

Legislative Assembly

Thursday, 23 September 1993

THE SPEAKER (Mr Clarko) took the Chair at 11.00 am, and read prayers.

PETITIONS - COMMON LAW AND WORKERS' COMPENSATION RIGHTS, RETROSPECTIVE CHANGES

DR EDWARDS (Maylands) [11.03 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 people of Western Australia on behalf of injured workers and their families wish to express our opposition to and concern at the proposed unfair and unjust retrospective changes to common law and workers compensation rights, with effect from 4.00 pm on 30 June 1993 announced by the Minister for Labour Relations at about 2.00 pm on 30 June 1993.

The planned removal of common law rights if a writ had not been issued before 4.00 pm on 30 June 1993, unless an injured worker can establish a 30% total body impairment, is a draconian and unwarranted change to the law. It is estimated that 90% of common law claims will be disentitled to compensation. It has not been shown by the Minister that any extensions under the Workers Compensation Act will adequately compensate injured workers.

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 24 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.

Similar petitions were presented by Dr Watson (23 signatures), and Mrs Hallahan (38 signatures).

[See petition Nos 161, 162 and 165.]

PETITIONS - VICTIMS OF JUVENILE CRIME, LEGISLATION CHANGES

MR DAY (Darling Range) [11.05 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.

We the undersigned being concerned citizens of Western Australia, on behalf of the innocent victims of juvenile crime, call on you, my parliamentary representative, to legislate the following changes to our laws.

1. **MINIMUM TERMS, MANDATORY SENTENCING**
Mandatory minimum terms to remove judicial discretion.
Maximum terms retained, for use in extreme penalties.
Prior sentences to be taken into account.
Sentences for each crime to be served separately and cumulatively.
Prosecution to continue its case after plea and sentencing.
2. **PRE-SENTENCE REPORTS**
Mandatory for judges to consider before sentencing.
3. **VICTIM IMPACT STATEMENTS**
Mandatory offer to victims (including families and close friends) whether defendant pleads guilty or not guilty.

4. **AGE LIMITS**
Those living away from home on their own resources, automatically classed as adults.
Adult crimes to be defined and punishments to fit.
Review of under 18 juvenile classifications.
5. **RESTITUTION**
Mandatory, either monetarily or through enforceable work orders.
Improved examination of defendant's resources.
6. **PUBLIC EDUCATION**
Community education programmes to inform citizens of their legal rights as victims of crime.
Government assistance programmes for victims (legal, psychological, financial).

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 seven 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.

A similar petition was presented by Mr Osborne (two signatures).

[See petitions Nos 163 and 164.]

MINISTERIAL STATEMENT - BY THE ATTORNEY GENERAL

Victims of Crime, Government Initiatives

MRS EDWARDES (Kingsley - Attorney General) [11.10 am]: Last month I tabled a petition in this House bearing some 19 000 signatures relating to victims of crime. It is therefore important to outline briefly the steps this Government will take to improve the position of victims in Western Australia - in light of the recent State Budget.

There is little doubt that in the past our justice system has largely focused its attention not on the victim but on the offender. However, there must be a balance; we must focus more attention on the victims and their families. This financial year a host of initiatives will be undertaken for victims of crime. These include -

The establishment next month of a victims' advisory committee, chaired by Mr Justice Brinsden, to give victims a voice in the development of Government policy.

An on-site victims' service will be piloted at the Joondalup Court by the end of next month involving a team of trained volunteers under the supervision of a professional counsellor and, if effective, it will be extended to Fremantle, Armadale and Midland.

A counselling service will also be established at the Central Law Courts by the end of November.

An information video on being a victim or witness in the court system will be developed.

In consultation with the parole board, a program for establishing victim input into the parole process is being established. Currently, on referral from the parole board, the victim/offender mediation unit brings concerns of victims to the attention of the board, and they will be formalised under the Sentencing Act.

A survey of victims will occur to determine their needs.

The Sentencing Act will provide for victims to be informed of the progress of criminal charges through the courts. It will also enable victim impact statements to be heard by courts so as to enable the victim to convey the effect of the crime on his or her life.

To help with the preparation of victim impact statements, in excess of \$200 000 has been allocated.

A victims' charter of rights will be provided for in legislation.

A program for the development of separate victims' facilities will be developed in all courts in Western Australia.

In all, \$811 000 has been allocated for specific victims' services.

Change is under way. The assistance available to victims will continue to increase and their rights will be taken into consideration by the criminal justice system. This Government is determined to give victims of crime the necessary support and assistance to recover from the trauma they have experienced.

MINISTERIAL STATEMENT - BY THE MINISTER FOR RESOURCES DEVELOPMENT

Pilbara Energy Project, BHP Minerals

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [11.12 am]: This statement concerns the proposal by BHP Minerals to undertake the Pilbara energy project. On 18 January 1993, in the midst of the election campaign, the former Premier announced BHP's plans for a \$300m project to encompass an oversize gas pipeline to Port Hedland from Dampier, a gas fired power station at Port Hedland and a power transmission line from Port Hedland to Newman. As part of the announcement in a media statement dated 18 January 1993, the former Premier stated that "The Government is happy to acknowledge that BHP's existing obligations under various Agreement Acts will be waived so this project can get under way". At the time the coalition made it clear that, in spite of the benefits of the project, it was inappropriate for such commitments to be entered into by a Government during an election campaign. The coalition also made it clear that it would, on assuming office, assess the project on its merits and be prepared to enter into negotiations with BHP. Following the election, the coalition Government discovered that the Cabinet decision of the previous Government had been made on 4 January 1993, just three days before the issuing of writs for the election. The Cabinet decision of 4 January 1993 referred only to an amendment of the Iron Ore (Mount Newman) Agreement Act. There was no mention in the Cabinet decision of any relief from processing obligations covered by the other three iron ore agreement Acts involving BHP.

The Cabinet decision was confirmed in correspondence of 13 January 1993 from the then Minister for State Development to BHP in which it was stated that Cabinet agreed to amend the Iron Ore (Mount Newman) Agreement Act to allow the Minister for State Development to approve alternative investment in lieu of the existing processing obligation. In other words, the former Premier's media release did not accurately reflect the Cabinet decision or the correspondence from the responsible Minister to BHP. The coalition Government has made it clear to BHP that it will honour the letter of the Cabinet decision of the previous Government, but will not agree to BHP's being relieved from all further processing obligations under all agreement Acts in exchange for BHP undertaking the Pilbara energy project.

Following a series of meetings, which were undertaken in good faith and quite separate from the promotion of the "gas to the goldfields" project, an agreement was reached between the Government and BHP. The details of this new agreement may be summarised as follows: BHP Minerals to undertake the Pilbara energy project; the Government to discharge the processing obligations under the Iron Ore (Mount Newman) Agreement Act; the drafting of an iron ore processing agreement to consolidate BHP's remaining processing obligations under the Marillana Creek, Mount Goldsworthy and McCamey's Monster Agreement Acts; the consolidated processing obligation to be triggered by specific tonnages of iron ore mined by each of the three operations separately at 15 mtpa or jointly at 30 mtpa; the new consolidated processing obligation to be either the construction of a four million tonnes a year sinter plant, or an acceptable alternative investment to the value of \$400m indexed; and the updating of the agreement Acts to reflect modern mining and environmental provisions.

These new arrangements will allow the Pilbara energy project to proceed, with construction expected to commence later this year. They also preserve an obligation for BHP to enter into the further processing of iron ore. The project provides for a significant extension of the gas and electricity grids in the Pilbara and will open the way for future gas based processing at Port Hedland. This is a good arrangement for BHP and one that is a very much better result for Western Australia than that negotiated by the previous Government.

PERSONAL EXPLANATION - BY THE DEPUTY LEADER OF THE OPPOSITION

Pilbara Energy Project, BHP Iron Ore

MR TAYLOR (Kalgoorlie - Deputy Leader of the Opposition) [11.15 am] - by leave: My personal explanation relates directly to the ministerial statement just made by the Minister for Resources Development. Quite clearly in that statement, the Minister implied that the work that I was involved in as Minister for State Development in relation to the BHP Pilbara energy project involved political manipulation of BHP Iron Ore. I want to make it quite clear to this House that the Labor Government agreed that BHP Iron Ore would go ahead with the \$300m Pilbara energy project to provide energy to Port Hedland, build a new power station in Port Hedland and, importantly, build an oversize gas pipeline from the Karratha area to Port Hedland and take a transmission line from Port Hedland to Newman where power would then be supplied to Newman. The key component in that \$300m project was in fact the oversize gas pipeline which, it was hoped, would enable BHP or any other developer to go ahead with value adding in the Port Hedland area as a result of not only the availability of gas but also the supply of cheaper gas. BHP Iron Ore was more than happy to give that commitment to the Labor Government and it had been discussed with BHP Iron Ore over a considerable period. The offset for BHP Iron Ore, as the Minister pointed out, was the opportunity to do away with those further processing obligations under the Iron Ore (Mount Newman) Agreement Act. The agreement was entered into by me and the Premier with BHP Iron Ore before the issuing of writs for the election on 6 February. During the election campaign the Premier was to announce -

Point of Order

Mr C.J. BARNETT: I have no objection to the member opposite making a personal explanation if he feels in some way that his position was misrepresented.

Mr Taylor: It certainly was.

Mr C.J. BARNETT: I do not believe it was, but that can be argued. It seems to me that the member opposite is choosing to debate the issue. I am quite happy to debate the issue with him, but that is not the way in which a personal explanation should be used in my view.

The SPEAKER: Order! If the Deputy Leader of the Opposition has transgressed I did not pick it up. I am sure it would not be his intention to transgress. I take it he is intending to make a relatively brief personal explanation. I have a problem too; I thought he was making a point of order. I was seeking further brief ministerial statements and apparently the Minister for Police was seeking to do that. I gave the call to the Deputy Leader of the Opposition. When this brief personal explanation - I should not say "brief" I am not trying to press him - is complete, I will return to the Minister for Police.

Personal Explanation Resumed

Mr TAYLOR: I thought that ministerial statements had been completed at that time.

The then Government agreed with BHP Iron Ore that the Premier in going to Port Hedland to announce this project, would make it very clear that it was our intention, if re-elected to Government, to do away with those further processing obligations under the other agreement Acts. That unfortunately is exactly where the Government now finds itself. There has been an eight months' delay with the Government messing around with BHP to try to reach a solution to this issue and what has it achieved?

Mr C.J. Barnett: There has been no delay at all.

The SPEAKER: Order!

Mr TAYLOR: What has this gung ho Minister for Resources Development achieved? He has achieved an eight months' delay for a \$300m project, in particular to build an oversize gas line from Karratha to Port Hedland and he will now bring another Act before this Parliament and all that will do -

Mr C.J. Barnett interjected.

The SPEAKER: Order!

Dr Gallop: Huff and puff.

The SPEAKER: Order! I will not formally call to order the member for Victoria Park. However, I advise him that when I am on my feet, it is appropriate for interjections to stop. The Deputy Leader of the Opposition is aware that personal explanations are meant to be of a personal nature.

Mr TAYLOR: All it will do is allow the Department of Resources Development to continue with its half-hearted work on secondary processing obligations under various agreement Acts and bring to this Parliament yet another piece of legislation. That will come to nought unless organisations like BHP and others can see that they have a viable project, whether it be a sinter project, a DRI project or whatever. That is where the Minister stands. The Minister has not achieved one plus on this issue that had not been achieved in January 1993.

The SPEAKER: Order! For the benefit of members who may wish to make personal explanations in the future, that personal explanation roamed a bit far from the personal. I allowed it to continue in the spirit of the debate.

STATEMENT - BY THE MINISTER FOR EMERGENCY SERVICES

Storm Damage, Mandurah

MR WIESE (Wagin - Minister for Emergency Services) [11.22 am]: At approximately 5.00 pm yesterday a severe storm passed over the Western Australian coast in the vicinity of Mandurah. The most severely affected area was Halls Head where it is believed that two storm fronts passed in close succession causing damage to over 100 houses, 20 to 30 of which have major structural damage with four residences requiring evacuation and which have been, to all intents and purposes, destroyed. The affected area extends from the coast to the Mandurah Forum shopping centre. The Bureau of Meteorology is still investigating the meteorological details. However, it is understood that two willy-willies or tornadoes passed through the area and caused that severe damage.

Immediately following the storm, the State Emergency Service in Mandurah received a stream of calls for assistance. By 7.40 pm last night, approximately 50 calls for assistance had been lodged with that service. The Bureau of Meteorology advised that wind speeds of 100 kmh were reported at Rottnest. However, we have no readings for Mandurah because power supplies in that area were cut off.

Having been there this morning and looked at some of the damage, I believe that the wind speed in pockets would have been far in excess of 100 kmh because the damage is horrific. I take this opportunity to commend the officers and personnel of the SES who responded. Approximately 90 SES personnel from the Murray, Rockingham, Mandurah, Waroona, and Dwellingup units worked until the early hours of this morning. In addition, there was strong involvement in the operations by police and WA Volunteer Fire Brigade personnel and an enormous response from the community of Mandurah.

The clean up is expected to extend throughout today. However, no further assistance is required either in the form of manual or material resources. Until now, most of the work has involved clearing the debris and applying tarpaulins, plastic, ropes and sandbags to the damaged houses. All of that work was done last night in the dark in extremely difficult conditions. No further bad weather of that nature is expected today.

The incident brings to light the fact that it is imperative that residents have adequate insurance for buildings and contents in the event of a major natural disaster such as this. It is too early to estimate the total cost of the damage or the extent to which adequate insurance will provide relief. The Minister for Community Development and I toured the area this morning and received a briefing from SES personnel. When one drives through the area and witnesses some of the devastation to the houses, one realises how powerful and destructive nature can be and how vital it is that the residents carry adequate insurance. We have assured the people that should they need housing or any other assistance over the next few days, the Minister for Community Development and his officers will do everything they can to provide that assistance.

MATTER OF PUBLIC IMPORTANCE - POLICE FORCE, EROSION OF PUBLIC CONFIDENCE

THE SPEAKER (Mr Clarko): This morning, I received a letter from the member for Belmont seeking to debate as a matter of public importance the erosion of public confidence in the Police Force.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The **SPEAKER**: In accordance with the sessional order, half an hour will be allocated to each side of the House for the purpose of this debate.

MR RIPPER (Belmont) [11.29 am]: I move -

That this House calls upon the Minister for Police to take swift and decisive action to correct the erosion of public confidence in the Police Force which has occurred as a result of recent incidents including the traffic accident in Northbridge on 6 September involving CIB officers who had been drinking at a Perth tavern while on duty.

MR CATANIA (Balcatta) [11.30 am]: It is unfortunate and sad that this issue had to be raised. The person holding the office of Minister for Police is entrusted with a huge responsibility to ensure that the community's confidence in the Police Force is maintained. The Minister for Police has allowed that confidence to be eroded. I will refer to a number of developments that have occurred since the time of the accident which involved four police officers. On 12 September I had to pressure the Minister to release information about which police division was involved. I also asked him to release information concerning the outcome of the departmental inquiry. On 22 September Steven Loxley, in an article in the *The West Australian* titled "Wiese struggles for answers to ALP barrage", reported as follows -

There he was, on his feet during another question time in the Legislative Assembly, a member of the Government being nailed to the wall . . .

Mr Wiese looked like a man who wished he was anywhere but stuck in the Assembly answering a barrage of questions on the conduct of the four drinking detectives.

Mr House: He didn't look any different from your Police Ministers when they were faced with a similar problem in the Parliament. They sat here yesterday and did not say a word.

Several members interjected.

The **SPEAKER**: Order!

Mr CATANIA: To continue -

Indeed, at times it seemed as though he was trying to perfect the art of standing so still that he disappeared into thin air. But when he opened his eyes, all his political colleagues and foes were staring at him waiting for him to start, once again, red-faced on his defence of the indefensible.

Mr House: You should not read out of the newspaper. Debate the issue.

Several members interjected.

The SPEAKER: Order!

Mr CATANIA: The article continues -

Opposition police spokesman Nick Catania asked Mr Wiese five questions.

Several members interjected.

The SPEAKER: Order!

Mr CATANIA: The Minister for Labour Relations should perhaps ask his leader whether he can be the next Minister for Police when there is a reshuffle of the ministry next February. The article continues -

The only respite came with dorothy dixers from the Government's back bench, but for a Minister in Mr Wiese's position those breaks must have seemed much too brief.

The result was . . . unconvincing.

I am sure that the public found it unconvincing.

Mr House: Your arguments are not convincing.

Several members interjected.

The SPEAKER: Order!

Mr CATANIA: To continue -

He tried early on in question time to persuade us that the whole episode would turn out to everyone's satisfaction.

"I believe once that internal hearing has been finalised and the officers have been dealt with, depending on the findings of that hearing, the public of WA will be able to be very satisfied that this investigation has been carried out correctly and these police officers have been dealt with appropriately, in accordance with both the general laws of this country, or of this state, and in relation to police regulations under which they work and which they know and understand when they start in their career in the police force," he rambled.

Yes Minister.

The public are tired of the ramblings of Sir Humphrey Appleby and they want strong leadership and clear, unequivocal answers.

On 21 September I pointed out that the police failed to go to the driver's house to check a family member's claim that he was not there.

Several members interjected.

The SPEAKER: Order! There are some conversations and cross Chamber interjections taking place which make it extremely difficult to hear the member for Balcatta. It has been raised with me in recent days that members who sit at either end of the Chamber have difficulty hearing what is taking place. I am having difficulty hearing the member for Balcatta and I would like to hear what he has to say. I would like interjections to cease.

Mr CATANIA: Even the President of the Police Union, Mick Brennan, admitted that if that was the case the police effort had been fairly ordinary. What did the Minister for Police say? He said that the police had tried desperately hard to find the four police officers and he referred to their great effort. Yesterday the Acting Commissioner of Police stated that he was unhappy with the original inquiries. The Minister made the following limp admission, "Maybe there could have been a little bit better effort made in relation to in fact visiting the home rather than telephoning the home." The Minister's statements indicate that he failed to recount the true story to the public of Western Australia.

Mr House: What a lot of nonsense. He is doing exactly what was done in the past, which is the absolutely proper procedure and you know it is.

Several members interjected.

The SPEAKER: Order!

Mr CATANIA: Is the Minister satisfied with the briefings he has received on this issue?

Mr House: You know full well that he is not in a position to do things outside his authority. He has to follow the procedure and that is what he has done.

Several members interjected.

Mr CATANIA: The Minister for Primary Industry should allow his colleague to answer the question.

Several members interjected.

Dr Gallop: As Minister for Police he should express outrage at what happened.

Several members interjected.

Mr CATANIA: I am sure the Minister for Police can answer my question. He has indicated to me that he will answer it in his address to this House.

The Minister for Police failed to recognise immediately the very important issue which arose out of that incident; that is, that people were being told that if they left the scene of an accident they could get away with not answering for what had occurred. In other words such a person could avoid scrutiny and that message has been given to the public through this incident. The Minister for Police failed to recognise the leadership required of him on this issue. I appreciate his job is difficult. The Police Force comprises 4 100 police officers and he cannot control every bit of human error that they may commit. However, he can ensure that when human error occurs it is dealt with quickly and appropriately. He has failed to do that on this occasion. It has been only through the barrage of questions asked by the media and by members in this place that we have suddenly been given some of the facts. On several occasions in this House, the Minister, in reply to questions - both on notice and without notice - has stated that it is not his responsibility; it is the responsibility of the Commissioner for Police because it is an operational matter.

Mr House: You know that is absolutely consistent with the position taken by previous Ministers for Police.

Mr CATANIA: The Minister for Primary Industry should let me get to the next point.

Mr House: If you don't think it is consistent with what has happened in the past you should look at the debate which took place in this Chamber involving a Minister for Police of the previous Government. The position taken by the current Minister is exactly the same.

Several members interjected.

Mr CATANIA: I repeat that in answer to questions on notice and without notice the Minister for Police said that it is not his responsibility, it is the responsibility of the Commissioner for Police because it is an operational matter.

Two days ago on "The 7.30 Report" the Minister for Police, in answer to questions from the presenter, Alan Carpenter, referred to "we" - himself and the police. The Minister cannot eat his cake and have it - he cannot drift in and out of the commissioner's chair when it suits him. That is the point I make; I do not say that the statement is incorrect.

Mr Johnson: You know there is separation of powers.

Mr CATANIA: I know it, but does the Minister know it? The incident reveals some serious issues and I have already said that I am more saddened than angered. The issues raised are: Justice; equity of justice; responsibility and accountability by some powerful members of our community - I refer to police officers; the reputation, standing and morale of the Police Force; and, the deficiency in law and procedures. In conclusion, the Minister has exposed these people -

Mr House: Don't tell me you are about to finish your speech. You have not offered anything new or a solution to the problem. At least you should have been responsible enough to offer a solution if you are to be critical. You have done nothing.

The SPEAKER: Order!

Mr CATANIA: I consider it to be a very serious issue.

Mr House: Give us a solution.

Mr CATANIA: As I said at the beginning of this debate, the Minister is responsible for maintaining the standing and reputation of the Police Force in this State. The Minister for Police has allowed the bulk of the police officers with their families to be ridiculed and surrounded by suspicion.

Mr Cowan: We know that, give us your solution.

Mr CATANIA: The Minister for Police should immediately have brought this matter into the open and stated his intentions.

Mr House: What would you have done?

The SPEAKER: Order!

Mr CATANIA: The Minister should have led the issue. He should have been up-front and brought the matter to a proper conclusion.

Mr House: Which is?

Mr CATANIA: He has not done that.

Mr Cowan: What is the conclusion?

Mr CATANIA: I have been asked by colleagues of the Minister for Police what is the conclusion. I ask the Minister what he intends to do.

Mr House: You think it is a problem, why not give a solution? Just like your colleagues, you do not have a solution.

The SPEAKER: Order! I urge the Minister for Primary Industry to control his interjections. At present they are most dislocating to the member's speech.

Mr CATANIA: What does the Minister propose to do to ensure that this situation does not occur again? The Acting Commissioner of Police stated that the investigation left a lot to be desired. One of the most important responsibilities of the Minister for Police is to ensure that the standing of the police in this State is maintained. He has allowed this matter to blot the reputation of the police. I am asked as a member of the Opposition to suggest what the Minister should do about it. Let the Minister take the leadership in the same way that he takes the salary for that position. Let him tell us what he will do about it. He has bumbled and rumbled about in the three weeks since this most unfortunate incident occurred, without reaching any conclusion.

DR GALLOP (Victoria Park) [11.45 am]: My text for the day -

Mr Cowan: Academic theorist!

Dr GALLOP: My text for the day is Geoffrey Marshall's "Constitutional Conventions: The Rules and Forms of Political Accountability".

Mr Cowan: Are you going to talk about the republic?

Mr C.J. Barnett: But where was it in the 1980s?

Several members interjected.

