

# Legislative Assembly

Tuesday, 2 August 1994

**THE SPEAKER** (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

## **PETITION - MOTOR VEHICLE REGISTRATIONS, \$50 LEVY**

*Common Law Rights under Third Party Insurance Damage Claims, Changes*

**DR GALLOP** (Victoria Park) [2.02 pm]: 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 wish to express our concern of the illegality of the Government's introduction of a fifty dollar levy on all vehicle registrations. We also wish to express our concern about the equity of changes to the Common Law rights of citizens under the third party insurance damage claims.

We therefore call on the Government to:

- a) abolish the fifty dollar levy on all vehicles because it is illegal;
- b) follow the correct processes in setting Third Party Vehicle Insurance premiums;
- c) reconsider changes to Common Law rights under third party insurance damage claims and to improve the effect on women at home, children, the unemployed, the retired and pensioners.

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 42 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 56.]

## **PETITION - HILLVIEW HOSPITAL, HILLVIEW CLINIC AND ROBINSON UNIT, MAINTENANCE OF SERVICE**

**DR GALLOP** (Victoria Park) [2.03 pm]: 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 request that as a matter of principle, a child and adolescent psychiatric service is developed to meet the needs of the future and that services provided by Hillview Hospital, Hillview Clinic and the Robinson Unit be maintained and an extra budget provided to augment and enhance them in order to meet the needs in Western Australia.

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 485 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 57.]

**PETITION - POLICE STATION, KALAMUNDA SHIRE FOOTHILLS,  
FUNDING**

**MR HILL** (Helena) [2.04 pm]: 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, respectfully request that funds immediately be made available for the construction of a Police Station and the manning thereof in the Kalamunda Shire foothills area (Forrestfield, Wattle Grove, High Wycombe and Maida Vale) in accordance with various promises made over the years, and further that in the meantime funds be made available to man the Police Post at the Forrestfield Forum until such time as the completion of a Police Station is effected.

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 2 036 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 58.]

**PETITION - AVON CITYLINK TRAIN**

**MR TRENORDEN** (Avon) [2.05 pm]: 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 strongly support the introduction of the Avon Citylink Train. It is one of the most important infrastructure items needed for the development of this region. We also recognise that the train will ease the impact of the metropolitan area in terms of services and demand for housing. The Government also recognises this region as a satellite city, therefore we urge the adoption of the recommendations within the Avon Citylink Report.

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 864 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 59.]

**PETITION - TRAFFIC LIGHTS, COLLIER ROAD-BROUN AVENUE,  
EMBLETON, MODIFICATION**

**DR EDWARDS** (Maylands) [2.06 pm]: 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, petition that the traffic lights at the intersection of Collier Road and Broun Avenue, Embleton be modified to include a right hand turn arrow thereby permitting motor vehicles travelling in a northerly direction along Broun Avenue to make a safe passage into Collier Road.

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 198 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.  
[See petition No 60.]

**PETITION - TRADING HOURS, DEREGULATION**

**MRS ROBERTS** (Glendalough) [2.07 pm]: 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 undermentioned petitioners wish to express our opposition to the wholesale deregulation of trading hours in Western Australia in that it will lead to the closure of hundreds of small businesses, the loss of many jobs, reduced leisure, religious and sporting options for families, and ultimately the loss of choice for consumers, particularly those whose mobility is restricted by age or disability.

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 44 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.  
[See petition No 61.]

**PETITION - BUS AND TRAIN FARES, INCREASE**

**MRS ROBERTS** (Glendalough) [2.08 pm]: 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 wish to convey objection to any proposed increase in bus and train fares.

We believe that at a time when the State Government is reaping the benefits of the economic upsurge any further increase in public transport costs is totally unwarranted.

Additionally, we believe that on environmental and social equity grounds the Government should be doing all within its power to increase patronage of the public transport system and that increasing fares will not achieve this.

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 282 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.  
[See petition No 62.]

**PETITION - MOBILE TELEPHONE NETWORK, PEMBERTON,  
NORTHCLIFFE AND WINDY HARBOUR, EXTENSION**

**MR OMODEI** (Warren - Minister for Local Government) [2.09 pm]: 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 respectfully request that the Mobile Telephone Network be extended to cover the districts of Pemberton, Northcliffe and Windy Harbour. These areas are quite isolated from major centres in terms of modern facilities

and technological advances. It would be of benefit to have the Mobile Telephone network not only for commercial reasons but especially with regard to accidents and emergency situations occurring on farms, in the timber industry and recreational pursuits.

We believe that a mobile telephone network would be advantageous to the local community socially and economically.

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 109 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 63.]

### **PETITION - WHITEMAN PARK, PRESERVATION**

**MR BROWN** (Morley) [2.10 pm]: 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 petitioners call on the Government to;

- (1) Recognise the importance of preserving the natural environment in a way in which it can be enjoyed by all Western Australians and visitors to the State, and
- (2) Reject any development or other proposals which would have the effect of reducing the size of Whiteman Park.

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 42 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 64.]

### **PETITION - NORTH BALGA JUNIOR PRIMARY SCHOOL, CLOSURE**

**MR CATANIA** (Balcatta) [2.11 pm]: I have a petition which reads -

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

We the undersigned:

Totally oppose the closure of North Balga Junior Primary and its amalgamation with North Balga Primary School.

Call on the Minister for Education to consult with local people, parents and schools before he makes such important and vital decisions affecting our community.

As a matter of urgency call on the Minister for Education to maintain the North Balga Junior Primary School for the benefit of local families and the community.

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 300 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.  
[See petition No 65.]

**BILLS (18) - ASSENT**

Messages from the Governor and the Deputy of the Governor received and read notifying assent to the following Bills -

1. Secondary Education Authority Amendment Bill 1993
2. Fisheries Amendment Bill
3. Pearling Amendment Bill
4. Totalisator Agency Board Betting Amendment Bill
5. State Bank of South Australia (Transfer of Undertaking) Bill
6. Fire Brigades Superannuation Amendment Bill
7. Local Government Amendment Bill
8. Acts Amendment (Petroleum) Bill 1993
9. Acts Amendment (Public Sector Management) Bill
10. Supply Bill
11. Treasurer's Advance Authorization Bill
12. Acts Amendment (Mount Goldsworthy, McCamey's Monster and Marillana Creek Iron Ore Agreements) Bill
13. Iron Ore Processing (BHP Minerals) Agreement Bill
14. Public Sector Management Bill
15. Land Drainage Amendment Bill
16. Water Authority Amendment Bill
17. Subiaco Redevelopment Bill
18. Perth International Centre for Application of Solar Energy Bill

**BILLS (10) - RETURNED**

1. Iron Ore Processing (BHP Minerals) Agreement Bill
2. Acts Amendment (Mount Goldsworthy, McCamey's Monster and Marillana Creek Iron Ore Agreements) Bill
3. Public Sector Management Bill
4. Acts Amendment (Public Sector Management) Bill
5. Land Drainage Amendment Bill
6. Water Authority Amendment Bill
7. Subiaco Redevelopment Bill
8. Perth International Centre for Application of Solar Energy Bill
9. Treasurer's Advance Authorization Bill
10. Supply Bill

Bills returned from the Council without amendment.

**COMMITTEES FOR THE SESSION - JOINT STANDING COMMITTEE ON  
COMMISSION ON GOVERNMENT ACT**

*Council's Message*

Message from the Council received and read notifying that it had concurred with the Legislative Assembly resolution regarding the appointment of a Joint Standing

Committee relating to the Commission on Government Act, and advising that the Legislative Council membership of the Committee will be determined when that House next meets.

## **MINISTERIAL STATEMENT - MINISTER FOR MULTICULTURAL AND ETHNIC AFFAIRS**

### *SBS Television Service, Expansion*

**MR KIERATH** (Riverton - Minister for Multicultural and Ethnic Affairs) [2.17 pm]: I inform the House of the Government's endeavours to obtain the SBS Television service for those Western Australians who are disadvantaged by distance and isolation. I am seeking an appearance before the Senate Standing Committee on Communications to put the case for the expansion of the SBS service.

Most of the 700 000 Western Australians living outside the Perth metropolitan area currently cannot receive SBS. The eastern states, already well served by commercial and ABC channels, are receiving preference in the provision of the SBS service while Western Australia is receiving very shabby treatment indeed. So far Canberra has rejected our requests with the claim that the statewide provision of the SBS service would be too costly, and that no satellite capacity is available. We reject the arguments.

The bias against Western Australia was amply demonstrated when we were excluded from the official 1992 three year plan to extend the SBS Television service. In some parts of eastern Australia, four or five services - excluding SBS - are available; by contrast, regional Western Australia has only one commercial service, and the ABC. At least 30 communities in Western Australia have sent submissions directly to SBS requesting its TV service. In six Western Australian municipalities alone, more than 7 300 people speak a language other than English when at home. These ethnic groups outside Perth are being disadvantaged culturally and geographically.

It is simply wrong to omit WA from the SBS service while Richmond in New South Wales receives it. It will cost \$5 million to provide the service to Richmond and Wide Bay in Queensland, and that is twice the annual cost of supplying the service to all of Western Australia. The satellite used by SBS in Western Australia reaches only a small proportion of the state. We need a transponder with a "footprint" covering the whole state, like the one used by the Golden West Network. The Federal Government has avoided the SBS issue here by claiming that no spare compatible satellite transponder is available; however, I understand that Optus Communications has such a transponder and has made a formal offer to lease it to SBS.

At election time the Prime Minister announced that SBS Radio would be expanded to all capital cities. Perth is already well served with ethnic radio. It is hypocrisy for the Federal Government to impose SBS radio on Perth while our remote areas are starved of SBS television. It is another case of Western Australia, which produces one-quarter of all Australia's exports, being disadvantaged. The very people who go onto the farms and into the hinterland to provide that export income for the rest of urban Australia get very few privileges. Here is the chance for the Federal Government to provide them with at least one simple comfort. It is no longer good enough for Canberra to hide behind spurious technical excuses. It must give Western Australia equality in these services. That is what I shall tell the Senate Standing Committee. The State Government is also interested to know where the Leader of the Opposition and member for Kalgoorlie, along with the members for Mitchell, Eyre, Ashburton, Pilbara, Kimberley and Northern Rivers, stand on this issue.

[Questions without notice taken.]

## **STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL**

### *Second Reading*

**MR HOUSE** (Stirling - Minister for Primary Industry) [2.52 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to amend the Stock (Brands and Movement) Act 1970 to update the Act so that it will remain effective and relevant to the livestock industries in the 1990s. The purpose of the Act is to establish the clear ownership of stock, regardless of whether stock are located on privately owned land, in transit, at a saleyard, or at an abattoir. No significant amendments have been made to the Act since it was introduced in 1970. However, over this period significant changes in farming practices in Western Australia have occurred. There have also been changes in market opportunities, in community attitudes towards branding, and in the way in which animals can be identified, and diversification in the species of livestock that are farmed in Western Australia. Also as a result of these changes a number of deficiencies in the existing Act have been found, and it now does not adequately provide for the effective identification of all classes of livestock that are farmed in the state.

The Act provides the livestock industries with a number of benefits. These include the following major factors -

Firstly, the ready identification of livestock, which acts as a deterrent to theft, as branded livestock are far less likely than unbranded stock to be stolen.

Secondly, assistance in settling disputes regarding the origin and ownership of livestock, due to the presence of brands or earmarks on stock.

Thirdly, assistance in animal disease control, with authorities able to trace the origin of animals that are carrying infectious diseases. The ability to "trace back" or find the property of origin of infected animals at saleyards and abattoirs has enabled the Department of Agriculture to implement very successful disease control programs. Over the years this has enabled the eradication of a number of diseases from the state, including pleuro-pneumonia and brucellosis and, more recently, the impending eradication of tuberculosis.

Fourthly, the accurate identification of livestock, which is essential for tracing carcasses with unwanted chemical residues. This issue arises from time to time and can have a significant impact on Australia's trade in animal products.

Fifthly, maintenance of the state's freedom from a number of significant animal diseases. Western Australia is fortunate to be free of a number of diseases that affect livestock in other states. As such, the Government maintains strict control over the importation and movement of stock throughout the state. From time to time, animal diseases do enter the state, and control and eradication programs must be activated. When such measures are necessary, the efficiency of eradicating diseases is enhanced by being able to accurately determine the ownership and origin of livestock by using brands or earmarks.

Sixthly, ensuring up to date and accurate identification of all livestock, as part of the state's exotic animal disease preparedness program. Exotic animal diseases, such as foot and mouth disease and swine fever, are not present in Australia. Should such a disease enter the state the economic survival of the affected livestock industry is dependent on the rapid eradication of such a disease. The ability to trace rapidly the origin of animals is an essential element of such an eradication program.

In 1989 the then Minister for Agriculture approved a review of the current Act, and subsequently public submissions were invited. Submissions received were considered by a working group consisting of representatives of the Pastoralists and Graziers Association, the Western Australian Farmers Federation, the Police Department, and the Department of Agriculture. As a result, a number of recommendations were made regarding the amendment of the existing Act. The changes proposed in this Bill cover four different broad aspects of the operation of the Act. There are changes to the way in which the Act is administered; the classes of livestock that are covered by the Act; the way in which stock are to be identified; and the penalties that are associated with breaches of the Act. Significant among the administrative changes are the following amendments -

A change in the title of the Act. It will no longer be known as the Stock (Brands and Movement) Act but as the Stock (Identification and Movement) Act. Branding is no longer the only form, or principal means, of identification of livestock.

A change in emphasis is required as the registrar of brands has the facility to allow for other forms of livestock identification, including ear tagging, tattooing and earmarking, depending on the species or class of livestock.

Provision for the use of different means of identification for various species of animal. For instance, the system of identification for goats will be clarified. This will enable ear tags to be used for this species in a way which will enable different lines of goats to be readily identified at saleyards and elsewhere.

The proposed amendments will enable brands to be reregistered every five years rather than every 10 years. Under the current registration system an enormous workload is associated with servicing the applications for reregistration that are received all at one time, every 10 years. It is proposed that the new system of registration will provide the Department of Agriculture with greater flexibility, and will enable industry to have a greater choice in the individual selection of brands.

From a technical aspect, the amendments provide for additions to the species and types of animals, the movements of which will be regulated by the Act. For instance, various classes of camelids - a recently introduced type of farm animal - are proposed to be included under the Act. These comprise the alpaca, llama and vicuna, all derived from a South American wild species of animal called the guanaco. This is a relatively small, camel-like animal, slightly larger than the sheep-like vicuna. The llama and the alpaca are between the guanaco and the camel in size, and comprise the last of the camelids to be included by way of this Bill. All the camelids are ruminants with quite woolly or hairy coats, and are farmed for this reason. They have the potential to become a small but nevertheless important part of the state's animal industries. The Bill also contains provisions to make deer and buffalo subject to the Act. These species have become common in Western Australia and are now farmed commercially. Furthermore, the Bill recognises that some international livestock markets require animal carcasses to satisfy specific criteria. For example, animals may be required to be free from blemishes such as earmarks; also, ram lambs that have not been earmarked or branded are required by some Middle East markets.

The proposed amendments take into account changing community attitudes towards branding. From an animal welfare perspective the development of alternative methods of identification to branding is to be encouraged, and the use of branding in very young animals is to be minimised. In this respect the Bill will allow farmers to sell their young dairy calves, of up to two weeks of age, without having to brand or earmark them, provided that such calves carry a certificate of registration issued under the auspices of the Dairy Industry Act 1973, and that they are appropriately identified on a relevant waybill.

Specific provisions have also been included in the Bill to enable authorised persons to require that animals that are inadequately identified at saleyards be returned to the property of their origin, at the owner's expense. Alternatively, where the stock are not in a fit condition to return to the property of origin, they may be sent to an abattoir for slaughter. In this case the cost of transport to slaughter will be recoverable in a court of competent jurisdiction. The amendments have also taken into account the discomfort associated with fire branding. Cheek branding on all animals is to be discontinued. Where feral horses have been mustered and are being transported they will not require branding if they are to be consigned directly to an abattoir.

The Bill addresses concerns that the penalties that can be imposed under the Act are not now consistent with industry expectations where offences are proven and where a deterrent is desirable. The Bill proposes to increase penalties in line with the current industry perception of the severity of various offences. For instance, the maximum fine



that may be imposed has been increased from \$2 000 to \$5 000. Furthermore, the Bill will extend the period during which proceedings for an alleged offence under the Act can be initiated, from six months to three years. This is considered reasonable, as it sometimes takes an unexpectedly long time to detect and investigate an offence.

The Stock (Brands and Movement) Amendment Bill acknowledges that the livestock industries are constantly evolving. These industries seek to maintain an efficient and foolproof system of identification, both for livestock species already established and for those species that have been recently introduced into Western Australia. This Bill has the support of representatives of the Western Australian Farmers Federation, the Pastoralists and Graziers Association, livestock breed societies, the Police Department and the Department of Agriculture. As such it is worthy of the support of all members of this House. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

### APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

#### *Second Reading - Budget Debate*

Resumed from 9 June.

**MR TAYLOR** (Kalgoorlie - Leader of the Opposition) [3.01 pm]: Prior to Parliament rising and the Treasurer producing the Budget I stated that I would not then take the opportunity to reply to the Budget speech. I made the point that the information supplied by the Treasurer was totally inadequate, and that the Budget was quite rightly described by the media as a mushroom budget. I state to the Premier and Treasurer that next year should be third time lucky because last year a problem existed relating to which speech should be read. This year there is a problem in relation to the detail.

Mr Court: By one part of the media.

Mr TAYLOR: When?

Mr Court: One newspaper.

Mr TAYLOR: There is effectively only one newspaper in Western Australia.

Mr Court: The electronic media gave it coverage which happened to differ.

Mr TAYLOR: That is quite right. *The West Australian* called it a mushroom budget. It did not contain the information about what was happening in Western Australia. Things have slightly improved. The situation still remains where program statements relating to the Budget are not available to this Parliament.

Mr Court: They will be available tomorrow.

Mr TAYLOR: It is inappropriate when dealing with these issues to not have this information. Further, many Ministers must have examined those program statements at the time the Budget was being prepared, and could have made copies available to this Parliament. The Treasurer chose not to do so, and in a public sense paid a price for that incompetence. The Treasurer stated that everything was sweet in this state. He would rather bury the problems than confront them. I will give examples of problems that face Western Australia.

Mr Court: There are plenty of them.

Mr TAYLOR: Yes, there are. First, I will deal with jobs in Western Australia. Each month the figures reveal that this state's unemployment rate is one of the lowest, if not the lowest, of the six states. However, if one scratches beneath the surface one finds that problems exist with unemployment. Western Australia has a low unemployment rate.

When the Premier won office he inherited an economy that was in the business of creating new jobs. In February last year, the Bureau of Statistics figures stated that the work force was growing at the rate of 4 600 persons a month. The job growth that the Government inherited seems to be dissipating.

Mr Court: Come off it! Stagnant levels of new investment existed for three years when the Opposition was in government and not one new job was created.

Mr TAYLOR: We created 12 600.

Mr Brown interjected.

The SPEAKER: Order! The member for Morley will come to order.

Mr TAYLOR: Job growth dropped to something like 2 000 people a month. The latest figures show that 500 new jobs were created. The Government has gone from inheriting 4 600 extra jobs per month to 500 extra jobs being created in June. It is apparent that that rate of job creation will not be sufficient to eat into the ranks of the unemployed in this state. Unemployment has risen since April from 8.1 per cent to 8.9 per cent. That represents difficulty in job creation and finding work for men and women in Western Australia.

The male unemployment rate has risen from 8 per cent to something like 8.5 per cent seasonally adjusted over the past three months to June and is increasing. The number of full time male workers in the work force is declining. That is a worry for every breadwinner in this state. Full time male employment has been decreasing over the past few months and 300 full time jobs were lost between April and June. Regardless of what the Government states publicly, job options and job opportunities are declining. The participation rate for working age males in the work force - that is, those people who are either in a job or looking for a job - is also falling. Unemployed men are giving up hope of trying to find a job and are dropping out of the work force.

The female unemployment rate has risen from 8.2 per cent to 9.3 per cent, seasonally adjusted, over the three months to June. Most working women are employed part time and this number has been decreasing over the past few months. Thirteen hundred part time female jobs were lost between April and June. Job options for women are slipping rather than increasing. Over 72 000 people are looking for work in this state now. I challenge the Treasurer to properly analyse those figures and stop glossing over the unemployment issue.

Mr Kierath: The Opposition is jealous as the Government has gone from being one of the worst states to one of the best.

Mr TAYLOR: That is not true.

Mr Kierath: The Leader of the Opposition has not a charitable bone in his body.

Mr TAYLOR: The Minister for Labour Relations has mentioned business investment. The Treasurer uses Western Australian private business investment figures to reveal the great confidence that people have in this state and how business investment is returning to it. The Budget papers contrast Western Australia's 8.1 per cent rise in real business investment with the national situation, and show that we are doing better. But one must look behind the figures to find out what cracks are appearing. We find that business investment is concentrated in the mining sector. As the member for Kalgoorlie, I am more than pleased that this is the case. In fact, investment in business by the mining sector accounts for over half of the total private investment in Western Australia and is projected to rise by about 20 per cent in real terms in 1993-94. That is excellent. I would not criticise anyone for that situation. However, I also want to say, and some members opposite may not like this, that most of the major mining investments which require large numbers of investment dollars do not happen overnight and they have not happened overnight between February 1993 and now.

Mr Court: That is right, my friend. The North West Shelf project has put \$12b into this state.

Mr TAYLOR: Yes, and a good deal of it into the export phase that we helped to create. Many of the mining projects currently under way were under way when the coalition parties inherited government. They were initiated when we were in government. We should look beyond that investment boom in the mining sector to other aspects of investment in the private sector in Western Australia. Investment in the manufacturing

sector which is absolutely critical to Western Australia for job creation fell in 1993-94. The latest statistics, of December 1993, indicate that investment in new capital assets by the state's manufacturing sector was 29.7 per cent lower in 1993 than it was in 1992. This more than reverses the 20.3 per cent rise that we were able to record in the preceding year.

The Treasurer has acknowledged the importance of the manufacturing industry to Western Australia. He has acknowledged the importance of trying to attract to Western Australia relatively sophisticated manufacturing industries and their associated investment. Those are the sorts of businesses that he has endeavoured to attract to this state in his trips overseas and I endorse his actions. However, perhaps it is too little too late. The Government has been prepared to put \$8.5m into the creation of jobs in Coflexip. Business people in regional Western Australia are now saying that if the Government provided them with a share of that \$8.5m they would create a lot more jobs than will be created with the money put into Coflexip.

Mr Kierath: Tell us about Coflexip. Without our new industrial relations laws, that company would not have established here.

Mr TAYLOR: The fact is that that company has dealt directly with the unions involved and those unions convinced the company of their goodwill, interest and support. The unions did that.

Mr Court: Are you saying that we got that deal wrong?

Mr TAYLOR: I am saying two things. First, I congratulated the Treasurer for trying to encourage that sort of overseas investment in Western Australia. I am disappointed that the Minister for Labour Relations refuses to give any credit to the unions involved in that matter. They were directly involved in dealing with the company and in setting up the structure that now exists.

Mr Kierath: Don't misquote me.

Mr TAYLOR: I am not misquoting the Minister. He said it, not I. However, I am concerned that it has cost \$8.5m to attract that company to Western Australia.

Mr Court: It put in about \$60m in investment. We are trying to target support industries to the resources sector, in this case to the petroleum sector, and we are using that company as a lead to try to attract other similar service industries for the resources sector. I hope that we do not have to put out those sorts of incentives to do it.

Mr TAYLOR: The Government may have to. It may have created a rod for its own back.

Mr Court: We have to get one or two runs on the board. As a result of that deal, we have targeted a large number of petroleum related companies who have, or are about to have, large operations in the Asian region. An officer in the Department of Commerce and Trade used his initiative -

Mr TAYLOR: That began when we were in government.

Mr Court: As a result of this deal, we have been able to get a lot of them interested. We do not have any runs on the board yet. However, as you know, it takes time to work those things through.

Mr TAYLOR: As a matter of interest, how does the Deputy Premier and president of the flat earth society feel about that sort of level playing field approach to business investment?

Mr Court: I have not discussed his economic policies with him.

Mr TAYLOR: I urge the Treasurer, if he is taking that approach to life, not to discuss it with the member for Cottesloe.

The other issues I wish to discuss under the heading of "taxes and charges" include the \$50 levy on third party insurance, the elimination of the free threshold for water, the increases in train and bus fares and higher tobacco taxes. The Treasurer has promoted

the increases in charges as being a highly responsible action. He said that those increases were justified on the grounds that, when he came into office, Western Australia was in dire financial circumstances.

Mr Court: Are you referring to the \$50 levy?

Mr TAYLOR: All of the things to which I referred. He said that he was required to put in place painful extra revenue raising measures.

Mr Court: That is right.

Mr TAYLOR: If that is right it rings very hollow indeed in view of the Budget outcome for the last financial year. That indicates that there will be a windfall revenue of over \$200m - in fact, \$204.5m of extra revenue. How the Treasurer can justify those increases as some sort of pain that we all must experience when the Government will have a windfall revenue of over \$200m is beyond me and beyond those Western Australians who look at these issues seriously. The Government is looking at approximately \$215.4m extra from taxes and licences on top of the \$1.9b from taxes and licences that has flowed into its coffers. It is an extraordinary situation.

Mr Court: Used to repay debt.

Mr TAYLOR: I will come to that. Those revenue gains will be sustained in 1994-95.

Mr Court: We have not said that at all.

Mr TAYLOR: A good deal of them will be sustained in 1994-95. On top of that windfall revenue for 1994-95, the Government is looking at something like \$90.4m in extra taxes over and above what it got last financial year.

Mr Court: We are looking at stagnant revenue levels.

Mr TAYLOR: Not for licences. The Government is looking at 4 per cent more than it gained before. That makes a mockery of the claims the Treasurer made about this state's virtual bankruptcy.

As the Treasurer said, some if it has gone to repay debt - but not all of it. The levy, in particular, is a hardship he is imposing on Western Australians in the face of windfall revenue gains. The Treasurer may have a little surprise around the corner about where that fund stands.

Mr Court: What is the surprise?

Mr TAYLOR: Wait and see. If I tell the Treasurer, it will not be a surprise. It is irresponsible and iniquitous of the Government to continue that sort of policy. Responsible debt management can be achieved without that levy.

Mr Court: Tell us how.

Mr TAYLOR: If there is any doubt about it the Treasurer should look at the revenue inflows this Government is enjoying now.

Mr Court: Can you tell me what that has to do with the third party insurance fund?

Mr TAYLOR: Yes, but just wait a moment.

There are two possible scenarios for this levy: Firstly, the Government may keep it in place until the next election purely on the basis of continuing the WA Inc scenario or, secondly, the Government may discontinue it prior to the next election on the basis that it is a bit of good news it can give the electorate. Whatever action the Government takes it is unnecessarily keeping the levy in place.

It was this Treasurer who promised to do away with payroll tax and that if he was unable to do that he would make some big dents in it. In spite of that, this Treasurer can wear the hat for being the biggest collector of payroll tax in this state's history. Payroll tax will contribute something like \$593.6m to Budget revenues in the 1994-95 financial year - an expected increase of 12.2 per cent on the amount of payroll tax collected in the 1992-93 financial year.

Mr Court: You just told us that this state did not have a strong employment growth.

Mr TAYLOR: As a matter of fact it does not.

Mr Court: Now you are quoting payroll tax figures which show an increase.

Mr TAYLOR: The fact is that the Treasurer made a promise that even if he could not eliminate payroll tax - I never thought he could and the Treasurer knew that he could not - he would make big dents in it.

Mr Court: We are.

Mr TAYLOR: If the Government is doing that, it is not showing on the balance sheets. In 1994-95 it is estimated that 11 per cent of the Budget's recurrent revenue, excluding hypothecated funds, will be generated from payroll tax. It was as low as 10.6 per cent in 1992-93. It is an increasing component of this Government's Budget, yet this Treasurer promised to do something about eliminating payroll tax.

If one looks at what is happening in the dark corners of this Budget, one finds a 1.5 per cent cut in recurrent expenditure.

Mr Court: Is that good or bad?

Mr TAYLOR: Who will bear the brunt of that cutback?

Mr Court: No-one has to.

Mr TAYLOR: The Treasurer should put that question to the people in the public sector because they are the people for whom the Minister for Labour Relations said he would resign if they lost their jobs. He has not resigned and the Treasurer was the person who told members of the Public Service that no jobs would be lost. In that respect the Treasurer has misled Public Service employees. The Minister for Labour Relations has certainly misled the public sector employees. Prior to the last election the Treasurer promised that no jobs would be lost.

It is difficult to get a meaningful interpretation of what these outturns are about.

Mr Court: What don't you understand?

Mr TAYLOR: It is symptomatic of the way this Treasurer has approached a range of issues in the community. I spoke about this issue and the way in which the Treasurer treats local government at the Local Government conference yesterday.

Mr Court: They seemed pretty happy on Sunday.

Mr TAYLOR: They may have appeared to be happy because they gave the Treasurer a round of applause on Sunday, but I can advise him that they are far from happy.

Mr Lewis: You were peddling around information about funds being available for coastal management, but there are no funds available.

Mr TAYLOR: Is the Minister for Planning absolutely sure that there are no funds available for coastal management in Western Australia? He has made sure that Western Australia will miss out on federal funding. Various groups are now questioning whether they should submit a standard letter of disgust and dismay at the way the Minister for Planning handles local government issues. The people in the south west call him, "Pick-a-Block Lewis". That shows the level of respect they have for him.

Mr Lewis: You are wrong.

Mr TAYLOR: I am far from wrong. I know what they think because I have spoken to these people. They understood what I said at the conference and they know that the Minister for Local Government is severely embarrassed by the actions of the Minister for Planning and the Minister for Transport. In fact, they passed a unanimous vote of no confidence in the Minister for Transport, but members opposite tell this House they are full of praise for him.

Mr Omodei: You got a vote of no confidence when you were not asked any questions.

Mr Court: Didn't they ask the Leader of the Opposition any questions?

Mr TAYLOR: No, because they believed exactly what I said.

Several members interjected.

Mr TAYLOR: They were deliberately critical of the Minister for Local Government's actions because he said that the members at the conference were all conservatives, and as such they are part of the coalition team and the Government will take them for granted. The Treasurer and the Minister for Local Government, as they have done with this Budget, displayed an arrogant and dismissive attitude not only towards local government, but also towards the Western Australian community.

The result of this mushroom budget will be that, by the end of this year, the revenue inflows will lead to this state's credit rating being improved. When that comes to pass I have no doubt that the Treasurer and the Government Media Office, of which he was critical when in opposition, will be delighted. However, a few relevant facts will blow a hole in that government story because the truth will reveal not that this Government inherited a financial crisis, but that it inherited a state that was well managed financially. The Treasurer can profess surprise at how easy it was to improve the coalition's debt reduction target set for the end of its four year term. The Treasurer said, "That objective is being met, indeed it is being exceeded, well ahead of our most optimistic expectations." Either the coalition's assessment of this state's financial situation was seriously flawed or, undoubtedly, it has persisted in overstating the problem with this state's financial position for blatant political purposes. The coalition's line that Western Australia was in a financial crisis has never been supported by the judges - the international rating agencies. Their non-sensational verdict is recorded in my notes as follows -

Western Australia's taxpayer funded debt burden is low. The present Government inherited a level of tax-supported net debt per capita that was the second lowest in Australia. At \$2,116 per capita Western Australia ranked second lowest after the Triple A rated Queensland (\$1,480 per capita), and came in at about half the debt level of Victoria (\$4,116 per capita) as at 30 June 1992.

The State did experience some financial difficulties in the early 1990s due to the drop in State revenues ... But the State was by no means headed down a black hole.

However, that is the picture the Treasurer has been prepared to paint both here and interstate.

The credit rating of double A plus, which is one notch lower than the highest possible triple A, is the second highest ranking in Australia behind Queensland and New South Wales, both on triple A. Standard and Poor's said in relation to the budget management of the previous government that debt and debt burden indicators dropped after 1990-91, and that cuts occurred every year in the state Budget sector's net financial requirements. The last assessment under a state Labor government was in December 1992, and this predicted a return to the state's triple A rating in the medium term. However, the Treasurer came to office and tried to paint a picture of a financial black hole in this state, when he knew full well that that was not the case!

Mr Court: It was a mirage; it did not happen!

Mr TAYLOR: The Treasurer's performance in Western Australia should have been made easier by the unexpected revenue flows. However, unless he is prepared to directly address the education and health needs in Western Australia - rather than cutting services - he will be travelling down the wrong track. He must stop placing focus day after day on cutting jobs, programs and services in Western Australia. This young state has special needs due to its youth, and we should be able to cope with those special needs given the revenue flows the Treasurer has inherited.

A couple of issues indirectly related to the Budget should not be left unaddressed: Firstly, jobs for the boys. When on this side of the House, day in day out the Treasurer, the then Leader of the Opposition, made an issue of jobs for the boys under the previous government.

Mrs Hallahan: I hope he is not sending Mr Hassell to London - that will be the end.

Mr Court: Do you support that?

Mr TAYLOR: I am happy to comment on that. This Treasurer has cut well over 3 000 public sector jobs, yet at the same time, at the behest of his colleagues within this place and the Liberal Party, he has placed in jobs, consultancies and special positions a whole range of his mates.

Mr Court: Give us some examples.

Mr TAYLOR: I could run through some now, but I do not like giving examples - the Treasurer was happy to do so when in opposition. The Treasurer knows that what I say is true. He is familiar with the fact that he has put in place throughout government a whole range of people who are directly related to the Liberal Party and the people with whom the Treasurer has dealt.

Mr Court: Are you saying the Public Service? No, you are not.

Mr TAYLOR: These people are spread throughout the public sector in Western Australia.

Several members interjected.

Mr Court: These people are different from Len Brush and Tony Lloyd who were put into senior positions in the Public Service.

Mr TAYLOR: These people are operating within government in Western Australia and are being paid for by taxpayers.

Mr Court: Do not say that the Public Service is being politicised; that is the game you played.

Mr TAYLOR: The Treasurer often stood in here making claims in relation to jobs for the boys. He might find it more than a little embarrassing that he is now providing exactly the same positions to his mates.

It may sound strange to say this, but I have two comments regarding the former Leader of the Opposition, Mr Bill Hassell: Firstly, if the Treasurer appoints Mr Hassell as the Agent General in England - an outdated and outmoded position, although I accept that we need a representative in that country - he will be going against the claims and screams the Treasurer made when he was on this side of the House in relation to jobs for the boys. It is hypocritical to the greatest degree to make those sorts of claims when in opposition, but say that it no longer matters when occupying the benches opposite.

Mr Court: Did we criticise the appointment of Ron Davies?

Mr TAYLOR: Just one minute. Some people may not like me saying it, but I do not hold the view that because someone happens to have been in politics that person is disqualified from a range of jobs.

Mr Court: We were going to put Gordon Hill in the job, but now you're talking me out of it!

Mr TAYLOR: I doubt whether he would go; he has no great love for London. I would certainly imagine that Bill Hassell would be more than delighted to be over there.

No-one should be ruled out of a job because he or she has been a member of Parliament or has supported a political party. We learn many things in this job which best suit us to do a range of jobs in the community. I well recall appointing Mr Ray Young to the Authority for the Intellectually Handicapped, and he still holds that position and is doing a good job. However, the point is that the Treasurer made statements on these types of appointments, and he now must cope with the appointments he has made. It is not just Bill Hassell - I happen to get on quite well with Bill Hassell - as I refer to a range of appointments throughout the public sector funded by the public purse involving people who are directly related to the Treasurer or the Liberal and National Parties.

This issue also relates to the Royal Commission into Commercial Activities of

Government and Other Matters. Members opposite won government on the basis of the issues associated with the outcomes of the royal commission, yet this Treasurer, throughout his time in office, has been prepared to sit on his hands day after day on these issues.

Three upper House coalition members were prepared to support a view a little different from the party line on the Commission on Government Bill, but what happened? They were forced to toe the party line so that effectively the Commission on Government will be prevented from investigating 11 of the 24 matters which should go before it. The 11 matters include government propaganda; one vote one value, as raised earlier today by the shadow Minister for Parliamentary and Electoral Affairs; secrecy laws; the financial independence of Parliament; the terms of legislation for a separate and independent archives authority; a review of standards of conduct expected of all public officials to create codes of conduct and adherence mechanisms; a review of legislation and other measures to provide the protection for whistleblowers; and an inquiry into the pecuniary interests of members of Parliament. All those matters are no longer to be investigated because of the action of this Government.

Another principal recommendation of the royal commission was that a citizen has a right to know the reasons for a bureaucratic or government decision. The commission said it could find "no acceptable reason for the continued deprivation of the citizens of this State of what should be regarded as a basic right inherent in our system of government". The commission added that there is "no justification for further inquiry or delay" on this matter, yet the Government has done nothing in that regard.

Another royal commission recommendation was that the Administrative Appeals Tribunal should enable citizens to pursue their rights regarding Government decisions and actions which affect them. This recommendation was to make the Government more accountable. Again, the Government has done nothing. The royal commission recommended the appointment of an independent and powerful commissioner for public sector standards. What does the Government's public sector management legislation provide for? It increases the power of the Executive; undermines industrial democracy in the public sector; and sets up the Commissioner for Public Sector Standards with nowhere near the same power or authority of the Public Service Commissioner which he or she will replace. The commission recommended the establishment of a separate and independent archives authority. Nothing has been done. It recommended the establishment of an office of commissioner for investigation of corrupt and improper conduct. Nothing has been done. It recommended the proclamation of the declaration of donations legislation. Nothing has been done. It recommended the repeal of the State Trading Concerns Act 1916 and the creation of a state-owned companies Act. Nothing has been done. The commission made numerous recommendations regarding the Auditor General and the Financial Administration and Audit Act. Nothing has been done. The commission also stated that the Commissioner for Public Sector Standards should be designated an independent parliamentary agency. Nothing has been done. Time after time the Premier and Treasurer has been prepared to ignore the recommendations of the royal commission in Western Australia.

The Premier stood before his party conference and talked about leaving the Labor Opposition in the gutter and said that it might still be there. Perhaps if we glance down towards the gutter, we shall find the Treasurer and his colleagues who have been prepared to ignore absolutely not only the recommendations of the royal commission, but also the comments Liberal Party members made when in opposition in relation to jobs for the boys. The Treasurer is entering a danger period in relation to royal commission matters, because by the end of 1994 his Government will have done very little indeed to implement the recommendations of the royal commission. He and his colleagues may think that members on this side of the House will back off from holding his party up to the light because of difficulties they may have in relation to the royal commission. However, the Opposition is not prepared to do that. The Government will indeed be brought to task for supposedly being an accountable and open Government, although quite clearly it is not.



