



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

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LEGISLATIVE ASSEMBLY

Wednesday, 15 September 1999

Legislative Assembly

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THE DEPUTY SPEAKER (Mr Bloffwitch) took the Chair at 12 noon, and read prayers.

PLANNING LEGISLATION AMENDMENT BILL 1998

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [12.03 pm]: Within the Planning Legislation Amendment Bill I have included an appeal right against a decision of local government to not initiate an amendment to its town planning scheme or against any conditions or requirements it seeks to impose. The appeal right will open up the only remaining area in which there is no test of reasonableness against local government decisions. It will also remove that part of the process that leaves open the opportunity for corrupt practice and the creation of a culture in which decisions are made on a person's ability to pay rather than the planning merits of the case.

I should point out that an appeal of sorts already exists under section 18 of the Town Planning and Development Act. This provides for aggrieved landowners to approach the Minister for Planning when a local authority fails to adopt a scheme relating to their land. If the minister is satisfied that a scheme should be prepared, he is able to take over the council's full rezoning role. However, the process is not transparent and criticism could be levelled at the minister for political interference. To ensure that any appeal is seen to be impartial, and without accusation of political intervention, I have specifically limited the right of appeal under the Bill to the Town Planning Appeal Tribunal and not the Minister for Planning.

Although this House saw the merits of the appeal right, the other place has not and I have returned the Bill to the other place for further consideration. In response to some of the issues raised, I offer the following information: Assertions that the appeal right will result in ministerial interference are clearly erroneous because the appeal right is to the tribunal and not the minister. I do not intend to take any part in the consideration of rezoning appeals either within current legislation or under the proposed Planning Appeals Bill. If the appeal right is successful, I will introduce provisions into the proposed Planning Appeals Bill to ensure the minister will not have the power to call in rezonings. Suggestions that the appeal right will remove local government autonomy are false because the appeal right is for the purpose of advertising. It does not mean that it will necessarily proceed to final approval.

Suggestions that currently, there is an extensive consultation process whereby a proposal is not agreed to by the local government could not be further from the truth. Councils do not have to account or provide reasons for not initiating an amendment nor is there any accountability for or transparency in its decisions. The current process in fact denies community input because the council does not allow it to go out for advertising.

By introducing these appeal provisions, I have given members in the other place a choice: Accept that the Bill will introduce an independent and transparent appeal right to the tribunal, which excludes the minister from the process. Otherwise, I will consider rejection as being acceptance of the use of the existing ministerial fiat provided for under section 18 of the Town Planning and Development Act where improper demands have been made or where an inequity exists in the system.

METROPOLITAN HEALTH SERVICE - PATIENT-FOCUSED REFORMS

Statement by Minister for Health

MR DAY (Darling Range - Minister for Health) [12.07 pm]: I inform the House of the patient-focused reforms that the Metropolitan Health Service has announced today for metropolitan hospitals. As background, I remind the House that over the past six years the coalition Government has increased total health expenditure from \$1.3b in 1993-94 to almost \$1.8b in 1999-2000. This represents an increase of approximately 35 per cent since the coalition's election and an annual increase of approximately 5.8 per cent. This contrasts starkly with the average growth of only 3.8 per cent during the final years of the previous Labor Government.

Growth in the overall Health budget under this Government has therefore been more than one and a half times the rate of growth under Labor.

Initiatives made possible by the coalition's high level of health expenditure include transformation of the old Wanneroo hospital into the 335 bed state-of-the-art Joondalup Health Campus; an investment of \$68m to build the South West Health Campus at Bunbury; an investment of more than \$40m to build the 130 bed Peel Health Campus; establishment of Australia's first 24-hour health call centre; and the creation of the Central Wait List Bureau, a wait list management and patient referral system which is supported enthusiastically by the General Practice Divisions of WA.

We have sought to establish a health system in which services are delivered on the basis of needs, resources are allocated on the basis of evidence and services are provided as close as possible to where people live, wherever it is clinically appropriate to do so.

At the last state election, the coalition went to the community with a health policy which set out a clear vision and direction for health services in Western Australia. For the first time a vision forecast a truly unified Western Australian health system emerging from the collection of independent hospitals and health services which we inherited. To realise that vision, the Metropolitan Health Service Board was created in July 1997 with responsibility for the control and management of all metropolitan health services and hospitals.

In establishing the MHSB it was recognised that the management structure of the Western Australian health system had remained largely unchanged for more than 70 years, and was focused predominantly on the main teaching hospitals.

Members will be aware of many of the pressures on our health system, of which this Government has spoken in wider national forums in recent times. The many pressures include the increasing level of demand on our health system, the increase in the aged population and the growth in cost of medical services as technology and procedures advance. As the Metropolitan Health Service in WA will expend approximately \$1.04b in 1999-2000, it is critical that the Government seek to maximise the effectiveness of the system if it is to sustain the increasing pressures that are brought to bear on it. Consistent with this need, the MHS has announced plans to reform the corporate functions of the organisation to remove unnecessary duplication. For example, the MHS has advised that human resources across each of the 12 health services can be managed efficiently as a single support activity with one infrastructure. It is also intended that the same will apply to areas such as accounting, financial administration, engineering, supply and other administrative areas.

These changes will not adversely affect clinical services. The changes will enable the MHS to maximise direct patient services, by enabling more resources to be directed to patient care. The changes will also enable the State's taxpayers to obtain the greatest value for their large investment in public hospital services in Western Australia.

In conclusion, the Government fully supports the Metropolitan Health Service in these patient-focused reforms. The changes will result in a larger proportion of health expenditure being available for direct patient services.

COMMON USE CONTRACTS

Statement by Minister for Services

MR BOARD (Murdoch - Minister for Services) [12.10 pm]: I rise to inform the House of the establishment of a common use contract which will enable government agencies to access expert advice on goods and services tax issues. The contract, which is non-mandatory, will be operating later this month and will allow agencies to readily engage consultants with appropriate expertise in areas such as accounting, legal and taxation advice and training. The GST common use contract will save government agencies the cost of having to tender for these consultancy services, as well as fast-tracking the time it takes to procure this advice. Common use contracts are a part of a broad contracting approach which last year saved taxpayers over \$90m. The savings generated demonstrate the Government's commitment to providing the Western Australian people with value for their tax dollars, while at the same time creating efficiency in contracting and providing better opportunities for business.

It is important to point out that through the regional buying compact, regional suppliers are not missing out on the opportunities which government contracts offer. Although common use contract arrangements generally apply to all government agencies, in most cases there is scope for regional suppliers to be used. This ensures that regional businesses have the opportunity to participate in selling to government. In addition, approximately 20 of these contracts are non-mandatory.

The savings generated from common use contracts are the result of two things: First, a lower price being obtained as an outcome of increased buying volume; and, secondly, the association with reduced administrative costs. This is due to the fact that tenders are called every two or three years, rather than on each occasion an individual service or product is required by an agency. This year the Department of Contract and Management Services developed and managed 54 common use contracts for a wide range of goods and services. The types of contracts vary greatly from domestic air travel to carpet, personal computers, lubricants and stationery.

Some of the major savings are related to acquisition and management of the government fleet, whereby, for example, just under \$30m was saved last year, representing a saving of approximately 8.5 per cent. In percentage terms, the level of savings achieved is quite dramatic, particularly for such commodities as air freight, which produced an estimated 60 per cent saving, and computer software, a saving of 44 per cent. Savings are based on a comparison with the costs which would apply if the agencies entered into their own individual contractual arrangements. The \$90m of savings produced last year represents an increase of more than 22 per cent on the previous year.

Common use contracts have allowed the Government to adopt a balance in contracting approaches, with opportunities for small, medium and large enterprises. The introduction of the GST panel contract is a demonstration that the Government is aware of the responsibility it has to taxpayers to get the best possible value for every dollar it spends. Common use contracts work at achieving that value while simultaneously protecting the interests of the Western Australian business sector through an improved procurement process. I now table a list of the 54 common use contracts which operated during the 1998-99 financial year.

[See paper No 140.]

TELECOMMUNICATIONS (INTERCEPTION) WESTERN AUSTRALIA AMENDMENT BILL 1999

Second Reading

Resumed from 17 June.

MR KOBELKE (Nollamara) [12.14 pm]: I will not be the lead speaker for the Opposition on this matter, but I take the opportunity to make a few comments. The Opposition will support the Bill. The second reading speech by the minister was one of the shortest I have ever heard.

Mr Prince: I think the word "succinct" comes to mind.

Mr KOBELKE: It is certainly not in keeping with the normal habits of the minister for him to be so succinct.

Mr Prince: I do not write them.

Mr KOBELKE: I take it that the minister is about to sack his speech writer and that he wants longer speeches.

Mr Prince: No. The record is 63 pages.

Mr KOBELKE: The speech is very short, and I hope that the minister, in responding to the member for Midland, who will be the Opposition's main speaker on this matter, will be able to add some clarification and answer some of the questions that I will raise in my contribution.

In introducing the Bill, the minister said that it provided the Anti-Corruption Commission with the ability to obtain telecommunications interception warrants in its own right, which would enhance the effectiveness of the Anti-Corruption Commission and allow it to obtain the warrants without the need to rely on police. Clearly, because one of the key roles of the Anti-Corruption Commission is to inquire into allegations of corruption within the Police Force, there is a need for the Anti-Corruption Commission to be independent from the police. If the commission is reliant on approval from police officers for the granting of interception warrants, there is a potential for that information to leak to elements in the Police Force which could possibly be under investigation. On that basis, one can see the need to give the Anti-Corruption Commission surveillance powers in accordance with the Telecommunications (Interception) Western Australia Act.

That issue raises the matter of costs. The Anti-Corruption Commission has been well funded by the Government to expand its role to investigate corruption. As to how effective it has been in that role is a matter on which I will comment later. However, clearly costs will be involved in the Anti-Corruption Commission setting up its own section to be able to undertake such surveillance. The minister may later be able to give some indication of the costs that might be involved, because in part of the minister's speech he indicated that giving this power to the Anti-Corruption Commission would reduce the workload of the police in this area. I am not sure what that is supposed to mean, because the work being done by the police for the Anti-Corruption Commission has not been quantified in any way. I do not know whether the minister is willing and able to do that. It may be a matter which the minister feels is best left unsaid.

Mr Prince: I am not able to, but I will endeavour to do it. I cannot answer you. I do not know. I will try to find out.

Mr KOBELKE: Two issues arise: First, whether the minister is briefed to be able to do it; and, secondly, even if he is briefed to be able to do it, it may be decided, for good reasons, that it is not appropriate to comment on that matter.

Mr Prince: I am not briefed to be able to do it. I will seek to be briefed, and if I am advised that I should not disclose, I will tell the member.

Mr KOBELKE: I thank the minister.

The point I make is that I am not sure how much of a saving there will be to the Police Department. However, even if there is a saving, it is likely that there will be a considerable increase in the overall cost of surveillance of both the police and the Anti-Corruption Commission, because we will allow for an element of duplication. However, that may be the cost of the independence of the Anti-Corruption Commission. To ensure that it has complete independence from the police in matters of surveillance, it will be given these powers. It is assumed that funds will also be provided to establish a unit within the Anti-Corruption Commission to undertake such surveillance and, through the powers that will be granted as a result of this legislation, to gain the warrants that are required to undertake telecommunications surveillance. However, in doing so, there will be duplication, and we may find that we will have to pay extra money; however, it will ensure the independence of the Anti-Corruption Commission. The aim is to try to ensure that the Anti-Corruption Commission will be more effective in its role, that it will have in its armoury the devices it requires to be able to investigate corruption, and to ensure that when corruption is found, the matters can be brought in a form which can be handed over for prosecution and that the information will lead to the Director of Public Prosecutions and other arms of government taking up effective prosecutions in order to root out corruption.

However, the jury is still out on the question of whether the Anti-Corruption Commission is being effective in this role. We have a major problem because if the Anti-Corruption Commission is to do its job, it must be independent and free from any interference by any arm of government or the Parliament. A committee of the Parliament has the job of overseeing the Anti-Corruption Commission but the committee's powers are so limited that it is not able to play an effective role in ensuring that the Anti-Corruption Commission is being effective. The old problem arises; if one asks direct questions about a particular issue or even a range of issues to try to gauge the effectiveness of the Anti-Corruption Commission, the ACC is required to some extent to show its hand about how it has been dealing with a particular matter or a range of matters. That in itself could prejudice the work of the commission. We are in the difficult situation of having a secret organisation which is not accountable in any way to the public. We are all aware that when an organisation is not accountable, there is no measure of its efficiency or of how effective the organisation is in pursuing its charter. If we do not have that accountability, are we getting value for money from the Anti-Corruption Commission or is the money simply disappearing into a deep hole? That would mean we would not be getting effective enforcement of the laws of this State and the highlighting of corruption so that it can be dealt with through prosecution in the courts of this State.

