to explore more economical energy efficient and environmentally sound alternatives to meet our State's future energy requirements, such as:
 - . cogeneration
 - . combined cycle gas power stations
 - . consumer level energy efficiency measures

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 77 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 91.]

PETITION - FIVE YEAR OLDS*Full-time Schooling Opposition*

MR BLAIKIE (Vasse) [10.06 am]: I present the following petition -

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

We, the undersigned, parents and other interested parties, wish to notify the following:

- a. Our total opposition to full day education for five year old children.
- b. We deplore the total lack of consultation and inaccessibility of information to both parents and teachers regarding the proposals for changes to the current pre-school system.
- c. We strongly urge adequate and open debate be allowed on all future proposals concerning five year old education.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 196 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 92.]

NOTICE OF MOTION - SWAN BREWERY PRECINCT ORDERS Nos 1 AND 2*Disallowance*

MR DONOVAN (Morley) [10.07 am]: I give notice that at the next sitting of the House I will move the following motion -

That this House disallows Swan Brewery Precinct Orders Nos. 1 and 2 1992 under the Heritage of Western Australia Act 1990, copies of which were laid upon the Table of the Legislative Assembly on 3 September 1992.

Point of Order

Mr PEARCE: Mr Speaker, out of curiosity how can a notice of motion be given to disallow an order which has not been tabled?

Mr DONOVAN: The Notice Paper will record the matter correctly. I point out that this is a notice of motion and if the orders are not tabled I can assure the Minister that he is in far deeper trouble than anything this motion offers.

The **SPEAKER**: Order! It is a point. The House has already been advised that the orders will be tabled and on that basis it is appropriate for this notice of motion to be given.

MINISTERIAL STATEMENT - BY THE MINISTER FOR HEALTH*Haemophilus Influenzae Vaccination Program*

MR WILSON (Dianella - Minister for Health) [10.10 am]: My statement is about the establishment in Western Australia of a universal infant vaccination against haemophilus influenzae, the most common cause of bacterial meningitis in young children. It is an endemic disease, and about 40 cases a year occur in Western Australia. There is a five per cent fatality rate, and about 20 per cent of children who contract bacterial meningitis are left with permanent complications or disorders ranging from mild hearing loss to severe brain damage. Effective vaccines are now available, and a vaccination program against this serious illness is a major disease control initiative in this year's Health budget.

I assure members that although the Federal Government has deferred expenditure on the program until 1993-94, the State Government's view is that we should proceed as soon as the vaccines are licensed. In fact we believe we have a moral obligation to do so. Up to \$1 million will be available to implement the program. The vaccine will be administered as

part of the normal immunisation schedule for all infants aged two years, four years and six months. Candidate vaccines against haemophilus influenzae are currently being evaluated by the Australian drug evaluation committee, and licensing can reasonably be expected in October or November.

Members will appreciate that the speed at which we can mount a vaccination program will depend on the availability of vaccine supplies and the suitability of the licensed vaccines for application. Because of the tenfold increased incidence of invasive haemophilus disease among Aboriginal children and the younger age at which Aboriginal children generally become infected, this group will have priority in campaign planning. If supplies of vaccine more suitable for general use are inadequate, or if there are delays in licensing, an alternative vaccine now available on prescription and suitable for children aged 18 months and older will be provided to the general population. This strategy will be effective because almost half the cases of invasive haemophilus influenzae infection among non-Aboriginal children occur past the age of 18 months. In addition, vaccinating the older age group is expected to reduce transmission of the disease to younger siblings and playmates. The alternative vaccine will continue to be available through local doctors and pharmacies on prescription to children older than 18 months. I am sure members will appreciate the importance of this program in protecting infants and young children from this very serious disease.

LAND TAX RELIEF AMENDMENT BILL

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [10.13 am]: I move -

That the Bill be now read a second time.

In December 1991, the Land Tax Relief Act 1991 was enacted to provide relief in respect of 1991-92 land tax assessments. Members may recall that a substantial number of assessments had already been issued by that time and the relief Act provided, therefore, for them to be of no effect and for new assessments to be issued. The legislation had necessarily been drafted as a matter of urgency so that assessments already issued could be cancelled, and the issue of fresh assessments would not be so delayed as to seriously affect 1991-92 revenue collections.

As explained in my second reading speech, the intent of the Land Tax Relief Act 1991 was that new valuations made by the Valuer General for 1991-92 were not to be used for land tax purposes except where a new valuation was less than that which it was intended to replace. In other words, there were to be no valuation increases for 1991-92 other than the normal phase in of valuation increases from previous years. The State Taxation Department issued assessments on that basis believing that they were authorised by the Land Tax Relief Act 1991. Although the provisions of the 1991 relief Act might appear to have been satisfactory because they provided for 1991-92 land tax to be assessed "on the basis of the unimproved value of the land as on 30 June 1990 or 30 June 1991, whichever is the lower", a problem has since come to light. If "unimproved value of the land as on 30 June 1990" were construed in accordance with the meanings assigned by the Land Tax Assessment Act 1976, as provided for by section 3 of the 1991 Act, it would refer to the phased in value calculated as at 30 June 1990. As stated, it was intended to use the unimproved value as determined by the Valuer General and in force on 30 June 1990, but to phase it in by a further step to get the 1991 value upon which tax was to be assessed. The consequence of such a construction would be to change the meaning of the 1991 Act significantly from that which was intended. Moreover, because the Land Tax Relief Act 1992 operates by reference to the 1991 Act, its meaning would also be affected.

The 1992 Act was intended to provide for tax for 1992-93 to be assessed upon the same value as was used for 1991-92, without any further phasing in, unless an interim valuation or general valuation that came into force during 1991-92 gave a lower value. Then the lower value given would be used. This Bill proposes to amend the 1991 Act and the 1992 Act to ensure that they provide for assessment of land tax as was intended. The amendments are drafted to have effect from immediately after the respective Acts came into force. Assessments for 1992-93 cannot be issued until the position is brought into order. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

ACTS AMENDMENT (EVIDENCE OF CHILDREN AND OTHERS) BILL 1991*Second Reading*

Debate resumed from 25 August.

MRS EDWARDES (Kingsley) [10.16 am]: I preface my remarks in this debate by saying that the Opposition supports the Bill. The Bill has already proceeded through the Legislative Council, as well as the Legislative Council Legislation Committee and, therefore, it has had quite extensive scrutiny. I remind the House of several of the most important, necessary changes to the law in this area.

The current situation is that before children required to take evidence in a court are accepted as competent to give evidence on oath, they must be able to demonstrate to the judge or magistrate that they have a belief in God or the divine sanction which is attached to the taking of the oath. They must have more than just an understanding of the ordinary duty to tell the truth. In some instances this requirement could not be satisfied because of the very young age of the child. It was stated in a report by the Law Reform Commission in April 1991 that perhaps this requirement was far too stringent, and that in fact children were able to understand the concept of telling the truth. All members will recognise that children are often able to espouse the truth with great innocence. I am sure that we, as adults, would like to emulate them from time to time. Most children do not know anything different, and they do not learn to lie until a much later age.

This Bill provides that children under 12 years of age who are not competent to take an oath may give unsworn evidence only if they have sufficient intelligence to justify the reception of evidence and to understand the duty of speaking the truth. Proposed new section 106C of the Evidence Act will provide for children to give unsworn evidence if they are able to give an intelligible account of the events they have observed or experienced. At present the law requires the unsworn evidence of children under the age of 12 years to be corroborated by independent evidence before a conviction can be made. A difficulty arises when the events have taken place in private or in the presence of other very young children and corroboration is simply not available or cannot be presented to the court.

The Bill also abolishes the requirement that unsworn evidence of children under the age of 12 years must be corroborated. I point to the corroboration warning. At present a judge may issue a warning to a jury when young children are giving evidence on oath, usually to the effect that because the witness is a child his or her evidence is less reliable than that of an adult. New section 106D changes that emphasis totally. We must talk about what we are trying to do with the protection of young children through this Bill when weighed against community interests and the golden rule that one is innocent until proved guilty. New section 106D states -

In any proceeding on indictment for an offence in which evidence is given by a child, the Judge is not to warn the jury, or suggest to the jury in any way, that it is unsafe to convict on the uncorroborated evidence of that child because children are classified by the law as unreliable witnesses.

That is an interesting insertion. I hope the Minister will say how the judiciary feel about that approach as it infringes on their discretion to some extent. However, I suppose it does not totally remove the ability of a judge to remind the jury about the reliability of evidence of a witness, and not merely because that witness is a child. The distinction relates to the age of the child involved.

The Bill is designed principally to protect the interests of children. As members of Parliament we have all heard anecdotal evidence from constituents about this matter. Last year an accused person was able to cross-examine the 13 year old victim in a court case. One should not forget that these children are victims. The accused was the victim's father. It was thought to be quite improper that he, father or not - and perhaps more particularly because he was the father - was allowed to cross-examine the victim directly. That action placed huge pressure on the victim.

I remember another incident several years ago involving an accused person's actions while in the witness box. The accused's daughter was the victim and every time she was in the witness box giving evidence he would tap the floor with his walking stick a couple of times. The victim would then go quiet and decide not to give further evidence. It was not until after

the trial that people realised that that tapping of the walking stick was one of the ways the father brought the child to control or submission. Therefore, while the child was in the witness box giving evidence against the perpetrator he was, unknown to everybody in court, exercising control over the child victim while she was giving evidence against him. Children require protection from that sort of intimidation by an accused person.

It is true that any victim suffers trauma. The rights of victims were highlighted last year and people are now more conscious and aware of their rights, children no less than adults because of the trauma they suffer, more particularly in some cases because of the abuse that has taken place. Such abuse may have occurred over a long time. Under this Bill and sexual offences legislation when such things happen the child will be able to give evidence from a room separate from the courtroom. Witnesses are able to give evidence in courts in other parts of Australia and other countries while the accused is in another room. The new Children's Court provides a separate room with video facilities connected to the courtroom so that a judge or magistrate and all those in the courtroom can see a child giving evidence from that separate room. This facility will allow an independent person to be present with the child victim in that room while the child is giving evidence.

In a recent incident a child giving evidence in a court wanted to bring her teddy bear with her. All of our children have some sort of security object, whether a blanket, pillow, teddy bear or some other toy that they use when they feel uncomfortable or insecure. To have such objects with them makes them feel a little more confident. The defence objected to the teddy bear accompanying the child saying it was not necessary to show the vulnerability of the child witness by its having a teddy bear with it. Allowing a child to be accompanied by such an object recognises the child's age and the fact that it has been traumatised and placed in a serious position. The courts should recognise that such objects minimise the trauma a child victim suffers. In that instance the teddy bear found a seat at the back of the court so that it could be viewed by the child witness. By providing a separate room for child witnesses they can be accompanied by a teddy bear, blanket or person, not to assist in giving evidence but to offer some form of security and confidence to the child.

The Bill provides for an independent person to provide communication delivery. Members would be aware that young children have a language of their own and words they use particularly to describe certain things. Anyone hearing my five year old talk about his "gilly" would wonder what a "gilly" is. When he was a baby and was tickled on the stomach, because of his lack of speaking skills he converted "tickling" to "gilly" on his stomach. That is an example of the type of language children use to explain the things happening to them and, in particular, to describe parts of their bodies.

I turn to the report of the Law Reform Commission, which also issued a discussion paper in April 1990 titled, "Evidence of Children and Other Vulnerable Witnesses". Members should not forget that there are other vulnerable witnesses such as those with disabilities. A final report was issued in 1991 which contained several recommendations many of which appear in the Bill before us today. One of the points raised in the discussion paper related to the balancing of community interest against the welfare of a child. At page 7 the report states -

There are two opposing principles which tend to operate where the evidence of children is concerned. The first of these is the community interest in seeing justice done. In the sphere of crime this will generally mean that offenders should be prosecuted and punished for their crimes, but only after a fair trial which adheres to fundamental rules of justice. The second, conflicting, consideration is the welfare of the child, which may dictate that the child should not be subjected to the possibly upsetting or damaging experience of giving evidence or of feeling responsible for sending a close family member to prison.

That highlights adequately that we must strike a balance between the community interest that the perpetrator be charged and convicted and the welfare of the child so that the trauma will be minimised and there will be less likelihood that the child will be intimidated. This Bill has taken up the recommendations of the Law Reform Commission and has sought to strike that balance.

While we must look after the child victim and be very conscious of the barbarity of some of the crimes that are committed against children, we must also recognise the fact that a defendant is innocent until proved guilty, because that is the major principle of our legal

system. I refer to a case that I came across when I was in legal practice which concerned a five year old preprimary child. The parents of that child came to see me and said that the Department for Community Services' officers had taken away their daughter and had accused the father of interfering with her. Both parents denied that accusation and could not understand or explain it. One can take what people say at face value and can investigate it more thoroughly, or one can ignore and disregard it. In this instance, I had a gut reaction that these two people who were sitting across the desk from me were telling me the truth and that they really had no idea what the Department for Community Services was talking about and were at a real loss to explain the situation.

What took place after that was a real bungling of the situation by the Department for Community Services, because in these sorts of cases care must be taken to ensure that the evidence which is given is backed up. Perhaps doctors, psychiatrists and psychologists should be brought in at a much earlier stage than happened in this instance. It was found after three and a half months that the child in this case was only relating a story about what was happening to another five year old child at the school, and that there was another perpetrator. That situation caused that family enormous trauma.

Therefore, where the uncorroborated evidence of children under the age of 12 is accepted and no warnings are given, proper procedures and processes should be put in place by the various departments, which would involve the Department for Community Services and the police, to ensure that what we regard as the golden rule - namely, that a person is innocent until proved guilty - is always uppermost. We must protect a child victim from intimidation and minimise as much as possible the trauma, but the accused must also have the right to a fair trial. In many cases which involve children, the crime takes place in private or in the presence of other children and corroborating evidence cannot be given. Therefore, care must be taken and procedures must be put in place to ensure that people are not sent to prison for offences which they did not commit.

Proposed section 106I deals with the videotaping of children's evidence and the presentation of that evidence in court. All of the new police stations which are being built will have facilities for the videotaping of evidence. Joondalup Police Station has a wonderful area where evidence can be videotaped. All of the evidence in respect of indictable offences must be videotaped in order for it to be admissible as evidence. Section 106I provides that a child's evidence in chief may be presented to the court in the form of a previously recorded videotape, and that all of a child's evidence, including evidence in chief, cross-examination and re-examination, may be taken at a separate pre-trial hearing which is to be videotaped. That will protect the rights of the child because the right to be cross-examined will still be available, but it will remove the intimidation with which that child may be faced. Any person, whether child or adult, who has ever given evidence in a court finds that experience rather intimidating because of the formality of a courtroom situation. I always advise people who will be witnesses in court to visit the court beforehand to see the court layout, to find out where they will sit and where the prosecution, the defence, the judge or the magistrate will sit, so that they can become familiar with the courtroom situation. There is usually a lot of woodwork in a courtroom, unlike this place which has a lot of colour because of the stained glass windows, and a courtroom can be an intimidating place for a child or an adult.

The Bill provides safeguards to protect the accused's right to a fair trial by, for example, ensuring the accused's right to view and participate by way of cross-examination in the pre-trial videotaped hearing. Unauthorised editing or altering of videotaped statements is forbidden by proposed section 106M. Furthermore, the child will be available for cross-examination at committal proceedings, at the pre-trial and, where appropriate, at the trial.

The Bill provides that courts shall have the power to order that closed circuit television be used to facilitate the giving of children's evidence in child abuse cases. Where closed circuit television is not available, the Bill provides that a screen or other device may be used to prevent the child witness from seeing the accused.

Proposed section 106E provides that child witnesses may have an adult with whom they feel comfortable present with them during court proceedings, with the court's approval. Children sometimes find it difficult to express themselves and to understand the questions that they are asked in court. The research and evidence received by the Law Reform Commission indicated that judges and lawyers may also need assistance in understanding what children

say in court. So in order to assist the court personnel - the judges and the lawyers - and of course the child, to understand each other, proposed section 106F authorises the court to appoint what the Bill terms a communicator where a child witness is under the age of 16 years.

Another matter raised in the Bill is cross-examination by an unrepresented accused person. I mentioned earlier the incident last year when an accused person was able to directly examine his 13 year old daughter, who was the victim. That was not acceptable, and proposed new section 106G of the Bill provides that where an accused person is unrepresented, that person's questions to the child must be directed through the judge or another person approved by the court; so questions cannot be asked directly of the child victim by the accused. That is important, because we must remember that many of these accused people have been able to exercise some form of control over these children and force them into submission, perhaps for a long time. As I have explained, they can do that in a range of ways - not only by tapping a walking stick, for example, but by raising an eyebrow or using other facial expressions, or by using a certain tone of voice. It is simply not acceptable to have a child placed in the vulnerable position of being subjected to a procedure which highlights the fact that he or she was the victim, and still is the victim in that court situation.

One matter which is not mentioned in the Bill but which is raised in the second reading speech is the establishment of a code of practice. I would like the Minister to go through some of the sections relevant to the code of conduct, particularly the practices and procedures which relate to the taking of evidence or the investigation in the first instance. Children are very innocent and I believe that, as a rule, at the age of five they are able to tell the truth without really knowing anything different. However, I have already mentioned the instance where a five year old related the story of another five year old, and this is where the practices and procedures must be tightened up so that we do not end up with a wrong perpetrator or, as in this instance, almost the destruction of a family. The incident occurred over the Christmas period, so it was very harmful for that child not to have any contact with her father over that time. She did not fully understand the situation. Certainly she did not understand why her father was not able to live with the family during that period. Great care must be taken in respect of these matters.

I congratulate the Law Reform Commission of Western Australia on the work it did in preparing its report, entitled "Discussion Paper on Evidence of Children and Other Vulnerable Witnesses". It was thorough and quite comprehensive, and dealt extremely well with the very sensitive issues of the community interest, the welfare of the child, and the protection of the rights of the perpetrator. It is good to see the Government recognising the work of the Law Reform Commission and bringing it to this place. In conjunction with the Acts Amendment (Sexual Offences) Bill, this Bill will help to provide a far better system of dealing with instances of child abuse. I am sure all members would agree that child abuse is a totally abhorrent crime. The incidence is not necessarily on the increase but many more measures are being taken to bring them to the attention of the authorities.

Mr C.J. Barnett: The public seem more willing to disclose these matters, don't they?

Mrs EDWARDES: Yes, and while we do not have mandatory reporting in this State, community leaders such as doctors, community health nurses and teachers are very aware of balancing competing interests and are very concerned to look after the welfare of the child. Also, these days many adults are coming forward and revealing things that occurred to them when they were children. An absolutely abhorrent incident was brought to my attention recently. One wonders at the mentality of those men who perpetrate such crimes against children, who are in their care or are of their own flesh. The stories that come forward never cease to amaze me; the acts carried out by such men seem to become increasingly horrific and abhorrent.

The Liberal Party supports the Bill, which has undergone extensive scrutiny in the other place; however, I ask the Minister to comment on the couple of matters I have raised.

MR STRICKLAND (Scarborough) [10.46 am]: I will comment only briefly on the Acts Amendment (Evidence of Children and Others) Bill 1991 because the member for Kingsley has spoken on it in some depth. I am sure members in this House have received communications from the organisation called People Against Child Sexual Abuse, or PACSA. In fact, on 16 November 1990 I received a letter, part of which read as follows -

Dear Sir

We are writing on behalf of PACSA to express our deep concern with regard to the large number of child sexual abuse cases which are being rejected for trial by the Crown Prosecutor due to a High Court ruling regarding children's evidence.

Later on the letter stated -

Another matter needing urgent priority is the re-introduction of Closed Circuit TV in the courtroom, and the videotaping of children's evidence. The Closed Circuit TV was to be installed early this year and as it is now almost 1991 the delays are unwarranted causing many young victims the added trauma of facing the accused in court.

The letter was signed by Jan Bennett, the President of PACSA (WA), and indicates that this matter has been of great concern. Almost two years have passed and I can understand why the Government is anxious to progress the matter - it is very serious, very important, and very necessary.