As far as I am concerned the truth of this Budget will not be revealed to this Parliament until the program statements are made available to the Opposition. The truth of the Budget and the Government's misleading claims about the state of affairs it inherited is now apparent. Clearly, it inherited a well-managed state in every sense. Although the Government may reap some of those rewards, I urge it to look behind the statistics on jobs and investment, and to ensure there is a focus in Western Australia on making certain we can meet the needs of Western Australians in both respects.

**MR KOBELKE** (Nollamara) [3.43 pm]: I use this opportunity to take up some of the matters canvassed by the Leader of the Opposition in reflecting on how poorly this Government has fronted up to being accountable. It has tried to move as far away as it can from implementing the recommendations of the royal commission report. The suggestions in the report should be taken up, not only to avoid the waste of \$40m, but also to improve the system of government in this state.

One area that needs particular and immediate attention is the implementation of disclosure legislation for party political donations. Why has the Court Government been so tardy in implementing any reform in this area? The trite answer from the Treasurer time and time again is that the individuals in the 1980s were the cause of the problem and not the system. The royal commission report refutes that totally. It makes it clear that the system of government should be looked into and improved. However, this Government will not face up to that. Is it because the Government does not understand what accountability is? It shows little or no evidence of being accountable. Is it lack of understanding of the need for accountability, or because it does not want the light of day shed on its own improper and corrupt activities? The people of this state want the answer to that question and, as the Leader of the Opposition has said, this Opposition will certainly call the Government to account for this. A number of events have already occurred in the 18 months this Government has been in power; for example, the Neerabup batching plant, which I mention in passing. The report from the Town Planning Appeal Committee indicated that the decision of the Minister for Planning was totally against any proper planning principles. The decision was contrary to the recommendation of the State Planning Commission and the judgment of the City of Wanneroo. It was revealed that Mr Buckeridge from General Bulldozing Pty Ltd will be advantaged to the extent of more than \$1m as a result of the decision by the Minister for Planning. The report to the Minister clearly stated that if he made the decision he ultimately made, he would give a commercial advantage to Mr Buckeridge's company over other companies in that area. However, Mr Buckeridge is a strong supporter of and major donor to the Liberal Party, so the Minister had no problem with ensuring that he received an advantage of more than \$1m from the Minister's decision.

We have seen clearly in the Wanneroo Inc events that a clique of people were running the Liberal Party in the northern suburbs, and they had no difficulty gaining access to money through a range of means, some of which appear quite clearly to be corrupt. That money flowed into the Liberal Party, and this small clique manipulated activities in the northern suburbs and ensured that candidates of their ilk within the party and of the party were elected to positions in that area. The money was part of the whole operation. We will obviously look at that further in this place. The Wanneroo Inc situation links back through the party to this Premier and Treasurer. The key player in those events among the members of this House was the Attorney General, and yet time and time again the Premier has tried to cover for the Attorney General. He has not been willing to allow the facts to be presented, so that we can see the extent of the improper activities and corruption that took place and was part of the Liberal Party in the northern suburbs. The Attorney General is a strong factional supporter of the Premier, so he is unwilling to allow accountability in that area.

A range of cosy deals was put together to support the Liberal Party, and I refer to one that has been used to finance the Liberal Party. This matter goes to the top of the state branch of the Liberal Party. The 500 Club has been used to raise funds or to launder money for the Liberal Party. Until Alexander Downer addressed the Liberal Party at a luncheon or dinner last week, I thought the 500 Club had dropped out of existence. However, I note

from news reports that it is still a viable organisation and continues to contribute to the coffers of the Liberal Party. It was interesting to note from the report made under the 1992-93 federal political party disclosure legislation that the 500 Club did not donate money directly to the Liberal Party in this state. It gave \$5 000 to the National Party but, according to the disclosure details, no money was given to the Liberal Party. However, according to the disclosure documents the largest donor to the Liberal Party was a company called Furama Pty Ltd which donated \$156 000 in that financial year. Pencilled on the records - I assume the note was made by the Liberal Party and not in the office of the commission - were the words "office accommodation". It appears that Furama Pty Ltd provided office accommodation to the value of \$156 000. It is fairly common knowledge that Furama, which is controlled by Mr Terry Jackson, provides facilities for Liberal Party headquarters in Menzies House. Furama is a \$2 company. That does not mean it has no substance, but one would look to the holdings of that company to determine how it could afford to donate \$156 000 in one year. In the Press this week comment was made about the \$150 000 donated to the Liberal Party by Western Mining Corporation Ltd, now that Dr Honey is President of the Liberal Party. However, I do not want to go into that connection. Western Mining Corporation is a major company in this nation. It certainly could afford to put \$150 000 into the Liberal Party if it so wished. One would not question that. However, a small \$2 company like Furama gave \$156 000, and quite likely a similar amount over a number of years, because the Liberal Party headquarters has been there since the mid-1980s and has been owned by Furama for all of that time, so we are looking at an ongoing contribution to the Liberal Party by Furama Pty Ltd and Mr Terry Jackson and his wife -

Mr C.J. Barnett: What is wrong with Mr Jackson's supporting the Liberal Party? He has been a strong supporter.

Mr KOBELKE: Nothing at all, and as far as I understand, he is a good businessman.

Mr C.J. Barnett: You would probably find it scandalous, but at the conference over the weekend he was made a life member of the Liberal Party for his many years of service.

Mr KOBELKE: That is excellent to hear. Perhaps the Leader of the House can tell me whether that is because Mr Terry Jackson is a very generous man to the Liberal Party and not because he is a front for some other organisation to put money into the Liberal Party? Are we to take it that he is a generous man to the Liberal Party?

Mr C.J. Barnett: He is a generous person and has been extremely hardworking over many years in terms of his time and intellect. He is a fine person and, frankly, what you are doing in this Parliament is outrageous.

Mr KOBELKE: I have not done anything yet. I am interested to hear those comments about Mr Jackson and I will accept them totally at face value because I do not know the man. I will accept that he has been a hard worker for the Liberal Party, as every political party needs, and that he has been generous with his donations.

I turn now to the history of Menzies House. Menzies House, at 640 Murray Street, was purchased by Furama in 1985 for \$1.1m. It was mortgaged to the Commonwealth Bank a little later than that, not at the time of purchase, for \$500 000, with a further \$500 000. Therefore, we are talking about a maximum mortgage to the Commonwealth Bank of \$1m, with security being not only the property at 640 Murray Street but also a residence in Mount Street, Perth, which had been purchased a few years prior for \$345 000. Following that purchase, property prices rose, and we find that Furama, a small \$2 company, had two memorials lodged on the title in 1990 and 1991, under the Land Tax Assessment Act, which indicates that land tax was not paid by that company. Perhaps that was an oversight, or perhaps it was in financial difficulties, but if one were looking at lending money to that company, one would want to check that out.

In June 1992, the mortgage was transferred to Perpetual Trustees WA Ltd. One can understand that; it is good to transfer one's mortgage if one can get a lower interest rate. At that time, interest rates were starting to come down, and Perpetual Trustees could, and generally does, offer a lower interest rate for mortgages which are regarded as

particularly secure. Therefore, one can see nothing improper in that company transferring its mortgage to Perpetual Trustees. However, the amount of the mortgage for this property, which was purchased for \$1.1m, jumped to \$1.865m. The mortgage papers indicate also that the collateral security was nil, so the mortgage was secured totally against that property.

Members will be aware that Perpetual Trustees is a trustee company under the Trustee Companies Act 1987. It must guarantee the security of the investments which it makes because it operates on behalf of trusts, deceased estates, and people who need to know that their money will be secure. Therefore, the controls which Perpetual Trustees has to exercise must be more strict than those which apply to other lending institutions. Between 1987 and 1990, the value of commercial properties in and around the city increased, and from 1991 to 1993 it fell dramatically. Therefore, it is very difficult to determine whether it was a good idea at that time for Perpetual Trustees to grant a mortgage of \$1.865m, because one would have to look at how the property market was moving. However, according to the figures that I have been able to ascertain from various sources, property values in 1985 were higher than they are today.

We find from the 1992 annual report of Perpetual Trustees, which would have been put together within weeks of this mortgage being let in June 1992, that Perpetual Trustees was very much aware of the downturn in the property market, because it wrote off in the order of \$15m in the value of its properties. In 1991, its properties were valued at nearly \$39m, in round figures, and in 1992 its internal company holdings were downgraded to \$22m. Therefore, it wrote down its property values by 42 per cent, but at the same time made a loan to Furama of \$1.865m for a property that just a few years earlier had been valued at \$1.1m. It is very difficult to see how that valuation could have been regarded as conservative in that climate.

I have made some inquiries from letting agents in that area in regard to the value of that mortgage today, and based on the current rental value per square metre, the book value of that property would be around \$1.8m. Therefore, this property is quite likely mortgaged for in excess of its current sale value - not by a general lending company that lends money at high interest rates at high risk, but by Perpetual Trustees. Perpetual Trustees granted a mortgage to Furama for a property to house the Liberal Party for an amount approaching, if not in excess of, the total value of that property. Should we regard that as just a misjudgment by Perpetual Trustees? Did Perpetual Trustees get lost in the high flying 1980s and early 1990s and decide in 1992 that this \$2 company Furama was a good bet and that to grant it a mortgage of \$1.865m would provide a good return for Perpetual Trustees and its shareholders? One doubts that very much. If that were the case, one should look very closely at the management of Perpetual Trustees.

Mr C.J. Barnett: Has there been any default on the mortgage?

Mr KOBELKE: Unless it was registered through the Land Titles Office, I would have no way of knowing. Perhaps the Leader of the House would like to look into that and let us know if there is a problem.

Mr C.J. Barnett: So what are you on about?

Mr KOBELKE: I will repeat it, for the benefit of the Leader of the House. Perpetual Trustees has an obligation under an Act of this Parliament to be particularly prudent in regard to the moneys which it invests. It has invested money in a company which has taken out a mortgage against a building it owns which is valued at close to the total value of that property. That is not something Perpetual Trustees is allowed to do under its Act. Therefore, we must ask whether that was a minor misjudgment and the valuation was not too far out, as we can look at different forms of valuation. I have spoken to real estate agents in the area, and I am not saying they are infallible, but it certainly leaves one very worried about this decision of Perpetual Trustees. The issue is, are we looking at a matter of mismanagement, or is something else involved? Was it just a corporate misjudgment that such a loan was given by a company which was not supposed to be playing free and easy with other people's money? Are we to look to some connection between Perpetual Trustees WA Ltd and the Liberal Party? Of course, one would look at

the annual report of Perpetual Trustees. In 1985 and 1986 Mr Ian Warner was the chairman of the Liberal Party's finance committee. In 1985 Furama Pty Ltd purchased Menzies House. In the same year, Mr Warner was made a director of Perpetual Trustees. In 1987 and 1988 Mr Ken Court took over as chairperson of the Liberal Party's finance committee. Mr Court was also a director of Perpetual Trustees. In that period two people who have been intimately linked with the finances of the Liberal Party were, and, as far as I am aware, still are, directors of Perpetual Trustees. Also a director at the time the loan was made in June 1992 was Mr Craig Lawrence, who is now well known as the person doing the Premier's bidding on the Perth City Council.

Mr Lewis: That is unfair.

Mr KOBELKE: He is very clearly looking after the Government's interests. What is the public to draw from this cosy little deal where the Liberal Party has its headquarters funded by a company which is able to get a very special allowance from Perpetual Trustees? It seems that from the interjection made by the Minister for Planning, he is expecting us to believe -

Mr Lewis: You said that Craig Lawrence, as chairman of commissioners, was doing the bidding of the Premier. That is disgraceful and a very unfair reflection of the integrity of Mr Craig Lawrence and you should apologise.

Mr KOBELKE: It is absolutely true and we can have that debate another time. Evidence indicates that in putting commissioners in charge of the Perth City Council, this Government has seen the commissioners and the functioning of the council as an extension of the State Government; but I am being sidetracked.

We need to know what happens if another company goes along to Perpetual Trustees and tries to get a loan for 80, 90 or 100 per cent of the value of a piece of land. Will Perpetual Trustees give mortgages to the full value of the property?

Mr Lewis: It happens every day. You know nothing about business.

Mr KOBELKE: The Minister thinks it is a normal and proper occurrence that Perpetual Trustees should lend to the full value of the property. If the Minister for Planning is correct, this opens up another issue; that is, this Government needs to have a very close look at the functioning of Perpetual Trustees. It is the only trustee investment company in this state where ordinary people can have their wills written for the execution of their estates after their death, so it plays an important role in the Western Australian community. It is a company of national significance and operates beyond the boundaries of the state, but it comes under the legislation of this state. If what the Minister for Planning says is correct, every day of the week Perpetual Trustees is granting mortgages to companies on the full value of their properties and involving the finances of ordinary people who have committed their estates and trusts to be managed by Perpetual Trustees. They would have little or no trust in that company. That is something we do not want and should not have because that company has a very important role in this state. I hope the Minister for Planning will come back into this place and retract what he has said. I hope he will be big enough to remove that slur he has placed against Perpetual Trustees, because my dealings with it, through constituents and others, has led me to believe that it is a company that can be looked up to and would not be involved in what we have here, a cosy deal on the side. It is not something over which the general public should lose confidence in Perpetual Trustees. The Minister's own words raised that problem of confidence. I hope he will come back into this place and indicate that that is not a common practice for Perpetual Trustees.

We have a cosy little deal between people who are associated with Perpetual Trustees and the Liberal Party to ensure that those who support the Liberal Party are also supported by a public company. It is common for companies to give donations to political parties, for companies to pay for people to work on the staff of members of Parliament - as with a federal member of Parliament, Bronwyn Bishop, when the FAI Insurance Group paid for someone to work in her office. I am not saying it should not happen or that it does not happen, but when a public company gives support directly to

individuals involved in politics, it needs to make clear on what basis that is happening. That support needs to be on the public record. People need to know who is funding political parties and political operatives who work for members of Parliament; they need to know there is no undue influence and corruption. We need disclosure legislation so that we do not have this Government continuing to be involved in cosy little deals which call into question the propriety of the political system, and whether a company that should be held in high esteem is meeting all the provisions of the various state Acts which are applicable to it. This company is established under state legislation. It must meet the requirements of its Act. It would appear on the surface that that is not happening. That is something the Government should look into as part of its responsibility.

Mr Bloffwitch: You should do an economics course. Many people borrow 100 per cent of the value of property. It depends on the credit worthiness of the customer; but do not take any notice of that, go on with your little story.

Mr KOBELKE: The member for Geraldton is relating what happened in the 1980s. I would have thought he would want care taken with money lent from a trustee company.

Mr Bloffwitch: The problem in the eighties was that they were lending to people who had no resources.

Mr KOBELKE: This is a \$2 company.

Mr Bloffwitch: Who are the directors?

Mr KOBELKE: The directors are Mr and Mrs Terry Jackson. They are the only shareholders and directors of the company. I am not saying they are not business people beyond reproach; that is not the issue. The issue is that this \$2 company has borrowed from Perpetual Trustees \$1.86m and the mortgage document records that the collateral is nil. The documents for Perpetual Trustees show that no other security is entered into. That is something to cause grave disquiet with respect to any lending company. This is not a finance company, it is Perpetual Trustees; therefore, it needs to ensure that in lending money it has the level of security commensurate with the standing of the organisation. There is clear evidence in this case that that has not happened, because the figures I have given members have come directly from title searches and searches of mortgages.

Mr Wiese: Were there any personal guarantees?

Mr KOBELKE: On the mortgage document, which is what must stand up at law, the collateral is shown as nil. The Minister for Police can judge that as well as I can. The only security is the property at 640 Murray Street. The loan is to be repaid on 1 June 1995, with interest payments to be made monthly.

Mr Court: I hope you are getting your information right in allegations you are making against members of my family.

Mr KOBELKE: They are all facts.

Mr Court: I said on Saturday that you were down in the gutter, and you are still there.

Mr KOBELKE: The Treasurer can run out and leave us in this place, but these are all facts and I expect him to take up this matter. It is the Treasurer's responsibility to ensure that Perpetual Trustees is meeting the requirements under Western Australian law. Simply because the Treasurer's brother is part of the company he walks out in a huff; that is no basis for ensuring it maintains proper reporting in this State.

Mr Court: You have made a serious allegation that the company is not complying with the law.

Mr KOBELKE: I asked you to check it.

Mr Court: You do not have the courage to go outside this place and make the same allegation. When I said that you are down in the gutter, that is exactly what I meant.

Mr KOBELKE: The Minister for Planning suggested that the company does that every

day of the week. I am sure that it does not. However, in this case it was a very cosy deal that ensured someone who was supporting the Liberal Party - rightly and properly - was supported by a public company. That is a matter for which the Government must be accountable. It is something for which the company must be accountable also. I am not suggesting that it is capitalising the interest - I assume he is paying interest.

Mr Court: What would happen if Perpetual Trustees was the trustee for the union movement? Would you make those sorts of allegations in this place? Tell it straight! You have made some outrageous allegations.

Mr KOBELKE: The activities of Perpetual Trustees are controlled by a Statute of Parliament. It must meet the requirements of that Statute. It is not an ordinary, run of the mill finance company. It is not supposed to be wheeling and dealing in the mortgage marketplace. I understand it is not, but -

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr Court: I have never heard so much garbage.

The DEPUTY SPEAKER: Order! Usually we allow interjections that add to the debate but we have reached the ridiculous stage where members are interjecting across the Chamber and several members have taken the opportunity to hold private conversations, increasing the background noise level and creating a problem for Hansard. With the new lighting, I can see members much better. If members want to hold private conversations they should do so behind the Chair, and keep the interjections at an appropriate level.

Mr KOBELKE: This is yet another example of where the Government, the Liberal Party, has been involved in cosy deals to look after its own interests. If they are legal, okay; there is no problem. However, we seek disclosure so that the general public will know the score. During the 1980s, some fundraising activities were carried out which no-one would support. There was no difference between the parties, except that the Labor Party was more successful. Now, the Liberal Party wants to carry on in the same way. We in the Labor Party have learned the error of our ways. We have addressed the fundraising issue in the party room, and we want to act properly from here on. The Liberal Party has shown no such recognition. It continues to act the way it did in the 1980s. Members of the Liberal Party do not want legislation which will be effective in requiring the disclosure of donations to political parties. The Liberal Party scuttled the legislation in 1992. That legislation contained very good recommendations which were amended by the conservatives in opposition who controlled the other place, ensuring that it was unworkable. The Bill has remained unproclaimed since 1992. This Government has failed to remedy the error when it made the legislation unworkable. That was done for two reasons: Members opposite simply did not think it was important. They have no interest in such legislation because they want to cover up the various schemes they have running and want to keep running.

The facts I have presented relate to the value of the property, the value of the mortgage, the current rental value and, therefore, the likely value of the property today. All that evidence indicates that we have reason to be gravely concerned. I will be happy to accept an answer from the Treasurer. I will be happy if members opposite are open and accountable, if they can show that the level of lending in respect of this mortgage is manageable; that it is just a temporary downturn in the market, and that people have no reason to think it was not a good investment. We have witnessed many cases like this over the past decade where the judgment of the business community was that such investments were good. However, many people rue the fact that they have tried to make money by lending and borrowing in that climate. This looks like what happened in the 1980s when people were lending to the full value of a property, then could not sell the property and suffered a loss. Perhaps because this businessman is financial he can pick up the loss, but that is not the issue. We are dealing with Perpetual Trustees, a trustee company controlled by legislation in this state. That company does not have the right to wheel and deal with money placed with it from trusts or deceased estates.

Mr McNee: That is rubbish. You don't know what you are talking about.

Mr KOBELKE: Perhaps members opposite in the vegetable patch will ask the relevant Ministers to take up this issue so that my fears can be dismissed and the general public can have its faith in the system restored. I will be happy to accept that and apologise, if members opposite can produce the facts and show that there is no reason for concern.

Mr C.J. Barnett: I bet you don't.

Mr KOBELKE: It is up to the Leader of the House. He should produce a full set of figures, not doctored figures, to show that the loan on the mortgage to Furama Pty Ltd was justified and still is on current values. I do not think he can do that with the current market for properties in Perth. He should show that the company has been meeting its interest payments every month and not capitalising any interest. If he can do that, I will apologise to the Leader of the House for being so concerned about the issue.

Mr C.J. Barnett: You do not realise that when you carry on in Parliament about a company, under privilege, you affect that company, its directors and the confidence of people who have placed their savings with it. This is an extremely serious thing you do. Should you in any way undermine the performance of the company or the security of the funds placed on deposit with it, you and you alone will be accountable. I guarantee that you will be accountable.

Mr KOBELKE: I accept the main thrust of the argument put by the Leader of the House. One does not make such statements or raise such matters without some consideration. I hope that he will direct that point of view to the Minister for Planning. I have said many times that I have the utmost respect for Perpetual Trustees. I have not had direct dealings with the company, but through constituents I have no reason to believe other than that one can place full trust in the company. However, the Minister for Planning suggested that the company makes these sorts of loans every day of the week. He suggests that one should have something to worry about in respect of the propriety of the company. I refute totally those suggestions by the Minister for Planning. I ask the Government to indicate that it has not struck a cosy deal in the backrooms of the Liberal Party and Perpetual Trustees in order to look after some of its mates. It smells of that. I ask the Liberal Party, and the Premier who is responsible for the Government and for ensuring that the Statutes of this state are controlled, to ensure that the matter is addressed and we receive some answers.

Another matter I ask the Government to take up is the need for legislation to ensure that all party political donations are disclosed; that is, when individuals wish to give support either directly to a political party or to individuals for political purposes, it is placed on the public record, allowing the public to make a judgment about the propriety of those sorts of actions.

MR CATANIA (Balcatta) [4.19 pm]: In this Budget debate I will speak about two issues: Firstly, the impact of the Budget on the electorate of Balcatta, comprising Hamersley, Balga, Stirling, Osborne Park and Gwelup; and, secondly, the impact of this Budget on the Police Department, an area in which I am vitally interested. Under the 1994-95 Budget the electorate of Balcatta has not received one dollar. I see that you, Mr Deputy Speaker, have a smile on your face. I suppose that your electorate has probably experienced the same thing. Your electorate of Scarborough is one which, unlike other electorates held by government members, has been very unfortunate in funding terms because most electorates held by government members received funding at the expense of those held by opposition members. In the local newspapers the Government's sole statement was that Balcatta would receive funds in the Budget for additional sewerage works. That promise was also made for your electorate, Mr Deputy Speaker. I suppose that your electorate and mine will share the available dollars for those works. The Government stated that funding for the sewerage works program started by the previous government would be intensified over the next 12 months. That was the total contribution of the Government to the Balcatta electorate under this Budget.

Let us see what the Balcatta electorate did receive. It received notification that the

training centre for youth in various trades, such as building, due to be built near Stirling station, would be cancelled. Balcatta also received notification that the extension to Reid Highway - Mr Deputy Speaker, you had a lot to say in the debate on the matter - from Wanneroo Road to Erindale Road and Marmion Avenue, which also passes the electorate of Scarborough, would be cancelled. The Reid Highway extension has received a great amount of notoriety over the past couple of weeks. The contract for Reid Highway from Mirrabooka to Wanneroo Road was given to Highway Construction Pty Ltd. In constructing this section of the highway, this company has caused extensive damage. In this regard last night on "The 7.30 Report" on Channel 2 various people who suffered damage to their homes and who had not received any compensation were interviewed. The company building the extension to Reid Highway does not accept liability and refuses to pay for any damage caused to the houses of these people. I lay blame not only on Highway Construction but also on the Main Roads Department which let the contract to that company, and to the general attitude of this Government for not ensuring that the responsibilities of companies which receive government contracts are fulfilled. As I said, Highway Construction will not accept liability or pay damages and the people in Balga who have suffered damage will have to pay for the repairs themselves.

I hope that, following a good deal of publicity that will be given to the company by me and, I hope, my colleagues who represent the surrounding suburbs, and the fact that I am talking in this Parliament about the attitude of this company will prick its conscience sufficiently to think that its profits will suffer as a result of its reputation being somewhat damaged. The member for Cottesloe has stated that we must be very careful when we talk about the reputation of companies. I am happy to throw some mud at Highway Construction because it has neither dispensed its responsibility adequately nor accepted liability for the damage to the houses, most of which are along the Reid Highway in Balga. These people do not have the dollars to make good the damage that has been caused and they will suffer greatly at the hands of this company which will not rectify the damage. However, that is a discussion for another time and I mention it merely as an aside.

If this Government took the attitude that companies which did not do the right thing would be punished, or if the Main Roads Department took a more stringent view and ensured that companies abided by the contracts they were given, the companies which act irresponsibly might be inclined to act responsibly. Unfortunately, this company has been allowed to get away with this action without making any payment for the damage. If Highway Construction does not rectify the problems it has caused to the residents in my electorate, I will again bring on this matter for debate. The Reid Highway was supposed to be extended from Wanneroo Road to Marmion Avenue with money allocated by the previous government and with partial funding promised by the City of Stirling. This Government has now taken away that funding and given it to another electorate and blames the Federal Government for not providing the required money.

The electorate of Balcatta has received notification of the cancellation of funding for extra facilities at the Osborne Park Hospital as well as notification that the Balcatta fire station is to be closed and the services transferred to the electorate of Kingsley; that is, to Padbury. I received notification from the Minister for Emergency Services which stated that the fire station would be shifted during 1995-96 to Padbury. Balcatta will not have a fire station and a training facility which has been established for a number of years and which has provided a good service to not only Balcatta but also the surrounding areas.

The cost of living for the people of Balcatta and elsewhere in Western Australia - the Leader of the Opposition gave some examples of this - will increase substantially under this Budget. Let us take a family where the husband works and uses public transport. An increase in bus fares from 1993-94 to 1994-95 will cost this family an extra \$189.60. As a result of the \$50 increase in registration fees of motor vehicles, if the wife works part time and uses the family car and if one of the children owns and travels by car an extra \$100 will be added to its budget. If one child travels by public transport, under this 1994-95 Budget the family will face an increase of \$23.40. The water rates increase from 1993-94 to 1994-95 will add an additional \$35.53, with extra sewerage charges of



\$25.85. If one of the children attends TAFE, a fee will be introduced which will cost families \$446.40 per annum. This is the news that has been received by families all over Western Australia. It is common to find families similar to the one that I describe; that is, comprising four members two of whom use public transport and two who each use a vehicle. These extra costs will be imposed on the people of Balcatta.

The Government has stated that assistance will be provided to small business. Water rates for small business have been reduced. I refer to this sector because I have 1 000 small businesses in my electorate. Any increase in costs is significant to all small businesses in Western Australia, and particularly to those in my area, which has a great many businesses of this type. Although water rates have decreased, sewerage costs have increased. What those businesses have received by way of decreases in water rates has been met by increases in sewerage charges.

One of the greatest things they have received notification of and been threatened by, because it is a threat to the viability of small businesses, is the deregulation of trading hours. As the Minister for Fair Trading in this Government has stated, it is part of the coalition's philosophy that hours should be deregulated and that generally the market should dictate what hours businesses will be open. So people operate their businesses under the threat of the deregulation of hours. This will be another topic of debate in this House.

The Government has failed to bring forward the commercial tenancies legislation that the previous government amended on various occasions. That also is to be debated shortly.

What the Government did bring to the people of Western Australia was a statement by the Premier that the winners in the Budget were the suburbs of Cottesloe, Floreat and Nedlands. He went on to state what they would receive for health, road works, energy, training and housing.

Mr C.J. Barnett: Do you know what sorts of things the expenditure goes on? There are things like the port authority and the psychiatric hospital.

Mr CATANIA: Does the Minister want me to quote the three schools?

Mr C.J. Barnett: As with anything, you can pick examples. My electorate has a lot of major institutions which are not related to the residents of the area.

Mr CATANIA: Does the Minister think it equitable that an electorate like Balcatta with 23 500 constituents receives not a dollar when in his electorate and that of Nedlands people can afford more than those in Balcatta, who receive nothing and have services cancelled? Does the Minister think that is equitable or just? He does not want to answer. That is the sum total of the benefits that the electorate of Balcatta has obtained. Any facility the electorate of Balcatta might have received has been transferred to the electorates of Cottesloe, Floreat and Nedlands.

Let me now deal more specifically with the Police Department. We saw in the publicity that the Police Department would receive more funds in the Budget. The Minister assured us that those funds would be allocated to various areas of the Police Department to enable it to obtain more technology and to refurbish some of the police stations that require work. I do not disagree with that. I do disagree with the fact that on many occasions this Minister and this Government tend to speak with forked tongues. In last year's Budget the Fremantle Police Station was allotted \$500 000 for refurbishment. In this Budget it has been allotted \$650 000. I asked whether the \$650 000 was for different purposes from the \$500 000 of last year. The answer from the Minister, although he made a big thing of this when it was released, was that there were no additional funds, and that the \$500 000 had not been spent and it had been brought forward to this Budget. That reply from the Minister slightly deviated from his story and the press releases. Perhaps I should read out an article from *The West Australian* of 21 June which said that the Police Force's crisis was growing. This view is attributed to the West Australian Police Union, which claimed that the force was being financially strangled and let down by broken promises.

As I have said, the Government stated a number of things to the public. Even this

morning when I was listening to a radio program I heard the Premier asked a question by a caller who stated that whenever people telephoned a police station or the department the police response was very slow. The listener attributed it to the fact that there were not enough police personnel to respond to cries of help from the public. The Premier responded that he agreed; there were not enough police. Is this different from what the Minister and the Government generally have stated? Prior to the last election the coalition promised 800 extra police but it has delivered not in a year-and-a-half just 36 or 38 police personnel; there are no more than that if one takes into consideration retirements and so on. The Premier admits we need more police. Crime fighting is a labour intensive industry, and we need the presence of police and their early reaction when they are called. A computer may give a direction but it cannot react to crime. The Premier agrees with that. However, we see the Government, as reflected in this debate, not reacting to the requirements of the people of Western Australia to ensure their security. We hear the Government say one thing to the people through radio programs and its propaganda, but whenever the dollars have to be allotted and whenever human resources are required the Government's words are not reflected in reality. This is dishonest. As I have stated a number of times in this House, the Government promised so much before the last election, but when it was elected it dumped the people who supported it.

Mr Shave: That is not what they say. They say you are going backwards.

Mr CATANIA: There are two-and-a-half years yet to go.

Mr Shave: You will need every day.

Mr CATANIA: If in 10 years members opposite are still in government and I am still standing over here, and the member will not be here or there -

Mr Shave: I will be here.

Mr CATANIA: We will see then whether the member can say the same thing. Let us examine what the Government has done in a number of areas of the Police Force. Prior to the last election this Government promised a police board. I asked a question of the Minister for Police, which was right and fair to ask after a year-and-a-half of members opposite being in government, when we could expect the establishment of a police board as promised prior to the 1993 state election. The answer from the Minister for Police, which is fresh off the press today, is that the State Government is committed to the establishment of a police board. However, this is not a legislative priority for 1994. I wonder whether it will be for 1995, 1996 or 1997.

We have seen cosmetic changes to the internal investigation procedures which the Minister made early in his reign as the Minister for Police. We have heard the cry from various people, supported by the Police Union, for the establishment of an independent investigation tribunal. The Police Union is sick of people accusing the police of various actions. The reputation of police officers has been besmirched because it is said that when the Police Force investigates itself, people are generally cynical. The Minister may say that it does not work -

Mr Wiese: Can you name any other state or country in the world where the police are not investigated by the police?

Mr CATANIA: I do not know. Can the Minister tell me one?

Mr Wiese: No. You name one.

Mr CATANIA: Does that mean that police investigating police is proper?

Mr Wiese: No, it means that that is the worldwide practice.

Mr CATANIA: Is the Minister saying that if it is a worldwide practice it must be right?

Mr Wiese interjected.

Mr CATANIA: The Minister will not answer that.

Mr Wiese: In my opinion it is correct.

Mr CATANIA: I hope that interjection is recorded.

The public of Western Australia rightly want to be able to put their police on a pedestal. The Minister is letting down his Police Force by not appointing an independent internal investigation tribunal. The only way that people will feel secure in this matter is if police do not investigate police.

The Minister has supported the police inappropriately. I remind him of another great promise he made prior to the last election. I thought that it was fair to ask the Minister, after his being 18 months in the portfolio, the following question on notice -

- (1) Does the Minister still intend establishing two driving training centres, one north and one south of the river, as promised prior to the 1993 state election?
- (2) If not, why not?

Members will recall that the then government said it would allot funds for research to establish a driver training centre in the northern suburbs. Of course, the then opposition - the present coalition Government - said, "We'll go one better: We won't establish one, we'll establish two." The answer to that question was provided by the Minister for Police today, hot off the press, and states -

Further consideration of the establishment of a driving training centre in the metropolitan area has been put on hold until the Select Committee on Road Safety has examined the matter of existing driver training and reported to Parliament. As a member of the select committee I am sure that the member would be aware that included in the committee's terms of reference is the necessity to inquire into, report and make recommendations . . .

The Minister says that that makes sense.

Mr Bloffwitch: It does.

Mr CATANIA: Where does the member for Geraldton think the \$100 000 to research it has gone? Why has there been no research done on it in a year and a half?

Mr Bloffwitch: I thought the select committee would handle that.

Mr CATANIA: The select committee was appointed in only September last year. The member for Geraldton, like his colleague the Minister for Police, talks with a forked tongue. I will get on to him in a minute when we talk about speed limits.

Mr Bloffwitch interjected.

Mr CATANIA: The member for Geraldton should be quiet for a moment. He is like a hollow box when he talks. He should not play up to Hansard with his nonsense.

Today in question time I asked the Minister for Police whether he supported the plans of his colleague the Minister for Transport to allow road trains in the metropolitan area. The local councils, the people who live in those areas, and I believe the police - the Minister did not answer my question about whether the police were in favour of it - do not want the trial to occur. They do not want 36 metre long road trains driving through their suburbs. Most importantly, apart from the inconvenience caused to people, the plan is not conducive to road safety in the metropolitan area. The Minister says that many studies have been done on the matter. If the Minister would like me to give him some studies I will send them to him. The Minister is right in saying that he does not know what is going on. He never knows what is going on.

Mr Wiese: Let me read to you exactly what I said: "It is my understanding that those trials have been conducted and were completed some time ago. I would have thought, quite frankly, the question now is irrelevant."

Mr CATANIA: I asked the Minister whether the Police Department agreed with it.

Mr Wiese: You asked me about the road train plans.

Mr CATANIA: I also asked whether the Police Department agreed with it.

Mr Wiese: The trials have finished. They were done six months ago.

Mr CATANIA: Let me ask the Minister now: Does the Police Department agree with having 36 metre long heavy haulage vehicles travelling through the metropolitan area and its suburbs?

Mr Wiese: The Police Department took part in those trials, as did the Department of Transport and everybody else who agreed.

Mr CATANIA: I am sure it did, but does it agree with the plan?

Mr Wiese: We have road trains on the roads now.

Mr CATANIA: Why does the Minister not answer my question? Is it any use my asking him? No. As I said, the Minister does not know what is going on. He is very honest in admitting that.

The Opposition introduced a perfectly good piece of legislation - the Second-hand Dealers and Pawnbrokers Bill. The Opposition thought the legislation was good but it knew some changes needed to be made to it. It invited the Government to make those changes so that legislation would be in place to ensure parameters for trading by pawnbrokers and second-hand dealers. Opposition members told the Minister that they would accept any changes he made to the Bill to make it better and more relevant to trading by pawnbrokers and second-hand dealers. What happened? He said that he did not want our legislation; that it was no good and should be thrown out.

Mr Wiese: Why didn't you support the member for Avon?

Mr CATANIA: The member for Avon just skirted around the edges. The Opposition's Bill was a major change to a piece of legislation which dates back 100 years and still deals in shillings and pence. The Opposition, the people of Western Australia, and the business community wanted that change; however, the Minister said that the Bill was no good and he would introduce his own legislation. The Minister's promise that the legislation would be introduced by the June session of Parliament is on record. We are now into August and it will be September soon. I asked -

When can the Western Australian public expect to see the introduction of the Government's new pawnbroker legislation?

The Minister replied -

The drafting of the Pawnbrokers and Secondhand Dealers Bill is currently being completed by Parliamentary Counsel.

That has been going on for three or four months.

Mr Wiese: You are absolutely correct.

Mr CATANIA: Is the Minister giving it priority?

Mr Wiese: It has top priority.

Mr C.J. Barnett: Yes, he is, and he is driving me mad to hurry up with the drafting.

Mr CATANIA: It has taken three or four months to draft a piece of legislation, when the Opposition's Bill could have been amended and adopted. The Minister knows that is the case.

The response received when dealing with traffic, road safety and crime problems in the Police Department is generally that the department has scarce resources and is preoccupied with stalking people who work in the city of Perth, where no road accidents happen. Can the Minister tell me when an accident occurred in the square kilometre of Perth city where the police employed 36 different officers to fine people for jaywalking? Can the Minister tell me when the last road accident occurred in that area, or do road accidents happen in the suburbs? That is an improper and inefficient use of police resources.

Mr Wiese interjected.

**Mr CATANIA:** Today the Minister had the audacity to state on radio to the people of Western Australia that parents and citizens' organisations must pay for people to staff crosswalks at schools so that schoolchildren can cross roads safely. The Police Department is using resources to fine shoppers \$25 for crossing roads in the city. However, the Minister is too miserable to allot staff to ensure the crosswalks near schools are safely manned. Is that right, Mr Minister?

**Mr Wiese:** These criteria were set by your Government in 1983.

**Mr CATANIA:** The most important thing is that schoolchildren be guided when crossing roads. They should be safe, and if that means extra money and extra resources, the Minister should provide them. The safety of small schoolchildren must be ensured when crossing roads. That cannot be left to the parents and citizens' organisations, who have enough headaches raising funds. It is the responsibility of the Minister and the Police Department. People are being fined \$25 for crossing roads. The Police Commissioner states that \$25 is not very much, but a \$25 fine to a pensioner is a lot of money. The Commissioner should be ashamed for stating it and the Minister should be ashamed for accepting it. Five and six year old school children who do not know the dangers confronting them on the street should be safely guided across.

**Mr Taylor:** In Bunbury, three school crosswalks have been removed. Each of the schools has an increased school population and increased traffic volumes.

**Mr CATANIA:** Does the Minister know what the criteria are? The Minister is miserable and the Government is an uncaring lot. That is what the criteria are and the people of Western Australia know that.