The SPEAKER: Order! The interjections from members, especially those on my right, are disorderly. Although it is true that in this place they are not alone, it does not enable the member to speak properly. I direct members to cease that level of interjection.

Dr GALLOP: I refer in particular to chapter 8 which deals with the status of the police in the Westminster theory of Government. The mistake this Minister has made in this whole affair is based on his failure to recognise a crucial distinction - that between

operational accountability and explanatory accountability. The weakness of his response to this matter is well and truly indicated, and I will explain that.

It is a sad thing in many ways that over the course of the last century some of the standards and expectations we have of police officers have changed. It is interesting to note that in the first 30 years of the metropolitan Police Force in the United Kingdom nearly one-third of the police officers were dismissed because they did not meet the standards that the general community and the Parliament set for their behaviour. Indeed it is more than interesting to note some of the standards that applied at the time in Victorian England. The first metropolitan regulations required perfect command of the constable's temper at all times, and no indulgence in conversation except on matters of duty and, in particular, not with servant girls. The standards expected of constables in the early times were very high. Also, in the nineteenth century the degree of involvement by the Government of the day, through the Ministers and through the local bodies that were supervisors themselves in respect of the British police, was much more extensive than it is today. Over time, however, a distinction developed which allowed the police to have a degree of what we now call operational accountability. The important thing to note, and which this Minister does not understand, is that the distinction that exists in our Westminster theory on the separation of powers between the Executive and the judiciary is not the same as the separation of powers that should exist between a Minister for Police and his Police Force. The Minister does not understand that. It is not a complete separation of powers at all, as it is between the judiciary and the Executive, because it is the role of the Minister for Police, on behalf of this Parliament, to make it absolutely clear to the Police Force for which he is responsible that certain standards of behaviour and responsibility are expected of that Police Force. It is understood that in the operational duties of the police, in the decisions which they make about the cases which they take up, and in the pursuit of those cases, there should be a separation between the role of the Minister and the role of the police. Lord Denning states, and I quote, "that the policeman is not the servant of anyone, save of the law itself. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone." Many constitutional authorities have argued that Lord Denning went too far. Indeed, a famous royal commission on police in Britain in 1962 concluded that some police activities should be subject to the intervention of the political authorities; for example, political demonstrations, strikes, processions, and other activities involving public order, where it could be the case that the police go outside the boundaries of what the community expects of them in regard to the maintenance of public order. The role of the Minister in those cases is to make it absolutely clear to the police that we live in a democracy and not in an authoritarian system. As a result of the debate about the notion of operational autonomy, it has been concluded that the corollary of the doctrine is that we must have two things: Very good complaints procedures in regard to the police - and we had a debate in the community about that matter recently - and better explanatory accountability through the Minister to the Parliament and, therefore, to the public, about what goes on in the Police Force.

Geoffrey Marshall's text on accountability states -

The corollary of a conventional constabulary immunity from mandatory instructions in operational matters ought to be that explanatory accountability is not then confined within any particular bounds. It should extend to police operations and to prosecution matters, even sometimes to particular cases of prosecution or non-prosecution, as well as to general policies. Its effectiveness also depends on opportunities for debate and questioning on police matters at the local level.

When the issues of concern became a matter of public importance, the Minister for Police did not come to this Parliament on the first appropriate day and make a statement about this matter and indicate to the people of this State, through the Parliament, what was happening. He rested upon the concept of operational autonomy. However, what he did not understand is that the public were asking our shadow Minister, all of us as members of Parliament, and the media about what would be done about the fact that the evidence

indicated three things. It indicated, firstly, that there was no sense of urgency about the investigation. The Minister cannot hide behind operational autonomy in regard to that matter because there must be a sense of urgency in investigations into their own if the police are to be given such autonomy. It indicated, secondly, that there is a feeling within the community that the investigation was not thorough. That has now been admitted by the Acting Chief Commissioner of Police. The Minister should have picked that up. He should have told the police that the expectation of the community was that the investigation was not thorough. It indicated, thirdly, and most importantly, that there is an overwhelming view in our community that police investigations are being used by certain police officers as a shield to protect them from proper scrutiny rather than as a forum for accountability. That is happening within the inner sanctum of internal police investigations, and that is a serious concern in the community.

Several members interjected.

The SPEAKER: Order! A call for order, when the Speaker rises to his feet, requires, as it must do if this place is to continue in a rational way, a proper response; that is, the people who are interjecting must cease interjecting.

Dr GALLOP: The reason that the Minister for Police did not come into this Parliament on the first day of sitting after this event had become a matter of public controversy and tell us what was happening is that he thinks that this is simply a matter of operational control of the police. However, it is not. It is a matter of public concern, and it is the Minister's responsibility, on behalf of the public, through this Parliament, to indicate what is happening.

The other aspect of explanatory accountability which the Minister does not seem to understand is that while police officers and the Commissioner of Police do undertake their duties within the context of the doctrine of operational autonomy, this doctrine does not occur in a vacuum, as all Ministers for Police, past and present, will agree. It is fundamentally important that police officers understand what the community expects of them in regard to the way in which they undertake their duties. It is crucially important that the Minister for Police make it clear to police officers what the community expects of them in regard to the way in which they undertake their duties.

The mistake made by the Minister for Police was to treat this matter as a simple administrative question which required that the Commissioner of Police and his officers undertake an internal investigation and that no-one say anything about these matters until that investigation was completed. However, unless that investigation within the Police Force is informed by a very clear view about what the public and the Parliament think about these matters in general terms, it will not necessarily produce the results that the public interest requires. There is a sense of utter outrage about what has happened in regard to that incident in Perth a few weeks ago, and if the Police Force does not understand that sense of outrage, operational accountability will not work in the way in which it should work. The vehicles for that sense of outrage are the media and the Opposition, but the chief vehicle is the Minister for Police, and he has failed completely to translate that sense of public outrage into a clear statement from him about this matter. Indeed, it is the responsibility of the Commissioner of Police to undertake this investigation, but in undertaking this investigation he must know what the public think about what is right and wrong. He must know what the public think about police officers who drink when on duty. He must know what the public think about police officers who leave the scene of a traffic accident when on duty. It is the responsibility of the Minister for Police to let the police know about those things, and were he doing his duty properly he would come into this Parliament and express the sense of outrage that exists in the community.

MR WIESE (Wagin - Minister for Police) [12.01 pm]: I reject totally many of the things that have been said during the diatribe of the member for Victoria Park. What has been happening over the last two and a half weeks has been a vicious and prolonged attack on the police in this State - led by the media and encouraged in this Parliament. I am very aware of the impact of this incident on the police, on their morale and on their

standing in the community. It is an absolutely dreadful result of an incident that - we all should remember - started off as simply a traffic accident in the back streets of Northbridge.

Mr Ripper: Do you recognise the important issues involved?

Mr WIESE: I will go on and explain where we are at: It was a simple traffic accident. The fact that had to be acknowledged - and has been acknowledged through the entire episode - is that from the moment it became apparent that police officers were involved in the traffic accident the whole episode assumed a much greater importance in the eyes of the police and in the eyes of the community; and so it should, because there is no way in the wide world that anyone could defend the actions of the people involved in that motor car accident. Those actions will eventually come to a head when they are dealt with by the internal investigations unit and by a disciplinary hearing.

Mr Ripper: They are still on pay, and you say nothing about that!

Mr WIESE: Initially the whole matter did not receive public prominence or exposure for at least three days after the event.

Mr Catania: When did you discover the accident occurred?

Mr WIESE: I could not tell the member that. When I became aware of the accident - Several members interjected.

The DEPUTY SPEAKER: Order!

Mr WIESE: - I immediately contacted the Commissioner of Police and sought information from him regarding what had occurred, and what had happened since that occurrence. The whole investigation and the whole media exposure of the incident has to a degree been blown out of proportion by several articles that have appeared relating to incidents that were at the time shown - and have been shown since - to be totally unrelated to the traffic incident. But those incidents, as much as anything, have helped to fuel the media exposure in relation to the traffic incident. One incident happened outside Sinatra's when many policemen were called to sort out a disturbance.

Mr Ripper: Do you think the media has done the wrong thing?

Mr WIESE: No, but I believe the media exposed and associated two incidents that were totally unrelated to the initial matter which concerned the police and the police vehicle crash. Those incidents related to a brawl outside Sinatra's and to a totally separate incident relating to the driver of the other vehicle when a complaint was lodged and police went to his house to investigate the complaint.

Mr Kobelke: So you are convinced there was no relationship between the two!

Mr WIESE: I am convinced there was no relationship between the incidents. If the member for Nollamara had discussed the matter with his colleague, the member for Balcatta, who has been fully briefed on both incidents, he would be assured in the same way I assured him. The reality is that the incidents helped to blow this matter out of proportion in the public arena. That was very unfortunate. The handling of the matter has been less than ideal.

Mr Ripper: What have you done about it?

Mr WIESE: I will come to that.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr Marlborough: The incident exposed these police officers for what they are! You should not be supporting them! That is the reality! Expose them for what they are - cowboys!

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr WIESE: I think the last interjection has to a degree highlighted one of the major problems that exist in this Parliament, and perhaps has existed in the media coverage of this event -

Mr House: I hope that *Hansard* records that interjection from the member for Peel because it is a very important statement.

The DEPUTY SPEAKER: Order!

Mr WIESE: That interjection has highlighted the fact that a campaign has been run both in this House and outside which has had the effect of prejudging the officers involved in this incident. That is a matter that should concern even the member for Victoria Park because he has spoken about some matters of fact that are very important - that is, the relationship between the police, the Government and the Minister in this country.

Several members interjected.

The DEPUTY SPEAKER: Order! The Minister for Police is endeavouring to be heard by the whole House. I have been present in the Chamber during the entire debate and there has been a reasonably high level of interjection which has been acceptable up to a point. Now members are interjecting across the Chamber not directly to the Minister, and members on the Government side are returning the interjections. More than one debate is going on. Members should come to order. A reasonable number of interjections will be tolerated but they must be directed to the person on his feet. If the Minister wants to take the interjections, he is capable of handling the situation.

Mr WIESE: The member for Victoria Park debated the relationship between the police, the department, the Minister and the Government. Although I accept some of his points, he should be aware of the requirement relating to this matter - as should every member of this Parliament - to ensure whatever is said and done does not prejudice the officers. As to the roles of the police and the Minister in this episode - the member for Victoria Park highlighted this point - those roles must be separated. The member for Victoria Park quoted Lord Denning, and what Lord Denning said is true. The member went on to try to put a case for ministerial accountability and tried to expand the role of the Minister to operational matters and even to disciplinary matters. That is not a correct and proper understanding of the situation in this State. In some States in Australia the Minister for Police has power to direct the police and the Commissioner of Police in many matters. That is not the situation in Western Australia.

The Western Australian Police Act specifically excludes that power, whereas other States have given that power to the Minister. Frankly, it would be a great risk if either the Government or the Minister were to become involved in directing the police in the way they carry out their operations and investigations.

Mr Ripper: You do not agree that what happens in other States should happen here?

Mr WIESE: I do not believe the Minister for Police in this State should be able to direct the police in their operational matters, investigations and disciplinary matters.

Mr Catania: Are you happy that this investigation was properly conducted?

Mr WIESE: Regarding the powers of the Minister in regard to the Police Department - two former Police Ministers are in this Parliament who would understand it as well as I do - at times the Minister must put up with the constraints imposed. Let me explain how far separated those powers are: It may come as some surprise to the Parliament that all other regulations are made and passed by the responsible Minister and put into place by the Government, yet regulations governing the police are specifically laid out by the Police Commissioner. That is the situation under which we operate in this State.

Mr Ripper: You want to wash your hands of it!

Mr WIESE: I do not wash my hands of anything in this regard!

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr WIESE: This specific incident involved police officers in a traffic accident. I believe - and this has been conveyed to the police on a couple of occasions already - that the handling of this episode has done a great deal of damage to the public image of the police. I reiterate that that opinion is shared, without doubt, by all senior police in this State. It has eroded public confidence enormously and not helped the situation at all.

An on-duty police officer was driving a vehicle containing three other officers. The only thing done correctly in the entire episode was that after the accident the driver of the police vehicle exchanged names and addresses with the driver of the other vehicle. From then on the conduct of those officers in that incident has been less than desirable - in fact, it has been appalling. Those officers completely contravened police regulations when they left the scene of the accident, as they did, probably, in driving the vehicle. They have brought the force into an enormous amount of disrepute. They acted against the police regulations, and those officers will be appropriately punished at the disciplinary hearing.

I now come to the initial investigation of this matter, which has also caused concern. Initially the traffic police officers attended the accident, as they are required to do in cases of this nature in which a police vehicle and officer is involved.

Mr Ripper: Who called the police officers to the accident?

Mr WIESE: I am not able to tell the member that. Even at that initial stage this investigation was, to be kind, mishandled. The reality is that the officers investigating the case at the initial stage were aware that a police vehicle and driver were involved in the accident. As the driver and the passengers of the police vehicle were not at the scene of the accident, those traffic officers investigating the accident should have been aware that there was already a breach of regulations and discipline. As a result, they should have investigated that accident better and harder than they did. They should have gone to the officers' houses to ascertain at least whether they were there. They should have investigated the matter much more thoroughly. However, it is important to realise that the initial investigation that night was handled by the traffic section, not by the internal investigations unit. It was not until next morning that the matter was handled by internal investigators.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr WIESE: The internal investigation has now been well canvassed, and the officers have carried it through at great length. Eventually when those charges are laid and disciplinary hearings are held, those officers will be brought to account. However, the manner in which those investigations were carried out will be shown eventually to have been proper and very thorough.

Regarding the handling of the investigation by police officers at a more senior level, I must express some disappointment. It is disappointing that I, as Minister, during this investigation was given information that turned out not to be correct. That is a matter of great disappointment to me as I am sure it was to the member for Balcatta. I understand that the Acting Commissioner of Police was also given information that was not correct. Again, that is a matter of great disappointment. I shall make further comment on that aspect later.

Mr Catania: I am concerned that similar information was given to you as was given to me. However, you were given that information before I was, but you did not question it.

Mr House: You had your say and didn't say anything!

Mr Catania: The Minister interjecting should stick to agriculture.

Mr WIESE: The member for Balcatta asks a good and valid question. I did not query the information given to both him and me on that matter by the acting commissioner. Would anybody in this Parliament query information which on the surface appeared to be correct and was provided by the most senior police officer in this State? That was the situation. I became aware at some stage yesterday that the information we had initially

been given was not correct, and I expressed great disappointment about that. I will be carrying that matter further shortly.

Mr Ripper: What will you be doing about it?

Mr WIESE: I now indicate to the House in answer to that question what we will be doing from here on in. Having expressed my disappointment, it is very important for this Parliament and the public of Western Australia to be assured that I intend to try to rectify the matter to ensure that such a situation does not arise again. I intend to put in place a process for major investigations involving police officers - this will not apply to the many minor investigations. I want to see in place a set of standard procedures for such events in which police officers are involved, and ensure that these standards apply right from the beginning of an incident. I believe a very senior commissioned officer must be involved to take control of the investigation right from the start. That officer must be personally responsible for ensuring that everything possible is done, first of all, to get the information together, to ascertain what offences have been committed and to obtain the evidence to prosecute the offences that may have occurred. Secondly, that officer must be personally responsible to ensure that both the commissioner and the Minister are fully briefed each day, or during the day if necessary, as the inquiry progresses. That senior commissioned officer must also ensure that the public and the media are kept up to date with developments as the matter progresses.

I make two provisos to that requirement: First, there can be no public release of information that would jeopardise the inquiry; secondly, when information is released it must be done in such a way that the basic principle of justice - that a person is presumed innocent until having been proved guilty - is not jeopardised. It is very important that the police, the media and any person passing comment upon an investigation also keep that point very high in their minds throughout the episode. I believe sufficient police resources and investigators must be allocated to an inquiry which involves police officers to ensure that the investigation is finalised as quickly as possible. I am sure that every member of this House shares my concern that this investigation has gone on for far too long. It is absolutely vital, to allay public concern about how the police investigates its own, that the matter is brought to finality as quickly as possible and that charges are laid if the investigation finds wrongdoing or breaches of common law or breaches of police regulations and orders. That is a very important part of what needs to be in place in the future.

Several members, by interjection, have raised the question of whether these police officers should be on duty. I have stated in this Parliament before today that until now it has been the standard procedure in the Police Force that, unless the matter being investigated concerns criminal offences, these officers are not suspended throughout the investigations. I have given this a great deal of thought and I have to say that to suspend a person can, in some ways, be seen to be prejudging that person and finding the person guilty.

Another aspect has been raised by the police on many occasions; that is, the fact that an investigation prevents the Police Department from using the officer's services in some other way during the investigation. It is my judgment that, in view of the position that police officers hold within our community - a very privileged and responsible position - it would be appropriate in serious cases of discipline and where there are breaches of the law or of the police regulations and orders, that those officers be suspended from duty until the inquiry is finalised. That is very important. In doing that, we should to some degree allay public concerns.

I again need to bring to the attention of the House that I am not able to direct the commissioner in matters relating to operations or discipline. I am not, as I understand it, able to implement any action of my own accord; but I will certainly be having very serious discussions with the commissioner to ensure that what I believe should happen is put in place as quickly as possible in the future. As Minister for Police, I also assure the House that I have one other role which is able to be exercised; that is, if at the completion of an investigation and the disciplinary hearing I am not satisfied that the matter has been

fully carried through as well as it should have been, I do have the power to put the matter before the Ombudsman. I will not make a prejudgment; but that is a power that I have. If I am not satisfied that the matter has been dealt with correctly, it is my intention in various incidents to utilise that power. I also assure the House that one of the most serious matters that has come out of this incident is that any person is able to walk away from such an incident and perhaps avoid facing a breathalyser test; that is a matter of real concern to everybody in Western Australia. I am investigating many different means by which to ensure that we can include in legislation a requirement that a person report the accident immediately after it has occurred and, hence, not be able to avoid facing a breathalyser test if that person has been drinking. I have already perused that matter and will take it before the Traffic Board to see whether we can put in place legislation to ensure that happens.

Amendment to Motion

Mr WIESE: In handling this matter I have done as much as any Minister in this State would be able to do in similar circumstances. I move the following amendment -

To delete all words after "House" and substitute the following -

expresses its concern about the erosion of public confidence in the Police Force which has occurred as a result of recent incidents including the traffic accident in Northbridge on 6 September involving CIB officers who had frequented a Perth tavern while on duty.

Further, this House endorses the action of the Minister for Police in establishing new procedures to deal with matters relating to serious offences or breaches of discipline within the force.

MR COWAN (Merredin - Deputy Premier) [12.27 pm]: Some matters need to be raised in the very short time available to me. In the first instance there is no question that there has been an erosion of public confidence in the Police Force, and there has certainly been some damage to the morale of the general members of the Police Force in respect of the incidents which have occurred, particularly the incident to which this matter of public importance is addressed. Of course, it has been generated for the very reasons that were expressed by all of those members who have spoken. That is why we have accepted the text of the first part of this motion. But we have also wanted to indicate that the Minister for Police has very clearly taken some steps to ensure that there is a tightening up of those procedures which relate to the internal investigations conducted by police.

This matter is not something new to Western Australia or this Parliament. As far back as 1989 a question was continually being raised about how a Minister could deal with matters relating to alleged breaches of discipline or alleged offences by police officers. I do not need to remind the Opposition that it had a 10 year period within which a succession of Police Ministers could have dealt with this problem - and in 10 years they did nothing. We will do it within one year.

Mr Taylor: You are wrong. You should check the facts. We made the decision that the Ombudsman would at least have a role in relation to those sorts of complaints against the police, and, in Opposition, you opposed it.

Mr COWAN: The Deputy Leader of the Opposition is correct in regard to complaints with the Ombudsman, but the procedures for internal investigations which are conducted by the police have remained unchanged for the past 10 years. We have seen a succession of Police Ministers who have done nothing. The Minister for Police has correctly said there needs to be a tightening up of procedures and there will be. That is in the short term. In the long term it is clear that we must take further steps to ensure that we handle this problem of deciding what is an operational matter and what is the responsibility of the Minister. For that reason I can assure members opposite that the Act will be examined, and the examination will include things like the development of a police board, which can give advice to the Minister or to the commissioner and deal with the promotion of senior officers, and the power that has been given to the Ombudsman, which, as the Deputy Leader of the Opposition has said, has been modified in recent times.

DR LAWRENCE (Glendalough - Leader of the Opposition) [12.32 pm]: I will make the Opposition's position on the amendment clear. We are, of course, broadly sympathetic to the first part of the amendment moved since in large part it reflects the matter of public importance that we moved today. However, we take exception to the fact that it excludes our calling upon the Minister to take swift and decisive action to correct the erosion of public confidence which is referred to in the first part of the amendment moved by the Minister for Police. It is clear that public confidence has been eroded, in large measure because the Minister has not taken decisive action; he has not been prepared to say clearly and unequivocally that he does not approve of the way these matters have been handled. The difficulty would have been avoided had he clearly outlined his preference and indicated to the police what should occur. We cannot support that deletion.

We cannot support the second part of the Government's amendment, which is that the House endorse the actions of the Police Minister in the new procedures he has outlined. They certainly assist, but do not go nearly far enough.

I am pleased the Deputy Premier indicated a more important change; that is, a move towards a police board that has the capacity to oversee the actions of the police.

Mr Kierath: Do you want an extension of time?

The **DEPUTY SPEAKER**: Order!

Dr LAWRENCE: I hope that if legislation is introduced it will be strong enough to enjoy bipartisan support. The Minister for Labour Relations may interject, but we gave the Deputy Premier a little extra time and I am entitled to the same rights.

The **DEPUTY SPEAKER**: The Chair will decide that.

Dr LAWRENCE: Given that the amendment was made at a very late stage, I want to make the Opposition's position clear. We cannot support it because it falls short of what is required of this Minister.

Division

Amendment put and a division taken with the following result -

Ayes (27)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day

Mrs Edwardes
Dr Hames
Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr McNee
Mr Minson
Mr Osborne

Mr Pandal
Mr Prince
Mr Shave
Mr W. Smith
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (19)

Mr M. Barnett
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Grill

Mrs Hallahan
Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty
Mr Ripper

Mr D.L. Smith
Mr Taylor
Mr Thomas
Dr Watson
Mr Leahy (*Teller*)

Pairs

Mr Omodei
Mr Marshall
Mr Trenorden
Mr Nicholls

Mr Bridge
Ms Warnock
Mr Graham
Mr Riebeling

Amendment thus passed.

Motion, as Amended

Division

Question (motion, as amended) put and a division called for.

Bells rung and the House divided.

Remarks during Division

The DEPUTY SPEAKER: I must alert the House that there is a standing order which precludes members from changing their seat after the appointment of the tellers. I was alerted to the fact that the member for Vasse was moving in the Chamber at a point which makes it very close to a breach of that standing order. I bring that to the member's attention. If he believes that he was in another place in the Chamber after the appointment of the tellers, I ask him to correct the situation.