A range of issues need to be addressed. I can only touch on them here because within this Bill we have provision for the Anti-Corruption Commission to undertake surveillance. No member of this Parliament would not wish to see an effective anti-corruption organisation given the powers it requires to pursue corruption. However, we will not address the issues if powers are being given to an ineffective body. I will comment on the Anti-Corruption Commission legislation and the way the commission was established. We have major problems with the legislation under which the Anti-Corruption Commission

operates. We are now passing legislation to give more powers to this organisation which needs to be reviewed. One could ask when is an appropriate time to review an organisation such as the Anti-Corruption Commission. One needs to give the commission time to establish itself and to pursue the various complaints and information which come to it and to determine whether it can be effective in pinpointing corruption and helping to have action taken against individuals who have acted in a corrupt way. In addition to dealing with corruption issues, the Anti-Corruption Commission is able to deal with matters of improper conduct. I am not sure whether the telecommunication powers the Parliament is giving the Anti-Corruption Commission under this Bill could also be used in that area. That will come down to the case which is made in seeking the warrants required to comply with the law and whether matters which are not primarily about corruption can form a basis from which one could gain a warrant to use the surveillance devices under the Telecommunications (Interception) Western Australia Act.

The actual legislative structure under which the Anti-Corruption Commission works grew from the Official Corruption Commission which was established in the early 1990s. The original Official Corruption Commission was - as many people put it - a letter box. It was only a receiving point for complaints; it had no powers of investigation. It simply passed on complaints or information so that the police, the Ombudsman or the Director of Public Prosecutions might take up a matter and pursue it. However, with all the allegations and media attention on corruption in the Police Service, the Court Government was very much under pressure to show that it was addressing the problems of corruption in Western Australia. The Government looked to a select committee of this House which had inquired into the functioning of the Official Corruption Commission and it picked up those recommendations, put them into the Parliament and enacted them almost verbatim from the recommendations of the select committee. That addressed the media problem for the Government; that is, it made it look like the Government was doing something about corruption.

The Government claimed it was revamping the Official Corruption Commission by creating a whole new organisation called the Anti-Corruption Commission. That was an answer to the media problem and a way to deal with the issue when many people were concerned that nothing was being done about corruption, but it did not address the fundamental issues of corruption in our system of government, in Western Australia as a whole and what is the best organisational basis for an anti-corruption commission. You would know, Mr Deputy Speaker, because you served on that select committee, that the problems presented to the committee indicated there was no problem with corruption in Western Australia. With that as their base, the recommendations of that select committee were really only a modification and a tidying up of the legislation to make the body a bit more effective. If members look through the report of that select committee, they will see it is clearly documented that no evidence was available to show that corruption was a major problem in this State.

In the early 1990s, the Royal Commission into Commercial Activities of Government and Other Matters did not find a single case of official corruption. The information gained from various prosecutions indicated to the committee that there were cases of official corruption in one or two areas - one I remember was in police licensing; someone issuing licences without the proper tests - but there were very few examples of official corruption in the State. On that basis, the select committee formed a range of recommendations which simply saw a need for the Official Corruption Commission to exist as a protection against any growth in corruption; it was not addressing major problems of corruption. However, since the report of that committee, a range of issues has been aired through the media.

These issues clearly indicate that in some sections of the Police Service there has been major evidence of corruption. In the case of the Argyle Diamonds issue, a committee in the other place recommended a need for a royal commission because of the extent of the corruption it found. In the light of those matters, we have an Anti-Corruption Commission which was designed to be a vehicle which went on the roads years ago and it is simply not up to the requirements of the vehicle needed on the roads to attack corruption today. The Anti-Corruption Commission has stumbled on a number of occasions and shown that it cannot address the issues. I will not go into those matters but through the legislation with its strict secrecy requirements and administrative stumbling, legal action has been taken against the Commissioner of Police for matters arising from the Anti-Corruption Commission. There is also plenty of evidence in a range of other areas to show that the legislation under which the ACC currently works is not really serving the State. There is a need for a review. These comments need to be made.

Mr Prince: I would not disagree with you that there is a need for review. However, I also make the observation that anything new in this area will be, as it were, a learning process and some errors will be made, innocent ones which will then be corrected through interpretation in the courts. That of itself is not sufficient reason to say that the legislation does not work.

Mr KOBELKE: As so often is the case, the minister has made a statement which one cannot disagree with as a statement of fact. However, it ignores the facts of my contribution to the debate; that is, that the legislation we have in place which established the Anti-Corruption Commission in no way has addressed major problems of corruption in this State.

I was on that select committee, and all the evidence available to the committee at that time, even the evidence of the chairperson of the then Official Corruption Commission, was that there was not a corruption problem in this State. It was some years after the report of that select committee that its recommendations were taken up and implemented by the Government to meet a political problem of there being substantial evidence of corruption. The Government set up a committee in the other place to investigate the Argyle Diamonds affair and a range of other matters that indicated corruption and problems in the Police Service, and in the light of that, the Government tried to save its political neck by putting in place a legislative structure. However, the problem was that that legislation was not designed to structure an organisation that could address issues of major corruption in our society. This legislation will provide those additional powers for the Anti-Corruption Commission.

I return to the interjection from the minister. On the surface, these powers are certainly needed. If the Anti-Corruption

Commission is to be independent from the Police Service and able to investigate corruption in the Police Service, it does not make sense to require it to go to the Police Service to obtain a warrant to authorise it to use telecommunications interception devices. At that level, this legislation is necessary, and we give it our full support. However, there is a big question mark about whether the Anti-Corruption Commission is pursuing corruption in this State effectively and therefore able to make good use of the extra powers that will be provided to it under this Bill.

The issue that then arises is whether the Anti-Corruption Commission should be reviewed to ensure that this legislation forms an effective part of its armoury and enables it to play an effective role in tackling corruption, and further - this is a matter I have not mentioned - that it does so in a way which does not unnecessarily infringe upon the rights of ordinary Western Australians, particularly members of the Police Service who are trying to do their job. The Police Service and the Police Union have at times not been happy with the operations of the Anti-Corruption Commission, and in many cases they have had the facts on their side. In many cases the way the Anti-Corruption has operated under its Act - I am not saying there is anything improper with the commission - has led to injustices being perpetrated against particular officers of the Police Service. It will always be difficult to find a balance between giving an organisation such as the ACC the powers to enable it to be effective, and at the same time ensuring that citizens and officers, whether in the Public Service or the Police Service, are protected and their basic rights are not undermined.

We support the extension of the powers of the Anti-Corruption Commission to enable it to obtain warrants in its own right for the purpose of telecommunications interception, but I am concerned about the effectiveness of the legislation under which the ACC operates and, more importantly, about the lack of appropriate accountability by the Anti-Corruption Commission to determine whether the large amount of money that is being provided to the commission and that will be increased by the powers that will be given to the commission in this Bill is returning value to the citizens of Western Australia.

MRS ROBERTS (Midland) [12.33 pm]: The Opposition is prepared to support the Telecommunications (Interception) Western Australia Bill for a number of reasons, not the least of which is that we do not want the Anti-Corruption Commission to have any excuse for not coming up with results. It is very important that the ACC be given the appropriate tools to pursue its activities and to root out corruption in this State. Secondly, we are prepared to support this Bill because it is very important that the ACC operate independently from the Police Service. I have made the point a number of times in this House that so long as there is a close working relationship between the Anti-Corruption Commission and the Police Service, the potential exists for investigations to be compromised, and, to use common parlance, for people who may be corrupt to be tipped off about what investigations are being undertaken, about who is being investigated, and even about some details of investigations. That may give those officers the opportunity to collaborate their story with other officers or speak to potential witnesses, and in that way to corrupt inquiries and potentially avoid being caught or prosecuted for offences that they have committed. For those reasons, we are keen for the ACC to be given these powers.

Whenever the Police Service, the Anti-Corruption Commission or a similar body is given additional powers, a concern is raised about whether that body will exercise those powers appropriately. People who have a special interest in civil liberties, and others, have raised a concern that the powers that will be granted under this legislation may be abused and civil liberties may be infringed. The concern of most people is that trivial matters may be pursued or fishing expeditions may be embarked upon in order to gain information or catch a person out when no reason exists for doing so. I understand that under this legislation, that should not be the case and that in order to obtain a warrant, the ACC must establish that it has reason to investigate a crime which is punishable by imprisonment for seven years, or more. That is one of the protective measures that is contained in this legislation. Nonetheless, a concern always arises about Big Brother and about people who, for one reason or another, whether those reasons are because of their own corruption or are political reasons, want to target a person to bring that person down or cause that person some grief, or who want to abuse these kinds of powers or the kind of unit that will be established under this legislation.

I have inspected the unit that is operated by the Western Australia Police Service at Curtin House under the Telecommunications (Interception) Western Australia Act, and so far as I can ascertain from a distance, it appears that the unit is functioning effectively and the appropriate checks and balances are in place. I understand that the Parliamentary Commissioner for Administrative Investigations plays the role of overseer or watchdog of that unit to ensure that it operates within the confines of the legislation and abuses do not occur. I understand further that the Parliamentary Commissioner for Administrative Investigations takes his role seriously and that staff from his office attend the interception unit at Curtin House regularly and undertake what appears to be a thorough investigation, so much so that additional staff from his office have been allocated to that task. I want to be clear that under this amending Bill the Anti-Corruption Commission will be subject to exactly the same scrutiny. I ask the minister to confirm that in his response. As this is an amending Bill to the main Act, my understanding is that the ACC would be subject to the same checks and balances, and that the Parliamentary Commissioner for Administrative Investigations would have jurisdiction to oversee the operations of the ACC's interception unit.

People also need to be aware of the cost involved in running this kind of unit. It is my understanding that the WAPOL unit, for example, cost in the order of \$2m to set up. Presumably, it has a bigger workload than the ACC in this area, and perhaps greater need for more equipment and lines. Perhaps the ACC can set up its unit more cheaply. In any event, it would be difficult to set up an effective unit for much less than \$1m, and it would certainly cost more than \$500 000 to set up this kind of unit. One of the great concerns drawn to my attention is the colossal budget of the ACC and its seeming lack of results.

I do not think any police officers would like to be quoted on this, because they must toe the line within the Police Service, but I know that many of them, given that areas within the Police Service are currently strapped for resources, are envious of the resources available to the ACC. It is important to get the balance of resources right. It seems to me from the outside, that perhaps we are putting much more money into the ACC, to target mainly police officers and potential corruption, than

into some other areas of concern. It would be unfortunate, especially given the seeming ineffectiveness of the ACC, if it consumed millions of dollars when other units in the Police Service could better do with the money. I will give an example.

Only last night the member for Girrawheen drew the attention of the House to possible drug dealers in his electorate. I was at a public meeting last month, which was very well attended, and the mood of and comments from the people indicated their great concern about drug dealers not being appropriately dealt with. Many people had stories to tell, and I know from listening to Assistant Commissioner Atherton on a radio program this morning that the police have been acting on comments made at that public meeting organised by the federal member for Cowan and the member for Girrawheen. Mr Atherton said that he has allocated six detectives from his area to Girrawheen to deal with street level dealers. It is common across the community that most constituents would like a much bigger effort to be made to deal with drug dealers, including street level dealers. There seems to be an attitude that the Mr Bigs are the priority and, while not many people would disagree with that, people do not want to see the street level dealers getting away with it. They do deals which cost kids their lives. It is as simple as that.

Mr Cunningham: They are putting the kids in the body bags.

Mr Prince: There is the balance of being able to use the street level dealers to get further up the chain, as well as get rid of them.

Mrs ROBERTS: The minister is right in saying that both areas must be dealt with, but the frustration of the people at the meeting held in Girrawheen was high. It was heart-wrenching to see people, such as Mr Ragno, who have lost their children to drugs. Some of those people named the persons they believe did the deals that were responsible for their child's overdose or death. People quite reasonably expect some results to be achieved within a certain period. The Government cannot allow the street level dealers to continue to deal month after month, in an effort to eventually catch Mr Big. Surely, after some period the police must go after the street level dealers and take them out completely.

I know of a house in Koongamia in my electorate where drugs were reportedly being sold, and I believe that was the case. It was next to a home for aged people who took regular note of what was going on. The aged people were intimidated by the types of people who visited this house. I drew this to the attention of the police on a number of occasions, as did many other people. The police undertook raids on at least two occasions of which I am aware and came up with nothing. For a period between one and two years we quietly waited for the police to deal with the occupant of this house. In response to the comments by the member for Girrawheen, some have asked how people knew that others were dealing with drugs. People reach that conclusion in a number of ways; for example, after everyone in the street says that it is their solid belief that drugs are being sold from certain premises and that on Saturdays, when it is believed that drugs are available at the house, between 80 and 100 cars visit the house. Also, after being told that people know when drugs are in the house because a chair is placed on the verandah and cars start arriving and people start going in and out. When the chair is removed, indicating that no drugs are available, the cars stop coming to the house. After all those things, the story begins to have some credibility. All this information has been passed to the police. In the instance to which I refer I was eventually successful in convincing Homeswest to move the occupant from that house. He is now living elsewhere and I do not know whether the police have caught up with him or have managed to prosecute him in any way. That is the job of the police. I saw it as my job to protect the lifestyle of people living in my electorate by ensuring that they were not continually subject to drug dealing in their neighbourhood. Potentially that man has been inflicted on someone else's neighbourhood.

At the end of the day, there are only two possible reasons that people dealing with drugs are not apprehended by the police. Either it is some form of corruption, or it is a problem of competence or resources. One of the comments continually made by people such as Assistant Commissioner Atherton and others in the Police Service is that they must have sufficient evidence on which to launch a raid, get a warrant executed or prosecute someone. That is fair and reasonable. This Parliament and the Government must ensure that the police have the necessary resources to collect the evidence to prosecute those people.