**Mr Shave interjected.**

**Mr CATANIA:** When that sleeping member over there - Rip van Winkle - wakes up in two and a half years, in time for the next election, he will see the people of Western Australia hurting. They will not be able to afford their water bills; they will have to go to the schools themselves and collect their children as they will not have the confidence of having a crosswalk attendant. The people will get to know about this miserable, uncaring Government. It is only a matter of time.

A report commissioned by the then government two and a half years ago is titled "Taskforce on Road Safety at Schools". This report comprised the views of members of Main Roads, Police and other government departments. It was given to the then Minister and the road safety committee has also received a copy. The report made various recommendations, one of which was that all schools next to "busy streets" have guarded crosswalks. The Police Department wanted crosswalk attendants to be taken off its FTE allocation, and we agreed. We recommended that they be taken off, but that all schools on busy roads in metropolitan areas and in the older areas have crosswalk attendants. Where are the criteria the Minister is referring to? The report comprises two volumes and took a number of weeks to complete, and I had the pleasure of being chairperson of the committee. Twelve recommendations were made, one of which stated that schools - older schools on major arteries carrying a lot of traffic, and new schools - should have attendants.

On the weekend the member for Geraldton led the charge into deregulation of country highways with no speed limits. Who gives a damn? He has not seen statistics which state that most deaths on outer metropolitan and country roads occur through speed. This graph details statistics in various parts of the world, including Australia. The member for Geraldton's colleagues on the road safety committee would have seen this graph. It states that for every 5 kilometres of increased speed at which motorists travel, the greater the likelihood of an extra 10 deaths. The member for Geraldton wants to open it up and to make it carte blanche full speed ahead. After all, who gives a damn if people get killed? This year seven more people have been killed than last year. With the member's stupidity and the concurrence of the Minister for Police, the figure in six months' time will not be seven more people killed, it will be 70. Is this a demonstration of government responsibility? It is something that the member for Geraldton does not know about. It is

inconvenient for him to get a fine when speeding, but if found speeding he must pay for it. The member does not want to pay for the fine and does not want his licence suspended, but his licence should be suspended. Fines must be imposed for speeding. It is the only way to teach people to not speed and put the lives of others in danger. If one does not value one's own life, that is fine, but the lives of others should not be put in danger. That is what the member has promoted. That is what the Minister's colleagues promoted. Does the Minister for Police believe that speed limits should be increased? His colleague, the Minister for Transport, agreed.

Mr Wiese: No.

Mr CATANIA: At least there is some salvation there. The Minister for Police does not agree with open speed limits on country roads. He should tell his colleague, the Minister for Transport, his views on this matter. He should not worry about what he says but tell him what he believes.

That was the crowning glory of the Liberal Party's conference at the weekend: No Speed limits. It was certainly the issue that received the most publicity, apart from photos in the Press of the blue rinse set and a few other people who attended. The major issue to come out of that conference, as I said, was the support by the member for Geraldton and others for deregulation of speed limits on country roads in Western Australia. It is irresponsible and is something which, I am happy to say from the answer given today, the Minister for Police does not support even though his colleagues do.

Apart from the stupid comments on speed limits made by the member for Geraldton at the weekend, other statistics as reported by the *Sunday Times* and *The West Australian* were discussed. One of major interest was that, over the last 12 months, the crime rate in Western Australia has increased. Does the Minister agree?

Mr Wiese: Yes.

Mr CATANIA: Prior to the 1993 election, the people of Western Australia were told by the then opposition that crime was rampant in Western Australia and that -

Mr Bloffwitch interjected.

Mr CATANIA: The member for Geraldton should be quiet because his wife came to the Opposition to get some assistance for the crime problem in Geraldton which was out of control. The member for Geraldton, as the local member, had done nothing about it and his wife was so frustrated that she came to us for assistance because she said that her husband was incompetent and the Government was not caring enough to do anything about it. She asked the Opposition for a hand to solve the problem.

Mr C.J. Barnett: This is a very offensive speech!

Mr CATANIA: It is not offensive at all. She was telling the truth. We could see the frustration all over her face. Anyway, the crime rate has increased and the only logical conclusion I can draw from that is that the Government's methods in dealing with crime have failed.

Mr Omodei: More people are being arrested.

Mr Wiese: It is a worldwide problem.

Mr CATANIA: Those are very telling remarks. The Minister for Water Resources said the police are arresting more people and the Minister for Police said that it is a worldwide trend. Has the Government given up trying to fight crime?

Mr Wiese: No. This year we have put more resources into fighting crime than ever before. An extra \$25m has been allocated.

Mr CATANIA: Does the Minister agree that policing is a labour intensive industry? The Premier said it was. The Minister has missed the mark. Unless the Minister puts more police on the streets of Perth, as I am glad to see the commissioner has done, he will lose the fight.

Debate adjourned, on motion by Mr Bradshaw.

**YOUNG OFFENDERS BILL***Second Reading*

Resumed from 12 May.

**MR D.L. SMITH** (Mitchell) [5.05 pm]: This is one of the rare occasions that I can recall on which the Budget debate has been adjourned so that the House can debate a Bill of the length of the Young Offenders Bill. It exemplifies this Government's determination to rush this legislation through this place as it has rushed its drafting since it was first decided to introduce it. It also indicates that, in its rush to enact the legislation, this Government is, as usual, willing to ignore tradition and custom by elevating this Bill to a position of top priority in a Budget session. I know that some people in the community will probably regard that as a good thing and will argue that the problem of crime in our community, especially as it impacts on young people, is the most serious problem with which we have to deal. I do not dispute that. However, because it is a serious problem, it should have been approached in an entirely different way than the way in which it was approached by the Attorney General.

Recently, I obtained a copy of a speech delivered by Judge Hal Jackson in Townsville in June 1994. He referred to the Attorney's administration of her portfolio and under the heading "The first fourteen months" the judge said -

Administratively the new Attorney General came to power determined to create a new department, the Ministry of Justice, the purpose being said to be to "ensure a co-ordinated focus on the people they are serving". The new Ministry quickly and clearly took over youth offending services from the Department for Community Development, the Aboriginal Visitors Scheme, the Victims Support Service, administration of courts and virtually the whole of the old Crown Law Department and put them all together with the (adult) Corrections Department in a new department totally dominated by the latter and its people and philosophies. The result of this and the over-hasty implementation process has been grave administrative problems, a "prison" mentality, suspicion and the accompanying lack of consultation. To be fair to the bureaucrats involved much of this results from the personality of the Minister. Some of the results are to be seen in the way legislation is being developed.

Without being unduly unfair to the Attorney, the judge is quite right about the fact that much of the problem with this Government's administration of the justice area and, in particular, the courts - and I will argue the young offenders' area - has to do with the personality of the Attorney. She is under siege because of the sorts of people with whom she has been associated. She is extremely self-opinionated and judgmental, and has very little understanding of either the role of the Attorney General or the portfolio she is expected to administer. This legislation should have been an opportunity for a new start on juvenile justice in Western Australia. The fact that it is not a new start is the fault of the Attorney and the way in which she administers her portfolio. She is secretive and very selective about the people with whom she consults. She rarely takes advice from those who are in a position to give her good advice. By rushing into things she has created enormous problems such as those that have beset the administration of the courts in Western Australia and of the juvenile offenders' area.

I refer members to the comments which have been made by various groups about the processes that have been used for the development of this legislation. The Aboriginal Legal Service said the following -

The Aboriginal Legal Service (ALS) is concerned with the government's process in developing the current Young Offenders Bill before Parliament. The ALS received a copy of the bill on Thursday May 12th after it was tabled in Parliament. We understand that the bill will be debated when Parliament resumes on 7th June and that any information regarding amendments to the bill has to be with the Attorney General by May 27th.

The process is unworkable and unacceptable for such a major piece of legislation

before the West Australian community. The lack of consultation and total absence of negotiation with the Aboriginal community and the Aboriginal Legal Service on this bill is contrary to the recommendations of the Royal Commission into Aboriginal deaths in custody. These recommendations specifically state that due to the high overrepresentation of Aboriginal youth in a criminal justice system, Aboriginal people must be involved in the development of government policies and programs.

The ALS wrote to the Director General of the Ministry of Justice David Grant in November 1993 and January 1994 asking to be included in the negotiations on the proposed bill, but this request was denied. The ALS did however receive a inadequate verbal briefing from the Ministry together with the Youth Legal Service, one week before the bill was tabled in Parliament.

No other Aboriginal community organisations were consulted in the process and even government departments such as the AAPA and the Legal Aid Commission were given inadequate briefings without the fine details of the proposed legislation.

The ALS believes that the passage of the bill should be delayed by three months so that Aboriginal people throughout the State can provide informed and constructive feedback on it's contents.

The Bill has been delayed not through any intention on the part of the Attorney or the Government, but simply because the Government's legislative program as a whole was delayed in the last session. Has that removed the concerns of the various groups in the community?

On 28 July 1994 I was present at a seminar which was very well attended by most of the groups involved in the juvenile crime problem in this state. At that seminar a draft letter reflecting the high degree of disappointment these groups have with this Attorney and her processes was distributed. The letter to the Attorney which was distributed for groups to sign noted that a number of youth welfare organisations have called on the Government to delay the passage of this Bill through the Parliament to allow for a full public consultative process to address key areas of concern in the Bill. The letter states -

We confirm that in our view there has not been an adequate opportunity for  
information to be provided to the public concerning the provisions of the  
Bill  
consideration of the effects of the Bill,  
identification of concerns  
action to address those concerns including necessary amendments.

Some of the consequences of the Attorney's approach to this Bill are evidenced by the number of amendments that appear on the Notice Paper. Never before on a major Bill of this kind have I seen so many pages of amendments before the second reading debate has even commenced. It is purely evidence to show that this Bill was rushed together with inadequate consultation with the people who should have been consulted about it, and it suffers very much as a result. More importantly, this Attorney has missed an opportunity to develop bipartisan and community support for this legislative package. This Bill is not remarkable in its contents; largely it is a codification of policies and initiatives of the previous government. To the extent that there are some new initiatives in the Bill I will comment later, either in this debate or in the Committee stage. As this Bill is largely a codification of existing practice and past policy there was an opportunity for bipartisan support. Had the community and the community groups interested in juvenile justice been consulted the Attorney could have gone out into the community and said this legislation has the support of the Opposition and the various groups whose children and clients are most affected by crime.

Mr C.J. Barnett: Will the Opposition oppose the Bill?



**Mr D.L. SMITH:** The Opposition will not oppose it. In essence, the Bill is a codification of the previous government's policies, initiatives and past practices. I will deal with the new initiatives in some detail, but they could have been saved by amendment. I advise the House that the Opposition will move some amendments in the Committee stage.

The reaction of the youth groups and the various community groups involved in the issue of crime has not been destructive of the Bill. They have highlighted a number of concerns they have about the legislation but they have also said that this was an opportunity where, if the Attorney General had been more consultative, this legislation could have had the support of the general community.

If we compare this legislation with the New Zealand model found in the Children, Young Persons and Their Families Act 1989, then frankly this legislation is a very poor imitation. Its greatest deficiencies occur in those areas in which this legislation does not reflect the New Zealand legislation. If some of the matters of concern expressed by the various groups in the community had been added to the Bill we would have had a Bill on which we could have had bipartisan support.

One of the groups quoted by the Attorney as supporting the Bill because of the changes it makes to the Crime (Serious and Repeat Offenders) Sentencing Act is the National and Children's Youth Law Centre. It shares the concern of the local youth groups and the Aboriginal Legal Service because on page 1 of its submission to the Attorney it said -

It is a matter of deep concern to the Centre that a Bill of such importance to children and young people should be hurried through with so little time for those interested (including children and young people who are likely to be affected by the legislation) to discuss and comment on the Bill which makes significant changes to the juvenile justice system. No discussion paper or issues papers have been released to the public even though this Bill has been in preparation for more than a year. The Centre believes that this failure to obtain the views of children and young people and the failure to offer them opportunities to discuss the proposals amounts to a breach of Art 12 of the UN Convention which empowers children to express their views freely in all matters which affect them and to have their views taken seriously.

**Mr Strickland:** Were you the Minister who brought in the Bill which this Bill replaces? I can recall that copies of the amendments were being handed to members as they walked into the Chamber and they did not even have time to read them.

**Mr D.L. SMITH:** I was not the Minister concerned.

**Mr Strickland:** You were a strong proponent of that legislation.

**Mr D.L. SMITH:** That is a matter for the record. I will not be sucked into a defence of past government policy or decision making. I am now in opposition and I am prepared to say publicly and at open forums that being in opposition presents an opportunity to re-investigate and examine where we are at and to develop policies which are correct for 1997 when the Opposition will be returned to government. I advise the member for Scarborough that I was pleased to hear Hon Hal Jackson give credit to two people for the fact that this Bill is in no way a reflection of the Liberal Party's policy at the last election. An examination of the rhetoric of the Liberal Party prior to the last election will show that this Bill is a poor imitation of the public expectation and what the Attorney General is trying to convince people it is. The two people to whom the honourable Judge Hal Jackson gave most credit for this were the member for Scarborough and a bureaucrat unknown; I have no hesitation in saying that the bureaucrat was Andrew Marshall. This Bill largely reflects, not the hang 'em high or throw 'em in prison mentality which dominated the policy of members opposite prior to the last election, but the work of the member for Scarborough and Andrew Marshall in putting together a Bill which is largely a codification of past practice.

However, is the rush of this legislation warranted? Are we somehow or other slipping into a juvenile crime crisis of such dimensions that we must interrupt the Budget debate and rush through the legislation with little consultation? A report was released relating to

the Crime (Serious and Repeat Offenders) Sentencing Act and its operation to November 1993, and this was tabled by the Attorney General on 22 March this year. Page 15 of the document contains a very good summary of the current position with juvenile crime. It indicates that the total number of police-juvenile contacts from 1987-88 to 1992-93 varied from 11 775, to 10 968, to 10 801, to 11 086, to 11 408 to 10 160 at the end of the 1992-93 financial year. Clearly, in the three months leading up to the 30 June 1993 we were still acting upon the same legislation and methodology used by the previous government. The figures indicate that over the five year period the level of juvenile contact with police has, at worst, remained constant; and, at best, has reduced some 17 per cent. That proves that it is unnecessary for the Attorney to rush the legislation.

More importantly perhaps, the same table indicates that of the 10 160 contacts between juveniles and the police, 5 994 were dealt with by panel or caution. Therefore, nearly 60 per cent of the approximate 10 000 contacts made by the police during the 1992-93 financial year did not warrant court action by the police. Of the remaining 4 166 juveniles who went to court, 51 per cent appeared for the first or second time, and the remaining juveniles had a spread in the number of their previous court appearances. In essence, 60 per cent of all contacts by police with juveniles are dealt with by a panel or by caution, and 50 per cent of the cases making it to court involve first or second appearances. That confirms what we have all known for a long time; that is, 60 to 70 per cent of all juveniles who come into contact with the criminal justice system heal themselves with the support of family and groups provided by the Government or the community to assist offenders or young people generally.

There is no current explosion of crime. The number of car thefts from January 1991 to October 1993 dropped from 1 700 to 1 300. Although the figure was as low as 961 thefts in February 1992, by and large the number of car thefts in Western Australia has stayed below 1 500 a month for every month except one over the last 36 months or so. That indicates, despite the rhetoric of some media commentators and of the Government when in opposition prior to the last election, that the escalation of crimes committed by, or the misbehaviour of, young people is not of an order which requires us to rush to this legislative framework promoted by the Attorney General.

Although I cannot speak for all members on this side of the House, I will not use my position as a member of Parliament or shadow Attorney General to frighten the community on this issue for political purposes, as the parties opposite did shamelessly prior to the last election. We have scared too many old people in their homes. We have frightened the community to the point where people are willing to take drastic and controversial action which is contrary to the mainstream of English common law regarding the criminal justice system. I am pleased that, with a few exceptions, the Attorney General has not resorted to too many departures in this legislation from the essence of the system as it operated under the previous government. I will not frighten the community in the manner which inevitably leads to media pressure and mass gatherings outside Parliament, as occurred when we were in office. We witnessed mass hysteria among those who do not know the detail of the issue, how it is handled elsewhere, or how the Western Australian experience compares with elsewhere. That hysteria leads to the worst possible solution.

The crimes committed by, the values held by and the lack of hope seen in many of our young people should be of enormous concern to us as a community. However, we will not find the right solution by political parties trying to outbid each other for toughness and generating public fear. We can overcome the problem by developing bipartisan support and by obtaining the support of all the groups involved in the administration of the justice system and those dealing with young people. In a community minded way we can then have an impact on these problems.

Again, I turn to some comments by His Honour Judge Hal Jackson. I know that some members opposite share the view expressed by some media commentators of Judge Jackson. I was extremely disappointed that this Government, so early in its term in office, chose to remove him from the Children's Court. He was a volunteer who persevered over a long period in this field in circumstances where people of less courage

and integrity would have given the game away and gone back to the District Court. I may not have agreed with every decision he made; however, his basic thrust and his dedication to finding solutions to these problems cannot be questioned. He made an enormous contribution to the resolution of the issue. Anyone who sits back and looks at the statistics of the time when he was President of the Children's Court will recognise that he was tough but fair - a claim the Attorney General makes about herself. The actual length of sentencing increased while he was President of the Children's Court, but he approached the issue of sentencing on the individual merits of each case and not by responding to some ill-informed comment from outside. What did he say about this legislation?

This is the first of the measures announced to be introduced and the Government is keen to be seen as "tough but fair". The Bill was prepared without public consultations, in a rush and can be subjected to numerous criticisms of detail. There is not time to do that here but I understand the Government itself is aware of numerous drafting criticisms.

That is reflected in the number of amendments to the Bill before the second reading speech. He continues -

The transfer of the responsibility to the new Ministry means the transfer of the old juvenile justice provisions out of the Child Welfare Act where they had been, for philosophical reasons now generally discredited, for many years. This has incidentally provided the opportunity for a much clearer and more modern drafting style.

It is not all criticism. It continues -

There are parts of the Bill which, given the public rhetoric, may be thought surprising and which embody a number of the improvements referred to above developed by the previous Government, and in some cases improve thereon. Some of these ideas were developed by the now abolished Advisory Committee on Young Offenders and in turn derived from examples developed elsewhere. Their survival it would seem is largely as a result of the good work of a small group of bureaucrats and the enlightened back bench member for Scarborough.

Certainly some of the policies advanced at earlier elections by the Coalition are not carried forward. These included returning jurisdiction to the superior courts in more serious matters by use of the "transfer" mechanism and reducing the age jurisdiction to 16 years.

The Bill starts with statements of objectives and principles. These mainly reflect the rhetoric and ignore the familial and social settings in which much juvenile offending occurs. However they are so lacking in structure that priorities are entirely unclear. In addition they are not clearly carried forward in the legislation itself.

I will deal with the Bill starting at the lower end of offending. Cautioning and other diversionary mechanisms have been left untouched and indeed strengthened. (Although they were attacked by Coalition figures and the Police Union when introduced they have drastically reduced court numbers. As a result the Children's Panel is now to be abolished).

One of the problems I personally have with this legislation is the abolition of the Children's Panel. Although it is true that cautioning has reduced the need for panels, there is still a place for them.

Mr Strickland: We supported cautioning but we had concerns about the rate of offending; in other words, people were getting caution after caution.

Mr D.L. SMITH: The member for Scarborough supported it as shadow Minister at the time, and a majority of his party did, but there were a number of critics on the Liberal side and certainly from people in the community. It continues -

Whilst I welcome these moves a note of caution must be added that research

elsewhere shows that Aboriginal children may be relatively disadvantaged in the move to greater police discretion. Some of the limits on the use of cautioning may also be criticised.

A further step which was started by the former Government and is now being strengthened is found in the provisions designed to avoid Western Australia's prolific overuse of arrest of juveniles, rather than by bringing them to court by summons. The Bill strengthens the provisions enabling use of a Notice to Attend. This is ironic given the Bail Act controversy. However, I make the point below that many other areas of policing practice remain effectively unregulated.

A third and most important step, is the granting of a legislative base to the use of Juvenile Justice Diversionary Teams to deal with matters more significant than those for which a caution might be given. Although falling well short of the much publicised New Zealand approach, as I mention above the idea was developed by the Advisory Committee and in its Social Advantage package in May 1992 the former Government agreed to set up teams in four communities. In fact, only two were set up after some delay, by the Court Government. No independent evaluation was made and the present Minister imposed very strict limits on the sorts of cases they could deal with. Apparently, within those limits they have been successful. Properly resourced, with adequate legislative provisions, and in the case of Aboriginal youth, that certainly means adequate Aboriginal community and family involvement. I would strongly support the experiment. However, there are grave doubts about whether this will happen. Legal and youth groups are concerned that in this case the move to informal, family and victim focussed structures has not been adequately considered and has been structured in ways which will disadvantage young people. The very strong view from other quarters, including Robert Tickner, is that the legislation should have gone a great deal further along the New Zealand road. In my view we are probably lucky to have got this far but there is a clear philosophical difference between this legislation which seems to see families and victims as additional punishment providers and the empowering, mediational and re-integrating philosophy in New Zealand.

I pause to say that is one of the major areas of concern I have about the approach of this Government and this legislation. Although the rhetoric suggests we are trying to involve families more, the approach of this Government has been to involve families primarily by a threat to those perceived to be bad parents. It is claimed that, if their children offend, those bad parents must expect the consequences. Anybody who has dealt with young people who are offending knows that in many cases their parents are at their wits' end about what to do. In many cases they feel they are without any power of their own and no assistance is available from the community to deal with their difficult children. We should approach young people generally by involving families not in a punitive but in a reintegration sense, which is the essence of the New Zealand legislation.

The legislation before the House is defective in that arena because the youth justice teams in the legislative sense do not require the direct involvement of parents or groups of the same ethnicity as the young offender. In that sense, it has missed the mark. This Government has not been about empowering and helping families to deal with young offenders. This legislation and this Government have been about the big threat; if children misbehave, their parents can expect to be subject to the same penalties as their children. If those young people cause damage, the Government will punish the parents by making them pay restitution. No-one doubts there is a role for some parental disadvantage when parents not only have failed in their duty but also can be seen to be actively encouraging, or at least facilitating, their young people to continue offending. However, this should be reserved - as it always has been under the previous Government's legislation - for those rare and exceptional cases determined by the courts to be appropriate. Under this legislation, as with the amending legislation last year, there are no criteria by which the court can determine whether to impose those financial penalties on the parents. The general ethos of the legislation is to be silent when families

should be involved, such as with the youth justice teams. Rather than simply recommending that they be part of that process, it seeks to punish them.

One of the areas in which the judge was able to offer some research - which I have not seen elsewhere - was by looking at the incarceration figures and how they have changed under this Government. He showed, by quoting almost on a month by month basis from January 1989 to April 1994, what happened when the new Children's Court of Western Australia Act was introduced, the Crimes (Serious and Repeat Offenders) Sentencing Act was introduced, the President of the Children's Court changed, and the change to the Bail Act commenced. That indicates that since the new Bail Act has been on the Statute book, the number of children in detention has increased dramatically from 104 on 31 December 1993, to 110 when there was a change of President of the Children's Court, and to 140, 154 and 143 in the three months from March to May 1994 under the impact of the new bail provisions. We were told by the Attorney General when the new bail requirements were introduced that they were all about ensuring that responsible adults were aware that the children for whom they were responsible had got into trouble with the police and would be involved in the charging, bail and court appearance process. We were assured by the Attorney General that sufficient resources would be provided to ensure that where the parent was absent, some other responsible adult would be found to discharge the responsibilities of the parent, so that although it could be said by some that the new bail provisions would result in an increase in the number of young people in custody awaiting trial, that would not happen because of the protective measures which the Attorney General was putting into place. However, between 20 and 40 young people, for whom no responsible adult has been found, are now being held in detention because of the new Bail Act provisions.

Mrs Edwardes: Are you sure about that? Think about the figures that you quoted.

Mr D.L. SMITH: The composite part of the figures I am not sure about.

Mrs Edwardes: It shows that you have a total lack of understanding of what you are talking about.

Mr D.L. SMITH: I would be happy for the Attorney General to reveal the break-up of those figures. They indicate that since the new Bail Act has come into operation -

Mrs Edwardes: You have a total lack of understanding. You as a solicitor should know better.

Mr D.L. SMITH: The total number of young people being held in custody has increased significantly, and although - and this is the point of my raising the figures at this time - the emphasis was on additional parental or responsible adult involvement, the bail process seems to have become an excuse to hold people in custody before trial, when in past circumstances that may not have happened.

Mrs Edwardes: It seems to me that you have forgotten a lot about the law.

Mr D.L. SMITH: I have not forgotten much about the law. What we do not know from our side of the fence and what the public does not know is the break-up of those figures. Our biggest problem is the difficulty we have in getting any realistic information out of the Attorney General. The Attorney General criticised me early in her period as Minister for not being very communicative and the like. This Attorney General is the least communicative and open Attorney that I can recall, and our system is suffering very much as a result. The Attorney General will not answer questions in this place. The Attorney General will not front up to the media herself to answer difficult questions but puts up someone from her ministry to take the blame or to explain a difficult situation, while she sits in her office and keeps to herself the figures and what she is up to in drafting legislation. That is the reason the Attorney General gets into so much trouble. That is the reason that people outside do not trust the Attorney General in regard to the responses which they get.

Mrs Edwardes: They do not trust you; that is for sure.

Mr D.L. SMITH: I ask the Attorney General to get out into the community and see -

Mrs Edwardes: I still doorknock. Do you?

Mr D.L. SMITH: I still doorknock from time to time, but to doorknock as a local member is entirely different from being up front as Attorney General, and her problem is that she is not up front as Attorney General. She does not answer questions without notice. She does not answer questions on notice. The Attorney General will use any flimsy excuse to not provide information. The Attorney General will not front up when there is a difficult issue, whether it be a death in custody or any other matter, but a spokesperson from her department is expected to front up and field the questions. That is because the Attorney General is either not communicative enough or worried that she will be asked something about Wanneroo Inc or another matter.

Mrs Edwardes: Operational matters are matters for the ministry, not for me, otherwise I could be seen to be interfering.

Mr D.L. SMITH: The buck stops with the Attorney. The Westminster system states that the Attorney General is accountable to this Parliament for the administration of her portfolio areas, and the Attorney General should not hide behind public servants or other people when she does not feel confident about the answers that she can give.

Mrs Edwardes: You cannot have it both ways. On the one hand, you say I am interfering; on the other hand, you say the buck stops with me.

Mr D.L. SMITH: The buck does stop with the Attorney General in regard to explaining the outcomes of operational techniques and methods. It is the Attorney General's responsibility to explain those outcomes to this place. If the Attorney cannot see the distinction, that is a large part of her problem in dealing with this legislation.

I return now to some of the other areas of concern, and I will leave to the Committee stage some of the other comments of the judge. One of the tendencies under the previous government, and which has been continued under this Government, is that as we seek to become tougher in dealing with crime, not only do we increase the penalties for crime, but also we start to remove some of the evidentiary burdens that previously rested with the Crown and some of the protection of the civil liberties of people in the community. I believe the reverse should be the case. If we are to get tough about the consequences for people who are found by the courts to have offended, we must ensure that in the processes by which we deal with offenders, whether young or old, we abide by all the preliminary steps that protect people under the English common law justice system.

The New Zealand model legislation, the New South Wales legislation and the Commonwealth Crimes Act have no difficulty in setting out what are the rights of young people when they come in contact with the law. This legislation contains no such provisions. Most people know what are the rights of people, and young people in particular, if they are arrested. In the New South Wales and New Zealand legislation, and in the Commonwealth Crimes Act, an attempt has been made to codify those rights and to identify the additional rights that young people should have in their contact with the law. There is no such provision in this legislation, and in my view, and in the view of most youth groups in the community, that is a serious disadvantage and defect in this legislation. As I said, they were not asking for anything new. They were asking simply for this legislation to reflect what are meant to be the rights of young people when they are first brought into contact with the police.

I have heard the excuse given by the Attorney General that she intends to introduce a general Bill which deals with the rights of people when they are taken into police custody for any reason. I think she expressed it by saying that young people are not the only disadvantaged people in the community and we need to have a Bill which in effect codifies the rights of all disadvantaged groups when dealing with the police. If the Attorney General were to give an absolute assurance that such legislation would be introduced this year, I would be more comfortable about that issue, but preferably we should have done what the New Zealand legislation did; namely, set out in the legislation the rights of young people when they are subjected to police questioning. These include the right to make a telephone call to a family member or friend while being questioned by

police; the right to make a telephone call to a legal adviser before being questioned by police; the right to have a family member, friend, or other adult person present during police questioning; the right to be treated in a dignified and humane way; the right to prompt medical examination and hospital treatment where necessary; the right to have bail on reasonable conditions without delay; the right to have safety and welfare needs monitored regularly by police while in police custody; and the obligation upon police to inform young people and their families of their rights in police custody. Most of those rights are contained in police rules, most are on notices around police stations, and they are certainly reflected in the New Zealand legislation. The Government would have gone a long way towards getting the support of youth groups had those rights been reflected in this legislation as they are reflected in the New Zealand legislation.

It is critically important that young people's perception of the police improve. We must build up a positive image by young people of police officers. One of the ways we can do that is for police officers who come in contact with young people to know that young people have certain legislated rights, and to ensure that they are treated in accordance with those rights, and that the police accept that will be the case. The exclusion of those provisions in this legislation is a major problem.

I have expressed some of my concerns about the juvenile justice teams. Firstly, the obligatory membership contained in clause 37, at the very least, should include members of the family, or appropriate Aboriginal groups, or other ethnic groups as appropriate, and it should include a representative of the Department for Community Development as well as someone from the Ministry of Justice. Secondly, some protection should be given to any information obtained in the course of those juvenile justice teams' operations so that young people know that what is said or acknowledged at the meetings with those youth justice teams will not be used against them later on.

This legislation does not have a great deal to say about boot camps and detention. That is not surprising because the legislation was developed before the Attorney went to America to look at work camps. They were a last minute thought prior to the Glendalough by-election, and the Attorney then raced off to America to have a look at them. The result is that we have a couple of paragraphs in this legislation dealing with them, but none of the detail. One positive aspect of this Bill is the introduction of parole for juveniles. The previous Labor government was committed to the introduction of parole, and we welcome it. Again, a number of problems exist with the detail of this legislation and how this system will operate. The Opposition will expand on those during Committee.

Another matter I want to deal with is the provisions broadly dealing with serious and repeat offenders. I have never got away from the fact that those people who come into contact with the justice system on a couple of occasions, and who then reform, should be treated in a markedly different way from those who are persistently in trouble with police and the law. We have always needed to identify that latter group, and to target them to ensure that we have proper diversionary programs to try to rehabilitate them, or in cases where they appear incapable of rehabilitation, to otherwise deal with them. This legislation, as has been acknowledged by all youth groups, and certainly human rights groups across Australia, is much better than the old serious and repeat offenders legislation. The main reason is that a question of whether an application will be made to declare a person a serious and repeat offender is left to the discretion of the Director of Public Prosecutions. The court also has a discretion whether it uses any of the provisions in this legislation dealing with serious and repeat offenders. We have got away from a mandatory provision under the old legislation, which has been criticised by a range of groups - criticism I now say is well justified - to a situation where it is in the discretion of the courts.

I have some other major concerns about the way in which this legislation will operate for serious and repeat offenders. The first relates to the identification of the target group. Under this legislation the requirement will be simply that the person has had two previous custodial sentences. They need not be for serious offences. For example, a young lad trying alcohol for the first time in Fitzroy Crossing, who gets into a law and

order problem and goes before a local magistrate or justice of the peace, suddenly finds, for what is a good order offence, he gets a month or so imprisonment; that will be regarded as a "previous custodial sentence". The Attorney has not given us any information in her second reading speech, and I encourage her to do so before this legislation passes through this place, on her best estimate of how many young people in Western Australia could become subject to this legislation because of the way in which that definition is framed. The second element is that it is not just two previous custodial sentences for any offence, but they can be over any period; that is, they may have occurred a couple of years ago, but they will still, nominally at least, come under the categorisation in that legislation. It will be left to the court to decide whether offenders are likely to re-offend and whether they should be dealt with under those provisions.

In terms of outcomes and process, the previous legislation was not expected to affect more than 30 or 40 young offenders during its life. As far as I can ascertain, and it is difficult to get the information from the Attorney, only four or five young people at the most have been seriously at risk from those provisions, and 60 young people in any one year could have been subject to being sentenced if they had committed another serious or repeat offence under the period set by the old legislation. My worry is that the Attorney, by the definition of "two previous custodial sentences at any time" will enormously increase the number of young people who potentially fall under the effect of this legislation. I would like some research paper to be tabled indicating exactly how many young people the Attorney believes would come under the category if they were to appear in court on a serious offence as defined by the legislation. My concern is that while the old legislation impacted upon very few, but was criticised enormously on the basis of process, the process in this legislation is substantially improved but the actual numbers who will be affected by it is enormously greater. For that reason we should be approaching the effect of the legislation very carefully and approving or not approving these provisions on the basis of exactly how many young people will be left in our prisons.

*Sitting suspended from 6.00 to 7.30 pm*

Mr D.L. SMITH: Under this legislation the number of people who would be eligible for classification as repeat offenders would increase dramatically because of the way in which the classification is defined in relation to previous custodial sentences. In another respect the legislation is more draconian. Under the serious and repeat offenders legislation the 18 month minimum ran from the date on which the prisoner was received into custody for the latest offence. For example, if the prisoner had been in custody for three months prior to sentencing and then received 18 months for the current offence, he would serve three months plus 12 months - that is, 18 months less remission - and a further three months to the prescribed day. Therefore the total time in custody would be 18 months. Under the new Act the 18 months commences on the expiry of the sentence imposed for the present offence; that is, 12 months for the present offence plus 18 months. That, of course, means effectively a much longer sentence. Therefore, although the new provisions relating to serious and repeat offenders are better, in the sense that it is left to the discretion of the Director of Public Prosecutions to make application and it is left to the discretion of the court as to whether the sentencing provisions are used, my two major concerns are, firstly, that the numbers that will qualify will be substantially greater and, secondly, the sentence will be longer as it will be 18 months on top of the existing sentence.

To summarise the Opposition's position I argue, first, that the Attorney General and the Government have lost a perfectly good opportunity to develop a bipartisan approach - an approach which would receive the support of most of the community. Second, in its basic structure, the legislation is a codification of existing practice and an extension of some of the initiatives of the previous government. It certainly does not measure up in any way to the kind of draconian legislation that was threatened in the course of the previous election. However, in the context of the static figures for juvenile offending and offending generally, there was no need to rush in the legislation. We had an opportunity for consultation and that should have occurred.



The Opposition has five main areas of concern; first, the fact that the legislation fails to include any protection, in a way which we think is appropriate, for the juveniles who come into the court or police process. Second, it tends to look at the punishment of families rather than the empowerment of families or community groups to deal with offending juveniles. Third, in essence, the Opposition cannot give any support to work camps. The provisions dealing with work camps in this Bill are flimsy and obviously have been added as an afterthought as a result of the Glendalough by-election promise and the fleeting visit by the Attorney General to the United States to look at three different kinds of camps.

The provisions in relation to serious and repeat offenders simply potentially include too many offenders and have the effect of making the sentence of 18 months additional to the sentence already imposed. It is almost a double penalty because once the court accepts a person should be classified as a serious and repeat offender and dealt with as such, it must take that into account when determining the head sentence and add 18 months to the head sentence. Therefore not only will the offender receive a lengthier sentence for an offence than might otherwise be the case, but also he or she will cop 18 months' additional time.

I do not want to give the impression that that is the end of our concerns. It will become obvious at the Committee stage, and from the speeches by other members during the second reading debate, that the concerns we have in regard to this legislation are substantial. The Committee stage will be a slow and painful process.

[The member's time expired.]

**MR BROWN (Morley)** [7.35 pm]: I will make some general observations on the Bill. I will examine some of the existing arrangements which are to be continued, consider some of the new provisions, raise some questions to which the Attorney General may wish to respond and, finally, deal with the issue of work or boot camps.

This Bill is an extremely important one because it deals with both sides of the justice equation. It is important legislation because of the high level of public concern about crime in our society. There is public demand for lower crime rates, lower rates of recidivism, and a safer community. In a Bill such as this, however, we must strike a careful balance in the criminal justice system. Without that careful balance we could provide inappropriate penalties, particularly for young offenders. Likewise, if a perception exists in the community - whether real or imagined - that the penalties imposed by this Bill or by the court are too lenient, the community will lose faith in the process. By contrast, if the penalties are too harsh they will become enormously expensive in both human and financial terms. Hence it is important that the Bill strikes a balance in the juvenile justice system.

The question continually posed but never answered is whether Bills such as this seek to address a symptom of the problem and not the problem itself. That issue has been referred to recently by two eminent persons in the community. First, I go to comments made by the Director of Public Prosecutions, John McKechnie, QC, and reported in *The West Australian* on 9 April. The article reads -

Director of Public Prosecutions John McKechnie QC says the crime rate will rise and billions of dollars will be spent on more prisons and police unless Australia starts treating the causes - not effects - of crime.

In a rare public interview, Mr McKechnie said on Sonshine FM yesterday that measures such as long sentences, work camps and national service did not deter people or address the causes of crime.

Substance abuse, alcohol, drugs, broken families, poverty, lack of self-esteem, lack of education and the marginalisation of Aborigines - some of the big causes of crime - were not solved by locking people away. He called for the community to take a hard, serious look at these and confront the real issues of crime.

"It's easy for people to say the judges are too soft, the politicians should pass harsher laws - that's the easy option," he said.

The hard option is, what is wrong with our society . . . how can we deal with it - that involves looking, in part, at ourselves, our own leadership within our communities, our own families.

"It's much harder than saying send these kids out to the never-never."

Later in the report, he states -

As Australians we're not very good at introspection and we're unwilling to confront the real and hard issues.

"As a result we will spend more and more billions on prisons and police and the like and our crime rate will continue to escalate.

"It will do that unless we actually stand back and provide some moral leadership and really get down to address the causes of crime rather than the results.

"There are lots of kids who've come from broken homes who've been physically or sexually abused - it's those kids that need to be reached and taught love because love brings self-esteem.

"With the exception of crimes committed by evil people - and there is a proportion of them - most are committed by people with no self-esteem.

"When you commit crime to get into prison because that's actually better than your present lot - there's a real problem.

That was not said by some bleeding heart or some person who is allegedly soft when it comes to dealing with crime in this state; it was said by a person who occupies a very high office, that of the Director of Public Prosecutions.

Mr Bridge: Someone who knows what he is talking about.

Mr BROWN: Yes. He is not alone in making those observations. He is joined by Sir Ronald Wilson, who is a former judge of the High Court of Australia and the Chairman of the National Council for Aboriginal Reconciliation. In a newspaper article on 25 July 1994 Sir Ronald Wilson made a number of observations. I will quote some of them because it is important to put what he said in proper context. He said -

The community had to look at why some teenagers were not reached by the parts of the system designed to help them . . .