Point of Order

Mr RIPPER: The Opposition does not wish to be joined by the member for Vasse.

Mr C.J. BARNETT: The Government expresses appreciation for the courtesy of the Opposition Leader of the House. Everyone understands it was certainly not the intention of the member for Vasse to be in that place. I thank the member for Belmont for his gracious comments. I am sure it would be quite appropriate for the member for Vasse to wander back this way.

The DEPUTY SPEAKER: I was in some doubt about this matter. The member for Vasse has indicated his interpretation of the timing of the situation. I take it that the member can remain on the side of the House he has chosen; that is, with the Opposition.

Mr BLAIKIE: If I have made an error, it is not for me to impugn or impeach the integrity of this House. It was not my intention to be on this side of the House and I am greatly embarrassed at having made this error. It was my intention to vote with Government members.

Mr COWAN: I am not aware whether it is in order to make the suggestion to the Chair, but perhaps one of the Clerks might be able to advise the Deputy Speaker whether it is possible to move around the situation by the Chairman's putting the question again, although I am not sure whether that can be done once a division has been called.

Mr Taylor interjected.

Mr Cowan: It is not possible to do that given Standing Order No 202.

Mr RIPPER: Although the Opposition welcomes the support of any members opposite who wish to join us, in fact, ideally, we would like five more people on a permanent basis! Nonetheless, the Opposition supports a solution which will allow the member for Vasse to vote as he truly wishes.

The DEPUTY SPEAKER: There are rules in this place. At an earlier stage in the session there was a difficulty with another member in the House.

Mr Grill interjected.

The DEPUTY SPEAKER: There is no need for the member for Eyre to interject while I am on my feet. As a consequence of that difficulty, a point of order is being dealt with and *Hansard* has recorded the difficult situation in which the member for Vasse has found himself. The situation points out to us all that we must be eternally vigilant and make sure we keep our eyes on exactly what is taking place. My ruling is that the member for Vasse will vote on the side of the Opposition.

Several Opposition members: Hear, hear!

The division resulted as follows -

Ayes (25)

Mr Ainsworth
Mr C.J. Barnett
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes
Dr Hames

Mr House
Mr Johnson
Mr Kierath
Mr Lewis
Mr McNee
Mr Minson
Mr Osborne
Mr Pandal
Mr Prince

Mr Shave
Mr W. Smith
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (21)

Mr M. Barnett
Mr Blaikie
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Grill
Mrs Hallahan
Mr Hill
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty

Mr Riebeling
Mr Ripper
Mr D.L. Smith
Mr Taylor
Mr Thomas
Dr Watson
Mr Leahy (*Teller*)

Pairs

Mr Omodei
Mr Marshall
Mr Trenorden
Mr Nicholls

Mr Bridge
Ms Warnock
Mr Graham
Mrs Henderson

Question thus passed.

**MOTION-SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY,
MEETING, WEDNESDAY 29 SEPTEMBER**

MR THOMAS (Cockburn) [12.46 pm]: I move -

That this House grants leave for the Select Committee on Science and Technology to meet during the sitting of the House on Wednesday, 29 September 1993.

By way of explanation to the House, the committee wishes to meet the Director of the Australian Institute of Marine Science, who is available only during the dinner suspension on that night, and technically the House is still in session during the dinner suspension.

MR C.J. BARNETT (Cottesloe - Leader of the House) [12.47 pm]: The Government agrees with the motion.

Question put and passed.

CENSORSHIP LAWS AMENDMENT BILL

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [12.48 pm]: I move -

That the Bill be now read a second time.

The exposure of our children to graphic violence and sexually explicit material is an issue which I am sure concerns all of us, both as parents and legislators. This Government is committed therefore to ensuring that the appropriate controls are in place. This Bill will amend the Censorship of Films Act 1947 and the Video Tapes Classification and Control Act 1987, to provide for the introduction of an MA classification for films and videos. The Bill also contains some amendments to the definitions in the Censorship of Films Act 1947. These amendments will change the definition of children in the legislation, from persons under 16 years of age to 15 years, which will bring the legislation into line with the classifications used by the Commonwealth censor. New definitions for the classification of films have also been inserted. These will simplify the legislation and

state the classifications in terms which the public will understand. The main amendment to the existing Acts, however, is the creation of the MA classification. At the Council of Australian Governments' meeting in December last year, Premiers and Chief Ministers agreed to amend State and Territory legislation to introduce a new MA classification. In Western Australia the legislation currently provides G, PG, M, and R classifications for films and videos. The MA classification has been introduced in response to community, and more particularly parental, concerns that children under the age of 15 are allowed to view films and videos at the higher end of the M classification.

Research carried out on behalf of the Commonwealth Office of Film and Literature Classification revealed considerable public concern about the way some material is currently classified. This is best summed up by the concern expressed with the current M classification where films such as *Crocodile Dundee* and *My Left Foot* have the same classification as *Cape Fear* and *Silence of the Lambs*. A film or video is classified as M where the censor is of the opinion that the material cannot be recommended for viewing by persons under 15 years of age.

The proposed amendments will instead distinguish between films and videos which are at the lower end of the existing M classification, which will continue to be classified as M, and those at the higher end, which will constitute the new MA classification. A film or video will be assigned an MA classification by the Office of Film and Literature Review if, in its opinion, depictions of sex, violence or coarse language, or any combination of those elements, is present to the extent that the film or video is unsuitable for viewing by persons under 15 years of age. Persons under 15 years of age will be refused admission to an MA film unless they are accompanied by their parent or guardian. Similarly, persons under 15 years of age will not be allowed to hire or purchase a video with an MA classification. It should be noted that the proposed amendments have deliberately placed the onus upon a parent or guardian to accompany persons under 15 years of age to MA films rather than just an adult. Placing the onus upon an adult will allow older brothers, sisters, boyfriends and girlfriends to stand in place of the parent or guardian and this would not address the concerns which led to the MA classification being introduced.

I am sure members will agree that the introduction of the MA classification is a worthy step in the efforts being made to reduce the exposure to our young children of violent or graphic material. Only recently, I read that by the time children reach 14 years of age it is estimated that they have witnessed 15 000 acts of violence on television alone. I find that extremely disturbing and it adds to the concerns expressed to me during my recent trip to New Zealand where a criminologist I spoke to had little doubt that film and video game violence had contributed to the violent behaviour of some young offenders. We therefore have a responsibility to address this problem and these amendments go some way to doing that. I commend the Bill to the House.

Debate adjourned, on motion by Mrs Hallahan.

DISABILITY SERVICES BILL

Third Reading

MR MINSON (Greenough - Minister for Disability Services) [12.53 pm]: I move -

That the Bill be now read a third time.

DR WATSON (Kenwick) [12.54 pm]: In summing up some of the points raised by the Opposition during the consideration of this Bill, I want to reiterate that we started from the premise that this legislation was not truly necessary. Last year we established through legislation the Bureau of Disability Services. It funded organisations for the care and protection of people, for community education and for advocacy. In our view, a Disability Services Commission should not have the dual role of being a funder of services and a provider of services. We believe, as do many people in the disability field, that this creates a potential conflict between those people who work in the Disability Services Commission, particularly in the area of local area coordination when there will be competition for funding, and the agencies for which they are advocates and for which

they provide some kind of service. We do not think that is right. However, we accept now that it will happen. I am pleased to say that, during the debate, some things have been gained, although we have not been able to move the Government on other matters.

Before I start with the wins and losses, I want to say that this area of public policy and public administration is about not only the provision of specialised services, but also, importantly, providing access to services, accommodation, respite, transport and recreation for people with disabilities and their carers. We have roles as parliamentarians and local representatives as advocates. Through the debate I emphasised that we should have adopted a more bipartisan approach to these issues of contention because we are all acting as advocates. We are all educating ourselves, and, in our various electorates and constituencies, we have a very strong role as an educator for the people, not only who live but also who provide that range of services in those constituencies. The aim of any kind of public policy and public administration in the field of disability is to improve the quality of life for people with disabilities and their carers.

I want to give some examples from my own electorate about how those needs can be met, how access to accommodation can be provided, and how the concerns and fears particularly of parents who are old and who have an adult child who can no longer be left to fend for himself or herself once that parent dies can be allayed. About 18 months ago, an elderly migrant couple approached me with the fear that they would not be able to care for their son for much longer. The thing that provoked this fear and their seeking the help of their local member was the fact that the father developed quite an aggressive cancer and the woman knew that she would have to devote more and more of her time to the care of her husband and did not know how she would make sure that Raymond, her son, would have appropriate care while she focused on her husband. She was also concerned about the same thing happening to her. Her son is a 36 year old man with Down's Syndrome. He works at ACTIV Industries doing kitchen work. That story had a happy ending. It was concluded before the review into accommodation services. Because of their experience, they were quite active as a family in making sure that people with similar needs whom they knew in the area made a submission to the accommodation review. The commitments that were made by our Government and which have been taken up by this Government must be progressed. This issue is of the highest priority, particularly for older parents with adult children.

In the debate, I elaborated on two clauses about respite and the desperate need for respite facilities and for a very creative approach not only to in-house respite care, but also to regular night-time care and weekend care. I will also touch on two other aspects of access before we break for lunch. The first is about public transport and people's need to be confident that when they go to railway stations somebody will be there to assist them to get on and off the train; there should also be a commitment to increase the number of multipurpose taxis that are available in the metropolitan and near metropolitan areas. People have to wait too long, so they give up on the service. We need to promote confidence in transport services, whether public transport or the multipurpose taxis, so that people will use them and tell others with whom they come into contact about them.

The fourth point about access for the disabled relates to recreation. It is disappointing that very early in this Government's term of office the Minister for Local Government allowed the Cottesloe Surf Life Saving Club to build a facility which did not make provision for disabled people to gain access to the top floor of that building. This club is not only a club for people who are able to do the sorts of physical things that membership of the club provides, but also it provides a social facility for members' families, parents and grandparents.

Mr C.J. Barnett: I agree with you on disabled access. However, voluntary organisations undertake a very important community service and they struggle to raise funds for a facility which in reality will not be used by the disabled. Imposing a requirement on that club jeopardises the reason for that club, which is to look after public safety. You cannot rigidly demand a voluntary organisation meet the standards which are properly provided by commercial organisations.

Dr WATSON: That is one argument, but it has been acknowledged that one person in eight in Western Australia will have a disability at some time in their life.

Mr C.J. Barnett: But it does not mean that one in eight people require a ramp to get them to the top floor of a surf club.

Dr WATSON: I agree, but 50 000 Western Australians claim a pension because they have a disability.

Sitting suspended from 1.03 to 2.00 pm

[Questions without notice taken.]

Dr WATSON: Another issue that was brought to my notice recently in my own electorate concerned the Hoyts Carousel cinema complex. It points to the need for the education of architects, planners and indeed private business people and entrepreneurs. A man moved into Queens Park after having spent a number of years as a resident at the para-quad centre. One of the reasons he has chosen to live in Queens Park is that in general the streets and roads are flat so he can get to the shops in his wheelchair, and the area has a new cinema complex which was opened in 1989. He went to the pictures the other day and was told that although somebody in a wheelchair -

Mr House: Is the member for Kenwick aware that she is not allowed to introduce new material into the third reading debate?

Dr WATSON: We talked about recreation during the debate. Although he can get into the foyer of the theatre he cannot get in to watch the movies. He was told he could sit in front of the screen; but as he is quadriplegic because he broke his neck this man cannot access a relatively new picture theatre. These issues impact on people's lives. The whole thrust of this legislation is to provide through community education and advocacy some kind of improvement in the lives of people with disabilities and their carers. Although the Opposition had some difficulty with the need for this legislation, a range of issues was placed on the Notice Paper to be considered during the second reading debate. Some of them have been incorporated in the legislation but others have not. I am pleased that the Minister was prepared to incorporate suggestions from the Opposition that have improved the Bill. I refer for instance to the range of definitions and the structure of the board to ensure it comprises people with disabilities and carers but not at the cost or expense of losing a position to somebody who did not have a disability, which could clearly happen in the way it was originally drafted. I am also pleased that the Minister agreed to consult with me before finally appointing the board. We were pleased that the Minister incorporated a much clearer understanding about how people would be working under the Disability Services Commission. There was some concern about the Minister's being able to review funding decisions that were made by the Disability Services Commission because it invokes those fears that the commission would be both funder and provider. The Minister saw the gap there and has incorporated the amendments proposed by the Opposition, so that a service provider will be able to seek a review of the commission's decision about funding.

Although the Opposition is not happy that it was not able to make any impact on the way the Bill is structured about complaints, nevertheless the Minister has agreed to our suggestion that a report needed to be made through him about the nature of complaints that were made and, where there is a pattern of complaints, the nature of those complaints will be reported and people's names and circumstances will be protected to provide some confidentiality. However, the Opposition still has a number of fields of concern which, despite debate, have not been addressed. It is not just the Opposition playing politics as suggested by a former member of this House who is now the Chairman of the Board of the Authority for Intellectually Handicapped Persons and who was the chairman of the transitional planning committee. I have seen in writing where Ray Young said the Opposition suggested these amendments for political gain. Both the Minister and I have stressed that we believe the sooner the field of disabilities services is bipartisan the better for everyone concerned. It disappoints me that Ray Young made such a political statement and, given that opinion, that his advice was taken up by the Minister.

Mr Minson: Does the member for Kenwick realise that Ray Young was appointed by her Government because of his competence?

Dr WATSON: He gave the Minister a piece of advice that was wrong, and I am disappointed that the Minister concurred with it. The Opposition especially wanted clause 4 dropped because it cuts across the intentions of the Bill. To deny people legal entitlement is to negate the emphasis of the Bill. I believe, and my colleague supported me with very strong arguments, that it is unjust and unfair to say that, on the one hand, the Government will be the provider of last resort but, on the other hand, that there is no legal entitlement to services. I think the Minister failed to provide a convincing argument for leaving it in. I hope that, between now and when the Bill leaves the upper House, the members of that House will see the light and amend it.

Some gaping gaps in service provision and intent have been left in the Bill between clauses 4 and 13. We recalled the Committee especially to debate clause 13. It is still my view that it is senseless to allow fees and charges to be bought before the House and laid on the Table by the Minister for six days but to have no provision which would allow the House to amend or dispense with those regulations. There is a great fear in the community about the way in which this Government has imposed fees and charges without notification - a bill will arrive in the mail. People with disabilities are already impoverished; it costs to have a disability. During the debate, I made the distinction between quantifiable and non-quantifiable costs. Yet, here we have a range of quantifiable costs that the Minister says are too complex, the range of costs and fees is enormous and it will be too difficult to do anything other than bring them before the House. In a sense, it would be better not to have that in the Bill because there is no point in notifying the House of something that is inevitable anyway. I believe that we should have the capacity to revoke the costs or to amend them and they should be bought here as regulations. Therefore, there are some disappointments in clauses 4 to 13.

We canvassed the structure very clearly during the debate and expressed the fears of the field that the Disability Services Commission will too easily be the Authority for Intellectually Handicapped Persons transferred. We want the chief executive officer and other principal officers of the new commission to be appointed fairly and openly.

The thing we are left with which the Minister was not amenable to amending is the complaints system. The complaints system comprises about half of the Bill. It is a crazy system which allows for two sets of procedures through which people can make a complaint about the services provided and it is dependent upon who provides the funds and the services. If a person is in a facility funded by the commission, because it is funded by the commission he has the right to complain to the Equal Opportunity Commission. However, if he is in one of the services funded through the Health Department, such as a psychiatric service or he lives at Lady Lawley Cottage or the paraquad centre, he will have to go through the Health Department's system of complaints. It does not add up; there is no logic in doing that. However, I was pleased the Minister agreed to approach the Minister for Health and the funding bodies to see whether those services could come under the Disability Services Commission so that, if nothing else, there will be some logic in the whole system and people will be able to take their complaints to the Equal Opportunity Commission. However, that will not work for those people until the legislation which introduces and establishes the health services and complaints conciliation department or agency is brought before the Parliament.

I want to make one final comment about the nature of disabilities, and about the way in which we must seek to expand opportunities and personal growth and development for people, no matter where their disability came from or for how long they have had it, whether it was a congenital condition or it was incurred through injury. The people about whom much concern has been expressed, the people who do not have a lot of advocates and the people who are not well organised are those with psychiatric disabilities. I think we might make this disability and the way in which we approach it harder than it need be. I drew the House's attention to the fact that there is really not much difference between the course of a psychiatric disability and the course of multiple sclerosis, that there are times during the illnesses that the people need medical attention because they have an

acute illness but for most of the time those people will need the services provided through disability, support and rehabilitation services. Until we can get straight the issues related to psychiatric disability and acute psychiatric illness, we will not provide the kind of services that these people need, that the Disability Services Commission should provide and that are set out to be provided in the Bill. We need to have public debate on this issue. We need to involve a number of groups and a number of people who have psychiatric disabilities. We need to talk to their medical advisers and the people who run organisations such as the Schizophrenia Fellowship of Western Australia, the Richmond foundation and other organisations because, as I said, I think we make it too hard. We try to make distinctions between illnesses and disabilities which affect the mind and those which affect the body.

The Opposition has some grave reservations about the need for this legislation. It hopes that the members in another place will make the amendments that we were unable to make here and we will watch for the consequences that this legislation will have on the provision of care and the personal development of people with disabilities and the care of those people who provide a life of service, paid and unpaid, to people who are very less fortunate than other people in our community.

MR RIPPER (Belmont) [2.50 pm]: The Disability Services Bill and the proposed Disability Services Commission will pose a great challenge to the Minister for Disability Services. During the second reading debate I said that traditionally there has always been competition between people concerned with intellectual disabilities and physical disabilities and, I regret to say, a traditional suspicion. It will be one of the issues which will determine the success or otherwise of the proposed commission. The proposed commission and the Minister will have to show all people concerned with disabilities that the commission will provide a service for all and not just the traditional clientele of the Authority for Intellectually Handicapped Persons. The Minister will have to prove that the commission is treating all types of disabilities equally and is developing policy and services for all people who have an interest in the disabled in the community.

The selection of the board will be of importance. If it simply reflects existing interests in the field there will be a danger that the commission will not be able to demonstrate to everyone involved that it is providing a fair and equitable service to all the disabled. The Minister's initiative might come to grief if, in the end, the disabled community cannot form the judgment that the commission has responded fairly to the needs of people with disabilities right across the spectrum of disabilities within the community.

The commission must look beyond the provision of specialist services to people with disabilities. It is the case that people with disabilities need to be serviced properly by mainstream agencies - both Government and non-government - and there is a lot that can be done to improve the lives of the disabled. For example, mainstream agencies such as Homeswest should provide services to the whole community, including people with disabilities. A number of Government agencies are doing the right thing by people with disabilities. Homeswest has done a good job in that area and I am not singling it out for criticism. However, there is still scope for Government agencies to improve the services they provide to the disabled.

Only specialist services which are indisputably specialised should be provided by the proposed commission and the other services should be provided by the mainstream agencies which have a responsibility for providing services to people with disabilities. For example, transport services should be provided by the transport agencies and housing services should be provided by housing agencies. The proposed commission's role will be to promote that view in the community. Its basic task will be to argue the case for the disabled within those internal Government forums. Whenever service delivery is being determined or policies are being developed the mainstream agencies must be made well aware of the needs and rights of people with disabilities. The previous Government had this role earmarked for the Bureau of Disability Services, which will come under the umbrella of the Disability Services Commission. It is an important role for the commission and the Minister should not lose sight of it as he administers the new Act.

Equally, there is a need to promote the needs and rights of people with disabilities in our community. The Government can provide only a certain number of services. The quality of life of people with disabilities is in the hands of commercial operators, private business, associations, clubs and the community generally. If they are to have the same opportunities in life as able-bodied people the community must be made aware of the special support mechanisms they need. It might simply be the need to educate people who serve behind counters on the best way to deal with people who are hearing impaired so that they can receive the services to which they are entitled. A lot of educative work needs to be done to ensure that people across the community are made aware of the needs and rights of people with disabilities. It is all very well to provide specialist services to the disabled, but we should not stint on the resources allocated them. If we are to improve the lives of people with disabilities - across the spectrum of disabilities and well beyond the traditional clients of the Authority for Intellectually Handicapped Persons - we will need a process of advocacy within Government and the community.

I take this opportunity to reinforce the comments I made during the second reading debate about the community-based services for people with disabilities. We need more agencies based in local communities in both the Government and non-government sphere. In the Government sphere we need to continue the expansion of the local coordination services. We also need to tackle the structure of non-government agency services to people with disabilities. In the longer term we need a larger number of smaller community-based organisations. We need to go through a period of gradual change in the structure of Government funding to non-government agencies. Too many agencies are large, centralised agencies dealing with one disability type and over time we need to alter the balance. It is not something that is easily done, but as funding expands new funding can be used to slightly alter the structure of non-government agency services.

The member for Kenwick drew attention to a couple of clauses in the Bill which the Opposition failed to amend during Committee. I refer, in particular, to clause 5. The Government rejected the Opposition's amendment to subject changes to fees charged to people with disabilities to the normal provisions of disallowance of regulations within the Parliament. I am disappointed the Minister did not insert that safeguard into the legislation. All sorts of fees are subject to disallowance under the normal provisions applying to regulations. I am sure the Minister for Primary Industry is aware of the large number of fees which come under his jurisdiction which are dealt with by way of regulation and are subject to debate and disallowance in this Parliament. If fees for these obscure rights, permits and licences can be subjected to disallowance by regulation, surely the fees charged to people with disabilities can be subjected to the same requirements. After all, we are talking about very important services to the disabled and a large proportion of their income. If my recollection is correct we are talking about fees of up to 75 per cent of people's pension entitlements. It is not a small amount. Those fees should be introduced by regulation and should be subject to debate and disallowance in this Parliament. I have some difficulty in understanding that the Minister was not able to accept the amendment moved by the member for Kenwick. He will find that his position is not supported by those people involved in the disability field.

The need to provide additional accommodation for people with disabilities will not go away. This issue is of great importance to people with disabilities and to their families. As our community ages, many people who have cared for a family member with a disability for a very long time will no longer be able to care for that family member. In some cases, people in their sixties and seventies have adult children with disabilities in their forties, fifties and sixties. They have cared for these adult children for a long period. They have made a sacrifice that few people in the community have had to make and they look for some security of care for that family member when they are unable to provide that care themselves. The issue will not go away.

There needs to be an ongoing commitment to improved accommodation and whatever other innovative services we are able to put in place, whatever we are able to do in the way of family support and local coordination and grants for families to assist them.