As a further issue, people in the Girrawheen electorate took down the details of the number plates on many of the cars driven by the people visiting these premises. When they checked on the number plates, the police officers confirmed they were - to quote them - very interesting. They were found to be very interesting because many of the persons who owned those vehicles had records for drug offences at a much higher rate than others in the general community. To get back to the point: The Police Service must deal with some very serious issues, no more serious than wiping out drug dealers at the high level, the street level - at every level. My concern is that we are under-resourcing that area. Mr Atherton said that he felt the appropriate resources had been directed to the electorate of the member for Girrawheen, and I suspect that is probably the case. The relocation of those additional six top-level officers, which statement he confirmed when talking to Liam Bartlett on radio this morning, meant that he had six fewer officers investigating the higher level of drug-dealing crimes available within the organised crime unit. That probably means the Girrawheen electorate is getting appropriate attention. What about my electorate or those of the members for Nollamara and Geraldton? We do not have the additional six top-level officers operating in our electorates.

Mr Prince: We must deal with the problems where there is the greatest need at any time. In some places there will be some low order need. In some places there will be a far greater need than in others. That is a matter of resources.

Mrs ROBERTS: Both the minister and I know that those six top-level officers are there wholly and solely because the federal member for Cowan and the state member for Girrawheen organised the meeting, making it a political issue. As a result, additional resources have been allocated to that electorate. The member for Girrawheen has made the Police Service aware of the problems in his electorate. If it were not for that, his electorate would not be getting attention and the drug dealers there would not be under the pressure they are currently.

Mr Prince: Cannington got 10 extra detectives recently. Nobody got the publicity for that. The Police Service moved those people down there because it thought that was the appropriate thing to do, for a variety of reasons.

Mrs ROBERTS: The minister is misleading the House when he is talking about providing extra detectives. The Police Service has simply transferred the detectives from the central location to a suburban location.

Mr Prince: That is right. They are out where the crime is, not sitting in Curtin House.

Mrs ROBERTS: The minister can argue about that, about the relevance and whether one system is better than another; but he cannot describe them as 10 extra detectives who now have an office in Cannington and who formerly had one at Curtin House. They had mobile phones and cars and could target crime anywhere, but now they are targeting crimes in Cannington, as they are in Midland and other areas.

Mr Prince: What has that to do with the telecommunications Bill?

Mrs ROBERTS: It has to do with the resource levels being put into various units.

Mr Prince: We must have allegations of offences that carry long terms of imprisonment before we can trigger telecommunications interception. Now the member is talking about drugs.

Mrs ROBERTS: Had the minister been in his seat the whole time and followed the whole argument, he would know -

Mr Prince: I have been in here talking to my instructing officer.

Mrs ROBERTS: I do not think the minister can be down the back of the Chamber talking to someone and following what I am saying at the same time. Obviously, he has not followed what I have said, otherwise he would know that I was making a point about the costs of the interception unit.

Mr Prince: I know; I heard that.

Mrs ROBERTS: As a result of this legislation, enormous expenditure will be involved.

Mr Prince: The member for Nollamara made the same point and asked a question to which I will respond in my reply.

Mrs ROBERTS: The minister is delaying things by continuing to interject.

Mr Prince: No, I am not. He has already made that point. You are wasting time by going over it again.

Mrs ROBERTS: The minister may not like what I have to say, but he will listen to it, nonetheless.

Mr Prince: It is not a matter of my listening.

Mr Osborne: It gets a bit tedious.

Mrs ROBERTS: The member for Bunbury can make it more tedious by continuing to interject.

The DEPUTY SPEAKER: Order! It is for me to decide whether the points are being repeated, not the member.

Mrs ROBERTS: I will then take up the full hour allocated to me in this debate, instead of the 20 minutes I had planned. It is up to the minister: If he interjects, I will continue to talk in this debate for the full hour and he can listen to more of my attacks on the Government.

Mr Wiese: In that case, I will go and have some lunch!

Mrs ROBERTS: There is no limit. I could talk for far more than an hour about the inadequacies of this Government. I expect the community wants the drug dealers to be targeted appropriately. That involves resourcing. The Government must look at how it spends money right across the board, not just in the Police Service. When millions upon millions of dollars go into one area, potentially at the expense of another area, we have a right to ask how effectively that money is being spent.

Mr Prince: What is the member talking about there?

Mrs ROBERTS: If the minister allowed me to speak for a few minutes, without interruption, he might actually catch the drift of things. The point I am making is the Anti-Corruption Commission has an enormous budget, one much bigger than that of the organised crime section. People in the community are raising concerns about the effectiveness of the organised crime unit and whether it has the resources it needs to deal with the crimes the community wants the Police Service to address. I do not think anyone in the community has very much criticism of the Police Service. Most people believe police officers are doing an excellent job in very trying circumstances. Many people comment to me that they would not want to trade places with the average police officer for anything. They understand that police officers work long hours and do an arduous job. There is a great deal of respect in our community for police officers. At the same time, I get a lot of feedback from members of the community, saying that they feel there is a need for more police officers and that police officers must be better resourced. Whether it is a matter of needing more police officers or targeting the police officers we have more appropriately, is not the matter for debate. It may well be that we have an oversupply of police officers working in some areas and an undersupply in others. We may have too many tied up in administration or on traffic policing who could be better targeted to the organised crime and drugs areas.

It may also be that some of the money allocated to the Anti-Corruption Commission may be better directed towards dealing with organised crime. The Anti-Corruption Commission is a very expensive operation. In these days, we want to see results

for the money that is spent. Given the money that has gone into the Anti-Corruption Commission, I do not think we have seen very much by way of results. Although it is important for its independence that the Anti-Corruption Commission have its own interception unit, people must be aware of the enormous cost involved for potentially the very little use it will get. It will have to establish that it is investigating some very serious crime to get the warrant. For it to get a lot of use, a great deal of corruption must be under investigation.

I will quite strongly make the point about the need for the Anti-Corruption Commission to be independent from the Police Service. I notice that the minister is out of his seat again, but I will take a point from his second reading speech. It states -

The ability to obtain telecommunications interception warrants in their own right will enhance the effectiveness of the Anti-Corruption Commission and allow it to obtain the warrants without the need to rely on police.

It goes on -

This will enhance its independence as well as reduce the workload of police in this area.

What concerns me is that the statement may be a little misleading. If members read that as it stands, one might assume that all the ACC needs to do in order to get a warrant under the Telecommunications (Interception) Western Australia Act, is go to the police, providing it is an offence indictable by seven years in prison. However, it is my clear understanding that unless it is a joint operation, the ACC cannot get the Western Australia Police Service to make the application for it. I seek some clarification of the issue. I also want some assurance from the minister that, if the ACC can get a warrant only when it is a joint operation and WAPOL is the lead agency, it has not been circumventing the legislation or the law and getting WAPOL to make applications for these kinds of warrants for the ACC. If that is the case, it has been breaking the law again, and one hopes that the ACC would not be doing that. That is an important point. If we have put in place people whose job it is to root out corruption and pursue matters of official misconduct and other improper conduct, they must conduct themselves in accordance with the law. When the second reading speech states "allow it to obtain the warrants without the need to rely on police", it is as if the ACC can get warrants so long as it goes through the Police Service. That matter needs some clarification, because my advice is that unless WAPOL is the lead agency in a joint operation, the ACC cannot just go through the Police Service to obtain a warrant in accordance with the law.

The further comment that this will reduce the workload of police also puzzles me. Unless the investigations have been contrived to make ACC investigations WAPOL investigations or to mislead a judge into believing that it is a WAPOL investigation or a joint operation for which WAPOL has the lead, I am not sure how the workload of police can be reduced in this area. I seek some clarification from the minister on that point as well. Presumably, there will still be some joint operations between WAPOL and the ACC and the police are not obtaining warrants on behalf of the ACC, which I believe is against the law. If it is not doing those things, its workload should not be reduced. That is a matter of concern and it needs addressing. At the very least it is not clear in the second reading speech and it is my understanding that second reading speeches must be made clear because they can be looked at later when matters go to court.

Another matter I want to raise is the need for the amendment to the parent Act. The commonwealth Telecommunications (Interception) Act requires an amendment. Such an amendment has been with the federal Attorney General, Daryl Williams, for some time. I hope that the minister can use his good offices to speedily achieve the amendment to incorporate the ACC as an eligible agency. It takes place federally because there will be little purpose in our passing this legislation if the parent Act is not amended in Canberra. A reasonable expectation would be that this would be done federally by the end of the year. If it is not, this Government will have failed in convincing its colleagues of the necessity of the ACC establishing this telecommunications unit.

Mr Bloffwitch: The legislation coming in now will be OK until the federal legislation comes in to counteract it.

Mrs ROBERTS: I think the member is wrong.

Mr Bloffwitch: I do not think I am.

Mrs ROBERTS: Perhaps we can ask the minister. Does the ACC have to wait until the federal Act is amended?

Mr Prince: Yes.

Mrs ROBERTS: The minister has said yes and I think the minister may know.

Mr Bloffwitch: Why does the ACC have to wait for a federal Act when we can legislate on its behalf in this State?

Mrs ROBERTS: Because of the federal parent Act of 1979, which must be amended because this Act operates under that Act.

Mr Bloffwitch: It can legislate only on behalf of corporations - not individually.

Mr Prince: It has total power over telecommunication.

Mrs ROBERTS: In conclusion, we do not want the Anti-Corruption Commission to have any excuse for not achieving results and, as such, we are happy to support its having this additional power. I have some concerns about the lack of results of the ACC and the high level of expenditure in its lack of results. A judicial inquiry in the form of a royal commission is appropriate to look at some significant issues in the police area, including areas such as the Argyle inquiry. The ACC has not been operating as effectively as many people in the community would hope. Other tangential issues could be raised about the ACC, the secrecy under which it operates and some of the nonsense which the minister has virtually admitted is nonsense, but which has constrained him from making comments on a number of matters which would have allayed

community concerns had he felt he could report on some of those matters relating to the ACC. Another reason we are keen to support this is because of our view that there must be independence between the Police Service and the ACC; that is, the ACC needs to operate independently. It is my belief from discussions with persons at the ACC that much of what they are investigating involves police officers. It seems that they may be hampered in that investigation if they do not have this additional weapon of intercepting telecommunications.

MR PRINCE (Albany - Minister for Police) [1.09 pm]: I respond to the questions raised by the members for Nollamara and Midland and thank them for their support of the Bill in principle. The cost of setting up such a system is problematic. The system which the Police Force had cost less than \$1m for the hardware and so on. The cost of setting up a system depends on how large the Anti-Corruption Commission wants it to be.

Mr Bloffwitch: When I was in Canberra I talked to the national body, which said it costs in the order of \$10m to be able to listen to digital telephones. Are we going to try to do that?

Mr PRINCE: We are doing it. However, I would rather not say that and I wish the member for Geraldton had not asked it.

Mrs Roberts: You are always saying things that you would rather not say!

Mr PRINCE: Honestly! The fact is Canberra has a wonderful, great big system. The system we have in this State for the Police Service, which works perfectly adequately, cost just less than \$1m to put in place. I am told the hardware exists for probably less than \$500 000, which is still a significant amount of money. In addition, operators would need to be employed; I do not know how much they would cost. That is the answer to the first question raised.

To answer the second question, the ACC has never used the police to obtain telephone interceptions which otherwise the police would not be seeking for themselves. All the telephone interceptions in which the ACC has been involved have been as a result of a joint operation by the ACC and the internal affairs unit; in other words, police seeking telephone interception, with the ACC as part of the exercise. There has been no ACC telephone interception work conducted by the police.

Mrs Roberts: Why do you have the phrase "without the need to rely on police" in the second reading speech?

Mr PRINCE: The ACC has to rely upon the police if it considers there is a need for telephone interception because it does not currently have the power to request it.

Mrs Roberts: Surely there are some interceptions that the ACC cannot do at all.

Mr PRINCE: As the member for Midland quite rightly said, the ACC is bound by the commonwealth telecommunications interception legislation, which delineates the parameters within which any authorised agency can seek to listen to a person's telephone conversation. The ACC conceptually would want to be able to listen to something that is within those parameters that may have nothing to do with a police inquiry at the time. That is speculative and hypothetical; however, it is the situation that we seek to cover by this Bill. It also relates to the situation, as the members for Midland and Nollamara said, in which police investigate their own members; the ACC can be involved in those investigations. In that case there is the potential appearance, if nothing else, of an ability for some form of legal tip-off. To my knowledge that has never occurred in the time that I have had detailed knowledge of what occurs in this area. I have the highest regard for the internal investigators in the professional standards portfolio, particularly under recently retired Assistant Commissioner Jack Mackaay, and the other officers who have staffed that portfolio ever since it was formed; they do an exemplary job. However, because of potential accusations or the potential leaking of information, it is desirable for the ACC to have its own power, which is something, as the member for Nollamara said, that, if it comes at cost, it comes at cost, because it is important to establish that degree of separation and that degree of duplication.

The cost per telephone intercept is not known. However, it has recently been said by the Commonwealth Government that the average cost of a telephone intercept to law enforcement agencies across Australia is \$10 000 per warrant. Obviously, some intercepts would be vastly more expensive than others, depending on the location, the extent of equipment required and so forth. I do not know how much it would cost in this State.