"I see these deaths as simply a challenge to all leaders, Aboriginal and non-Aboriginal, to make greater efforts to make solutions that will drag these young people out of the lifestyle which is causing them to do these things," Sir Ronald said.

He referred to the loss of a life of a young Aboriginal person involved in a high-speed chase. The article continues -

He again criticised the Justice Ministry for withdrawing money from a South-West job and life skills project for Aboriginal offenders and directing the money to work camps.

The Lake Jasper project, based on a 58ha farm near Nannup, was set up in 1990 by the Department for Community Development as an alternative to custody.

It was abandoned when the Government cut off funds early this year.

People of significant standing in our community are saying that simply treating the symptom is not the way to overcome the problem. If we are really serious, really genuine, about seeking to minimise the level of crime in society, we must realise that the problem will not be solved by greater penalties, longer periods of imprisonment and harsher regimes within institutions, but by looking at the root causes of the problem, which are recognised as being difficult.

If the Parliament is to address the base cause of the problem, it must have regard to an article that appeared in *The West Australian* newspaper of 19 July. It is interesting that the Minister for Police commented earlier that in the western world the trend is that crime

is on the increase. I gained the impression from what the Minister said that very little could be done about that. In this state the police acknowledge that violent crime is on the rise. In the article in *The West Australian* a detective superintendent is quoted as saying that violent crime is on the increase. It lists the incidents that occurred over a relatively short space of time over one weekend. I could refer also to other articles which indicate that we are facing an increase in crime. We are facing that situation knowing that anything we do at the end point - that is, detention, boot camps, longer sentences and whatever else we might like to say or whatever penalties we might like to impose - is, at best, having a marginal effect in other countries and is not addressing the main causes of crime.

In this Bill it is important to acknowledge that attempts have been made over the years to try to bring different initiatives into the juvenile justice system. There is a realisation that there is no simple solution and that a variety of approaches are needed. This Bill provides some further initiatives to provide at least some solutions, if not full solutions, to the juvenile crime issue. With the benefit of hindsight we are able to review the policies and practices of the past and to bring forward better and more informed views and, hopefully, better legislation.

It is important that people understand that this Young Offenders Bill does not throw out everything that has been in place before. It does not start afresh. It is not full of wonderful ideas from cover to cover. Indeed many provisions in this Bill were in place for many years or were introduced by the Labor government between 1983 and 1993. It is important to point out some of the provisions which are maintained in this Bill and which were either in place at the time the Labor government came to power or introduced during its time in government.

The Bill contains provisions relating to notices as an alternative to arrest. This was introduced in 1991 by the Labor government and is substantially maintained in this Bill. It also includes provision for police cautioning introduced in 1991. In her speech the Attorney General said that when this provision was introduced, some concerns were raised about the government of the day appearing to be going soft on juvenile offenders; however, she acknowledged in her second reading speech that the cautioning system had worked very well.

The Bill contains provisions relating to compensation and restitution, which were contained in the Children's Court of Western Australia Act 1988 and are seen as currently adequate. In relation to the Children's Court the Bill retains provisions which enable charges to be dismissed with or without conditions. The provisions relating to personal bond arrangements are also continued by virtue of this Bill. Provisions relating to the imposition of fines are likewise continued, as are the provisions relating to community based orders. Some changes have been made in relation to conditional release orders, but essentially the thrust is the same.

The Children's Court is retained, and it is pleasing to see, although somewhat belatedly, that some of the unfounded criticism levelled at the Children's Court is dismissed by the Attorney General in her speech. It is unfortunate that more on the Government side did not take that balanced view some months ago when there was scathing criticism of the Children's Court and particularly the judge. At least in her speech, if not publicly, it has been acknowledged that the rhetoric about the Children's Court allegedly dismissing charge after charge was exactly that: rhetoric. Many charges were dismissed or put aside only on the basis that the offender complied with conditions laid down by the court. It is perhaps unfortunate that belatedly that situation within the Children's Court is acknowledged; but at least it is acknowledged. Likewise, the sentencing practices are retained. So this Bill does not represent some brave new world introducing a completely fresh approach full of novel ideas. It continues with many of the programs and policies which in some instances have been in place for some years, and it continues a number of very good ideas introduced by the Labor government during the period from 1983 to 1993.

Let us deal with some of the new initiatives in this Bill. The first is the provision of

juvenile justice teams. These are established by division 3 of the Bill, and they comprise a juvenile justice team coordinator, a member of the Police Force and may also include a person nominated by the Ministry of Education and a person of the same ethnic or minority group as the offender. A young person who admits the offence with which he or she is charged may have the matter go before a juvenile justice team for it to consider the appropriate penalty and supervision for the offender.

Mr Strickland: That was one of the benefits from when I went on my impromptu account to the UK to look at the juvenile justice system there. The idea was brought back from that trip to the then select committee on youth affairs of the Parliament. While the media might write reports about members going overseas and not bringing anything back, that is an example of something that came back.

Mr BROWN: I am indebted to the member for Scarborough for bringing that to the attention of the House. As the member will know there was an investigation, and discussions took place in 1991 in the Department for Community Services, as it then was. Indeed, a paper was prepared outlining precisely how these teams might operate. My understanding is that if one looks at what happened in the United Kingdom one finds it was a result of information flowing from experiences in New Zealand. In any event, this matter was under active consideration in 1991, as the member will recall, when a paper was produced which talked about the need for this type of arrangement to be established. At that time the member will also recall emphasis was placed on the family conference model, which was the New Zealand model.

Mr Strickland: Northamptonshire had been implementing it for some time and produced some interesting graphs, which are somewhere in *Hansard*, which show this was helping to reduce levels of crime.

Mr BROWN: I appreciate the member for Scarborough was the contact person for the Government's policy document at the time of going into the election. Interestingly, the policy document of the coalition does not refer to the juvenile justice teams but to the family group conference program, which is of course a reflection of the terminology used in the New Zealand model. I do not want to take issue about whoever might have thought of it first and how quickly it came along. Certainly in the first speech I made to this place I said that it was pleasing to see there were some good ideas, no matter by whom they were brought here; and the member for Scarborough obviously believes that he brought them here. Others have a different view. No matter by whom they were brought here, there were some good ideas which are encapsulated in this Bill. Generally, the family group conference arrangement and the juvenile justice teams are seen as a positive initiative. However, when we get to the Committee stage we will talk about the detail of the Bill where there are some flaws, because it seems there is more of an emphasis in what is proposed on a punitive model as opposed to the New Zealand model which seeks to empower the family to deal with the situation. We also have concern, which I will deal with at the appropriate time, about the resources to be made available for the juvenile justice teams.

Another change relates to the intensive youth supervision orders. There are changes to the supervised release orders and also new provisions relating to repeat offenders, in that the repeat offenders' provision takes the place of the Crime (Serious and Repeat Offenders) Sentencing Act, which has lapsed. I have some questions the Attorney General may wish to answer when responding in this debate. The first is on the principles of the Bill set out at clause 7(c). As the Attorney will be aware, it provides that a young person who commits an offence is not to be treated more severely than an adult. That is what it says on the one hand. However, if we go to division 9 of the Bill, which deals with repeat offenders, the court has the ability under that division to impose a special order whereby the term of detention may be increased by a period of 18 months. This provision does not apply to adult offenders. How can it be said on the one hand that juvenile offenders should not be dealt with more severely, yet on the other hand juvenile offenders in certain circumstances may have imposed upon them a special order which will require them to serve an additional 18 months?

The second matter to which I would like the Attorney General to reply relates to the question of court discretion and sentencing guidelines. The Attorney General's second reading speech refers to the Rally for Justice. One of the concerns which emanated from that rally related to the sentencing practices of the court. The Crime (Serious and Repeat Offenders) Sentencing Act sought to replace the discretion of the courts with a fixed minimum term where six conviction offences occurred. That is, the Act sought to remove the court's discretion and require the court to do certain things in a given circumstance. Primarily that occurred, as I read the events of history, because there was at that time some public outrage, rightly or wrongly, that the court was too lenient and that Parliament should impose minimum terms on the court. The discretion of the court was curtailed. This Bill gives back that discretion to the court and gives it the discretion to impose a special order.

Two matters arise out of that to which I ask the Attorney General to respond. The first is that the Government either now rejects that criticism or believes that criticism of the court has subsided. The second relates to the sentencing guidelines. This matter has been raised with me. It may have been thought of by the Government and can be explained. Clause 45 sets out the sentencing guidelines that are to be followed by the court. Paragraph (2)(b) provides that when dealing with the matter the court is to take into account a variety of matters, including any history of offences previously committed by the offender. When it comes to the imposition of a special order the first consideration of the court is the protection of the community. However, the court imposes the special order only where a period of detention has already been determined by the court. The first thing the court must do is weigh up whether an offender, having been convicted of an offence, should be sentenced to a period of detention. In weighing that up, the court will look at the offender's previous offences. It will consider the history of the offender and, therefore, the safety of the community. It will then determine whether a period of detention is appropriate. Having determined that, the court may then issue a special order on the application of counsel. However, in issuing the special order and deciding on that, the court is again required to have consideration for the protection of the community. Has any examination been conducted on whether there is a double dipping effect in the way in which the court is required under the Bill to exercise its discretion? If that matter has been taken into account, fine; however, if that matter and the steps the court is required to go through have not been taken into account it could have quite a detrimental impact and could cause some difficulties when the court comes to apply the provisions of the Bill. That may mean the imposition of a penalty for the offender, and also difficulties for the court.

I would like to have discussed a variety of other matters; however, they will have to wait until the Committee stage. Will the Attorney General confirm in her reply to this debate whether the military style camps are to be used only for offenders who are sentenced to a period of detention for the first time? That issue will impact significantly on future debate of this matter.

[The member's time expired.]

**MR RIPPER** (Belmont) [8.07 pm]: This legislation deals with the provisions which should govern our treatment of young offenders. Legislation alone will not enable us to deal successfully with this problem. Perhaps legislation is not even the most important part of the approach we should take to deal with young offenders. In the final analysis, many other factors are important. For example, the quality of programs which are run by the Ministry of Justice and the resources that are made available to those programs are two key factors which affect our community's success in dealing with juvenile offending.

The Ministry of Justice is not the only agency involved: The Police Force has an important role to play. Practices within the Police Force can markedly affect for good or for ill the progress of our campaign against juvenile offending. The integrity and credibility of the Police Force from the point of view of young people and the attitude which police officers bring to their work with young people are important factors. The practices and attitudes of the Police Force in general and of individual officers play an important part in the need to divert young people from involvement in formal court

processes unless absolutely necessary. As officers choose to use their discretion to caution offenders they contribute to the objective of increasing the rate of diversion from formal court processes. However, if they choose not to use that discretion when young people commit minor offences, those young people may become involved unnecessarily in formal court processes to the long term detriment of them and the community. Police officers have a discretion as to whether to proceed by way of arrest or summons or notice to attend court. When young people are arrested unnecessarily, and other procedures would be better advised, those people can be subjected to formalities and ill effects arising from arrest with consequent effects on their later attitudes towards the Police Force and the justice system. The practices and attitudes of the Police Force are very important in our attempts to reform the juvenile justice system. Relationships between young people and the police in general is a very important factor in the rate of juvenile offending. On occasions a tribal warfare mentality has existed in some of our suburbs between groups of young people and groups of police officers. When relations descend to that level, very little chance exists of achieving a change in the behaviour of those young people. It is very important that proper promotion of positive relationships between police and young people should occur, particularly between police and groups of young people who for some reason are disadvantaged. It is important for Aboriginal people in our community because of the disadvantages suffered by Aboriginal families that very intensive efforts be made to promote positive relationships between police and Aboriginal young people. Those efforts should occur in the context of efforts to promote positive relationships between police and the Aboriginal community in general. One of the most disturbing features of our juvenile justice system - and the Attorney General will agree - is the over-representation of Aboriginal young people, particularly as one moves into the heavier end of the system and considers the numbers of young people who are subjected to the more serious sanctions which the system can offer.

The education system also has a very important role to play. The relevance of the programs offered by our schools for all our young people can determine whether some of those young people become alienated or hostile and feel they have no stake in the community, or whether they have no incentive to involve themselves in criminal activity. Our education system is not successful in delivering programs to the entire spectrum of young people. There is a group of young people who are not well served by the education system.

Mr Strickland: They are disenchanted.

Mr RIPPER: They feel that the curriculum is not relevant to them and their position. They have not been equipped by the school system for one reason or another with the skills which they need to become employable and to live a productive and satisfying life in the community. The school system has failed both in the relevance of its curriculum for some young people and in the success and effectiveness of its remediation programs. I do not think the school system has provided enough programs for those young people who are alienated and hostile.

Mr Strickland: It works very well for 80 per cent or maybe even more, but I agree totally that there are those who miss out because the system does not provide what is relevant for them.

Mr RIPPER: That is a fairly good summary of the position. I am very supportive of our education system. Our teachers do a very good job, but some young people are not well served by the system. They might represent a minority, but they are a minority who can suffer serious consequences and this can also cause the community quite a deal of difficulty. The member for Scarborough and I agree that the education system can do more for those groups of young people. Other agencies have responsibilities in this area. Our programs, which support families in crises, also work to prevent juvenile offending. Our youth programs are important, and I will comment on that later.

One very important factor is the need for coordination of the work of all agencies, particularly at a local level. I noted some comments by the Attorney General about lack of coordination in Geraldton where problems occurred. Four or five years ago efforts

were made to improve coordination in Geraldton with the Murchison project. While that project was in its initial or honeymoon stage, the results were good. Over time the level of coordination that had once been achieved diminished. That is indicative of the problem. Agencies tend to proceed down traditional paths. Sometimes a group of people in agencies in a town work well together; those people are then transferred or move on, and the original attitudes tend to reassert themselves. A need exists for a continuing effort and good leadership to ensure that agencies recognise the need to coordinate their activities, particularly at a local level.

Nevertheless, legislation is important. Because of the number of stakeholders in the system, the involvement of all of those government agencies, the great importance of non-government agencies in this field, and the need to secure the support of different parts of the community outside government and non-government agencies, there should be a good process of consultation before legislation like this is presented to the Parliament. The process of consultation with this legislation has been inadequate. Many people in the community and non-government agencies have a deep interest in this area and feel that the legislation could have been greatly improved had the Government embarked on a more satisfactory consultative process before the legislation was presented to the Parliament.

Deficiencies in the legislation exist from the Opposition's point of view. I will now discuss those. The legislation provides for juvenile justice teams, and I support that concept being legislated. I support it because the juvenile justice team concept arose from a report of the state government advisory committee on young offenders, a committee which has now been abolished. As then Minister for Community Services I requested that the committee report and advise on the possibility of Western Australia adopting the system which operates in New Zealand known as family group conferencing. It was important to try to involve the community and the family in dealing with offending; to involve victims and to get people out of the formal court processes. The New Zealand scheme had been very favourably commented on and it seemed worthwhile investigating whether that scheme should be adopted in Western Australia. I believe the member for Scarborough was also promoting this.

Mr Strickland: Northamptonshire has two levels of cautioning - the informal caution, which is not recorded, and the formal caution, which is recorded.

Mr RIPPER: The concept of a juvenile justice team arose from a reference which I gave the State Government advisory committee on young offenders for a report on the possibility of adopting the New Zealand family group conferencing system in Western Australia. By and large, the committee reported favourably on the New Zealand system, but it advised that there was a need to prepare the ground before we could fully adopt the New Zealand system in Western Australia. It recommended, in particular, a need to strengthen inter-agency coordination at a local level and to strengthen the involvement of the community and community networks before a full New Zealand family group conferencing system could be adopted.

One of the problems with the New Zealand system is that it is very resource intensive. It takes a lot of time and a lot of staff to resolve an issue through a family group conference. One of the reasons that the New Zealand system works so effectively is that a large number of cases do not actually go to a family group conference because they are dealt with by other diversionary processes. The situation in Western Australia at the time was that we were still dealing with too small a proportion of cases by caution and if we had proceeded immediately with family group conferencing we would have overloaded the system. The advisory committee recommended that we should adopt the juvenile justice teams which should be staffed by a police officer, a Department for Community Development officer, an education worker and an Aboriginal community worker and that we should operate those teams for some time to prepare the ground for the full scale introduction of family group conferencing. The advisory committee recommended that there should be four pilot programs. Unfortunately, the Government in the end established only two and that has been a disappointing aspect of the whole process.

Although this legislation provides for juvenile justice teams, it does not provide for them in the fully developed form that was recommended by the advisory committee on young offenders. The committee recommended that the teams be composed as I have outlined. I believe now that, following the separation of youth justice from the Department for Community Development and its location in the Ministry of Justice, there should be a Department for Community Development worker on the team as well as a Ministry of Justice officer to ensure that the family support and welfare needs of the offender and the offender's family are taken into account in the work of the team. Given that administrative change that has been made by the Government, the teams should be composed of five people rather than four as recommended by the committee. The legislation proposes that the teams should include all of those people only where practicable and, under the legislation, it will be possible for teams to comprise just two people, a police officer and a Ministry of Justice officer. That is a very significant weakening of the juvenile justice team concept recommended by the advisory committee on young offenders.

In addition, the Government is not proposing that the staff of these teams be full time. The original concept was to have full time workers from each of the agencies in the teams with the objective being the strengthening of the local community's involvement in dealing with juvenile offending in its own areas, to strengthen links with the Aboriginal community and to build up a basis on which we can move to full family group conferencing. This legislation is a much weakened form of the original concept. Not only is it weakened legislatively, but also it has so far been inadequately resourced by the Government and it seems it will continue to be inadequately resourced in the future. There was supposed to be a sea change in attitudes towards the diversion of young people from the formal processes of the court, coordination of agencies, the involvement of families, and community involvement. As a result of the lack of resources and inadequate legislation, such as is proposed by the Government in this Bill, we may end up with more of the same but with the name changed. That would be a very disappointing outcome for what could have been a very significant reform.

An example of what is required is the town of Dunedin in New Zealand. It has two teams and each of the teams has a full time complement of two social workers and one coordinator with a budget to involve additional participants as the situation requires. If it is necessary to bring a community worker, there is a budget to pay that person; if it is necessary to transport the family to a conference, there is a budget for that purpose. On the basis that Dunedin has two teams, a city of the size of Perth should have 10 teams. There has been no indication by the Government that it is prepared to provide that number of teams in Western Australia, let alone in Perth, nor any indication that the Government is prepared to provide the sorts of resources that are provided in the Dunedin example. I will be interested to hear the Attorney's comments on the future resourcing of the teams.

The legislation provides also for work camps - some people refer to them as boot camps. I suppose the work camps are part of a number of measures alternative to custody. Because of our very high rate of detention of young people, efforts have been made over the years to find other ways of dealing with young people who have otherwise ended up in detention. A range of interesting and effective measures were instituted under the previous government. Unfortunately, a number of those measures have withered on the vine or have been abolished or were not supported by this Government. There are fundamental difficulties with work camps, the basic one of which is the question of security. Wherever a work camp is placed, whether it is in the Perth metropolitan area or in the Murchison, there will be a need to provide secure detention facilities.

Mrs Edwardes: Why is that a difficulty?

Mr RIPPER: Because the Government is promoting work camps as some sort of alternative to custody. However, if it decides that it has to provide security at a work camp wherever it is located, it will become a detention centre not located in the metropolitan area but located in the country, and it will have all of the disadvantages of a detention centre with the additional disadvantage that, because of its remote location,



there will be no possibility of family and community involvement that exists in a metropolitan detention centre. Unless people are more clever than I think they are in designing a work camp, all we will have is detention centres in another location under another name. The alternatives to custody which I believe should be supported and which are more effective are alternatives which do not group large numbers of offenders together. An alternative which puts one offender or, at the most, two, on a pastoral station or something like that will provide the chance of making progress. Because there are not large numbers of offenders together, we will not have to be concerned with a security system. If the Government is not going to include intensive security measures in these work camps, it will have to make a judgment that offenders with particular records, including records of violence, will not be eligible for the work camps. Once it has done that, it has got away from the whole objective of providing something different with a better chance of rehabilitating offenders who are in detention.

There are some fundamental flaws in the whole concept which will make it unworkable. I predict there will be great difficulties in operating work camps and that the local people will object to their location. People in remote locations will protest more vigorously than people in the metropolitan area. In responding to these pressures by either increased security or restrictions on the type of people sent to the work camps, in the end the whole concept will become unworkable.

I am concerned that the alternatives to custody promoted by the previous government have been allowed to wither on the vine. We have heard nothing about the placement of offenders on pastoral stations since this Government came to office and I will be interested to hear from the Attorney General whether that program is proceeding. We have witnessed the abolition of support for the Lake Jasper project, the principles of which were widely endorsed even though the practical implementation was not supported by all parties.

Mrs Edwardes: The individuals who would go to Lake Jasper are not the same individuals who are being considered for work camps.

Mr RIPPER: I do not know which individuals will be selected for work camps. The Government will be faced with some difficulties when it arrives at the selection procedures.

Mrs Edwardes: The individuals who go there would do so because of a sentence by the court. They would have been imprisoned in any event. They go there on a CRO but not on a custodial sentence.

Mr RIPPER: It was intended to make Lake Jasper an alternative to custody. People could have been shifted from the detention centres to Lake Jasper when it had been fully developed. This Government has withdrawn support for Lake Jasper.

Mrs Edwardes: Because we could not do what you are suggesting. People who are potentially at risk also use the Lake Jasper site.

Mr RIPPER: We could have a debate at length on Lake Jasper, but the important point is that it was an innovative project, the principles of which were widely supported by people of substance and significance. The implementation of the project was not without its difficulties, but this Government has withdrawn its support. I am advised that even when Ministry of Justice officials at a local level are prepared to recommend that a potential offender be sent to Lake Jasper on a fee for service basis there has been a directive from the top that it cannot happen.

Mrs Edwardes: Because it did not comply with the guidelines.

Mr RIPPER: I would like to know what has happened to the alternative to custody program which has been organised at Warramia farm. Some investment has gone into it.

I am concerned about the overall state of preventive services, which are currently in disarray. There has been a split in the unified youth program which previously operated through the Department for Community Development. It is now washing its hands of any responsibility for offenders. Two agencies - the Ministry of Justice and the

Department for Community Development - are trying to organise local communities to do essentially the same work. Some important and innovative non-government agency programs are floundering and there is no whole of government youth policy. Further, there is no youth policy in the Department for Community Development. The Minister for Community Development refuses to fund the Aboriginal family violence program which, on a community by community basis, would have tackled alcohol abuse and domestic violence within Aboriginal families. It would have had a beneficial effect on young people, including those who might otherwise offend.

All members of Parliament are concerned about the effects of glue sniffing and the Minister for Police wants to criminalise that practice. The Alcohol and Drug Authority's volatile substance abuse team has been cut from three FTEs to one and the Government refuses to endorse a statewide strategy to deal with volatile substance abuse.

This legislation is deficient in not properly balancing the obligations placed on young people with provisions to respect their rights. Young people must know that their rights have been attended to if we want them to increase their respect for the law and improve their relationship with the police. We should recognise the need to protect the rights of young people because of their immaturity. The state government advisory committee on young offenders recommended to the previous government that the police be obligated to notify the family of a young person when he is apprehended for an offence. The legislation does provide for that, but it is very weak and it does not contain any sanctions if the police do not adhere to that provision.

This legislation does not provide for the presence of an independent adult witness when a young offender is questioned by the police and that was recommended by the state government advisory committee on young offenders. It is a significant weakness of this legislation. It provides for the Commissioner of Police to make rules for the treatment of young people, but that is insufficient protection. Many people believe that police rules have too often been breached in the past.

We should be in a position to say to young people that these are their obligations and they are expected to respect them. We should also be able to tell them what are their rights and that we will look after them. This legislation does not do enough to protect the rights of young people when they are questioned by the police. It certainly does not do enough in providing them with the basic right to legal advice in the juvenile justice process, in hearings before the supervised release board and in hearings in detention centres when they are charged with detention centre offences. The Opposition will take up the aspects I have outlined in the Committee stage.

**MR BRIDGE (Kimberley) [8.37 pm]:** This legislation seeks to give greater protection to the public, to ensure that those involved in committing crime are treated in a fair and proper manner and to minimise the incidence of crime. The combination of these three points is intended to be the basis of this legislation. During my time in this Parliament I have been of the opinion that we have not come to grips with the fundamentals of dealing with this issue and, sadly, the community is following us. It has become evident that the community at large does not have the capacity to understand the very basics when it comes to dealing with offenders, particularly juveniles. The incorrect perception in the community is that if one pretends to be tough, talks tough and is tough to those people committing crime they will abandon their criminal activities and change their approach to the things which drive them to this behaviour.

If members think quietly about that idea, they will realise it is clearly a false approach. The key to the reduction in juvenile offending in our society today must be the provision of an environment in which the offending juveniles' self-esteem is capable of being built. If we possess self-esteem, it invariably leads to responsibility, respect and, of course, a preparedness to be cooperative and understanding in our society; in turn, that produces responsible citizens. On the other hand, if we do not possess self-esteem, we are more likely not to respect or have regard for things around us, and that leads to less than orderly citizens in our society.

We constantly adopt the wrong approach when debating legislation of this kind. I am not

singling out this Bill for criticism but its inherent attitude is consistent with the wrongful modern Australian approach to this problem. As studies invariably outline, this approach leads to an increase in crime in our country. If self-esteem is the basis for self-respect, and we are not creating the environment for self-esteem through legislative means, how can we expect a reduction in crime to occur? It will not happen. The legislation we promote will not produce a positive result because we are wrong in our approach. Also, the many thousands of people in our society who advocate the process adopted in legislation are likewise wrong.

Interestingly, in every field in which we are required to be guided by professionals and experts it is those closely related to the events and issues of whom we take the most notice in formulating policy. However, we do not seem to take a great deal of notice of those experts, eminent judges and magistrates regarding offending juveniles. Mr Acting Speaker (Mr Day), you will recall comments made by eminent people in this field indicating that the harsher processes adopted in recent years in this country were not achieving a satisfactory outcome; if anything, they have led to an increase in crime in our society.

On the other hand, the successful community-designed schemes in this field support my proposition. Many schemes which are working effectively have been created not through the legislative process, but through community and public initiative. These schemes relate to situations in a direct and proper manner. The Aboriginal visitors scheme is often referred to as successful, and it is not based on any legislative framework. Its success, evident right from its inception, was due to people with commonsense working within the scheme realising that the treatment of the most extreme cases need not be extremely harsh. The people who designed that scheme found through experience that a tough stance produced a negative response. It is a common outcome. For example, I will be more likely to succeed in obtaining cooperation from the Minister for Planning if I tell him he is a good bloke.

Mr Osborne: He will not believe you!

Mr BRIDGE: He may not. Nevertheless, he will be less angry, and as a result of the lesser degree of anger I have slightly better odds of obtaining cooperation from him. It is human nature.

We are driven falsely, Minister for Aboriginal Affairs, by a public perception - it would seem that the view is held by the experts who prepare our legislation - that if we pursue strong penalties and sentences and other harsh ways of dealing with juveniles, suddenly everybody will back off. The hard-handed approach by the Legislature towards offending juveniles will not make them change their approach.

Mr Prince: Nobody suggests that it will be a sudden back off. Human history everywhere has involved an element of sanction for anti-social and anti-community behaviour. In that sense, we are no different from any other human beings.

Mr BRIDGE: I want to outline a view tonight about what we should do. If we are really serious about prevention of crime - which is an important responsibility for us as legislators - we must take a lighter approach to this issue. For the first time in the many years I have been part of the Legislature we must adopt the idea of giving praise and expressing our regard for young people, coupled with a recognition of the circumstances which drive these young juveniles to commit crime. It involves a multitude of factors and often many of those who have been extensively involved in crime eventually, by some good luck, good management or change of environment, become remarkably good citizens of this country. Some very good people in our society today have redeemed themselves after a bad start. That redemption has been brought about by circumstances surrounding them and not necessarily by the individual.

Mr Prince: But also in part by choice. You are not saying people are totally conditioned by their environment. There is an element of choice.

Mr BRIDGE: That is right, but we should not take pride in continuing to promote heavy-handedness as a way of dealing with crime. It certainly is not the way to go. It has been

tried for many years by governments of all political persuasions, yet we remain as concerned as we ever were about the level of crime.

Mr Bloffwitch: I think we have been too soft in many cases.

Mr BRIDGE: I do not think so; I am putting the opposite point of view.

Mr Johnson: Being strict certainly works in Singapore. People have much more respect and are more friendly in Singapore. They are taught to respect each other.

Mr McGinty: There is nothing like a good whipping to bring people into line. If you beat them and bruise them brutally, people will show good respect!

Mr Johnson: They very rarely use the cane; the threat is enough. It is not just that, but the people have to learn that respect.

Mr BRIDGE: I have heard that view put forward a thousand times if I have heard it once.

Mr Johnson: It works in Singapore.

Mr BRIDGE: It might. I am not an expert on Singapore, but I have made an evaluation of the Australian scene and it does not work in this country.

Mr Johnson: Do you agree that since corporal punishment was abolished in our schools, the discipline is much worse?

Mr BRIDGE: That may be the case. When I was a young person there was a desire in the community to talk up the importance of young people. Where do we see evidence of that today? When is any recognition given to the value and importance of the young people of this nation? One has only to listen to the talkback programs on radio to know that it does not happen today.

Mr Prince: I went to Homeswest yesterday morning to welcome 10 new trainees, all of them Aboriginal. The media were invited, but no-one attended. I went to a similar event some months ago and no-one came then. The problem is that to the media good news is no news, and only bad news is news.

Mr BRIDGE: It may be that good news is no news according to the media, but we should be driven by what we believe is right for the country. It is disgraceful that the good news at Homeswest was not reported because it is important that good news be promoted with regard to our young people. Where do we hear that? Certainly we do not hear our young people praised on the radio programs each morning.

Mr Prince: At the Liberal Party conference on Saturday the Premier mentioned the training for Aboriginal people at Hamersley Iron in the Pilbara, but it was not reported. It is a matter of perception.

Mr BRIDGE: If it were reported it would be an exception. That is all the more reason we should not be driven by the media or necessarily by what the public says. We must stand and accept the responsibility that falls directly on us, as members of Parliament. We are the decision makers and many of us have been around a long time. In debate outside this Chamber it is obvious that we know something about the issues involved and, therefore, why should we be influenced by other factors regarding juveniles?

Mr Prince: You cannot abrogate the responsibility you have as a member of Parliament to represent the views of the people who elected you, even if you disagree with them.

Mr BRIDGE: I do not necessarily agree with that.

Mr Prince: You can try to lead them in another way.

Mr BRIDGE: The member for Morley recently referred to the comments of a certain judge. I would take more notice of that individual's point of view than the views of ten thousand others because he is an expert in this area. He is in the thick of it and is dealing with the problem and trying to resolve it. To most of us it is a peripheral issue. The member for Albany and I do not understand the intricacies of law with which a judge must be au fait.

Mr Prince: If the law that regulates ordinary people's ordinary behaviour is a pointless law, it will not work. There is no point having the best law in the world if people will not obey it.

Mr BRIDGE: That bothers me about this whole process. The Minister for Aboriginal Affairs mentioned the event he attended the other day at Homeswest which was not reported. The Minister said good things on that occasion and he was disappointed that they were not reported. That is the point we must return to when passing legislation, even if such things are not reported by the media. I say many things that I wish the media would report, and which I believe are in the interests of Australia and its people. I do not get the coverage that some Johnny-come-latelies get - those who have been here for a dog watch, which means one night - even though I am trying to deal with important issues for the betterment of all the people in this country. It is difficult to crack a mention. However, that does not deter me and nor should it deter this Parliament. We should continue to stand by those things that best serve the nation.

The thrust of this legislation - and the legislation that has existed over many years - will not provide the solutions we seek for this problem. It simply does not create an environment in which juveniles in this country, troubled as they may be, have an opportunity to establish self-esteem, respect, pride and all those other desirable qualities. We should perhaps agree in this place to a bipartisan approach to a legislative package. If we were prepared to give it our best shot, I bet we could achieve good results. We should forget about the boot camps. The Minister for Aboriginal Affairs knows as well as I do the reaction he and I would receive if we told young people they would go into boot camps. If they would say such things to us face to face, what would be their reaction to people telling them they must be obedient in our society? Boot camps do not work. They inflame and aggravate, and they create anger, hostility, adverse reaction and, above all, rejection.

In my view, those things demonstrate the wrongful approach which is being taken in this legislation, from which, sadly, the community is expecting a successful outcome. We and the community are kidding ourselves if we believe that these sorts of legislative schemes, penalties and provisions set in place in this Parliament will bring about a change. They will not.

I have never forgotten what was said to me years ago by an eminent bushman. That is a good word to use. We use the word "eminent" for all sorts of things, so I will use it today for an old bushman. He said that one of the strongest pieces of advice he could give me was to seek to please fools rather than to tease fools. I have always found that to be extremely rewarding.

Mr Taylor: Particularly in politics!

Mr BRIDGE: Very much so, yet it seems to me that that fundamental piece of advice, which was given to me countless years ago and which I believe is as relevant today as it was then, is not regarded by us as important in framing the laws of our nation. That is a great tragedy. That is an example of the things that are lacking in this sort of approach. While we can spend a lot of time in this Parliament debating the value of this type of legislation, in the end it will amount to nothing because it will not bring about the changes which it is designed by this Government to achieve, so we will continue to have a restless society which is still seeking solutions to the problems that surround it, with little or no likelihood of there being any respite from some of the anxiety that is evident today.

The other approach that may be adopted, and perhaps it is beyond my time in this Parliament, and perhaps even beyond the time of this present Parliament, is that there may be people who have the fortitude and capacity to take on board the sentiments expressed by that old bushman many years ago and who take into account the sensible and practical realisation that the way to deal with this issue is not to pretend to be tough but to be affectionate, understanding and caring, and, above all, to tell the young people of this nation, whatever might be their backgrounds and circumstances, that they are very special. That is the way that we will be rewarded for our endeavours to make a better

society. Only through that process will we ever achieve the result which the community is seeking from politicians, because it too, sadly, has gone off the rails. We have an opportunity to bring the community back onto the rails and to bring back the nurturing and caring, because we have a lot of time to contemplate these sorts of things as legislators. We should think kindly and lovingly about the youth of our nation. We should forget all this rubbish about boot camps, detention centres and harsher penalties. That has never worked in the past and it will never work in the future, but the alternative scenario will.

Although this legislation will not produce my perfect solution, I hope that somewhere along the line someone, perhaps beyond us, will take that course of action, and that I am around to see it, because that is the answer to our problems. I am not saying this tonight just because I am debating the Government's Bill. I have always been consistent in pursuing that approach. If people read my maiden speech, they will see that as far back as 14 years ago, I said that was the way we had to go in directing the future of our country's young people, and 14 years down the track I am still saying it. I have not had a great deal of success in convincing people in those 14 years, but I believe I am right and that time and the strength of conscience will prove that to be the case.

**DR WATSON (Kenwick) [9.06 pm]:** I will speak about some of the disadvantages of Aboriginal children and focus almost exclusively on issues relating to Aboriginal children. I emphasise that we cannot talk about Aboriginal children as a homogenous group because those children will have had different life experiences, depending upon the area of the state where they live, their family circumstances and the degree of separation that exists in the history of their family.

I advise members that although the figures I am using are 1991 figures, they are probably quite similar today: Sixty-eight per cent of children who are incarcerated are Aboriginal. The infant mortality rate of Aboriginal children is three times that of non-Aboriginal children. Less than 10 per cent of Aboriginal children complete year 12. Forty-six per cent of Aboriginal people in this state are under the age of 18, and Aboriginal people comprise almost 5 per cent of the state's under 18 year olds. Therefore, the inequalities in this group of people must be addressed. The Aboriginal population is young. Their health is reflected in abysmal statistics, as is their education. Unemployment, and alcohol, solvent and other drug abuse are not uncommon. The most common charges against Aboriginal and, for that matter, non-Aboriginal children are related to theft and traffic offences. In 1989-90, those two categories comprised 31 per cent of all offences for which Aboriginal juveniles appeared before the Children's Court.

Inevitably, this legislation will deal with disadvantaged Aboriginal children, and many of us have expressed the fear that this legislation will reinforce too many of the injustices which they face. We were most disappointed that in the development of this legislation there was scant consultation with the government agencies involved in delivering services to Aboriginal children, and certainly none with the Youth Legal Service or the Aboriginal Health Service. I understand that neither was there any consultation with the judges and that they are quite rightly very angry about that. Granted, a number of principles are enshrined in this legislation, but when we look at the general principles, particularly for juvenile justice, of both the legislation and public administration, there are not many, as the members for Belmont, Mitchell and Morley have pointed out.

We find no evidence that the high rates of imprisonment in Western Australia reflect a less law abiding society. Perhaps it does mean we have a more punitive community attitude. Too many minor offenders are serving too many short sentences. Our prisons are filled to capacity with minor offenders; and imprisonment, of course, increases the likelihood of recidivism. Aboriginal people comprise just under 3 per cent of the State's population, yet they comprise 51 per cent of adult prisoners and 68 per cent of children who are incarcerated. Special efforts are needed to deal with young offenders and there is a really objective challenge to prevent entry into the adult system once they have come into contact with the juvenile system.

Non-custodial sentencing options were canvassed quite well by my colleague the

member for Belmont. Opposition members have expressed reservations about the sentencing option that work camps will provide. Another reservation that we have is the structure and function of the juvenile justice teams, and the Opposition will be taking that up in the Committee stage. Again, there is a lot of distress both on this side of the House and I am sure among the reasonable members of the Government and the community, that the general principles of the Bill do not encompass what is known as the Beijing rules: Any child has a right to silence, to counsel and to adult presence. Australia subscribes to a number of other rules relating to juvenile offenders and institutional treatment. They include care, protection, vocational and educational skills to assist offenders to assume a socially constructive and productive role in society so they are not disadvantaged, separation from adult offenders and access by adult guardians. That has been well enunciated in many articles on the public administration of justice, and also in reports such as the report of the Royal Commission into Aboriginal Deaths in Custody.

The Royal Commission into Aboriginal Deaths in Custody found that of the 29 men and three women whose deaths were investigated in Western Australia, the highest education level of all 32 was up to some secondary education; 15 of the 32 had been separated during childhood from their family through the intervention of the State or missionaries; and 20 had been committed to the care of the State when they were children. Perhaps their offence history is just as sad; that is, 75 per cent or 24 of them were convicted as juveniles, some as young as nine, and many offences were committed in the company of other children and often involved the theft of small sums of money or food; eight spent considerable time in juvenile institutions; and three were convicted of sex offences, spending a considerable part of their youth incarcerated.