Whatever we are able to do by way of such initiatives, we cannot get away from the bottom line, which is that we need to provide more accommodation for people with disabilities. We cannot provide that additional accommodation through the recommendations of the McCarrey report. In the second reading debate, I asked the Minister to reject the McCarrey report recommendations. I do not know why the Minister did not take that opportunity.

Mr Minson: I did address the matter. I also addressed the matter in answer to a question from the member for Kenwick.

Mr RIPPER: But the Minister has not given the answer that those in the field and the Opposition want. We want the Minister to say what is the truth. The truth is that the McCarrey report recommendations on accommodation for people with disabilities are nonsense. The Minister knows it, we know it and the field knows it, but we rely on the Minister to convince his colleagues in Government that they ought not to proceed with these recommendations. The fact that the Minister is not able to say in the House what we know to be the truth gives us cause for concern. I am sure that when the relevant parts of *Hansard* are circulated around the disabilities services field, the Minister will receive further representations on the matter, because, I repeat, the recommendations of the McCarrey report on accommodation for people with disabilities are dangerous nonsense and there is no way that they can be proceeded with. It is very disappointing that, given the opportunity, the Minister has not seen fit to say what is the truth; that is, that the recommendations cannot be implemented and that there should not be any attempt by the Government to implement them.

The Bureau for Disability Services in its short life performed a very valuable role. It is with some disappointment that I see the bureau wound up. Nevertheless, it is at least possible in theory for the Disability Services Commission to perform the work of AIH and the bureau. However, it will need good leadership from the Minister, in particular, and from the board which he appoints to make sure that there is indeed good service to all people with disabilities, fair treatment of those with disabilities and the establishment of a sound reputation by the new Disability Services Commission. I wish the Minister luck, but I hope that he will attend to some of the issues that have been raised by the Opposition in the debate.

MR TAYLOR (Kalgoorlie - Deputy Leader of the Opposition) [3.03 pm]: I refer to an issue I raised during the second reading debate. I have had the opportunity to look at the response of the Minister to the second reading debate and I do not believe that he addressed this issue. My comment was that the nine person board which is to be set up to run the commission should be established through consultation between the Government and the Opposition.

The debate on the Disability Services Bill over the past few days has been very much an apolitical debate, one in which members have not attempted to score political points. I urge the Minister to take the opportunity to consult Opposition members in this area to ensure that the board he puts together is the best possible board. I agree with the comments made by the Minister in his second reading reply that in putting together a board such as this it is most important to appoint people who are not only seen to represent particular groups or areas, but also who are seen to be the best available people, no matter where they come from in a geographical sense or in terms of representing any particular interest group. That is most important with the membership of any board. I hope the Minister finds it within himself to consult the Opposition about the make-up of the board, because that would be a continuation of the way in which this area of Government responsibility has been run for many years.

MR MINSON (Greenough - Minister for Disability Services) [3.05 pm]: I thank members for their comments. Although some members have reservations, nevertheless there is tacit support for the legislation and there has been an expression of good wishes, although not expressed in that way, for the success of the proposals.

I will address the concerns of the three members who spoke during this stage of the Bill, as I know they have an interest in the area. I refer to the current shadow Minister, the

member for Kenwick; the previous Minister, the member for Belmont; and the member for Kalgoorlie, who was Minister when it came under the Health portfolio. The member for Kenwick suggested that the Bill was not necessary and that we could have proceeded in another way. It is true that we could have proceeded in another way, but it is my judgment and my hope that the disabilities field is a little more mature than it was 20 years ago and that it realises that it is in its best interests to have a single arm of Government rather than a multifaceted body that could mean many bureaucracies and could get out of control. Time may prove me wrong, but I sincerely hope and believe that it will not.

With respect to funded providers, the possibility was raised that there could be some conflict of interest and one area could be favoured over another. Such an accusation or comment is always levelled in situations like this. First, that sells very good human beings short. Second, it should be recognised that there are many multifunded services and although the CSDA has removed one of those players, there remain many areas - and there is a possibility for many more areas - in which the State, the Lotteries Commission and other private organisations join together to provide a service. In that case, it is better to have a single Government agency. It is my suggestion, and it is expressed in the legislation, that many more community based services are needed. They will probably be mostly non-government. For that reason, these joint efforts will be more the norm than they are now.

I also point out to the member, particularly concerning the fear that was expressed about the Authority for Intellectually Handicapped Persons, that there is a difference between what is proposed and the current situation. The difference is that the board, unlike now, will be made up of a very large cross-section of the field. There will be nine members on the board and 14 on the advisory council, which also is made up of a wide range of people drawn from across the disabilities field. There is an ability for internal appeal and for an appeal direct to the Minister. With that sort of breadth on the board conflict of interest should not become a problem. I understand the concerns that have been expressed, and it is not only my hope but also my belief that it will not become a problem.

The question of transport was raised, and I acknowledge that a great need exists in that area. It should be one of the commission's early tasks to work on that problem in cooperation particularly with the Minister for Transport and his staff.

Specific reference was made to the Cottesloe Surf Life Saving Club. This is a difficult question because although we will not allow new buildings to be built without adequate facilities for people with disabilities, the question of upgrades and modifications to existing buildings poses problems. I did feel the surf life saving club could have done something about ramps and so on, but taking everything into account, and the fact that it is itself an organisation which helps prevent disabilities, in a round about way -

[Quorum formed.]

Mr MINSON: The problem of modification of buildings arises from time to time, and I was concerned and a little disappointed that Lotteries House, which was recently commissioned in Geraldton, which is a modification of an older building, has no lift in it although it is a two storey building. There is no way for people in wheelchairs to get to the top floor. I have to admit that had we insisted on a lift being made available before the building could open, it probably would not have opened. I have taken up the matter and am endeavouring to look at a scheme whereby we can add a hoist to that building when funding becomes available.

The member for Belmont mentioned the question of legal entitlement; I believe I addressed that and that he is erring on the side of assuming that one can legislate to make things right.

Dr Watson: We wanted you to be silent; there should be no such clause.

Mr MINSON: I think it is reasonable to have such a clause. It raises the question of a new service which is available somewhere else but not provided here and somebody

taking legal action on the off-chance that they might succeed. I do not think we need to put ourselves in that situation. It is generally accepted that we will do everything we can to provide the best range of services for people who need them.

Doubt was expressed with respect to the new commission becoming the Authority for Intellectually Handicapped Persons with another name. I have heard that view expressed all over the State, and I acknowledge it as a concern. However, I point out that by virtue of having a board which has a broad range of people on it, and a disability advisory council, the problem should not arise. The previous Minister talked in a general way about much work needing to be done, and he is quite right. He and the shadow Minister well know that in our policy we spoke in terms of seed money for new directions in disability services. It is my fond hope as the budgetary situation improves over the next couple of years that that seed money can be provided. I was somewhat disappointed that no possibility existed of providing that pool of seed money this year to enable the new commission to get on with the job after its commissioning.

The member also mentioned community based services. I have addressed that in part, and I agree with his observation that community based and driven services are better, and we need them, and I believe we will see many non-government organisations spring up. He mentioned local area coordinators, and I agree with his comments in that regard. I am aiming for a ratio of 1:50; I am told by people in the field that that is enough. I wish to tie that ratio to a direct funding scheme, and I want the commission to address that early in its career.

The member for Belmont referred to the question of choice and the range of accommodation. I have no argument with that. There is a huge need for accommodation, and we will never completely fill it. However, I am doing my best to meet that need. Before leaving the comments made by the member, it may interest him that I was at the Independent Living Centre this morning attending a launch. He will recall that some of the colourful terms in which he used to refer to disabled people became known in the local Press and in this House as "Ripperisms". As I was speaking at the launching this morning I looked at the wall and saw a file there which had "minspeak" on it. I thought perhaps if I invented a few terms they could go down in history as minspeak.

Mr Ripper: I hope you will be treated more kindly by "Inside Cover" than I was. It has gone wimpish since those days.

Mr MINSON: We do not give it as much to write about.

The member for Kalgoorlie, also a former Minister for Health, referred briefly to the question of the board and the fact that we should consult. I have given a commitment that consultation will take place. I do not want that to be taken to mean I will necessarily do everything that is asked of me, but I am quite prepared to consult the Opposition's spokesperson on a confidential basis before the appointment of the board. I have virtually chosen the board I think should be in place; it has on it parents, relatives, disabled persons, service providers, and members of non-government organisations. It covers such a wide cross-section of the field that I believe it will do its job well and in no way will result in a commission which is a twin of the Authority for Intellectually Handicapped Persons.

I am pleased to be able to bring this Bill to the House. I detect an air of expectancy in the field as the legislation is considered to be a vehicle for considerable settling down and consolidation in the administration and delivery of Government services in the disability area. To an extent, it is a risk on my part: I understand what the Disability Service Bureau and the Authority for Intellectually Handicapped Persons were about, and some risk is involved in their combination. Nevertheless, I am confident that this is a correct decision. I wish the commission - which I know will comprise people of great commitment - all the best in the task ahead of it.

Question put and passed.

Bill read a third time and transmitted to the Council.

LOTTERIES COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 22 September.

MR MARLBOROUGH (Peel) [3.22 pm]: The Opposition has had time to consider this legislation, and supports its principles. As the shadow Minister, I have the opportunity to discuss this issue. To be honest, I could do a song and dance act; I know exactly what I want to say, but I do not know how to extend it for as long as is necessary!

Several members interjected.

Mr MARLBOROUGH: I thank members opposite for their help. Members know that I am normally a person of short speeches.

The Opposition supports this Bill, but has a number of concerns. The obvious concern is its retrospectivity, which must be a concern to members on both sides of the Chamber. The retrospectivity in this case was made necessary because of some pending court cases which the Lotteries Commission must face as a result of the present wording of the legislation. For those members who are not aware, the need for change arose from a recent New South Wales case in which the definition of "three of a kind" was challenged. The court ruled in favour of the litigant and the New South Wales Lotteries Commission was forced to pay out a sum of money. We fully understand that if a challenge was allowed to be taken to Western Australian courts regarding the wording of the principal Act, the possibility of a similar outcome exists. I say possibility because there is no guarantee that Western Australian courts will rule along the same lines of those in New South Wales. We understand the way the law works; the precedent has been set. That would present strong guidelines to be used in any argument and presumably would be considered in any judgment made.

I understand in discussions with the Chairman of the Lotteries Commission that four similar cases are likely to be before the courts very soon, and these are guided mainly by what has happened in other States. Also, it is believed that a number of other cases are waiting in the wings for a guernsey. Such applications, it could be argued, applying to challenge the wording of the Act have a legal and proper right to let the courts decide the matter. We must keep in mind that any such judgment, if brought down positively for people applying, would bring financial rewards for these people. This could lead to a potential disastrous financial loss for many charitable organisations in this State.

I understand that Queensland faced challenges, before the legislation was amended, for claims of up to \$20m. It is hard to believe that sufficient people in the community hung on to their old, unsuccessful tickets. They must have put them in a shoe box. I can understand that if people are so poor - as I once was - they would use them to wallpaper the living room. However, many people must have kept tickets in shoe boxes and are now going through them. Those of us who play the game of chance realise that lottery tickets are a punt.

Mr Marshall: When you punt you expect to win. That is the difference.

Mr MARLBOROUGH: That is a good point. As a plug for the Lotteries Commission, I am told that the return on one's dollar on a lottery ticket is far better than in any other form of gambling.

Mr Marshall: If you own a horse, you have an idea. The others are a game of chance.

Mr MARLBOROUGH: Members on both sides of the House would all agree that, although there may be some winners, with people challenging the present system in the courts there would be many losers in the community. Most dramatically affected by substantial claims, such as an amount of \$20m as is the case in Queensland, would be the community organisations for which most members of Parliament work very hard to secure funds from the Lotteries Commission so that the community at large can reap the benefits. With that in mind we on the Opposition benches indicate that the wording in this legislation is about retrospectivity. Clause 4 of the Bill states -

Clarification of instructions on instant lottery tickets

3A. (1) In or on any instant lottery ticket, whether issued under this Act or the *Lotteries (Control) Act 1954*, and whether issued before or after the commencement of the *Lotteries Commission Amendment Act 1993* . . .

It goes on to create seven new paragraphs to cover the possible situation that I have previously discussed. In raising our concerns about retrospective legislation - we have different views as individuals that are not necessarily along party lines - as much as we believe the balance of funds should go to the charity groups, there are people who believe, rightly or wrongly, that they have a justifiable claim. By this retrospective legislation they will be inconvenienced.

Mr Johnson: Do you believe those people felt before the successful court action that they genuinely had a claim?

Mr MARLBOROUGH: No.

Mr Johnson: Nor do I. In that case I feel we are justified in bringing in retrospective legislation to clarify what they are entitled to. It is a matter of interpretation.

Mr MARLBOROUGH: I agree with that. In fact, under the old legislation, most people - until the court case in New South Wales when the judge made his contrary ruling - who had a ticket with two 2s, two 3s and two 4s did not think they had three of a kind and threw away the tickets. This person did not. He took the matter to court and was successful. That is the point upon which I wish to seek some consideration from the Government.

Neither this Government nor the previous Government has been responsible for setting up these circumstances by which people may have seen an opportunity to claim. Nevertheless, such circumstances were put in place. Following the decision of individuals or a group - I do not know who the claimants were - to take legal action, we have brought in retrospective legislation which will penalise them. I would simply ask that the Government strongly consider a payment in these four cases that are likely to be before the courts very shortly to cover the legal costs that have been associated with those claims until this time. If the Government was to consider my suggestion, it would be a fair and equitable way by which people who - although I may not agree with them - genuinely believe, as a result of the case in New South Wales, they have a legitimate claim. Obviously this legislation, as a result of the decision in New South Wales which would provide those people with a legitimate claim, seeks to close the gate in all of those claims. I am more concerned about the claims that have not been raised at the moment. The Government should simply consider the possibility of paying those legal fees so that we are seen to be fair and equitable to all parties. In changing this legislation we did not set about particularly to penalise anybody. We wanted to stop the future opportunity arising whereby people could secure a determination from a court of law which was not in the best interests of the Lotteries Commission and the great bulk of charities and community organisations that the Lotteries Commission is set up to support.

Mr Johnson: Would you accept that those four people who will incur legal expenses were fully aware when they went into that situation that the Government was looking at, and would certainly bring in, legislation that would close that possible loophole?

Mr MARLBOROUGH: I am glad the member raised that point, otherwise it would have escaped me. My answer is: No; I do not think they did. I do not think they were aware. I had no prior knowledge. I was not even aware of the case going on New South Wales until it became a judgment. I do not think it is fair to jump to that conclusion.

Mr Johnson interjected.

Mr MARLBOROUGH: That is right; but not since it became public knowledge that we would be rushing through legislation to close the gate.

Mr Johnson: It was stated on talkback radio that that was what the situation was.

Mr MARLBOROUGH: I do not want to prolong the debate. We are supportive of the Government's legislation. I am making the request because of the retrospective nature of

the Bill which has concerned some of our members - it concerns all members of Parliament when we talk about retrospectivity - and the fact that in this case there is an opportunity to treat everybody fairly and equitably. I do not know what costs are associated with the four cases. I do not think they would be substantial, given the stage at which the cases are at the moment. In the interests of fairness and equity all around I am suggesting that the Government look at paying the legal expenses associated with those claims.

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.37 pm]: I thank the shadow Leader of the House for allowing this legislation to go through in a fairly expeditious way, and the Opposition for supporting the legislation. It is an unusual situation where, as I understand it, the Lotteries Commission has run these tickets and some ambiguity in the wording, as interpreted by the Supreme Court of New South Wales, has meant that people have been able to go back and claim that they may hold a winning ticket. I appreciate what the member for Peel has said that in going back and clarifying the legislation, there is an element of retrospectivity in it. I concede that. However, the retrospective nature of this legislation is to make clear what was always intended by the Lotteries Commission and probably what was correctly understood by people who bought instant lottery tickets. Although this case has succeeded in New South Wales, there must be an element of truth in the fact that people now mounting cases are somewhat opportunistic. They have seen a decision. They hold a ticket. At the time of buying the ticket and reading the prize, those people probably never considered that they held a winning ticket. Now, because of a court decision, they can see some legal deficiency which will allow them to gain some monetary award out of it.

I do not have any great problem with the retrospectivity of the Bill. For that reason I would be hesitant to say that those people should receive some compensation, particularly as they have acted in an opportunistic way. The Lotteries Commission and the people knew what they were trying to do. The people buying the tickets knew what was required to get a prize. An interpretation by a court has meant that some people are now coming through the back door. I accept the member's concerns and I undertake to pass them on to the Minister for Racing and Gaming and ensure that he does give due consideration to this matter. The other point which the member alluded to was that if that action is followed, we do not know what other potential claims will come forward. That may create another round of problems. Again I thank the Opposition for its assistance in dealing with this matter.

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 C.J. Barnett (Leader of the House), and passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Second Reading - Budget Debate

Debate resumed from 22 September.

MR BROWN (Morley) [3.41 pm]: In my contribution I will talk about the broad thrust of the Government's policies as reflected in the Budget and in the context of other initiatives taken by the Government since the election. I shall also discuss the economic position of the State, particularly as it concerns the economic situation the current Government inherited from the former Labor Government. I then wish to examine within the Budget context the alleged rationale for a number of Government decisions and initiatives. I will then review the impact of the Budget on the electorate of Morley and, finally, I will foreshadow a number of local matters which I will urge the Government to consider, where funds permit, in the existing Budget. I wish to distinguish between rhetoric and fact, between words and actions and between promises and approved programs.

The Government came to power on a number of election promises, but primarily, to provide more jobs and better management. They included electoral promises to stimulate the economy and to deal with a range of issues which allegedly had been neglected by the former Labor Government. In this debate, it is important to assess the actions of the Government so far this session and in accordance with this Budget to see, firstly, whether those actions meet its electoral commitments and, secondly, in whose interests the Government is operating - whether in a community-wide way or in a way which supports certain sectional interests.

In a financial sense, the Budget draws together all the Government initiatives; it is therefore important to consider what initiatives are contained in this Budget which support the commitments made during the election. The Budget, in the context of the other initiatives taken by the Government so far, should be considered in totality with those prime commitments the Government made prior to the election. Let us examine this Budget and what has happened since February to see whether these actions collectively meet the commitments talked about during the election campaign. Members should remember those commitments; as I said, they were more jobs and better management and a commitment to stimulate the economy. Implicitly, as I understood it at that time, the Government gave a commitment to govern in the broader interests of all Western Australians. The Government has taken a number of initiatives which it believes will lead to better management. It has announced a range of redundancies. Obviously, as they do not meet the more jobs criteria, it believes those redundancies are important in terms of better management. Since the election campaign and the election of the Government, 780 redundancies have occurred at the Midland Workshops, 50 redundancies were announced in relation to the Robb Jetty abattoirs, 140 at the Building Management Authority and 1 100 cleaners and gardeners from the Education Ministry. This is the stimulus or even the better management the Government talked about!

The next interesting initiatives taken by the Government to stimulate the economy which have been so far the centrepiece of Bills brought before this place are the Workplace Agreements Bill, the Minimum Conditions of Employment Bill and the Industrial Relations Amendment Bill. Those Bills seek to reduce the minimum standard and conditions of employment available to ordinary working people in Western Australia. They reduce the minimums from whatever is contained in an employee's award to the minimums set out in the Minimum Conditions of Employment Bill. Although I do not wish to dwell on all the conditions in that Bill, it is important to restate, for the purposes of this debate, what are some of those minimums. They are \$275 a week, four weeks' annual leave, 10 days' sick leave which does not accumulate from year to year -

Point of Order

Mr BRADSHAW: I believe it is not correct for a member to go over Bills that have already been discussed in this House.

Mr BROWN: My understanding is that this Bill deals with the Budget and with the finances of Government for the next 12 months. The matters to which I am referring reflect directly on the costs of employment in relation to both Government and non-government employees. How those matters cannot be considered to be within the context of the Budget, I am at a loss to know.

The ACTING SPEAKER (Mr Ainsworth): All members will recognise that the Budget debate is one of those areas which allows very wide ranging discussion over virtually whatever a member wishes to raise in this place. I understand the concern of the member for Wellington about reference to other pieces of legislation and the way that this is in some cases disorderly. However in the context of this Budget debate which allows a very wide ranging cross-section of topics to be brought into this place, the type of reference being made by the member, although technically in some cases incorrect, given the context of the debate, is certainly acceptable.

Debate Resumed

Mr BROWN: Recently the Workers' Compensation and Rehabilitation Amendment Bill was also introduced into this House. That provided for certain changes. In the Budget

context it is asserted by the Minister for Labour Relations that those changes are brought about for economic reasons. In all of that, the type of changes it proposes will by and large impact on a certain group within the community. This is impacting on those people in the paid work force but, more particularly, on those people who work in high risk industries who are susceptible to injuries and disease. What is proposed is that there be lower benefits available for those people unfortunate enough either to be injured at work or to contract a disease through their work. In the context of initiatives taken by this Government, we have seen thus far the removal of the allowance for water, increases in bus and train fares and the introduction of a motor vehicle levy, all of which, because they are flat increases, hit the lowest income earners in our society. So we come back to the question of who the Government is governing for, and the answer is that by virtue of these initiatives already taken it is not for ordinary wage and salary earners, and certainly not for families and small businesses.

We see that same flavour coming from this industrial relations initiative, which is important to raise in the context of the Budget debate. What this Budget does is provide a continuance of the sort of thinking we have already seen in a monetary sense by way of the allocation of resources through the Budget process. It is also important to look at what the social impact of the Budget will be in the context of other initiatives taken by the Government. I was interested in comments made by Professor Bob Gregory, one of the academics advising the Federal Government on its employment White Paper to be produced next year. He made the comment in *The Australian* newspaper recently concerning proposals that award wages and conditions be reduced, particularly in the non-metropolitan area. That is what is envisaged in the context of the Workplace Agreements Bill. In that comment Professor Gregory referred to the fact that it would not provide more jobs and that any reduction of income would not create the economic stimulus to which the Government is allegedly committed. It would create a position where the have nots continued to be disadvantaged, but to a greater extent. He talked particularly about the cohesion of society being disrupted.

When one looks at the initiatives taken so far and examines the Budget, one sees the philosophy this Government is adopting in the way it is managing the State. It is not managing the State for all Western Australians but for a certain select group of Western Australians, and certainly not the group most in need.

It is also important in looking at the Budget to examine the state of the Western Australian economy and, in particular, to examine some of the extravagant claims made by the Government prior to the election about the state of the economy. This was done the other evening by my colleague, the member for Pilbara, and I do not want to traverse what he said; however, it is important briefly to recap a number of things he had to say. In particular, he alluded to the fact the coalition, now the Government, tried to give the impression that all the economic indicators were going the wrong way and the economy was on the way down. I do not intend to deal with all the references used in the eloquent speech made the other night by the member for Pilbara, but I invite members to examine what he had to say. He referred to the number of reports produced by the R & I Bank, the Access Economics report commissioned by the Premier and received in June this year, the further R & I Bank report, a further report from the Department for Commerce and Trade for June 1993 and, indeed, the Budget papers themselves. These reports give the lie to the assertion that the economic indicators in Western Australia prior to the election of the coalition Government were going the wrong way. The graphs in the Budget papers themselves show this. The graph of retail sales since 1991 progresses upwards at almost a 45 degree angle; and, I am pleased to say, it is still going up. It gives the lie to the view that the economy was not moving ahead in February 1993.