Mrs Roberts: The duration of the intercept would be a significant factor.

Mr PRINCE: Yes. Also relevant is the sophistication of mobile phones that constantly move from one cell to another. Perhaps phones that are used over long distances are a great deal more expensive to keep track of and to continually monitor than a fixed landline, which is in only one place and obviously is easier to deal with. Different variables come into the issue.

Mrs Roberts: I understand one of the difficulties is that many people under investigation regularly change the subscriber identity module cards in their mobile phones, and effectively have different numbers.

Mr PRINCE: Yes, that is true.

Mrs Roberts: Are the warrants issued for the person or for the phone number?

Mr PRINCE: For both. I sign them and they are for individuals and for telephone services. I do not want to go into too much detail about that, for obvious reasons. I am happy to tell the member privately; however, on the public record it is not helpful to tip off those people who think they are getting away with it when perhaps they are not.

Exactly the same process applies with regard to the question raised by the members for Nollamara and Midland concerning the ACC's being subject to the same checks and balances as the Police Service, the Ombudsman and so on. The amendment to the Bill specifies the certifying officer and the responsible minister; in the case of the ACC it will be the Attorney General.

The same process is followed in reporting to the commonwealth minister and the Ombudsman's ability to supervise and so on. It is therefore exactly the same system as exists for police in this State to be able to tap into someone's telephone.

I believe the commonwealth Telecommunications (Interception) Amendment Bill has been first read in the House of Representatives in Canberra. I do not believe it has advanced any further than that. However, I have made representations to the commonwealth Attorney General and will continue to do so. I do not expect it to be a major exercise for the Commonwealth Parliament. It is a relatively simple matter, is non-contentious and, hopefully, will be passed quickly.

Mrs Roberts: I understand the federal Attorney General has about 30 pieces of legislation that he is currently attempting to progress through the Parliament.

Mr PRINCE: Yes. I do not know what they all are. This is one piece of legislation I hope will be passed in a matter of minutes. It is a request by a State for the addition of an investigative agency to what is otherwise a fairly reasonable exercise. I thank members for their support.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

HERITAGE BILL 1999

Cognate Debate

On motion by Mr Kierath (Minister for Heritage), resolved -

That leave be granted for the Heritage Bill 1999 and the Heritage (Consequential Provisions) Bill 1999 to be considered cognately, and that the Heritage Bill 1999 be the principal Bill.

Second Reading

Resumed from 24 June.

MR McGOWAN (Rockingham) [1.19 pm]: I rise, as the opposition spokesperson on heritage matters, as the lead speaker for the Opposition on the Heritage Bill 1999 and Heritage (Consequential Provisions) Bill 1999. I was appointed to this shadow portfolio approximately a month ago. In that time it has been a very steep learning curve for me. However, I have examined both Bills in great detail.

Over that period I have become much more aware than I was previously of the significance of heritage and our State's history - moveable, indigenous, built and natural. In the Opposition's view our heritage is very important. Historical issues are becoming increasingly important to the public of Western Australia and we will endeavour to protect them through the legislative process. In terms of built European heritage, my electorate of Rockingham has the most significant site in Western Australia. I refer to the first site of Captain Stirling's settlement in Western Australia on Garden Island. As one moves around the community one sees plaques and mementos which depict history. I went to Cossack for the first time and saw the remains of the settlement. I saw photographs of what was once there and I found it disappointing to realise what has been lost. It is disappointing when one sees a plaque in Barrack Street commemorating the first site of the Swan River colony, Garden Island notwithstanding, and one realises that nothing of the original settlement remains. Historically little consideration has been given to these matters in terms of preservation. I must congratulate the Government of 1990 which enacted the first Heritage Bill in the State's history. The member for Fremantle was the first Minister for Heritage and administered the Bill, and is present with us today in the Chamber.

It was a significant step for heritage protection for this State that a Government developed specific laws to protect heritage and it followed a disappointing history of preservation. One of the worst examples occurred in the 1960s when the west end of Fremantle was almost destroyed. In my view, the west end will one day be the heart of Fremantle. I expect future generations will be thankful for the efforts of the people who, along with the Fremantle council, preserved that section of Fremantle. It is more attractive than the Rocks area of Sydney, which is always held up as a principal heritage area of Australia.

It is satisfying that by 1990 laws and regulations which prevented further destruction were in place. Under a clause of the Bill a review was undertaken to determine the nature of further laws affecting heritage in this State. That culminated in the 1995 report of the Select Committee on Heritage Laws, of which the member for South Perth was chairperson. The members for Roe, Murdoch and Fremantle and the former member for Kenwick were also on the committee. They delivered a bipartisan report, which was to the credit of the member for South Perth. It crossed party lines and highlighted the significance of heritage issues. It was presented to the Government as a blueprint for future heritage protection. There was no dissent among the committee members on its recommendations. The report was received by the former Minister for Heritage, Hon Richard Lewis, who established a review and a Queensland consultant conducted an examination of the report. He came up with a report on the report which was used in drafting this Bill.

It pains me to say that despite so much effort on the part of both Labor and Liberal Party members to bring down a report which created a heritage blueprint, the Opposition intends to oppose the Heritage Bill introduced by the Government. I started my examination of the Heritage Bill with the intention of getting it through the Parliament. I recognised improvements could be made to the current laws because there are problems with the Heritage of Western Australia Act. Although the Bill is simpler than the current laws and has some commendable points, particularly in binding the Crown, it does not enhance the protection of heritage in this State, but rather it diminishes it. The Bill contains many provisions which diminish the importance of heritage and create confusion with local government. The provisions relating to centralised

power and control in the hands of the Minister for Heritage are such that I am unable to come up with a set of amendments which would make the Bill workable and which would meet the central requirement of establishing decent, protective heritage laws. We ask the Minister for Heritage to withdraw the Bill on the basis that it is an unwarranted grab for power by the minister and heritage laws in this State should not proceed in this way.

The Opposition consulted widely before making this decision. An article from *The Fremantle Herald* dated Saturday, 21 August 1999, quoting Tom Perrigo, director of the National Trust of Western Australia, discussing the proposed Heritage Bill reads -

It's a poor piece of legislation that has been rushed through and we think it should be withdrawn. . . .

It puts more power in the hands of the Government to override heritage assessment.

The National Trust of Australia (WA), one of the peak heritage protection bodies in Western Australia, has said that the Bill is not good enough. It has implored the Parliament to withdraw and redraft it. However, it goes further than that. The Royal Western Australian Historical Society has put in a submission, signed by the society's president, Sir William Heseltine. He wrote -

There appears to have been inadequate consultation on the drafting of the Bill. . . .

Unlike the National Trust of Australia (WA), the Society was not officially invited to have input into the development of the drafting instructions. Furthermore, on the 20 May 1998 the then Chairman of the Society's Council wrote to you requesting information about the heritage legislation that was being drafted. This request was refused. . . .

It became apparent at the State Heritage Convention (28-30 April 1999) that it is vital for the community to "own" any new heritage legislation. . . .

It then stated -

We do not believe that these findings have been taken seriously in the development of the Heritage Bill.

The Royal Western Australian Historical Society expressed further reservations about the Bill and in the concluding paragraph it stated -

In conclusion, the Society urges you to consider our comments and ensure that the final legislation truly reflects the community's requirements for the protection of its heritage.

The Royal Western Australian Historical Society was of the view that the existing Bill is not up to scratch.

The WA Municipal Association is the peak body of Western Australian local governments. It submitted that there were six key areas of concern that had been discussed with the Minister for Heritage and that there appears to be agreement on two aspects. WAMA stated -

. . . increased Local Government representation on the Heritage Council of WA and agreement to re-examine the provisions relating to works approvals to provide for integration. It is anticipated that further negotiation will be necessary to address WAMA's concerns in relation to:

The concept of a state heritage area and the transfer of responsibility for development control decisions to the Heritage Council of WA for state heritage areas.

The links to the planning appeals process and the dominance of planning principles in the appeals process.

Provisions in relation to the purpose, preparation and review of municipal heritage inventories and the potential for cost shift to Local Government.

The non-integration of legislation affecting heritage, ie indigenous, natural and built.

The association made a number of submissions indicating that the Bill had significant implications for local government and suggested a number of amendments. Approximately 32 amendments were suggested. Many were simply general statements that certain clauses should be amended, but others were quite specific. From the submissions one can assume that the association is concerned about heritage protection under the Bill.

The Heritage Council is responsible for administering the Heritage of Western Australia Act, under the control of the minister. It proposed a number of recommendations and 45 amendments to this Bill. It also stated in its submission that there are a number of significant flaws in the Bill. It said that the proposed objection procedure provided for in clause 38(3) is flawed. It came up with a completely different model for objections. It believes that the minister's involvement in the appeal process should be downgraded and the Director of Planning Appeals should also be excluded. As I said, the Heritage Council came up with at least 45 amendments. The Western Australia Municipal Association submitted 32 amendments and the Western Australian Royal Historical Association provided approximately eight amendments. Further amendments have been proposed in other submissions. Every one of these peak groups says that the Bill is significantly flawed.

Peter James from consultancy group JNP Pawsey and Prowse made a submission. The submission said some awful things about the Bill. Mr James was involved in reviewing the 1995 select committee report into heritage laws. He advised the Government what should be included in the Bill. He has also advised Governments in other States about their heritage Bills. Mr James' comments are very damning. I quote -

The WA Heritage Bill . . . is poorly drafted, misguided in a number of its principles and does not reflect the extensive and time consuming community consultation process which was gone through several years ago. It is quite extraordinary, with the precise and clear directions and documentation available at the end of that process . . . that such a poorly drafted and conceptually old fashioned Bill should have been produced. . . .

I pointed out very clearly to all those who had a vested interest in seeing a good outcome at the conclusion of the process . . . when the final Report had gone to the then Minister, the absolute necessity of getting instructions to Parliamentary Counsel which were accurate and properly reflective of the Government's decisions following that process. . . .

Bearing in mind the substantial nature of the changes needed I would think that at this stage of proceedings there was little likelihood of getting the Government to agree to them *regardless* of the reason for the Act being in its present form. Very substantial changes are needed to bring the bill up to an acceptable and workable standard. I would think that total rejection of it by the Upper House - if this is possible - may be the only way to have the matter properly rectified in that such action would ensure that the Government would be forced into a total rethink of the major issues.

Mr James concludes -

The complaints in the past were essentially that whether the matter went to the (old) Planning Court or to the Minister there were interminable delays. The present system successfully combines the delays of the one with the delays of the other! If the Minister is having difficulties with decision making the simple answer is - as in other conservative States such as Queensland and Tasmania - for the Minister to extricate himself from the process altogether and leave it to a Tribunal. Just adding another body to give advice will not help the Minister who does not know what to do make up his mind!!!

Those comments were made by one of the consultants to the Bill's construction.

I have read most of the select committee report. The report came up with a number of submissions and 72 recommendations, the vast majority of which have not been complied with in this Bill.

This Bill has not met with the expectations and hopes of all those peak bodies involved in heritage. It is not only the Australian Labor Party or the Opposition that are saying this Bill is fundamentally flawed. All those groups are saying that it is not good enough and that it must be changed; in fact, it must be totally withdrawn and redrafted.

A further issue relates to national standards for heritage legislation; that is, a national heritage places strategy. Over the past couple of years some negotiations have been conducted between the States and the Commonwealth. The federal minister responsible for this portfolio area is Senator Robert Hill. Those discussions were aimed at developing a national conceptual arrangement for dealing with heritage issues. The Commonwealth has responsibility for international and national heritage matters, and the State Governments and local governments have their responsibilities in this area. Meetings have been held between the various state heritage ministers and the federal minister to develop this national heritage places strategy. A meeting of all state heritage ministers was held on 27 August, and I assume our minister attended. Senator Robert Hill wrote to the Western Australian heritage minister as follows -

The mandatory standards relate to those areas that I hope we can agree should be common features of all heritage legislation. The non-mandatory standards are designed to serve as 'guidelines' for governments in the implementation of their heritage responsibilities.

I understand that meeting ticked off an agreement, although it, like all other such agreements, would be subject to further review. That agreement contained mandatory standards for all heritage laws across the Commonwealth. Although each State would have its own heritage legislation, such legislation would contain certain provisions that complied with the national standards. That is a good thing, and it is something to which Western Australia should be a party. As I said, we need to conserve much more of our heritage. If we can come up with national standards, I would like to see them implemented.

I will detail the national mandatory standards and explain in what respects the Western Australian legislation fails, although the State Government signed off on them. The first national mandatory standard for heritage legislation states -

Governments will have effective legislation that provides for the listing, conservation and protection of places of cultural, indigenous and natural heritage within their jurisdiction. Legislation will apply to heritage places in private and public ownership.

This State's legislation does not meet that criteria. Natural heritage is expressly excluded from this legislation. It contains no definition of "natural heritage", and that is essential. Indigenous heritage is also excluded, and I will refer to that later.

The second point at which the legislation does not comply relates to clause 6 of the mandatory standards, which states -

Heritage legislation will ensure that heritage issues are considered at least on equal terms with all other relevant considerations.