The extent of the similarities with those 32 people whose deaths were investigated in Western Australia by the royal commission is enormous. One could say the circumstances varied considerably, but there were certain common threads running through. These included alcohol and the petty nature of the offences they committed. One of the best modern expositions of contemporary Aboriginal life has been written by Commissioner Patrick Dodson, who is now the chairperson of the Aboriginal Reconciliation Council, on what he called the "underlying issues", those issues that must be addressed as social justice issues if we are to prevent people coming into contact with the criminal justice system. In particular, I would like to touch on the issue of education or schooling and the way in which schools have promised Aboriginal people so much.

Aborigines only came into the education system in 1949 and right up to the 1960s most of them attended mission schools and not mainstream schools in the metropolitan or rural areas. In fact, some people would argue that the education system can be seen to further that process of colonisation that emphasises assimilation, conformity and uniformity. It can estrange people.

Mr Pandal: That, of course, is the nature of education for all children.

Dr WATSON: Yes, I am saying that, but in regard to Aboriginal people we have promised them so much if they become educated, yet we have done very little over the years to be able to provide an appropriate education for them. One of the things that we must remember when dealing with Aboriginal people is that they are a heterogeneous group and too often we think that we can devise a curriculum that will suit, say, Nyoongars in Maddington.

Mr Prince: Do you mean they are not a heterogeneous group? They are not heterogeneous; they are extremely diverse.

Dr WATSON: That is what heterogeneous means.

Mr Pandal: The lights are so good, he cannot hear!

Dr WATSON: One of the concerning issues about Aboriginal children for some generations now is the consequences of loss, of dispossession, that has been the experience of generation after generation. It has left Aboriginal people with the most entrenched poverty in Australia. Poverty of course affects life chances, health and day to day experience. Christine Choo, who did some research on Aboriginal child poverty for

the Brotherhood of St Lawrence, noted that generations of Aboriginal people have been impoverished due to this loss and removal of children from their families. Everyone has a story to tell and the Minister for Aboriginal Affairs will know that simply everybody whom he meets is able to tell him a story of loss. People are still finding their siblings or their parents. A woman called Heather Goodall, in an article published in the June 1990 "Aboriginal Law Bulletin", makes the interesting point that although we are concerned now with Aboriginal male children, right up until the 1940s Aboriginal girls appear to have borne the heaviest impact from interventionist policies. That was because there was an emphasis on care and protection. In New South Wales alone, by 1969 more than 6 000 children had been removed from their families. I do not know how many have been removed in Western Australia but it would be a proportionately similar number. The process of removing children has been the cornerstone of Government policy affecting Aboriginal people from the 1900s through to the 1960s. It is tremendously important to reconsider some of the punishments that are being proposed in this legislation because what we are doing is emphasising that again the Government is prepared to remove children from their homes, and to discount the kinds of families from which they come.

Marcia Langton and some colleagues from the Aboriginal Issues Unit in Alice Springs made a wonderful submission to the royal commission, entitled "Too Much Sorry Business" and, among other things, focused on the sadness of children who consume alcohol and are quickly addicted to it; changing lifestyles; and community breakdown. I attended a meeting at Clontarf, I think in November 1991. Over two days, 20 proposals were developed for what people since have called the indigenisation of juvenile justice. Essentially, those men, women and young people were saying that they have problems. They were acknowledging there were too many problems with Aboriginal teenagers and children and that we must trust them enough to hand over some of the programs which we think we can introduce and impose. They made a plea for more Aboriginal workers, more Aboriginal family support, less incarceration and more involvement of potential offenders' parents before the young people start committing serious offences.

Of course, to put life into proportion, we know that adolescence is a very difficult and tricky time for all families.

Mr Pendal: Having just come out of it, I can confirm that!

Dr WATSON: So, the member has just come out of it. A wonderful article in *The Sydney Morning Herald* on 14 May this year was called "Honey I Flunked the Kids". The journalist, Janet Hawley, worked with four mothers on in-depth interviews regarding their experiences with teenage children. One mother was the wife of a politician. She remarked that the tensions in families of adolescents were very often like treading on egg shells, and that different generations of parents were really challenged by the completely different generation of adolescents. One of the things they all said they had in common - and this was just a sample of an in-depth interview and was attractive because we are aware of such families - was that they all acknowledged that they neglected to set firm limits and boundaries that the children needed and wanted. As well, the families recognised that adolescence is a tough time and, very often, in seeking to test those boundaries adolescents are also seeking to hurt their parents.

Don Edgar, writing in *Family Matters*, said that we put out mixed messages about children. Everybody is supposed to love kids, but of course we are caught in this bind where there may be bad children. More money goes to tertiary education than to early childhood education despite evidence that this is the most important time for learning. Early intervention is needed across the board for all families, whether Aboriginal or non-Aboriginal families, and the development of social competence in its broadest sense is directly affected by the quality of early childhood care. We know all that, and yet we do not seem to be doing much about it by constructing general preventive policies. In my electorate a group called Maddington Teen Scene provides support and assistance to families of young offenders. The group was formed mostly by mothers, but it included a couple of fathers, who are at their wits' end with the behaviour of their children. They began by talking and sharing experiences. They undertook always to ensure that if there



was repeat crime and repeat appearances in the courts, there would always be a member of Maddington Teen Scene in attendance, if not their own parent. In 12 months the group reduced recidivism by 60 per cent. Justice Hal Jackson has been tremendously supportive. He came out to meetings in my electorate and supported the parents. He included them wherever necessary, both in the court and outside. They developed quite a bit of professional and interagency support. Maddington Teen Scene was able to publish a booklet with a grant from the Office of Women's Interests in 1992 called "A Guide Through the Tough Times". The aim of the publication was to inform and to reassure parents.

Adolescence is a tough time, and we must consider the importance of the extended family for Aboriginal Australians. The benefits of that have been noted in the royal commission report. I can list some of them. It is fair to say that Dodson also looked at some of the disadvantages that occur sometimes to the grandparents' generation if they can be put upon rather easily. However, on the whole, this is a good model for Aboriginal families. It is an appropriate model of child care for Aboriginal people because the extended family is the major source of social and economic support. It is very reciprocal, and gifts and favours are exchanged.

Mr Prince: That is not peculiar to Aboriginal people.

Dr WATSON: I am talking about the benefits because I am most concerned -

Mr Prince: The extended family is a beneficial arrangement for Mediterranean people, for example.

Dr WATSON: Of course it is. It grieves me that in our community young people and senior citizens are separated and have learnt to grow to distrust each other. The campaign by the Sattlers of this world has made older people distrust younger people, and we must undo that situation. In Aboriginal extended families a real sense of group identity always is instilled. Of course, people have interconnections not only in their regions but also throughout the state. The role of those families must not be undermined. I am concerned about, and will be debating at clauses 8 and 30, the notion of the role and definition of a responsible adult. That needs some amendment. We also should examine very carefully at the Committee stage the juvenile justice teams, their structures and powers, from clauses 32 to 40.

Earlier I said that the education system had failed too many Aboriginal children because of the attempt always to socialise and assimilate. Western Australia, apart from the Northern Territory, has the lowest rates of Aboriginal students who are in school, who complete school and who are still at school at the ages of 16 and 17 years. The media has a lot to answer for: It has promoted hostility, mistrust, prejudice and racism.

Mr Prince: And a victim mentality. In the *Weekend Australian* last Saturday about two pages in from the editorial there was an interesting article about that.

Dr WATSON: Absolutely. Sometimes these kids suffer the crime of being visible. Aboriginal people with whom I have worked in my office and those I know from my electorate have been incensed and outraged - I share their outrage - when police have stopped their children simply because they are dressed in new clothes. We had the incident when a police officer stopped the boy, Dann, because he was wearing sunglasses that had been provided to him as a surfer by a sponsor. The key to all of this is prevention of crime and criminality.

I commend to all members a paper presented at the Terrigal conference in April 1994 by Jon Bright from Crime Concern in the United Kingdom. It is a very short paper and I would be happy to pass on copies to members. He makes the point that public and political awareness of the limitations of the criminal justice system are not widespread. People always want us to act at the wrong end of the process. I shall ask the Minister how much of the Justice budget is allocated to prevention. Jon Bright looks at crime prevention as an engineering issue. He says that in many ways we can design crime out of the social system.

Mr Prince: What did you do in 10 years to do that and why did it not work?

**Dr WATSON:** For two generations we will still have to address those underlying issues that have been well researched and presented in the Aboriginal deaths in custody report.

**Mr Prince:** It will take at least 40 years then?

**Dr WATSON:** I think it will take 20 years for some families and communities and perhaps 40 years for others. It is enormously difficult. I would like to think there is a bipartisan spirit. I would be happy to talk to the Minister for Aboriginal Affairs about that, even though this matter falls within the bailiwick of my colleague the member for Kimberley. I do not think we can stop and start programs for Aboriginal people. We had some very good programs in place which were defunded last year. We have to reconsider all of that.

The Young Offenders Bill shuts the door after the horse has bolted. We have to focus on prevention. Jon Bright says that to prevent criminality we should strengthen the three main influences in the kids' lives: Family, school and community. It sounds easy but he has given a very clear analysis of the paths that need to be taken to prevent not only crime but criminality. The most important thing that we can do is to strengthen family structures, to empower families. That is why I spent a bit of time touching on the issues related to the extended family in Aboriginal communities. We also need to educate people about their rights. The Streetwise comic, which was the focus of examination of the Aboriginal Law Bulletin recently, has gone some way to doing that. It was found to have a very positive effect on the knowledge, information and behaviour of young people who were at risk.

Most of all we should not miss the opportunities for reconciliation between Aboriginal and non-Aboriginal Australians. I have focused on Aboriginal kids in this speech because the sad fact is that they will be the major community affected by this legislation. As I said before, we need to get out of the them and us mentality, whether they be young or old or Aboriginal or non-Aboriginal Australians. We have a fantastic opportunity to examine ways and means through that strengthening of family support and school structures in which we can support Aboriginal kids.

I am so pleased with the presentation of the painting that took place today. All Aboriginal kids and people coming in the door of Parliament House will see that this place acknowledges the traditional culture and the traditional family relationship of their people - and that is a start.

**Mr Prince:** It also acknowledges very good art.

**Dr WATSON:** Yes it is.

**DR TURNBULL (Collie) [9.36 pm]:** Members in my community regard this as a very important Bill. In my electorate and in many areas throughout the country, members of the public are most concerned about the behaviour of juvenile offenders and also the management of those juvenile offenders. It is regarded as a very serious subject. In my electorate many people have worked very hard on this issue for a very long time. During the preparation of this Bill, I had consultations with local justices of the peace, with people who work in the community services area, with voluntary groups that deal with young people, with young people, and particularly with groups that have a focus on preventative programs for young people at risk. For 25 years I have been involved in programs which help children - particularly those who have some kind of disadvantage in their lives, albeit in their family, in their schooling, in monetary terms or in ethnic terms - to grow and develop into mature teenagers who will become contributing adults to our society.

I and all of the youth workers who are involved in the programs in Collie which deal with young people at risk have worked with the most basic of all programs: Programs for developing self-esteem; homework programs helping students to manage at school; and the Headstart kindergarten program which I helped start 24 years ago. Those are the programs to which we are referring when we talk about prevention and trying to ensure that young people do not end up being dealt with under this Young Offenders Bill. The school teachers, police, youth workers, doctors, nurses and everybody involved, all come

to the conclusion that a bad apple has as much, if not more, influence on a young person than those young people surrounding him or her who are conforming to society, and adapting to or living within its rules. We see the cycle happen often in our community, where one young person can unfortunately lead many other young people on crime sprees which can often end with disastrous consequences, such as even their own death or the deaths of some of their friends. I take into account very seriously the views expressed by the member for Kimberley. I know he feels them genuinely and I feel them genuinely too having spent so many years involved in trying to manage those programs. I especially want to discuss the Headstart kindergarten program, which I and many educationalists feel was a great success in that it prepared children for schooling so that they could start at a level which would not disadvantage them. Our Headstart kindergarten program in 1974 was the first of a variety of programs started in Collie. Kindergarten programs right back to the beginning of this century and even in the previous century have been set up in areas of disadvantage to try to give children a chance of entering the schooling system on a reasonably equal basis with other children who do not have their disadvantages.

Other programs are making an enormous effort to assist disadvantaged young people to do what the member for Kimberley was talking about. Unfortunately, he gave the impression that those programs are not there or have failed. Those programs have not failed. Most likely, we would have a far larger problem if it were not for some of those programs, one of which is the police and citizens youth clubs. Unfortunately, I have felt for quite a bit of the 30 years I have been in Collie that the police and citizens youth programs have not necessarily been sympathetic to those young people outside the system or at risk due to the many disadvantages they face. I am very heartened by the attitude of the new officer in charge of the police and citizens youth clubs in Western Australia. He has visited all of those clubs, and has said the policy now is that one of the objectives of these clubs will be to become involved with young people at risk and to help them to be accepted and welcomed into the programs functioning in the clubs, and also that the programs in the clubs will run the type of activities those young people want.

I have been involved with another very good program involving trekking, safari and other similar activities which give young people two weeks of creating their own structures where they learn new behaviours. This is a program which must be followed. I am very pleased that the Minister for Community Development takes the position that those types of programs will be funded. The other programs in schools which must continue to be funded are those which provide school chaplains, nurses and community policing officers, who are being placed in some schools now. The community policing officers in schools is an extremely good program, in which a policeman who is chosen for his very positive attitudes can convey to young people the feeling that the police have a concern for them and have a role to protect young people. Young people are members of the community, and the police are there to protect them. Quite a lot of young people who land up involved in crime are victims of standover attitudes, bullying or very adverse peer pressure. I know of young people who became involved in crime as a result of feeling there was nowhere they could go to get out of the problems of standover attitudes from other people.

That brings me back to the fact that some young people in our community have to fall under the control of the Young Offenders Bill, in particular the repeat offenders, who are often the young people we would call the bad apples. In my community every year we have a cycle of certain young people who have become repeat offenders being removed from the community to various juvenile detention areas, often staying out of the community for six or seven months. When they are away other young people may get into a bit of mischief but not crime sprees of breaking and entering and stealing cars and so on. Then we have a spree of car stealing or breaking and entering, especially of liquor stores or clubs with liquor, and we have this whole cycle over again. Usually we find that a repeat offender is back in town. Each time that happens a number of young people are picked up on the edges of those crime sprees who join in as part of the cult of being

involved and so start on a life of getting involved in the hype and excitement of crime spree. Some of them are as young as 10 years. That influence of repeat offenders is why we need the regulations in this Young Offenders Bill.

The Young Offenders Bill is a total rewrite of all the Acts relating to the management of young people who come before the courts. There are some very important provisions in the Bill. The Bail Act amendments are some of the most important. The justices of the peace in my town felt that the bail provisions existing before this Government came into power were contributing to the problem of young offenders. Those justices were extremely critical of lax bail requirements. They felt that every effort they put in to try to assist the justice system was being totally negated. This was very dispiriting for them. They have told me that they are very pleased with the result of the Bail Act amendments, and to see them there.

The justices are also extremely pleased about the insistence on the role of the parent or responsible adult in the court system. They feel that this is very important. The magistrates, justices, police and welfare officers connected with the Department for Community Development recognise also that the records must be kept straight. The community has also been extremely critical that the string of offences can continue, increasing without any variation in what the courts do with the young person coming before them. Record keeping is an important part of this Bill.

The consideration of the victim is another principle which the Government has introduced in this Bill. I assure the House that members of the community are appreciative of this move. I support the Bill in all these areas. The members of my community and the National Party also support it strongly. The Government wants cooperation to ensure that the provisions of the Bill are carried forward. We are committed to developing preventive programs which will ensure that as few young people as possible land up having to be dealt with by the extreme provisions of this Bill; those clauses which deal with repeat offenders. I assure the House that despite the comments of members opposite about young people who land up in that situation, a number of young people must serve a time outside the community in some sort of restrained position for which the Young Offenders Bill provides. That must occur for the sake of other young people in those peer groups who are friends of the offenders and are caught up in the cult that they develop. I look forward to the Committee stage, and then the implementation of the legislation, and commend the Bill to the House.

**MRS HALLAHAN** (Armadale - Deputy Leader of the Opposition) [9.52 pm]: The Opposition would like to have been in a position to support the Bill without reservation, but the conduct of the Minister responsible for developing and bringing the Bill to this House has, unfortunately, not made that possible. The Opposition's serious concerns about the Bill could have been rectified had the Attorney General committed herself to a community consultative process and responded to the concerns that would have been raised through that consultation. It is clear that some limited consultation did occur. However, even then the quality of that consultation must be queried, given the reports that have come from the various groups in the community concerned with this legislation.

Before the House tonight is an important piece of legislation which, in the Opposition's opinion, is seriously flawed, yet it needs to be practical and effective to deal with what is a serious concern for the whole community. I follow some other good examinations given in speeches that preceded my contribution to this Bill. Clearly, the community wants to see the question of juvenile crime dealt with in an effective and sensitive way, and in a way that gives to young people a sense of their own value and responsibilities to this community while reducing the level of disruption, damage and desecration that is so often caused by young offenders. This Bill does not contain evidence that the Government has been serious about that as an outcome. The Government has, in some areas, improved on the previous Bill, but in other areas it has lost the opportunity to do something really worthwhile.

I turn to some of the constructive comments that have been made about this legislation. We all know that it draws wide comment and wide concern. Some of the measures embodied in the Bill were proposed and put in place by the Opposition when in

government. I make it clear that we are not against all measures in this legislation, but are very disappointed with and critical of those areas in which we believe a greater commitment by the Government and the Attorney General would have seen a much improved and constructive piece of legislation; legislation that may have dealt much more adequately with the question of juvenile crime and serious repeat offenders than this Bill will be able to do.

The member for Morley referred to the unusual interview given by the Director of Public Prosecutions, John McKechnie, early in April in which he indicated that the community needed to address the cause of crime and, in doing so, needed to confront itself as a society to identify those elements which led to a breakdown that resulted in offending by young people, indeed by very young people. I heard the Director of Public Prosecutions speak at a business breakfast at the Wesley centre. I was impressed by the principles underlining his speech, his commitment to a humane society, his way of dealing with questions of crime among the young and generally, and the values of our community.

Cutting across that we have a Minister for Community Development who persists with his narrow and restricted view of what a family is, to the extent that he has reduced funding to families in need at times when they have desperately required assistance. That will be one of the historic condemnations which will stand forever against the Court Government. It is consistent with the hypocrisy that we often see from this Government. On the one hand an alleged commitment is given to the protection, preservation and support of the family. On the other hand a Minister reduces financial assistance to families, which formerly was available to them at times of critical need, and condemns them to the most heart wrenching and difficult circumstances which fragments those families and, in some instances, will have undoubtedly spun off into an increased incidence of juvenile offending. That Minister remains absolutely resistant to any calls on him to relax those guidelines which have very successfully precluded people getting assistance which would allow them to keep body and soul and family together. It is against that backdrop of empty rhetoric about commitment to the family that we now see a somewhat punishing and inconsistent approach within this Bill. One should not be too surprised about that.

I will deal with the whole question of consultation. In May, groups in this community - and I do not mean groups that have little standing in the eyes of the so-called establishment of this state, but those which provide services to young people and legal groups who have professionals as members and officers of the organisations - stated their concern about the very short time for consultation on this legislation. All members on this side of the House strongly agree that it is indeed a very important piece of legislation. A delay was caused by the Government's inability to manage its business, and the delayed Bill is now before the House. It does seem to have improved as a result of the greater opportunity that was allowed for consultation by the delay that occurred. Yesterday, I was astonished to hear on the ABC a member of the Ministry of Justice speaking in place of the Attorney General who for some reason - and very uncharacteristically, one would have to say - was not available to the media. Until recently the Attorney General has had an extraordinarily high profile and has never missed any invitation to speak in the media. I guess her own problems with the Liberal Party and its fundraising problems in the northern suburbs have caused her to pull back her profile and realise that her credibility does not add to the Government's standing on any piece of legislation. Whatever the reason, we had a member of the Ministry of Justice carrying on the debate on behalf of the Attorney General and clearly indicating that the consultative process had been very limited. One could infer from what was said that the consultation was such that those involved were instructed or advised on what the legislation contained. It was not a two way process, and we cannot be surprised to see some obvious areas which could have been improved by meaningful consultation. Those improvements have not been made.

Some of the youth groups in the community would have been reasonably happy to support this Bill if improvements had been made. For example, an area of contention under the previous legislation has been rectified in this Bill regarding the court

determining what is a serious and repeat offender. On this side of the House we are giving credit where credit is due, but we are also expressing our very real concern on those areas where we believe the legislation is deficient. To illustrate those concerns I will refer to the Law Society of Western Australia's report on the Young Offenders Bill and read into *Hansard* some of the paragraphs from that report so that they are on the public record. I wish to highlight areas for consideration which warrant recognition during the debate on this Bill. The report states -

The Society considers that the objectives of the Bill in separating serious offenders from other offenders is a sensible approach. The Society supports the provisions of the Bill allowing for cautioning, notices to attend court and diversion to juvenile justice teams.

The report continues on page 1 -

The society remains opposed to those provisions of the Bill which provide for the making of a special order pursuant to Clause 124. Generally, the provisions of division 9 are a departure from previously long accepted principle and authority that there is an essential difference between children and adults when they come before a court exercising criminal jurisdiction. With juveniles, there should be a greater emphasis on the future welfare of the offender. This principle is removed by the general statement that children should be treated not more severely than adults and has been reversed in Clause 123. The protection of the community is said to be paramount. The Society, however, notes that the proposed provisions of Division 9 of the Bill will be a significant improvement over the Crime (Serious and Repeat Offenders) Sentencing Act 1992. Under the Bill, the sentencing court is at least given a discretion.

The report further continues in the last paragraph on page 1 -

In relation to the questioning of juveniles the provisions of the Bill are inadequate. The stated theme of "fairness" in the Second Reading speech is not reflected in the proposed provisions. The Society considers that it is not enough for the police to be required to notify or attempt to notify a responsible adult before questioning a juvenile. The proposed provision does not even allow the responsible adult, once notified, sufficient time to be present at the questioning.

The report continues on page 2 -

The provision should go further and require the presence of a responsible adult during the questioning. The provisions of Clause 20 of the Bill only apply to young persons who have been apprehended. The word "apprehended" is not defined, but presumably means something different to "arrest". A definition of the word "apprehended" to include requiring a young person to attend a police station seems necessary. No sanction is provided for any breach by a police officer of the requirements of the section. The answers given to questions should be inadmissible if the section is breached. In the view of the Society, Parliament is missing the opportunity of prescribing the basic requirements of fairness which should be observed when the police question young persons suspected of being involved in the commission of offences.

The last paragraph on page 3 states -

Finally, whilst the Bill does repeal aspects of the Child Welfare Act and amend others, it is not a codification of the law relating to juvenile offenders to the extent set out in Clause 6(a). The number of Acts which will be required to consider a child's position in law will be increased by this Bill and this regrettably, makes access to the law and understanding of it more difficult.

Some areas clearly need attention and perhaps amendments will reflect some of those concerns. If that is not the case, we can see that we are actually debating a Bill which will have very serious deficiencies indeed. The member for Fremantle will outline one area about which the Opposition has very grave reservations and which it would find difficult to support.

The Aboriginal Legal Service has also produced a paper setting out its concerns with the shortcomings of this Bill. The Western Australian Council of Social Service has also set out a paper. Meetings in a number of communities have considered the Bill and some of the recommendations from those community meetings regarding diversionary teams, the question of serious repeat offenders, family values, boot camps and detention are of interest. It is interesting that one meeting condemned the State Government's plans to set up boot camps and recommended that the \$1.8m earmarked for the boot camps be redirected to fund the Lake Jasper program and other alternatives to custody programs provided in conjunction with Aboriginal and other community members.

A lot of energy has been expended by people who are committed to representing young people well to safeguard their interests and wellbeing. It is regrettable that the Minister in charge of the Bill has not seen fit, with all of the resources at her disposal, to give the same commitment to the development of this legislation. In its response to this Bill, the Aboriginal Legal Service included a list of its concerns which were divided into the following categories: The consultation process; lack of youth legal rights; the juvenile justice teams; special order of the court; supervised release schemes; resource implications; state responsibility for children in care; boot camps and other miscellaneous issues. There has been a very inadequate response by the Government to that very comprehensive list of concerns, many of which could have been resolved with consultation without people having to resort to writing submissions in order to have their points of view considered.

It is the Opposition's view that this Bill should be referred to a select committee of the Parliament so that interested sections of the community can be consulted. If the Government had a real desire to do something constructive in this area, it would then have in its hands a much better piece of legislation which came with bipartisan support and undoubtedly a much more workable law. I challenge the Attorney General to refer this legislation to a select committee so that it can be given a full airing in the community and amendments can then be considered by this House. In agreeing to refer this matter to a select committee, the Attorney General will re-establish herself with the people she is seen to have ignored, by showing genuine concern about the effectiveness of this legislation and the effect it will have on young people and the level of crime in the community.

In closing, I refer to the Neighbourhood Watch program in my electorate. The people who belong to this organisation are volunteers. They have an unenviable task, in areas where there is a high level of offending, of trying to respond to their neighbours' concerns and of liaising with the local police, who support them very well. In so doing, however, they are often targets for antisocial behaviour in their community. Those people, like the groups who are concerned about this legislation, are also concerned about young people's rights as much as they are about the rights of their neighbours and their friends to a life free of harassment and free from having their properties and their vehicles damaged. They want a balance arrived at in this legislation which discourages crime and which will in the future reduce the level of crime and the necessity for them to play such an active role in their communities. Therefore, while there is a lot of concern about offending in the community, there is also a very real appetite for something very balanced and workable to be arrived at through this legislation. A parliamentary select committee may well be the way to give those people a sense of confidence in this legislation.

I once heard the Minister for Community Development accuse members of the Opposition about funding for the former department of community welfare. However, between 1986 and 1989, the funding for that department was almost doubled, if not doubled. There was a huge injection of funding into that department after the restructure which followed its desecration by Bill Hassell and the Liberals prior to 1983. The accusation by the Minister for Community Development was very inaccurate and did not acknowledge the significant resourcing of that department when Labor came into office.

Mr Pandal: The problem with you is that you think money cures all.

Mrs HALLAHAN: That money went into very important and constructive programs and was not spent in an undirected way. It was directed at various aspects of the department's responsibilities and duties and enabled many very good programs to be put in place, some of which we see continued in aspects of this legislation. Members of the Government stand condemned for not pushing the Attorney General to be more thorough in the development of the legislation. The level of interjection during my speech has been very low and I appreciate that. The only interjections that have been made have indicated a witless lack of anything to contribute to the legislation. They are also an indication of the lack of work done by those members in their electorates, because they could have put some energy into improving what is a critical piece of legislation.

Debate adjourned, on motion by Mr Kobelke.

## STAMP AMENDMENT BILL

### *Second Reading*

Resumed from 16 June.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [10.19 pm]: This Bill contains no policy dimensions that are of any consequence. It is fair to say that the legislation is more of an administrative nature than anything else and will allow paperless trading on the Australian Stock Exchange. The process to allow this sort of trading began in 1990 when the Australian Stock Exchange contacted the then government with a request to amend the Stamp Act to facilitate paperless trading. These amendments are required to set up alternative mechanisms for the imposition of stamp duty when there is no physical stamp required to the actual transfer document. I understand that most of the amendments relating to the Australian Stock Exchange's clearing house electronic subregister system have been taken from national uniform model legislation. I do not know whether this legislation is uniform legislation or whether it contains amendments which are different from the provisions in the uniform legislation. Is this legislation standard for all the states?

Mr Court: I understand it has been agreed to by all the states.

Mr TAYLOR: Is this legislation the same as that which has been agreed to by the other states?

Mr Court: I will double check that for you.

Mr TAYLOR: I understand that CHES will become a subsidiary of the Australian Stock Exchange. There will be some revenue implications for Western Australia, but according to the Taxation Department they are fairly difficult to estimate. I expect they will not be major revenue implications for Western Australia. An overriding concern is that Western Australia should align itself with the national system. Given the nature of Stock Exchange trading throughout Australia it is very important that this state align itself with the national system. The trading undertaken by the Stock Exchange is either on or off market trading. On-market transactions generally operate through brokers and for that reason they are much less difficult to track down for stamp duty purposes. Off-market transactions involve large transactions which generally involve large financial institutions. The off-market transfers can represent up to 20 per cent of the value of all transfers of marketable securities. Therefore, it is the off-market transfers - the paperless trading transfers - at which this legislation is aimed.

The imposition of stamp duty does require a nexus or point in the transaction where the liability for stamp duty which has to be incurred is to be specified. The nexus for on-market transactions is unchanged under this legislation; that is, when the buy order is placed the stamp duty is approximated. For off-market transactions the nexus under this legislation will change from the place where the share register is kept to the place of incorporation of the companies whose shares are being traded. It is expected that this will provide administrative benefits to off-market participants, plus beating up the movement of marketable securities. Although this is substantial legislation, that is the nature of it.



I refer the Treasurer to proposed section 112FN(6), which stipulates that in the event that one of the participants fails to pay stamp duty within seven days the participant and the Stock Exchange are jointly liable to pay the duty. I assume that the exchange recognises that it will incur that sort of liability, if necessary. Is the Stock Exchange aware of the problems that could be imposed on it by this proposed section?

The need for this legislation was drawn to the previous government's attention some time ago. It is pleasing to see that the Government recognises the need for uniform legislation in this nation. The Opposition supports the legislation.

**MR COURT** (Nedlands - Treasurer) [10.25 pm]: I thank the Leader of the Opposition for his support of the legislation. As he outlined, the legislation takes into account the technological changes which have occurred. Traditionally, share transactions were largely paper transactions and the stamp duty was determined on the paper documents. Now that it is done electronically there is a need to have a mechanism whereby the stamp duty can be collected and sent to the relevant state. In addition, this legislation covers some avoidance schemes that were in place. One was known as the Melbourne shuffle whereby transactions were only half completed in writing and finally completed verbally. It was a way in which people could get out of paying stamp duty. This legislation is not standard; it is largely uniform, but it is not template legislation. Some minor variations occur between the jurisdictions. The legislation takes into account the changes that have occurred with the technological developments inside the operations of the Stock Exchange.

The Leader of the Opposition asked about proposed section 112FN.

**Mr Taylor:** Your notes state that it specifically provides that the exchange's clearing house allows the transfer which has chargeable duty to be transferable. When such a transfer takes more than seven days after the securities clearing house has been notified, it becomes jointly liable with the participant.

**Mr COURT:** The Stock Exchange is aware of that and has accepted what is in the Bill. It was concerned that it be notified with enough time to act. It is happy that it will be notified with sufficient time to act on that matter.

I thank the Opposition for its support of the legislation. The Government has one amendment on the Notice Paper which it will deal with during the Committee stage. It will close another avoidance loophole which has become evident since the Bill was originally drafted.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Court (Treasurer) in charge of the Bill.

**Clauses 1 to 9 put and passed.**

**Clause 10: Part IVA repealed and a Part substituted -**

**Mr COURT:** I move -

Page 14, after line 30 - To insert the following paragraph -

- (c) the transfer does not cause a change in the beneficial ownership of the marketable security or right in respect of shares transferred.

This amendment covers an avoidance loophole which has been brought to our attention.

**Mr Taylor:** Do you have any idea how much the loophole was costing?

**Mr COURT:** Minimal revenue is involved.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

Schedules 1 and 2 put and passed.

Clauses 11 to 21 put and passed.

Title put and passed.

Bill reported, with an amendment.

## YOUNG OFFENDERS BILL

### *Second Reading*

Resumed from an earlier stage of the sitting.

**MR KOBELKE** (Nollamara) [10.34 pm]: A number of speakers have already said that one would want to support the principles involved in this Bill. We would like to think that the Attorney General had some fine ideas in mind when introducing this Bill. However, it is most unfortunate that the execution and preparation of this Bill has been flawed through a total lack of consultation. The Government started by taking a stand which could have received bipartisan and wide community support. Nevertheless, it is a reflection on the Government that it could not operate in that way and involve all the elements of our community to bring people on side with wide ranging support for the legislation. Not only would this have been an accolade for the Government through wide support for its Bill, but also it would have ensured that some of the rough edges of the legislation could have been removed. That would have led to a polished Bill without its current problems.

I do not suggest for a moment that when government engages in consultation, it will accept all interest group suggestions. Many views expressed by interest groups in youth affairs would not be accepted by the Government. Regardless, many groups are concerned about the welfare of, and work with, young people and young offenders, and these groups could have provided good advice to the Government to help improve its legislation. However, this Government does not know how to consult. It feels it has to do everything behind closed doors, and when its fancy legislation is sprung into the light of day the Government thinks it has it right in all aspects. The Government should be clear - even in its short time in office - that its approach will not ensure that all parts of the legislation will be right. Legislation like this is complex, and it is difficult to get it right. Errors arise in the drafting of legislation, and oversights occur regarding the implications of its wording. It makes good sense to consult with various interest groups which know the issues and understand what is needed and can help the Government in drafting the legislation. These groups are prepared to devote time to that consultation. It is a matter of regret that the Government failed again to take that approach in the development of this legislation.

The legislation tries - one would hope honestly - to address an area with great difficulties. Our society is undergoing fairly rapid social changes, and we have seen the negative results of these problems as some of our young people confront the juvenile justice system. It is a matter of concern to all members of the House that some young people have neither place nor purpose in our society. They are about destroying themselves and being destructive to our society. That is a great concern. We all share in this House a desire to put in place better legislation, and better programs to ameliorate the situation and, if possible, remove that problem.

These problems are clearly related in Western Australia to the particular disadvantages suffered by Aboriginal youth and society. Society lacks an understanding of Aboriginal youth and culture and the rights of these people. The lack of community respect for Aboriginal people has exacerbated the problem confronting Aboriginal young people. Much has been written and much has been said in this place about those problems, and I certainly have no expertise on these matters so I will not dwell on them. However, it is obvious that in our juvenile justice system special attention must be given to the needs of Aboriginal young people.

A tragic example of the problems facing young people arose three years ago. An

Aboriginal family in my electorate had a number of children who were continually running into trouble with the law. One young boy of 13 or 14 years of age was notorious with the police and throughout the district. He was totally uncontrollable, and his mother and extended family had no influence over him. He had committed a series of offences over a number of years; he was an habitual petrol and glue sniffer and his mental state had been altered by his involvement in substance abuse for a number of years. It seemed there was no place for him and he was going down the road leading to his own destruction, possibly having an ill effect on other people and perhaps even being responsible for the loss of other people's lives. Attempts were made to move him to the country where older male members of the extended family could exercise some control over him. On one occasion some women contacted me because the boy had gone into a club where they were doing keep fit exercises in the afternoon, had pulled a knife, and had stolen their handbags. It was an open act of violence in the middle of the day, and it seemed nothing could be done for this boy. The police knew where he was and could quite easily pick him up. It was a tragedy to see a young life going nowhere. That one example could be repeated many times, unfortunately, because far too many young people in our society have no place to go. They are locked out and on a course of self-destruction. I know the Government is aware of that, and it will have the support of members on this side of the House if it can introduce programs to deal with this problem. It will be better to put in place preventive or rehabilitative programs to address the problem rather than adopt punitive measures.

One of the problems with legislation of this type is that it must address the real and deep concern of the wider community about the lawlessness which emanates from a small but sizeable group of young people. The situation is made more difficult when we overreact with harsher penalties because we mitigate against solving the problem. It is absolutely crucial that a Bill such as this find some balance. We shall not know until it is in place and working whether we have been successful in finding that balance. I said at the outset that this legislation tries to address a very difficult problem. If the general consensus among the community and young people is that the problem can be solved by harsher penalties, the people doing the work - whether community or youth workers or the families affected by these problems directly or indirectly - will turn away from offering support to these young people. They will not be willing to give of themselves in order to offer an opening to these young people and give them some chance of finding themselves and a meaning to their lives. These people will feel that the young offenders are outcasts to be attacked and punished. I am not saying punishment does not play a role and that discipline is not an important element in this area. However, when the community is whipped into a frenzy and the whole aim is retribution rather than a process of rehabilitation which can draw people out of their despair, these young people are shunted away and are out of the limelight. We need to find that balance and the Government will have support from members on this side of the House if it tries to do that.

One of the key areas in which young people come into contact with the justice system is through police officers, and that is where we are able to see both sides. The police have a very difficult role to play. A police officer may apprehend a young person and see him as a thug who has committed an offence - perhaps damaged someone's house or defiled it in a totally disgusting way. In order for that police officer to have respect for the young person and treat him properly, the officer must have a great deal of restraint and understanding. I have come across many police officers who have those outstanding qualities and are willing to enforce the law in difficult circumstances, yet are still somehow able to retain respect for and recognise the worth in the offender, even though in some cases it is very difficult to do. However, at times some police officers do not reach that standard, and that has a very deleterious effect on the whole justice system. When police officers are not able, or are not trained, to handle these difficult situations and they lash out - as has happened in instances in the past few years - and physically abuse these young people, not only are they falling down in their duty, but also they undermine the whole system of juvenile justice.

In my experience young people support a strong stand on law and order and tend to be conservative in this area. They feel that justice should be visited on other young people

who have broken the law. Many times I have spoken to school groups in my electorate and in other areas and have sensed that feeling from the overwhelming majority of young people. However, they tend also to be very fair - perhaps it is part of their idealism - and feel that people should have a fair go. When they learn of incidents in which someone at school or perhaps a friend has been treated harshly or handled roughly by a police officer, they build up negative reactions and the role played by the police is undermined in the eyes of young people. That applies not just to the young people involved in the incident, but also to the very wide group which knows of that incident. They will become disenchanted with the law enforcement officers. It is a problem of which many of us can see both sides and we recognise that a balance must be found. If it is to be found, we need within the law a clear understanding of the rights of young people. I know there are problems in codifying those rights and putting them in legislation so that they are enforceable. In this life nothing is perfect, but in this legislation we need to address the establishment of the rights of young people.

This Young Offenders Bill contains an objective in clause 6(c) "to ensure that the legal rights of young persons involved with the criminal justice system are observed". I am aware that legal and youth organisations are concerned that this objective is not backed up by the concrete provisions of this Bill. The basic rights to legal advice are not included in this Bill in a number of areas, including police custody, before the commencement of a juvenile justice team conference, before any court matters, and in detention centres, especially before the hearing of detention centre offences. In addition, a young person does not have the right to have an advocate or independent friend - not necessarily a lawyer - present at police questioning, conferences of juvenile justice teams and before the Supervised Release Review Board.