I do not wish to go through all those reports, but in this debate it is important just to touch on one or two of the reports, particularly those which I do not believe the Government would call into question. The Access Economics report, commissioned by the Premier and tabled around June, suggested that Western Australian employment had outpaced employment in Australia as a whole. The Department of Commerce and Trade report in June 1993 said that the Western Australian economy had generally outperformed the

national economy throughout 1992 and 1993 and that the State economy recovered more steadily from the downturn and successfully coped with the sluggish world economy. They are reports the credibility of which stands beyond reproach. The later R & I Bank report referred in part to investment in plant and equipment increasing by 6.5 per cent in 1992-93, and this was unequalled in the rest of Australia. Indeed the Government's own Budget paper "Economic and Financial Overview" at page 3 suggests -

The Budget has been framed in an economic environment of gradually strengthening growth. This State, together with Queensland, has been leading the recovery from the recession and this will continue in 1993-94.

So wherever we look at reputable information - not information manufactured by the Opposition or by some weird economic community, but information which is either the Government's own information or that of Government departments or other reputable sources - it gives the lie to the assertion that the Western Australian economy was not growing at the time of the election and to the assertion growth in the economy had been stagnant. The figures reveal substantial growth, and even the Budget itself shows that occurred from mid-1991 onward.

I now turn to one matter for which I searched through the Budget. I looked for any reference at all in this Budget to legal fees, to determine whether funds had been set aside to investigate legal costs and whether an inquiry would be undertaken or an initiative included in the major strategies announced by the Government to put legal costs under the microscope. Not one reference is made to legal costs or an examination of whether or not they are reasonable. There is no mention of examination of entrepreneurial lawyers, or to the Government asking the Law Reform Commission or any other body to investigate that matter. What does that tell us? The Government has brought to this House a range of initiatives claiming they are necessary because of entrepreneurial lawyers and high legal costs. I refer to changes to the Workers' Compensation and Rehabilitation Act and other legislation introduced to this House. The Government has been balking at that Act, and the Minister for Labour Relations has constantly been talking about entrepreneurial lawyers, high legal costs, the cost of representation and the cost of justice. The Government has said it is of such great concern that it has found it necessary to change a fundamental plank of workers' compensation because of allegedly high legal costs. However, on examination of this Budget in detail, can one find any provision - or even the slightest mention of it - to address that issue? I cannot find one line. What does that suggest? Does it suggest that the Government's arguments, blaming greedy and entrepreneurial lawyers to justify changes to the Workers' Compensation and Rehabilitation Act, are a ruse? Does it suggest that those arguments have no substance and that the Government has no concern at all about legal costs? If the Government had that concern, it would have made a provision in this Budget for the matter to be investigated. However, it has not done so. One must ask whether that is the excuse the Government is using to initiate changes which it does not believe are reasonable.

I had hoped in the course of this Budget to be able to find initiatives that would benefit the electorate of Morley. At a local level I tried to identify some allocations made to assist the constituents in my electorate. I wanted to make not only a critical but also a positive analysis of the Budget, and I hoped to be able to congratulate the Government on some initiative provided for the electorate of Morley. I have examined the Education budget and a range of other areas but, unfortunately, I cannot find any spending specifically allocated to the Morley electorate. In fairness, it must be said that the Budget is a broad document which does not deal in detail. Therefore, my office sought information as to whether decisions had been made on school facilities - whether they would be upgraded or maintenance programs undertaken, and whether other work of that nature would be carried out. Initially, my office contacted the Ministry of Education and was advised that some decisions had been made but they could not be conveyed to me because the Minister had not yet made an announcement on them. My office then contacted the Minister's office seeking that information, but it was not available. Therefore, I am unable to make congratulatory comments on behalf of my electorate of Morley, but if there are any initiatives I shall be pleased to see them. However, so far my attempts to obtain that information have not been successful.

Dr Hames: Is the Morley Senior High School in your electorate?

Mr BROWN: No, it is not. I am glad the member mentioned that because I am about to refer to high schools. If one were, from a local electorate angle, to produce a newsletter on this Budget, the heading would be "Morley misses out". Looking at some of the specific programs in the Budget, the constituents of Morley have not done well at all; they have actually moved backwards. I give one example: The Lockridge Senior High School has run and been part of the priority schools program for a number of years. This program is provided to schools that cater for students from disadvantaged families. A week or so ago the Lockridge Senior High School was advised that from 1994 it would no longer receive funds from that program, after years of participating in and receiving funds from it. I refer to some correspondence from the Lockridge Senior High School to the Ministry of Justice, which was provided to me by the Chairperson of the Lockridge Senior High School, School Council which states -

This announcement has created great distress amongst staff, parents and students as PSP funds and related initiatives have been an integral part of this school's planning and mode of operation for the past 14 years.

He makes the following point also that in allocating the priority school's program funds, the department looks at relative disadvantage. The letter states -

The formulae used and the specific data applied to determine the index of disadvantage of each school needs to be made available to schools to justify the legitimacy of the process.

Not only will the school lose the priority school rating, but also at a school level it cannot obtain the information on which that decision was made. One of the arguments for removing that school from the program is that the demographics of the area have changed; that is, the number of children from homes of lower income families has declined relative to school numbers. In that context the chairperson wrote -

... long serving staff members have noticed no appreciable decline in the number of students disadvantaged through socio-economic causes.

It continues -

Teachers generally ... (including a deputy principal, school psychologist, nurse, house leaders, chaplain, welfare officer, school-based police officer) in particular work as hard as ever with "students at risk" having social, emotional and educational problems.

Certainly, at the school level the staff are unable to discern any change at all in the composition of the students at risk. They still have a great deal of work to do. The letter refers to the 1991 census. It states -

The 1991 Census information for the Lockridge Senior High School total catchment area clearly demonstrates a high level of disadvantage and an extreme level in the suburbs of Lockridge and Cullacabardee.

That information is supported by a recent submission made conjointly by the Shire of Swan and the City of Bayswater in regard to another matter, which dealt with the demographics of the catchment area of Lockridge Senior High School. That submission states, by and large, that the catchment area comprises high numbers of lower income and non-traditional, single parent, families. It observes also that there is a higher level of unemployment, particularly youth unemployment, in the catchment area than there is in other areas. It states that there is a significant degree of public housing stock in the catchment area. Indeed, Homeswest owns 45 per cent of the dwellings in Lockridge and eight per cent of the dwellings in Beechboro. It states also that the crime rate in the catchment area is disproportionately high, with Lockridge experiencing a high incidence of break and enter offences, and that the disabled population in the catchment area is quite large. Therefore, one can see, whether one accepts the information from Lockridge Senior High School or the information from the City of Bayswater and the Shire of Swan, that there is a relative level of disadvantage. This is an important issue for my electorate.

Lockridge Senior High School is endeavouring to overcome a range of problems that it faces in providing students with a decent education. In particular, it has looked after students from lower income families and has tried to ensure that they have a high level of self-esteem and can take their place in the world. It has also provided additional resources for remedial literacy and numeracy courses. Indeed, there is a great deal of pride in the Lockridge and Beechboro areas in what the school has been able to achieve. Recently, an initiative was taken by that school and a variety of others where a small group of students form a legal debating team, work with a legal practice and argue a case in a Magistrate's Court, thereby pitting their resources against those of another school. At the most recent debate, the students from Lockridge Senior High School won their case and defeated a prestigious private school. That led to an overwhelming amount of pride in that school. However, despite that sort of commitment at that school, it has been removed from the priority schools program. That is of great concern to me.

For a considerable time, Lockridge Senior High School has had an enterprise focus of delivering training skills. It operates a farm and a number of industry enterprises, particularly a catering enterprise. The school has sought funding for a catering enterprise centre. We do not know whether that funding will be provided in the Budget because no reference has been made to it. However, it would be a crime if that money was not forthcoming, given the degree of competence that the school has demonstrated in providing students with skills of that nature.

Another concern relates to Lockridge Preprimary School. That school has a special education unit which works with a number of disabled children. That school has followed an advanced policy of working with students in the education support unit in the morning and placing those students in general classrooms in the afternoon. The school has been able to do that because of the high level of commitment shown by teaching staff and parents. The school has been pursuing a small amount of additional resources for the education support unit so that the position of the teacher's aide who currently works at the school can be changed from part time to full time in order to assist with the integration of students from that unit into the general school population.

The education support unit was discussed during the last election campaign. Indeed, prior to the election the coalition stated in its policy document that it would -

Provide for integration into regular classrooms whenever possible.

Children requiring a minimum level of support will be placed in regular classrooms with an expanded and effective itinerant teacher program to ensure all children and their teachers receive regular support and advice.

The implication in that commitment is that resources will be provided to that area of education. Unfortunately, it is evident from page 367 of the Budget papers that there has been no movement in the number of full time equivalent staff allocated to the education support unit - the number was 124 last year and the number will be 124 this year. That area has been neglected in this Budget.

Schools are an important part of the Morley electorate and that is why I am concentrating on them. In the 12 months prior to the last election, many newspaper articles related to asbestos roofs in schools. My constituents have raised with me their concerns about the dangers that may be posed to students because of the asbestos roofs at Weld Square Primary School and East Beechboro Primary School. A number of constituents in the Morley electorate believed, because of what they were told prior to the last election, that the current Government would do something about this matter and that provision would be made in the Budget, in the same way that it was made previously, for the removal, replacement or encapsulation of asbestos roofs. A large article in *The West Australian* of 11 September 1992 which deals with asbestos-related matters in schools states -

Mr Court said his party, if elected to government, would speed the program to remove asbestos fibres from Government schools . . .

In case the public did not get the message on the first occasion, it was repeated. On 3 November 1992, in *The West Australian*, the then Opposition spokesman on education was reported as saying -

... the State Government should spend \$6 million putting protective coverings on all asbestos school roofs to allay community fears.

He was not happy to leave it there. He repeated the commitment at a later time in the same newspaper. Prior to the election, a number of commitments were made about the removal of asbestos roofs. The fact is that the previous Government made provision for their removal and the then Opposition was critical about the amount of funds set aside by the Government to carry out the program. What do we find in this Budget? Do we find any commitment to that program? Is it a line item? Is it mentioned anywhere? No it is not! It is swallowed in the general Budget. My understanding is that the program set down by the former Government has been scrapped. With the current Budget arrangements, if a problem occurs it will be dealt with as best the Government can, but there is no planned way to deal with the issues in the way dealt with previously.

Mr Johnson: You are about two years behind schedule.

Mr BROWN: The schedule ran for many years because schools were categorised according to risk from grade five to grade one.

Mr Johnson: You are still two years behind.

Mr BROWN: One could say we are further behind, depending on the risk factor. We were somewhere behind but nevertheless funds were allocated for that purpose.

I turn now to school improvements. A number of schools in the Morley electorate need improvements. Improvements and maintenance at schools are matters of considerable public debate. Indeed, the Morley electorate was of the view that a considerable amount of money would be provided for upgrading and school maintenance.

Mr Osborne: That is administrative upgrading.

Mr BROWN: Yes, and for maintenance. On 2 September 1992 the Opposition spokesman at the time was reported in *The West Australian* -

Opposition education spokesman Fred Tubby said yesterday the Government needed to commit \$40 million every year to keep up with maintenance demands in WA schools.

That is, not to deal with the backlog; it is just to keep up with the existing demands. On 10 June 1993 in *The West Australian* an article headed "WA faces huge bill to repair schools" reads -

The Court Government claims \$400 million is needed to repair rundown State schools, which it says is the legacy of Labor's neglect.

And further on -

Mr Moore said ministry figures showed about \$50 million was needed to boost the school maintenance program and another \$70 million for more than 60 schools needing sports halls and performing arts centres.

And further on -

... at least \$50 million was needed for general basing upgrading for older schools.

The Minister is on the record as saying this is what is required. We understand that. The current Opposition prior to the election placed its views on the record. But what do we find in the Budget papers? We are talking about rhetoric versus the facts. Last year members opposite were critical of the Labor Government and its allocation to the upgrading program and the maintenance program. Members opposite said that that program was pathetic. What do the Budget papers tell us? At page 366 of the Program Statements the major achievements for 1992-93 refer to \$44m for upgrading and improvements to existing schools. That is very good. It is a pat on the back. It is further noted that the \$75m special maintenance program for established schools will be continued. That is, currently those amounts are not good enough. The Minister has said that we need \$400m, but what has the Government done? The Government proposes

major additions and alterations to 18 existing schools at a cost of \$20.5m. That reflects a cut of \$24m. What about maintenance for schools? The Budget papers state that the Government will develop a plan for maintenance. After everything that has been said previously in the newspapers, when the Government said that it could do a bit better, it could do no more than develop a plan. It could allocate more than the \$75m allocated by the Labor Government, but no, it will develop a plan. It is important in the interests of Western Australians to separate the rhetoric from the facts. When they are separated, we find that in many respects the Budget does not live up to the Government's commitments.

MR W. SMITH (Wanneroo) [4.29 pm]: Allow me to set the scene of the background of our problems which stand against the first coalition Budget after 10 years of Labor Governments. We have heard the member for Morley say that perhaps our Government should have provided more here, there and everywhere. It is as though we inherited a money tree from the previous Government. However, members opposite did not leave us with a money tree, and that is one of the problems.

Politicians necessarily confront difficult choices, but being unable to satisfy all desires they must deny some desires. The Labor Government wanted to remain in Government at any cost, so it sorted out this dilemma early in its term. The former Government simply decided to align itself with the Keynesian theory of economics. Why be constrained by balancing a Budget? By avoiding truly balanced Budgets, Labor politicians avoided confronting this dilemma. If politicians are forced by balanced Budget constraints to reject various claimants' desires, they may lose office. The previous Government wanted to avoid that situation at any cost. As a result, regrettable as it may be, one cannot fulfil all desires, but no harm has been done to the State, if that is so.

However, should politicians be permitted - as Labor politicians were - to appease their gregariousness of wanting to spend and spend and avoid saying no, the State's prosperity would be undermined. The State cannot survive with Governments that do not face up squarely to the essential fact that scarcity is a fact of life. Labor's consistent borrowing and spendthrift behaviour threatened the prosperity of the State. Government members in this House would have heard over the past decade from those who are now in Opposition various themes on how well the State was running, how our State was flourishing, how our debt and unemployment was a mere passing phase, and that bright prospects were unfolding before us. Our State under the previous Administration was not flourishing - and the then Government knew it. The enormous resource potential was not being used correctly or sensibly. The previous Labor Administration humiliated the people whom it thought it was there to represent - the workers. It exploited businesses by the WA Inc saga, a legacy which will haunt us both financially and morally for many years to come.

The Labor Government squandered our inheritance and left this State \$11.8 billion in debt, a State that once was proud of its resource development and its AAA credit rating. The coalition has now been left to regain and rebuild what the past 10 years of Labor has diminished. The worst thing is that every Western Australian will have to pay in real terms for the mismanagement of those who were involved in the decisions during the WA Inc years.

The challenge for us is to deal with the financial conditions that we took on from the Labor Party. It totally failed the aspirations of Western Australians. That is something that those in Opposition cannot face up to. That is something that is rattling their cages. Of course, our political opponents will fight us on the Budget and on many of the reforms that we wish to put forward. Of course, our politics and policies are different. Yes, we have looked at wider horizons, for example, the Report of the Independent Commission to Review Public Sector Finances, the McCarrey report. That is something that the Opposition cannot face up to. Thank goodness we have looked at those issues. Never will we prosper as a narrow-minded, inward looking party as Labor appears to be. Our policies, including our Government's first Budget -

Mr Hill: You can't even read your own speech.

Mr W. SMITH: I can read my own speech.

Mr Hill: You are not supposed to be reading it.

Mr W. SMITH: The Government's first Budget will ensure the future prosperity and security of Western Australians in the world in which we have to compete and in the very powerful and competitive industries that we will have to compete against. Our Budget reflects a wider balance than any previous Budget. It supports business and it has a social conscience for the aspirations of Western Australians. Few of us can remember such testing times for our State than those following 10 years of Labor, which included the previous Labor Government's denial to our industries of a climate that was efficient, innovative and investment prone. It included a reduction in our credit rating. Standard and Poor's downgraded the State's domestic rating in 1991 and Moody's Investors Service downgraded it again in 1992. Why?

Clearly there are three main factors: The State's rising debt burden over the past few years and projections of future borrowing requirements; the deterioration of the State's budgetary position, largely resulting from a slow down in economic recovery; and the additional financial burden imposed on the State's finances as a result of the obligation to the State's financial institutions. This is the type of background upon which the coalition had to devise its Budget. With this in mind, members should make no mistake that without changes, appropriate reforms, new policies and a shift in direction, we will not get back onto the right course. Without more resources - in the form of investment from the private sector and from the better use of existing public programs - we will not succeed. If the case can be made, our success may also be achieved from the extra public expenditure. This Government has moved into the main thrust of all these things in the existing Budget.

What of the wreckers? What of those who were part of the previous Government during the WA Inc years? They have fuelled what I call venom into trade unions, into extremists, in an attempt to set back a State that is still suffering from the legacies of the former Government. Our Government has shown vision and courage in seeking a higher standard of prosperity.

Mr Thomas: Increased debt.

Mr W. SMITH: We were left with a debt of \$11.8b.

Mr Thomas: You are making it worse.

Mr W. SMITH: I will get to the State debt position shortly. The Government believes in incentive, opportunity and the dignity to have freedom of choice in workplace practices. As a new member I certainly applaud the Minister for Labour Relations and others, and the Treasurer, for delivering legislation and a Budget that is relevant to addressing present problems. It is a beginning. Our Government wants a free economy because it is the best way to grow in wealth and prosperity for the whole country.. This prosperity can give us the resources for better services for the community and for those in need. The way to recover is through profits. Good profits today will lead to well paid jobs tomorrow which, in turn, will lead to better standards of living tomorrow. No profit means no investment and that means fewer jobs tomorrow. Our decisions and our Budget aim to achieve this. We must get private enterprise back on the road to recovery and not just to give people more jobs and spend money as we choose, but provide more money to help the less fortunate, the old and the sick.

What are our chances of success? I guess it depends on the kinds of people Western Australians are. I believe Western Australia comprises hard working people of spirit and ability. They include engineers, miners, manual workers, shop assistants, farm workers, those in science and technology, medicine, commerce and industry, and many more. People are essential to the success of the coalition Government's policies and to successfully repairing the damage after 10 years of the previous Government. Perhaps we should look at some of the associated problems in our State. They include that our State's sources revenue - that is, revenue devised from State taxes, fees, fines, mining

royalties and other sources - increased by 143 per cent between 1983-84 and 1992-93. What did the Labor Government do with it? It blew it. It blew our inheritance. Not only is our inheritance gone but also successive Labor Governments have mortgaged our future. Certainly there was no increase in services in my area.

Let us look at how the consolidated revenue fund deteriorated under the previous Government. The cash position when handed over by the previous Court Liberal Government was in a healthy position. In 1984-85 there was a healthy surplus of \$7.7m which the previous Labor Government ran down to an average monthly deficit of \$261m by 1991-92. That is the position our Government inherited from the previous Labor Government. The record of the previous Labor Government is that Budget revenue from interest and cash investments in 1991-92 was at its lowest level since the establishment of accounts some 30 years ago. I could go on and on about this sort of mismanagement.

The Court Government inherited the results of the previous Government's squandering millions and millions of dollars. It left us with in excess of \$11b in debt. Clearly the Budget had to balance reform with a social conscience. That has upset the Opposition. It did not believe we would have the social conscience we have exhibited. The highlights of this Budget include: \$90m for industry attraction; 340 more teachers and 16 extra support staff; 100 more police; a record \$40m for non-government welfare agencies; \$8.3m to reduce hospital waiting times; the Aboriginal special health program doubled to \$2.1m; an extra \$9.2m for home and community care for the frail, aged and disabled; eight new schools; and \$45m for major country roads.

Mr Kobelke: You are misleading the House; that is false.

Mr W. SMITH: If we rattle their cages we will hear them! Members opposite used some creative accounting during their term in office. Of course we have different policies; we do not need to follow their policies. The Opposition is simply outdated.

I will reflect on some specific matters in my own electorate. I feel delighted that in my electorate \$300 000 has been allocated to commence planning and design for new health facilities in the Wanneroo-Joondalup area; \$82 000 to complete a community health needs analysis in the Wanneroo-Joondalup area; and education funding to complete a further stage at Belridge High School and for the Clarkson Primary School and Yanchep District High School. False promises were made by the Labor Government to do something about the Yanchep District High School, but it did not deliver. This Budget has allocated \$4.8m to proceed with stage 2 of the development at Joondalup college, which provides open learning facilities for retail trades, hospitality, and tourism and child care studies.

Nothing was done about transport during the previous 10 years. People in my electorate still complain about the services provided by the former Government. Two bus services are provided to Yanchep-Two Rocks, one in the morning and one after lunch. If one took the bus service provided by the Labor Government one would not be able to return to the city in the afternoon; that is simply madness. The Labor Government relegated Yanchep-Two Rocks to a second-rate community. It did the same to Quinns Rocks. An allocation of \$10.5m in 1993-94 will complete construction of the Currambine railway station and finalise other major construction contracts and other works. Under the Ministry of Justice budget \$1.2m was allocated to complete the new courthouse to service the northern corridor. The Fire Brigades Board received a works allocation of \$950 000 to construct a new brick and tile fire station at Joondalup for permanent firefighters. I know that many members on my side of the House and on the other side feel that the Wanneroo electorate, and Joondalup in particular, has been well provided for, but it has not been easy for this Government. I have tried to play a part by lobbying Ministers for many months to look at the real issues in my electorate. I am pleased to say that lobbying has benefited the electorate of Wanneroo. Many things have gone wrong in the past, but we are on an upward spiral which will turn that around.