The Western Australian legislation includes reference to the Director of Planning Appeals under the planning appeals legislation, which is also being debated by this Parliament. The mandatory standards provide that heritage legislation will ensure that heritage issues are considered on at least equal terms with all other relevant considerations. The inclusion of the Director of Planning Appeals and the reference to the planning appeals legislation mean that planning issues will be considered above heritage issues when an appeal is heard. That is not a product of my imagination; that is the advice to the

Western Australian Municipal Association from Minister Kierath. WAMA stated that Mr Kierath told it two weeks ago that heritage issues will run second to planning in such a forum. The WAMA spokesperson stated that the association's concern is that it will have a situation of flopping it into the planning system and the minister has said that planning principles will have precedence. From a heritage point of view, that is not good. It is not only not good but it also does not comply with the mandatory national standards for heritage legislation, which state that heritage issues must be considered on at least equal terms with all other relevant considerations.

The third area in which the Bill does not comply with the national standards is that there is the capacity under the current Bill for people to be appointed to the Heritage Council despite not having the relevant expertise and experience in heritage matters. In reference to heritage councils, the national mandatory standards state -

The majority of members of such bodies should be comprised of people with expertise and experience in heritage matters.

There is no guarantee under this Bill that that will be the case in the composition of our Heritage Council. In fact, it provides greater scope for the Minister for Heritage to appoint his own people, whether it be this minister or any other minister, even though the appointee may have no expertise or experience in heritage matters. He or she could be more closely associated with the development or planning lobby. That does not represent compliance with these standards.

The Bill does not comply in yet another area. The national mandatory standards state -

Commonwealth and State/Territory heritage lists and registers will include places of natural, historic and, where agreement has been sought from traditional custodians, indigenous significance.

This Bill will not comply with that requirement.

The national mandatory standards also include reference to effective incentive, deterrent and penalty clauses necessary to achieve heritage protection and management. I will refer to the penalty provisions later, but they are not effective enough.

The next major and most important issue of concern relates to the minister's increased powers under this legislation. Concern has been raised about the centralisation of authority under the Minister for Heritage. In most other States, the minister concerned is buying out of the final decision-making process. New South Wales has the Land and Environment Court, and the minister concerned is attempting to extricate himself from these decisions for obvious reasons. In that way, he will not be involved in decisions in which expertise is required to make judgments or in which there could be conflicts of interest. That is, he is distancing himself from situations that could involve people who donate to political parties also receiving relevant approvals. In every other State, ministers are buying out of these processes. In Western Australia - as is the case with the Planning Appeals Bill and the Culture, Libraries and the Arts Bill - we have a greater centralisation of power in the hands of the minister.

The Bill concentrates power in the hands of the minister in a range of areas, such as appeals over development applications and works approvals, and the appointment of members of the Heritage Council. The Bill centralises power in the hands of the Minister for Heritage.

Clause 8 relates to the membership of the Heritage Council. Clause 8(1) reads -

The Council is to comprise 11 persons appointed by the Minister who have such experience, skills and qualifications as the Minister considers appropriate . . .

A select committee chaired by the member for South Perth recommended that the Heritage Council should appoint its own members having regard to their heritage expertise and qualifications. Clause 8(1) provides that the Heritage Council will comprise 11 persons appointed by the minister with such experience, skills and qualifications as the minister considers appropriate. The Bill provides that some members must be members of the National Trust of Australia and the Western Australian Municipal Association. However, it also provides that the majority of those members - six of the 11 members - will be appointed at the whim of the minister, and without regard to their qualifications. I have referred to a number of the submissions in which that issue was raised. The Heritage Council indicated that was inappropriate, and suggested major amendments to that provision. The Royal Western Australian Historical Society recommended major amendments. Consultants who were involved in drafting the Bill stated that this was a method by which the minister could stack the Heritage Council. It is open to the minister to completely change the membership of the council every few years, which would make stacking the council an easy thing to do. It goes further than that. Schedule 1, section 3(2), allows the minister to remove any member of the Heritage Council from office if he is not satisfied with that member's performance, according to a range of criteria. Basically, if the minister is of the view that a member of the council has misbehaved, is incompetent or has neglected his or her duties, he can dismiss that member.

The Bill goes a lot further than centralising the minister's power over the Heritage Council. Clause 13 allows the minister to give directions in writing to the Heritage Council in regard to its performance in a particular matter, and the Heritage Council must give effect to that direction. A slight limitation is placed on that provision, but the minister almost has carte blanche to direct the Heritage Council - a supposedly independent advisory body.

Clause 43 gives the minister an extra power to direct the removal of an interim entry from the register. Clause 42 allows the minister to decrease or increase the area of a place listed on the register or a state heritage area. The Bill centralises the power of the minister over the composition and activities of the Heritage Council. It provides the minister with the power to remove not only places from the register, but also the members of the Heritage Council with whom he is dissatisfied.

The major problem, which probably has received the most attention from the Heritage Council, the Western Australian Municipal Association, the Royal Western Australian Historical Society - anyone with an interest in this matter - is the involvement of the Director of Planning Appeals. Clause 38(3) provides that the Director of Planning Appeals act as an adviser to the minister on heritage matters. Let us consider an appeal that is made against a registration or in relation to a works approval matter. If the Heritage Council recommends to the minister that a site be added to the heritage register, any individual who is affected can appeal to the minister, who will seek advice from the Director of Planning Appeals under the Planning Legislation Amendment Act. The minister has said that planning considerations would be paramount in any advice that he sought. That is a direct diminution of the importance of heritage vis-a-vis the former Heritage Bill. Although the former Heritage Bill had its faults it put heritage first, not second.

A number of people have commented on the dominance of planning principles and linking the planning appeals process to heritage matters. The Western Australian Municipal Association has criticised this part of the Bill. It stated that this linkage is inappropriate. WAMA's letter of 16 August states that the Heritage Bill establishes strong links for the appeal process in the Planning Appeals Bill. WAMA refers to the fact that it had previously sought clarification about the principle that dominates appeals, whether it was heritage or planning and the indications were that planning principles would dominate. WAMA states that history suggests that planning and heritage principles are not always compatible and it is concerned that planning principles will dominate the appeals process, which will undermine the concept of separate heritage legislation to protect Western Australia's heritage. WAMA suggests that an alternative is an independent appeals system under the auspices of the Heritage Bill.

WAMA's letter says it all. The Bill will reduce the importance of heritage issues and will allow something that is completely incompatible with heritage issues to take precedence. Everyone with an interest in heritage says that is its main fault. Not only the Western Australian Municipal Association but also the consultant involved in drafting the Bill says that the Planning Appeals Bill should not be linked with the Heritage Bill and there should be an independent process. Peter James, the consultant who assisted in drafting the Bill, states that the processes are such that, even leaving aside the consideration of any substantive issue to be resolved, they have the potential to cripple the administration of the Heritage Council through undue process.

The Heritage Council has attacked this provision and said that the proposed objection procedure is flawed and that a preferable model would provide an internal objection procedure, entitling objectors to a personal hearing before the council if they requested it, as is provided for in the Victorian Heritage Act.

[Questions without notice taken.]

Mr McGOWAN: The Heritage Council has objected to the involvement of the Director of Planning Appeals in the registration of heritage places, specifically under clause 38(3), and I have quoted some of its comments. It has also stated that the Director of Planning Appeals is not considered an appropriate body to provide advice on registration matters because of the lack of heritage expertise and predominant planning focus on the part of assessors and the planning appeals panel. This has come directly from the horse's mouth. The Heritage Council considers that this body should not be involved in these planning matters and that this is not the way to draft a heritage Bill. It also is not the way in which this matter is being approached in other parts of the country. A body that does not have heritage as its primary focus should not act as a final provider of advice to the decision-making body, which is the minister. That is a mistake, and that opinion is shared by all the groups involved in this issue. Before question time, I quoted from material from the Western Australian Municipal Association, the Heritage Council and the advisers to the Government who drafted the Bill. Everyone agrees with the point I made. The Bill should be withdrawn just on that point, and be replaced with an entirely new process to remove the matter from ministerial discretion.

A further point of great concern to us is contained in clause 61, which deals with the non-integrated works approval process. I understand the minister accepts this is a problem. It must be amended to provide for an integrated works approval process for registered properties. I again refer to the letter of the Western Australian Municipal Association dated 16 August which states the creation of a non-integrated works and approval process is cause for concern; that integrated approval processes should apply in sections 61, 91 and 94; and that amendments are sought to the Bill to ensure a referral integrated approval process between the Heritage Council of Western Australia and other approving bodies, particularly local government. It goes on to say that this is currently occurring on an informal basis with referrals, with discussions between the Heritage Council of Western Australia and individual local governments on works approvals for heritage listed places, and that the referral integrated approval process should be formalised in legislation to ensure that all works undertaken on registered heritage have appropriate approvals.

At the moment that is not taking place in this Bill. It creates a great deal of confusion in relation to works approvals. Local government councils and the Heritage Council will not know where they stand. Clause 61 indicates that all cases for approval should be handed to the Heritage Council, which will decide on whether any works will be carried out. These cases must also go through the local council. We need a process by which the matter will go to the local council, be referred to the Heritage Council for advice or approval, and come back to the local government authority. In that way a person applying for a works approval will not have to apply twice. That would make it a far simpler and fairer process than that proposed under this Bill.

In its report, the select committee advised that moveable heritage, portable heritage, should be included under the new Heritage Bill, that these issues should be dealt with in the same manner as built heritage or static heritage. This Bill specifically states that moveable heritage will not be considered as part of the process. Further, clause 6 excludes natural

heritage and provides that indigenous heritage will not be part of the Bill, notwithstanding that the select committee recommended moveable heritage and folklore be brought into the process. It also said that we should move towards an integrated, indigenous heritage process in a single Act. Obviously the minister has not taken up the recommendations of the select committee and has decided not to integrate all of those things in one heritage Bill. It would be far simpler if they were integrated. In fact, it has been said by every major interest group - the Western Australian Municipal Association, the National Trust of Australia and the Royal Western Australian Historical Society - that this Bill should take a holistic approach, and that all these matters, including natural heritage, should be included in one piece of legislation. In fact, it is even a requirement of the mandatory natural standards that all these matters be brought in under one Bill.

This legislation does not take into account the requirements set down by the mandatory national standards and requested by all of the major interest groups in this matter, bar the Heritage Council, which thinks moveable heritage should be brought in under this Bill and be part of the process. The minister has decided to ignore all of that, the advice from the federal minister and good commonsense to have a more integrated approach in these matters. There is also a very strong argument to introduce natural heritage as part of this process. That would make the Bill a more substantive piece of legislation. It may bring in pieces of natural heritage which should be brought in under this process. There is a very strong argument for a Bill to deal with all of these matters.

There is also the question of state heritage areas created under this Bill. Clause 3 does not provide a good definition of a state heritage area. Concern has been raised by the Western Australian Municipal Association that having a state heritage area invokes the prospect of whole areas of land being separated from the jurisdiction of a council and put under that of the Heritage Council. That would mean, in effect, that any works or approvals in these areas would be subject directly to the discretion of the Minister for Heritage. The Heritage Council only makes recommendations to the minister. In most cases where there are objections, the minister will get advice from the Director of Planning Appeals. There is a prospect that whole areas of land will be separated. The Western Australian Municipal Association, on behalf of its member councils, is very concerned about this prospect. The councils will lose any semblance of control over those areas. It is of the view that these things should be taken out.

I have concerns about this provision because of the historic precedent that I mentioned earlier relating to some land at the west end of Fremantle. In the 1960s the then Government basically wanted to put a new development in that area - I think it was a six-lane highway, or something like that - and the fight to preserve that area was led by the Fremantle council. The local authority was trying to protect an area of heritage that a minister - it may have been a member who became a Premier - was trying to knock down. There is an argument that moving these areas of heritage outside the control of the local council might reduce the heritage protection for those areas, as well as directly diminish the power and authority of the relevant local government body. That is a very substantial concern not just for local government authorities and but also as it relates to the question of heritage.

A whole range of other amendments and concerns have been raised by various councils, one of which relates to the question of penalties under the Bill. Clause 118 includes a penalty of \$5 000 and sets out an offence for despoiling or damaging a registered property. I understand this is only one of the penalty provisions. Others relate to areas the subject of conservation or protection orders, and they may be in the vicinity of \$50 000. The Royal Western Australian Historical Society believes that these penalties are inadequate. I agree. We can foresee a situation where a party may decide to knock down or damage an area for its own interest and say that it will just cop the \$5 000 fine because it is not much money, and that it can put up with that to receive the greater benefit. That is not a sufficient fine for parties that deliberately flout the law in that fashion. It is too low and should be increased markedly for that particular circumstance.