As I have indicated, there are certainly problems when it comes to contact with the police, because the police may apprehend a young person in a situation where they do need to deal with the issue and have difficulty contacting the family. The legal groups are quite rightly concerned that the Bill does not include provisions to safeguard the rights of young people when they are in police custody. The youth groups claim that these provisions are essential in view of the creation of the new diversion scheme and the juvenile justice teams, which will deal with young people only if they accept the responsibilities of their actions. In these situations, the police will have the sole discretion to refer young people to the teams, which will have no provisions to ensure that lawyers are included in the process. This will mean that young people will be processed through the juvenile justice system on an assumption of guilt, without any access to legal advice.

Clause 19 of the Bill provides for the Commissioner of Police to make rules, orders and regulations for the apprehension and detention of young people in police custody. That is just a restatement of the current state of affairs, which does not provide adequate protection for youth rights. There are no sanctions on police officers who do not carry out those rules. Clause 20 provides that the police must notify a responsible adult when they apprehend a young person. Again, that is not a right, and there are no sanctions on police who do not notify the parents. Many people who work in the youth legal field suggest that we need to include in this legislation a bill of rights. Some of the rights which have been suggested are the right to make a telephone call to a family member or friend before being questioned by the police; the right to make a telephone call to a legal adviser before being questioned by the police; the right to have a family member, friend or other independent adult person at police questioning; the right to be treated in a dignified and humane manner; the right to prompt medical examination and hospital treatment where necessary; the right to have bail on reasonable conditions considered without delay; the right to have safety and welfare needs monitored regularly by police while detained in police custody; and the obligation for police to inform young people and their families of their rights when in police custody. I understand that the Government has stated that rights of this nature will be considered in a review of the Police Act some time next year. Western Australia is one of the last states in Australia to provide legislative safeguards to ensure that children are adequately protected when they are apprehended or questioned by police.

Another trend which is central to this Bill is the need to incorporate family values. As I indicated earlier, if the emphasis is too heavily on punishment, it will militate against the proper recognition and development of family values and of preventive programs, because at the community level people will not be willing to become involved and to give young people a second chance. They will turn away from these young offenders and not recognise that if older people do not show leadership in our community and reach out and offer hope to young people, there will be no way out for them. We need to strike a balance between an emphasis on just punishment and an openness to family values, to nurturing, and to ensuring that there are adults who will be responsible for these young people and willing to give them the nurture and support they need.

At a family level, if individuals feel that society is against them, we will undermine the processes whereby parents can give support and encouragement to their children. What is quite often needed is for the parents to be willing to get help to enable them to cope with what is often a very difficult situation for them. If their view is that their son or daughter - normally their son - has simply been shut out by society and has been labelled as an offender who needs to be punished, and that there is no other aspect to it, then they will certainly be more likely to stand behind and protect their child and to take on the system than to regard the system as something which they have to work through and which hopefully is offering them some form of help. Therefore, if family values are to mean anything, we need to strike that balance between punishment and the involvement and support of the family and the various services which help families to function better when they are placed in these situations of great stress.

We want to support the objectives and principles of the Bill, but there are key concerns about how these principles will be enforced in the practical operation of the juvenile justice system. There is a lack of provision to adequately allow for the responsible adult to have access to and be involved in all stages of the system, particularly where we are dealing with police custody. The approach of the Government to make parents responsible is unlikely to succeed without the provision of support systems for parents and an emphasis upon strengthening families. This is relevant particularly in the operation of the juvenile justice teams, where the original model stressed that the work of the teams should involve action to establish support services and strengthen family networks.

The Bill creates a category of exempt responsible adults, to exempt state authorities and people authorised by the state government from the provisions placed by the Bill upon responsible adults. This includes those people responsible for state wards and children under state care who are not wards. The exclusion of government welfare authorities, long term carers and public servants with child welfare responsibilities from punitive provisions illustrates the hypocrisy of the Government's push to make parents more responsible while allowing the state to not accept any responsibility for children placed in its care. The definition of "exempt responsible adult" makes a nonsense of the role of responsible adults in the juvenile justice team. The Bill states that the proceedings can take place only if a responsible adult is willing to participate in the process. Young people who are in state care will be penalised in the family group conference because they do not have responsible adults as intended in the legislation.

Another part of this legislation is the establishment of boot camps or special enforced detention centres. While the legislation states clearly that persons admitted to such centres must agree to it, the rhetoric which was put out by the Government some months back suggested that somehow those camps would instil military style discipline. Therefore, while the Government might say they will not be boot camps, its whole rhetoric was beating up the idea of boot camps. This again is most unfortunate, because it creates the impression that young people who have offended somehow need to have retribution exacted from them rather than discipline and punishment which might somehow correct their ways and help them to find meaning in life. That is very different from an attitude which wishes simply to be punitive towards young people. The record of boot camps, or whatever one might want to call them, is one of failure. Boot camps have a proven record of failure and an abuse of human rights. The only independent

study by the American Justice Department has shown that at best some amended models of boot camps have a record of rehabilitation which is similar to that of conventional prisons. Others have no proven record of success and have had numerous complaints and problems. The better models have deleted the military style format and moved to include meaningful work skills and training programs in a rural camp setting. Britain has abandoned its military style camps, and New Zealand has moved to an outdoor adventure, high risk model. I could say more about that, but my time is fast expiring.

The last element of the legislation that I will have time to say a little about is the undertaking given by the Attorney in her second reading speech when she said -

Additional elements include . . . a strong commitment to prevention and diversion programs for minor offenders; support for programs which achieve positive behavioural change;

I commend to the Government the types of programs that have been run in my area by the Koondoola and Girrawheen Youth Inc groups, which have three main programs: The automotive skills training program, funded by the Ministry of Justice; street based program, funded by the Department for Community Development; and work skills training program, funded with Burdekin funds, through a joint commonwealth-state program. When we find programs of this type that are working we find a range of obstacles put by people who seem intent on ensuring that they do not work or that they do not last for very long to be able to provide the services required. Staff in programs such as these receive extremely low wages, generally in the order of that paid to a level 1 or 2 government employee. They are generally not in a salary structure where they receive any increase for the number of years they have spent in their positions. Funding is limited and is for a set duration. Therefore they are always wondering whether next year they will still have a job, or whether the program will continue or will get repeat funding from the government in the next financial year so they can continue to do the work that they are doing so well. How can we retain the very considerable expertise of these workers when they are put in this situation? We are fortunate that they are dedicated people who want to do the work and therefore stay on, often to their own disadvantage, when they could be earning more money or be in a more secure job. We need to look to a better form of funding for organisations such as the Koondoola and Girrawheen Youth Inc groups that are proving they can run effective programs.

The KAGY youth groups' automotive skills program has been effective in deterring serious young offenders from criminal activity and placing them in employment within the community. The original vision of this program was that there was to be a sister program in Longmore juvenile detention centre which would feed young people directly from detention into a community based program. Funding has not been made available for that.

KAGY operated a 12 month program as an early intervention strategy for young people who have difficulty with the education system and who were actively involved in criminal activity. This client group was aged between 11 and 12 years. They have extreme behavioural and social problems. Often they have had trouble with the juvenile justice system, and of the group that KAGY was dealing with, 98 per cent were Aboriginal young people. The program they designed was an early intervention strategy aimed at keeping young people at school. The young people were identified as being actively involved in criminal activities, having started as young as nine, and by the age of 11 they were involved in stealing, breaking and entering and car theft, but they were not necessarily apprehended for those offences. The program was addressing these issues and was showing results, yet there is no ongoing funding. Some parts have continued, others have fallen away. We have dedicated people who are offering a real option and that is what this Government must look to if this legislation is going to work.

Debate adjourned, on motion by Mr McGinty.

*House adjourned at 11.04 pm*

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**QUESTIONS ON NOTICE**

**COMMONWEALTH BODIES - WESTERN AUSTRALIAN REPRESENTATIVES**

132. Mrs HALLAHAN to the Premier:

- (1) What action has the Premier taken to gain Western Australian representatives on the 12 Commonwealth bodies which were identified in February as lacking such representation?
- (2) Has the Premier written to the relevant Commonwealth Ministers responsible for making appointments to these bodies to ask for such representation?
- (3) If not, why not?
- (4) If so, on what date did the Premier write?
- (5) Will the Premier table such letters, and any replies received from the Commonwealth in this regard?

Mr COURT replied:

- (1) Appropriate action will be taken as opportunity affords.
- (2) No.
- (3) Answered by (1).
- (4) Not applicable.
- (5) If appropriate.

**WAPET (WEST AUSTRALIAN PETROLEUM PTY LTD) - PETROLEUM ROYALTY**

133. Mrs HALLAHAN to the Premier:

- (1) Is it the case that the only company directly affected by the proposed legislation on petroleum royalty would be West Australian Petroleum Pty Ltd?
- (2) Was WAPET in dispute with the Government over the royalty which had already been paid?
- (3) Did the Government agree to repay the royalty already paid by WAPET in order to overcome the threat of legal action?

Mr COURT replied:

- (1) No.
- (2) Yes.
- (3) The Government honoured commitments made by the previous Minister for Mines. There was no threat by the company of any legal action.

**POLICE - EDWARDES, COLIN, IMPROPER POSSESSION OF POLICE RECORD**

*Smith, Wayde, Interview Date*

145. Mr CATANIA to the Minister for Police:

- (1) With reference to question on notice 1668 of 1993-94, when did police interview Mr Colin Edwardes about the alleged improper possession of a police record?
- (2) When did police interview Mr Wayde Smith to determine whether he was the source of the information?
- (3) With reference to the Minister's answer that police are satisfied that Mr Edwardes came by the information lawfully, how did he come by the information?

- (4) Did police investigate any breaches of law other than attempted blackmail?
- (5) If so, what were they?
- (6) Were charges of any kind laid following police inquiries into the matter?
- (7) If so, what were they?

Mr WIESE replied:

The Commissioner of Police has advised the following -

- (1) November, December 1990 and January 1991.
- (2) Between November 1990 and January 1991.
- (3) Councillor Colin Edwardes' explanation given to police regarding information he possessed concerning Cr Dammers was that Cr Dammers had informed him (Edwardes) personally.
- (4) Yes.
- (5) A complaint of disclosure of confidential police information.
- (6) No charges were laid because the allegations were not substantiated.
- (7) Not applicable.

#### WESTERN AUSTRALIAN CONSTITUTIONAL COMMITTEE - MEETINGS

152. Mr GRAHAM to the Premier:

- (1) With reference to question on notice 1589 of 1993-94, on what dates has the Western Australian Constitutional Committee met since its formation?
- (2) When does the committee expect to begin visiting and consulting Western Australian communities?
- (3) What is the committee's timetable for reporting to the Government?

Mr COURT replied:

- (1) The Western Australian Constitutional Committee has met on 26 October 1994; 30 November 1994; 8 March 1994; 12 April 1994; and 10 May 1994

Working subgroups of the committee meet more frequently.

- (2) The committee will begin visiting and consulting Western Australian communities on 14 June 1994 as follows -

Port Hedland: Matt Dann Cultural Centre, Tuesday, 14 June 1994.

Perth: Alexander Library Theatre, Perth Cultural Centre, Francis Street entrance, Northbridge, Monday, 20 June 1994.

Kalgoorlie: Western Mining Conference Centre, School of Mines, McDonald Street, Kalgoorlie, Wednesday, 6 July 1994.

Geraldton: Civic Centre Reception Room, Monday, 11 July, 1994.

Albany: Albany Town Hall, Wednesday, 20 July, 1994.

Broome: Broome Civic Centre, Monday, 25 July 1994.

Kununurra: Leisure Centre, Tuesday, 26 July, 1994.

Bunbury: Lord Forrest Hotel, Wednesday, 3 August 1994.

- (3) The committee anticipates reporting to the Government by the end of 1994.



**COMMUNITY DEVELOPMENT, DEPARTMENT FOR - FAMILY HELPLINE**

256. Dr WATSON to the Minister for Community Development:

- (1) How many calls have been made to date on the Family Helpline?
- (2) What criteria must people meet to access Government services when they call the Helpline?
- (3) How many of the callers subsequently have their case managed by the Department for Community Development?
- (4) Is there a waiting list of callers to be attended to by staff of the Department for Community Development and, if so -
  - (a) how many people; and
  - (b) how long can they expect to wait?
- (5) To which agencies are people referred?

Mr NICHOLLS replied:

- (1)-(4) It is premature to be providing such detailed information at this stage. When the Family Helpline has been operating for some time and the service adjusted where necessary, it will be possible to supply the information sought.

**INDEPENDENT LIVING CENTRE OF WESTERN AUSTRALIA (INC) -  
GOVERNMENT FUNDING**

259. Dr WATSON to the Minister for Disability Services:

Will the Minister assure the Parliament that funding for the Assisted Communication Services at the Independent Living Centre will be continued without the need for lobbying as in 1993?

Mr MINSON replied:

The Independent Living Centre was provided with \$65 000 in the 1993-94 financial year for its MACAS centre, with a commitment to provide \$100 000 for the 1994-95 financial year. That commitment for the coming financial year will be kept.

**STATE EMPLOYMENT COMMITTEE - PILBARA REGION**

278. Mr GRAHAM to the Premier:

What is the process that will ensure that the interests of the Pilbara will be taken into account on the State Employment Committee?

Mr COURT replied:

I refer the member to my answer to question on notice 91.

**LAWRENCE, CRAIG - GOVERNMENT CONTRACT**

320. Mrs ROBERTS to the Premier:

- (1) With reference to the appointment of Mr Craig Lawrence as Commissioner of the City of Perth, could the Premier advise if Mr Lawrence is an employee of the State Government as well as the City of Perth?
- (2) Are any other benefits provided to Mr Lawrence by the State Government, such as -
  - (a) travel;
  - (b) accommodation;
  - (c) expenses;
  - (d) fees;

- (e) contracts?
- (3) If yes to any of 2(a) to 2(e), what are the details?
- (4) Is Mr Lawrence a former or current business associate of the Premier's family?
- (5) If so, what are the details?

Mr COURT replied:

- (1) No, Mr Lawrence is engaged on a contract for service by the Ministry of the Premier and Cabinet.
- (2) Mr Lawrence's contract provides for payment of a consultancy fee of \$2 300.61 per fortnight. In addition, the contract provides for the Ministry of the Premier and Cabinet to provide to the consultant such equipment as may be necessary to provide the consultancy service.
- (3) See (2).
- (4)-(5) Mr Lawrence was formerly an employee and a director of Perpetual Trustees. During a part of that time the Premier's brother, Mr Ken Court, was a director, though not an employee, of the same company.

#### WESTERN AUSTRALIAN FIRE BRIGADES BOARD - WORKPLACE AGREEMENTS

322. Mr CATANIA to the Minister for Emergency Services:

- (1) Does the Western Australian Fire Brigades Board intend adopting workplace agreements?
- (2) Will the members have an option to stay with the award system?

Mr WIESE replied:

- (1) The Western Australian Fire Brigades Board has been examining both enterprise bargaining and workplace agreement options. Any final decision in these matters will be made following consultation between the Western Australian Fire Brigades Board's employees and the relevant employee organisations.
- (2) The Workplace Agreements Act permits employees to remain in the award system.

#### CHEMISTRY CENTRE - COMMERCIALISATION *Effect on Police Investigations*

323. Mr CATANIA to the Minister for Police:

- (1) Is the Minister aware that the Chemistry Centre, which carries out forensic tests, drug analysis, coronial inquiries and many other services such as gunshot residues for the Police Department, is to be privatised and of the effect this will have on the police investigations?
- (2) What will be the additional cost to the Police Department to carry out these forensic tests at a private facility?
- (3) What effect will this additional cost have on police investigations?

Mr WIESE replied:

- (1) I am advised that the Chemistry Centre is not being privatised. It is being commercialised as a business unit of the Department of Minerals and Energy. There will be no effect on police investigations as the same Chemistry Centre services traditionally used by the Police Department will continue to be available from the new commercialised business unit.
- (2) Although the Police Department will pay for its chemical services in the future, the Police Department's budget has been increased by \$830 000 in

1994-95 which is the amount necessary for it to purchase an equivalent level of service to that provided by the Chemistry Centre in the past. Hence there will be no reduction in the level of funds available for other Police Department operations.

- (3) The Police Department, along with all other client agencies of the Chemistry Centre, will in future be able to seek the most competitive price for its chemical service requirements. In the case of the Police Department, if lower cost alternatives are found for these services, the savings generated will be diverted to other policing functions, thus, in the case of the Police Department, increasing the level of funds available for other police services.

**POLICE - ACADEMY**  
*Recruit Trainees; Police Aides*

326. Mr CATANIA to the Minister for Police:

- (1) What are -  
 (a) the number of trainees at the Policy Academy at present;  
 (b) the intake proposed in the next six months?
- (2) What will be the net increase in police aide numbers at the end of that period?
- (3) What number of new police aides are to be recruited over the next six months?
- (4) Where will these additional aides be stationed?
- (5) How many police aides are currently employed by the police force?

Mr WIESE replied:

I am informed by the Commissioner of Police -

- (1) (a) 57 recruit trainees as at 18 July 1994;  
 (b) 24 recruits were inducted on 25 July 1994. Any further intake in the next six months is dependent on the attrition rate.
- (2) No increase is scheduled at this time.
- (3) Answered by (2).
- (4) Not applicable.
- (5) 67.

**POLICE - STATIONS**  
*Closures and Temporary Closures*

327. Mr CATANIA to the Minister for Police:

How many police stations in the metropolitan and country areas -

- (a) have been closed permanently;  
 (b) have been temporarily closed and for what period over the past twelve months;  
 (c) are earmarked for closure;  
 (d) are earmarked for temporary closures; and  
 (e) what are the reasons for closures and temporary closures in each case in the next 12 months?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

- (a) Shay Gap, Goldsworthy and Koolan Island. Over the past three years these police stations have been closed due to the cessation of mining operations in the area and subsequent closure of the towns.
- (b) One - Broomehill - eight to nine weeks.
- (c) Nil.
- (d) One - Broomehill.
- (e) Broomehill Police Station temporarily closes for two to three weeks each year to enable additional police coverage for the Walpole area during Easter and Christmas/New Year periods. Additionally, while the officer in charge at Broomehill is on annual leave each year the station is temporarily closed for six weeks. Policing of the Broomehill area is undertaken by Katanning police. Broomehill Shire Council has indicated that it is satisfied with the present arrangement of relief being provided from neighbouring police stations of Katanning and Tambellup. With the exception of Broomehill, no decisions have yet been made as to whether any stations will be closed temporarily during the coming 12 months.

#### FIRE BRIGADE - ALBANY STATION

##### *Bushfire Fighting Units Removal; Four Vehicles Replaced by General Purpose Unit*

328. Mr CATANIA to the Minister for Emergency Services:

- (1) Does the Minister agree with the proposal by the Western Australian Fire Brigades Board to remove the only bushfire fighting units from the local station in Albany?
- (2) Does the Minister agree with the board's decision to remove two of the station's four vehicles and replace them with a general purpose unit?

Mr WIESE replied:

- (1) Following my recent discussions with representatives from the WA Fire Brigades Board, they have agreed that the make-up of the Albany fire station fleet will be 1 medium pumper 4x2; 1 light tanker 4x4; 1 general purpose appliance 4x4; and 1 heavy tanker 4x4. This will represent an upgrading of the firefighting vehicles available to fight structural and bush fires in the Albany townsite and surrounding areas.
- (2) Not applicable.

#### POLICE - PERSONS CHARGED BUT FOUND NOT GUILTY

338. Mr HILL to the Minister for Police:

What was the total number of cases where those charged by the police have been found not guilty in -

- (a) 1990;
- (b) 1991;
- (c) 1992;
- (d) 1993;
- (e) 1994; in the various offence categories?

Mr WIESE replied:

As this would take extensive research I am not prepared to allocate resources to answer this question.

#### DRIVERS LICENCES - SUSPENSIONS

##### *Nine Demerit Points or More; Fatalities, Improvements*

340. Mr CATANIA to the Minister for Police:

As the suspension of driving licences for excessive demerit points has had

a dramatic effect on many people who depend on their licences for livelihood, social or medical reasons, will the Minister advise -

- (a) how many people have had their driving licence suspended for excessive demerit points;
- (b) is the number of suspensions growing and how does it compare with the number of suspensions prior to the introduction of this system;
- (c) how many people currently have nine demerit points or more;
- (d) has there been any improvement in road fatalities attributed to this change;

since the traffic regulations were changed in 1990?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

- (a) 38 269.
- (b) Since the 1990 regulations amendment on 1 September 1990 the number of suspensions had almost doubled. However, the number of suspensions has now levelled out to approximately 800 per month and appears to be relatively static.
- (c) This figure is not readily available.
- (d) Fatalities as a ratio to vehicles registered, population or kilometres travelled have decreased since before 1990.

#### PRISONS - ESCAPE, CASUARINA-ALBANY TRANSFER

341. Mr CATANIA to the Minister for Police:

With reference to the article reported in the *Narrogin Observer* on 20 April 1994 regarding two prisoners escaping while being transferred from Casuarina to Albany, will the Minister advise -

- (a) why the escape was not reported for at least four hours;
- (b) whether the fault in the holding cell has been rectified;
- (c) why an off-duty police officer who reported the escape was not taken seriously;
- (d) when and where the prisoners were recaptured?

Mr WIESE replied:

The Commissioner of Police has advised as follows -

- (a) Escape discovered 1310 hours, 12 April 1994 and reported immediately. Police media liaison advised 1445 hours same date.
- (b) Yes.
- (c) The report was not acted upon immediately by duty officers due to the vague manner in which the information was relayed. There was not a clear statement that the people referred to by the off duty officer were, in fact, escapees. When that fact became clear, an immediate search took place.
- (d) One recaptured 24 April 1994, one still outstanding as at 12 July 1994.

#### FIRE BRIGADE - CONTRACT, 10-15 FIRE TENDERS, AWARDED TO KATANNING FIRM

342. Mr CATANIA to the Minister for Emergency Services:

What is the reason for the Western Australian Fire Brigades Board's

decision to award a contract for 10 to 15 fire tenders to a Katanning firm in preference to T & L Engineering who have done all the research and development work in this area?

Mr WIESE replied:

I have previously been asked a similar question on Tuesday, 12 April 1994 by Hon Graham Edwards MLC in another place on this issue. However, the Western Australian Fire Brigades Board has not awarded a contract for 10 to 15 tenders to a Katanning firm.

**FIRE BRIGADE - TRAINING PROGRAMS, DETAILS**  
*Recruitment Program*

346. Mr CATANIA to the Minister for Emergency Services:

Could the Minister advise -

- (a) details of the training programs currently being conducted among the Fire Brigade for -
  - (i) professional staff;
  - (ii) volunteer staff;
- (b) the recruitment program for the next 12 months?

Mr WIESE replied:

(a) Details of training programs -

(i) Professional staff -

Training completed in the last three months -

1. Station officer training - 14 station officers promoted on 3.6.94
2. Aerial training for instruction on the new Bronto (combined ladder platform)
3. Hot fire training at Forrestfield
4. Breathing apparatus and rescue training at Forrestfield
5. Normal maintenance training at all fire stations
6. Communications system officer training
7. Shift operations officer training

Permanent staff - current training -

1. Bronto qualification training for operators
2. Hot fire training at Forrestfield
3. Breathing apparatus and rescue at Forrestfield
4. Normal maintenance training at all fire stations
5. Shift operations officer training

Proposed training in the next three months - permanent staff -

1. Bronto qualification training
2. Normal maintenance training at all fire stations
3. Driver training
4. Firefighters school (of 30) commencing 22.9.94
5. Train the trainer course
6. Breathing apparatus and rescue
7. Hot fire training

8. Two day course for country (permanent) firefighters - 9 and 10 June 1994
  9. Training techniques - leading firefighter (country)
  10. Leading firefighter course (country)
- (ii) Volunteer staff -
- Training completed in last three months (volunteers) -
1. Weekend volunteer courses
  2. Basic two day course (six courses) (24 stations included)
  3. Three day leadership (two courses) (eight stations included)
  4. Breathing apparatus refresher courses
- Current training for volunteers -
1. Ongoing maintenance training
  2. District officer visits and training
  3. Breathing apparatus refresher courses
- Proposed training for volunteers in the next three months -
1. Maintenance training
  2. Weekend courses (four stations)
  3. Week courses in Perth (28 firefighters)
  4. Leadership course (five courses)
  5. Breathing apparatus refresher courses
- (b) It is proposed the Western Australian Fire Brigades Board will conduct a school of 30 recruits commencing in September 1994. In addition to this the WAFBB plans to run two schools of 30 recruits each and one school of 15 recruits in 1995.

**AUDITOR GENERAL'S REPORTS - No 2, MAY 1994**  
*Pastoral Board, Recommendations Implementation*

357. Mr BROWN to the Minister representing the Minister for Lands:

Does the Government intend to implement the recommendations contained in the Auditor General's Report No 2, May 1994 relating to -

- (a) administration and powers of the Pastoral Board;
- (b) Western Australian Pastoral Information System;
- (c) inspection practices of pastoral leases;
- (d) lessees' compliance with lease conditions and land measurement measures;
- (e) lease transfer process in so far as that process can ensure lessees have sufficient compliance and financial ability to manage a pastoral lease?

Mr LEWIS replied:

The Minister for Lands has provided the following reply -

(a)-(e)

All the recommendations of the Auditor General's Report No 2, May 1994 are being addressed. The Pastoral Board will be providing the Minister for Lands with a detailed response to each recommendation in the near future.

**HOSPITALS - KELLERBERRIN DISTRICT**  
*Operating Theatre Service*

385. Dr GALLOP to the Minister representing the Minister for Health:

- (1) If the Minister for Health has not issued instructions or directions in respect of the use of the operating theatre at Kellerberrin District Hospital, as he indicated to me in correspondence 4845 April 1994, has the Commissioner of Health, the Regional Director, or any other ministerial representatives or government officer issued such instructions?
- (2) If yes -
  - (a) who issued such instructions;
  - (b) to whom were they issued;
  - (c) when were they issued;
  - (d) were the instructions written or verbal;
  - (e) was advice taken in making the decision and from whom was it taken;
 if so -
  - (i) whether or not the department has developed criteria and processes for determining the role to be played by hospitals;
  - (ii) whether or not the hospital medical advisory committees have a place in determining what that role will be;
  - (iii) who it is that finally applies the criteria and makes a decision;
  - (iv) whether or not appeal mechanisms are available?
- (3) Given statements by the Regional Director of the Western Health Authority, Miss Helen Merton, on "The 7.30 Report" recently that the reopening of the theatre facility at Kellerberrin would take patients away from services in other towns and possibly lead to a reduction or closure of services at Kununoppin and Merredin, can the Minister indicate reviewing the role and status of hospitals?
- (4) Has the Health Department developed a list of hospitals in the western health region according to the role and status they are to have?
- (5) If yes, what does it indicate?
- (6) What is the number and type of surgical procedures undertaken on residents in the Kellerberrin local government area and contiguous local government areas from 1 July 1990 to 30 April 1994?
- (7) Where were these surgical procedures performed?
- (8) What is the projected cost for operating the operating theatre at Kellerberrin Hospital for one year on a fortnightly or four weekly basis and what is the cost of the proposed "needs analysis"?
- (9) Does the amount indicated as the cost of the needs analysis differ from that previously provided by the Health Department?
- (10) If yes, what is the difference?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) No. The board of management has made decisions based on advice received from both government officers and people from non-government organisations. On 15 November 1993 the board



resolved to continue to provide its existing level of theatre service while negotiating a change to recommence major surgery. On 17 December 1993 the board resolved to not change its existing level of theatre service. On 22 April 1994 the board resolved, "as a result of adverse publicity", to negotiate a change to recommence major surgery.

- (2) Not applicable.
- (3) This question is unclear; however, if the member is asking whether there will be a reassessment of the role delineation of hospitals affected by the commencement of major surgery at Kellerberrin on a 12 month trial, the answer is yes. This will be a part of the Campion Health and Hospital Services Needs Assessment, undertaken by an independent consultancy in conjunction with the communities involved.
- (4) The Health Department and each hospital encompassed by the Western Health Authority have jointly negotiated a strategic role for each facility. Medical practitioners have been involved in the negotiations.
- (5) The 26 hospitals are clustered into eight strategically planned hospital and health service networks. Other than in the network in which Kellerberrin Hospital participates, each has identified a hospital at which major surgery will take place, supported by the remaining hospitals. The network in which Kellerberrin Hospital participates has six hospitals. Three other hospitals already provide major surgery. Should Kellerberrin Hospital's board of management decide to recommence major surgery, four such services will compete for cases within that network.
- (6) Residents from postcodes 6386 (Erikin/Shackleton), 6409 (Tammin/Yorkrakine), 6410 (Kellerberrin) and 6411 (Doodlakine) were considered. Residents from these postcodes have had a total of 574 surgical procedures somewhere in Western Australia in the four year period 1990-91 to 1993-94. However, approximately three months of data in the latter part of this year is still to be loaded into the hospital morbidity information system.
  - 1990-91 - 128 cases
  - 1991-92 - 157 cases
  - 1992-93 - 186 cases
  - 1993-94 - 103 cases to date projecting 132 cases for the year

These procedures are categorised by diagnostic related groups and fall into 148 different types of diagnostic procedures. These include those sorts of procedures which must be performed in large specialist units as well as those which could be performed by a non-specialist general medical practitioner in a small wheatbelt hospital.

- (7) Six per cent of these procedures were undertaken at Kellerberrin Hospital, 18 per cent in other wheatbelt hospitals, 32 per cent in metropolitan teaching and non-teaching hospitals and 40 per cent in metropolitan private hospitals. In 1990-91, when Kellerberrin had a full time GP surgeon of long standing, 21 cases were undertaken at the local hospital in the 12 month period, representing 16 per cent of that year's total surgical procedures, for residents from the four postcodes. A total of 29 cases were undertaken in the combined wheatbelt hospitals, including

Kellerberrin, that year; 42 cases were undertaken in the combined wheatbelt hospitals in 1991-92, and 47 cases in 1992-93. For 1993-94 it is projected that 32 cases will be undertaken in the combined wheatbelt hospitals.

Referrals to public metropolitan teaching/non-teaching hospitals for surgery has shown a gradual decrease from 1990-91 - 39 per cent - to 1993-94 - 31 per cent. Referrals to private metropolitan hospitals for surgery has shown an increase from 35 per cent to 45 per cent in the same period. Referrals to the combined wheatbelt hospitals have remained stable, despite Kellerberrin not providing a surgical service for the last two years. It is likely that people will continue to exercise their choice of access to private hospitals in the metropolitan area at their current rate. Those people who live within the postcodes but have easier or preferential access to alternative medical practitioners and hospitals will most likely continue to access those preferred services. A significant percentage of the cases which could feasibly be undertaken at Kellerberrin are women seeking gynaecological and obstetric procedures. These women will continue to choose to access these types of services from specialist women's services out of their local town.

- (8) Advice from the Kellerberrin hospital administration, following a comprehensive estimation of costs associated with commencement of major surgery, indicates -

Providing major surgery one day per month, start up year cost is \$44 966 and an ongoing annual cost of \$40 666 thereafter.

Providing major surgery two days per month, start up year cost is \$72 117 and an ongoing annual cost of \$67 817 thereafter.

The above does not include capital costs associated with replacement of equipment required for rapidly improving surgical technology or the life expectancy of existing equipment being exceeded. Nor does it include the cost of maintaining three nearby underutilised services. The cost estimate of the proposed needs assessment is in the vicinity of \$50 000.

- (9) No.

- (10) Not applicable.

**HOSPITALS - MT HENRY: SUNSET**  
*Nursing Home Beds Vacated; Admissions*

386. Dr GALLOP to the Minister representing the Minister for Health:

- (1) How many nursing home beds at Mt Henry Hospital have been vacated by death or departure since November 1993?
- (2) How many nursing home beds at Sunset Hospital have been vacated by death or departure since March 1994?
- (3) How many nursing home-type admissions have there been to Mt Henry Hospital since November 1993?
- (4) How many nursing home-type admissions have there been to Sunset Hospital since March 1994?

Mr MINSON replied:

The Minister for Health has provided the following reply -

The member's question is similar in part to his question of Wednesday, 1 June 1994 - No 285 - to which my answer was inadvertently confined to the number of patients transferred and omitted to include details of the nursing home beds vacated due to death. In response to the member's question of Wednesday, 8 June 1994, I advise as follows -

- (1) Forty general nursing home beds have been vacated by death or departure since November 1993. This includes 16 of the 18 patients transferred to the private sector nursing homes as indicated in my reply to the member's question of 1 June 1994. The remaining two patients were transferred during the period September 1993 to November 1993. Therefore, since November 1993, 24 nursing home beds have been vacated at the Mt Henry Hospital due to death.
- (2) Nine nursing home beds have been vacated by death or departure since March 1994.
- (3) Six admissions to general nursing home beds have occurred since November 1993.
- (4) There have been no nursing home type admissions to Sunset Hospital since March 1994.

#### HOSPITALS - HEATHCOTE

##### *Replacement Facilities; Mental Health, South Metropolitan Health Region*

391. Dr GALLOP to the Minister representing the Minister for Health:

- (1) What progress has been made in the process of developing new institutions and programs to replace Heathcote Hospital?
- (2) What is the Government's desired level and type of mental health service for the South Metropolitan Health Region when Heathcote is closed?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Substantial progress has been made in developing new purpose built replacement facilities on the Bentley and Fremantle Hospital sites. Projected practical completion dates for the Bentley and Fremantle units are 24 June 1994 and 16 August 1994 respectively.
- (2) When Heathcote Hospital closes, the two 50-bed units at Bentley and Fremantle Hospital will take over the provision of inpatient services for people in the southern half of the metropolitan area. The new units will be able to provide treatment for both voluntary and involuntary patients. A 16 bed psychiatric assessment unit for the treatment of elderly people with psychiatric problems is being developed as a new service for the South Metropolitan Health Region. An additional \$1.52m has been allocated for the development of community based services in the South Metropolitan Health Region -

\$500 000 for child and adolescent services

\$300 000 for housing support services

\$720 000 for additional community treatment and support services for people with mental illness.

Considering the total failure of the previous government to adequately plan for the provision of these services, the Government is pleased to be able to provide this additional funding to enhance the development of community based services in the South Metropolitan Health Region.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - FOSTER CARE  
*Children, Assessments and Placements*

395. Mr BROWN to the Minister for Community Development:

- (1) Since 1 July 1993 how many children have been assessed as suitable to be placed with foster parents?
- (2) How many children have been placed with foster parents?
- (3) What was the average period of time that elapsed between a child being assessed as suitable for placement with foster parents and actual placement?

Mr NICHOLLS replied:

- (1) Children are not assessed in terms of "suitability" but in terms of need for a particular type of placement. All children requiring placement in a fostering situation receive this type of care.
- (2) The department's information system identifies 926 children in placements between 1 July 1993 and 27 May 1994 with DCD foster carers. Of these, 509 have commenced placement since 1 July 1993.
- (3) In a recent study it was found that for all categories of placement, 43 per cent were placed on the day of referral for placement. A further 16 per cent were placed within one week of referral for placement.

POLICE - SOUTH PERTH STATION, MENDS STREET  
*Fence, Re-erection*

398. Mr PENDAL to the Minister for Police:

Given that the full aesthetic value of the heritage building, in Mends Street, South Perth, used as the local police station, has been revealed recently by the demolition of its boundary fence, due to storm effects, can the Minister -

- (a) intervene so that the police station fence is not replaced, thus leaving the building to be enjoyed by the passing public?
- (b) if not, what are the reasons?

Mr WIESE replied:

(a)-(b)

While I understand that in cases like this I can intervene, I also must take advice from the Commissioner of Police. In this case the Police Department has indicated the fence was blown down during the recent severe storms and the department was concerned about the security of the premises and vehicles, particularly after normal business hours, if the fence was not replaced.

I understand that representatives of the Police Department met on site with South Perth Councillor Marjorie Barker, who is also on the Heritage Council, on Thursday, 2 June to discuss this matter. The police representative explained the problem of security to Cr Barker who, I understand, accepted the need for security. While Cr Barker found it unfortunate that re-erection of the fence did conceal some of the building, it was agreed that the attractiveness of the building was clearly visible from the front at Mends Street and Labouchere Road.

I am also advised that some maintenance has been recently carried out on the building and that the department and the officers stationed at South Perth are keen to keep the building and surrounds in good order, to the satisfaction of the local community.

**SUBIACO OVAL - WEST AUSTRALIAN FOOTBALL COMMISSION**  
*Funding Submission*

400. Mrs ROBERTS to the Treasurer:

- (1) Has the Government received a submission from the West Australian Football Commission seeking funds to resurface Subiaco Oval?
- (2) If so, how much money is the WAFC requesting?
- (3) Has the Government received other submissions from the WAFC seeking funds for Subiaco Oval?
- (4) If so, how much money is the WAFC requesting and for what purposes?

Mr COURT replied:

- (1) Yes.
- (2) \$750 000.
- (3)-(4) In response to a request from the WAFC, the Government reinstated \$900 000 of a \$4.9m government surety which was approved in 1990 and related to BankWest loans to the commission. This facilitated a borrowing by the WAFC of \$900 000 from BankWest to assist the commission in financing the construction of the southern stand at Subiaco Oval. Additional information relating to cost of the southern stand -

Commonwealth Government	\$8 000 000
BankWest	\$3 100 000
Reinstatement of loan balance	\$900 000
WAFC internal funds	<u>\$300 000</u>
	\$12 300 000

**FIRE BRIGADE - BALCATTa FIRE STATION, CLOSURE OR RELOCATION**

402. Mr CATANIA to the Minister for Emergency Services:

- (1) Is the fire station in Balcatta being considered for closure or relocation?
- (2) If so, why?
- (3) What facility will remain for firefighting in the Balcatta and surrounding districts serviced by the station?

Mr WIESE replied:

- (1) Yes, the Western Australian Fire Brigades Board is considering relocating the Balcatta Fire Station to the Padbury area in 1995-96.
- (2) The Balcatta Fire Station was built in 1971 to service the north west corridor for the then foreseeable future. The WAFBB has determined that a more efficient and extensive coverage of the north west corridor can be achieved by the relocation of the Balcatta Fire Station.
- (3) The majority of the current area serviced by the Balcatta Fire Station will continue to be serviced from the planned new site. The remainder will be serviced from Osborne Park, Bedford and Perth Fire Stations, whose response zones overlap Balcatta's response zone. The existing standard response time will be maintained to all houses and businesses currently serviced from the Balcatta fire stations and many homes and businesses not currently able to be covered within the standard response time will be covered when the relocation has been completed.