The first coalition Budget addressed important policy issues. The policies that will be implemented during our term will see us get closer to a balanced Budget, to providing for the aspirations of all Western Australians. I am sure that my electorate is pleased with

this Budget. I have had many telephone calls saying that people feel the electorate has been adequately provided for. The challenge before me is to see that I am relentless in my pursuit to provide even better facilities for the Wanneroo electorate. The Budget provides for the ongoing development of Joondalup City, which will emerge as the second largest business district in this State. That project commenced in 1975 under a Liberal Government. My constituents in the suburb of Connolly were upset at the sale, to provide extra funds for the Labor Government, of the Joondalup country club and golf course. I picked up on this because we have heard the member for Morley talk about broken promises. Pam Beggs made a promise in a media article that the club would not be sold. She broke that promise. The excuse was that it was losing considerable amounts of money. However, I read an article in a Singapore newspaper in late 1991 about the golf course, which stated that the company which bought the facility had got a bargain. The previous Government sold it for a bargain. It also sold the residents downhill; it said that one of the reasons it was selling the golf course was because it had outlasted the purpose it was provided for, that is, to attract residents to Joondalup. The previous Government made commitments that the golf course would stay, that it was one of amenities for the residents in the area. It should not have been sold to an overseas company that would later sell memberships for some \$10 000. How many residents in Connolly will be able to afford \$10 000? Part of the agreement with the City of Wanneroo was that the golf course would provide the public open space for the residents of Connolly. Families in that area now have nowhere to take their children and there is nowhere for the community based recreation facilities to go because the former Labor Government sold what was public open space.

Mr McNee: Does that mean that the residents will have to pay a foreign owner to play a game of golf?

Mr W. SMITH: Exactly. Members of the Opposition are being very quiet because they know they broke their promise. I commend the Connolly Residents Association and Robert Ross and Ross Albones for their hard work and diligence in trying to get something done for the residents of Connolly. As it was sold as a bargain, I cannot understand why the Government could not have used some of the money to provide further public open space. It should have taken a reserve out of the golf course and given it to the residents. However, it did not consider that. Those residents were not represented properly by their previous members. I congratulate once again the hard work of the Connolly Residents Association and I thank the House for its indulgence.

MR CUNNINGHAM (Marangaroo) [4.52 pm]: The first Court-Cowan Budget is dull and boring. It is devoid of any political, social or economic responsibility. Clearly, it is an exercise in political opportunism. More importantly, the Budget lacks any vision whatsoever. It has no substance and lacks the realities of the Treasurer's rhetoric prior to the State election in February 1993. A very colourful person from my electorate rang me last Friday and gave me a very colourful description of the Budget. I will spare the House that description today. The member for Swan Hills and a couple of her good friends saw the description last night and can now pass it to other members of the Government. I will keep that description for another day.

This is a ruptured Budget because it fails to do the job required. That is true for one reason: It fails to arrive at the desired result, to pass on benefits of an improving economy to the general community of Western Australia. This Budget fails in its entirety, from beginning to end. It is a great non-deliverer of economic responsibility.

I will begin my speech today with the so-called major aims of this conservative Government's Budget as outlined by the Treasurer. His two major aims were, firstly, to promote the resurgence in business confidence and resulting job creation and private investment in this State and, secondly, to ensure that Western Australians benefit from wealth creation through improved and more efficient services. The argument about improved business confidence and community benefit from wealth creation is clearly completely wrong. Business confidence has not improved. That is evidenced by various comments in the Press by business groups. In *The Australian Financial Review* of 20 September 1993, the Chamber of Commerce and Industry is quoted as saying that the

Government's opening Budget achieves nothing and that it has the potential to make the problem worse. *The West Australian* of 7 September 1993 stated that the Budget may worsen the State's economic position. One of the pearls appeared in last week's *Sunday Times*. It was written by Janet Wainwright. I am not one of her greatest fans.

Mr Kobelke: You would not employ her on your paper!

Mr CUNNINGHAM: No, she may have a problem there. I also do not believe she is a stooge of the Australian Labor Party. In that article she said -

Instead of fireworks, we got a squib with the delivery this week of the State Budget.

And that squib may just smoulder or even backfire on the Government. . . .

It seems that as an inexperienced Treasurer, preoccupied with Mabo, Mr Court has allowed himself to be influenced *Yes, Minister* style by the bureaucracy.

Mr Marlborough: That is not the same squib as that unmentionable thing should have been covering.

Mr CUNNINGHAM: No, no way in the world. The article continues -

Any regular reader of this column will know I am a keen fan of the classic British comedy, primarily because it closely mirrors reality.

For those who are unfamiliar with the old series, a new, well-meaning but inexperienced minister, Jim Hacker, is led by the nose by the head of his department, Sir Humphrey Appleby.

Sir Humphrey's philosophy is that governments come and go but the public service continues unchecked and it really runs the country.

Unfortunately, that appears to be so in WA. . . .

Three months ago, in his first report, Mr McCarrey highlighted the inefficient, inflexible and outmoded public service and recommended axing up to 2500 jobs and amalgamation of some departments to achieve smaller government.

Instead, this Budget has increased the bureaucracy, while in the lead-up to the Budget thousands of blue-collar jobs have gone.

That was part of her article in last week's *Sunday Times*.

Mr W. Smith: A lovely person she is, too.

Mr CUNNINGHAM: She may be a wonderful person.

Mr Day: She lives in the Darling Range.

Mr CUNNINGHAM: She does. Various sections of the Western Australian community which this conservative Government claims to represent, its natural constituency, have left this Government high and very dry. They have declared that the first Court Budget has failed economically and not only lacks the vision necessary for the State's continued improvement but also may have put Western Australia's recovery at risk. Through this Government's lacklustre approach to economic improvement, it has destroyed any confidence the business community may have had in this Government and in this State.

The Government's second major aim is its claim - doubtful though it is - that wealth creation will benefit the whole community. That is clearly not true. That is evidenced by three main Budget areas - education, public safety and economic responsibility. Firstly, in relation to education, I am pleased to say that this Government has honoured in this Budget the pledge of the Lawrence Labor Government and of the former Minister for Education, the member for Armadale, to establish the new Ballajura High School, a school for the twenty-first century, and the South Ballajura Primary School. That was an Australian Labor Government's initiative. The people of Ballajura and Alexander Heights will appreciate the Labor Party's commitment and I know they will appreciate that the coalition did not rat on them.

I will get this off my chest: I congratulate the Government for endorsing the initiatives included in the member for Marangaroo's wish list for the Girrawheen Senior High School. The wish list included the allocation of \$394 000 in this year's Budget. This Government did the right thing in this instance, but apart from that it has done very little and I will prove that. I believe that credit should be given where it is due.

This Government has behaved irresponsibly in other areas of education. It has promised eight new schools and three of them are due to the initiatives and planning of the Lawrence Labor Government. It is not surprising to note that the Government is claiming credit for what the previous Government did. The initiatives offered by members opposite are few and far between. The concerns of the Opposition extend beyond the lack of Government initiative to the lack of priority that this Government places on our children's education.

Here come the brickbats: Of extreme importance to my electorate is a primary school at east Marangaroo. This Government's refusal to provide for the construction of a school in east Marangaroo in the 1993-94 Budget is bordering on irresponsibility of the worst kind. The demand for a school in this area is increasing and the Government's failure to accede to the local community's request will be disastrous for the area. An action group comprising 36 residents was formed last Monday week and it met with the Parliamentary Secretary assisting the Minister for Education, the member for Roleystone, who I might add was well accepted, and the shadow Minister for Education, the member for Armadale. This group has met twice at my office in less than a fortnight. These 36 people do not want words, they want action and they will not get off the Government's tail until something is done about constructing a primary school at east Marangaroo. The Federal Liberal Party member for Cowan, Mr Evans, is quoted in an article in the *Wanneroo Times* of 7 September 1993 as follows -

Mr Evans said he had written to Mr Moore in August after large numbers of Marangaroo residents complained about the state government's apparent back-down on building the school.

Members should listen to this very carefully -

Mr Evans said the ministry knew there were about 570 possible primary school students in the east Marangaroo area.

The difficulty the ministry had was that the facilities of Marangaroo Primary School were already at capacity and any changes to the boundary would force overcrowding problems at this school and nine extra classrooms would be needed.

The need for a primary school at east Marangaroo is acknowledged by the local Federal member, but his counterparts in the State Government will not accept his view.

Dr Hames: How do you know?

Mr CUNNINGHAM: Members opposite have ignored it.

The Government is fond of talking about the increase in the allocation of funds to the Education portfolio in this year's Budget. It claims that it has given education a high priority. That is not true; it is a downright lie. Spending in certain areas of the Education portfolio has been severely reduced. For example, under a conservative Government, expenditure on capital works at Government schools is 60 per cent less than it was under a progressive Labor Government. Of equal concern is the reduction of \$80 in expenditure per student by this Government in its Budget. A high standard of education is essential to the advancement of our children and this kind of reduction is inexcusable. It highlights what members on this side of the House have always known: In the Government's pursuit of reckless efficiency the children of this State rate a very poor second.

Still in the realm of education is the issue of preprimary schools for five year olds. This was a Labor Government initiative which was widely supported by the people in my electorate and the community as a whole. Funding for five year old preprimary education has been frozen. The result is the loss of 14 000 new places for five year olds

in the education system. The Government has claimed that funding for the State's TAFE institutions has been increased. That is true; however, it has nothing to do with the goodwill of this Government. The increased funding is the direct result of increased fees and charges and additional generous Federal funding. Under this inept Government there has been a severe reduction in education expenditure. In the Government's assessment of the education system it has failed to allow for inflation and the constant growth in the student population. The Government's commitment to education highlights its failings and demonstrates its economic and social irresponsibility, which is the common theme throughout its Budget.

My second area of concern is public safety. One of the promises on which this Government was elected was an increase in the number of police officers. Of course, this was another blatant lie. The conservative Government has increased the Police Force by a lousy 100 new officers, which is an overall increase of about two per cent which barely keeps pace with population growth. The police-population ratio will fall for the first time in many years. Under a Labor Government Western Australia had the best police-population ratio of any State in the Commonwealth. This Government's claim that the Police budget has increased by seven per cent - nearly twice the average increase - is an illusion. The Government has selectively quoted recurrent expenditure and avoided the new consolidated accounting figures which show an increase of only five per cent as a result of a \$3.5m cut in capital works. When adjusted to allow for inflation the increase is only 1.25 per cent - less than the population growth. The Court Government admitted that reported violent offences increased by 16.71 per cent and stealing with violence by 47.9 per cent. There has been a 7.16 per cent increase in demand for police attendance at disturbances and complaints, from 303 690 incidents in 1991-92 to 325 434 incidents in 1992-93. In the area of police, the Government has failed to allow for basic economic principles. It has not allowed for inflation for forecasts of population growth.

The third area of concern is economic responsibility. The lack of support from business groups for the Budget has already been highlighted. Other areas need to be discussed. These areas are in direct relation to the Government's election promises with respect to public sector finance and debt reduction. Areas such as expenditure and revenue are of significant concern when making comparisons between the Government's election promises and the content of its first Budget. There are many examples of this. One election promise by the Government was to cut Government spending. This has not occurred. This conservative Government, which campaigned so vehemently, has increased Government expenditure by at least 1.7 per cent in real terms. There are other problems. The conservatives have reduced spending in a wide range of community services. I refer to areas such as Legal Aid, assistance for the intellectually handicapped, environmental protection, women's issues and the Aboriginal Affairs Planning Authority. These areas lost out in the Budget, in complete contradiction to the Government's Budget strategy which was -

... to meet the real needs of the community for Government services in the most effective way.

The reduction of funding in these services will result in a failure to provide these essential community services to the general community of the State.

There was also a promise by the Government to scrap payroll tax, a tax, I remind members, which was paid by only about 10 per cent of larger businesses. The Government has not scrapped payroll tax, because of its political misjudgment in believing that the now defunct Dr Hewson would lead the Federal conservatives to electoral success in the March Federal election. This is typical of the political miscalculations which we have come to expect from this conservative Government. Members of the Government have acted like economic pygmies. We could put all their economics knowledge on the back of a Kellogg's cornflakes packet - the sample packet, not the large one.

Business has been additionally sluggish. Business taxes have increased generally by \$11.1m on top of the already increased water charges and other charges announced

earlier this year. Where has the increased revenue gone? A generous proportion has gone to the Ministry of the Premier and Cabinet. The Premier's advisers have been given more than generous salary increases. The Premier's staff has seen a 31-member increase and a \$2m budget increase. Of even greater concern is the budget allowed to the Government Media Office. Concern arises from the fact that the office will be used as a propaganda machine to support publicly the Government's policies.

It is obvious why the first Court conservative Budget can be described as a very wimpish Budget. The Budget fails to do its job and reduces business confidence. It destroys the hopes of the general community and lacks the vision which is so essential to the continued improvement of the State. That vision was ably put to the House last night by the member for Kimberley. It is a vision which this Government lacks. This politically inept Liberal-National Government has abandoned the commitment that the previous Labor Government made of a \$10m package to the people of Western Australia on 2 December last year. The Government's Budget is regarded as having no substance. The most magic comment and analysis of the Budget was made by the economic editor of *The Australian*, Alan Wood, who said that the Budget had a distinct Augustinian approach - "God make me good, but not just yet". I hope that the Premier, for the sake of the electors of not only Marangaroo, but also the whole of Western Australia, in the 1994-95 Budget will take the approach of "God make me good immediately".

MR PENDAL (South Perth) [5.16 pm]: In making a contribution to debate on the first Budget introduced by a coalition Government in 11 years, I place on record my congratulations to the Government on having achieved a number of major objectives in the knowledge that what has been begun by this process has a long way to go. In the course of my remarks, I want to touch on three issues: Firstly, a local issue to do with my electorate and the lack of funding for facilities that I had hoped would be part of the Budget allocations, namely, at Como Senior High School; secondly, the rather vexed question of the Christian Brothers allegations; and, thirdly, the heritage of the State and, more particularly, the heritage of this Parliament building in which we operate.

It would be no secret to people in the South Perth community that for something like 11 years now there has been a commitment on the part of successive Governments, beginning with the O'Connor Government and continuing throughout the Labor years of the 1980s, to give the Como Senior High School a gymnasium and a performing arts centre. I had hoped that after the pretty lean years of successive Labor Governments the incoming coalition Government would have favoured my electorate with what has been the only major request for capital works in the many years that I have represented that area in both the upper and lower Houses. The fact that an allocation was not made is something that has understandably angered the local community. A number of meetings will be held and petitions will be circulated in the hope that the Government might consider that matter more favourably in the next State Budget. I thought it was a bit rich that some Labor members in another place directed questions on notice and without notice to the Minister for Education that were inclined to be critical of the Minister on this matter.

They have a cheek to do that given we have just completed a 10 year period of Labor Government in which this project was on the Estimates for all that time but never found favour with any of the three previous Labor Administrations. It ill becomes members of the Labor Party, some of whom represent that area, to be shedding what I would regard as crocodile tears now about a facility at the Como Senior High School given that 10 Budgets have passed and in all that time there was no allocation to the high school for that purpose. I understand as well as most people in this Chamber that one does not begin tackling major structural financial problems and disabilities without starting somewhere. Of course everyone tends to say we should have cutbacks and efficiencies, as long as they do not start in one's own electorate. We are all a bit inclined to do that. I have gone on public record in my electorate as saying that while I am disappointed with the lack of allocation, I can hardly demand that a new Government give us in its first Budget what an outgoing Government failed to do over a full decade.

Mr Kobelke: You are willing to offer your electorate as the sacrifice, are you?

Mr PENDAL: No. The member has obviously not picked up the spirit of what I said because I have also said on record that I intend to press the Minister over the term of this Government - in the next three and a half years - to ensure that by the end of that term the facility will be completed. It is very much tied to a decision taken by the former Court Government in the early 1980s to close what was then the Bentley Senior High School - later Canning College - and transfer many students who were in the catchment area of Bentley High School to the Como Senior High School. As some enticement they were offered a variety of facilities, one of which was this long awaited gymnasium and performing arts centre. While I am prepared to see the Government make some tough decisions to bring financial sense and good housekeeping back into the budgetary process, we will expect to see serious consideration given to this project the next time around.

The next matter I want to raise is, I am the first to acknowledge, one of great delicacy and one which has been deeply hurtful to anyone who has loyalties to or an affiliation with the Catholic community in Western Australia and those associated with the Christian Brothers Order. Members would be blind to public issues were they not to know that in the past 12 to 18 months there have been the most concerted and unnecessarily vicious attacks on the Christian Brothers congregation in this State that bears some examination in speeches of this kind to this House. In the past 12 to 18 months - and I have spoken on the matter before - some sections of the media, certainly not all, have made it their business to make what I believe to be wild, one-sided and vicious attacks on a congregation which has made an enormous contribution to education and child welfare in this State for the last 99 years. I am talking here of course about the CBC organisation. The sadness I find as a former student of that system and one who was a pupil not only at Marist Brothers in Bunbury and Christian Brothers in East Victoria Park, but had close connections with Clontarf as a child, is that I find it utterly abhorrent to hear this constant stream of allegations, many of which are not accompanied by factual material, and that they should be used to bombard members of that organisation in the way that has occurred. When one is dealing with an organisation that has, in the Brothers' case, educated something more than 4 000 young people between 1901 and 1983, it is inevitable one will find creeping into the best systems practices that should never creep in anywhere. Least of all should they creep into an organisation whose very standards and rule of life find that sort of behaviour abhorrent. I do not for a moment condone any person in that organisation who has engaged in any improper, immoral or illegal action at any time between 1901 and 1983. No-one would condone that.

I find it offensive and abhorrent that sections of the media, and indeed sections of the Victims of Institutionalised Cruelty, Exploitation and Supporters organisation, should attempt to portray that behaviour as characteristic of everyone in the system. For better or worse, and many members might say it was for worse, I attended the schools and institutions to which I referred. In all those years of my childhood and early teenage years I not only never remotely experienced what is now being alleged, but neither did I know any other students within those institutions who were maltreated in that way. I find it interesting now, 18 months into this controversy, at which stage the reputation of that Order has been seriously and unjustifiably tarnished, there is on the part of the critics something of a fracturing of stances. I was not surprised to read in my local newspaper the *Southern Gazette* of 21 September, as late as last night, an article by Lionel Welsh, who was the person who wrote the original two books drawing attention to some of the deficiencies in the system. And deficiencies in the system there were. It is interesting to note that Mr Welsh has now broken ranks with those people in VOICES and in turn has levelled allegations at people in VOICES for doing what he says is the wrong thing by having hijacked the original argument. I want to quote from parts of the article.

He was not part of the group going ahead with the court action against the brothers.

I break in here to indicate that I have no objection to any person who has been aggrieved or a victim of child molestation taking action in the courts or going to the police. In fact, my complaint is that that has not occurred in the past.

Dr Watson: It has.

Mr PENDAL: The member must bear with me. The correct channels for people who allege such action are the police and the court system. If that is falling down, let us look at it. I cannot abide allegations of a general nature being made, and then not being backed up with substantiation which would enable the police to prosecute and the criminal courts to decide on the adequacy of the information. Mr Welsh is very quick to accuse part of the media in a manner which is worth reading into the record. He said -

"I have had numerous phone calls asking me about this," he said.

"But I can assure people I am alive and well, but do not like the way the whole issue has been exploited by the media and movie moguls," . . .

Members must bear in mind that this is a man who has a gripe against the Christian Brothers. His gripe is a different kind, and I hope I will have a chance to mention that today. His articulation in this article begins to put back into the debate a balance that has been lacking in certain parts of the media. He continues -

"I do not want money, I just want justice and I cannot get that from the self-appointed crusaders now jumping on the band wagon," . . .

I ask members to listen to this comment because it goes to the heart of my complaint -

"There is this constant carping about sexual abuse - that was the least of the abuses -

Therefore, his complaints are in the widest sense that he suffered as a human being by being in the institution. His complaint and the complaint of a majority of people have nothing whatsoever to do with allegations of sexual impropriety. You, Mr Acting Speaker (Mr Johnson), would not have discovered that having followed part of the media in this State in the past 15 months. The article later reads -

Of the 31 stories of abuse he taped from former inmates -

I interpolate here to indicate that those interviews were used to write the two books. He continues -

- he said only two cited sexual abuse . . .

Therefore, we are talking about five or six per cent of the cases, which underlines my point. One starts to wonder who are the victims in this: Certainly, there have been victims of a young age; but, equally, there have been victims who are part of the Christian Brothers Order. The whole bang lot have had their reputations wiped out by this constant, inaccurate and, in parts, dishonest campaign. I am not talking about people who have legitimate claims or people who have taken complaints to the police in the hope that they will reach the courts.

Mr Welsh, and others, has complaints which are not what just about every member of this Chamber believe them to be. As I understand it, his complaint is that he and other students should have had a share in the property worked by the students in country centres when the properties were sold. They believe they were exploited because as young orphans they were asked to work in the fields. They believe that, in looking back, the Order, society and the State Government all benefited from their labours. Maybe they have a point. However, I know from my personal knowledge of the situation that the claims being made about their rights to land have been taken sufficiently seriously by the Christian Brothers Order to have placed them in the hands of a Queen's Counsel in order to have them assessed to see whether the claims have any justification for entitlement to the land.

Other complaints have been put under the general terms of neglect and abuse. For example, these cover the belief that the students were the recipients of an inadequate education. I know that about three-quarters of the people in this room would probably say that they were also recipients of an inadequate education. I am an adherent of the saying that my education was only interrupted by the years I had to go to school.

The terms of abuse or neglect, which began in support of these claims, have been overtaken by this untruthful and vicious assertion that all the abuses under consideration were of a sexual kind. I resent that and will continue to do so. When people ring my office and say they have been victims of sexual abuse within those institutions, I will be happy to put them in touch with the police and to see their cases to the court. I also will be happy for any wrongdoer to be convicted in accordance with the law and thrown out of the Order. I have no trouble with justice being done like that. However, members must remember that the position has arisen in which all are guilty unless they can prove their innocence.

Some time ago the brothers themselves put out a statement published in *The West Australian* on 30 July. This acknowledged some of the things that I am saying, but also acknowledged that, where abuses occurred, they did not condone them. Notwithstanding that, the campaign has continued unabated.

I ask members who do not have any particular reasons to feel loyalty, as I do, to the Catholic education system of this State and this nation, to consider the situation of it being withheld. Without it, this State's education processes and social welfare agencies would collapse under their own weight. I remember as a boy being part of the system where the bishops of Australia, in order to get some justice, said, "All right, we will put the rest of society on. We will close the schools and send the children into the Government system." Some members here would probably know that the Government system could not begin to cope with such a situation.

Mr Cunningham: Goulbourn was a classic example, and it was the Labor Government in New South Wales which fixed it.

Mr PENDAL: In the circumstances I can agree with the member, albeit that he has made me agree to a Labor proposal. Nevertheless, the member is right. It was that part of Australia which literally brought the whole education system to a halt. I mention that because everyone in this Chamber and in public life has a vested interest in the educational and financial aspects of seeing the survival of the Catholic and independent system. That will not happen; the survival of the reputation of the overwhelming number of people would be undermined to the point there is no more public confidence in it. I found it personally very moving, for example, to visit Aquinas College recently, which is in part of my electorate, to hear as fine a man and as noted an educator as Brother Carry of Aquinas College almost I think at the point of tears in saying, "Phillip, I think the thing that hurts most is the belief that this is behaviour characteristic to an order whose rule of life is the very opposite of that behaviour." That is what rocks this overwhelming majority of people who have led the sort of lives that they are required to lead, and have led, by their vows - lives that are contrary to the minority of people who are at the heart of this problem.