A whole range of other concerns about this Bill have been outlined to me, but I have dealt with the concerns in relation to its substance. This Bill will result in a reduction in heritage protection in Western Australia, and that is not what we should be doing in this day and age. As time goes by, the people of this State and future generations will want all of the areas of significance to be protected, whether they be natural, built, moveable or indigenous heritage. They will want those areas to be left for future generations and will want their values, in particular, protected. We should be putting in place a Bill which, although friendly to development and ongoing jobs, does not diminish the importance or the protection of heritage and does not result in a further centralisation of control in the hands of a single minister. Ministers who regard heritage as a completely unimportant issue can be appointed and they may despoil and reduce the value of heritage for future generations. Introducing a Bill which does all of those things is a big mistake. It is of no credit to the Minister for Heritage that he has allowed this Bill to come before this Parliament in the light of all the submissions that were received, the select committee report and the submissions by the members for Roe and Murdoch. It shows that he does not have a high regard for heritage. I will be interested to see what the members for Roe and Murdoch do in relation to this Bill. If they vote for this Bill in this House, they will be voting directly against what they signed up to in the report of the Select Committee on Heritage Laws in 1995. They will be voting directly against what they penned as a bipartisan report. To do that would say something about them as members of Parliament.

We will be opposing this Bill. We may consider amending it, but we urge the minister to withdraw the Bill and go back to the drawing board and take into account the interests and wishes of the people of Western Australia.

MR PENDAL (South Perth) [2.52 pm]: Today should be the culmination of more than a decade of consolidation in heritage law in Western Australia. Sadly, I have come to the conclusion that that is not so. I will briefly touch on some of the recent history of the topic before reflecting on some of the weaknesses and deficiencies of the Bill and briefly touching on one or two ways out of the dilemma that the House now faces. The 1980s in Western Australia was a period of considerable controversy and divisiveness in heritage law, so much so that that decade resisted all attempts by Governments to produce a substantial body of heritage law, a demand for which had particularly grown out of the fate of the Palace Hotel and a

number of other buildings. In 1989, somewhat ironically, the then Opposition, in order to break that impasse, introduced its Heritage Enhancement and Preservation Bill in another place.

Mr McGowan: Who was the spokesperson?

Mr PENDAL: A very competent individual whose name later eluded the Government. The Bill, of course, never passed, but it was never envisaged that it would. However, in 1990 the then Labor Government introduced a Bill and the Opposition in the other place, when it had the capacity to defeat the legislation, in fact supported it. The Bill was passed with a number of key amendments so that at last Western Australia had the Heritage of Western Australia Act.

One of its real shortcomings was the very turgid and verbose drafting; it was actually seen as an offence against the English language. It was a difficult piece of legislation to debate and, frankly, many people made the admissions at the time that they could not fully understand some of its provisions. Nonetheless, the desire to see heritage law on the statute book overcame any of the perceived deficiencies. One of the matters that was put into the Bill was a three-year review clause. Herein began the woes of the current Government, which came to office in 1993. What followed then, I am sad to say, was a litany of broken promises and a failure to implement policies on which the Government had gone to the people. One of the promises that was fulfilled was that the three-year review would be carried out by Parliament by way of a select committee of inquiry. That was made by the spokesman for the coalition at the time in the belief that Parliament was, and should be, the best reviewer of its work, even when that work fell short of the high standards that should have been there in the first place. When the Government changed, that select committee was put in place and it worked throughout 1994 and 1995.

Mr Graham: I thought you were about to say "throughout the world".

Mr PENDAL: No. In fact, we were one of the cheapest select committees that Parliament ever saw because we travelled within Australia. Only the chairman travelled overseas, but that was on his imprest account. The important issue which emerged from that committee was that it produced that very rare beast in Australian politics: Bipartisanship. I chaired the committee and the current member for Fremantle made a significant contribution because he had been the Minister for Heritage recently prior to the committee's investigation. The current Minister for Works, as a new government backbencher, also made a significant contribution, particularly on ethnic heritage. The sad thing is that some of those innovative recommendations touching on ethnicity have been all but ignored in the new Bill. The member for Roe and another former minister, Hon Yvonne Henderson, were also on that committee.

Mr Graham: And the member for Pilbara

Mr PENDAL: The member for Pilbara was also on the committee, but he came in at a later stage. The important point is that it was a bipartisan report. We declined to address some issues rather than have members enter minority reports. In other words, the sum total of the 1995 Select Committee on Heritage Laws report to the Parliament meant that there could be real innovation and radical change that would be backed by every political party in the Chamber and in the Parliament. The sad thing was that the report was all but ignored which was the first mistake of the then Government. Why would I say that it was all but ignored when the minister, in introducing this Bill, was magnanimous enough to refer to the work of that select committee? I will explain.

The select committee's report, according to the Government's policy, was to carry out the requirements of the three-year review. However, lo and behold, the minister of the day then appointed a person from Tasmania to carry out a review of the review. If ever there was a subversion of an original intention, there it was. Peter James was the very eminent and capable man appointed to carry out the review. Since his report on our report, he has become the chairman of the heritage authority in Tasmania. Ironically, he is now one of the chief critics of the current Bill before the Parliament. He would never have been in the position to have made any of his criticisms were it not for the fact that the previous minister, the former member for Applecross, employed him to undertake a review of the select committee's review of the Heritage of Western Australia Act. Although Peter James has gone on to bigger and better things, and no-one disputes his eminence in the field and his contributions in Tasmania and northern Queensland, the fact is that his work might never have been necessary had the Government of the day been prepared to accept a totally bipartisan report which, in itself, recommended great reforms and innovations of our 1990 statute.

We are therefore left with the rather odd situation that successive governments have not only ignored review No 1 but have received review and report No 2 and promptly ignored that. It is little wonder that outrage has been expressed by many people around Western Australia, and indeed across Australia because the Bill has also been circulated nationally.

One of the real deficiencies of the Bill - and it has been referred to by the member for Rockingham - is that it completely ignores or rejects the central findings of the select committee; that is, findings that were attempting to take heritage law in this State a quantum leap forward. For example, we recommended in the select committee report that we should deal with the question of folklore and folk life. That is not a coincidence because the Government's heritage policy in 1993 recommended the same. Section 19 at page 11 of the policy reads -

To preserve and protect our W.A. traditions - that is, our non-material heritage - the Coalition will give unprecedented priority to a special series of programs.

A little later it said -

Over a four-year period we will:

Officially recognise folklife as being a legitimate part of heritage policy, by including on the Heritage Council a representative from a relevant interest group.

Examine how the Heritage Act, which already makes some reference to non-material heritage, might be amended to include a section on folklife.

I will refer to a moveable heritage in a moment. However, the recognition of folk life and folklore as fundamental parts of our heritage would have taken this State a quantum leap forward. Yet, I regret the Government has failed to implement not only that which was recommended by the select committee but which was also in the Government's 1993 policy.

The Royal Western Australian Historical Society under the signature of its president, Sir William Heseltine, also drew attention to that deficiency. Sir William also drew attention to a second serious omission; that is, the fact that governments have ignored constant requests to include moveable heritage in the Act. That was again another important component of the select committee's report. Recommendation 9 on page 111 of the select committee report was -

That the State's first and comprehensive inventory of its moveable heritage be compiled by a committee (under the auspices of the WA Museum, and to include representatives from the National Trust, the State Heritage Places Authority, and an approved anthropological agency . . .

It goes on to include a number of other people. Recommendation 10 stated -

That the Moveable Heritage Inventory Committee's brief be extended to include formulating recommendations on the options available for the preservation and conservation of moveable objects . . .

We now know - the minister has at least been upfront about it in his second reading speech - that the Government would not go down that path. I repeat that I regret that. Members might be aware that I have placed on the Notice Paper at least one amendment to bring about the injection of moveable heritage into the new legislation which would not only satisfy the recommendations of the select committee but also those of Sir William in his letter circulated to all members on 1 September. On page 2 of that letter he said -

We are particularly concerned that moveable (other than that associated with a registered place), natural and indigenous heritage are excluded from the operations of the Bill.

There are many good reasons why moveable heritage should be included. One of those reasons, for example, is the major funding agency - the Lotteries Commission - refuses to consider the funding of moveable heritage in Western Australia. It has made that policy decision and I understand from conversations with commission members that it is based on what it calls "relatively limited funds". However, it will continue forever to exclude moveable heritage if the Parliament continues to not recognise it. I happen to be the patron, among other things, of the Perth Electric Tramway Society Inc, which operates from Whiteman Park and does a superb job in seeking to preserve and enhance the tramway heritage of Western Australia. Yet they have not been able to get lotteries grants for the reasons that I have mentioned. If anyone ever needed to be persuaded, I would be happy to go with the minister to Whiteman Park with these enthusiasts who give their time freely - most of them are retired railwaymen - and who spend inordinate amounts of time applying their old trades to the preservation of the magnificent carriages. It is a big operation. It will not happen unless the Bill is broadened to take into account folklore and folk life and moveable heritage as well.

I would like to address a number of other issues, but I am short on time. We are confronted with some fundamental flaws in the Bill. I notice that Mr James, to whom I made reference earlier, made a damning indictment of the Bill when he said that it-

. . . is poorly drafted, misguided in a number of its principles and does not reflect the extensive and time consuming community consultation process which was gone through several years ago.

He goes on to say-

I would think that total rejection of it by the Upper House - if this is possible - may be the only way to have the matter properly rectified.

They are fighting words.

Mr Kierath: Did he write to you? He did not have the courtesy to write to me as the minister.

Mr PENDAL: No, but he wrote to the minister's chief executive, did he not? I will clarify that because I have the letter in front of me. He wrote to the minister's chief executive, Ian Baxter, and I would have thought that Mr Baxter would have passed on that sort of comment to the minister. That was written as late as 24 August. It was a faxed report from P.C. James in which he touches on a number of deficiencies of the Bill.

I conclude in this vein: A huge numbers of people in the heritage industry say the Bill is fatally flawed. However, they do not want the Bill to be defeated. They are aware that the minister has a commitment to heritage preservation - I have seen that in the past, both in the natural heritage and the built environment as well. It would be a great tragedy if this issue went off the rails sufficiently to provide the upper House with an excuse for it to do as Mr James suggested. I do not think that the Bill is beyond redemption. I acknowledge that there are a number of perceived difficulties related to planning matters and other elements of the Bill. I have not begun to go into those, particularly because of the time allowed for Bills of this nature. The writing is on the wall for this legislation if changes are not made to it. A not dissimilar Bill, that relating to the arts and the cultural centre, will have the same fate in the upper House promised to this legislation and deservedly so. However, it would be a tragedy if this legislation were derailed against the background of bi-partisanship produced in the 1995 report of the Select Committee on Heritage Laws. I am not saying that report was the be all and end all. When it was released, entrenched interests in the heritage movement rejected it because, in my view, they were stuck in a time warp and

they did not want anything to change. Serious and innovative views were expressed about having one heritage register in Western Australia. At the moment we have a multiplicity of heritage registers; the Heritage Council keeps the substantial one. The National Trust puts a lot of resources into keeping a register that has no status at law. The National Estate register and municipal inventories are other registers. One of the recommendations of the select committee was that there should be a single comprehensive register and that it should be kept by the National Trust. It would be compiled by the heritage authority or council. In recognition of the special role of the National Trust, the register should be given to it to administer and of which it would be the custodian. That would free up resources within the National Trust - scarce resources that could be put into other parts of the built environment or the natural environment, areas which have grown in more recent years.

I regret that the National Trust rejected those innovative recommendations that were designed to lift it into a new millennium. Other entrenched interests were also opposed to the recommendations. However, because there were entrenched interests, it did not mean that everything they said was wrong. In all respects they were people of great goodwill and innovation. The select committee made recommendations across party lines. It took the politics out of the issue and injected radical ideas. Yet none of those things are reflected in this Bill. It is a tragedy. I hope the minister will be flexible and agree to the amendments. If he did, it would be another important notch in his belt. Not to do so will result in the outcome suggested by Mr James and many Western Australian based heritage groups - that is, the Bill will be defeated. We have a real opportunity to correct that which we did not get right 10 years ago.

The Bill is written in plain English. If anyone has not read the Heritage of Western Australia Act 1990 I challenge them to read it as an example of what we must never do again.

Mr Kierath: Even the lawyers cannot agree among themselves on its meaning.

Mr McGinty: It is clear to me!

Mr PENDAL: We know the member has been to the High Court and back and got a hiding. We are not sure we can depend on him. Maybe when he becomes a Queen's Counsel it will be different. The minister is right, the lawyers could not understand it. When I was the shadow minister I consulted a number of eminent lawyers who threw up their hands. I knew that I had no chance. People were prepared to put their faith in the draftsmen - probably misguided as it turns out - in order to achieve the bi-partisanship in 1990 that gave us our first heritage law. That was an outbreak of bi-partisanship that set the scene for 1994 and 1995. I am inviting the minister to do it a third time. Let us bring about a level of bi-partisanship, whether in the consideration in detail stage, or elsewhere. Let us slow down the progress of the Bill after the second reading stage to consider amendments. I would like the chance to introduce amendments relating to folklore and folk life to reflect the findings of 1995 and the coalition policy of 1993. I am in the difficult position of having to tell myself that unless some good comes out of this debate, I will vote against a Bill that I would dearly love to support.