**IMMUNISATION - OF CHILDREN**

*Federal and State Allocations; Expenditure; Numbers and Diseases; Infections*

415. Dr CONSTABLE to the Minister representing the Minister for Health:

- (1) What was the total amount allocated in each year from 1991 to 1994 to child immunisation programs in Western Australia from



- (d) how many times has the task force met and what matters has it considered;
- (e) when is the task force expected to report;
- (f) to whom will the task force report;
- (g) will the report of the task force be made available to the public?
- (3) If not -
  - (a) why not;
  - (b) when will the Government appoint members?

Mr NICHOLLS replied:

- (1) Yes.
- (2) (a)-(b) Mrs Muriel Patterson - member of Legislative Council  
 Mr Bob Bowers - retired police superintendent  
 Mr Jim Crawley - social worker (private practice)  
 Dr Suzanne Dobson - psychiatrist (private practice)  
 Mrs Kath French - community worker, Chairperson, Advisory and Coordinating Committee on Child Abuse  
 Miss Beryl Grant - community worker, Chairperson, Child Care Services Board  
 Mr Robert Keall - retired judge  
 Ms Shirley Little - barrister and solicitor  
 Mr Tony Schneider - clinical and educational psychologist  
 Mr Arthur Slater - Aboriginal community worker  
 Dr Alan Tapper - lecturer  
 Ms Guiseppa Vitale - social worker (community organisation)  
 Mr Gary Bowler - Department for Community Development
- (c) 4 May 1994.
- (d) The task force has met once. The task force considered its terms of reference the process by which it will achieve these.
- (e) The task force has a 12 month operating period.
- (f) Minister for Community Development; the Family.
- (g) It is envisaged that a public document will be produced, although the task force may choose to use other mechanisms to disseminate information, subject to the Minister's approval.

- (3) Not applicable.

# **INCINERATORS - INDUSTRIAL, LICENSING UNDER ENVIRONMENTAL PROTECTION ACT REGULATIONS**

## *Stephenson and Ward Incinerator, Environmental Pollution Survey*

421. Mrs HENDERSON to the to the Minister for the Environment:

- (1) When will the Minister introduce amendments to regulations to allow the licensing under the Environmental Protection Act of all industrial incinerators in the state as the Minister undertook to do in his ministerial statement of 6 December 1993?
- (2) In relation to the Stephenson and Ward incinerator of 422 Welshpool Road, Welshpool, has the Department of Environmental Protection conducted a survey of environmental pollution in the area near the incinerator -
- (3) If so -
  - (a) when was the survey conducted;
  - (b) who in the EPA conducted it;

- (c) what question/s did the surveyor ask of residents;
- (d) in which streets did surveyed residents live;
- (e) why was the survey conducted?

Mr MINSON replied:

- (1) There are no industrial incinerators operating in Western Australia. On 10 June 1994 changes to the Environmental Protection Act regulations were published in the *Government Gazette* enabling the Department of Environmental Protection to license biomedical waste incinerators. This is the major issue of concern as was highlighted in the recent ministerial inquiry into the operation of the Stephenson and Ward incinerator. The Department of Environmental Protection is advanced in its biomedical waste incinerator program. This program is to license, by June 1996, all biomedical waste incinerators complying with internationally accepted guidelines of operation and emission control.

(2)-(3) No.

#### YEAR OF THE FAMILY - GRANTS TO ORGANISATIONS

##### *Salary and Staff Oncosts*

422. Mr BROWN to the Minister for Community Development:

- (1) What is the total anticipated salary and staff oncosts for staff who have responsibility for organising the Year of the Family?
- (2) What organisations have been provided with a grant as part of the Year of the Family?
- (3) What amount was granted to each organisation?
- (4) What was the purpose of each grant?
- (5) How many grants were made available to organisations situated in each Assembly electorate?

Mr NICHOLLS replied:

- (1) \$169 000 salaries and \$6 300 on costs being workers' compensation insurance to 30 June 1994.

(2)-(5)

See attached list of Year of the Family community grants scheme. [See paper No 210.]

#### YEAR OF THE FAMILY - INTERNATIONAL, REJECTION

424. Dr WATSON to the Minister for the Family:

- (1) Is the Minister aware that Western Australia is the only Australian State to reject action for the International Year of the Family and its logo?
- (2) On what grounds did he decide to promote a WA Year of the Family?

Mr NICHOLLS replied:

- (1) No.
- (2) As a response to the International Year of the Family, to focus on families in Western Australia and ensure that projects and initiatives are relevant to families living in Western Australia.

#### MULTICULTURAL WOMEN'S HEALTH CENTRE, FREMANTLE - COUNSELLING SERVICES, DEMAND LEVEL

425. Dr WATSON to the Minister representing the Minister for Health:

What is the current level of demand for counselling services at the Multicultural Women's Health Centre in Fremantle?



Mr MINSON replied:

The Minister for Health has provided the following reply -

The current level of demand for counselling services at the Multicultural Women's Health Centre in Fremantle is indicated by a six to eight week waiting list for the social worker. The demand is also evidenced by the perpetually large number of calls and inquiries to the centre regarding counselling services. A multicultural psychiatric nurse has been deployed by the HDWA to the Fremantle area and works from the MWHC one afternoon per week. The South Metropolitan Health Service is currently undertaking a mental health promotion/depression prevention project for women in conjunction with the women's health services in the region. The aim of this project is to reduce the demand on counselling services within the region. Funding has recently been provided to the MWHC for five projects. This includes a post natal depression therapeutic group, a life skills course for mothers, an over fifties challenge group and two courses covering self-esteem, assertiveness and stress management.

#### STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - MOTOR VEHICLES

##### *New Purchases, Expenditure; Dealerships, Expenditure*

427. Mr RIPPER to the Minister for Energy:

- (1) How much has the State Energy Commission of Western Australia spent to date in 1993-94 on the purchase of new motor vehicles?
- (2) How much has been spent with each dealership supplying vehicles to SECWA in 1993-94?

Mr C.J. BARNETT replied:

- (1) \$6 794 023 on passenger vehicles, light commercials and trucks.
- (2) SECWA motor vehicles supplied by -

City Motors (1981) Pty Ltd	\$1 795 258
Lynford Motors Pty Ltd	\$1 072 598
Major Motors Pty Ltd	\$405 550
Master Motors Pty Ltd	\$844 647
Mitsubishi Motors	\$784 868
(Skipper, Southside, Paceway)	
Prestige Toyota	\$1 026 404
Parkland Mazda	\$96 622
Mazda WA Pty Ltd	\$442 196
Shacks Holden	\$21 505
Manley Rentals	\$34 716
Marley White	\$16 500
Barnesby Ford	\$19 359
Ingrey Ford	\$16 548
Alf Barbagallo	\$217 252

#### SOUTH WEST DEVELOPMENT AUTHORITY - PEEL DEVELOPMENT COMMISSION

##### *Lots, Rural, Special Rural and Residential, Approved in Shires Covered*

428. Mr D.L. SMITH to the Minister for Planning:

For each month since the 1 February 1993, how many -

- (a) rural;
  - (b) special rural or residential;
  - (c) residential
- lots have been given -

- (i) preliminary approval;
- (ii) final approval;

in each of the shires covered by the South West Development Commission and the Peel Development Commission?

The answer was tabled.

[See paper No 211.]

#### COMMUNITY DEVELOPMENT, DEPARTMENT FOR - VACANCIES

429. Mr BROWN to the Minister for Community Development:

In the Department of Community Development:

- (a) how many positions were vacant on -
  - (i) 1 January 1994;
  - (ii) 1 February 1994;
  - (iii) 1 March 1994;
  - (iv) 1 April 1994;
  - (v) 1 May 1994;
  - (vi) 1 June 1994;
- (b) what was the classification of each vacancy;
- (c) how many vacancies were filled -
  - (i) within one month of the position becoming vacant;
  - (ii) within two months of the position becoming vacant;
  - (iii) more than two months after the positions becoming vacant?

Mr NICHOLLS replied:

- (a)-(c) The department has an approved average staffing level allocated in FTE terms for each financial year. The allocation from 1 January 1994 is 1 092 FTEs. Underutilisation of FTE in the department for the months of January and February 1994 was as follows -

January	25 FTE
February	21 FTE

Since March 1994 the department has been fully utilising the FTE allocation. To provide the detailed information outlined in the questions would take considerable time and resources. If the member has a specific concern I would be happy to address that.

#### HEALTH DEPARTMENT OF WESTERN AUSTRALIA - SPEECH THERAPY SERVICES

##### *Full-time Equivalents*

430. Dr GALLOP to the Minister representing the Minister for Health:

How many full time equivalents have been allocated for the provision of speech therapy services by the Health Department in each of the following years -

- (a) 1990-91;
- (b) 1991-92;
- (c) 1992-93;
- (d) 1993-94;
- (e) 1994-95?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (a) 67.35

- (b) 68.69
- (c) 74.24
- (d) 76.25
- (e) 78.16

Note: An additional 0.66 FTE are expected to be added to establishment in October 1994 with the opening of the redevelopment at Swan Health Service.

**HOSPITALS - SIR CHARLES GAIRDNER**  
*Digital Subtraction Angiography Equipment Purchase*

431. Dr GALLOP to the Minister representing the Minister for Health:

Has the Health Department agreed to purchase Digital Subtraction Angiography equipment for Sir Charles Gairdner Hospital as part of the 1994-95 budget?

Mr MINSON replied:

The Minister for Health has provided the following reply -

No, funds were included in the 1994-95 Budget but other avenues to provide this equipment are being explored.

**MULTICULTURAL WOMEN'S HEALTH CENTRE, FREMANTLE - WOMEN,  
ACCESS STATISTICS; WAITING LISTS; BUDGET ALLOCATION**

432. Dr GALLOP to the Minister representing the Minister for Health:

- (1) How many women access the Multicultural Women's Health Centre in South Street, Fremantle each month?
- (2) How many of the services offered by the centre have waiting lists?
- (3) What was the Budget allocation for the centre in 1993-94?
- (4) What will be the Budget allocation for the centre in 1994-95?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Approximately 500 women access the Multicultural Women's Health Centre in Fremantle each month.
- (2) The following services offered by the centre have waiting lists -
  - Doctors
  - Social Worker
  - Self Esteem Groups
  - Post Natal Depression Therapeutic Group
  - Preparation for Child Birth Course
- (3) The Budget allocation for the centre in 1993-94 was \$187 500.
- (4) The centre's submission for funding in 1994-95 is currently being assessed by the contracts bureau of the Health Department. The Budget allocation should be determined within the next few weeks.

**HOSPITALS - SUNSET**  
*Closure*

433. Dr GALLOP to the Minister representing the Minister for Health:

- (1) Did the Minister for Health meet with the City of Nedlands on Wednesday 16 May 1994 to discuss the future of the Sunset Hospital?
- (2) Did the Minister indicate at that meeting that the closure of Sunset was "immanent (sic) in accordance with government policy to privatise nursing home care" (Council Minutes 22 March 1994)?

- (3) Why then did the Minister criticise North Metropolitan Region staff for announcing the closure of the hospital in March 1994?
- (4) Had not the Minister indicated to the North Metropolitan Region that Sunset had to close because of State Government policy?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) The Minister for Health indicated to the City of Nedlands that in accordance with the nursing home policy - nursing home care should be provided in suburban sites in appropriate facilities and not in large substandard institutions - he was expecting a report from the North Metropolitan Health Region that may lead ultimately to the closure of Sunset Hospital.
- (3) Because they did not prepare the documentation for him and have his approval prior to any announcement. In any event, as mentioned in other answers on this subject, the intent is to relocate residents, not to close Sunset and without a proper and properly communicated plan for relocation the relocation will not be permitted to occur.
- (4) See answer to (2).

#### HOSPITALS - SUNSET

##### *Closure*

434. Dr GALLOP to the Minister representing the Minister for Health:

- (1) Has the Minister for Health received a report from the North Metropolitan Health Region outlining plans for the closure of Sunset Hospital?
- (2) If yes, when will he be making an announcement on the future of Sunset?
- (3) Will the Minister consult with the staff, patients, and/or their friends and relatives from Sunset before making a final decision (see my letter to the Minister for Health on 4 May 1994)?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) The announcement on the closure of Sunset Hospital was made on 22 July 1994.
- (3) A meeting was held with staff, patients and/or their friends and relatives from Sunset. Consultation will continue as to the implementation of the Government's policy so far as it affects Sunset.

#### NURSING HOMES - BEDS VACATED OR PRIVATISED

##### *Staff Surplus*

435. Dr GALLOP to the Minister representing the Minister for Health:

- (1) How many State Government nursing home beds are expected to be vacated and/or privatised in the health budget for 1994-95?
- (2) How many staff will become surplus to the needs of the Health Department in 1994-95 because of the privatisation of State Government home beds?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) Eighty. An additional 133 are subject to the plan for relocation of Sunset Hospital receiving my endorsement.
- (2) Approximately 293. However, it is not possible to provide a definitive number as many may be absorbed into other health services.

**SCHOOL DENTAL SERVICES - AUTOCLAVABLE HANDPIECES PROVISION**

436. Dr GALLOP to the Minister representing the Minister for Health:

- (1) How many school dental clinics will receive autoclavable handpieces before the end of the 1993-94 financial year?
- (2) Which school dental clinics have received or will receive autoclavable handpieces before the end of the 1993-94 financial year?
- (3) Has provision been made in the 1994-95 State budget for the purchase of autoclavable handpieces to be used in school dental clinics?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1)-(2)

This specialised equipment is not manufactured in Australia. Tenders have been called and a decision is imminent, however it is unlikely that any handpieces will be available for installation in the school dental clinics before the end of the 1993-94 financial year.

(3) Funds will be made available for this purpose in 1994-95.

**ALCOHOL AND DRUG AUTHORITY - CHANGES**

437. Dr GALLOP to the Minister representing the Minister for Health:

- (1) What changes are being proposed for the Alcohol and Drug Authority in 1994-95?
- (2) Where will staff who are currently employed by the authority be relocated?
- (3) What will happen to the programs that are currently run by the authority?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) The Alcohol and Drug Authority will continue as a separate authority operating its services under contract with the State Health Purchasing Authority.

(2)-(3)

Not applicable.

**DISABILITY SERVICES - STANDARDS IMPLEMENTATION**

443. Dr WATSON to the Minister for Disability Services:

In relation to the Government's commitment to Disability Services Standards -

- (a) By when will the standards be implemented;
- (b) Will all of the standards be implemented together or will they be prioritised;
- (c) If so, which will have highest priority;
- (d) How will standards implementation be monitored and assessed;
- (e) Will assessments be made public;
- (f) If so, by what process?

Mr MINSON replied:

- (a) It is a requirement of the Commonwealth-State disability agreement that services make significant progress toward meeting the standards by 31 December 1995.
- (b) The Disability Services Commission is proposing a process which puts an emphasis on finding ways of assisting services to improve their performance rather than focusing on shortcomings, and of assisting consumers to understand and participate in the process of assuring the quality of the services they receive. A disability services standards reference group is being established to guide the process of implementation and monitoring. This group will be representative of service providers and consumers.
- (c) The process of prioritising standards for implementation will be negotiated at service level with service providers.
- (d) A standards monitoring process which is educative and developmental as well as serving as an accountability tool for service providers to funding agencies and consumers is being developed.
- (e) Through the assessment and monitoring process service providers will be accountable at both a funding and consumer level. It is not intended that assessments will be made public.
- (f) Not applicable.

**HOMESWEST - HOMES, DEMOLITION COSTS**  
*Tenants Debited, New Housing*

445. Dr WATSON to the Minister for Housing:

- (1) Have any Homeswest tenants been debited with the demolition costs associated with homes in which they were former tenants?
- (2) If so, how many such cases have there been?
- (3) In which regions?
- (4) What amounts have been involved in the demolition costs?
- (5) Where would such tenants then be housed?

Mr PRINCE replied:

- (1) Yes but only in exceptional circumstances.
- (2)-(4) Records are not kept.
- (5) Each case is assessed on its merits.

**HOMESWEST - ABORIGINAL TENANTS**  
*Towns and Regions Percentage; Support Programs*

446. Dr WATSON to the Minister for Housing:

- (1) What percentage of Homeswest tenants are Aboriginal tenants in each of the following towns -
  - (a) Kununurra;
  - (b) Wyndham;
  - (c) Halls Creek;
  - (d) Fitzroy Crossing;
  - (e) Derby;
  - (f) Broome?
- (2) What percentage of Homeswest tenants are Aboriginal tenants in each of the following regions -
  - (a) Pilbara;

- (b) mid west;
  - (c) south west;
  - (d) eastern goldfields;
  - (e) great southern;
  - (f) metropolitan?
- (3) In each of the above what support programs, if any, does Homeswest fund for those tenants/families identified as requiring some assistance to remain tenants?
- (4) Will the Government expand and augment such programs?

Mr PRINCE replied:

- (1)-(2) Homeswest does not record its number of Aboriginal tenants as this is contrary to the Equal Opportunities Act. From time to time Homeswest estimates percentages.
- (3) The special housing assistant program is currently operating in the Pilbara, mid west and metropolitan.
- (4) Yes.

#### HOMESWEST - TENANT LIABILITY

448. Dr WATSON to the Minister for Housing:

- (1) What is the average amount of outstanding tenant liability for Homeswest tenants in debit to Homeswest across the state?
- (2) What is the average amount of tenant liability for Homeswest tenants for each Homeswest region?
- (3) What is the average amount of tenant liability for Homeswest tenants for -
  - (a) Kununurra;
  - (b) Port Hedland;
  - (c) Carnarvon;
  - (d) Kalgoorlie;
  - (e) Esperance;
  - (f) Bunbury;
  - (g) Albany;
  - (h) Girrawheen;
  - (i) Queens Park;
  - (j) Subiaco?

Mr PRINCE replied:

- (1) \$9.37 - per account for current tenants as at the end of May 1994.
- (2)
 

Mirrabooka	\$4.55
Fremantle	\$6.11
Cannington	\$5.32
Albany	\$15.93
Bunbury	\$5.46
Kalgoorlie	\$21.00
Geraldton	\$18.31
South Hedland	\$27.75
Broome	\$31.32

These figures represent the average amount outstanding per account for current tenants as at the end of May 1994.

- (3) This information is not recorded in the format and would require some research. If the member would clarify why it is needed, I will reconsider.

**SCHOOLS - BECKENHAM PRIMARY**  
*Cleaners Employment; Cleaning Hours per Week*

450. Dr WATSON to the Parliamentary Secretary to the Minister for Education:

- (1) How many hours cleaning per week was done at Beckenham Primary School to the end of May 1994?
- (2) How many hours per week is cleaning presently done at Beckenham Primary School?
- (3) At the end of 1993, how many school cleaners worked at Beckenham Primary School?
- (4) How many ministry cleaners are currently employed at Beckenham Primary School?
- (5) How many contract cleaners are currently employed at Beckenham Primary School?

Mr TUBBY replied:

The Minister for Education has provided the following response -

- (1) 80 hours per week.
- (2) 55 hours per week.
- (3)-(4) Four cleaners.
- (5) None.

**TAB - DISTRIBUTION RATIO BETWEEN RACING AND TROTTING**  
*65:35 Change*

451. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

- (1) Why did the Minister decide to fix the Totalisator Agency Board distribution between racing and trotting at 65:35 in advance of the report from the Public Accounts and Expenditure Review Committee inquiry into this matter?
- (2) Will the Government bring legislation to Parliament to formalise this change?
- (3) If so, when?

Mr COWAN replied:

- (1) As there was no firm date for the release of the Public Accounts and Expenditure Review Committee's report the Government was conscious of the need to advise the WA Turf Club and the WA Trotting Association of any changes to the distribution formula in sufficient time to be incorporated in their respective budgets for the 1994-95 financial year.
- (2) No.
- (3) Not applicable.

**TAB - TURNOVER TAX, 1 PER CENT REDUCTION**

452. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

- (1) Does the Government intend to introduce legislation to reduce the levy on Totalisator Agency Board turnover from 6 per cent to 5 per cent?
- (2) (a) If yes, when will the legislation be presented to Parliament;  
 (b) is a draft of the legislation available for perusal by the racing industry?
- (3) If legislation will not be introduced, why not?
- (4) In the absence of legislation to reduce the levy formally how is the



Government implementing its commitment to contain the levy for practical purposes at 5 per cent?

- (5) Have any special conditions been attached to additional payments to the racing codes following the administrative reduction of the levy to 5 per cent?
- (6) If yes, what are these conditions?

Mr COWAN replied:

- (1) No.
- (2) (a) Not applicable.  
(b) No.
- (3) Legislation is not necessary because the 1 per cent reduction in TAB turnover tax is being rebated to the racing codes through an annual appropriation to the Office of Racing and Gaming.
- (4) By rebating the 1 per cent to the racing codes.
- (5) Yes. The conditions imposed by the Labor government have been continued.
- (6) The WATC is to allocate \$50 000 per year to Lark Hill from the WATC's allocation of Racecourse Development Trust funds. The WATA is to provide at least \$300 000 per year towards sires stakes racing programs.

#### **RACING INDUSTRY - RACING EQUITY GROUP, INDEPENDENT AUDIT INTO THREE RACING CODES**

453. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

- (1) Has the Minister seen a press release from a group known as Racing Equity calling on him "to commission an independent Eastern States business consulting firm to conduct an audit into the three racing codes to focus on their respective management practices against Best practices in their States" before altering the Totalisator Agency Board distribution ratio?
- (2) Will the Minister commission such independent audits?
- (3) If not, why not?

Mr COWAN replied:

The Minister for Racing and Gaming has supplied the following response -

- (1) Yes.
- (2) No.
- (3) Because the Racing Equity Group has no recognised standing in the racing industry.

#### **STEPHENSON AND WARD INCINERATOR - SCRUBBER INSTALLATION**

459. Mrs HENDERSON to the Minister for Planning:

- (1) Further to question on notice 361 of 1994, and the Minister's statement that "the application was not for a new incinerator, the application was only for the installation of new acid gas scrubber equipment", is it possible to fit the proposed new acid scrubber equipment to the existing incinerator plant?
- (2) If not -
  - (i) what modifications need to be made to the existing incinerator plant before this scrubber can be fitted;

- (ii) following the modifications, will the incinerator plant occupy exactly the same location as the current plant;
- (iii) if not, where in relation to the current site will it be located?
- (3) In relation to an Environmental Protection Authority, Department of Environmental Protection notice in *The West Australian* of 11 June 1994, what is the nature of the required "upgrade" to the Stephenson and Ward Incinerator prior to installation of the pollution control equipment?
- (4) Is there a requirement to apply for planning and development approval to the local council under the town planning scheme in order to install a scrubber to the existing incinerator plant at 422 Welshpool Road, Welshpool?
- (5) Has the Minister seen the plans and designs for the pollution control equipment to be fitted to the Stephenson and Ward Incinerator?
- (6) If not, why not?
- (7) Where will medical waste be burnt prior to the proposed pollution control equipment being fitted to the Stephenson and Ward Incinerator?

Mr LEWIS replied:

- (1) Yes.
- (2) Not applicable.
- (3) It is the installation of the pollution control equipment which will upgrade the existing facility.
- (4) Yes.
- (5) No.
- (6) Relevant plans will be viewed prior to determining the appeal.
- (7) Current arrangements will continue at the major teaching hospitals and Stephenson and Ward.

#### SEWERAGE - BROCHURE TO HOUSEHOLDS

462. Mr BROWN to the Minister for Water Resources:

- (1) Was the brochure prepared by the State Government on its 10 year deep sewerage plan delivered to each household in the metropolitan area?
- (2) If so, what was the purpose of delivering the brochure to households already serviced by deep sewerage?
- (3) Did the Government intend to distribute more than one brochure to each house?

Mr OMODEI replied:

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

#### INCINERATORS - GOVERNMENT HOSPITAL

465. Mrs HENDERSON to the Minister for the Environment:

- (1) Which Government hospital incinerators are still operating?
- (2) How many days per week does each one operate?

Mr MINSON replied:

- (1)-(2) The Department of Environmental Protection is conducting a survey of government hospitals to ascertain this information as part of its licensing strategy. The survey has recently commenced and will be completed by the end of July 1994.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

467. Mr D.L. SMITH to the Deputy Premier; Minister for Commerce and Trade:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr COWAN replied:

- (a) None.
- (b) Four positions from the closure of the South West Minister's Office. The Small Business Development Corporation's Bunbury office has been closed and the FTEs have been transferred to other agencies.
- (c) Funding by the Peel and South West Development Commissions has been on a project/application basis. Details of grants made are contained within the relevant annual reports. The Department of Commerce and Trade provides grants to community based associations in order to establish and operate local business enterprise centres. For the 1994-95 financial year, I have approved funding for 36 such centres of which 32 are currently established. In the 1993-94 financial year -
  - (i) no centres had their funding declined;
  - (ii) no centres had their funding withdrawn;
  - (iii) twenty-six centres had their funding renewed and 10 new centres have been funded. It is proposed to renew funding for all 36 centres in the 1994-95 financial year.
- (d) The annual savings to the South West Development Commission from the closure of the South West Minister's Office are estimated to be \$234 000.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

468. Mr D.L. SMITH to the Minister for Resources Development; Energy:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr C.J. BARNETT replied:

- (a) From February 1993 to 17 June 1994, 206 voluntary redundancies were approved by SECWA.
- (b) 206 - SECWA policy is for each redundancy offered, a position is abolished from the labour force establishment. Positions have been abolished across the organisation and in many different classifications.
- (c) Not applicable.
- (d) I am advised the estimated saving to SECWA of the 206 redundancies is \$6m a year.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

470. Mr D.L. SMITH to the Minister Representing the Minister for Mines; Lands:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr C.J. BARNETT replied:

The Minister for Mines; Lands has provided the following reply -

Department of Minerals and Energy -

- (a) Nil.
- (b) Three - Executive Officer L5, Research Officer L4 Officer L1, all within the Coal Industry Council office in Collie.
- (c) Nil.
- (d) During 1993-94 the Western Australian Coal Industry Council based in Collie was abolished. The total savings in 1993-94 - including salaries and operating costs - is \$99 000. Full year savings will be \$150 000 per annum.

**Department of Land Administration -**

- (a) One.
- (b) One - Regional Registration Officer L4.
- (c) Not applicable.
- (d) \$6 311.99 - 1993-94 financial year  
\$37 180.30 - 1994-95 financial year.

**Western Australian Land Authority -**

- (a) Fourteen.
- (b),(d) Thirty-five -  
In 1993-94 salary savings from redundancies amounted to \$87 905.  
Figures below relate to (a) and (b) staff numbers -

**Annual Savings Salary Program**

13 Landscape crew	21 289
	23 403
	22 274
	19 427
	20 927
	21 648
	30 824
	24 692
	23 403
	23 403
	21 874
	24 798
	13 074
1 Manager Special Projects	56 567
1 Senior Marketing Officer	42 815
1 Public Affairs Officer	42 815
1 Marketing Officer	36 688
1 Promotions Officer	29 573
2 Clerical officers	25 617
	29 573
2 Receptionists - combined	25 617
1 Project Accountant	36 688
1 Secretary	29 573
1 Director, Regional Centres	73 888
2 Urban Designers - combined	73 376
1 Community Development Officer	36 688
1 Economics Initiative Manager	36 688
1 Information & Research Officer	29 573
1 Administration Officer	29 573
1 Architect	42 815
1 Manager Estate Construction	50 059
1 Draftsperson	42 815
1 Records Officer	25 617
	\$1 087 654
Annual Savings Salary Program - brought forward	\$1 087 654
Less Redundancy Costs -	
13 Landscape Crew	8 959
	9 005
	10 864
	5 527

	9 189
	9 065
	12 974
	10 204
	5 573
	8 316
	7 194
	12 136
	5 863
1 Senior Marketing Officer	28 713
	<u>\$143 582</u>
	\$944 072

It should be noted that while all positions were effectively abolished in the implementation of the restructure, those which were treated as like-to-like transfers have not been included as costings were not affected.

Salary savings for 1993-94 will be approximately \$629 381 and \$944 072 in a full year.

Relating to (c)(i) & (ii) Not applicable.

Relating to (c)(iii) 1993-94 \$50 000 sponsorship plus secondment of one staff member at \$50 000 pa absorbed by LandCorp.

1994-95 \$30 000 sponsorship, no staff support provided.

(c) (i)-(ii) Nil.

(iii) Regional Economic Development Group.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

475. Mr D.L. SMITH to the Minister for Water Resources; Local Government:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr OMODEI replied:

Water Authority

- (a) 16 since 1 July 1993

- (b) 13 (i)11 wages  
(ii)2 salaries.
- (c) None.
- (d) Full year wages and salaries impact is estimated at \$411 000. Actual savings is less as portion of work is now contracted out.

Local Government -

(a)-(b),(d)

In relation to councils within the areas described I am unable to answer the questions as each council is autonomous and does not provide such information to the State Government.

(c) None.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

476. Mr D.L. SMITH to the Minister representing the Minister for Health; the Arts; Fair Trading:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr MINSON replied:

The Minister for Health; the Arts; Fair Trading has provided the following response -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question I will be pleased to respond.

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

479. Mr D.L. SMITH to the Minister for Labour Relations; Works; Services; Multicultural and Ethnic Affairs:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr KIERATH replied:

The member's question is not clear; however, if the information requested relates to employees of departments and agencies within my jurisdiction which are located within the areas covered by the South West Development Commission and the Peel Development Commission, then the following is provided in respect to the 1993-94 financial year. I also refer the member to my answer to question 239 of 1993.

- |     |   |     |
|-----|---|-----|
| (a) | Department of Productivity and Labour Relations       | Nil |
|     | Building Management Authority                         | Nil |
|     | Department of Occupational Health, Safety and Welfare | Nil |
|     | Department of State Services                          | Nil |
| (b) | Department of Productivity and Labour Relations       | Nil |
|     | Building Management Authority                         | Nil |
|     | Department of Occupational Health, Safety and Welfare | Nil |
|     | Department of State Services                          | Nil |
| (c) | See part (2) of answer to question 239 of 1993.       |     |
| (d) | Not applicable.                                       |     |

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

480. Mr D.L. SMITH to the Minister for Police; Emergency Services:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

Mr WIESE replied:

- |     |                               |     |
|-----|-------------------------------|-----|
| (a) | Police                        | Nil |
|     | Police Licensing and Services | Nil |
|     | Bush Fire Board               | Nil |
|     | WA Fire Brigades Board        | Nil |



- |     |                               |   |
|-----|-------------------------------|---|
| (b) | Police                        | Nil   |
|     | Police Licensing and Services | One. Examiner Manjimup.   |
|     | Bush Fire Board               | Nil   |
|     | WA Fire Brigades Board        | Nil.  |
| (c) | (i) Police                    | Not applicable  |
|     | Police Licensing and Services | Not applicable  |
|     | Bush Fire Board               | Not applicable  |
|     | WA Fire Brigades Board        | Not applicable  |
|     | (ii) Police                   | Not applicable  |
|     | Police Licensing and Services | Not applicable  |
|     | Bush Fire Board               | Not applicable  |
|     | WA Fire Brigades Board        | Not applicable  |
|     | (iii) Police                  | Not applicable  |
|     | Police Licensing and Services | Not applicable  |
|     | Bush Fire Board               | Not applicable  |
|     | WA Fire Brigades Board        | Not applicable.   |
| (d) | Police                        | Not applicable  |
|     | Police Licensing and Services | None, position abolished in restructure of vehicle safety branch and utilised elsewhere |
|     | Bush Fire Board               | Not applicable  |
|     | WA Fire Brigades Board        | Not applicable  |

**GOVERNMENT DEPARTMENTS AND AGENCIES - SOUTH WEST  
DEVELOPMENT COMMISSION AND PEEL DEVELOPMENT COMMISSION  
AREAS**

*Staff Redundancies; Positions Abolished; Community Group Funding; Saving*

481. Mr D.L. SMITH to the Minister for Planning; Heritage:

With respect to the areas covered by the South West Development Commission and the Peel Development Commission and with respect to each and every agency, board, department, statutory authority, commission or other organisation for which the Minister may be responsible, or which may operate under a Statute for which the Minister may be responsible -

- (a) how many staff have been made redundant;
- (b) how many and what positions have been abolished;
- (c) what community groups have had their funding -
  - (i) declined;
  - (ii) withdrawn;
  - (iii) renewed;
- (d) what has been the total saving to the State Government in respect to each redundancy and/or reduction?

**The answer was tabled.**

[See paper No 212.]

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - MOTOR  
VEHICLES  
*Lease Arrangements***

484. Mr RIPPER to the Minister for Energy:

- (1) Will the Minister describe the arrangements under which the State Energy Commission of Western Australia leases motor vehicles?

- (2) What safeguards exist to ensure that competing suppliers have a fair opportunity to supply SECWA's motor vehicle requirements?
- (3) Which companies have leased vehicles to SECWA in 1993-94?
- (4) What payments have been made to each of these companies in 1993-94?

Mr C.J. BARNETT replied:

- (1) SECWA does not lease motor vehicles.
- (2) Motor vehicles are supplied in accordance with the State Supply Commission contract for the supply of motor vehicles. Motor vehicles not included in the State Supply Commission contract are tendered. Tenders are issued to potential suppliers in Western Australia and Australia wide if required. Tenders are issued for heavy trucks.
- (3)-(4) None.

#### ELLENBROOK - REGISTER OF NATIONAL ESTATE LISTING

485. Mrs HENDERSON to the Minister for the Planning:

- (1) Will the Minister advise whether he is aware of the decision by the Australian Heritage Commission to list approximately 1 800 hectares of Ellenbrook and surrounding areas on the register of the National Estate?
- (2) Will the Minister review the proposed route for the Perth to Darwin national highway as the highway passes through the area to be listed?
- (3) If not, why not?
- (4) Will the Minister advise why the Ellenbrook development should proceed on any of the land to be listed by the AHC?
- (5) Does the Minister have any respect for the AHC and its role and purpose?
- (6) If not, why not?
- (7) What action will the Minister take in response to the listing?

Mr LEWIS replied:

- (1) There has been no formal advice from the Australian Heritage Commission to the Western Australian Government regarding a proposed listing of Ellenbrook. The AHC has made it clear that listing by the commission does not preclude its future development.
- (2)-(7) See (1).

#### HEALTH DEPARTMENT OF WESTERN AUSTRALIA - NURSING AND NON-NURSING STAFF EMPLOYMENT, HOSPITALS AND PERMANENT CARE UNITS *South West Development Commission and the Peel Development Commission Areas*

487. Mr D.L. SMITH to the Minister for Health:

What was the total number of -

- (a) nursing staff;
- (b) non-nursing staff;

employed at each of the hospitals and permanent care units in areas covered by the South West Development Commission and the Peel Development Commission for each of the years 1988-94 as at 30 April in each of these years?

Mr MINSON replied:

The Minister for Health has provided the following reply -

The information sought would require considerable research and I am not

prepared to allocate resources for this purpose. If the member has a specific question I will be pleased to respond.

**SOUTH WEST DEVELOPMENT AUTHORITY - PEEL DEVELOPMENT  
COMMISSION**  
*Funding Promises*

488. Mr D.L. SMITH to the Deputy Premier:

- (1) Has the Government and/or the South West Development Authority and/or the Peel Development Commission failed to honour in full any promise of funding made by me or the previous Premier, which funding was to be made from the authority's or commission's budget?
- (2) If yes, which promises has it failed to honour at all?
- (3) If yes, which promises has it failed to honour in part and what was the shortfall?
- (4) What was the reason for the promise not being honoured in each case?
- (5) In particular, is the Minister aware that the Australind Senior Citizens Committee was promised \$50 000 for its new centre, but only \$10 000 has been provided?
- (6) In particular, is the Minister aware that the Bunbury Repertory Club was promised \$10 000 for improvements to its theatre but only \$5 000 has been provided?

Mr COWAN replied:

- (1)-(3) In relation to the Peel region, the Peel Development Commission advises that all promises made by the previous Minister and Premier and of which the PDC is aware, have been honoured.

In relation to the south west region, the member, in his former capacity as Minister for South-West, made the following promises during the state election campaign that were not subsequently honoured in full by the South West Development Authority -

On 4 February 1993, Hon David Smith directed SWDA to provide \$50 000 to the Australind Senior Citizens Centre - \$10 000 of this has been paid by SWDA.

On 4 February 1993, Hon David Smith directed SWDA to provide \$11 500 to the Carey Park Canteen project. None of this has been paid by SWDA.

On 11 January 1993, Hon David Smith directed SWDA to provide \$10 000 to the Bunbury Repertory Club - \$5 000 of this has been paid by SWDA.

On 13 February 1993, Hon David Smith directed SWDA to provide \$5 000 to the Bunbury Land History project - \$500 has been paid by SWDA.

- (4) On becoming the Minister responsible for SWDA in February 1993, I cancelled all earlier ministerial directions related to funding these projects and left the decision in each case to the SWDA board. The SWDA board decided that -

\$10 000 should be the limit of SWDA's contribution to the Australind Senior Citizens Project, given the new Government's policy on using more appropriate sources of funding for community facilities;

\$5 000 was allocated to the Bunbury Repertory Club out of the 1992-93 SWDA budget. The SWDA board decided the project

was not of sufficient priority to provide further funding out of the 1993-94 Budget.

The Bunbury Land History project has yet to spend the \$500 already advanced to cover titles search costs. Further funding will be considered by the new board of the South West Development Commission along with other funding requests from within the region and in the context of the role of SWDC under the new legislation.

The Carey Park Canteen project was not regarded by the SWDA board as a priority, given SWDA's role.

I point out that all four promises by the former Minister were in breach of the convention relating to funding new programs during an election campaign and were in the marginal seat of Bunbury or the member's own seat of Mitchell. The new Government's regional development policy is designed to reduce as far as is possible the potential for similar misuses of funds appropriated to regional development commissions.

(5)-(6) See above.

#### **POLICE - ARGYLE DIAMOND AFFAIR, CORRUPTION ALLEGATIONS INQUIRY**

490. Mr CATANIA to the Minister for Police:

- (1) Does the Minister agree with his colleagues in the Legislative Council that an official judicial inquiry should be held into the accusations of police corruption during the Argyle diamond theft inquiry?
- (2) If not, why not?
- (3) If yes, when can we expect an inquiry?

Mr WIESE replied:

- (1)-(3) Given that this matter is currently subject to court proceedings, it is not appropriate to establish an inquiry.

#### **POLICE - DEPUTY COMMISSIONER, APPOINTMENT**

491. Mr CATANIA to the Minister for Police:

- (1) Does the Minister support the new Police Commissioner's intention to nominate a deputy from within the Victorian Police Force?
- (2) Does the Minister support Les Ayton being nominated as the Deputy Commissioner, not only for his obvious ability but to ensure that some confidence is shown in the local police force?