The July statement of the Christian Brothers' congregation bears some examination. Were there time, I would read the whole thing into the record. However, I will read an edited extract which I think is an objectively arrived at edit. It says -

In recent years, controversy has arisen over the treatment of children resident in the W.A. child-care institutions at Clontarf, Castledare, Tardun and Bindoon, especially during the 1940s and 1950s.

Some former students have made serious allegations of ill-treatment and abuse.

Other students of the same era claim such allegations are grossly exaggerated and are not representative of life in these institutions.

I am one of the thousands of people who would attest to that.

Mr Leahy: Half a dozen ex-Clontarf and Bindoon boys who live in Carnarvon are very supportive and I have not heard one who has corroborated those allegations. The people I know personally have said what you are saying.

Mr PENDAL: That again is an encouragement. A good reason for bringing it into the House is this outward breakout in political peace. The two interjections made so far have

come from two Labor members, both of whom spoke about first-hand experience. I am grateful for that and so too will be the Order of Christian Brothers. I do not think the member for Geraldton will mind my saying that, as I knew he was a former student of the Christian Brothers College, before he left for his electorate today I asked, firstly whether he was a victim. He replied that not only was he not a victim, but also there was not the slightest hint -

Dr Watson: That can happen in families where one child is abused and the others deny it happens.

Mr PENDAL: I am not even disputing that. That of course happens in a normal family situation and therefore it becomes part, if one likes, of the code of silence that people are trying to break.

Dr Watson: Interjected.

Mr PENDAL: I understand that, but what I am trying to say is that we should put the blame where it belongs. I think there are many genuine decent people in VOICES all of whom are entitled to be challenged to come forward and then to have that information assessed by the police and placed before a court of law. The 95 per cent or 99 per cent of Christian Brothers who live according to their vows would be the first to be glad to see the back of people who have broken their vows and brought such shame on a fine institution. I have no difficulty with the spirit of what the member for Kenwick has said by interjection. The statement goes on to say -

The following statement from the congregation of Christian Brothers in W.A. seeks to put the events and circumstances of that time into proper context so that fair judgement can be made and to establish a basis for reconciliation with those who have been aggrieved.

They are not saying that that sort of thing could not have happened in any of our institutions; they are saying that some of those things did happen. They address that and their sense of shame later in the statement. They go on and say under the subheading of "OUR FINDINGS" -

We have studied the allegations available to us, and we have made our own independent inquiries.

Believe it or not they are capable of making independent inquiries. I know that is somewhat difficult for the genuine people in VOICES to sometimes believe. Incidentally, I think a few things will be displayed in the months ahead where that level of independence and a dispassionate look at the facts will become even more apparent. The statement continues -

The evidence is such as to convince us that abuses did take place, abuses that in some cases went well beyond the tough conditions and treatment that were part of life in such institutions in those days.

They are trying to say that many people have tried to explain away the improper abuses, if I can put them in that way, by saying that life was tough in those days. Even the Brothers do not accept that. I attended the CBC, and if child abuse was represented by the number of straps one was given, I was a victim of child abuse. I can only think that at the end of the day, as one gets a bit older one realises that most of those wallops, in my case at least, were justified.

Mr Cunningham interjected:

Mr PENDAL: In the member's case I can well understand that. In this day and age, even that behaviour is not accepted.

Mr Cunningham: When you look back now, the use of the strap in those days was to no avail was it?

Several members interjected.

Mr PENDAL: All I can say is it did not seem to have a greatly deterrent effect on me.

Dr Turnbull: You turned out pretty well.

Mr PENDAL: I thank the member for Collie for the compliment; I think she is probably right. What I am saying is that the Brothers are not saying, "We will explain away the wrongness of sexual abuse by saying things were tough in those days." They are rejecting that there is any possible excuse. They are saying that even if the kids were worked hard in the field and were given the strap because they gave the Brothers a mouthful of cheek, or because they did not do their work, or even if corporal punishment was used against children, they in themselves are not to be compared with the sorts of improper kinds of sexual abuse in which a small minority of students and a small minority of teachers engaged. While I believe that the extent of the abuse appears to have been exaggerated in some quarters, the fact that such physical and sexual abuse took place at all in some of our institutions cannot be excused, and is for us a source of deep shame and regret. They cannot be more frank than that. They are not in any way condoning anything that went on. They go on to say -

Such abuse violates the child's dignity and sense of self-worth. It causes psychological and social trauma that can lead to lasting wounds of guilt, shame, insecurity and problems in relationships.

The brothers went further than that and, again, it warrants being placed firmly on the parliamentary record. Under the subheading of "Our Apology", Brother Jerry Faulkner, the provincial head of the order in this State, says -

We, the Christian Brothers of today, therefore unreservedly apologise to those individuals who were victims of abuse in these institutions.

We do not condone in any way the behaviour of individual Brothers who may have perpetrated such abuse.

In apologising, however, we entreat people not to reflect adversely on the majority of Brothers and their co-workers of the era who went about their work with integrity and deep regard for the children entrusted to their care.

Let me repeat a few things about the people entrusted to their care: These were kids no-one else in the world wanted. The British Government kicked them out and were glad to see the back of them. They were a mixture of genuine orphans; that is, without living parents -

Dr Watson: Or their mothers were very poor.

Mr PENDAL: I am coming to that. They were children from broken homes whom people placed in institutions or, as the member has said, the children of mothers or fathers who were very poor and who, in some cases, had no option but to place them in the care of the authorities in Britain.

Dr Watson: And Malta.

Mr PENDAL: Yes, but my point continues to be that not only did Britain not want their children and Malta not want theirs, but also they ended up in Western Australia and not even the State here wanted them. Therefore, one of the principal places they could end up in was Catholic institutions and, of course, there were other churches and non-church bodies who took those children in. I, for one, have heard from dozens upon dozens of people who have no complaint. I heard from a Labor member of Parliament only today the case of one of those children, now an adult man in the north of the State. He made it clear he had no love for or affectionate memories of his mother. The only affection he could recall being given was the proper affection that came from many of these brothers when these children were discarded.

That is a point to remember when people want to pontificate and be judgmental, and they are entitled to do that on behalf of the children who have been genuinely abused: Those children were discarded as though they were not human beings at all and dumped half a world away from places like Malta and England and other parts of the globe into Western Australia, where literally no-one wanted them and was prepared to care for them, except the Christian Brothers themselves.

The statement goes on to say -

Their work and dedication are reflected in the numerous students who, despite deprived backgrounds, went on to take their places as successful members of Australian society. We are deeply grateful for the many expressions of thanks and support we have had from former students.

That accords with the remarks I have heard today from right around the Chamber with members saying that they have heard similar things from their constituents. The statement goes on to try and put some historical perspective, additional to that to which I referred earlier, and under the subheading of "The Context" it says this -

Between 1901 and 1983 some 4 000 boys, mostly orphans, child migrants and State wards, were cared for in Christian Brothers' institutions in W.A.

That statement is interesting for a number of reasons. The writs recently issued amount to 240 over the entire period, and they are multiples of these types of sexual and non-sexual abuses, so we may well be talking about 40, 60 or 80 people, although I am guessing here.

Mr M. Barnett: Or 20.

Dr Watson: It is actually over 200.

Mr PENDAL: Let us take the highest figure. I am prepared to accept that because my figure is based on speculation. Even if we accept the figure of the member who has just interjected, the 200 out of the 4 000 -

Dr Turnbull: What about the member for Rockingham's interjection?

Mr PENDAL: I think he probably knows a bit more about some of these things than I am ever likely to. That figure of 200 out of the 4 000 we are referring to would represent five per cent. I am not saying that is good, because it is still five per cent too many, but does it not start to put back some perspective into a debate that has been fanned along by the belief that every child that went into an institution, whether it was Fairbridge, Clontarf or Tardun -

Mr Marlborough: That is no different from people quantifying how many murders take place in this community. Do we then go on to say that every person who murders somebody ought to be hung? If you listen to certain people in this community, particularly on your side of the House, you would think that should be the case.

Mr PENDAL: Let me remind the member, in case he does not know, that my vote ended capital punishment in this State. I recall one day when Brian Burke was bragging that he had abolished capital punishment, I reminded him that he did not. It required three members in the other House to cross the floor.

Mr Marlborough: Somewhere in that heart of yours there is a thread of kindness. I will give you that.

Mr PENDAL: Mr Acting Speaker, I know that I get into real trouble only when I hear Labor members saying something nice about me and, therefore, I had better get back to my speech before his comments completely destroy my reputation, though I thank him for his comments.

Within this historical context, the statement then went on to give an understanding to the background of the behaviour and not to explain it away, by saying -

Conditions were tough, unnecessarily so by today's standards, but quite common in child care institutions in those days. Resources were scarce. Government assistance was minimal -

That underscores my point again: Not even Governments wanted these kids, and it was left in the main to the churches to give them some genuine affection that otherwise had been denied to them by their own families. It continues -

- personnel were untrained in child care and were often overworked, and specialist help was almost unknown.

Finally, looking to the past, it said -

We cannot change the past. We cannot take away the hurt. We can express our heartfelt regret for the failings of the past and we can, on behalf of our predecessors, beg the forgiveness of those who suffered

They do not leave us with nice and high sounding phrases, but go on with some practical suggestions -

Also, we can offer practical assistance to those who need it. To this end we are considering practical ways of offering assistance to those who are now suffering. To those who were adversely affected, we give our sincere commitment that we will do all that can reasonably be done to ease your pain by helping you with your present day needs.

It continues after that quote to invite those people to ring a particular telephone number if they need help. I know it is a fair criticism that some people would not feel inclined to ring that number. If, after all, they genuinely believe that someone has assaulted them, they are not likely to go back to that source. I believe there is a need, and I hope in the near future that something will be done to find independent methods of fairly assessing the needs of these people. I personally do not favour a public inquiry, for all the reasons I have stated. I think of the unjustifiable damage inflicted not only on the order but also on some of the alleged victims.

Having got only as far as the second point of my three point speech, rather than ask for an extension for another hour, I will save my contribution on heritage matters for another time. I support the Budget.

Debate adjourned, on motion by Mr Thomas.

House adjourned at 6.01 pm

QUESTIONS ON NOTICE

MINISTERIAL STAFF - SALARIES, TOTAL COSTS; TOTAL NUMBER

708. Dr LAWRENCE to the Premier:

- (1) What is the total amount in salaries paid to members of ministerial staff as at 30 June 1993?
- (2) How does this compare with the previous Government as at 30 June 1992?
- (3) What is the total number of staff in Ministers' offices as at 30 June 1993?
- (4) How does this compare with the previous Government as at 30 June 1992?

Mr COURT replied:

- (1) The total salary costs for ministerial staff up to the end of the 1992-93 financial year was \$7 010 803. In addition, following the State election an amount of \$1 403 733 was spent on termination payments in accordance with the terms of ministerial contracts.
- (2) There is no readily available comparison between the amounts spent on ministerial staff salaries for the 1992-93 and 1991-92 financial years. As the Leader of the Opposition would be aware, the Ministry of the Premier and Cabinet only assumed responsibility for ministerial staff salaries for the 1992-93 financial year, and that prior to this ministerial offices were funded by various Government agencies. However, by way of comparison, I have obtained the total figure for salaries paid on the last fortnight of both financial years.

17 June 1993, the fortnightly salaries for ministerial staff under the coalition Government was \$273 800.

18 June 1992, the fortnightly salaries for ministerial staff under the Labor Government was \$291 000.

(3)-(4)

The total number of staff in ministerial offices, including my office and that of the Parliamentary Secretary of the Cabinet as at 30 June 1993 was 206. The comparable figure as at 30 June 1992 under the former Labor Government was 241.

KINGS PARK OF THE NORTH - CREATION ACTION

793. Mr GRAHAM to the Premier:

- (1) Has the Premier or the Premier's department or any Minister taken any action to honour the coalition commitment to "Create a Kings Park of the North under our arboretum-botanical garden plan"?
- (2) If so -
 - (a) what action has been taken;
 - (b) where will such a park be located?
- (3) If not, why not?

Mr COURT replied:

(1)-(2)

Prior to the February election, the coalition presented to the Western Australian public a comprehensive environment policy containing a large number of commitments. I am advised that the Minister for the Environment is currently reviewing these commitments and will be taking action through his relevant departments to progress the specific issue raised by the member.

(3) Not applicable.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES
- GOVERNMENT ACCOMMODATION COMMITTEE, DETAILS**

832. Dr CONSTABLE to the Treasurer:

In relation to the committee appointed by the Independent Commission to Review Public Sector Finances to review Government accommodation -

- (a) who were the committee members;
- (b) how much was each committee member paid;
- (c) what is the involvement of each committee member in the private sector?

Mr COURT replied:

Given the commission's independent status such details are a matter for the commission. However, the report lists the names of the consultants and committee members in volume 2.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES
- BUILDING MANAGEMENT AUTHORITY COMMITTEE, DETAILS**

833. Dr CONSTABLE to the Treasurer:

In relation to the committee appointed by the Independent Commission to Review Public Sector Finances to examine the operations and structure of the Building Management Authority -

- (a) who were the committee members;
- (b) how much was each committee member paid;
- (c) what is the involvement of each committee member in the private sector?

Mr COURT replied:

Given the commission's independent status such details are a matter for the commission. However, the report lists the names of the consultants and committee members in volume 2.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES
- EDUCATION COMMITTEE, CONSULTANTS, DETAILS**

834. Dr CONSTABLE to the Treasurer:

In relation to the Education Committee appointed by the Independent Commission to Review Public Sector Finances and the consultants assisting that committee -

- (a) who were the committee members and the consultants;
- (b) how much was each committee member paid;
- (c) what is the involvement of each committee member and consultancy in the private sector?

Mr COURT replied:

Given the commission's independent status such details are a matter for the commission. However, the report lists the names of the consultants and committee members in volume 2.

**McCARREY REPORT - ACCOUNTING PRACTICES, FULL ACCRUAL
MANAGEMENT ACCOUNTING SYSTEMS**

836. Dr CONSTABLE to the Treasurer:

- (1) Does the Government intend to implement the recommendation in volume 2 of the McCarrey report that full accrual accounting and costing systems be used in all Government financial reporting?

(2) If so, when?

Mr COURT replied:

(1) Yes.

(2) As soon as practicable, with the external reporting elements to be addressed first, if necessary through year end adjustments, pending the implementation of full accrual management accounting systems.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES
- CLEANING SERVICES CONSULTANT, DETAILS**

837. Dr CONSTABLE to the Treasurer:

In relation to the consultant appointed by the Independent Commission to Review Public Sector Finances to review public sector cleaning services -

- (a) who was that consultant;
- (b) how much was that consultant paid;
- (c) what is that consultant's involvement in the private sector cleaning industry?

Mr COURT replied:

Given the commission's independent status such details are a matter for the commission. However, the report lists the names of the consultants and committee members in volume 2.

**INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES
- PUBLIC SECTOR HOUSING COMMITTEE, DETAILS**

838. Dr CONSTABLE to the Treasurer:

In relation to the committee appointed by the Independent Commission to Review Public Sector Finances to review public sector housing -

- (a) who were the committee members;
- (b) how much was each committee member paid;
- (c) what is the involvement of each committee member in the private sector?

Mr COURT replied:

Given the commission's independent status such details are a matter for the commission. However, the report lists the names of the consultants and committee members in volume 2.

**HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
*Services Contracted Out or Privatised***

839. Mr TAYLOR to the Minister representing the Minister for Health:

With respect to the comment in the McCarrey report that any services to be automatically contracted out or privatised should not be reviewed, what services are to be automatically contracted out or privatised?

Mr MINSON replied:

The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.

**HOSPITALS - McCARREY REPORT
*Public Hospitals, Contract Management, Lease or Privatisation***

840. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister intend to pursue the recommendation in the McCarrey

report that the Health Department should consider subjecting part or all of selected public hospitals to contract management, lease or privatisation?

- (2) If not, why not?
- (3) If yes, what hospitals and/or parts of hospitals are under consideration for the implementation of this recommendation?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.

(2)-(3)

Not applicable.

MEDICARE AGREEMENT - MCCARREY REPORT

Elective Surgery Priority in Public Hospitals to Pensioners and Card Holders

842. Mr TAYLOR to the Minister representing the Minister for Health:

Under the terms of the Medicare Agreement between the Commonwealth and Western Australia is it possible to implement the option suggested by the McCarrey Commission to give elective surgery priority in public hospitals to pensioners and Medicare card holders?

Mr MINSON replied:

The Minister for Health has provided the following reply -

The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's question.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - MCCARREY REPORT

Health Care, Purchase Provider Model

844. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Given the strong criticisms and lukewarm response of the McCarrey Commission to the proposed purchase - provider model of health care does the Minister plan to pursue this approach?
- (2) If yes, why?
- (3) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.

(2)-(3)

Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - MCCARREY REPORT

Nurses and Domestic Staff 38 Hour Week Agreement

845. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister intend to pursue and/or implement what the McCarrey report calls the full implementation of the 38 hour week agreement for nurses and domestic staff?

(2) If yes, how does the Minister intend to pursue this matter?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.
- (2) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Contesting, Contracting or Privatisation of Services, e.g. Food, Outpatient

846. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) In terms of the McCarrey report does the Minister intend contesting, contracting or privatising each or any of the following services -
 - (a) State Health Laboratories;
 - (b) Hospital Laundry and Linen Services;
 - (c) food services;
 - (d) biomedical services;
 - (e) outpatient services;
 - (f) other administration and support services such as accounting and finance, payroll, electronic data processing (EDP), cleaning, transport etc;
 - (g) complete hospital operations?
- (2) If yes -
 - (a) what services are under consideration;
 - (b) how will they be contested, contracted out or privatised?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.
- (2) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Tertiary Hospital Accident-Emergency Patients Treated by General Practitioners

847. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister support the McCarrey report recommendation that 15 percent of patients treated in tertiary hospital accident and emergency centres could be treated by general practitioners if appropriately located facilities were available and encouraged?
- (2) If not, why not?
- (3) If yes, what action, if any, does the Minister intend to take in order to rectify this suggested problem?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet

considers the subcommittee's report I am unable to respond to the member's questions.

(2)-(3)

Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Nursing Home and Hospital Care Waiting Lists, Government Action

848. Mr TAYLOR to the Minister representing the Minister for Health:

If, as identified in the McCarrey report, people who have been identified as suitable candidates for nursing home and hospital care are often maintained in secondary and tertiary hospitals for several weeks awaiting placement at a suitable facility, what action does the Minister plan to overcome this long and expensive waiting period?

Mr MINSON replied:

The Minister for Health has provided the following reply -

The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's question.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - APPLIANCES AND AIDS FOR PATIENTS, DETAILS; USER PAYS MODEL

850. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Could the Minister detail the appliances and aids that are currently provided to some patients free of charge or at less than full cost?
- (2) Does the Minister support the introduction of a user pays model for the appliance and aids as recommended by the Health Department executive to the McCarrey Commission?
- (3) If yes, what action does the Minister intend in terms of implementation?
- (4) If no, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.

(2)-(4)

Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Purchaser-provider Model, Effect on Public Health Funding Concern

852. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister support the McCarrey report's finding that major concerns exist about the effect of the proposed purchaser-provider model on public health funding and that in particular the decentralisation of public health responsibilities will weaken the ability of public health providers to bid for adequate resources?
- (2) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet

considers the subcommittee's report I am unable to respond to the member's questions.

(2) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Nurses Scheduling and Work Practice Changes, Pilot at Hospitals

853. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister intend to support the recommendation of the McCarrey Commission that changes to nurses scheduling and work practices should be introduced as a pilot at one secondary hospital and one tertiary hospital with relatively high nursing costs?
- (2) If yes, what hospitals will be used?
- (3) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.
- (2)-(3) Not applicable.

WATER AUTHORITY OF WESTERN AUSTRALIA - McCARREY REPORT
Fluoridation of Water Supplies

855. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Is there an assessment made by the Water Authority of Western Australia in the McCarrey report that it would, if given the choice, choose to discontinue the fluoridation of water supplies on the basis that it is a public health issue of no direct benefit to the WAWA?
- (2) Is the Minister prepared to assure the public that fluoridation will continue despite the view of the WAWA?
- (3) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.
- (2)-(3) Not applicable.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - McCARREY REPORT
Hospitals Secondary, Cost Efficiency Comparison

858. Mr TAYLOR to the Minister representing the Minister for Health:

- (1) Does the Minister support the McCarrey report's comment that available evidence suggests that major private secondary general hospitals may be more cost efficient than metropolitan public secondary hospitals?
- (2) If not, why not?
- (3) If yes, on what basis does the Minister support this view?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) The recommendations of the McCarrey report will be considered by a recently established Cabinet subcommittee. Until Cabinet considers the subcommittee's report I am unable to respond to the member's questions.

(2)-(3) Not applicable.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - *GROW TOGETHER*
CAMPAIGN

919. Mr RIPPER to the Minister for Community Development:

- (1) Is it one of the objectives of the *Grow Together* campaign run by the Department for Community Development to reduce the incidence of child abuse and neglect?
- (2) What funds have been spent on this campaign in 1993?
- (3) How much of this has been spent on -
 - (a) television advertising time;
 - (b) newspaper advertising space?
- (4) Will television advertising time be purchased for this campaign in 1993-94?
- (5) If yes, what funds will be spent?
- (6) If not, why not?
- (7) Will newspaper advertising space be purchased for this campaign in 1993-94?
- (8) If yes, what funds will be spent?
- (9) If not, why not?
- (10) Has market research been conducted to assess the effectiveness of the campaign run in 1992?
- (11) If yes, what does this research show?
- (12) Are materials for the campaign being redrafted?
- (13) If yes -
 - (a) what changes are being made;
 - (b) if so, what are the relevant research results?

Mr NICHOLLS replied:

- (1) Yes. The *Grow Together* campaign is a community education campaign to value children.
- (2)-(3) \$68 231.31. I table the breakdown of expenditure. [See paper No 335.]
- (4)-(9) A number of options will be considered to incorporate the International Year of the Family and also any recommendations of the Taskforce on Families in WA.
- (10) Yes, market research was conducted to assess effectiveness of the campaign run in 1992.
- (11) The market research showed that 75 per cent of the target mass media audience reported exposure to the campaign and over 80 per cent of these

people had a favourable reaction to the campaign. There was almost universal understanding of the advertising message which was improving communication between children and adults. Approximately one third - 36 per cent of those aware of the campaign - said they spoke about the message of the campaign with their children or their partner.

(12) Not at this stage.

(13) Not applicable given the answer to (12) above.