MR MCGINTY (Fremantle) [3.20 pm]: I support the member for Rockingham's sentiments in their entirety. I also agree, in part, with some of the views put forward by the member for South Perth. It is unfortunate that the Government, through this Bill, has turned its back on the unanimous, bipartisan report of the 1995 Select Committee on Heritage Laws. Instead, the Government has incorporated a number of provisions in the legislation that should not be part of the State's heritage laws. The Government seems to be turning its back on Western Australian heritage issues. It neglects, or views with disinterest, points of view put forward by the major stakeholders. Provisions in the legislation seek to make heritage appeals subject to the discredited planning appeals system. That simply should not be in this legislation. The Bill is about discrete heritage legislation. To incorporate heritage appeals in a system where planning principles would dominate is wrong in principle. I am also concerned about the provision for heritage areas, especially as it will transfer planning responsibility for such areas from the local government authority to the Western Australian Planning Commission. There have been a number of examples over the years where local government authorities have handled heritage areas better than a State government agency would have. In my electorate we have the west end of Fremantle, the East Fremantle George Street precinct and no doubt there are other areas. The member for Rockingham spoke eloquently about the great role the Fremantle City Council and the Fremantle Society played in the late 1960s and early 1970s in fighting to preserve Fremantle's heritage. Today Fremantle is an asset to the whole State. If those matters had been left in the hands of the State Government, Fremantle would be a mere shadow of its greatness. I am reluctant to see the ultimate responsibility for determining heritage planning manners taken away from active local government authorities. Those are a few of my concerns about this legislation.

Not only is there evidence in this Bill of Government disinterest in heritage matters, it is also occurring on the ground. Fremantle Prison is the premier heritage site in Western Australia. As members are aware, Fremantle Prison tells the history of this State as no other building, or collection of buildings, can. The history of Western Australia began from the time of white colonisation with the Swan River colony and its struggling economy. Convicts were brought to Western Australia 21 years later. They began arriving in 1850 and, until the late 1860s, approximately 10 000 came from the United Kingdom. Fremantle Prison's early history depicts the early colonisation of what is now Western Australia. This includes the inmates who built Fremantle Prison during the 1850s, and the Fenians and the story of their escape on the *Catalpa*. The prison history indicates, better than anywhere else in the world, British penal policy in the nineteenth century. This is reflected starkly in the prison's architecture. It is a most remarkable building. I visited it on a number of occasions prior to its decommissioning in 1991. On the last occasion I visited the prison I went with my teenage daughter. The prison was inhabited with what one would expect to find in a maximum security prison at that stage; that is, an overwhelming Aboriginal population of young, very fit men. For those members who have not been to the prison - and I expect that everyone in the House has - there are no ablution facilities. There were no toilets for those locked up in the cells. There was an unholy stench of urine and human waste. Visitors to the prison can look at everything that occurred there, and the story the building tells about the downside of human life. It is a remarkable story, spread over the 140 years that it operated as the State's maximum security prison. Executions took place there, when we still had barbaric capital punishment laws in this State,

including the most recent execution of Eric Edgar Cooke in the 1960s. The prison was the scene of much of the debate about Aboriginal deaths in custody in the 1970s and 1980s as a great number of Aboriginal people died at the Fremantle Prison. It was also the place where major criminals were incarcerated, from Moondyne Joe through to those responsible for the 1988 riot at the prison, when the place was looted and burnt. It is a truly remarkable building.

When one thinks of heritage, one often thinks of the houses of the rich, the affluent, the famous and the important, such as government houses and some of the stately mansions. None of those compare with the grandeur, history and miserableness of Fremantle Prison. The prison depicts Western Australian history since white colonisation in 1829.

Mr Osborne: Except the Fremantle Hospital, which had a similar impact.

Mr McGINTY: That is another remarkable building but nothing measures up against the prison. Fremantle Prison is the gem. It was decommissioned in 1991 and the decision was made to preserve it as a heritage site. A heritage plan was drawn up by James Kerr, which met with widespread support in the heritage and Fremantle communities. James Kerr has since come back to update the site's conservation plan. The significant decisions made by the Government of the day recognised a degree of community, particularly local community, ownership of the site. This was done through the conservation plan and the establishment of a management body, the Fremantle Prison Trust. The appropriate government department to oversee the prison was the Building Management Authority. The authority had a significant construction and maintenance workforce with an array of skills, particularly in building and conservation with professionals and architects. Of course, the Building Management Authority has been gutted of those skills by the present Government. It is completely inappropriate for a department to consist overwhelmingly of contracts clerks with responsibility for the State's premier heritage site. Funding was also provided in very significant measure to the Fremantle Prison to undertake much of the pressing conservation work. Those initiatives were implemented when the prison was first decommissioned and became the great heritage site it is today.

At that point, responsibility for the building was appropriately placed with the Building Management Authority, with all its collective skills, the injection of very significant amounts of money and an intense interest in making that site work in its transition from maximum security prison to the State's premier heritage site.

The Fremantle Prison has suffered from neglect. Someone associated with the prison told me today that those involved with it cannot move into the future with any sense of confidence. The staff do not believe that they will be able to meet the site's future needs. That is caused partly by the inappropriate management structure. What was once the appropriate placement of responsibility for the Fremantle Prison within the Department of Contract and Management Services, or the BMA as it was in those days, is now completely inappropriate. That view is widely held by those within the heritage community, in particular, in Fremantle, and those who have any interest in the prison. That is a result of the loss of talent from BMA in its transfer to CAMS. Those involved tell me that there is no pool of expertise within the host department on which the Fremantle Prison or the trust can call upon. They also tell me that it is positively dangerous having responsibility for the Fremantle Prison vested in a department like CAMS. They say that CAMS officers think they have skills they do not and that the department takes on responsibilities but then does nothing for the prison. The people who have made those comments are concerned about the prison.

I urge the Government to take strong action to set up appropriately the future management of the Fremantle Prison and to develop the trust that was created some eight years ago into a body that can properly look after its interests. It should also ensure that it is slotted into an appropriate area within government.

A second issue is indicative of the measure of neglect of Fremantle Prison. It is well documented within the appropriate government agency - I am sure that the minister who is kind enough to be here for the debate will acknowledge this - that \$1.3m worth of urgent maintenance has been identified at the prison and that no money is available to undertake that work. The prison's perimeter wall, which everyone in the House would be familiar with, is a most imposing part of the structure. It is deteriorating through lack of maintenance, and the roof in the main cell block leaks. That creates difficulties with public access to the main cell block, which is at the heart of the prison. It also limits the potential to develop the main cell block for other uses. Having the roof of the main building leaking and the walls around the outside deteriorating, apart from all the other things that are desperately in need of maintenance, shows a measure of neglect.

Mr Board: I will not walk away from the fact that there will always be extensive ongoing maintenance in a building of that type, particularly one made of limestone. I am sure the member is aware of the incredible amount of work that has been done, not only on the cottages but also on the front of the building. Work has been done over the past couple of years on the inside of the prison. CAMS does have expertise in this area. The fact that we contract out rather than do the work in-house is still an issue. I chair a committee that is reviewing what is best for the prison in the long term. The member is probably aware of some of the exciting prospects.

Mr McGINTY: I am heartened to hear those observations by the minister.

I will return to the question of funding. The prison has received no significant injection of funding to cope with this backlog of maintenance and renovation work that is required for it to adapt to future uses. The last injection of funding was in 1992, when about \$1m in capital works funding was allocated as a result of a specific commonwealth project. Under that project, \$2m was allocated to Western Australia, and I recall that it was spent on two major projects. The Beaufort Street Magistrate's Courts, in the member for Perth's electorate, were lying idle at the time. The funding allowed them to be incorporated into the Art Gallery of Western Australia, which is a magnificent addition. Approximately \$1m was also allocated to the Fremantle Prison because, as is the case today, it needed a massive amount of work to keep it intact. That is not currently occurring and, as a result, the fabric of the building is deteriorating.

Mr Board: There is a budget each year of about \$800 000.

Mr McGINTY: A little under half of the budget each year is raised by the Fremantle prison guardians from entry fees paid by tourists visiting the prison. A little more is raised from leasing 14 facilities that operate on the site. Far less than half of the budget each year comes from the consolidated fund.

Some work is desperately needed. Apart from the maintenance that I have referred to, the visitors' facilities are substandard. As the minister stated, some work has been done in recent times. While that work is important, it is not the expensive or major work that needs to be undertaken at the prison.

One project which is about to commence and which is of enormous significance will deal with an act of heritage vandalism that occurred about 20 years ago when work was done on Parry Street, which runs around Fremantle Oval and skirts the Fremantle Markets. That work severed the Fairbairn Street ramp leading up to the prison. Prior to the work, people accessing the prison could walk from the Town Hall, past the warders' cottages and then up this continuous ramp. All the site lines have been destroyed by that inappropriate work. Remedial work will be undertaken in the course of the next few months to address that vandalism.

I acknowledge that work was done on the gardens of the terrace houses at the front of the western face of the prison. Again, that has resulted in an improvement, but these are not the core issues facing the prison. The facade of the Anglican chapel, which is the centrepiece of the main cell block of the prison, was in danger of falling off. It has been restored, which is appropriate. However, there are more pressing and costly matters in need of attention. The State's premier heritage site is being neglected.

As a government agency, CAMS is the department in whom the site is vested. Those managing the site cannot access many sources of funding which could otherwise be accessed, such as the Lotteries Commission funding. The minister has set up a steering committee, which he chairs, to oversee the future use of the prison. The committee was established as a result of concerns expressed to him in December last year. The Fremantle Prison Trust told the minister that dramatic action was needed and that it was not happy with the position in which it found itself.

The issues that I have addressed today were referred to directly or indirectly by the Fremantle Prison Trust in its letter to the minister. As a result of that letter, a high-powered steering committee was established. It was chaired by the minister and its membership included a number of senior officers from CAMS, the Heritage Council, the Tourism Commission, private sector representatives from the public relations area, the Irish Association and the Western Australian Museum. The impression I have gained is that, although it is a high-powered committee, it has done little except to appoint Professor Desmond Freeman from the University of New South Wales to report on the future uses for the prison, in particular the main cell block and gatehouse. That report is due any day. That will not address the funding issues, the management structure and all of those sorts of issues which are neglected at Fremantle Prison today.

Fremantle Prison has 14 lessees, some of which are prison-related while some fit into the category of commercial tenants. The Centre for Excellence in Teaching is located in the former surgeon's house; the University of Western Australia's Department of Psychiatry research centre, Greening Australia (WA) Inc, which has its headquarters there, and the Sir Francis Burt Law Centre, which was located there but its space is now lying vacant, are located on the western front of the prison. At the north-western end of the front of the prison are three cottages which are leased by Fremantle Colonial Cottages as an accommodation tourism venture. In addition, the prison proper houses the technical and further education school of design and art - in the women's prison; a small business incubator is located in the new division; a children's literature centre is located in the former prison hospital; and a number of small craftsmen are located in the eastern workshops. These tenants provide some life about the prison, and that is highly appropriate.

I will tell a story that deals with the Sir Francis Burt Law Centre. The main thing that is missing from the operations of the Fremantle Prison is an education program. It is a fundamental weakness that the State's premier heritage site with all of our history - legal, Aboriginal, economic and everything else that I spoke about today - does not have an education program for visitors. That is appalling. It used to, and that was the basis upon which the prison was set up. The Sir Francis Burt Law Centre at Fremantle was run by the Law Society of Western Australia working in conjunction with the Perth Law Centre at the Supreme Court. The Fremantle centre focused on matters relating to the penal institution, particularly Aborigines and the law. The Fremantle Prison Trust, under directive from the Government, said that it must operate commercially and charged the centre a rent. The centre initially came in on a rent-free basis. Because the centre could not afford to pay the rent it was driven out of Fremantle Prison.

Mr Board: This is not quite true. The Ministry of Justice offered to meet that rent. We were happy for them to stay. They found another location. They were only offering a narrow perspective of the education requirement for the prison. I agree with the member for Fremantle about the education requirement. That is one part of the requirements for new usages. The centre was not delivering the totality of the education that is required on that site.

Mr McGINTY: That is true. However, it was better than no education program operating on the site. The Sir Francis Burt Law Centre, at least, provided something which schools in particular could tap into. Students would learn what happens in a court room, about Aborigines and the law, and a series of important facts. The centre provided a good educational component; it was not all-embracing or extensive, but it was certainly better than nothing, which is what we have today. Nonetheless, the Sir Francis Burt Law Centre was not paying the rent. It moved to the Notre Dame University, into buildings adjacent to the former courthouse on Marine Terrace, and it is thriving. It was a great loss to the Fremantle Prison when the Sir Francis Burt Law Centre left the prison, when its motivation for leaving - as has been explained to me - was the demand for a more commercial approach to be taken by the Department of Contract and Management Services. That is a

great pity. The prison has lost a tenant that added class, value and educational input and has reverted to tenants who can simply pay the rent.

The point has been made during the course of this debate that when one considers the future uses for the prison, an education program is of highest priority. It does not have a program at the moment, and I would expect now that it has operated for eight years as the State's top heritage site that those matters would have been addressed. It seems to be a matter of government neglect that they have not. It seems to be business as usual at the prison. It is out of sight, out of mind, and as it does not cause the Government any problems it will not develop it to its full potential.

I was amazed at how small the attendance numbers are. The Fremantle Prison has 120 000 visitors a year. I am told that one-third are international visitors, one-third interstate visitors and one-third local visitors. The local visitors include the school groups that visit the site, which would be the vast majority of the local visitors. However, the prison does not offer an educational component. Those attendance numbers should be double that figure.

Mr Board: I agree, and that is the principle by which we are trying to improve it. The member for Fremantle knows that in many ways some of the early leases that were put in place - he may have been the minister responsible at the time - which were appropriate at the time, are probably now, in some ways, retarding growth. We are trying to overcome that and to widen its usage. The tourism aspects have been tied up with a private company. It has done a great job but it is time we went beyond that.