The spirit of the Bill is to protect children from unnecessary hurt in the conduct of court proceedings in which they are involved. The Bill's centrepiece is the introduction to the schedule of the new form of proceeding which is referred to as schedule 7. That schedule provides for a proceeding where a person stands charged with an offence against a child, or a child is a significant witness or significantly involved in the evidence, or the affected child was under the age of 16 years on the day on which the complaint of the offence was made. Certain protections under the proceedings are outlined in various clauses of the Bill.

One useful piece of information comes from a report entitled "Achieving its objective?", which is about closed circuit television for child witnesses. The report's authors are Judy Cashmore and Ron Cahill and it was produced as part of the Legal Service Bulletin in August 1990. It makes the point that even at that stage closed circuit television was increasingly being considered of use in the various jurisdictions in Australia. It highlights a range of difficulties facing child witnesses, including the formality of the courtroom and courtroom procedures, the strangeness of the language, the challenge of cross-examination, and the need to repeat in front of the defendant, court officials and others - possibly a jury - who are strangers to the child, the minute and intricate details of events that occurred some months or years before.

The aim of closed circuit television is to reduce stress on the child witness but it will also help to improve the quality of evidence by removing witnesses from direct confrontation with the defendant. The report raised three main issues of significance: How closed circuit television affects the child witness, the quality of the evidence, and the effect on the participants including the defendant, the fact finder and lawyers. As to the evidence of the child, it is well accepted that it will help alleviate stress. Consistent findings from clinical studies and research have been that children often feel intimidated by the presence of the accused and by being in the courtroom.

As to the quality of evidence, much of the benefit is likely to stem from the reduction in stress for the child, although confrontation with the defendant is traditionally seen as a factor in increased truth telling by the witness. It may achieve the opposite if the child is afraid of the defendant, has been threatened, or has promised not to tell. The third aspect relates to the effect on others, and fairness to the defendant. This is an important matter because for justice to be done of course the system and the procedures must be totally fair to the defendant. It has been difficult to draw the lines and maintain the balances in these matters. Most of us are laymen. We do not attend courts to watch cases and procedures and witness the problems, so we are very much reliant upon feedback from the legal profession and other people involved.

I refer now to the article "Achieving its objective?" Towards the end of the article it states -

The use of closed-circuit television is not, however, a panacea. It is only one means of addressing the problems associated with children giving evidence. There is also a need to investigate and implement other ways of reducing the difficulties for child witnesses, including education for lawyers and the judiciary as to children's language skills and cognitive abilities and the effective preparation of children for their court experience. The responsibility should, however, rest firmly with the adults in the

system and children should not be expected to meet adult standards in an alien court environment.

The member for Kingsley made those points when she referred to the use of a teddy bear and allowing children to become familiar with what they are about to face before they face it. I support those comments.

The Opposition supports the Bill. Many people have been waiting for this legislation for some time. We are aware from the evidence that has been gathered that a large number of sexual offences are reported. Community attitudes are changing in this respect. However, a large percentage of offences - something like 28 per cent - have resulted in no charges due to problems with a lack of corroborated evidence. The Bill seeks to address those matters. I am sure that once the Bill becomes law, with the passage of time the practice of law will probably highlight a few problems that will need to be addressed. Perhaps that will cause further revision of procedures. The important point is that the time has come to revise the law in order to put in place better procedures and to allow these matters to be dealt with properly.

MR KIERATH (Riverton) [10.56 am]: I fully support the Bill. However, I want to place on the record the concern I had as recently as last week when I heard a comment by a Government member that the Bill was being delayed by the Liberal Party. The accusation had been made that it was Mr John Bradshaw, our Whip -

Mr Pearce: Who said that?

Mr KIERATH: It came from a group outside this place. The group claimed that the Opposition was going out of its way to delay the Bill. That is not the case.

Mr Pearce: It is not the case.

Mr KIERATH: I will give an example in a moment, if the Leader of the House will hear me out. I had to try to explain to the people making the accusation that, firstly, the Bill has been to the other place. It went through the upper House with our complete agreement. Secondly, at the end of last week the Bill was No 17, at the bottom of the first part of the Notice Paper. Yesterday it was No 14. Today it is No 2, and I congratulate the Leader of the House for that. The Government controls the order of business on the Notice Paper, not the Opposition.

Mr Pearce: The Opposition did not delay the Bill. I am happy to say that.

Mr KIERATH: I will give a bouquet to the Leader of the House in a moment. We support the Bill. We would not want to do anything to delay its passage through this House. To be fair, I spoke about this matter yesterday and asked why it appeared at the bottom of the Notice Paper. That was taken up, and today it is No 2. I congratulate the Government for that. No-one opposes this Bill. It is one that can be put through with a minimum of fuss.

Child sexual abuse is one of the worst crimes imaginable. Incest is even worse; paedophiles and child molesters prey on victims and use the system to protect themselves. They often hide behind technicalities and procedures of the court system to get away with disgusting habits. The measures provided in this Bill will go a long way towards unmasking those individuals in the community. I pledge my full support for these measures. I hope those individuals will receive appropriate punishment.

I pay tribute to two people who have been strong campaigners against child sexual abuse - Jan Bennett of People Against Child Sexual Abuse and Mrs Trudy Aquillina, a constituent of mine, both of whom have played a special part, one way or another, in encouraging community opinion to force these measures through.

In addressing the key issues of the Bill, I will refer to the second reading speech. Major difficulties arise when children and other vulnerable witnesses give evidence in court. This Bill has taken particular care of the right to a fair trial - although I can understand the view of some people in our community who believe that child sex offenders do not deserve such a trial. Nevertheless, the law must ensure that people are given the opportunity of a fair trial. Children and other vulnerable witnesses suffer from stress and trauma in the formal courtroom setting, and anything we can do to alleviate that should be done. Another category of vulnerable witnesses is that of people with severe physical or intellectual disabilities, and to meet this problem the Bill will allow the use of closed-circuit television, videotaped evidence and the sworn and unsworn evidence of children.

Before children are accepted as being competent to give evidence on oath, currently they must demonstrate that they have a belief in God and the divine sanction of taking an oath. Often this test of competency has been too stringent, and this legislation will enable children to give evidence as long as they understand the serious nature of giving evidence and their obligation to tell the truth. The unsworn evidence of children has a role to play in this area, and under certain conditions it should be admissible - as is proposed in the legislation - especially if they give an intelligent account of events. The corroboration of unsworn evidence has been difficult to achieve in the past, but this Bill will allow such evidence.

I support the admission of children's out of court statements under certain conditions, especially in cases of alleged child abuse. The Bill will allow the presentation of videotaped evidence, and children's evidence may be included in the trial if it is videotaped at a pre-trial hearing. This procedure will go a long way to overcome the shortcomings of children's presentation of evidence.

My colleagues have outlined the use of closed-circuit television. Associated with that is the ability to place a screen between the child and the accused, a measure I commend. The Bill also provides for the use of a support person for a child with whom he or she will feel comfortable during the proceedings. Again, this is a step in the right direction. Another provision is that the court may appoint a communicator when the child is under 16 years. The important matter of cross-examination by an unrepresented accused was covered by my colleagues in referring to recent cases. The Bill also provides that a special witness, under certain procedures, will be able to assist children in giving evidence before the court.

Finally, any delays to this legislation will not be caused by the Opposition. I congratulate the Government for making this matter Order of the Day No 2 today; well done! The Opposition supports the Government in its endeavours. As a father of five children, this matter is very dear to my heart, especially in the light of cases which have received publicity recently. As a human being I have been appalled by the conduct of certain individuals, and anything this House can do to ensure that these people get their just desserts will gain my support. I commend the Bill to the House and congratulate the Government and everyone involved in its drafting.

MR TRENORDEN (Avon) [11.06 am]: The National Party supports the Acts Amendment (Evidence of Children and Others) Bill as the use of new technology in the presentation of evidence to a court by children and other people is very important. Many years ago such technology was not available and it is not surprising that we are now considering its use. All new technologies should be investigated for use not only in court, but also in other places. Through the use of this technology, the stigma and confrontation of appearing in court can be removed, therefore, the National Party supports the legislation.

Members who spoke before me went through the provisions in detail, but, speaking for the National Party, I shall refer to a few of them. This is a very important issue to both sides of a dispute; that is, the accused and the system trying to bring a prosecution. The stress and trauma of children giving evidence in court is obvious and has always been a vexed question, and the use of technology will break that cycle of trauma.

Our courts are not the first to take on these mechanisms - far from it. These procedures may be new to us, but they are in use in other courts in other States and lands, so we have had the advantage of watching others in operation before we adopt them. Nevertheless, our operation will no doubt be slightly different and some pain may be felt in the implementation of a new system. Nevertheless the principle is correct and has the National Party's support. We have no problem with the proposals put before us regarding the competence of young children to give evidence. If problems arise with the proposals, we will have an opportunity to fine tune the system at that time.

Generally, most children tell the truth. The problem of giving false evidence seems to occur with adults. Whether a child is under or over the age of 12 years raises the question of the competence of the child to communicate rather than the quality of the evidence. The National Party has some concerns about the corroboration of evidence of children under 12 years of age by independent evidence; however, the bringing together of that evidence outside the court provides a method for keeping the procedure fair. The National Party supports the method that has been put forward although it is concerned that evidence before the court that is not first-hand should be dealt with carefully. The cross-examination of

children will occur only where a magistrate is satisfied a good reason exists, and those mechanisms are covered in the legislation. Members of the National Party - like other members - have been approached by people keen to get this legislation passed. One such person is Darryl Hockey of Mount Barker who is an ex-State president of Apex WA. Most members would be aware that Apex has played a role in getting this legislation to this point. Those people spent a considerable time communicating their points of view and, in part, it is as a result of their research and endeavours that the National Party is supporting this legislation.

Hearsay evidence is of some concern to the National Party. In 1987 I was in England looking at regional development matters. A story broke about an Australian nurse employed in Scotland who had made accusations about sexual abuse by parents. Some 100 children were removed from their parents' care on her hearsay evidence; that is, her interpretation of what the children were saying to her. Those cases, which have been documented, received worldwide publicity. Most of those children were returned to their parents. That Australian nurse was probably well intentioned in her desire to protect those children, but without doubt she destroyed many families in her overzealous desire to make sure that right prevailed. This legislation will provide that the defendant can observe the proceedings including the examination in chief and cross-examination. That allays some of the concerns I mentioned, as the individual will know what is coming forward and will be able to see what is happening and therefore can prepare a response. The National Party also considered the position of the child support person and was nervous about some of these community service type arrangements in the court. Members were concerned that this person, who would support the child and communicate with the child so that he or she understood what was happening, would come from within the system; however, that is not the case.

All National Party members are country members and we have seen the pain that can be inflicted on innocent families in our community. The Department for Community Services advised that 60 per cent of child abuse complaints are vexatious. The National Party is concerned about the role of the department, police, doctors, teachers and hospitals in such complaints. In a number of instances when an accusation has been made about an individual - male or female - and after the matter has been investigated the person under investigation has not been told that the investigation has ceased; it just fades away. There have been a number of those cases in my own community. The police may no longer be pursuing the matter, but they do not tell the individual concerned that he has no case to answer. In most cases the complaint is against a male, so let us talk about a male. When a father is interviewed by the police, his wife, children, neighbours and the whole community know what is happening. In many cases enormous strain is placed on the family and when the matter just fades away and is not terminated in any way the strain is enormous and the family can suffer a breakdown. Although that is not directly related to the Bill it is very important that the people involved in those 60 per cent of complaints which are vexatious are treated with consideration. I cannot say that loudly or clearly enough. We must look at protecting the innocent following an investigation where a formal charge is not laid. An accused person living in a country town would feel the impact of an investigation more severely than someone living in the city, as the community is more aware of what is happening within it. School children talk about these matters and certainly people in the community talk about them. Police procedures should be sharpened so that if these matters are not to be proceeded with, the person under investigation is told that the matter has ceased and anyone giving evidence is also told that the matter has ceased. In that way underground talk in the community will also cease. The whole purpose of this type of legislation is to protect the innocent. We must also protect the innocent who are questioned but not charged. Members would agree that if someone is not charged, he is innocent. That is a fundamental proposition and we must ensure that child abuse cases are dealt with in such a manner that everyone, particularly the accused, is treated fairly. The National Party believes in that proposal, which is why it is supporting the Bill. I hope the Minister will take some notice of the points about people who are under investigation but who are not charged. The National Party would like to ensure some procedure exists whereby those people are comforted and given some understanding of what will happen. The National Party is not saying that that should not be the case. People against whom vexatious claims have been made must be told that the system will not proceed against them.

DR TURNBULL (Collie) [11.20 am]: As the member for Avon said, the National Party has concerns about the admissibility of the evidence of children. As we know from the Minister's second reading speech, the Acts Amendment (Evidence of Children and Others) Bill is related to a specific area of the law; that is, where children are the alleged victims of sexual abuse. This type of evidence will apply to the majority of cases. It is an unfortunate fact of life in our society that more children, these days, are sexually abused. Not very good records of the sexual abuse of children were kept before the 1960s, but there is much evidence of what has occurred since then. One of the most tragic problems in our society is the family breakdown where many children do not live with their natural fathers. That is one factor which contributes to the accusations of sexual abuse.

Last weekend a number of articles appeared in the press about the effects an unstable relationship with an adult male can have on a child's early years. These articles are an example of the community becoming aware of the fact that those children will eventually have problems in their adult life particularly in relationships with adult males. The evidence indicates that a child, particularly a girl, between the ages of five and eight, must have a strong, stable relationship with an adult male. In a society where many adult males move through the families of young children, and young girls, the accusation of sexual abuse is, unfortunately, raised.

I have dealt with a number of cases where accusations of sexual abuse have been made; in some cases it has occurred and in some cases it has not. One of the tragedies in our society today is that men who are in a position to enter into a relationship with a woman who has young children are very fearful of how society will view their relationship with the woman and her children. It is very sad to hear the concerns of those men and of the constraints on them when they want to enter into a relationship. That is a reflection of the fact that fears are being introduced into our society.

In a case where children may have to give evidence concerning accusations of sexual abuse, irrespective of whether it has occurred, the child must be interviewed. Often in these cases, a child is first brought to a doctor's surgery. Doctors and school teachers have a very difficult role to play in this situation. I have heard many school teachers voice their fears about the consequences of mentioning, or not mentioning, possible sexual abuse cases. They are concerned about whether they will be interviewed by the police and whether they will have any protection during an interview. If an interview were to take place, the child would then be interviewed. I believe that everything that is said about these cases should be recorded on video, not only those items which will be presented to the court. The manner in which the child, schoolteacher or other person makes the complaint is vitally important to the ongoing process of the case.

I will therefore watch very closely the results of this Bill, particularly the introduction of the videoing of evidence before it is presented. There certainly may be a case to support the proposal that any accusation must be videoed and used as part of the ongoing case. Once an accusation of sexual abuse is made against a person that person's life is destroyed forever. It does not matter whether the person is innocent or guilty. It is important to examine the rights of the person who has been accused in balance with the rights of the victim. I have had personal experience with cases which have involved accusations of abuse, where abuse has not occurred, and which have resulted in the accused people's lives being destroyed.

This issue is very important, especially as the figures from the Department for Community Services indicate that 60 to 70 per cent of cases may be called vexatious and no further action is taken. Of these 60 to 70 per cent of cases in which no further action is taken the indications are that at least 50 per cent of the people accused are not guilty. Often no statement is made that that person is not guilty. All that happens is that an accusation is made and recorded and, as I said earlier, that accusation in itself changes the life of the accused person. I feel very strongly that in our society now the rights of the accused person must be considered in the light of those statistics. If roughly 50 per cent of accusation cases where no further action is taken are against people who are not guilty, I think we may find that we may have to go right back to the early stages of interviews and videotape them because videotaped interviews of the evidence that go to the courts do not go far enough to protect the rights of the accused.

The National Party supports the Bill and we will watch with great interest the cases that go through the courts under this legislation.

MR D.L. SMITH (Mitchell - Minister for Lands) [11.31 am]: I thank members opposite for their contributions to the debate and for their strong support for the Acts Amendment (Evidence of Children and Others) Bill. At a time when the reputations of parliamentarians is not as high as it could be, we should remind the public that on a great number of issues we are able to have bipartisan support and move in a constructive way to ensure that the needs of the community are being met. On that note, I assure the member for Riverton that there has been no suggestion from anyone on this side of the House about the Opposition's delaying this legislation. Indeed, the member for Kingsley and I had a discussion last week about the possibility of bringing on the debate early. Our views were communicated to the Leader of the House who agreed that it would be brought on this week. I thank him for his cooperation. I also thank the Law Reform Commission for the work it has done on this issue. As the member for Kingsley said, much of the content of the legislation is the direct outcome of the commission's report. We owe a great deal of gratitude to the work of the commission in recent years in a variety of matters. I should also emphasise that we owe a debt of gratitude to the Attorney General who, in my view, has been one of the most proactive Attorneys General that we have ever had in relation to reforms of the legal system and, in particular, in making sure that all of the Law Reform Commission reports are considered and, where possible, implemented as quickly as possible. That reform is being supported admirably by the present and the former Chief Justices of the Supreme Court and, in a variety of ways, we are now seeing substantial improvements to the way the courts do their business. It is long overdue. The reform of the legal system and the judicial process is in danger of not keeping pace with community expectations. Unless we all do more to ensure that the reform process continues, the legal system will be in danger of falling into disrepute as has the political system. I believe, therefore, that all members of this House and those in charge of the administration of the legal system must continue to work to keep that reform process going.

The issue that has primarily promoted this legislation is child sexual abuse. It is something that we all find absolutely abhorrent. Those of us who are not perpetrators must find it difficult to understand the circumstances in which parents or people who play the role of parents fail in their duty and abuse their children. Nonetheless, it is a problem that we must confront. We should understand that most children in substitute care are there as a result of abuse, not by strangers, but by parents and people in whose care the children were placed. The community must indicate that it finds this absolutely abhorrent. We must find the means of reducing the incidence of abuse and make sure that those who perpetrate it are brought to account and, having been brought to account, are assisted in desisting from that conduct.

In recent years one might have gained the impression that there has been an enormous increase in the incidence of abuse. However, that is difficult to measure. It may be, as the member for Collie indicated, that the increased number of merged families and children in foster and step situations has led to that occurring but, statistically, it is difficult to prove. We do know that there has been a substantial rise in the number of reported incidents and a substantial rise in the numbers being convicted of such offences. That is partly the result of community education and sex education at schools and by parents and of the active work done by many groups in the community to try to make sure that people are aware of the problem, that children are educated in what they can do if they are victims, and of the increase in the number of reference points to which they can report to receive assistance and counselling so that perpetrators can be brought to account.

However, we also know that a great number of incidents of sexual abuse reports are not followed through. I disagree emphatically with the implication made by the members for Avon and Collie that, because 60 to 70 per cent of all reports are not followed through, somehow 60 to 70 per cent of reports are made -

Dr Turnbull: I did not imply that.

Mr D.L. SMITH: The member for Avon certainly did in a vexatious way. That is not the case. The fact is that 70 per cent of cases are not proceeded with because of some of the rules of evidence, the distress that would be caused to the child, the lack of appropriate evidence in some cases, and because, just as importantly, when sexual abuse is reported, often the consequences to the child and to the family of that child are extremely disruptive and painful. Frankly, I do not think the community has come to terms with how to manage properly the after effects of child abuse and the reporting of it. We must do more about the

way we deal with the issue and better consider the impact of these offences on both the child and the extended family when they unfortunately occur.

The reforms in this legislation do two primary things. They ensure that there will be greater acceptability by the courts of the evidence of a child, firstly, through the opportunity for a child to give evidence at all and, secondly, the admissibility of the evidence in certain circumstances and, thirdly, the weight to be given to the evidence of the child. The second aspect is to try to ensure that, in the course of giving evidence, the interests of the child are protected. Victims of sexual abuse find the investigation and the trial a very traumatic experience. We must be very careful that we do not make the investigation and trial an even more traumatic experience than the offence. We must do things to protect those witnesses. In the case of children, this legislation seeks to do that by restricting the nature of questioning, by allowing a companion in the court with the child and, in appropriate cases, by separating the child from the alleged perpetrator when the evidence is being given by the child so that he or she is not confronted by the perpetrator and does not have to relive the experience of the abuse over again. I think the amendments do that extremely well. However, we should bear in mind also that we need the traditional English system which provides that a person is innocent until proved guilty as judged by his or her peers or by a judicial officer sitting at the head of the court. We must make sure that the procedures adopted in the course of finding guilt or innocence are fair to the accused. Steps are being taken, by way of legislation and some other measures that are being put into practice, to balance the protection of the rights of the accused with trying to discharge the wish of the community that we should convict more people where complaints of sexual abuse are made than the current 30 per cent level.