EDUCATION, MINISTRY OF - SMART MOVE EDUCATION AND TRAINING

994. Mrs HALLAHAN to the Parliamentary Secretary to the Minister for Education:

- (1) What amount has been budgeted for the 1993-94 Smart Move education and training campaign for school leavers?
- (2) What are the component parts of that budget?
- (3) (a) How many education and training places will be provided;
(b) in what programs/institutions?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

- (1) \$155 000.
- (2)

Radio advertising	\$34 300
Country press	3 000
Metropolitan press	11 150
Posters	5 000
Stickers	1 300
Radio production	1 200
Press production	2 400
TAFE 1994 brochure	20 000
Schools TAFE applications video	20 000
Video facts sheet	4 500
20 000 TAFE handbooks	28 000
Higher Education Expo	15 000
- (3) (a) A minimum of 16 500 full time education and training places will be made available in TAFE in semester 1, 1994. The estimated level of demand from school leavers is currently being determined in consultation with the Ministry of Education.
- (b) Specific institutional course profiles are being negotiated in the context of college budgets, which are being finalised at present. General details are available in the TAFE course handbook; however, if the member has a specific inquiry, this could be answered in writing.

ADVERTISING CONTRACTS - GOVERNMENT'S TENDER POLICY

1006. Dr LAWRENCE to the Minister for Services:

What is the Government's tender policy in relation to advertising contracts?

Mr KIERATH replied:

The question is unclear as to whether the member is seeking information either on the tender policy in relation to the advertising of a contract, or the tender policy in relation to the Government advertising contract. However, if the member would care to clarify the question I would be more than happy to respond.

RITZ DRYCLEANERS - GOVERNMENT LAUNDRY WORK DISCUSSIONS

1012. Mr TAYLOR to the Minister for Services:

- (1) Has the Minister and/or the Minister's department had either formal or informal discussions with the Ritz drycleaning firm regarding any proposals to undertake Government laundry work?
- (2) If yes, what matters are, or have been, under discussion or consideration?

Mr KIERATH replied:

- (1)-(2) The Department of State Services has not had any formal discussions with Ritz Drycleaning regarding any proposals to undertake Government laundry work. To the best of the knowledge of the department no informal discussions have been held either.

**WALKING THE TIGHTROPE - RACISM AND DISCRIMINATION
PREVENTION**

1039. Mr CATANIA to the Minister for Multicultural and Ethnic Affairs:

With reference to the recently launched study of the needs and priorities of recently arrived young people of non-English speaking background, called *Walking the Tightrope*, which was released by the Minister, as the report found that these youths experience racism and discrimination and barriers of English language proficiency and lack of information, in their attempts to acquire relevant training and employment, what action has the Minister taken to -

- (a) ensure that such youth do not experience racism and discrimination outlined in the report;
- (b) address the lack of help in obtaining information to acquire relevant training and employment;
- (c) enhance access to Government and community services?

Mr KIERATH replied:

The Ethnic Communities Council has brought the report *Walking the Tightrope* to the attention of the relevant service departments and I, as Minister for Multicultural and Ethnic Affairs, will be seeking information from my ministerial colleagues about their agencies' responses to the report. Questions related directly to the provision of employment and training services can best be answered by the Minister for Employment and Training. However, I make it clear that the Government is committed to the elimination of racism and of discrimination on the grounds of race. We have allocated \$70 000 to the Office of Multicultural Interests for the community relations grants program. Grants made under this program will assist ethnic and other community organisations to undertake community relations projects at the community level. We are also implementing the language services strategy wherein all Government departments are required to develop a language services plan to enhance access to Government services by people from non-English speaking backgrounds. The majority of departments are currently developing their plans.

QUESTIONS WITHOUT NOTICE

POLICE - TRAFFIC ACCIDENT, CIB CAR

284. Mr CATANIA to the Minister for Police:

I refer to the car crash on 6 September involving four Criminal Investigation Bureau detectives and I note with interest that not one

Liberal Party member spoke in the Minister's defence this morning in the debate on a matter of public importance.

- (1) Is it true that after drinking at Sinatra's Tavern the officers had an argument outside with five Aboriginal youths?

Mr Cowan: Are you a member of the left or the centre left?

Several members interjected.

The SPEAKER: Order!

Mr CATANIA: To continue -

- (2) Why has the police investigating team failed to interview these youths to obtain their views on the sobriety or otherwise of the four CIB officers?

Mr WIESE replied:

(1)-(2)

I am not aware of the incident referred to and I am sure that if the member for Balcatta were to make that information available it would be followed up by the internal investigators.

ROADS - BUSSELTON BYPASS, PROPOSED ROUTE DECISION

285. Mr BLAIKIE to the Minister for Planning:

I refer to a comment made by a councillor of the Busselton Shire Council last night in which he implied that the Minister for Planning and the Minister for Transport had indicated to the Conservation Council of Western Australia that they would favour the proposed route of the Busselton by-pass being moved further south.

- (1) Has the Minister made any comment to the Conservation Council?
(2) Has he made any decision regarding the proposed route?

Mr LEWIS replied:

I thank the member for some notice of this question.

- (1) I have had a private discussion with a person who has an interest in the conservation movement. I am not aware whether that movement is associated in any way with the Conservation Council. Therefore, the answer is no.
(2) The matter has not yet come before me in my capacity as Minister and in that regard I advise the member that a decision has not been made.

POLICE - TRAFFIC ACCIDENT, CIB CAR

286. Mr CATANIA to the Minister for Police:

I refer again to that accident -

Mr Bradshaw: Which one was that?

Mr CATANIA: The car crash on 6 September involving four Criminal Investigation Bureau detectives. Will the Minister assure the House that the officers involved in the accident were not assisted to flee the scene by other members of the Western Australian Police Force?

Mr WIESE replied:

I am not aware of anything referred to in the member's question. Hence, I am not able to give an assurance of that nature.

Dr Lawrence: They got a lift home with other police officers. Check it out.

Mr WIESE: If the member for Balcatta has information in respect of an accusation as serious as that, he and anyone else in the community with similar information should make it available immediately.

SOUTHERN PROCESSORS LTD - GOVERNMENT LOAN

287. Dr LAWRENCE to the Premier:

I refer to the Premier's planned \$500 000 bail out of Albany based food processing company Southern Processors Ltd, and the representations he has received from pea growers of Wellstead, Kendenup and Manjimup who planted their crops on the promise of these funds - crops I might add that are due for harvest within days - and ask -

- (1) Why, after six months, has the Government failed to reach an agreement with the company on the terms and conditions of the loan?
- (2) In the event of the collapse of the deal, will the Government compensate growers who have planted crops in the expectation that Southern Processors would be able to meet its commitments - an expectation raised by the Government's announcement in March?

Mr COURT replied:

(1)-(2)

I have not met the pea growers, but the Deputy Premier met them this week. The Government agreed to provide some assistance to Southern Processors on certain conditions, and those conditions were not met. As a result, the money has not been passed to the company. The Government is well and truly aware of the financial situation of Southern Processors.

Dr Lawrence: What about the pea growers?

Mr COURT: We have met the board and over the last few weeks have made it very clear that the Government wants to assist the company as best it can to ensure it gets through the difficulties it is experiencing.

Dr Lawrence: How?

Mr COURT: It is a corporation with a board of directors, and an administrator has been appointed. As soon as that appointment was made the Deputy Premier, the head of the Department of Commerce and Trade and I met the administrator, and he explained the process he would work through. A number of different parties have expressed interest in participating in some form of restructuring of Southern Processors. The Deputy Premier and I have made it clear that we want to be kept informed about what is taking place.

Mr Taylor: What about the people who planted crops believing that Southern Processors would survive because it was getting a Government loan?

Mr COURT: The Government made the situation very clear and if the member had listened to the answer to the question he would know that. The Deputy Leader of the Opposition was very quick to ask why the Government was giving the company this money.

Mr Taylor: I did not say that.

Mr COURT: The Deputy Premier clearly said at the time that certain conditions must be met by the company. The big difference between this Government and the former Government is that we go through the proper processes.

Mr Taylor: You have led the growers up the garden path.

Mr COURT: Perhaps members opposite would like to spend two weeks in this Parliament debating some of the loans it gave to failed businesses - although it would probably take longer than two weeks.

Several members interjected.

Mr Marlborough: The record you are on about is your record now.

Mr Cowan: We just wanted to remind you about some of those things.

The SPEAKER: Order! The member for Peel will cease interjecting.

Mr Marlborough: Just read the editorials -

The SPEAKER: Order!

Mr Marlborough: - in *The West Australian* every week.

The SPEAKER: Order! I formally call to order the member for Peel. I deliberately asked him to cease interjecting and he interjected on two further occasions.

Mr COURT: The food processing industry in the south of this State is an important industry. The company is having difficulties and this Government will work as best it can to assist that industry.

OLYMPIC GAMES YEAR 2000 - BENEFIT TO WESTERN AUSTRALIA

288. Mr MARSHALL to the Premier:

Does the Premier foresee any benefit flowing to Western Australia if Sydney is chosen to host the year 2000 Olympic Games?

Mr COURT replied:

As the member knows, the decision as to who will host the games in the year 2000 will be made tonight. We have written to Premier Fahey to wish Sydney all the best before the final vote takes place. If Sydney is successful in its bid, it will assist all Australians. It will give the country tremendous global exposure and as a State we will move very quickly to ensure that on both the tourism and sporting fronts we take best advantage of the games being held in Sydney. Of all the States, Western Australia knows only too well that a major event such as the games - the America's Cup was the classic example - can do a great deal for a State. This weekend marks the tenth anniversary of the America's Cup victory. One of the legacies of that event has been what has happened in Fremantle. It is a terrific asset to the State. We certainly hope that Sydney is successful tonight.

BUSHLAND - REMNANT URBAN BUSHLAND POLICY

289. Dr CONSTABLE to the Minister for the Environment:

My question relates to the promised urban bushland policy. I draw the Minister's attention to his response to my question on 17 June regarding this policy. He stated that he hoped that a final draft of the policy would be available within five or six weeks. I ask -

- (1) At what stage is the development of the policy?
- (2) When will it be completed?
- (3) Will it be made available for public comment?

Mr MINSON replied:

- (1)-(3) It is quite true that some time ago I said that a draft would be available in about five or six weeks; I think that was the time frame. There is a draft, but it is not ready for public release at this stage. The Minister for Planning would have been the appropriate Minister to whom to direct the question, since remnant urban bushland is not included in System 6.

Mr Taylor interjected.

Mr MINSON: I draw the member's attention to the fact that if such remnant bushland is not in System 6, it is more properly a planning matter than an environmental matter but the member is right that the Department of Planning, the Environmental Protection Authority and the Department of Conservation and Land Management should be consulted in the formulation of any such plan and they have been. The three departments referred to drew up an agreed departmental level strategy, which has been submitted to the various Ministers involved. There are some changes to be made. I suggest that the draft will probably be ready for public release within a couple of weeks.

HOSPITALS - ST JOHN OF GOD, BUNBURY
Public Health Care Takeover, Abandonment

290. Mr TAYLOR to the Premier:

I refer to the Premier's admission in question time yesterday that the real reason the Government is attempting to foist the privatisation proposal for the St John of God Hospital on the people of Bunbury is that otherwise the hospital will go broke. That is what the Premier said yesterday.

Mr Bradshaw: You have rephrased it a little bit. You have put your own interpretation on it.

Mr TAYLOR: I did not particularly want to quote what he said, because it was an uncorrected transcript, but if the member likes, I will do so. The Premier said, "You know only too well that the private hospital down there will go broke if it continues." I ask -

- (1) Can the Premier explain why on 5 August in the other House the Minister for Health denied St John of God was going broke in these terms -

... substantial changes were made to the St John of God Hospital, ... and it is now making money.

The Minister for Health, I might add, reaffirmed that position yesterday.

- (2) Given the Minister's continued attempts to mislead the people of Bunbury about the real reason for the St John of God takeover, when will the Premier display some real leadership on this issue and instruct his Minister for Health to abandon the proposal in accordance with the wishes of the people of Bunbury?

Mr COURT replied:

- (1)-(2) The Deputy Leader of the Opposition knows only too well the concerns in Bunbury about the future of a decent regional hospital in that area. It is interesting that members opposite announced in 1989 that they would build a new hospital in Bunbury, yet it is now four years later and they have not been able to get anything off the ground. Members opposite will not acknowledge the fact that when in Government they could not get the matter sorted out. The Deputy Leader of the Opposition knows, as a former Minister for Health, that there has been concern about the viability of both St John of God Hospital and the Government hospital. This Government set out immediately to look at all of the available options. Rather than muck around, as members opposite do about power stations and other things, we will find a solution and we will implement it. Members opposite seem to have a hang-up about hospitals being run by the private sector.

Mr Taylor: Not at all.

Mr COURT: So members opposite only have a hang-up about St John of God?

Dr Lawrence: I said you are dealing with only one organisation. It is not an open process.

The SPEAKER: Order! There are too many interjections. It is one thing if an interjection fits in naturally and the person who is answering is prepared to respond, but that cannot be done when there are several interjections, and even then the person who is interjecting must do it in a restrained way.

Mr COURT: Clause 8.3 of the Medicare Agreement states specifically that the State can enter into arrangements with private hospitals or other States for the provision of hospital services, and that where such arrangements exist, public patients will receive hospital services free of charge. The Leader of the Opposition and former Treasurer stated in her 1992-93 Budget speech that -

In addition, the Government is continuing with innovative approaches for the private sector to play a greater role in providing services and facilities previously seen as the province of government. This will involve a corresponding transfer of risk and debt to the private sector where this is seen as cost-effective to the Government and the community.

Members opposite cannot have it both ways.

Mr Taylor: Are you proceeding with this option?

Mr COURT: I will repeat it so that the member will understand. We have started negotiations with St John of God. We have said from day one that if we cannot reach agreement with St John of God, we will not proceed with that arrangement.

Mr Taylor: What will you do then?

Mr COURT: One way or another, we will build a new, decent hospital in Bunbury. One way or another, we will deliver.

Mr Taylor: We had already started that. You stopped it. Go and look for yourself. We spent \$6m. You stopped it.

Mr COURT: Members opposite made the announcement in 1989. They then went there with a shovel, turned over the dirt, and said they had started the new hospital! Members opposite announced four times that a new aluminium smelter would be built in Bunbury. They made annual announcements about a new hospital. This Government will work out a good way to provide Bunbury with a terrific, brand new hospital. The one thing that members opposite do not like is that we do have a social conscience and will deliver in this area.

MARTIN, BRIAN - MICKELBERG CASE, GOVERNMENT PAYMENT

291. Mr LEAHY to the Attorney General:

I refer to the Premier's criticism yesterday of highly paid lawyers from outside Western Australia and to the Attorney General's appointment of Adelaide Queen's Counsel, Brian Martin, who earned more than \$1m from the royal commission, to investigate alleged new evidence in the Mickelberg case.

- (1) When will the Attorney General live up to her statement of November 1992 that "accountability is about providing information to the Parliament" and declare what she is intending to pay Mr Martin, or has she simply signed a blank cheque?
- (2) How can the Attorney General have appointed Mr Martin without any idea of possible cost so that she could compare his fees with those of equally well qualified Western Australian lawyers?

Mrs EDWARDES replied:

(1)-(2)

Mr Martin has been appointed to investigate matters that came out of the petition lodged by the Mickelberg brothers last July. When we came to Government very little had been done in relation to the advice to the former Attorney General on that matter. Many matters were outstanding and it was considered the situation needed to be investigated by an independent person. Through the Solicitor General, those matters have been referred to Mr Martin and a daily rate has been achieved at a much lower cost than that paid in the past.

Mrs Henderson: What is the daily rate?

Mrs EDWARDES: I do not have that figure in front of me.

Mrs Henderson: You should remember it.

Mrs EDWARDES: If I had received advance notice of the question, I would have had that information with me. I am happy to advise on that. It is a lower rate. Certainly no travel or accommodation is included in the figure.

**SWIMMING POOL FENCING REGULATIONS - MANDATORY
ISOLATION FENCING, SWIMMING POOL & SPA ASSOCIATION MEETING**

292. Mr MARLBOROUGH to the Premier:

I address this question to the Premier in the absence of the Minister for Local Government. I refer to the Minister for Local Government's decision to sacrifice the lives of Western Australian children by abandoning requirements for isolation fencing around backyard pools.

- (1) Is the Premier aware that the Minister for Local Government and coalition members met with members of the Swimming Pool and Spa Association in January 1993 and that an undertaking was given that mandatory fencing requirements would be repealed if the Liberal Party won office?
- (2) Was this in return for donations by the association or its members to the coalition's election campaign?

Mr COURT replied:

- (1) I am aware of some of the people the member meets, but I am not aware of the people the Minister for Local Government meets. The Minister has made it clear that standards for fencing around swimming pools will be enforced to ensure safety for children.
- (2) This part of the question is not appropriate.

SMALL BUSINESS - DROP IN BUSINESS CONFIDENCE, RELIEF ACTION

293. Dr LAWRENCE to the Premier:

I draw the Premier's attention to another disturbing sign of faltering economic growth - the recent Small Business Index Yellow Pages for August which forecast a drop in business confidence in Western Australia over the next 12 months. I remind the Premier that this comes on top of a drop in the latest ANZ Bank job advertisements series, unemployment figures rising for two consecutive months, and the Kelly recruitment survey which shows Western Australian employers have the lowest hiring intentions of all Australian States. When will the Premier take action in the light of that considerable drop in business confidence, to provide genuine relief for small business so that it can grow and create jobs rather than his current remedy of imposing higher net taxes and charges and allowing Public Service middle management to blow out? We have heard a lot of noise but no action.

Mr COURT replied:

We have had the decade of doom and gloom with the previous Government. We have had record levels of unemployment. The Leader of the Opposition should remember that under her Labor Government we experienced the highest levels of unemployment that this State had ever experienced. Business confidence has returned to Western Australia, and the Leader of the Opposition does not like it.

LOTTERIES COMMISSION AMENDMENT BILL - "SCRATCH AND MATCH" CLAIMS, LEGAL COSTS COMPENSATION

294. Dr LAWRENCE to the Treasurer:

I refer to the Lotteries Commission Amendment Bill which retrospectively takes away legal rights of citizens to claim "Scratch and Match" prizes in certain cases. Will the Treasurer give a clear undertaking that compensation will be made available for legal costs for persons who obtained legal advice or commenced legal proceedings in respect of claims which will be nullified by this Government Bill?

Mr COURT replied:

I do not have a legal answer or opinion on that matter. However, if the Leader of the Opposition puts the question on notice, I will answer it.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ASEA BROWN BOVERI

Collie Power Station Project, Negotiations

295. Mr LEAHY to the Minister for Energy:

I refer to the Minister's answer of 15 September to a question on notice from the member for Victoria Park concerning the proposed 300 MW power station at Collie. In that answer the Minister indicated that the State Energy Commission of Western Australia and Asea Brown Boveri were discussing "arrangements and timetable for ABB to bid for a turnkey construction contract".

- (1) Does that imply that the terms and conditions which will enable ABB to make a bid have yet to be agreed?
- (2) Is one of the conditions being requested by SECWA that ABB remove any threat of legal action in the event that its bid is not successful?
- (3) If yes to (2), how does that accord with the Minister's statements that he was not aware of any moves to take legal action over ABB losing the original mandate, and that he was not expecting any action?

Mr C.J. BARNETT replied:

(1)-(3)

Currently the negotiations between Asea Brown Boveri and SECWA are going well. Regarding terms and conditions, the only essential factor is price, and that is the exclusive focus of the negotiations.

Mr Taylor: It is a big issue.

Mr C.J. BARNETT: That is the price of the project. I expect the negotiations to be concluded by the end of October or mid-November this year. If price is satisfactory, the project will go ahead on the basis previously outlined.

The Government has not placed a condition on ABB about removing any threat of legal action. ABB has speculated publicly that it believes it has some legal claim against the State. However, advice from SECWA and from Crown Law is that there is no such claim: When Cabinet made the

decision, the mandate was terminated. Clearly, we would like to see the speculation removed. We expect that as the turnkey contract is finalised, ABB will have no thought of any legal action. Also, ABB has neither mounted nor announced any intention to mount legal action. I see no conflict at all in my statements. This is an extraordinarily complex project. It is beyond belief that members opposite expect that after four years of procrastination by the previous Government we can, in six months, simply resolve the issue.

**JUSTICE, MINISTRY OF - CORRECTIVE SERVICES STAFF, NO INQUIRIES
BY INTERNAL INVESTIGATIONS UNIT**

296. Mr THOMAS to the Attorney General:

- (1) Now that the former Department of Corrective Services has been absorbed into the Ministry of Justice, will the Attorney General assure the House that no corrective services staff of the ministry will be subjected to inquiries or surveillance by the internal investigations unit?
- (2) If so, what safeguards are in place?
- (3) Can she confirm that the internal investigations unit continues to be based in the former corrective services building in Murray Street, and that no internal investigations staff are working in the Westralia Square building?

Mrs EDWARDES replied:

(1)-(3)

I do not know to what the member is referring, although the member for Mitchell made a similar comment recently by way of interjection. My understanding is that the internal investigations unit is not even in Murray Street; it went to Bentley. It is in no way involved in head office operations. If the member has any particular concerns, he can raise them with me.

**WESTERN MINING CORP LTD, NORMANDY POSEIDON - PREMIER'S
MEETING**

297. Mr TAYLOR to the Premier:

Given that the Premier has now received a number of questions about his relationship with Western Mining Corporation and has had sufficient opportunity to check his diary and refresh his memory -

- (1) When will the Premier live up to his promise to be open and accountable and own up to meeting with Western Mining Corporation officials on 10 December and Normandy Poseidon officials on 15 December?
- (2) Does the Premier deny meeting with either of those companies on the given dates?

Mr COURT replied:

(1)-(2)

What a crazy situation the Opposition has got to when it starts asking me about my appointments when I was in Opposition last year.

Mr Taylor: You said you had not discussed the issue.

Mr COURT: No member opposite would give me access to his diary and I will not give members opposite access to mine. The other week members opposite wanted to know what I had for breakfast, and I told them. The Opposition has a hang-up about Western Mining Corporation and when I announced there was money for its Nifty copper project they could not contain themselves.

Mr Taylor interjected.

Mr COURT: It was the Deputy Leader of the Opposition's agreement; when did he discuss that with Mr Morgan? Mr Taylor gave a commitment to Western Mining, so Mr Morgan must be one of his mates.

Mr Taylor: No, he is not; the Premier can be sure of that.

Mr COURT: The Deputy Leader of the Opposition's Government gave Mr Morgan \$2m. Stop the nonsense!

POLICE - TRAFFIC ACCIDENT, CIB CAR

298. Mr CATANIA to the Premier:

Does the Premier endorse the handling by the Minister for Police of the 6 September incident involving four CIB officers?

Mr COURT replied:

Yes.