Mr WIESE replied:

- (1) I am unaware of any intention by the new Commissioner of Police to nominate a deputy from within the Victorian Police Force.
- (2) The selection process for appointing the Deputy Commissioner will provide an opportunity for all potential applicants to be considered for the position.

#### **PAWNBROKERS LEGISLATION - INTRODUCTION DATE**

492. Mr CATANIA to the Minister for Police:

- (1) When can the Western Australian public expect to see the introduction of the Government's new pawnbroker legislation?
- (2) Since the Government would not agree to support the Opposition's legislation, what changes can be expected that are different from those proposed by the Opposition?

Mr WIESE replied:

- (1)-(2) The drafting of the Pawnbrokers and Secondhand Dealers Bill is currently being completed by Parliamentary Counsel. It is my intention to introduce the Bill into the Parliament as soon as this drafting has been completed.

**INSURANCE - STORM DAMAGE CLAIMS, INCREASE IN PREMIUMS**

493. Mr CATANIA to the Premier:

Does the Premier support insurance companies, and especially the Royal Automobile Club, in that insurance premiums may have to rise to meet the claims caused by the recent storm?

Mr COURT replied:

This is a matter for the private sector.

**POLICE - FREMANTLE STATION**  
*Refurbishment Allocation*

494. Mr CATANIA to the Minister for Police:

- (1) Is the sum allocated for the refurbishment of Fremantle Police Station in addition to the sum allocated in the 1993-94 Budget?  
(2) If so, why was the previous allocation not used?

Mr WIESE replied:

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

**DRIVER TRAINING CENTRES - ESTABLISHMENT**

495. Mr CATANIA to the Minister for Police:

- (1) Does the Minister still intend establishing two driver training centres, one north and one south of the river, as promised prior to the 1993 state election?  
(2) If not, why not?

Mr WIESE replied:

- (1)-(2) Further consideration of the establishment of a driver training centre in the metropolitan area has been put on hold until the Select Committee on Road Safety has examined the matter of existing driver training and reported to Parliament. As a member of the select committee I am sure that the member would be aware that included in the committee's terms of reference is the necessity to inquire into, report and make recommendations on, the adequacy of existing driver training and educational programs.

**POLICE - BOARD, ESTABLISHMENT**

496. Mr CATANIA to the Minister for Police:

When can we expect the establishment of a police board as promised prior to the 1993 state election?

Mr WIESE replied:

The State Government is committed to the establishment of a police board. However, this is not a legislative priority for Government in 1994.

**DRUGS - GOVERNMENT ACTION**

497. Mr CATANIA to the Minister for Police:

What action, if any, has the Minister taken to deal with the ever increasing drug problem in Western Australia and especially among children?

Mr WIESE replied:

The Western Australian police drug squad is continuing to target and apprehend drug traffickers in the upper echelon of the illicit drug trade. The Western Australia Police Department is contributing to the development of a national law enforcement community drug education program with harm minimisation high on the agenda. This program, which is in its embryo stage, has been endorsed by commissioners nationally as an effective strategy and is directed at the community at large.

The health promotion services branch of the Health Department of Western Australia has developed a drug education package directed at school based community police officers to deliver to teachers and parents. The package is entitled "Doing Drug Education Resource Package". The Western Australian Police Department has appointed a drug education officer who liaises with health and education departments. The education strategies currently being developed are in keeping with the state and national drug strategic plan 1993-97.

**PROSTITUTION - NUMBERS OPERATING**  
*Children; HIV, Containment*

498. Mr CATANIA to the Minister for Police:

- (1) Approximately how many prostitutes operate in Western Australia?
- (2) What action is the Minister taking to ensure that the presence of children is diminished?
- (3) What action is the Minister taking to ensure that the spread of HIV is contained among these workers?

Mr WIESE replied:

- (1) The Commissioner of Police has advised there are approximately 1 200.
- (2)-(3)

I have been advised of police concerns about the inadequacies and difficulties with existing legislation including the possible involvement of children and related health issues. Options for appropriate legislative amendments have been sought and will be examined and considered in due course.

**PROSTITUTION - LICENCES**

499. Mr CATANIA to the Minister for Police:

What action is the Minister intending to take to license prostitutes, as suggested by the former Commissioner of Police, Brian Bull?

Mr WIESE replied:

The former Commissioner of Police had advised me of police concerns about the inadequacies and difficulties with existing legislation relating to prostitution. Options for appropriate legislative amendments have been sought and will be examined and considered in due course.

**PROSTITUTION - 24 HOUR SERVICE STATIONS USE**

500. Mr CATANIA to the Minister for Police:

Is the Minister aware that prostitutes use some 24 hour service stations as contact points?

Mr WIESE replied:

No. This is not a matter that has been brought to my attention by the Commissioner of Police.

**PROSTITUTION - SINGLE OPERATORS, NUMBERS; ILLEGAL,  
LEGISLATION**

501. Mr CATANIA to the Minister for Police:

- (1) How many single prostitution operators exist in Western Australia?
- (2) Is the Minister intending to amend legislation to make the act of prostitution illegal under these circumstances?

Mr WIESE replied:

- (1) The Commissioner of Police has advised there are approximately 750.
- (2) I have been advised of police concerns about the inadequacies and difficulties with existing legislation relating to prostitution. Options for appropriate legislative amendments have been sought and will be examined and considered in due course.

**HOMESWEST - MOTOR VEHICLES**  
*Leased by Companies, Names and Payments*

502. Mr RIPPER to the Minister for Housing:

- (1) Which companies have leased vehicles to Homeswest in 1993-94?
- (2) What payments have been made to each of these companies in 1993-94?

Mr PRINCE replied:

- (1) Custom Service Leasing Limited trading as Custom Fleet.
- (2) \$689 657.

**ESCORT AGENCIES - NUMBERS; FRONTS FOR PROSTITUTION; CLOSURES**

503. Mr CATANIA to the Minister for Police:

- (1) How many escort agencies exist in Western Australia?
- (2) How many escort agencies does the Minister believe are fronts for prostitution?
- (3) How many escort agencies does the Minister intend closing and/or bringing under the police containment policy?

Mr WIESE replied:

- (1)-(2) The Commissioner of Police has advised me there are eight.
- (3) The Minister for Police has no legislative powers to close escort agencies or bring them under the containment policy.

**PROSTITUTION - LOCATIONS UNDER CONTAINMENT POLICY**

504. Mr CATANIA to the Minister for Police:

- (1) How many locations are under the direction of the police containment policy on prostitution?
- (2) What are the names and locations of these establishments?

Mr WIESE replied:

I am advised by the Commissioner of Police -

- (1) 14.
- (2) Metropolitan premises -

Adinas	240 Newcastle Street, Perth
Aphrodites	395 William Street, Perth
Caseys	56 Edward Street, East Perth
Fremantle Fitness	
(Studio 205)	205 South Terrace, Fremantle
Happy Haven	387 Guildford Road, Bayswater

Jade House	386 William Street, Perth
Januaries	178 James Street, Northbridge
Monsigneurs	471 Albany Highway, Victoria Park
La Cheries	835 Beaufort Street, Inglewood
Escort Agencies -	
The Agency	10 Helena Street, Midland
Sasha's	8 Shakespeare Street, Yokine
Country Premises -	
133 Hay Street, Kalgoorlie	
143 Hay Street, Kalgoorlie	
181 Hay Street, Kalgoorlie.	

#### POLICE - RETIREMENTS

505. Mr CATANIA to the Minister for Police:

- (1) How many retirements have taken place in the Police Force in the past 12 months?
- (2) How many police have given notice of intended retirement in the future?

Mr WIESE replied:

I have been advised by the Acting Commissioner of Police as follows -

- (1) During the past 12 months from 16 June 1993 to 16 June 1994, 63 police officers have retired from the Police Force.
- (2) As at 17 June 1994, the police have received notice of eight intended retirements.

#### POLICE - ACADEMY

##### *Recruit Trainees; Recruitment and Training Budget Allocation*

506. Mr CATANIA to the Minister for Police:

- (1) What is the number of recruits at the academy at present?
- (2) What is the intended intake over the next six months?
- (3) Was there any particular allocation in the budget for recruitment and training?

Mr WIESE replied:

(1)-(2) I refer the member to my reply to question 326 of 1994.

(3) Yes.

#### LOCAL GOVERNMENT - STREET LIGHTING, PAYMENT METHOD

520. Mrs ROBERTS to the Minister for Energy:

- (1) Will the Minister outline the method by which local governments pay for street lighting?
- (2) Given that a lot of major arterial roads and other local roads were without power supply for street lighting for periods of beyond two weeks in some cases following the storms in May 1994, will the State Energy Commission of Western Australia discount the street lighting bills of affected local government authorities?
- (3) How much money does SECWA estimate that it saved in not providing power for street lighting to some areas during and following the blackouts in May 1994?

Mr C.J. BARNETT replied:

- (1) Local authorities pay a standard tariff charge for each street light. This charge may vary according to the size of the lamp and whether the service provided is dusk to dawn lighting or a 1.15 am switch-off time.



- (2) There was extensive storm damage to street light control wires and SECWA is incurring substantial expense in repairing and replacing damaged systems to restore lighting to normal. The type of expenditure is over and above the normal maintenance component incorporated in tariffs. SECWA is unable to grant a discount to local authorities.
- (3) The margin between fixed costs and actual tariff charges is small. The savings to SECWA from unlit lighting in some locations is difficult to estimate because of a variety of factors but it is not significant.

**RETAIL TRADING HOURS - DEREGULATION**  
*Contravening Trade Practices Act*

523. Mr HILL to the Minister representing the Minister for Fair Trading:

- (1) Has the Minister received any advice to the effect that deregulation of retail trading hours may contravene the Trade Practices Act?
- (2) If yes, will the Minister table that advice?
- (3) If no, will the Minister ask the Crown Law Department to provide an opinion on this matter?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3) Not at this time. The honourable member will recall that in the answer to his question 1918 it was noted that Woolworths has challenged the validity of Tasmanian retail trading hours legislation in the High Court under section 92 of the Constitution.

**FINANCIAL INSTITUTIONS DUTY - STUDENT BANK ACCOUNTS**  
**EXEMPTION, LEGISLATION INTRODUCTION**

524. Mr HILL to the Treasurer:

- (1) Will the Treasurer introduce legislation to exempt the application of financial institutions duty on bank accounts held by students?
- (2) If no, why not?

Mr COURT replied:

(1)-(2)

I will arrange for the issue to be examined.

**COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENT ACT -**  
**AMENDMENTS**

525. Mr HILL to the Minister for Fair Trading:

- (1) Does the Minister still intend introducing amendments to the Commercial Tenancy (Retail Shops) Agreement Act?
- (2) If yes, when?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

- (1)-(2) Consultation is occurring with the major stakeholders regarding amendments to this legislation and it would be premature to predict when or what amendments may occur.

**TRADE - IN OVERSEAS MARKETS, UTILISING MULTILINGUAL AND  
CULTURAL NATURE OF WA SOCIETY**

528. Mr BROWN to the Minister for Commerce and Trade:

What steps has the Minister taken to improve the economic and trade advantages for Western Australia in overseas markets by utilising the multilingual and cultural nature of Western Australia's society?

Mr COWAN replied:

The Department of Commerce and Trade has very close links with ethnic chambers such as the Western Australian Chinese Chamber of Commerce and Industry and is represented on the Italian Chamber of Commerce and Industry. The department also maintains close links with groups such as the Western Australia Vietnam Business Council which includes many members of Vietnamese origin. I have recently led a mission to Vietnam organised by the Western Australian Chinese Chamber and will ensure such links continue.

The Asia Business Council provides strategic advice to the Government on a range of issues including the utilisation of Western Australia's strong cultural link to Asia. Contact is also maintained with other ethnic groups represented in our society with the view to improving our overseas trade and investment attraction potential. Western Australia is recognised as having the closest links to our Asian neighbouring countries and it is for these reasons that Western Australia contributes 25 per cent of the nation's exports - the largest percentage of any state.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GAS SERVICES**  
*Heating Value Change, Impact on Domestic Customers*

530. Mr THOMAS to the Minister for Energy:

- (1) With regard to the change in higher heating value of gas published in the *Government Gazette* on 31 May 1994, has the State Energy Commission considered the impact of the change in the heating value of gas supplied by SECWA on domestic consumers?
- (2) Is SECWA able to guarantee to customers that their existing appliances will still be able to be used notwithstanding the changed specifications of gas supplied?
- (3) Will any domestic consumers have to modify or replace appliances as a consequence of the change in specifications?

Mr C.J. BARNETT replied:

- (1) SECWA has reviewed the required limitations on the maximum higher heating value - HHV - from the perspective of its customers and has concluded that the limit can be extended to 42.3 MJ/m<sup>3</sup>. SECWA's gas laboratory has confirmed that this new HHV would not compromise safe and efficient operation of gas burning equipment and appliances. SECWA's billing to its customers takes into account the HHV of the gas actually delivered, and it is thus not affected by this change.
- (2) Yes.
- (3) No.

**PREMIER'S CAPITAL CITY COMMITTEE - BECK, RICHARD,  
REPLACEMENT**

531. Mr KOBELKE to the Premier:

- (1) Further to the answer given to question on notice 264 of 1994, who has been appointed to provide advice on matters related to the Premier's capital city committee in place of Mr Richard Beck?

- (2) What is the remuneration to be paid to this officer or consultant?
- (3) What is the period for which this person has been appointed?
- (4) Does this person have duties beyond the Premier's capital city committee and, if so, what are these duties?

Mr COURT replied:

- (1) Mr Craig Boyce.
- (2) \$62 157 per annum.
- (3) Mr Boyce has been seconded from the Department of Transport from 3 May 1994 to 31 May 1995.
- (4) No.

**POLICE - INTERIM BOARD**  
*Pilbara Region Representative*

619. Mr GRAHAM to the Minister for Police:

- (1) Is there a representative of the Pilbara region on the interim police board?
- (2) If not -
  - (a) why not;
  - (b) by what processes are the interests of the Pilbara region determined by this board?
- (3) If so -
  - (a) who is that representative;
  - (b) what qualifications does that representative have to represent the Pilbara region;
  - (c) by whom was that representative nominated;
  - (d) on what date was that representative appointed?
- (4) What are the processes used by this board to solicit the views of the residents of the Pilbara when decisions are taken?
- (5) What consultative processes are in place for this board to deal with the residents of the Pilbara?
- (6) Has this board visited the Pilbara region since 6 February 1993?
- (7) If not, why not?
- (8) If so -
  - (a) what towns in the Pilbara region have been visited by this board, since 6 February 1993;
  - (b) what was/were the purpose/s of the visit/s;
  - (c) with whom did the board meet during its visit/s?

Mr WIESE replied:

- (1)-(8) An interim police board was established in December 1992 by the then Minister for Police, Hon Graham Edwards, MLC. The board concluded its deliberations with the presentation of a report which was tabled in Parliament.

**KEMP HALL COLLECTION - GOVERNMENT PURCHASE**

712. Mr GRILL to the Minister representing the Minister for the Arts:

- (1) Did the Government through any of its agencies make any purchases from the Kemp Hall collection?

(2) If so, could details of the purchases be given?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

(1) Yes.

(2)		\$
	Miniature bathtub	45
	Miniature tin lidded mould and miniature wire griller	26
	Miniature tin pot and miniature tin kettle	19
	Two miniature enamel skimmers and miniature enamel ladle	70
	Miniature tin and wire cutlery tray with miniature cutlery	60
	Miniature tin egg beater	54
	Miniature stove with cooling utensils	370
	Fine example of Lodge regalia	50
	Large national department store cash register ex Foy & Gibson, WA, and a National Cash Register Co catalogue	2 700
	Fish designed blue and white bowl by Cyril Lander	90
	Hielco ware wood poker work vase	30
	Wildflower press	210
	Four wood camel nose pegs and three wood rules	35
	Quantity of chessmen in box	65
	Tin of small wood skittles	55
	Wood tools made by Wright and Fendick of Leederville from making fishnets, wood lidded box. Souvenir from Bridgetown and three wood advertising rules	20
	Poker work doily holder and wood whistle	40
	Coolgardie Exhibition glass mug	300
	Perth Exhibition 1899 glass mug	130
	Large kookaburra glass engraved W.B. Ellies, Broome, and a glass measure	35
	Plated clock with Australian coat of arms	240
	Plated emu and kangaroo knife stand, stamped Stewart Dawsons	300
	Matching knife stand with above	10
	Kookaburra pattern poker work doily holder	30
	Three pearl shells, one hand engraved with emu	80
	Three mother-of-pearl handle butter knives and three mother-of-pearl forks	20
	Four tortoiseshell handle butter knives	30
	Mother-of-pearl eagle brooch	210
	Two tortoiseshell hair combs, and a piece of tortoiseshell	100
	Wood gumnut design poker work wood vase	150
	Early pair of handmade balance scales	450
	Bricklayer's hod	60
	Early cobblestone tamper with hammer	500
	Early Ikenaga ice shaver	500
	Railway spoke puller and two wooden railway gauge sticks	440
	Small winnower (grain extractor)	690
	La Parfait hand-operated French bottle corking machine	1 000
	Jarraah wash board	90
	Bianco Italian spaghetti making machine	190
	Small collar iron	100
	Wooden handle fruit press	220
	Soap moulds on panel	210
	Wooden flail	65
	Early cork squeezing machine	140

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Early egg carrying box	220
Coolgardie safe	65
Early Man and Gamble egg hand operated egg washing machine	440
Wood red and yellow truck	100
Pull-along green wood double-decker bus	40
Tin model windmill	160
Miniature hay wagon	925
Place a coin in the slot game, Heaven and Hell	700
Contents of A.S. Lamber & Sons, Jewellers and Licensed Buyers of Gold and Silver, to be sold in one lot, including speed change lathe, wire roller, rolling mill, steel rolling mill, bellows, old jewellers' bench, jewellers' tools, watch and clock springs	12 000
Butcher's cutting block, cleaning scraper, meat saw, two cleavers and a steel etc - 12 items	680
Large meat chopper	30
Tin tray and a brass boots spray	95
Panel of butchers' signs, including Choice Breakfast, Fine Dairy, Mild Cured Butter and prices - 28 pieces	300
Skillion scale	210
Large meat saw	80
Pair of Salters No 2 brass face hanging scales	115
Set of brass faced Salters spring balance scales and a meat gimble	80
Chaillon hanging scales 100 lb capacity with tray, meat hook and model of dressed poultry	240
Two meat saws	80
Early sausage making machine	300
Large early round tin cream setter with pourer	90
Two dairy bowls for cream separation and two skimmers and strainer	155
Early Cherry & Sons No 2 butter worker for extracting buttermilk and working in the salt	475
Early wooden milking stool	525
Early wooden milking stool	400
Small round wooden milking stool	360
Steel bound wooden butter press	300
Early metal bound churn with plunger	270
Dairy items	800
Small butter churn on stand	1 450
Hand Handiware picnic stove and a small two flame spirit stove	50
Butter cutting stand	45
Six butter moulds	210
Butter pattern roller and a wooden butter stand	210
Seven wooden butter prints	280
Two glass fly catchers	65
Three milk dippers	40
Four milk dippers	50
Milk pail	90
Early wooden and wire butter cutter	70
Willow butter cooler	30
Horse racing machine used in White City on the Esplanade in the 1920s	15 500
French horse racing game	750

## QUESTIONS WITHOUT NOTICE

## HEPTACHLOR - BAN

130. Dr HAMES to the Minister for Primary Industry:

Some notice has been given of this question. Will the Minister advise the House of the program for banning the use of heptachlor in Western Australia and Australia?

Mr HOUSE replied:

At the last ARMCANZ meeting all states, with the exception of the Northern Territory, agreed to implement a program for banning the use of all organochlorines, including heptachlor. An exception was made for the Northern Territory because it had particular problems to address, and needed more time to address those problems. In the case of Western Australia, by the end of June 1995 all organochlorines and heptachlor will be withdrawn from sale, and the program in the Northern Territory is to withdraw them from sale 12 months later.

## KYLE REPORT - WANNEROO CITY COUNCIL

*Police Inquiry*

131. Mr CATANIA to the Minister for Police:

Some notice has been given of this question. I refer to the Kyle report into the City of Wanneroo which left outstanding many serious allegations of impropriety and corruption including questions of a payment of \$200 000 in connection with the Belridge Medical Centre; a \$15 000 payment connected to the Woodvale Tavern development; and the extent to which pecuniary interest provisions of the Local Government Act were ignored.

- (1) As these issues have nothing to do with the two charges currently pending against Dr Bradshaw, will the Minister advise whether the police are following up these and the many other allegations left unanswered from the Kyle inquiry?
- (2) If not, will the Minister give an assurance that all matters outstanding will be investigated?

Mr WIESE replied:

I would have thought the member would be aware that the allegations of impropriety or illegality highlighted during that Kyle inquiry into the City of Wanneroo have already been referred to both the Director of Public Prosecutions and the Western Australia Police Force for further investigation. The member will also be aware that any decision relating to those investigations must be determined by both those independent agencies. It is my understanding - certainly in relation to the Police Department - that those inquiries have been made and could still be under way.

I also assume that the member is aware that any matters relating to pecuniary interest raised in the Kyle inquiry come under the jurisdiction of the Minister for Local Government, and I am unable to answer those matters relating to pecuniary interest. I understand that matter was being followed through by the Department of Local Government.

## FIRE BRIGADE - WANGARA STATION, RELOCATION TO PERTH

132. Mr W. SMITH to the Minister for Emergency Services:

Some notice has been given of this question. I refer the Minister to the story under the headline "Fire cutbacks 'risking safety'" in the *Wanneroo Times Community* today, the local newspaper in the Wanneroo electorate.

Is the Minister aware of the combined impact on those communities of the proposed relocation of a medium tanker appliance and a four man crew from the Wangara station to Perth, and the fact that many fire hydrants in some of the newer suburbs north of Shenton Avenue are not locatable by emergency services?

Mr WIESE replied:

As part of its normal operational management process, the Western Australian Fire Brigades Board is currently reviewing the optimisation of staff throughout the metropolitan area. While the medium tanker referred to at the Wangara station was considered as part of the overall proposals, no firm decision has been made to withdraw that medium tanker from Wangara. The WA Fire Brigades Board is also aware of the need to locate a number of hydrants within the City of Wanneroo, in particular in the Currumbine area, and is consequently taking steps to rectify that situation. I have been assured that until such time as the Fire Brigades Board is confident that the water supply is adequate to satisfy its fire fighting requirements and that the community of the City of Wanneroo will not be placed at any risk, no decision will be made to move that medium tanker from Wangara.

**KYLE REPORT - WANNEROO CITY COUNCIL**  
*Police Inquiry*

133. Mr RIEBELING to the Minister for Local Government:

I refer to the Minister for Police's earlier comments in regard to police investigations into the unanswered questions arising from the Kyle report, and remind the Minister that the Kyle report concluded that "the inquiry had undoubtedly been greatly hindered by the absence overseas of Dr Wayne Bradshaw". Although Dr Bradshaw has been charged with two offences relating strictly to the rezoning of the Craigie Roller Rink, will the Minister now reopen the Kyle inquiry to ensure that the far more serious and wide ranging allegations of corruption and improper conduct are investigated properly; and, if not, why not?

Mr OMODEI replied:

Had the member for Ashburton watched the news in the last couple of weeks, he probably would have had the answer to the question. As the member well knows, the Kyle report into the City of Wanneroo has been completed -

Several members interjected.

Mr OMODEI: There are 11 recommendations in that report that have been acted upon by me and other relevant Ministers, including the Minister for Planning.

Several members interjected.

The SPEAKER: Member for Fremantle, order!

Mr OMODEI: The issues that the member raises have been dealt with within the report. In regard to the necessity for any further inquiry, as the Minister for Police has just said, all of the text and evidence that was accrued during the Kyle inquiry has been referred to the Director of Public Prosecutions and the police, and if there are any matters of impropriety which any member opposite -

Several members interjected.

The SPEAKER: Order! I ask members to cease the degree of interjection that is taking place. It is not possible to hear the Minister's answer.

Mr OMODEI: Any allegations of impropriety or corruption that any members opposite have in regard to either the City of Wanneroo or any other city in this state should be brought to the attention of the proper authorities, who are quite capable of carrying out the investigations, and the prosecutions, if that is necessary.

#### INDUSTRIAL DISPUTES - STATISTICS

134. Mr MARSHALL to the Minister for Labour Relations:

Is the Minister able to supply to the House the latest statistics available on industrial disputes?

Mr KIERATH replied:

I certainly am. At the outset, I offer my congratulations to most of the employers and employees in Western Australia for their good conduct over the last 12 months. In fact, their activities have enhanced our reputation as the state with the lowest level of industrial disputation in this country. Over the last 12 months, the number of industrial disputes has continued to plummet in this state and is now 30 per cent lower than it was last year. In fact, it is now at the lowest level since January 1969. We must go back past the 10 years of Labor government and to 1969 to find better figures. Last month, the figure was even better: This state lost 1 000 days through industrial disputes, which was down 46 per cent on the figure for the previous month. Last month, Western Australia lost 53 days per 1 000 people. The Australian average is 97 days per 1 000 people. The Western Australian figure is half the national average.

The only state in the country where one can find a Labor government is Queensland, which in many ways is similar to Western Australia, and its dispute rate is 149 per 1 000 people. Compared with Western Australia, Queensland has three times the level of industrial disputes. I remind members of the Opposition about their predictions when the industrial relations legislation was debated in this House, and at the last state election, when they said there would be industrial anarchy if a coalition government were elected and this legislation brought in. Again it shows how irrelevant this Opposition has become. It cannot even predict an accurate picture in an area it has claimed to represent over many years; it cannot predict the labour market in this State.

Western Australia has the lowest level of industrial disputation since 1969. It is about time the Labor Party lifted its game, and at least congratulated the Government and the people of Western Australia for those very good results.

#### KYLE REPORT - WANNEROO CITY COUNCIL

##### *National Party's Numbers*

135. Dr GALLOP to the Deputy Premier:

I remind the Deputy Premier, as Leader of the National Party, of the vital role that the National Party's numbers can play in determining policy and accountability in the Parliament of Western Australia.

- (1) Why does the Leader of the National Party not use those numbers to insist that the Kyle inquiry is reopened to ensure serious allegations of corruption and improper conduct are fully addressed?
- (2) Is the Leader of the National Party satisfied that the National Party's numbers should not be used to insist that the Attorney General be removed from office until all questions as to her blatant conflict of interest over the Kyle report are addressed?



The SPEAKER: I assume that the Deputy Premier will answer that question. It seemed to me that some parts of it were fairly marginal.

Mr COWAN replied:

(1)-(2) I would like to assure the member for Victoria Park that the National Party will always use its numbers to vote according to those issues which have been debated in its party room. Although the National Party has discussed issues like the Kyle inquiry, it has not discussed them in the manner he implied.

Dr Gallop: It should start discussing it on behalf of the people of Western Australia.

Mr COWAN: I have every confidence that the Minister for Local Government who is responsible for issues relating to the Kyle inquiry -

Dr Gallop: What about upholding some integrity in this Parliament?

The SPEAKER: Order!

Dr Gallop: Matt Stephens would be ashamed of the National Party.

The SPEAKER: Order! I formally call to order the member for Victoria Park. I remind him that only questions about matters of policy can be addressed to the Leader of the National Party.

Dr Gallop: This is policy.

The SPEAKER: Order! It is a grey area whether this is a policy matter in the way it is framed, but I have allowed the question to proceed. I ask the member for Victoria Park to allow the Deputy Premier to answer the question.

Mr Trenorden: I suggest the member for Victoria Park look up and see the light!

Mr COWAN: I was under the impression he had been dazzled by it, and he had done that already. The member for Victoria Park can rest assured that the National Party will always vote for those issues which it regards as matters of great concern.

Dr Gallop: Why are you avoiding the question?

Mr COWAN: I am not avoiding the question. The National Party has every confidence in the Minister for Local Government being able to make the determination on the Kyle report.

On the other issue, I strongly suggest to the member for Victoria Park that if he were to put his words into action he would see how the National Party voted.

Dr Gallop: The National Party is no longer worthy of its name. It is an absolute disgrace.

Mr COWAN: The member for Victoria Park can introduce a motion into this place, and we will deal with it as we see fit.

I have a final recommendation for the member for Victoria Park -

Dr Gallop: Do you support the Attorney General?

Several members interjected.

The SPEAKER: Order! I call to order the member for Victoria Park for the second time.

Mr COWAN: When the member for Victoria Park gets an invitation from the new leader of the Labour Party in Great Britain to act as his adviser, he should accept it!

Dr Gallop: We all know where you stand!

The SPEAKER: Order!

**TOURISM - ECO-TOURISM, PROMOTIONS**

136. Mr BLAIKIE to the Premier:

My question does not concern the Government's announcement that power costs will be reduced - although I am thankful about that.

- (1) With the increasing demand by interstate and overseas tourists seeking the state's eco-tourism advantages, can the Premier advise about any promotions to be undertaken by either the Government or the Tourism Commission?
- (2) As eco-tourism also includes the state's wildflowers, does the Government intend to undertake promotions to encourage Western Australians to be involved as operators or to visit our state's attractions?

Mr COURT replied:

- (1)-(2) Nature-based tourism will become a growth area for tourism. The wildflower season will get under way, and yesterday we launched a major promotion for the wildflower season.

Mrs Hallahan: Is this why the question was asked?

Mr COURT: *The West Australian* tomorrow will contain a six page supplement on the wildflower season, entitled "Worth Every Scent". It will outline a number of different trails that can be taken in order to appreciate the wildflower season. Similarly, there will be a promotion in the national magazines which will go to more than two million readers. Also, the Tourism Commission will have wildflower displays in its offices over the next two months. We anticipate a lengthy wildflower season. These promotions are in direct contrast to those of the Labor government, which promoted the wildflower season after the season had finished.

**KYLE REPORT - WANNEROO CITY COUNCIL**  
*Police Inquiry*

137. Mr TAYLOR to the Premier:

I refer to the previous and totally unsatisfactory answers given by the Minister for Police and the Minister for Local Government in relation to matters associated with Wanneroo.

- (1) How long will the allegations outstanding from the Kyle inquiry be allowed to remain unanswered?
- (2) Does the Attorney General continue to enjoy the Premier's full support, in contrast to the lack of support received by her from the Deputy Premier?

Mr COURT replied:

- (1)-(2) The second part of the question is nonsense!

Mr Taylor: Not to the people who listened to the answer given by the Deputy Premier.

Several members interjected.

Mr COURT: The Leader of the Opposition has implied that the Deputy Premier does not support the Attorney General.

Dr Gallop: Ask him!

Mr COURT: We fully support the Attorney General. Is the Leader of the Opposition saying that Kyle tabled a report that was incomplete?

Mr Taylor: He wanted to speak to Dr Bradshaw, but Dr Bradshaw was not available. Bradshaw is available now. Reopen the inquiry!

The SPEAKER: Order!

Mr Kierath: Ask him whether he supports the member for Morley!

Mr COURT: I hear no answer! As stated by the Minister for Local Government, the Director of Public Prosecutions has all the information and he has the ability to inquire into the matters about which members are asking questions.

# INDUSTRIAL RELATIONS - WORKERS' MOVE TO FEDERAL SYSTEM, LOST BENEFITS

138. Mr BOARD to the Minister for Labour Relations:

Is it true that some Western Australian workers may lose benefits by being "brought into line" with workers in other states?

Mr KIERATH replied:

The answer is yes. Many statements have been made by Opposition members and some unionists claiming that the Western Australian system was terrible and encouraging their colleagues and friends to rush away to the federal system under which they would be saved by the warm and caring Federal Government. That is another example of Labor getting it wrong. When the nurses went across to the federal system they lost at least one week's leave, and in some cases three weeks' leave. People should not worry about the state system but should look at the result of the nurses' move to the federal system. That shows how wrong the Labor Party really is; it gets it wrong every time. The Labor Party got it wrong when it talked about industrial anarchy; when it ran its sign or resign campaign; and when it encouraged workers to go into the federal system. I hope Labor members acknowledge that the nurses lost some of their benefits because they were sacrificed on the altar of conformity, where conditions are brought down to the lowest common denominator and everybody is treated the same.

Mr McGinty: It was your application that took it off them. They can blame the Liberal Government of this state for taking away their benefits. No-one is to blame but you and your government.

Mr KIERATH: I am sure that had the nurses stayed under the state system, they could have negotiated a far better deal and they would not have had a week's leave ripped off every one of them. The nurses can blame the advice of the trade union movement and their representatives in Parliament for this disgraceful state of affairs. The nurses have the Opposition to blame for that.

## KYLE REPORT - BODDINGTON SHIRE COUNCIL *Rewritten Report*

139. Mr RIEBELING to the Minister for Local Government:

I refer the Minister to the completed inquiry into the Boddington Shire Council.

(1) Has the report into the Boddington Shire Council been sent back to Mr Kyle to be rewritten?

(2) If so, does the Minister agree that it is outrageous that an independent investigator should be asked to rewrite his report?

Mr OMODEI replied:

(1)-(2) Members know full well the background to the report into the Boddington Shire Council. It revolved around the fundamental breakdown of local

government procedures within the Boddington council. Many of the findings of the report will be subject to further inquiries by the police. On Crown Law Department advice I decided that the report should not be tabled in the Parliament and, thereby, receive parliamentary privilege.

Opposition members: Why?

Mr OMODEI: For the simple reason that accusations within that report will impact on people who deserve natural justice.

Dr Gallop: Oh!

Mr OMODEI: That is the way the member for Victoria Park would handle things; but while I am the Minister, people will have the right to be innocent until proven guilty. That is the basis on which the report was not tabled in the House. It has been acknowledged that matters within the report, if brought into the public arena, would be of benefit to local government generally. Those matters relate to the proceedings of local government. I am looking at making sure that in future investigators report in such a way as will enable the mechanics of local government to be given to the public.

At the moment the report is, in part, being rewritten by the Director of Public Prosecutions and Mr Peter Kyle with the Department of Local Government. Once I have that rewritten report I will seek further Crown Law advice about whether it should be tabled in the House and whether it should be released to the public. My action, in seeking Crown Law advice, is the correct way to handle matters that relate to people and possible criminal charges.

This report is an important one from the point of view of local government. Many issues within the report relate to local government. If in any way I can, I will release the report to the public for the benefit of local government. At the same time I will stand by the advice of the Crown Solicitor that matters within the report relate to natural justice and the possibility -

Several members interjected.

The SPEAKER: Order! I call the member for Peel to order.

Mr OMODEI: - of prejudicing further court cases should they come out of that report.

Mr Marlborough: You are not able to answer matters in your portfolio.

The SPEAKER: Order! I call the member for Peel to order for the second time.

#### FINANCIAL COUNSELLING - TRAINING, ACCREDITATION PROGRAM

140. Mr TRENORDEN to the Minister for Community Development:

What action has been taken to provide recognised accreditation of financial counselling training in Western Australia?

Mr NICHOLLS replied:

I thank the member for the question. As members may be aware, financial counsellors in Western Australia provide a valuable service to the community, but as yet there is not an accredited training program. I am not aware of one being established anywhere else in Australia. The Government has funded the Financial Counsellors Association to employ a training broker to develop a program to meet the requirements of accreditation. That accreditation process is being undertaken and I am advised that it should be completed within the next 12 months. It will add to the benefit of financial counselling and the status of those people involved within the community. From the Government's point of view it

is important that people who provide such a valuable and important service have access to an accredited training scheme and that those who are formally trained have recognition through accreditation. It is something we see as a priority and we are working on it with some degree of urgency. However, we must go through the process.

**JUSTICE, MINISTRY OF - JUVENILE DETENTION CENTRE SITE**

141. Mr BROWN to the Attorney General:

Given the Attorney General's previous commitment to ensure local residents are consulted before a final decision is made on the site for the new juvenile detention centre, will the Attorney General -

- (1) Advise when community consultations will begin;
- (2) confirm that Forrestfield and surrounding suburbs are not being considered for the centre; and
- (3) advise what other sites are being considered?

Mrs EDWARDES replied:

- (1)-(3) I confirm that Forrestfield is not being considered. Once a site or a number of sites have been selected it is important that community consultation takes place. As Forrestfield is not under consideration there is no need for consultation with the residents there. It is expected that a decision on the sites will be made within -

Mr Taylor: You cannot pass Sunset.

Mrs EDWARDES: I will pass the references to the Minister for Health. We will have a determination on the site probably towards the end of the month.

**ROAD TRAINS - TRIALS**  
*Police Department Support*

142. Mr CATANIA to the Minister for Police:

I refer to the Minister for Transport's plans to trial road trains of up to 36 metres in the metropolitan area. Will the Minister advise whether the trials have the full support and backing of the WA Police Department?

Mr WIESE replied:

I am not aware of the situation in relation to those trials. It is my understanding that those trials have been conducted and were completed some time ago. I would have thought, quite frankly, the question now is irrelevant.

**KIMBERLEY - DEVELOPMENT**

143. Dr GALLOP to the Premier:

I refer the Premier to his media statement of 9 July entitled "Pace of Kimberley development recognised" and to his comment that the Kimberley was a growing region, rich in resources, with growing residential, horticultural and industrial demand.

- (1) How does the Premier reconcile this with the Liberal Party's submission to the WA Electoral Commission which states -  
We are entirely sceptical as to any projections of general, long-term growth in the mining and pastoral region.
- (2) Who is being misled - the Electoral Commission or the general public?

Mr COURT replied:

- (1)-(2) The Government has always been totally committed to promoting

development in the north of this state, both in the Kimberley and the Pilbara, and we have the runs on the board.

Dr Gallop: It is even more committed to electoral roting. You did not have the gall to talk about corruption in this State.

The SPEAKER: Order! The member for Victoria Park.

Mr COURT: The member for Victoria Park says that I did not have the gall to talk about corruption in this state. If I had spoken about corruption in this state last Saturday it would have taken me days.

Several members interjected.

Dr Gallop interjected.

The SPEAKER: Order! I formally call to order the member for Victoria Park for the third time.

Mr COURT: Independent commissioners are making the decisions on the boundaries in this state. The member for Victoria Park knows that. Is the member saying that they are not capable of making those decisions? That is what he is implying. The Government is totally committed to promoting development in the Kimberley and the north and it hopes that the population grows in that region.

Interestingly, the single most significant action that led to the depopulation of parts of the north of the state was the introduction of a fringe benefits tax by the Labor government which forced many of the large projects to move to fly in, fly out operations. There is a taxation incentive to have fly in, fly out arrangements and a disincentive to put the infrastructure on the ground. Before members opposite talk about what has happened to the population in the north they should look at the track record of their own government.

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