Two main queries were raised during the second reading debate, both of them by the member for Kingsley. One related to proposed section 106D which removes the need for the judge to warn a jury that it must ensure there is corroboration of the testimony of the child on the basis that the evidence of children is unreliable. I emphasise that proposed section 106D does not prevent a judge from directing a jury as to the credibility or otherwise of a child and to the way he or she has given evidence. It prevents the judge from saying to the jury that child witnesses are notoriously unreliable and it should not convict without corroboration. It is a very strange principle which really reflects on children in a way that is not fair to them and, in my experience, certainly is not true. It is that aspect which is being barred and not a general comment on the credibility of the child, the circumstances and the evidence which has been presented to the court.

The member for Kingsley queried whether the Government was concerned that proposed section 106D is taking discretion away from the court because it not only would rule against that direction being given as a matter of course, but also it would prevent that direction being given in any form at all. The member asked whether, in some way, it interfered with the discretion of the judges and whether the Government had sought comment from the judges in relation to it. It has become common practice for legislators to approach judges for comments and ideas on legislation before proceeding with the final draft and, in most cases, actually to refer the final draft to the judges for further comment where it concerns matters directly related to them in the course of their duties. This has proved to be a valuable means of being fully acquainted with the views of the judiciary when formulating legislation. It has been done on the basis that we do not make a practice of publishing the correspondence from judges, use it or abuse it as reasons that legislation should be passed, or use it to indicate the concerns the judiciary might have about legislation. I will be more than happy, through the Attorney General, to make the member for Kingsley privy to any correspondence which relates to proposed section 106D. However, I would rather it be on the basis of the member talking directly to the Attorney General or my talking to him and passing the information to the member without going through the details of it in this place.

The other question raised by the member for Kingsley related to the code of practice for the making and use of videotapes of children's evidence. It was mentioned during the course of the second reading speech as being one of the matters not in the Bill. The member for Avon and the member for Collie are quite correct in saying that it is unfortunate that on occasions vexatious or false allegations are made about sexual abuse within families and it can be disruptive and permanently harmful to families. It is important that while we make sure that all cases of sexual abuse are reported and followed up and, preferably, that people are

prosecuted, we do not in the process do harm to the innocent. This extends to the way in which video evidence is developed in terms of protection of the accused, the protection of the court processes and, most importantly, the protection of the interests of the child.

In the past we have had experience of the use of videotapes both in other jurisdictions and for a trial period in the Children's Court which resulted in a report being presented to the Government. The Advisory and Coordinating Committee on Child Abuse, which advises the Minister for Community Services, has undertaken considerable work on this issue. An interagency committee has been established to develop a code of practice based on the work undertaken by ACCCA and previous experience elsewhere. The interagency committee will have a monitoring role to make sure that as new systems develop the problems are addressed either mechanically, technologically or by legislation. I would be more than happy on another occasion to advise the member for Kingsley of the stage that interagency committee has reached, who is represented on it, when it is likely to report and what will be the frequency of subsequent reports after its initial report. Another issue in conjunction with this is the education of lawyers and judicial officers on the nature of this legislation and children's evidence. The excellent seminar organised by the Law Society of Western Australia's legal education committee was mentioned in my second reading speech. The seminar was titled, "Sex, Lies and Videotapes - Children in the Witness-Box." It was an unfortunate title and was obviously borrowed from the title of a recent movie because it implies, as the member for Avon indicated, that sex, lies and videotapes have something to do with children in the witness box. Lies do not have much to do with it and it is more relevant to talk of statistics being lies than the evidence of children in the witness box.

I thank members opposite for their support of the Bill and their cooperation in having this Bill passed through this House as quickly as possible so that we can take advantage of the benefits it will bring and the added protection it will give to children, both from abuse and the trauma which they have previously gone through in the course of giving their evidence. I commend the Bill to the house.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr D.L. Smith (Minister for Lands), and passed.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading - Budget Debate

Debate resumed from 1 September.

MR COURT (Nedlands - Leader of the Opposition) [11.49 am]: The judgment of the Budget presented by the Lawrence Labor Government on Tuesday will not be made by me or my colleagues, but by the people the Government said the Budget would help; that is, the unemployed in our community. In her Budget speech the Treasurer said that the Budget had one overriding objective; that is, to address the unacceptably high level of unemployment.

Since the Premier took office 30 000 Western Australians have lost their jobs under her leadership and many more people will be forced to leave full time work and take up part time positions. These 30 000 people can legitimately question the Budget and ask how it will help them in getting their jobs back. The Budget must be judged by the criterion of jobs for Western Australians. What hope does this Budget provide for the unemployed people in the community? The Treasurer promised that she would create more than 20 000 new jobs in the coming year, but from the fine print it appears that very few will be created in the private sector. The Treasurer has announced that money will be spent on further training schemes, but we already have in this State the best trained, most skilled unemployed people in Australia with more than 40 000 of them having a trade skill or post secondary qualification. Having concentrated, as has Prime Minister Mr Keating, on trying to find the short term solutions to the unemployment problem, this Government has not addressed the key measures required to provide the long term real jobs. The Treasurer has failed to say how many jobs will be created through the private sector.

I commend the Treasurer on having admitted in her Budget speech that business confidence in this State is low. It was important for her to make that admission. However, she did not explain why it is low or how her Budget will correct that problem. As I will explain later, the main reason that business confidence is remaining low has not been and will not be addressed by this Government. Instead of restoring business confidence the Treasurer has succeeded in undermining business confidence, as she has been doing over the past three years.

I first address the debt issue. I do not want to consider the debt situation in the context of this Budget, but rather in the context of a decade of Labor Governments. This decade of Labor Governments has left us with the sad legacy of record levels of unemployment, bankruptcies, and debt at State and Federal levels, stagnant levels of new investment in Western Australia and a tarnished reputation. This State previously had a fine reputation but, after a decade of Labor Governments with the debacle of WA Inc and losses of \$1 billion on failed business dealings, that is no longer the case. This Government has thrown us into a deep recession from which we cannot emerge. We must consider that decade of Labor Governments because this Budget is framed as a result of the events that have taken place in that decade. In the early days of the Labor Government at the beginning of the 1980s the economy was relatively strong and the development ethos was evident. The North West Shelf project was in full swing and there was large scale investment in the goldmining industry, particularly because of the tax free status it enjoyed. During that period Treasury experienced record revenue flows into its coffers. However, the Labor Government, true to form, spent everything it had and made little effort to save for a rainy day or to put the State's finances in a strong position so that it could weather some of the business downturns. In the latter part of the 1980s WA Inc deals started coming home to roost, and we entered the 1990s with this Treasurer, and saw the economy going into a deep recession, with unemployment and bankruptcy skyrocketing, and the level of new investments stagnating. However, the Government had become hooked on spending up to a certain level and it began making up the shortfalls from revenue by increased borrowings. I refer to a report released early this year by Moody's Investors Service which stated that except for South Australia and its jump in debt resulting from that State's obligations to its State bank, absolute growth of both Western Australia's gross and net debt over the five years to 1991-92 had been the highest of all six States.

In the past two years under this Treasurer the State debt has blown out by more than \$1 billion. On television last night the Treasurer asked what was wrong with borrowing, because everyone's household borrows money. It sounded very similar to John Dawkins' comments a few weeks ago advising people to spend, spend, spend. That is the type of mentality which has caused the problems this country faces today - a country which should enjoy the highest living standards of any country in the Asian region. It goes to the basic economic philosophy that savings equals investment. Under the Dawkins' philosophy of spend, spend, spend, nothing is said about saving; however, the only way to get new levels of investment, apart from borrowing, is by encouraging savings. The Treasurer's philosophy is to borrow. She does not ask how much a redundancy scheme will cost because it does not matter since the money to finance it can be borrowed. If the Government cannot afford to pay for school and hospital maintenance, the Treasurer will borrow it. The only problem with that philosophy is that someone in the future will be given the task of repaying that money. A prudent level of borrowing for proper forms of infrastructure development is acceptable, but Governments must borrow within their means and they must have the capacity to repay that money. In the Budget this year interest payments are the second largest item of expenditure by this Government. This year the Government will be spending the same amount on interest repayments as on the Health budget.

Dr Lawrence: That is not correct. You will look foolish if you keep saying that. You must know the difference between the net and gross figures and what is happening to consolidated revenue and what is happening to -

Mr COURT: Is the Treasurer saying that the Government will not pay more than \$1 billion in interest this year?

Dr Lawrence: Nothing like that out of consolidated revenue. The figure is 6.7 per cent, which I think amounts to \$380 million.

Mr COURT: I will refer to the two sets of books and the Treasurer's figures shortly. In the unlikely event that this Government wins office at the next election, it will have no option but to increase taxes and charges considerably to service the growing level of debt it has created. At 5.30 pm last Friday the Government snuck out its debt management plan. That plan was released to only one media source, *The West Australian*, and I presume when the Government releases such information so late on Friday afternoon it is hoping that someone at that newspaper will print the exact words in the release. Fortunately, the people at *The West Australian* did their homework and summed up the Treasurer's debt plan pretty well. The headline in the newspaper article was "God, let me be prudent but not quite yet". In other words the Government has presented a you beaut management plan which will start next year. This Government never mentions debt.

Several members interjected.

Mr COURT: The member can do better than that. He should get the Minister who usually has a go at my whole family back in the Chamber. I had to laugh yesterday when someone dared to mention the family of a member on the other side because it revealed a sensitivity about such matters that I hope in future will be applied to both sides of the House. When this debt management plan was released last year members were told that the State's debt was about \$10.1 billion. This year the amount is shown as \$7.7 billion, so the debt has been reduced by a few billion dollars. The Government has come up with a new definition to do this; that is, "nominal debt."

Mr C.J. Barnett: They have had three sets of books.

Mr COURT: Yes. The Government arrived at the figure of \$7.7 billion by subtracting a wide range of liquid assets such as the Government's bank account and Treasury Corporation's bank account from the original figure.

Dr Lawrence: Do you regard those as debts? If the Treasury has liquid assets of \$5 million, is that a debt?

Mr COURT: The Treasurer has failed to explain that those liquid assets are working capital that cannot be used to reduce the State's debt. If it were used for that the State could not pay wages.

Dr Lawrence: Those reserves are held because the rating agencies say a certain amount of money should be kept in reserve. That money is not to pay salaries, so you are wrong again!

Mr COURT: The Treasurer was so confident that she decided to sneak that release out late on a Friday. The problem with this increased level of debt is that it has blown out more in this State than in any other State except South Australia during the past five years. Every Western Australian will owe \$6 800 this financial year.

Dr Lawrence: Most of that is attached to the North West Shelf pipeline. Your figures are wrong. Is that a good idea, or not?

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr COURT: I am glad the Premier has raised the question of the pipeline because the last borrowing for it occurred in 1986. That pipeline is infrastructure which has provided gas which has enabled Alcoa to become the world's most efficient producer of alumina. That has gained this country huge export earnings. People expected after the last borrowings for the pipeline were made in 1986 that a big cut would be made in the amount borrowed the next year. But no, this Government kept borrowing, not for infrastructure, but to get money into the R & I Bank Ltd, the State Government Insurance Commission and all the other failures it had been working on. The real tragedy is that that debt will hinder the creation of long-term employment opportunities that this State needs.

Where does the State get the money to service its debts? It is from the business community. Money must come from somewhere to service that debt and that is why the Treasurer could announce only token benefits for business in the Budget this week; taxes and charges in this State still remain among the highest in Australia.

Dr Lawrence: Maybe because of electricity prices, which are a legacy of your Government. Although we have brought them way down, there is still a big gap.

Several members interjected.

Mr COURT: We have the option of using either gas or coal in the south of this State to generate electricity. If no gas were coming down here we would have an electricity generating system based solely on coal. Does the Treasurer believe the State's electricity tariffs would be where they are now if that were the case? We would then not have Alcoa or many other industries in this State. The Treasurer cannot have it both ways. Does she want a gas line or not?

Let us compare the situation in this State with Queensland, which has similar economic backing to Western Australia. We should look at a decade of Labor Government in this State to see what it has left us. Queensland has no borrowings for general Government purposes as it has eliminated them. It reduced the level of borrowings in its Budget this year by \$100 million. The superannuation scheme in that State for public servants is fully funded.

Dr Lawrence: Have you ever looked at the roads, hospitals and schools in Queensland?

Mr COURT: It is interesting that taxes and charges in Queensland are 39 per cent cheaper than ours. When one compares the States like for like, one sees why that State is able to attract investment. Queensland is our major competitor for investment.

Mr Catania: How are you going to attract investment? If I take your Fightback package you state you will have a debt-free State in four years.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr COURT: I will not bother with the interjector because he does not understand. Investment in the past few years in plant and equipment has increased by 15 per cent in Queensland and declined by the same amount in this State. Lost investment means lost jobs.

Dr Gallop: Why do many Canadians shop in the United States? It is because of the GST.

Several members interjected.

The DEPUTY SPEAKER: Order! Interjections across the Chamber will cease.

Mr COURT: I lived in Detroit and shopped in Canada. What is the Minister getting at?

Dr Gallop: The Canadian Government loses a great deal of revenue because of its GST.

Mr COURT: One must analyse whether this State's debt is for infrastructure such as roads, pipelines and power stations, because that is a debt that can be serviced. However, a growing proportion of this State's debt has resulted from deals where the State has received nothing for its money. The Petrochemical Industries Co Ltd deal is the best example of that. The State is saddled with repaying money for something it does not have. Whether the Premier likes it or not, this State has lost its triple A rating and it is crucial it gets that rating back. It can only do that if we are prepared to implement a true debt management plan in this State.

The problem with the Labor Government is that its solution to its problems is to increase taxes and charges, and it would do that again after the election if it were successful. This Government would not be prepared to improve administration of the public sector to bring about such changes, or to set some targets to reduce debt levels. The problem we will face when we come into Government is that we will have hanging over our heads not only the current levels of debt but also the court case associated with the PICL deal, involving \$500 million, along with the court case associated with the SGIC and SGIO indemnity. That is not something to which we look forward.

I conclude my comments on the issue of State debt by saying that, over the next four years, a Liberal Government would implement a plan to eliminate Government borrowings for general Government purposes. Our Fightback WA document outlined a clear strategy to wind back those debt levels, and if we were genuine about attracting new investment to this State we would have to move down that path.

I turn now to capital works expenditure. When we look at what has happened over the past 10 years and at the fact that over the past five years the rate of borrowings has increased considerably, we see that the percentage of the Consolidated Revenue Fund that the Government has spent on capital works for economic infrastructure has declined from 42¢ in

the dollar to 26¢ in the dollar. The Government has spent considerably less on capital works than it has budgeted for. Therefore, there has been a real reduction in the amount that it has spent. The Treasurer stated that this financial year there will be a 30 per cent increase in the capital works program. It will be interesting to see whether that occurs. That is a 30 per cent increase on the amount that the Government actually spent last year, not on the amount that it said it would spend.

Mr Bradshaw: Did it spend all the money that it budgeted for last year?

Mr COURT: I do not think there has been a year when the Government has spent all the money for which it has budgeted. I think that each year it has spent about 30 per cent of what it said it would spend.

Mr MacKinnon: It is called the Brian Burke sleight of hand trick!

Mr COURT: That is right. This State has a huge potential for growth, and it is essential that we give a high priority to the adequate provision of capital works programs and not waste the money on some of the programs that the Government has undertaken during its 10 years in office.

I turn now to the presentation of the accounts. The last State that presented the Budget in the form in which this Government has presented the Budget ceased to do that in 1985. It is interesting that this Government has been in office for 10 long, miserable years and that while other States have been presenting their Budgets by consolidating their CRF and their General Loan and Capital Works Accounts, this State has been using a form of Budget presentation that was last used by another State in 1985. The other States now plan to present their accounts using the national accounts Budget formula, and we have given a commitment that within 18 months of our coming into Government, we will present the accounts in that form. That will mean that the Budget will be a true indication of the State's financial position.

Mr Pearce: The Treasurer has indicated that -

Mr COURT: No, the Treasurer has indicated that next year the accounts will be presented in a consolidated form. The last time that any other State did that was 1985, seven years ago.

I stated at the commencement of my comments that this Budget will be judged on how it affects the 30 000 unemployed people in this State. The first issue is that the Government has failed to face up to the problems that it has created with the explosion in State debt. The second issue is that we cannot expect the rate of unemployment to fall if we do not attract to this State increasing levels of new investment. The only way that we can provide the real jobs required in this State is by attracting that investment. During the 1960s, 1970s and early 1980s, we had increasing levels of new investment which laid the foundations for the State's economy as we currently see it. We established an efficient mining sector in this State, which now supplies 25 per cent of the world's iron ore and alumina and 35 per cent of the world's mineral sands; and I can refer also to nickel, salt and other commodities. The agricultural industry is also one of the foundations of our economy. However, during the past five years the level of new investment has stagnated.

Mr Kobelke: Nonsense! You cannot even see the figures. We lead Australia in investment.

Mr COURT: It is possible to lead Australia and have declining levels of new investment, my friend. The member for Nollamara had better examine the figures because when one looks at the stagnant levels of new investment and takes out the investment in the North West Shelf project, one sees that we have an appalling record. A former Minister for Economic Development and Trade, Julian Grill, the member for Eyre, is so annoyed and disappointed at what the Government is doing that he has put out his own economic development policy. That policy makes a lot of sense. He has tried to say to the people who are currently running the show that there are wonderful opportunities in this State to attract new investment and that, if they listen to what he is saying, they can start to attract that new investment.

Over the weekend, another former senior Minister, Gavan Troy, the member for Swan Hills, stated in an article in the *Sunday Times* that Carmen Lawrence has the worst economic record of any of the past three Western Australian Premiers.

Mr Trenorden: I will second that motion!

Mr COURT: He stated that "she is astute in a 15-second grab on television but her economic record is terrible". Members will remember that when this Treasurer came to power, there was an infamous reshuffle in Cabinet that got rid of Pam Buchanan, Jeff Carr and Gavan Troy. As the member for Swan Hills states in that article, in April 1989 unemployment was 5.4 per cent.

Several members interjected.

The SPEAKER: Order! This is dreadful. That sort of behaviour is very borderline. I will simply say that and hope that it stops.

Mr COURT: Thank you, Mr Speaker.

Under this Premier, unemployment has increased from 5.4 per cent to nearly 11 per cent.

Mr C.J. Barnett: And stays there.

Mr COURT: The member for Swan Hills, in talking about the single most important department in this Government, the Department of State Development, said that that department was trying to do too much for too many people and failing to help anyone. That department has about 300 people working in it and a budget of about \$30 million. It is the Government's key development department, yet one of this Government's former senior Ministers said it fails to help anyone. He went on to say that he favoured uranium mining. That is very interesting. Recently the Deputy Premier, at that time the Minister responsible for the Department of State Development, said it is time uranium mining went ahead in this State, and the member for Swan Hills, a former Government Minister said, "Who are we to dictate what type of power Europe should be using if they have good technology? Why should we not supply the raw materials?" He supports uranium mining, as does the Deputy Premier and half of the Government members, but this Premier says that under her Administration there will be no uranium mining and that that investment will not take place.

Mr Kobelke: So will uranium mining lead the recovery of the Western Australian economy?

Mr C.J. Barnett: It would be much more useful than another property development. "Let us have a feasibility study instead of a real project!"

Several members interjected.

The SPEAKER: Order!

Mr COURT: We are talking about attracting new levels of investment. Do members opposite know how many reshuffles their development portfolios have had in the last 10 years? About seven, and some of them lasted only six months. I have nothing against the Deputy Premier personally, but let us look at his track record in attracting new investment, and let us look at the delays currently being suffered in this State. The Marandoo project has been delayed for more than two years.

Dr Lawrence: It is still on the original schedule outlined by the company.

Mr COURT: What should have been a reasonably simple approvals process to open up a new iron ore mine has been delayed for more than two years by the Minister for State Development who allowed the Minister for Aboriginal Affairs to take over the agenda. The Marandoo project was delayed for more than 15 months because the Minister for Aboriginal Affairs wanted to pander to her particular interest group.

Several members interjected.

Mr COURT: Let us look at the Kambalda operation. Today a company wants to invest more than \$100 million in expanding its nickel operations, but the Australian Workers Union says to the Deputy Premier, "We do not want you to change the mining regulations so that investment can go ahead", and the Deputy Premier jumps. So we have potential projects at Kambalda and Marandoo as well as uranium mining - more than \$1 billion worth of new investment which could start providing real jobs - but none of them will happen. Yesterday we saw a good example of a company which wants to develop its technology operations in this State, yet the Government will not even buy ticketing machines from a local company.

Mr C.J. Barnett: And they are all export businesses. All this Government will talk about is property development.

Dr Lawrence: A tourist development is not a property development.

Mr C.J. Barnett: There is nothing wrong with property development, but that has been the only thrust of the Government's development policy since the 1980s. Look at all the empty building towers in Perth. That is the legacy of the 1980s, and we are going through it again. It is all the Government can get a handle on. It should get some real projects and real exports under way.

Mr COURT: The point is that companies want to invest in this State right now, but the Government is making it hard for them. We must stop the rot.

Several members interjected.

The SPEAKER: Order! Goodness me! I wondered a few moments ago why this was happening, then I looked down and saw the date and realised why.

A Government member: It is Thursday.

The SPEAKER: Exactly.

Mr COURT: I would normally be able to speak over the member for Pilbara but I am having a little trouble today. I will discuss the development of the Pilbara with him in the Pilbara tomorrow.

Large amounts of investment could occur in this State straightaway but the Government is preventing it. What the Government has not said is that there is a flight of capital out of this country to our Asian neighbours, into resource projects which should be carried out in this State.

Mr Catania: Where is it going?

Mr COURT: I will tell the member. In the first four months of this year Australia became the number one investor in Malaysia, overtaking Japan, Taiwan, South Korea and the United States. Broken Hill Proprietary Co Ltd and other companies have now made Australia the largest investor in Malaysia, and this is on the back of six Australian investment projects approved in January and February this year. Investment is welcome in South East Asia. BHP has major petroleum investments in the area. In Vietnam a number of Australian companies are chasing mineral sands and gold. In New Guinea we have major investments in oil and gold. Australian companies have also invested in mainland China and in Chile. CRA Exploration Pty Ltd has not only opened new coal and gold mines in Indonesia but is now announcing profits well above its budgeted expectations. We want to reverse that flight of capital out of Australia. These are Australia's greatest companies which are now investing in Asia. Members opposite think Australia is the only country with natural resources, but all of the countries I have mentioned have their own resources.

Dr Lawrence: Are you seriously suggesting that Australian companies should not invest anywhere other than in Australia?

Mr COURT: No, but let me give an example. CRA Exploration Pty Ltd wanted to develop a coal fired power station at Mt Lesueur, but this Government prevented it. It has also prevented uranium mining and delayed the Marandoo project for two years. No wonder that while all that has been going on these companies have started coal and gold developments in Indonesia.

That flight of capital to Asia is occurring because those countries fast-track projects. They do not talk about something, they do it. They assist with infrastructure, and investors are welcome. In this State too many obstacles are placed in the way. Not a single Minister in this Government has the political will to get these major projects off the ground. The member for Pilbara must be absolutely disgusted with the delays that have taken place in the Pilbara. The Government is still arguing about how to get the Marandoo project up and running. Where are all the projects we have been promised during Labor's decade in Government? Where are the steel mills, the aluminium smelters, the paper plants? This Government has not delivered them. All it has delivered is a constant reshuffling of the development portfolios to try to give the impression that something is being done; and, as the member for Swan Hills has said, the person the Government has now chosen to handle the trade and investment area has the worst economic record of any of the last three Western Australian Premiers. That person has been chosen to handle these development portfolios. A Malaysian industrialist came to Perth a few weeks ago. He stated that he thought South East Asia was growing at a faster rate than is Australia. He was a very interesting speaker.

He listed the reasons for that argument which included the fact that northern Asia particularly but South East Asia generally was starting to feed on itself. He said -

We are in a growth frenzy that has made trade within the region as large as trade within the European Community.

He listed controlled inflation and the fact that the culture of the people is one of hard work and this is perhaps at the core of the region's vibrancy and energy. He also listed the fact that the people there are hard working, and have a strong and healthy respect for parents and elders. He said that the concept of face saving is important -

Mrs Henderson: Do you say that Australians do not work hard?

Mr COURT: The Minister would like the next point: He said -

The concept of face saving is important in Asia, so there are rarely attempts to belittle or compromise each other. (The exception of course being in politics).

He goes on to say that the region is politically stable. He also outlines why Malaysia attracts investment. We can outline the many reasons that we should be attracting investment to this State. We should be more successful than they are because we have political stability and inflation is under control. Our people want to work, although our industrial relations system really does not work to the advantage of those people who are trying to get into the employment market. The 90 000 unemployed do not think much of our system. We have raw materials and the necessary skills. We have many things going for us. At present we do not have a Government that is willing to make the hard decisions. The Government is prepared to surrender its responsibility to the bureaucracy. The Government allows the bureaucracy to make the decisions. The Government panders to the minority groups when making hard decisions. We hear of endless feasibility studies and inquiries into this and that.

A major project in the 1970s was delayed two years because the Government pandered to certain minority interests; that is not acceptable. Investment in this country is the whole basis of the Fightback package delivered by the Federal Government, as well as the Fightback WA package in this State. We are hindered by an outdated taxation system and an outdated industrial relations system. When the Labor Government came to power in the early 1980s one of its first initiatives was to bring in taxation reform; that is, a broad-based goods and services tax.

Mr Catania: You are planning to have taxation reform. You will tax artificial limbs and wheelchairs.

Several members interjected.

The SPEAKER: Order!

Mr COURT: The point is that in this country, and in this State particularly, we have terrific opportunities. The Opposition, as a Government, would be prepared to allow investment to start flowing so that we could take advantage of it. We have heavily promoted the Pilbara as the next major centre for major industrial development in this State. When we first started that some years ago members opposite ridiculed us. They said that we could never attract such activities as a petrochemical plant or value added processing of minerals. Members opposite said that it would never happen; that we could never achieve the electrification of the rail system. The Government is starting to realise now that we were on the right track. Today the Government looks towards the goldfields and the terrific opportunities there, but the companies are hindered by the lack of competitive energy prices. The question is how can we get the energy across to that area. The opportunities are there. In the south west of the State we have an opportunity to put in a paper and pulp plant. The Government has been talking about that for years. Initially the Government did not want it. The Treasurer said that it would not happen during her term in Government -

Dr Lawrence: Do you think that we should use the old growth native forests? The environmentalists would clobber you in 30 seconds. We need plantation forests.

Mr COURT: The Treasurer has done a back flip. We have identified six key industry areas for growth.

Dr Lawrence: They happen to be the same as we have.

Mr COURT: They are: Adding value to mineral products and to our agricultural products, and utilising our energy industries. None of these concepts is new, but we will attract investment to those areas. We identify also tourism and communications -

Dr Lawrence: You have not said how. You have been opposing the projects one by one.

Mr COURT: The Treasurer asks what we would do about attracting investment. We have a very good track record of being prepared to make the hard decisions so that approvals can go through.

Dr Lawrence: You haven't been in Government for 10 years.

Mr COURT: We do not need huge departments such as the Department of State Development or the Ministry of the Premier and Cabinet to attract investment. The Ministry of the Premier and Cabinet employs hundreds of people. We simply need a couple of Ministers who have the commitment to make decisions and the ability to sell those decisions to the Government of the day. Not one Minister is capable of getting these things approved in Cabinet. The Treasurer has responsibility but it has been proved that she does not want to make the hard decisions.

We should look to tourism -

Dr Lawrence: You should not speak the word. You have opposed all major tourism development in the past five years. You should choke on the word.

Mr COURT: Tourism has been given a low priority in the Budget. Tourism is an industry which could attract large investment and employment opportunities but we cannot achieve large scale tourism developments. Broome has one major, world class international resort. However, Broome does not work with one resort. Broome needs a number of waterfront resorts. The Chamber of Commerce and the local council in the area have told us that they no longer bother to invite investors to Broome to look at the development of new resorts because they cannot provide any land that does not have some form of claim on it, whether Aboriginal or environmental. The tourism industry cannot be expanded in Broome because the Government will not provide the land with the necessary clearances.

Several members interjected.

Mr COURT: Is the Minister saying that if we went to Broome today we could buy waterfront land for a resort, that land being clear of Aboriginal or environmental claims?

Dr Lawrence: Once it is included in the town plan.

Mr COURT: Does that happen in the first or second decade of this Government? The Government has ignored tourism in the Budget. We cannot attract major investments because of these types of problems.

Mr Catania: You will place a goods and services tax on all tourism. You will drive tourism through the floor.

Mrs Beggs: The Liberal Party opposed waterfront development in my electorate. I refer to the Hillarys Boat Harbour. The Leader of the Opposition organised protests. Does he remember that?

Several members interjected.

Mr COURT: Mr Speaker, I cannot speak over the top of all the interjections.

Several members interjected.

The SPEAKER: Order! The Leader of the Opposition has said he cannot speak over the top of everyone else. I thought he was about to answer an interjection.

Mr COURT: It is not necessary to have a large bureaucracy or a large Ministry of the Premier and Cabinet to attract investment; it requires a couple of Ministers who have the ability to make hard decisions so that we do not have the delays experienced at the Marandoo or the Kambalda nickel projects. Once the decisions are made, the development will take place. This Government is a pack of people making sure that their image is right, and no Minister is prepared to make those decisions. Interestingly, somebody contacted us from the Ministry of the Premier and Cabinet, which employs 400 people, indicating that it has an economic policy section. Do members know what four people in that unit do? Their job is to look at every Opposition Press release to check the statistics!

Several members interjected.

Mr C.J. Barnett: Now we know from where they get their questions at question time; we knew they could not think of it themselves!

Dr Lawrence: That is a fantasy.

Mr COURT: I will read out some of the statements this unit has looked at. They read -

One in five people live in poverty as demand for welfare agencies increases by some 50%

18% cutback in Library funding results in a 50% reduction in the amount of books ordered

State debt tops 11 billion this financial year

WA's massive state debt costing each family \$50 per week just to pay the interest bill of around \$1 billion a year

Each resident in this State now owes \$6 000 in debt incurred by the Government

Only one in four young West Australians have full time work

Members opposite should listen to these points. After those four people had looked at all these statistics they could come up with only a couple of spelling mistakes! The statistics continue -

Over 5 000 youth jobs lost in northern suburbs . . .

28 000 Western Australians have not worked for one year as long term unemployment remains high. . .

State Government borrows \$3 million each week for current expenditure.

One Western Australian has their electricity disconnected every hour because of exorbitant electricity prices . . .

Over 6 000 job losses to occur in WA by end of year . . .

128 people join the dole queues in Albany during June.

And further -

Over 45's unemployment increases five times faster than youth unemployment.

Nearly half of all personal bankruptcies in WA are unemployed people . . .

Homeless youth rate in WA soars by 265% as over 1 100 young people are now homeless in Western Australia.

Motorists are four times more likely to be killed in country road accidents.

The true level of youth unemployment in Western Australia stands at nearly 11 000 higher than official statistics reveal.

Western Australia second worst area in Australia to find a job as ANZ survey showed that on average 17 unemployed people were chasing every job advertised.

Liberal hotline reveals hundreds of hidden unemployed in WA as 1 036 calls were received. . .

Over 45 000 West Australians have not worked in six months.

WA receives only 3.5% of commonwealth funding for research and development.

Waiting lists for elective surgery in regional WA now tops 3 100 people who are not included in official waiting lists.

Waiting lists for elective surgery in WA are unnecessary and over 80 per cent higher than official figures.

47 000 children are the forgotten victims of the recession in WA.

Members opposite should listen closely. The list goes on and four people have the job of checking these statistics produced from our office.

Dr Lawrence: It is not true. I don't know from where you get that nonsense.

Mr COURT: I wondered what the 400 people at the Ministry of the Premier and Cabinet did. The problem is that the Opposition has one poor person writing all the material.

Mr Pearce: Could you name those four people?

Mr COURT: I am quite prepared to tell the Leader of the House the names outside the House.

Mr Pearce: Tell us in the House.

Mr COURT: No.

Mr Pearce: I ask you to name these people to demonstrate the lack of truth in your claim.

Mr COURT: I will tell the Leader of the House the names, but these people are just doing their job.

Mr Pearce: Tell us now.

Mr COURT: These people are trained economists.

Several members interjected.

The SPEAKER: Order! I do not know whether my eyes are deteriorating as I am getting older, and I do not know whether members can see better from their position than I can from here; however, I am screwing my eyes up at the moment because of my headache.

Mr MacKinnon: What did you do last night?

The SPEAKER: Order! Members can go out of the Chamber - most do - when debate becomes like this, but I am stuck here.

Mr COURT: You are not stuck here, Mr Speaker; you are enjoying being here carrying out your responsibilities.

After a decade of Labor Governments, and with the lack of credibility shown, we must ask ourselves these questions: Can we trust these people any more?

Opposition members: No!

Mr COURT: Can we believe what they put in their Budget?

Opposition members: No!

Mr COURT: Is it worth the paper it is written on?

Opposition members: No!

Several members interjected.

Mr COURT: Eleven members opposite were part of the 16 who gave us what became known as the WA Inc debacle. These are the people who tarnished our State's reputation and gave us a stagnant level of investment and record levels of unemployment.

This Government has had a decade to get its act together, and this Budget must be judged on two accounts: First, does it provide the jobs needed by the unemployed in our community? Second, does it attract new investment and spell out that Cabinet will make decisions required to have development approvals flowing quickly? After seven ministerial reshuffles in 10 years with the development portfolios, this Government has lost its way. The Treasurer has now taken responsibility for investment, but this Government's track record in this regard is appalling.

This State could have a wonderful future as we have so much going for us, but it will not be a good future under a discredited Labor Government. We have had a decade of decay and decline. The time has now come when the Liberal and National Parties will be able to win Government. When in Government we will again restore confidence into the community and attract new levels of investment to improve our quality of life in all senses of the word. At the next election this Government will be judged on its record - it has been an awful decade.

Opposition members: Hear, hear!

Debate adjourned, on motion by Mr Cowan (Leader of the National Party).

Sitting suspended from 12.50 to 2.00 pm

STATEMENT - BY THE SPEAKER*"Former Liberal saves Minister from Censure" Article - Aboriginal Protesters Assault on Member Incident*

THE SPEAKER (Mr Michael Barnett): Before questions without notice are taken I want to make a statement to the House. I read with interest an article in this morning's *The West Australian* headed "Former Liberal saves Minister from censure". I indicate to members my concern about an incident which occurred yesterday, which is at least peripherally reported in that article. The article states -

Outside the House, a small group of protesters waving an Aboriginal flag clashed angrily with Labour MLA Norm Marlborough.

Members will recall that yesterday before the luncheon suspension members of this House were debating a piece of legislation, and that debate was listened to intently by people in the gallery. I am concerned about this incident for two reasons. Firstly, my investigation has revealed that the Aboriginal protest outside the House was peaceful and law-abiding. To that extent, the article may tend to lead somebody to a wrong conclusion.

Secondly, and of more concern to me, it was drawn to my attention by a number of people, and I have made my own investigation of the incident, that the member mentioned in the article met his wife and 22 month old son at the doorway of Parliament House. While carrying his son in his arms and accompanying his wife to his vehicle he was followed and harassed by a Caucasian man, believed to be Patrick Weir, who was accompanied by a number of his like-skinned friends. The member, his wife and young child were verbally abused and were also threatened with physical abuse by members of that group. As a result of that information being brought to my attention, I draw to members' attention the following, of which members may not be aware, but should be.

Section 8 of the Parliamentary Privileges Act states -

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment . . . any of the offences hereinafter enumerated whether committed by a member of the House or by any other person -

The Act further states -

The assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House.

I also draw to members' attention section 61(2) of the Criminal Code which states that any person who -

Attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon any such question or matter, or to induce him to so absent himself; is guilty of a crime . . .

I view yesterday's incident with extreme concern, not simply because the member was so accosted, but that it also affected his family - his wife and his son. I make no recommendation on this incident, except to say that I view it with extreme concern. I hope that other members of this place view it in a similar way, and that by drawing it to the attention of the House we will have no more incidents of this nature.

[Questions without notice taken.]

MATTER OF PUBLIC IMPORTANCE - JUVENILE OFFENDERS*More Effective Detention and Rehabilitation Measures*

THE SPEAKER (Mr Michael Barnett): Earlier today I received a letter from the Leader of the National Party seeking to debate as a matter of public importance more effective

detention and rehabilitation measures following the passage of tougher juvenile crime laws earlier this year. If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, the normal time will be allocated to each side of the House for the purpose of this debate; that is, half an hour to speakers on my left and half an hour to speakers on my right, and a further 10 minutes to those members who do not fit into either category.

MR COWAN (Merredin - Leader of the National Party) [2.41 pm]: I move -

That this House -

- (a) calls on the Minister for Community Services to explain the failure of his Government to introduce more effective detention and rehabilitation measures, following the passage of tougher juvenile crime laws earlier this year;
- (b) calls on the Government to establish a secure detention and rehabilitation centre to deal specifically with serious or repeat juvenile offenders; and
- (c) seeks an assurance from the Minister that the recent escape from Longmore will be fully investigated and that action will be taken to discipline any officer found to have been negligent.

I thank my colleagues in the Liberal Party for supporting this motion. As it is Thursday, I regard this more as a joint effort than a National Party initiative. The purpose of the motion is clear, and is as a consequence of the escape from Longmore detention centre yesterday by an offender, an escape which highlights the issues which need to be raised in relation to juvenile justice. Some time ago we passed legislation that provided harsher penalties for repeat or serious offences by juveniles. Most people would recognise that those harsh penalties alone did not achieve a great deal. We need the necessary responses from Government and the community that will ensure a total approach to the juvenile crime issue. The problem faced by the Government is that since it passed the law it has spent more time trying to appease the bleeding hearts within both the Labor Party and the community - in an effort to get them back on side - than it has in addressing juvenile crime and ensuring that the penalties that have been laid down by Parliament, and which are now law, are applied so that the courts have somewhere to send these offenders who are convicted. That is the problem. The recent escape from Longmore highlights that fact.

The Government has decided to allocate \$250 000 for the purpose of improving security at Longmore. That is appropriate but we need no money when it comes to this issue because in this instance it was a matter of making sure that someone locked the gate. When debate on the Crime (Serious and Repeat Offenders) Sentencing Bill took place in this Parliament the Minister said -

It has long been recognised in this State and in particular by this Government, that the Longmore detention centre is old fashioned and inadequate. It has long been the aspiration of this Government to replace that centre because the State requires a new facility.

That is correct, and the Government has taken the necessary action. It is appropriate that just under \$2 million has been allocated for a remand centre at Murdoch in previous years. This year an allocation of \$10 million has been made in the capital works program for a remand centre. However, one must ask why an offender who was convicted more than seven months ago still remains in a remand centre. The answer of course is that there is no place that these people can be taken. Can the Minister tell me whether that is correct?

Mr Ripper: This is a fundamental misunderstanding. There are two facilities, a training centre, and a remand centre which is for people who have not been sentenced. This offender would have been at the training centre.

Mr COWAN: What is he being trained for - to be a better offender?

Mr Ripper: There are two centres.

Mr COWAN: In that case, perhaps we need to consider the question of security at the centre

from which this offender escaped. Paragraph (c) of the motion deals with that. The Minister should indicate that an inquiry or investigation will be undertaken. If it is found that there has been some negligence on the part of either a social worker or a member of staff at Longmore, the proper disciplinary action should be taken and the proper processes made clear to all people who work at the centre.

The most important point I make is that we spent time this year at a special sitting to debate the issue of juvenile crime, in direct response to the public outcry against some of the offences committed against society by a small number of youths. Nevertheless, the crimes were being committed regularly. It was decided that we should do something about the matter by providing harsh penalties. Since then, an appropriation of funds has been made in the Budget; about \$23 million is to be applied in the area of juvenile crime. In addition, we have the capital works program of \$10 million, yet we have seen no real results. I thought we could do something about this problem. Undoubtedly the best and most appropriate action to take is to ensure that when the court has in front of it a person who is convicted of a serious offence, the penalties passed by Parliament and which are now law are applied, and that these people have somewhere to go; that is, a facility is available to which the courts can send these serious offenders.

I note from the Program Statements relating to this year's Budget that some progress is being made. Issues and trends are identified and the achievements for 1991-92 have been listed. Effort has been made in three areas to provide a facility for offenders of this nature including the isolated station program which will take up to 35 offenders; the Gngarrren Aboriginal project in the south west and Warramia Farm near Moora; but that appears to be nowhere near enough. Most people acknowledge that it would be more appropriate to take people out of Longmore and place them in a special, secure rehabilitation detention centre - whatever we call it; it would not be a gaol. The Government spent \$12 million on a remand centre, but did not set aside funds for a rehabilitation centre. When the Minister referred to Longmore as old fashioned and inadequate, perhaps he was referring only to the remand section.

Mr Ripper: No, I was referring to both sections.

Mr COWAN: The Minister has acknowledged that a problem exists, but this Budget makes no acknowledgment of that fact. It contains a provision for a remand centre and a \$23 million continuation of the \$22 million allocation in last year's Budget for the young offenders' program. This Government must walk up to that problem and do something about it. The events over the past two or three days have indicated it is time the Government and the Minister dispensed with the practice of trying to appease people who oppose the legislation that was passed six months ago and take notice of people like Brian Burdekin and put repeat offenders in a rehabilitation centre, not in gaol, so they can be trained and able to re-assimilate with society. Unless that is done this Parliament is wasting its time and this Government has let the public down.

MR STRICKLAND (Scarborough) [2.51 pm]: One of the most important aspects of this motion is that it provides an opportunity for the Minister for Community Services to respond to recent events. As indicated by the Leader of the National Party, one of the matters that brought on this motion is the escape that was featured on the front page of *The West Australian* this morning. The first part of the motion requires the Minister to explain the Government's failure to introduce effective detention and rehabilitation measures. This is not a wide ranging debate on juvenile justice and the steps that need to be taken to solve the full range of problems. We must deal with one end of the spectrum; that is, repeat and serious offenders, people who have been judged, because of their criminal activities, to require detention for reasonable periods. On 28 December 1991 an article in *The West Australian* headed "Crash juveniles on bashing charges" described the sort of people with whom we are dealing. The article stated -

Two 14-year-old boys arrested after a stolen car crashed, killing a young woman and her year-old son, have been charged over an incident in which a Thornlie man was bashed with a golf club on Tuesday.

The pair, and a 15-year-old not involved in the crash, were charged yesterday with assault occasioning bodily harm, breaking and entering, and unauthorised use of a vehicle.

On 31 December 1991 in *The West Australian* under the heading "Court row as crash case opens" it is stated -

Police told the court that the youth, who ran off after the crash but was captured soon after, showed no remorse when he was questioned. But Mr Bonson said his client had since realised the seriousness of the incident.

That is a young person who has done the wrong thing and who has shown no remorse. On 8 January 1992 under the heading of "People power won: Premier" it is stated -

Premier Carmen Lawrence conceded yesterday that the Government had bowed to people power in agreeing to its get-tough package for juvenile repeat offenders.

... the Government's decision reflects our desire to really come to grips with rehabilitation of those repeat offenders, but most importantly the protection that people want, demand ... and I think they're justly called for.

... The new package was not designed as a deterrent, rather as protection for the community, she said.

In the same article the Premier is quoted as saying -

It's basically for the protection of people in the community firstly and secondly, I hope, sends a very clear message to those young people in the community who might see it (crime) as something that might be engaged in.

And thirdly, it does give an opportunity to treat these people in institution in a way that's consistent with the severity of their offences.

Those newspaper articles indicate that the intent of the Government was to get serious and to achieve results. It appears that the juvenile justice system is still failing. The Minister must explain this failure and the fact that Western Australia has no effective system of detention. I am not talking about minor offenders, but serious repeat offenders who have been able to escape. I can recall a few weeks ago disclosure in the Press of a sexual relationship between an adult female counsellor and a 16 year old detained on the extremely serious charge of wilful murder. He has since been found guilty and sentenced to life imprisonment. Those two recent incidents highlight the failures in the juvenile justice system. Once again we are talking about one end of the spectrum; that is, people who have committed very serious crimes and have been locked up as part of that judgment to afford the public some protection. That is not happening. Consequently, I hope that the Minister is prepared to accept that the system has failures and to explain some measures which will rectify those failures.

The first part of the motion is concerned with effective rehabilitation. It must be recognised that 93 per cent of people who go into detention re-offend. Detention as it has been operating is a failure as far as rehabilitation is concerned. We must recognise when we are dealing with criminal juveniles that they have deficiencies in their value systems. The whole aim of rehabilitation must be to change their behaviour, and many strategies exist for that. Detention implies trying to force them, by placing them in a disciplined environment, to develop characteristics like self-discipline, respect for people and their property, and, ultimately, themselves. The changes in attitude that are required must be of a lasting nature, otherwise there will be no rehabilitation. These people will be released and the cycle of crime will continue. These problems should be addressed for there to be a change in attitude; but that is not happening. I do not believe the resources are being allocated allow that to happen.

The Select Committee on Youth Affairs report was tabled in this Parliament on 4 June; it is three months old tomorrow. Under Standing Order No 378 the Ministers were required to espond on some 62 recommendations about the actions they would take on those recommendations. Perhaps in the few minutes of the debate left we will hear a whole lot of ministerial responses. Perhaps also they are flouting Standing Order No 378 and we will find out what we can do about that in due course. In section 7 of the report of the Select Committee on Youth Affairs, the committee recognised that three broad groups of youth come before the juvenile justice system. A smaller group of youth, about eight per cent, develop recidivist patterns of criminal behaviour. That behaviour reflects entrenched conflict with the values of mainstream society. It also said that the rates of recidivism have increased by five per cent since 1988, despite an increased use of detention of about 12 per cent and

longer sentences of detention. That is factual; the system is failing. One of the recommendations of the report was -

That offenders should be diverted from the formal court system until such time as patterns of offending start to become entrenched or unless offending is of a serious nature.

I have no problem with that because this motion deals with that issue.

I would like to quote from the report because it spells out an important message. On page 80, the report states -

It follows from the Committee's belief that only serious offenders should be detained in maximum security that these young people are likely to require intensive work on a range of psychosocial issues. It is of concern to the Committee that the detention centres are currently not adequately resourced and have limited strategies to adequately deal with rehabilitation. The lack of comprehensive drug treatment programs and psychiatric counselling are gaps in services which, the Committee believes, require urgent attention. The recent upgrading of education and training opportunities in detention centres are welcome initiatives, however the Committee is concerned that the current staffing arrangements, the limitations of space within Centres and lack of effective contact time impede the effectiveness of these programs.

It is already clear that young people emerge from detention without adequate attention to their underlying needs. The fact that many of these young resume, within days, their former life-styles on the streets and on drugs is an indictment of this society's commitment to seriously 'at risk' young people. It is also short-sighted from the point of view of protecting the public's safety: Without a comprehensive rehabilitation program young offenders are simply better equipped by their experience of detention to commit further crimes.

That is a bipartisan report which adds weight to the fact that the system is failing; it is not achieving the results. In the short time available to us we have substantiated the point raised in first paragraph of the motion. The second paragraph calls on the Government to "establish a secure detention and rehabilitation centre to deal specifically with serious or repeat juvenile offenders". We know that there is a range of things that support rehabilitation, such as access to work experience, allowing people to establish positive relationships, allowing them to develop their values in a positive way and so on. However, at the end of the line when one is dealing with the very serious repeat offenders, the public are entitled to feel secure and safe knowing that they are locked up and cannot get out. They are also entitled to feel that people will not obtain sexual favours and run to the courts complaining that they have been put under stress. That is a load of codswallop and everyone is laughing about that.

The third paragraph of the motion seeks an assurance from the Minister that a full investigation will be conducted and appropriate disciplinary action taken. This morning my secretary took a phone call from someone who alleged that he or she worked at Longmore. The person was very fearful of disclosing any identity because it is that person's place of work. However, the caller said that concerns about security had been raised by staff at the Longmore Training Centre. Apparently the concerns had been put into the system and the cost of completing the necessary security arrangements had been assessed at \$60 000. I was also informed verbally that those security arrangements would have helped solve the unlocked gate problem. It was an anonymous phone call from someone who indicated that he or she would put it in writing and, when I get the details, I will advise the Minister.

Does the Minister know whether proposals for improving security have been put forward by the staff to management or by management to the budgetary process to the tune of \$60 000, and if so why has nothing been done? I was also told that staff at the centre were working 12 hour shifts. Those of us who have been there know that they are under a lot of stress. Perhaps the Minister would tell us whether something unusual has caused the staff to be placed under so much stress.

MR RIPPER (Belmont - Minister for Community Services) [3.07 pm]: The Government will oppose this motion because it is based on a number of false assumptions. The first is that we have not made attempts to improve detention and rehabilitation; the second is that we

do not have secure detention and rehabilitation centres to deal particularly with serious and repeat juvenile offenders; and the third assumption is that we would not respond responsibly to such a serious offence as this escape. This escape is a serious matter and everything possible must be done to ensure that it does not happen again. I assure the House that security procedures at Longmore Training Centre will be tightened. An urgent inquiry into the events which occurred yesterday is proceeding. That inquiry will look at the procedures which apply to the area from which the escape was made, and at how those procedures need to be tightened to ensure that such a thing cannot happen again. That inquiry will be conducted by the department, but it will also be overseen by someone from the Department of Corrective Services to indicate openness and accountability by the department.

In addition to that inquiry, security at all of the secure centres, Riverbank, Longmore Training and Longmore Remand will be reviewed and, as a result of that review, we expect some tightening of procedures. That review will also be subjected to outside scrutiny by an expert from the Department of Corrective Services. If the inquiry into these escapes involves negligence or incompetence, I expect the department to take the appropriate action against the officer or officers involved. I have placed that expectation on the department. I am not prejudging the outcome of the inquiry.

Mr Strickland: What if it was because no action was taken on doing something about the security measures about which complaints had been made?

Mr RIPPER: Let us consider the outcome of the inquiry before making that judgment. A considerable amount of money has been spent in recent years on upgrading security at the Longmore Training Centre, and I will detail some of that spending before I conclude my remarks. It is also important to look at the overall record of our juvenile detention centres. It is all very well for people to grandstand to make opportunistic use of a particular event, but the whole matter must be put in context.

Mr Bloffwitch: It is very alarming.

Mr RIPPER: I agree that it is certainly alarming. It is serious and something against we must take action.

Mr Trenorden: You should talk to the Minister for Racing and Gaming about locking the stable door after the horse has bolted.

Mr RIPPER: Members opposite can make whatever comments they like about yesterday's event, but in the past 13 years only two escape incidents have occurred at Longmore Training.

Mrs Edwardes: When was the last one?

Mr RIPPER: The first escape occurred early last year, and there had been none in the previous 13 years.

Mr Kierath: Did both occur during your term of office?

Mr RIPPER: Yes, both escapees occurred in my term. However, two escape incidents in 13 years indicates neither a lax system, nor a system which should give rise to a lack of public confidence. I agree that one escape is one escape too many, and the department will follow up this matter diligently and enthusiastically to make sure that, so far as humanly possible, such a thing cannot occur again. It is very disturbing that a person with the record of at least one of those escapees was able to release himself from secure detention.

I have some further comments about the overall record of the juvenile detention centres. They compare very well with their counterparts in the Eastern States and also with the security of our adult corrective system. For example, in 1987-88 there were no escapes from the Department for Community Services facilities, and 61 from Department of Corrective Services facilities. In 1988-89 there were two escapes from Community Services facilities, and 73 from Corrective Services facilities. In 1989-90 there were two escapes from Community Services facilities, and 85 from Corrective Services facilities. I am sure the member for Kingsley would like to know something about the escape ratio compared with the number of detainees.

Mrs Edwardes: It is a fairer way of presenting the figures.

Mr RIPPER: It is a fairer way, and the member will note that the figures will back up my

argument. Of course, she should expect that because I would not have advanced the argument if I could not have backed it up in this way. In 1987-88 there were no escapes from Community Services facilities and therefore the ratio was 0.0 per cent; for Corrective Services the figure was 0.036 per cent. In 1988-89 the figures were 0.015 per cent for Community Services, and 0.046 per cent for Corrective Services. In 1989-90 the figures were 0.018 per cent for Community Services, and 0.152 per cent for Corrective Services. Therefore, the record of the juvenile detention centre system stacks up very favourably with the record of the adult system. I do not say that to denigrate the adult system because no corrective services system anywhere in the world could be escape proof. There is no such thing as a perfectly secure prison or detention centre. One should aim for that but, given human failings and the ingenuity of prisoners, there is always a possibility of an escape. The security of the juvenile detention system in Western Australia also compares very well to the Eastern States' systems.

Mr Strickland: The escapee yesterday is a known escapee, who had run away before. They should have known of the danger.

Mr RIPPER: I do not suggest that this escape is a good thing; it is very disturbing and alarming, and it should not have happened, particularly given the physical threat this escapee poses to the rest of the community. The matter will be thoroughly investigated, procedures will be tightened as a result of that investigation, and if it is found that any officers were negligent or incompetent in their duties, action will be taken against those responsible. We will do everything humanly possible to prevent such a thing occurring again, but it must be put in context; that is, the system has a good record for security compared with both its counterparts in the Eastern States and the adult system in Western Australia.

We are not resting on our laurels with regard to the security record. It is important to say that there is always room for improvement in the physical facilities, staffing procedures, and management regimes within the detention centres. I turn first to the staffing procedures and management regimes. Recently the department concluded a review of staffing arrangements in the detention centres, following which a number of recommendations were made for improved arrangements, improved flexibility, and better use of the expensive staffing resources supplied by the community to those centres. The department will act on those recommendations to improve the use and effectiveness of staff in the centres. Over the years a significant number of improvements have been made to the security at the secure detention centres. For example, in the financial years 1987-88 to 1992-93 approximately \$1 million has been spent on security improvements. I will give some indication of those improvements. At Riverbank \$173 000 was spent on a monitoring system for the cells; \$95 000 on surveillance equipment; \$15 000 on new locks; and \$200 000 on a personal security alarm system for the protection of the staff. At Longmore Training \$180 000 was spent on security fencing for the outdoor recreation area; \$30 000 on surveillance cameras and lighting; \$130 000 on cowering for the recreation area fence; and \$38 000 on miscellaneous works. At Longmore Remand \$17 000 has been spent on surveillance cameras and lighting, and \$9 000 on miscellaneous works. We are improving staffing arrangements, and we are also attending to the physical requirements to improve security in the detention centres. Although the security record is good, we are seeking to make further improvements to ensure so far as we possibly can that yesterday's disturbing occurrence is not repeated.

It is worth noting that the facilities in our current detention centres are in need of replacement. The Leader of the National Party quoted some comments I made earlier this year. Yes, Longmore Training is an outdated facility, inasmuch as it is based on an old-fashioned design which emphasises security through strict internal management procedures rather than security through perimeter fencing. Modern prison design concentrates on the alternative model; that is, a more flexible regime inside the centre compensated by a very elaborate perimeter security system. That is the sort of system we need in our juvenile detention centres. I have indicated the Government's view that Longmore Training needs to be replaced, and certainly it is the Governments plan to replace it within the next few years. I am not in a position to give precise time frames, but one of the Government's objectives is to replace Longmore Training Centre, just as we are replacing Longmore Remand Centre with the new Rangeview Remand Centre at Murdoch. It is rather ironic for me to participate in this debate in which the Opposition is demanding new secure detention centres when I

participated in all of the previous debates on detention, with one exception, in which the Opposition sought to delay and oppose the construction of the new Rangeview Remand Centre, because when we sought to undertake a progressive modernisation of our remand and detention facilities, the same people who are now saying, "Why do you not go ahead and improve your detention facilities?" were the ones who opposed it, threw up road blocks, and sought to exploit local opposition and to campaign and make political capital out of the situation. There is an element of hypocrisy in the debate today, in that members opposite are trying to take a statesmanlike approach when only last year they were opportunistic politicians and tried to exploit the Government's determination to improve and provide much needed detention and remand centre facilities.

The motion contains three fundamental misunderstandings. The first misunderstanding, which was supported by the Leader of the National Party's remarks, was the view that we have nowhere to send serious repeat offenders who are sentenced either under the ordinary laws or under the new juvenile legislation which was passed by this Parliament earlier this year. The Leader of the National Party called for a secure rehabilitation centre. I have stated before in this House that a secure rehabilitation centre is a detention centre and, no matter what we call it or where we put it, if it is secure it is a detention centre. We already have two detention centres, Riverbank and Longmore, both of which are designed to detain serious repeat offenders.

Mr Cowan: By your own admission, they are inadequate.

Mr RIPPER: Yes, and the Government intends to replace Longmore Training Centre, just as it is replacing the inadequate and outdated Longmore Remand Centre. This Government has been prepared to move on remand centres and in due course we will move on training centres because this State has long needed modern, progressive detention and remand centre facilities for our juvenile justice system. It is a fundamental mistake to assume that we do not already have secure rehabilitation centres. We do; they are called Riverbank and Longmore.

When we look at the question of rehabilitation and security, we need to make some important judgments. For example, the Leader of the National Party suggested that some repeat offenders could go onto stations.

Mr Cowan: I did not say that at all. I said that was what you had listed as one of the Government's achievements.

Mr RIPPER: Perhaps I misinterpreted the Leader of the National Party's remark. I thought he said that a serious repeat offender could go onto a station. Because of their records, the people who are in detention are not suitable to be placed onto stations, and while the station program is an achievement of this Government of which we are proud, it is certainly not the only answer to these problems. We certainly need secure detention centre accommodation for those people who have serious records of violence, in particular, but even inside those centres we must concentrate on rehabilitation, because no-one in this community would say that we should just lock up these people and throw away the key. The community wants to see serious and genuine efforts made to rehabilitate these people, and the Government agrees with and has acted upon that view.

In recent years, improvements have been made to rehabilitation within detention centres. For example, there has been a tremendous boost to education and training within those centres. We now have workshops at Longmore, and technical and further education accredited courses at both Longmore and Riverbank.

Mr Strickland: You are not claiming them to be effective, though?

Mr RIPPER: I am saying that the training and education which is taking place at Riverbank and Longmore has been improved vastly by the addition of new facilities at Longmore, additional staff resources, and TAFE lecturers at both Riverbank and Longmore, and by allowing course work to be accredited so that when people leave the detention centres they can go to TAFE and say, "Here is a TAFE accredited record of what I did in the detention centre" so that they can enrol in TAFE in the community and continue with their training and perhaps make a bid for employment.

Mr Cowan: Have the industrial problems that arose between the Department for Community Services and TAFE in respect of these courses been resolved?

Mr RIPPER: My understanding from talking to the departmental and TAFE people is that the program is operating very well and that there is a tremendous level of cooperation between TAFE and the Department for Community Services, which runs those centres, and I pay tribute to the role which TAFE has played because it has been very constructive.

We have already improved rehabilitation within our detention centres, and this Budget will provide an additional \$1.2 million for improvements to rehabilitation and to the treatment of serious repeat offenders. For example, within the detention centres we will fund a young offenders treatment program to thoroughly boost the treatment programs available for sex offenders, those who have a propensity to violence, or those who are involved in substance abuse. There will also be vast improvements to the post-sentence supervision of people who are released from detention. We will establish a serious repeat offender task force, which will have a metropolitan area-wide brief to provide supervision for those serious repeat offenders who have caused so much trouble as they have moved around the metropolitan area. That will be an important addition to our rehabilitation and community protection programs in the juvenile justice area.

The motion moved by the Leader of the National Party is based on a number of false assumptions. We do have secure detention facilities; we are improving rehabilitation programs within those detention centres; and we are responding responsibly to the disturbing events that occurred yesterday. We are operating in a system which, despite yesterday's events, has an overall good record in respect of maintaining security. Therefore, it is inappropriate for the House to pass the motion moved by the Leader of the National Party because it is based on false assumptions.

MR KOBELKE (Nollamara) [3.27 pm]: The motion moved by the Leader of the National Party raises a number of issues. The key issue is the escape yesterday of two juveniles from custody at Longmore Detention Centre. I think all members would view that escape with a great deal of concern and regard it as a serious matter. Therefore, it is only proper that we discuss that matter and related matters. I am glad to see that the Minister has dealt with the third item of the motion in that he has given an assurance that that escape will be investigated fully and that disciplinary action will be taken, if required.

Anyone who reads carefully the remainder of the motion would have difficulty with it. This is a serious matter, and I had hoped that the Opposition, in raising the matter for debate, would also have taken it seriously. I am somewhat dismayed at the form of the motion and at the contributions made by Opposition speakers. I say that genuinely because I know that a number of members opposite take a deep interest in the issue of juvenile justice and the problems which confront young people. I know the sincerity of their concern and that they have taken the time to study the matter and realise the complexities involved. They may agree to overlook that and get in a cheap political shot, but in their bringing this motion to the House today I thought they would at least have done their homework a little better. As the Leader of the National Party indicated, this is a joint venture - something of a rarity from the parties opposite - and perhaps that is why they became a little confused.

Mr Cowan: How is your left wing going?

Mr KOBELKE: This is a serious issue. If the Leader of the National Party wishes to talk about those matters we can do so in another debate rather than take up my very limited time now.

I draw the attention of the House to the wording of paragraph 1 of the motion; that is,

... the failure of his Government to introduce more effective detention and rehabilitation measures, following the passage of tougher juvenile crime laws earlier this year;

It is clearly known to members present that no-one has yet been convicted under the so-called tougher juvenile crime laws. It is, therefore, rather difficult to know what the requirement would be for more effective detention and rehabilitation centres arising from that. Paragraph 2 of the motion again mentions those two things - the need for secure detention, along with the fact that the serious and repeat juvenile offenders are likely to be larger in number within our institutions and to serve longer periods of detention. Those certainly are very important issues, but to draw the connection here with an escape yesterday indicates woolly thinking or muddle-headedness on the part of members opposite. The fact

is that as yet no-one has been sentenced under that legislation. The number of people likely to be sentenced is certainly very unclear, and the type of institutions we might need must be addressed, but by putting the two together here as if there is some connection would seem to miss the whole point of the serious incident which occurred yesterday. No speaker opposite took this up.

Mr Strickland interjected.

Mr KOBELKE: The member for Scarborough interjects, but at the beginning of his remarks he said that he did not wish to talk about the breadth of juvenile justice issues, yet then he said the system is failing. That is not what the motion put forward by the Opposition is saying, and that is clearly why it should be defeated. These are serious matters to which simple solutions do not exist. The Government has put forward a whole range of new initiatives and a number of very innovative approaches to try to handle this difficult situation. As the Minister for Community Services outlined, with the Rangeview Remand Centre the Government has shown that it has made the hard decision - one which this Opposition tried to block. That remand centre is seen as the next major capital spending priority. It will not solve all the problems but any Government must set priorities - something which this Opposition finds very difficult to do. It finds that in Opposition it is very easy to promise whatever people want in the electorate. Members opposite say, "The Government does not have control of the debt and should cut back on its spending", but at the same time they promise hundreds of millions of dollars all over the place at the drop of a hat with no accountability as to where the money will come from.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr KOBELKE: This is certainly an area of great concern to the Government and, I know, to members opposite, but scoring cheap political points will not help resolve it. I refer again to the interjection by the member for Scarborough. Part of the reason we have this problem is the rapid change taking place in our society which causes the breakdown in many existing institutions, networks and contacts; and if there is a way in which we can recognise and support motherhood and the very important role mothers play in families we certainly should do that.

Several members interjected.

The DEPUTY SPEAKER: Order! The House will come to order and I suggest we return to the motion before the Chair.

Mr KOBELKE: Thank you, Mr Deputy Speaker. It is very unfortunate that such a serious matter of concern, not only to members of Parliament but also to the general community, should be addressed by such a muddled motion. That is the reason the motion should be defeated - it is not that the issues themselves are not very important. They do not deserve to be trivialised but should be attacked in a most positive way, as this Government is now doing.

I refer to the Budget papers, from which I will read two small quotes. It is clearly indicated in the Community Services Program Statements - at 4.0, Young Offenders, under the heading Issues and Trends - that -

There is a decrease in the overall number of individuals and charges presenting to the Children's Court.

The next point under Issues and Trends states -

The past year has seen a decrease in the number of young offenders incarcerated.

I raise that, not to suggest the problem is solved but to show there are conflicting trends. For the Opposition to suggest that with just a glib expression or a sweep of the hand this Government can suddenly do much better is not to contribute positively to the debate. It is most disappointing, given the very genuine concern by members on both sides of this House, that this major social problem for our community is not receiving the level of debate it deserves. On one hand we have the possibility of juveniles remaining in detention for a longer time and a need to improve the facilities and training programs available, and on the other hand various initiatives put in place by the Government are attempting to reduce the

number of people who come in contact with the juvenile justice system, and therefore reduce the rate of incarceration. The fact that the matter has been trivialised by the Opposition is no better illustrated than by the interjection of the member for Applecross who, when it was suggested that Longmore had a training centre, indicated that perhaps it was training juveniles to be better criminals. That sort of cheap political point scoring does nothing to further this very important debate.

MRS EDWARDES (Kingsley) [3.36 pm]: I support the motion moved by the Leader of the National Party concerning juvenile detention and rehabilitation measures. Sometimes in this place we are subjected to lectures by members, but today Government members have blatantly disregarded the points set out in the motion, and the Minister for Community Services actually said it was based on false assumptions. However, he has not made efforts to improve detention and rehabilitation schemes.

Mr Ripper: Of course we have!

Mrs EDWARDES: If the Government has made such efforts, why has the young lad who escaped yesterday after being in custody for eight months not demonstrated at least some turnaround? At the first opportunity he went out through the gate, hot-wired a car and was involved in two high speed car chases. That does not show any turnaround. That young lad has a serious character flaw and has committed serious crimes. He has already escaped from Badgingarra, as a result of which there was an investigation into security procedures. Now he is responsible for a further investigation into security procedures. Perhaps by the time he has finished with the system we will have a secure system.

The Minister also said that we do not have a secure detention centre. I agree that we do not, because this young lad walked out through a gate that was not locked.

Mr Ripper: What an unrealistic argument!

Mrs EDWARDES: When the Minister responds to this serious offence that has occurred I hope he advises this House - and the public, whom he has allowed to be put at risk - of the progress of the programs and the assessment, particularly of this juvenile who has not shown any signs of rehabilitation. The Minister talked about the number of escapes that have occurred in 13 years; however, we are talking about the two escapes that have occurred in 18 months, during his term as Minister for Community Services. He talked about getting tough on these rehabilitation and detention schemes, but not about the time frame. He said that the systems are antiquated and outdated. Because of that, and until they are replaced, it is very difficult to implement proper rehabilitation programs. The Minister should talk to the officers who work in detention centres, as I have. They regard their workplace as a highly dangerous environment. They are getting a new type of criminal of whom they are fearful. As this case proves, we need a more professional approach to the discipline at the juvenile detention centres. Staff at these centres need more adequate training and greater disciplinary powers to cope with this new type of criminal. Members need only talk to anyone in the adult detention system to discover that the most difficult prisoners are those who come from juvenile detention centres. Once they enter the adult system they try to flout the rules of the prison, as they did in the juvenile centres, but it does not take long for the adult discipline and punishment powers to bring them into line.

The escape from the detention centre highlights the inadequate security. However, proper procedures must be put in place for not only security, but also rehabilitation. The public should not have to go around in fear and trepidation; they should not have to drive slowly when approaching red or green traffic lights because this offender is known to have been involved in high speed chases. When this person committed the crime against the Blurtons at Christmas, he had 200 previous appearances in the system. This system had failed him long before that incident and continues to do so after eight months in detention.

When the Minister reviews the detention centres, he should also review the rehabilitation programs and the powers provided to discipline the offenders. The rules and orders in the detention centres must be complied with. These issues must be dealt with as a whole and not just as isolated incidents. When two young lads walk out of such centres, it gives little confidence to the public.

MR DONOVAN (Morley) [3.42 pm]: I have listened intently to most, if not all, of the speakers in this debate and I find myself between a rock and a hard place. The Premier's

juvenile justice legislation passed in February adopted the "lock 'em up, put 'em away and that will solve the problem" approach. The Premier then performed some statistical juggling showing that the problem was solved, which is a fascinating claim. On the other hand the Opposition has adopted a position which is different from that of the Government only in that it seeks to "lock 'em up longer and harder". That is where I find myself located in relation to this motion this afternoon.

I approached the Leader of the National Party - without any degree of optimism - indicating that I could support a motion of this kind if it was modified. I wished to modify the first point so that it read that the House "calls on the Minister for Community Services to explain the failure of the juvenile crime laws passed earlier this year". Neither the Government nor the mover of the motion was terribly enthralled with that prospect.

Mr Kobelke: It is not very factual.

Mr DONOVAN: It is absolutely factual.

My second modification would have been to delete paragraph (2), which calls on the Government to secure detention and rehabilitation centres, and to deal specifically with serious repeat offenders. Members can imagine how the Leader of the National Party received my proposition! I said that if the member agreed to my modifications, I would support paragraph (3) of his motion. However, that was not to be. To the Minister's credit he adequately addressed paragraph (3).

As I have the luxury of using all the Independents' generous time in this debate, I can afford to sidetrack a little. I was mystified and entertained by the member for Nollamara's claim that uncelebrated motherhood causes youth crimes.

Mr Kobelke: It took a lot of licence to say that.

Mr DONOVAN: It took a great deal of latitude and more imagination than even I possess! I have outlined the position of the Government and the Opposition on this motion and my position between the mythical rock and a hard place.

On a serious note, and this point was made regarding another matter today, the Premier is absent from this debate. I find that to be most unfortunate. To its credit, this motion links the issues before the House to the Crime (Serious and Repeat Offenders) Sentencing Act passed in February. That legislation was heavily and publicly sponsored by the Premier, and she claimed that it would make a difference to the situation. She later attempted, through statistical juggling, to explain away what really happened; that is, the change in police policy on car chases. The Premier referred to statistics in two months of this year and compared that with the same time last year, which allegedly proved her point. In fact, of course, the juvenile justice legislation had done very little at all. In a sense, I would have thought that the Leader of the National Party's motion is couched quite clearly regarding that legislation. The Premier should have come into this place and defended it, and not left it to her Minister to do so on her behalf.

I refer now to other practical points. Firstly, this matter must be placed in some sensible framework. We all know that the motion arose from the escape yesterday by a couple of serious youth offenders. The Minister said, quite properly, that this was the first escape by serious offenders from a juvenile detention centre for 10 years in this State. That is not a bad record if it is compared with other States and jurisdictions. However, that does not take away from the important role of the group worker who was employed in securing the detention of those offenders. I would not want this House to misunderstand my concerns regarding this matter's importance, but it must be put into context: One escape in 10 years is a good record.

Paragraph (2) of the motion contains its main thrust. This calls on the Government to establish secure detention and rehabilitation centres. As the Minister has said - and whether I like the form of detention centre, or whether the Leader of the National Party regards them as effective, does not matter - at least two secure detention and rehabilitation facilities exist and one more will be established. I understand that the new centre is proposed for Murdoch, and that it will address the same issues of secure detention and rehabilitation. Therefore, half of the motion has already been satisfied in practical terms. That is probably a rather unusual situation.

Where has this debate left me and you, Mr Deputy Speaker? I cannot support the motion on the grounds outlined. On the other hand, if I oppose the motion I run the risk of linking myself with the Government's juvenile justice legislation. My inclination was to abstain from voting. However, given the arithmetic of the Chamber, and during the contribution by the member for Kingsley - which is not a reflection on her - I questioned how I could best use my vote. I am going to give my vote to this Minister.

I do not oppose the motion because I am aligning myself with one or another of these positions, but because I know that this Minister, at least since February, has been making the most strenuous efforts to restructure and redevelop the services that come within his portfolio. This must be said from time to time in this place: Once in a while when a Minister is doing something right and to the best of his or her ability, it might not be a bad idea if we commented on that. The only way that I can do that this afternoon - in a practical way - is with my vote. So it is not so much a vote in opposition to or in support of the motion, it is a vote of support for the efforts this Minister is making and that he will continue to make.

Division

Question put and a division taken with the following result -

Ayes (19)			
Mr C.J. Barnett	Mr Court	Mr Lewis	Mr Fred Tubby
Mr Blaikie	Mr Cowan	Mr MacKinnon	Dr Turnbull
Mr Bloffwich	Mrs Edwardes	Mr McNee	Mr Watt
Mr Clarko	Mr Grayden	Mr Strickland	Mr Bradshaw (<i>Teller</i>)
Dr Constable	Mr Kierath	Mr Trenorden	
Noes (23)			
Mrs Beggs	Mr Grill	Mr Read	Mr Thomas
Mr Catania	Mrs Henderson	Mr Riebeling	Mr Troy
Mr Cunningham	Mr Kobelke	Mr Ripper	Dr Watson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mr Wilson
Dr Gallop	Mr Marlborough	Mr P.J. Smith	Mrs Watkins (<i>Teller</i>)
Mr Graham	Mr Pearce	Mr Taylor	

Pairs

Mr Ainsworth	Mr Gordon Hill
Mr House	Mr McGinty
Mr Nicholls	Mr Bridge
Mr Omodei	Dr Edwards
Mr Minson	Mr Leahy

Question thus negatived.

NATIONAL RAIL CORPORATION AGREEMENT BILL

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mrs Beggs (Minister for Transport) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr COWAN: It is common knowledge that the National Party has been discussing the inadequacies in the legislation with the Government, officers of Westrail and the Department of Transport. As a consequence some agreement has been reached with the Minister. The terminology used in the amendment which I had intended moving to clause 2, listed on the Notice Paper, would have ensured automatic proclamation of the Act. On occasions legislation which has passed through both Houses has not been proclaimed. In this instance,

the Government will want to proclaim the Act as quickly as possible because it is already behind the times.

I cannot say that I have the full approval of all my National Party colleagues. I am sure the Minister will move the amendments of which she has notified me. It is, therefore, not my intention to move the amendment in my name on the Notice Paper. I am considering moving an amendment, but I will give an indication of that at the appropriate time. As I say, the purpose behind this amendment concerned the technical approach to the proclamation.

If my amendment were accepted, once the Bill had been passed by both Houses, the proclamation would become relatively automatic, whereas in accordance with the wording of clause 2 the Bill does not have to be proclaimed until the Minister presents it for proclamation. On that basis the National Party would have preferred words to the effect that it shall become operational on the day that it received Royal assent rather than when it was proclaimed. It is a fine point; but in this instance the amendment is not really necessary because the Bill will be proclaimed fairly rapidly. I will therefore not move the amendment.

Point of Order

Mr LEWIS: As a courtesy to the Committee the Minister should introduce the officers at the Table. Although I may know them, other members may not.

Mrs Beggs: That is not normal procedure.

Mr LEWIS: It would be courteous.

The CHAIRMAN: It is not a requirement, but as a request has been made it may be sensible.

Mrs BEGGS: I am quite happy to introduce the officers: Mr Alan Hubbard from Department of Transport and Mr John Sutton from Westrail.

Committee Resumed

Mr LEWIS: I would have spoken against the amendment in the name of the Leader of the National Party based on the outcome of the second reading debate yesterday. If the date is fixed by proclamation, the Government may have the opportunity to review its decision and to reconsider the impact of the agreement on Western Australia. I said yesterday that this Bill is not about politics, but about an appreciation of what is good for the State. The more I have researched the Bill, the more I have realised that it will not be in the long term interests of the State. I therefore support clause 2 remaining as it is. A little wisdom may prevail and the Government may reconsider its position and not proclaim it.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Agreement approved and ratified -

Mr COWAN: This is the major operative clause in the Bill. It indicates that the House has ratified the agreement which has already been reached between the heads of Government and which is part of the schedule. The Minister for Transport has indicated she will move an amendment to modify the way in which the assets which the company, as defined in this Bill, may wish to acquire, rent or have access to. A provision will be included to allow the company to transfer any of its assets, rather than have those assets remain the property of Westrail and leased. On that basis, I assume that this clause will not need to be amended. I wonder whether it would be appropriate for the clause to be amended to provide that the agreement is approved and ratified subject to those conditions which apply in the appropriate parts. If that is not necessary, I will accept that assurance. However, it is important; I do not want to think that as a result of clause 4, which provides that the agreement is approved and ratified, someone will make a determination subsequently that the additional provisions inserted by the Parliament will have no effect.

It is important that the conditions relating to the employment, redundancy, relocation and community obligations required to be met by either the Government or its agent, Westrail, are followed through as are the provisions covering the sale of any assets. I would not like to think that someone will say later that an interpretation by the Crown Solicitor indicates that the additional provisions have no effect because clause 4 provides that the agreement has been ratified.

Point of Order

Mr LEWIS: Last week we debated a ratification Bill. At the time, the substance of the Bill was contained in the agreement. It is somewhat of a nonsense to ratify something before the Committee without having had the opportunity to debate the agreement, which is the substance of the Bill. Should clauses 4 and 5 not be deferred to a later stage?

The CHAIRMAN: That is quite in order. I had anticipated that that may be the Committee's requirement.

Committee Resumed

Consideration of clauses 4 to 16 postponed, on motion by Mrs Beggs (Minister for Transport).

*Schedule 1 -**Point of Order*

Mr COWAN: Mr Chairman, will you give us some direction on how we will debate this schedule? Will we have a general debate on the agreement and then deal with the schedule on a clause by clause basis? There are four schedules in the Bill. Did we postpone clauses 4 to 16 only for the purpose of debating schedule 1 or will we be debating all the schedules?

The CHAIRMAN: The Committee has moved that we consider all the schedules and there are 166 clauses in schedule 1. If the Committee wants to deal with each clause someone will have to move that way. Members would appreciate that will take up a lot of time.

Mr COWAN: That is all right provided you, Mr Chairman, do not tell me I cannot go back to a clause if another member speaks to a clause which follows the one to which I want to speak.

Chairman's Ruling

The CHAIRMAN: I will not progress with this schedule clause by clause unless there is a debate on each clause. My ruling is that it is competent for the Committee to consider any part of the schedule at any stage within the normal rules of debate. If the Committee wants to deal with each clause I will need a relevant motion.

Mr LEWIS: We will have some difficulty with this bearing in mind the number of clauses and the fact that it is a comprehensive agreement. Standing Orders provide members of the Committee with three opportunities to address schedule 1, which is limiting.

The CHAIRMAN: That is normal practice, but if the member wants to move otherwise he can do so. I am not suggesting we break down the schedule in any particular way, but if the member wants to do that he can move accordingly and test the feeling of the Committee on it. Otherwise, I am ruling that the Committee will treat it as one.

Mr COWAN: I think we can proceed with it as one item because not many members will take part in this debate and with cooperation between members we may be able to come close to a sequential order of the clauses for discussion.

Committee Resumed

Mr COWAN: I would like an explanation of Part II which deals with the commencement of operation of the agreement. The other parts of this schedule deal with interpretation and there is a preamble which sets out the reasons that the Government has embarked upon its involvement in the National Rail Corporation. The interpretation is self-explanatory and there is nothing in it that I cannot understand.

It is appropriate that we obtain from the Minister indication of the timetable she envisages for the commencement of the operation of the agreement. Subject to the approval of the Parliament the agreement was scheduled to come into effect on 1 October 1991 and it is already behind schedule by nearly 12 months. I understand that the Western Australian Parliament is the only State Parliament which has not ratified the agreement. In addition, what negotiations have been undertaken in regard to access, rights of way, leasing arrangements and the identification of the assets which the NRC might determine it wishes to purchase from Westrail? What progress has been made with the identification of the operational structure of the NRC, the way it will work and what it is likely to want to have control over? I refer to things like the track, the rolling stock and some of the other

accessories that go with it such as the Midland Workshops and any maintenance operations that might exist in Kalgoorlie, Forrestfield or elsewhere. I would like an indication of when the NRC will be in a position where, as a single entity, it can begin the process of attracting business and when it will actually commence its operations.

Mrs BEGGS: If the complementary legislation is passed by all States - we are the last State to do so - the marketing of the National Rail Corporation will commence on 1 October 1992 and will continue for 12 months. It will then be in a position to discuss terminal management and those sorts of things. It is proposed that the NRC will become a single entity in the third year. The NRC's trains will commence to run at the beginning of the second year, which will be 1 October 1993. In the initial year Westrail will provide the trains under contract.

Mr Cowan: Will that be October 1992 to October 1993?

Mrs BEGGS: Yes, or longer if need be.

Mr LEWIS: The difficulty of addressing this schedule is how to frame the questions that need to be answered on the basis of there being so many clauses in it.

The CHAIRMAN: I have suggested a way around that.

Mr LEWIS: I do not want to delay the Committee. The transfer of assets causes the Opposition some concern. One of the principal assets is the business of the east-west freight service. Because of the time constraint I would like the Minister to take on notice the questions I will ask now. I hope that the Minister will answer these questions when she responds. First, is it a fact that currently the east-west interstate freight section of Westrail's business is roughly 20 per cent of Westrail's total business? What is the value of that business in dollar terms? What is the return to Westrail's other operations which could be considered as profitable; in other words, how much in dollar terms will be lost annually to Westrail's operation by giving that business away?

Mrs Beggs: Are you talking about profit?

Mr LEWIS: The east-west component of the business is an asset whichever way one looks at it, whether as goodwill or in some other way. It has a tangible value and can be valued on projected and present profits. What is that profit in today's terms? What is the projected profit in five years? What will happen to that profit after five years when the shield against a loss by Westrail of that profit is removed by the agreement?

Secondly, will this business be ceded to the National Rail Corporation, in terms of the agreement, for nothing? What will it be transferred for? Will a price be paid by the National Rail Corporation for the transfer of that business? Thirdly, and this is a vitally important question, if the State operates in terms of the agreement and does not transfer the assets - that is, the track, terminal, land and other infrastructure - and if it determines not to lease long term - that is, lease and give all rights to the National Rail Corporation without any conditions - and if it gives daily running rights on, say, a 20 year extended period with rights of review and the review of ground rents - which is another question - how are those ground rents for the track rights to be principally determined? Will they be at the discretion of the National Rail Corporation as prescribed and to the "standard operating costs"? Will the State have the opportunity or ability to arbitrate against the cost structure of the National Rail Corporation?

I ask these question on the basis that if the State is giving away this business - that is, ceding the track and infrastructure to the National Rail Corporation - and if by virtue of this agreement it must, as I understand it, maintain the track to the standard required by the National Rail Corporation and not to Westrail's standards - is it not reasonable in a commercial sense that the ground rent charged include the following components: First, a financial return on the ordinary assets or capital assets; secondly, payment over an extended period for the business that has been ceded; thirdly, payment for the real cost to maintain that track to the specifications and standards of the National Rail Corporation; and fourthly, payment for depreciation or forward provision of the replacement of that track over time? Those are four vital ingredients that in my estimation should be part and parcel of the ground rent charged for the track. The simple question is: Has the State the ability to negotiate those four components, or are the terms of the agreement so tight that it can only negotiate to the point specified by this agreement in line with the National Rail Corporation's standard costs, as they are called?

The CHAIRMAN: Order! The level of background conversation is too high and is preventing the Committee from following the discussion. Members should tone down their level of conversation on both sides of the chamber.

Mr LEWIS: My fifth question is germane to the transfer of assets. Is it a fact that the eventual equity of shareholders will be determined on the value and profitability of the transferred assets; in other words, the earning capacity of the assets transferred? If that is the case, and the Government and Westrail decide not to transfer in real terms the property of the assets or a long term lease conceding all rights, but transfers only track rights or access to the assets on a ground rent, will that impact on the eventual capital base of this State? Will it mean that if other States transfer assets, and this State does not, Western Australia's equity will in all probability be watered down below the 4.9 per cent as prescribed in the initial period? I make that point deliberately because we are being advised that we will have a certain equity. If the equity is watered down to, say, three per cent it gets back to the original position of the Liberal Party. By going into this agreement, the State is paying \$8 million to give away its own business, its own east-west traffic, to help prop up an ailing situation elsewhere. Because Western Australia may opt not to transfer other assets, and because other States will want to unload them due to the pain of the associated losses, this State could end up with a diminished equity. One must then ask, why be in it in the first place? I note in the agreement that the National Rail Corporation can become the owner of the asset - in other words, the State transfers that asset; the corporation then is in a dominant position to grant track rights for Westrail's operations. Are the terms or conditions of the ground rent the same for Westrail as they are for the National Rail Corporation? In other words, is it the same scenario and will they just swap places, or will there be a different set of circumstances? Can the Minister explain the circumstances and the reasons?

Progress

Progress reported and leave given to sit again, on motion by Mrs Beggs (Minister for Transport).

ADJOURNMENT OF THE HOUSE - SPECIAL

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

That the House at its rising adjourn until Tuesday, 15 September, at 2.00 pm.

House adjourned at 4.34 pm

QUESTIONS ON NOTICE

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION (CSIRO) - FEDERAL FUNDING INCREASE PETITION

916. Mr OMODEI to the Premier:

- (1) Will the Premier petition the Federal Government for increased funding to the Commonwealth Scientific and Industrial Research Organisation for continued long term scientific research?
- (2) Will the Premier also make representation to the Federal Government to phase out the efficiency dividend levied by Government as the CSIRO's output is productive scientific research and such a dividend is a tax on research?
- (3) Will the Premier also call on the Federal Government to redress the current cuts in the animal health production research program which is being cut by 20 per cent?
- (4) Recognising that 30 percent of CSIRO funds come from industry, will the Premier give a commitment to assisting the CSIRO in acquiring vital industry sourced funds to ensure that adequate resources are available to maintain research levels at the CSIRO?
- (5) Will the Premier call on the Federal Government to recognise the importance of CSIRO funding in Western Australia to protect our most important based industry.
- (6) If not, why not?

Dr LAWRENCE replied:

(1)-(5)

No.

- (6) It is my understanding that the Commonwealth Government has elected to direct an increasing portion of national research funds through the rural industry research corporations and cooperative research centres and less is appropriated directly to CSIRO. CSIRO is encouraged to work closer with industry and other research institutions to access funds. The organisation has been forced to review its structure and priorities as it aligns its research programs increasingly to address industry needs. I believe there has been a reduction in one area of Western Australian based animal production research; however I am hopeful that in the medium term CSIRO activity in this State will increase. The CSIRO laboratory in Western Australia is a partner with the Department of Agriculture and the University of Western Australia in a new cooperative research centre for legumes in Mediterranean regions. The centre has received a Commonwealth allocation of \$12 million over five years. The three institutions are partners in a proposed wool quality cooperative research centre which is currently being considered for funding by the Commonwealth Government. My Government will continue to call on CSIRO to substantially increase its research effort in support of Western Australian industries, by locating a higher proportion of scientists working on technological advances in support of agriculture and mining in this State.

POLICE - LAKE GRACE STATION

Manpower - Regionalisation of Traffic Patrols, Patrol Car and Officer Future

957. Mr AINSWORTH to the Minister representing the Minister for Police:

- (1) How many police officers, including traffic patrol police, are currently stationed at Lake Grace Police Station?
- (2) With the planned regionalisation of traffic operations, will a patrol car and patrol officer remain at Lake Grace?
- (3) If no to (2) -

- (a) how many officers will be remaining at Lake Grace:
- (b) what category?

Mr GORDON HILL replied:

- (1) Three.
- (2) No, however breath and speed detection equipment etc will remain at Lake Grace station.
- (3) (a) Subject to the manpower review board confirming the numbers required, it is anticipated that three police officers will continue to be stationed at Lake Grace.
- (b) General duties.

POLICE - MANDURAH STATION
Additional General Duties Officers Allocation

988. Mr NICHOLLS to the Minister representing the Minister for Police:

- (1) Will additional general duties officers be allocated to the Mandurah Police Station this year?
- (2) If so, how many?
- (3) Will any other resources be allocated to the Mandurah Police Station or the regional office this year?
- (4) What is the comparison of general duties officers per head of population in the following areas -
 - (a) Mandurah;
 - (b) Bunbury;
 - (c) Kalgoorlie;
 - (d) Geraldton;
 - (e) Albany?

Mr GORDON HILL replied:

- (1) It is not intended to increase the general duties staff strength at the Mandurah Police Station this financial year.
- (2) Not applicable.
- (3) (i) Ultra high frequency radio network upgrade to be concluded this financial year.
- (ii) Regional office computer upgrade completed end of July 1992.
- (4) Comparison of general duties police officer to per head of population -

Mandurah	1 073	-	1
Bunbury	507	-	1
Kalgoorlie	414	-	1
Geraldton	404	-	1
Albany	424	-	1

For administrative and budgetary purposes and due to its proximity to Perth and accessibility to other metropolitan patrols, Mandurah is classified as a metropolitan, and not a country region. Fremantle patrols, in particular, attend at Kwinana and Rockingham whenever needed and for this reason it is not possible to compare Mandurah with Bunbury, Kalgoorlie, Geraldton and Albany.

WESTRAIL - CONTAINERS
Falsely Declared Weight Allegations

1008. Mr LEWIS to the Minister for Transport:

- (1) Are there any allegations of roting and fraudulent dealings as to falsely

declared weight of containerised cargo being forwarded and transported by Westrail?

- (2) If yes to (1), has the Minister had the matter investigated?
- (3) If no to (2), why not?
- (4) If yes to (2), have such practices been occurring?
- (5) If yes to (4), what action has the Minister taken to stop the practice and bring those people concerned to justice?

Mrs BEGGS replied:

- (1) Allegations of falsely declared weight of containers have recently been highlighted in the Press. Such innuendo and allegations circulate the transport industry on a regular basis.
- (2) Yes.
- (3) Not applicable.
- (4) Westrail has a policy in place to detect both under and over declaration of container weights. Instances of incorrect declaration have been identified.
- (5) Westrail has investigated each instance of incorrect declaration and no fraudulent intent has been identified. In addition the matter of incorrect declaration has been represented at Railways of Australia level to all other rail systems so that procedures at terminals under their control are properly managed.

TOWED AGRICULTURAL IMPLEMENTS

Police Department Determination

1015. Mr COWAN to the Minister representing the Minister for Police:

Has the Police Department determined whether a towed trailer used for the purpose of transporting distillate fuel from a farm storage tank to a diesel powered farm machine is a towed agricultural implement?

Mr GORDON HILL replied:

The Police Department has considered the issue and a towed trailer in this instance is not a towed agricultural implement. The Police Department does not consider that a towed trailer used for the purpose of transporting distillate fuel from a farm storage tank to a diesel powered farm machine comes within the definition of an agricultural implement. The reason is that it is not in itself designed or used solely for the purpose of primary production.

AUDITOR GENERAL'S REPORTS - MANAGEMENT OF GUARANTEES, INDEMNITIES AND SURETIES

Recommendation 7 Endorsement

1048. Mr MacKINNON to the Treasurer:

What action has the Government taken to endorse recommendation 7 of the report of the Auditor General on the management of guarantees, indemnities and sureties dated 4 December 1991 which indicated that "Parliament should determine what actions are necessary to ensure that legislation and delegated authorities regarding guarantees and indemnities are strictly adhered to"?

Dr LAWRENCE replied:

There is an obligation on all persons to comply with legislation, and delegated authorities and accountable officers and accountable authorities have recently been reminded of their obligations generally under the Financial Administration and Audit Act to maintain adequate control procedures and effective internal audit functions to ensure proper control over their agencies' functions and activities.

**AUDITOR GENERAL'S REPORTS - MANAGEMENT OF GUARANTEES,
INDEMNITIES AND SURETIES**

Government Agencies Requested to Inform Treasury of all Defined Contingent Liabilities

1049. Mr MacKINNON to the Treasurer:

- (1) Have Government agencies been requested to inform Treasury of all defined contingent liabilities so that these may be fully reported to Parliament during the coming budget session, as recommended by the Auditor General in his report on the management of guarantees, indemnities and sureties dated 4 December 1991?
- (2) If not, why not?

Dr LAWRENCE replied:

- (1) Yes.
- (2) Not applicable.

TAXIS - BDO NELSON PARKHILL REPORT
Public Release Date - Industry and Public Response Period

1055. Mr LEWIS to the Minister for Transport:

- (1) When will the BDO Nelson Parkhill Report into the taxi industry be released to the public?
- (2) Will there be a period for industry and public response to the report before Government acts upon any recommendations?

Mrs BEGGS replied:

(1)-(2)

I refer the member to the answer given to question 1046.

**STATE GOVERNMENT INSURANCE OFFICE - GOVERNMENT INSURANCE
OFFICE**

Name Use, Court Action Payments

1072. Mr COURT to the Minister assisting the Treasurer:

- (1) Has the State Government Insurance Office paid the Government Insurance Office any monies as a result of the court action over the use of the name?
- (2) If yes, is the matter now fully settled?

Dr GALLOP replied:

- (1) No.
- (2) Not applicable.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - COMPACT
FLUORESCENT LIGHTS \$5 DISCOUNT SCHEME**
Cost of Subsidy; Funding - Further Subsidy Schemes

1106. Mr COWAN to the Minister for Fuel and Energy:

- (1) What was the overall cost of subsidising people who purchased the compact fluorescent lights under the \$5 discount scheme?
- (2) How was that cost funded?
- (3) Are any further schemes for subsidising the cost of energy saving devices planned for the current financial year?

Dr GALLOP replied:

- (1) Approximately \$90 000.
- (2) The cost was shared between Philips and SECWA. Philips paid \$4 and SECWA paid \$1 to make up a rebate of \$5 per compact fluorescent light.
- (3) No.

TRANSPORT - ROAD

Permit for Bulk Commodities - Timber Transport Deregulation, Westrail and Timber Industry Discussions

1119. Mr COWAN to the Minister for Transport:

- (1) Which bulk commodities still require a permit to be transported by road?
- (2) Is the Government intending to remove any of these from the permit system in the current financial year?
- (3) What is the current position with regard to the discussions between Westrail and the timber industry on the deregulation of the transport of timber?

Mrs BEGGS replied:

- (1) By the Transport (Commercial Goods Vehicles Exemption) Order made on 15 June 1992 with effect from 1 July 1992, the bulk commodities which still require a permit to be transported by road are -
Alumina
Bauxite
Caustic soda for use in the alumina refining process
Coal
Iron ore
Mineral concentrates
Mineral sands
Nickel matte
Talc
Woodchips for export purposes.
- (2) A review of the regulation of bulks is currently being undertaken and its recommendations will be considered by the Government this financial year.
- (3) Westrail and the timber industry have concluded discussions and the transport of timber will be deregulated as soon as the necessary arrangements are made to exempt timber transport from the licensing provisions of the Transport Co-ordination Act 1966.

SCHOOLS - ABORIGINES

Attendance, Family Incentives

1124. Mr COWAN to the Minister representing the Minister for Education:

What incentives are currently given to Aboriginal families, that are not available to non-Aboriginal families, to encourage them to ensure their children attend school regularly?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

All Australian families are encouraged to ensure their children attend school regularly. No incentives are given to any families by the Ministry of Education.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - WINDY HARBOUR
POWERLINE PROJECT**

Manjimup Shire Agreement - Completion Commitment

1159. Mr OMODEI to the Minister for Fuel and Energy:

- (1) Will the Minister advise whether the Government intends to direct the State Energy Commission of Western Australia to complete the agreement made with the Shire of Manjimup in regard to power for Windy Harbour?
- (2) Have the Shire of Manjimup and the State Energy Commission of Western Australia signed a heads of agreement and is SECWA now breaching this agreement by the discontinuation of the environmental study which is fundamental to the conclusion of this project?

- (3) Will the Minister now give reasons why SECWA has withdrawn support for the completion of the environmental study?
- (4) Will the Minister give an unequivocal commitment for the completion of a powerline to Windy Harbour as has been promised by the Government since 1986?
- (5) If not, why not?

Dr GALLOP replied:

- (1) No. SECWA has informed the Shire of Manjimup that the construction of a power line to Windy Harbour cannot be economically justified.
- (2)-(3) SECWA did enter into an agreement with the Manjimup Shire. Under the terms of the agreement SECWA is the proponent of the Environmental Protection Authority application and has the sole responsibility for the conduct of the application. In accordance with the agreement SECWA has submitted the Windy Harbour proposal to EPA but after discussions between senior officers of both departments the decision was made not to proceed to the EPA assessment stage. This decision was made on the basis that there is no economic justification for the construction of a line to Windy Harbour and its construction is unlikely to proceed in the foreseeable future. Furthermore a proposal for this line has been previously submitted to EPA and rejected on environmental grounds. SECWA wrote to the Shire of Manjimup on 30 June 1992 and requested the agreement be terminated.

- (4)-(5) No, for the reason stated above.

ROADS - KWINANA FREEWAY

Past Thomas Road, Discontinuation Date - To Thomas Road, Tenders for Next Stage

1164. Mr NICHOLLS to the Minister for Transport:

- (1) When did the Government decide not to continue the Kwinana Freeway past Thomas Road?
- (2) When will tenders be let for the next stage of the Kwinana Freeway to Thomas Road?

Mrs BEGGS replied:

- (1) The Kwinana Freeway is planned to continue south beyond Thomas Road and a reservation for this purpose is included in the metropolitan region scheme. No commitment has yet been made to construct the road south of Thomas Road.
- (2) The contract for the next stage of the Kwinana Freeway from Forrest Road to Thomas Road is scheduled to be let in May 1993.

LAKE CLIFTON - NUTRIENT LEVELS

Monitoring

1186. Mr BRADSHAW to the Minister for the Environment:

- (1) How often is Lake Clifton checked for nutrient levels?
- (2) Are these levels increasing?
- (3) Has any study been undertaken to establish where the nutrients come from?

Mr PEARCE replied:

- (1) There has been no systematic monitoring of nutrient levels in Lake Clifton. The proposed management plan for Yalgorup National Park will examine the need for investigations of water quality.
- (2)-(3) Not applicable.

WILDFLOWERS - ADVISORY COMMITTEE
Membership

1189. Mr HOUSE to the Minister for the Environment:

- (1) Who will be appointed to the Government's wildflowers advisory committee?
- (2) What are the terms of reference for the committee?
- (3) When will the committee be reporting?

Mr PEARCE replied:

- (1) Two wildflower pickers
Two wildflower exporters
One wildflower grower
One representative from the seed industry
One representative from a tertiary education institution
One representative from the Department of Agriculture
One representative from the National Parks and Nature Conservation Authority; and
Two representatives from CALM.
- (2) To provide a forum for consultation between CALM, the wildflower industry and other interested parties, and to provide advice on all aspects of wildflower industry management to CALM and the Minister for the Environment.
- (3) The work of the committee will be ongoing. It will report on specific issues as required.

FISHING - MANDURAH ESTUARY LICENCES
Joint Ownership Numbers

1201. Mr McNEE to the Minister for Fisheries:

- (1) How many people may jointly own a Mandurah Estuary fishing licence?
- (2) How many Mandurah Estuary fishing licences are owned by more than one person?
- (3) How many boats may operate independently in the Mandurah Estuary on the one fishing licence?

Mr GORDON HILL replied:

- (1) There are 25 single owner and three part owner units in the Mandurah estuarine fishery. Neither the number of owners of the single units, nor the part owner units will be permitted to be increased. Each of the part owner units is owned or operated by two owners.
- (2) Three.
- (3) For a single owner without a trainee - one boat at any one time.
For a part owner unit without a trainee - two boats at any one time.
For a unit with a trainee approved on or before 14 March 1989 - one additional boat at any one time.
For a unit with a trainee approved after 14 March 1989 - no additional boats.

QUESTIONS WITHOUT NOTICE

TALLERING PEAK PROJECT - ABORIGINAL HERITAGE ACT SECTION 18
Clearance for Work Commencement

305. Mr COURT to the Minister for Aboriginal Affairs:

- (1) Is the site of the Tallering Peak proposed development a site of Aboriginal cultural significance?
- (2) Has clearance under section 18 of the Aboriginal Heritage Act been given to allow work to commence on this development?

- (3) If yes, does the Minister support this clearance which was given?
- (4) Is it correct that the local Aboriginal elders at a meeting on 8 July 1992 of the Aboriginal Cultural Material Committee were unanimous in their support of this development?
- (5) Is it correct that a petition in support of this development with some 180 signatures - approximately 95 per cent of the local Aboriginal population - was handed to that meeting?
- (6) Will the Minister confirm these clearances for the project when she is in Geraldton this weekend?

Dr WATSON replied:

(1)-(6)

No clearance has been given to an application under section 18. It is true that I will be meeting people in Geraldton this weekend and at other stages this week, but no clearance has been given. At a meeting of the Aboriginal Cultural Material Committee a concern was expressed that not enough consultation had been proceeded with during the course of the work done to bring the application to the ACMC. I know nothing about a petition.

STATE BORROWINGS - INTEREST

Biggest Spending Item in Budget 1992-93, Opposition Claims

306. Mr CATANIA to the Treasurer:

Is the Opposition correct in its claims that the interest on State borrowings is the biggest spending item in the Budget?

Dr LAWRENCE replied:

No. As is often the case, sadly, the Opposition was not only wrong but totally irresponsible in the claims it made about State finances. Members of the Opposition pretend to understand the papers in front of them, but then proceed to make wild claims which are simply incorrect. In the hope of inspiring a more informed debate about State finances I suggest members opposite should re-examine the considerable data available to them in the Budget papers. Were they to do this they would find that interest payments this financial year from the Consolidated Revenue Fund have fallen from 6.8 per cent of the gross consolidated revenue outlay - as I said in interjection today to the Leader of the Opposition - to 6.7 per cent.

If members opposite want the exact figure, the Consolidated Revenue Fund is estimated in 1992-93 to meet interest liability of \$384 million which is considerably smaller than the \$1.1 billion odd indicated by the Leader of the Opposition today. As I indicated by interjection, it is approximately 25 per cent of what he claimed. The corresponding liability for last financial year is \$378 million. If members want to talk about what is in the Budget and what is being paid for out of Budget figures they should be precise. They try to get away with sleight of hand and think that to be near enough is good enough, that it does not exactly matter, and that they can make outrageous claims and no-one will check. However the Government will check those figures when members opposite make outrageous claims.

Mr Lewis interjected.

Dr LAWRENCE: The Government will check those figures when the Opposition makes errors of that kind and ensure that it is drawn to the attention of the House. It is also important to indicate to members opposite that not only has the Government reduced the percentage of the CRF paid on interest payments, but also, in the total public sector about which the Leader of the Opposition asked, borrowings are expected to fall this financial year and are nothing like those represented by members opposite.

Mr Court: The Budget says they will increase.

Dr LAWRENCE: The Budget does not say that at all. The Leader of the Opposition should look at the total public sector. Members opposite should look at those interest repayment figures and make a distinction between gross and net interest payments. If they want to be taken seriously they should recognise the difference between the CRF interest payments and those paid for out of the operating Government trading enterprises, and be a little accurate, if not a little honest. Many people will check the words of Opposition members carefully, and they could find them wanting.

"CELEBRATING MOTHERING" PROGRAM - \$100 000 ALLOCATION

307. Mr COWAN to the Minister for Women's Interests:

- (1) Is the Minister aware of an allocation of \$100 000 for the project "Celebrating Mothering"?
- (2) If so, from which department will this sum be appropriated?
- (3) What form will the proposed celebrations take?
- (4) When will the big event occur?
- (5) How does this relate to the program of social justice?

Dr WATSON replied:

(1)-(5)

I am glad I have been asked that question because this program was born out of the proposals from the consultations of the committee chaired by Ruth Reid when she visited communities and listened to individuals the length and breadth of Western Australia. Most people said that they had concerns about the value often misplaced on mothers who chose to stay at home. The Government has responded in a very positive way by the proposal to allocate a week in which it will focus on -

Several members interjected.

The SPEAKER: Order! The Minister is trying to respond

Dr WATSON: - and celebrate motherhood in all its facets. It will be an opportunity to examine parenting and the relationship between grandparents and grandchildren as well as the many roles which women play as carers and nurturers.

Several members interjected.

The SPEAKER: Order! The Minister is trying to respond.

Dr WATSON: I would have thought that everybody in Western Australia, including the members opposite, would find some joy in being able to participate in the celebrations of that week.

BUSINESS INCORPORATIONS - UPTURN REPORT

308. Mr CUNNINGHAM to the Premier:

Will the Premier account for the upturn in business incorporations reported today?

Dr LAWRENCE replied:

Here is some more good news for members of the Opposition.

Mrs Beggs: They hate good news!

Dr LAWRENCE: They certainly do. I am sure the member for Marangaroo will be pleased to know that there was a report in this morning's *The West Australian* that I have since confirmed which covered business incorporations which indicates evidence of further economic recovery in Western Australia. As I have said in the last few days, the Opposition does not want to hear these stories. It is trying to run off an agenda that is passing by. Not only is there a substantial increase in new business incorporations, but also company failures are down. The Leader of the Opposition spoke in here today about business

failures at the same time as the incorporations are going up and the number of companies that have, unfortunately, failed is going down. It is in line with the recovery that is clearly under way in Western Australia. We are ahead of the rest of the country.

I listened to the Leader of the Opposition this morning in the hope that he might make some helpful suggestions that the Parliament and the Government could willingly adopt to improve investment in this State. I did not hear a whistle or a single idea except to hear him say with his chest thrust out, "We will do it." People want to know how! I want to know how, if the Opposition had the chance. Today the Opposition Leader had the opportunity to outline to the House what he would do to improve the rate of investment in Western Australia, improve employment opportunities in Western Australia, and what he would do for young people who are looking for ideas and innovation for progressive economic thinking from both sides of politics. What we got was an incoherent political diatribe interrupted often by the Deputy Leader of the Opposition who, it is interesting to note, given his recent criticism of the Australian Bureau of Statistics, was a former employee of that organisation. The Leader of the Opposition read out a list of his own Press releases as though they told us something about the state of the world.

We know that the Leader of the Opposition has been going around seeking a different type of investment. He has been doing a tour of the big companies in the Eastern States seeking not only donations for the Liberal Party but also to be introduced to them by his father. It was a bit like Don Quixote and Sancho Panza tilting at windmills because the feedback we have of the visit by the Leader of the Opposition and his father is that the companies were not impressed. They described his thinking as coming out of the 1960s at the latest and do not see him as a progressive force as Leader of the Opposition.

Mr Court: Tell me who your sources were.

Dr LAWRENCE: I do not imagine that the Leader of the Opposition actually wants me to embarrass him by naming the four or five different sources who indicated to us the failure of that business investment trip for the Liberal Party.

CENSURE MOTION - MINISTER FOR HERITAGE

Handling of Swan Brewery Redevelopment - Premier's Failure to Speak in Defence of Minister

309. Mr C.J. BARNETT to the Premier:

- (1) Why did the Premier fail to speak in this House in defence of the Minister for Heritage when that Minister faced a censure motion this week over his handling of the proposed redevelopment of the old Swan Brewery?

Mr Pearce interjected.

The SPEAKER: Order! Members should allow the member for Cottesloe to get out his question.

Mr C.J. BARNETT: To continue -

- (2) Does the Premier agree that she, as Premier, has created somewhat of a precedent for this Parliament by not rising to the defence of her Minister who was facing censure?
- (3) Does this indicate the Premier has reservations about the Swan Brewery project and the conduct of the Minister for Heritage?

Dr LAWRENCE replied:

(1)-(3)

I am constantly amazed by the momentum of questions from the Opposition. They do not get even halfway across the Chamber. As the member knows, and as the Leader of the House interjected, I was prepared to speak yesterday,

but in the interests of cooperation with members opposite, which the Leader of the House is very good at arranging, I said that I would not speak.

I would have expected an Opposition serious about censuring a Minister to have taken the motion through to a vote last week. When the Opposition did not do that it was very clear to me that it was not a serious censure and, as far as I was concerned, it had no basis. If the Opposition really wanted to get stuck into the Minister for Heritage it would have done so on one day and it would have punched it through its private members business.

Several members interjected.

Mr Taylor: The Deputy Leader of the Opposition knows better than this. He is involved in this.

Mr C.J. Barnett: There was no deal at all.

Several members interjected.

Mr Pearce: The Premier wanted to speak and I offered to ask her not to.

Several members interjected.

The SPEAKER: Order! I indicated earlier to members of the Opposition that I was quite happy, in view of the time I had taken, for question time to continue to 2.40 pm. I do not very often go back on my word but I am prepared to do so in this case, not because of what just happened - both sides were equally bad. If members continue this way there is not much point in continuing question time. We would be better off dealing with business in which members are interested.

Dr LAWRENCE: It has been demonstrated how lacking in reasonable good sense this question is, given that the Deputy Leader of the Opposition was the person who discussed the matter directly with the Leader of the House.

Mr Court: Is that true?

Dr LAWRENCE: My understanding is that that is what happened. In any case, it was very clear to me that the Opposition was not serious for two reasons: Firstly, it did not take it through to the vote on the first day and it would have done so if it were serious about it.

Mr C.J. Barnett: Some Independent members wanted to speak.

Several members interjected.

Dr LAWRENCE: Members opposite should be able to arrange their own business.

Mr Pearce: I have to arrange their business for them.

Dr LAWRENCE: I agree with the Leader of the House that very often he comes to me and says that the Opposition proposes to take such and such a time and a certain number of members want to speak. I have had conversations with members opposite, including members who are supposed to manage the business of the House, and, lo and behold, another five speakers will pop up to speak. As a result, two hours are added to the debate, many more members speak than is anticipated, and the time allowed runs out. It is not the Government's problem, but the Opposition's problem if it cannot manage its business or its members.

As far as I am concerned the Minister for Heritage, who is not in the Chamber, did not need to be defended against the sort of nonsense that was raised by members opposite. He had shown himself in this issue to be totally straight down the line and to be strong, which is a characteristic members opposite do not understand very well. At every point during this debate and the decisions on the brewery he has had my full support - he knows that, Cabinet knows that and the people of Western Australia know that. To seek to make cheap political capital out of an arrangement which was agreed with Opposition members for their comfort, simply shows that members opposite have no manners.

SWAN VALLEY - PLANNING
Media Coverage - Future, Government View

310. Mr TROY to the Minister for Planning:

- (1) Did the Minister note *The West Australian* newspaper's exhaustive coverage of the Swan Valley issue during last week's publications?
- (2) Does he see any possible connection between the Western Australian Press Wine Club, *The West Australian* newspaper's editorial staff and this campaign?
- (3) Does he consider the articles to have adequate balance of the issues?
- (4) Is he aware of any special talents of the Lord Mayor of the City of Perth in town planning which warrants him addressing the gathering convened for this weekend by the Friends of the Valley?
- (5) Will the Minister briefly outline the Government's views in relation to the future of the Swan Valley?

Mr D.L. SMITH replied:

(1)-(5)

I preface my remarks by saying that I am a great respecter of the media. They have an extremely difficult role in presenting a balanced picture to the public and in providing information people need to make judgments on various issues. I also need to emphasise that I was brought up as a lad on *The West Australian*, and I am a great lover of that newspaper. I hope one day it will return to its practices of old.

I notice that children from one of my local primary schools are in the Public Gallery, and I take the opportunity to welcome them to this place.

Earlier this year when on a public speaking engagement in the company of the Editor of *The West Australian*, Paul Murray, I made the mistake of suggesting he had attended the Newton Moore Senior High School in Bunbury. He quickly corrected me and reminded me that he had attended Guildford Grammar School in the Swan Valley. I also know that he was at one time the president of the Western Australian Press Wine Club, and it has also been reported to me from various sources that he was at a certain restaurant in the Swan Valley with one Kate Lamont, a fortnight before certain articles began to appear in *The West Australian*.

When we rang to respond to the first of the articles I was also told that we would not be given the opportunity of responding to any of the articles until the last day, which seemed odd for *The West Australian*. I know that the chief executive officer of my department wrote to *The West Australian* complaining about the nature of the articles and asking that his letter be published. He received a fairly angry reply from the Editor of *The West Australian*.

I have no problem at all with newspaper editors having, as they have always had, the privilege of running campaigns. I am certainly willing to respond to the current campaign, and I understand the attachment of both the member for Swan Hills and the Editor of *The West Australian* to the Swan Valley. All Western Australians, and certainly those who have lived in Perth and have had access to the Swan Valley on many occasions, know the value of the Swan Valley to the whole metropolitan area. In relation to the future of the Swan Valley, as I reminded the House in response to a question from the member for Avon, the future of the Swan Valley is in the hands of the Shire of Swan and the community consultation committee that has been appointed by the Department of Planning and Urban Development to consider all the public submissions in relation to Metroplan for the north east corridor. I shall be meeting members of that committee tonight in the Swan Valley to reassure them that the community views I will listen to most will be those from the community consultation group appointed by the Shire of Swan and the Department of Planning and Urban Development. I am pleased to say that the

representative of the Millendon area on that committee is Mr Lamont, and I am sure he will contribute enthusiastically to the work of that committee.

I also reassure people in relation to the Swan Valley, and certainly the area east of the railway line, that the Government does not have a specific target for the number of people it is trying to place in that area. The Department of Planning and Urban Development originally suggested it would be in the order of 60 000, but that figure has now been reduced to 48 000. The Shire of Swan has suggested 36 000, and the Friends of the Valley are talking about a figure between 12 000 and 15 000. I am certain some compromise will be reached between those figures, but it will certainly be governed by the views of the local community in its entirety and not by the views of a single group in the community being promoted in what I consider to be a fairly one-sided way by an editor with a particular axe to grind on the issue.

I hope in the next few weeks that *The West Australian* will give the same prominence to the views of the Shire of Swan and the rest of the people who live in the Swan Valley as it has given to the Friends of the Valley. Members will also be aware that this weekend a meeting will be held by the Friends of the Valley, and the Mayor of the City of Perth, Mr Reg Withers, another famous son of Bunbury, whose father was a good Labor member, has been invited to be the guest speaker at that function. I am sure, knowing the Lord Mayor as I do, and knowing his views on planning and on a range of matters, that the advice he will give to the Friends of the Valley will be good advice.

SWAN BREWERY SITE - MULTIPLEX

Payment to Union Report - Disclosure of Political Donations Legislation

311. Mr MacKINNON to the Minister for Parliamentary and Electoral Reform:

- (1) Is the Minister aware of the recent report in *The West Australian* that the old Swan Brewery developer, Multiplex, put up almost \$90 000 to assist a union to employ a full time official for a year?
- (2) In the light of that, will the Minister ensure that if the disclosure of political donations legislation - which we oppose, but may pass, and which the Government supports - comes into effect, situations where a company like Multiplex makes a payment for the benefit of a political party, either directly or indirectly via a payment to a union to be passed on to a political party, are publicly disclosed?

Dr GALLOP replied:

(1)-(2)

The legislation that is currently before the Legislative Council - and given the performance of Opposition members in that Chamber last night, I suspect it may be there for some time - makes it very clear that direct donations from outside corporations and individuals to political parties and candidates will be disclosed, and also that the sources of money that is donated by third parties to candidates and political parties will be disclosed if that money is spent for a political purpose. The member was in the Chamber when that Bill was debated, and I am sure that were he to look at the legislation, as he should have done at the time, he would see that the legislation covers the circumstance of donations which come from outside groups.

HOSPITALS - FREMANTLE

Heart Patient Services Expansion

312. Mr THOMAS to the Minister for Health:

Will there be any expansion of services to heart patients at Fremantle Hospital as a consequence of the Minister's statement yesterday?

Mr WILSON replied:

Yes. The review team recommended that angioplasty services should be commenced at Fremantle Hospital subject to the appropriate backup

arrangements being negotiated. This will be an improvement on the present requirement for patients who need angioplasty to have a diagnostic catheterisation followed by a second cardiac catheterisation at Royal Perth Hospital at a later stage. The introduction of angioplasty at Fremantle Hospital will not only minimise the inconvenience to patients but also will be more cost effective.

COLLIE COAL FIRED POWER STATION - ASEA BROWN BOVERI
State Energy Commission of Western Australia - Negotiations Resumption

313. Mr COWAN to the Minister for Fuel and Energy:

- (1) Have Asea Brown Boveri and the State Energy Commission of Western Australia resumed negotiations in respect of the proposed coal fired power station at Collie?
- (2) Was the basis of the discussions to find ways of providing greater comfort to the banks which might be expected to finance the project?
- (3) If the negotiations are successful, will SECWA accept a greater part of the risks associated with this project?

Dr GALLOP replied:

(1)-(3)

I find the question a bit puzzling but I will try to answer it as best I can. Currently no discussions are taking place between SECWA and ABB, but there will be discussions, not just about the purchase agreement issues but also about the State agreement issues, and those discussions will continue. ABB is currently looking again at the nature of the package that it has presented to the Government.

What is desired here is a solution that is mutually satisfactory to the Government of Western Australia and its taxpayers and to SECWA and its customers, and also, on the other hand, to the developer and its bankers. I reiterate the simple point that the Government wants this to be a proper private sector development in which the risks involved with the performance of the power station are properly borne by the investors, who will earn a return on their investment. That is the proper arrangement that should apply in this case. There has yet to be mutually satisfactory agreement on those questions.

STATE GOVERNMENT INSURANCE OFFICE - SALE PROCEEDS
Used for Job Creation Projects

314. Mrs WATKINS to the Premier:

Does the Premier propose to use the proceeds of the sale of the State Government Insurance Office to provide cash incentives for the creation of new jobs?

Dr LAWRENCE replied:

Mr Speaker -

Mr Cowan: Come on!

Dr LAWRENCE: Members opposite may say that sounds unlikely, and it certainly is from the point of view of Western Australia. We will not use the proceeds of the sale of the SGIO for that purpose. I announced in the Budget speech what we intend to do to create jobs.

Mr Court: Why have you run it down?

Dr LAWRENCE: The Leader of the Opposition is trying to talk down the price of the SGIO. That is a fantastic contribution to the State!

We do not intend to use the proceeds of the sale of the SGIO for job creation projects. We intend to use the proceeds to compensate the State Government Insurance Commission for the loss of its asset, firstly; and, secondly, to retire

State debt. That is a quite proper use, and if members opposite have any other suggestions about that I would be happy to look at them.

It rather surprised me that Mr Kennett, the Leader of the Opposition in Victoria, announced today that he would use the proceeds of the sale of the Victorian State Government Insurance Office for job creation schemes - job creation schemes which, I might say, duplicate those schemes that have already been announced by the Federal Government. I wonder whether we will see a rash of the same sort of silliness from members opposite as we approach the election. I certainly hope not. We have seen members opposite talk nonsense about golden shares. It is probably only a matter of time before they start to talk about using the proceeds of the sale for that purpose.

The one thing about Mr Kennett's proposal that I did find a bit appealing was that he said that his responsibility is to Victoria alone. Those members opposite who stand behind Dr Hewson 110 per cent and who will not stand up for the State's interests at any point and for any reason should, in that respect, take a leaf out of Mr Kennett's book. They should ignore him on the question of the use of the proceeds of the sale of the SGIO but, when it comes to standing up for Western Australia, they should speak in the same terms as the Leader of the Opposition in Victoria, and, if they had any gumption, they would.

Several members interjected.

The SPEAKER: Order! It would be most unfair of me to close off question time as a result of members of the Opposition taking no notice of me, and to give the member for Scarborough no opportunity to ask his question when he is one of the better mannered members in this place.

MACEDONIAN NATIONAL CENTRE - OPENING
Minister for Multicultural and Ethnic Affairs, Officiator

315. Mr STRICKLAND to the Minister for Multicultural and Ethnic Affairs:

- (1) Did the Minister officiate at the launch of the Macedonian Information Centre on or about 3 June 1992?
- (2) Was the Minister aware of the objectives of that centre, and does the Minister acknowledge that these are largely similar to those of a consulate?
- (3) Did the Minister or her office consult the Department of Foreign Affairs about this matter; and, if so, what was its advice and/or involvement?

Dr WATSON replied:

(1)-(3)

I am not sure what is behind the question, but the member knows that I was there. Of course I was. I spoke at the opening of the Macedonian Information Centre. They have no access to a consulate, for a range of reasons, and I think everybody in this House knows about that. I did not talk to the Department of Foreign Affairs.