Mr McGINTY: I am disappointed in what has occurred because not only is this site in my electorate but also it is one of the most important heritage issues for the State. Another example of something which is not running well at present - ultimately the blame comes back to the minister responsible if things are not working the way they should - is that in recognition of the enormous importance of the Fremantle Prison it was proposed for world heritage listing. That proposal consisted of a serial listing throughout Australia of colonial convict sites. The list involved sites in New South Wales, Tasmania, Western Australia and Norfolk Island with connections to convicts who were relocated from other parts of the world. Unfortunately, that would exclude Rottnest Island which was a penal institution in Western Australia for our indigenous peoples. Neither Rottnest Island nor the Round House are included. The sites include Norfolk Island, Port Arthur and the Ross women's prison in Tasmania; Hyde Park barracks, Cockatoo Island and the old north road in New South Wales; and Fremantle Prison in Western Australia. That proposal should have been in Paris for consideration by the world heritage body in July of this year, but it has not happened. I hope that the wheels do not fall off this proposal which was first given consideration about seven years ago. People are not grasping this issue.

Mr Board: We support that proposal.

Mr McGINTY: It is not being grasped with any sense of urgency and driven to make it happen.

The funding is missing, the management is inappropriate and the wheels seem to be falling off the world heritage listing. The building fabric is being allowed to deteriorate and there is great unhappiness. That seems to reflect a government that is not giving this matter a priority that it deserves. That approach to heritage is reflected in the Bill now before the House which contains a number of obnoxious provisions, and seems to have overridden the unanimous recommendations that were made on a bipartisan basis by the parliamentary select committee into our heritage laws. I join with the member for Rockingham in saying that this Bill cannot be redeemed so that it is sufficiently decent. I do not share the optimism that my good friend the member for South Perth so often speaks about, that he can amend this Bill to make it into something decent. It should be withdrawn, taken back and we should start again.

MS WARNOCK (Perth) [3.50 pm]: Before discussing the details of the Bill, I will make a few general observations about heritage, as other colleagues have done, particularly the member for Fremantle. Heritage is hugely important to the heart and soul of a community. Living as I do in the centre of the city, I have been witness over many years to many great battles over issues of heritage, some of them sadly lost and some of them won. I want to reflect on a few of those. Heritage is not only hugely important to the character and soul of the community but also it is hugely important for tourism. As a cultural and heritage tourist myself - I recall, Mr Acting Speaker (Mr Osborne), you also are interested in heritage when travelling - I know that we could do better in Australia generally and in Western Australia particularly in preserving our heritage and advertising it. I have no doubt at all from my experience of travelling and from listening to other people's views about what they seek out when they visit a place, heritage is an extraordinarily important component and one that we should seek to emphasise in Western Australia. Although Western Australia has a short European history, in the sense of it being under 200 years, nonetheless we should be very mindful of our natural heritage, our indigenous heritage and our European heritage and regard them as something of great advantage in their importance to the people in the community and those who seek to visit Western Australia. We could make a great deal more of our heritage than we do, and I urge the Government to do that.

It seems that the issue of heritage is of enormous importance to the community, as I have suggested, but it contains a number of dilemmas. As a lobbyist for heritage and one who has spoken on numerous barricades to try to preserve various objects in the community, and also as someone who is representing people in a state seat in Parliament and who has to deal with arguments with local governments and developers, I know that the issue contains dilemmas. How do we reconcile the importance of some public places or structures with the fact that they may be privately owned? Let me use as an example the recently demolished Swanbourne Hotel. It was a 1930s style pub which, certainly according to the Art Deco Society on whose behalf I spoke recently, was of heritage significance because of the rarity of the art deco style. It was of great sentimental significance to at least two generations of Western Australians. How do we reconcile that view with the view of developers of the private property that the Swanbourne Hotel was basically a pile of old rubble that needed to be cleared away for a nice new development - and an important development - of an aged persons complex, as I understand it?

However important, worthy or merely profitable the second development may be, a sector in the community will always feel hard done by and robbed of its heritage and feel that the community has been deprived of an item of rare cultural significance. This is certainly the case with the Swanbourne Hotel.

A number of us gathered at public meetings and spoke passionately about the importance of this particular heritage style, yet the developers were determined to go ahead with their complex. An accommodation might well have been reached between the two groups of people. For example, as happens in many parts of the world and as has happened in various parts of Australia, some sort of facade might have been preserved and some sort of alteration made perhaps to the design of the proposed complex so that something of cultural significance to a number of people might have been retained. With no disrespect at all, built heritage to some people of European descent is of similar importance as land is to Aboriginal people. I have no doubt at all, having talked about this subject with numbers of other people who, like me, have formed an attachment to buildings at various times in their lives, that something of cultural significance is invested in buildings. Many people feel deeply upset when this strong and perhaps puzzling importance is not recognised by other people. I refer here to the dilemma over the old Swan Brewery which created an enormous split in the community and generated anger on both sides of the argument. Those of European descent felt that the building itself had enormous significance because it was an industrial building which, in the opinion of a lot of people, had a great deal of beauty and on its site was important. The Aboriginal view was, of course, that the building should not have been built there in the first place; that the site had Aboriginal significance; and that, therefore, the building should have been demolished. I can remember a great deal of heartburn among many members of the community about that issue. As I have said, an issue of heritage contains dilemmas of this kind.

I want to reflect on a number of these dilemmas. I have lived in the centre of Perth since 1963. I was a girl coming from the bush to the big city, as I saw it then, which was a very exciting thing to do as a young journalist. I have watched the city fall and rise around me ever since. One of the penalties of being in a progressive area full of people who are keen to develop is that it is very difficult to retain the past. If one were living in a backwater somewhere, it may not be so difficult, but living in a society where people seek to advance and where a value is placed on development in the city particularly, there will always be an argument between those who wish to demolish and those who wish to retain. I have certainly seen that. Very soon after I came to live in the city a freeway was built through the street in which I lived. That meant countless old buildings were demolished. The wreckers' hammer descended, and year after year old buildings, some of undoubted heritage significance, like the art deco Emu Brewery, have vanished. Because I recognise the importance of this built heritage aspect of a town, it has made me angry to see disappear much of what I consider worthwhile preserving. I know of many others who feel the same way. I am not talking only about sentimentality. I understand one has a sentimental attachment to the first building that one went to work in or the place one drank in as a teenager. There are all sorts of reasons that one may have a sentimental attachment.

Ms MacTiernan: They had better not make you Minister for Heritage if that is the basis on which hotels are to be saved.

Ms WARNOCK: I am simply saying there is a sentimental view about heritage but there is also a view that there is a great value to the general community in preserving buildings that represent a particular era in the past, a particular style of building or perhaps a particular event. My colleague, the member for Fremantle, has alluded to the great importance to the heritage of Western Australia of Fremantle Prison. There is a building which is redolent of the history of Western Australia, both tragic and painful for many of the people who were imprisoned in that very terrifying building, which it was when it operated as a prison.

Let me return again to the inherent dilemmas in heritage and in our desire to preserve it and the conflict that continues to exist between two sincerely held views. I refer to the views of those who wish to demolish a building in order to build a new one and the views of those who have the desire to preserve it because they think it has some cultural significance.

Debate adjourned, pursuant to standing orders.

MAIN ROADS TENDERING PROCESS

Motion

MS MacTIERNAN (Armadale) [4.01 pm]: I move -

That this House calls upon the Court Government to give a full account of the circumstances whereby Evans and Peck were awarded a contract worth around \$500 000 without tender and to address the various serious concerns of engineering and construction firms about the integrity of the Main Roads tendering processes.

It is a matter of considerable sadness to me that the Minister for Transport, who is responsible for Main Roads, is not in the House. I regret that we will probably receive another prepared statement which will not address any of the issues raised in the motion. We live in hope that the serious issues raised from time to time by the Opposition in this place concerning the Transport portfolio might one day be addressed by the responsible minister.

The engineering firm Evans and Peck Management Pty Limited was awarded a contract in 1998 conservatively estimated at the time it was awarded - we do not know the figure at the end of the process - to be worth in the order of half a million dollars. This contract let to this company was for a range of engineering consultancy purposes. The documentation which we have discovered under freedom of information outlines the types of services the company was to provide to Main Roads' major projects division. There is nothing controversial in Main Roads' decision to contract out this sort of work. Of more concern is the fact that the contract was let without tender. I share with the House the paragraph used to justify this departure

from normal practice. Members are aware that any contract worth half a million dollars, even under Main Roads guidelines, requires a public tender process, albeit that powers enable that requirement to be waived under special circumstances. The acting director of major projects at Main Roads at the time, Mr Geoff Watson, in making the recommendations to the director general, Mr Ross Drabble, wrote -

I recommend that you waive the calling of public tenders for the supply of contract/project management support services to the Major Project Directorate for an initial period of 12 months on the basis that EPM can be considered a 'sole source of supply' due to their unique knowledge of Main Roads requirements.

The document then outlines that the budget for these services will be dependent on the number, value and complexities of projects involved, and that it was expected that the total fee would be in the order of \$500 000.

Let us consider the prospect that this company is the sole source of supply. If one contracts to purchase a particular type of widget or service, only one company may be the source of supply. Nevertheless, this conclusion regarding this firm was met with absolute derision by the engineering fraternity in Western Australia. It appears that Evans and Peck arrived in Western Australia only in 1995 as a one secretary and one engineer operation. However, we were told that by early 1998 this tiny outfit, an outpost of a Sydney company, had a unique knowledge of Main Roads. A plethora of other companies, such as Halpern Glick Maunsell Pty Ltd and GHD, which have been around Western Australia for over a decade working extensively with Main Roads and having senior personnel formerly from Main Roads, could have performed this work; however, those companies were not given an opportunity to tender. It is not credible that this firm, which had at that stage one engineer and one secretary based in Perth, had a unique knowledge of Main Roads. A host of other engineering firms in Western Australia - those which have been in this State for much longer with teams of personnel based in the State - could have competed for this work.

The very premise on which this handing over of half a million dollars of taxpayers' money to this company was based is entirely and fundamentally flawed. The Government has never given an account of this process. We ask today that the Government give a proper account of how this company was assessed to have a unique knowledge of Main Roads, and assessed as the only engineering firm in Western Australia which could provide such services, particularly when it is a tiny, Johnny-come-lately operation in Western Australia.

Another development of concern has arisen in recent weeks; namely, the then acting director of major projects at Main Roads, Mr Geoff Watson, who made this recommendation and extraordinary assessment of the unique capacity of this company, has resigned from Main Roads to take effect from Friday. Can members guess for whom he will be working from 20 November? He will be working for none other than our good friends Evans and Peck - no doubt adding to its unique knowledge of Main Roads!

That brings into question the whole accountability mechanisms put in place in this State to deal with contracting out. The Government has decided to contract out many more public services. However, it has not put in place accountability structures to deal with the conflicts of interest which will arise from pursuing that policy. I recommend that the Government look at legislation in place in other jurisdictions. I quote from an excellent paper prepared for the Public Accounts and Expenditure Review Committee some months ago as follows -

In Ontario this matter has been fronted head-on with legislation that has accompanying regulations entitled "Conflict of Interest and Post-Service Directive", which are already in place, that effectively limits the conflict of interest problems that can arise where a public servant is poached by a winning private sector tenderer. "In a section appositely entitled "Switching Sides" it is decreed that:

A public servant or public official who has advised the government on a specific proceeding, transaction, negotiation or case shall not, upon ceasing employment with the Crown, act for or on behalf of any person, commercial negotiation or case to which the government is a party.

It goes on to include a range of prescriptions concerning these matters, which would basically see a person quarantined for a number of years after being engaged in the privatisation process. If we do that, we must be prepared to offer security of tenure to the public servants affected, and we must be prepared to offer a remuneration package which is commensurate with the burdens and restrictions that we would place on such a public servant. However, the key point to remember is that one cannot contract out an enormous array of government services - services which had been traditionally provided in-house - and think that the accountability mechanisms that were set up to deal with situations when public servants were providing those services will be adequate to deal with this new environment. Unfortunately, there is nothing illegal in Mr Watson making the decision to leave Main Roads to work for Evans and Peck Management Pty Limited. However, one cannot be convinced that there is nothing improper in it or that it should be a circumstance that is allowed and is not legislated for, particularly in these circumstances when the award of that contract, on the recommendation of Mr Watson, is highly controversial and fundamentally flawed in the basic premise on which it was made.

There is another element to this which I want to take even further. This is not simply a case of a particular engineering firm getting a \$500 000 contract in circumstances that I believe are highly improper. There are other aspects to this matter which perhaps make it even more serious. One of the jobs that Evans and Peck was able to deliver for Main Roads was the assessment of other people's tenders. Therefore, Evans and Peck was put in the position of examining various construction contracts - here we are talking about contracts worth many tens of millions of dollars - and it had a pivotal role in determining who was awarded some substantial construction contracts. At least two of those contracts that it assessed and awarded were highly controversial. Indeed, it was in investigating some of those controversies that we came across this appointment of Evans and Peck. It was in the process of the freedom of information procedure in trying to determine what

had happened with some of these other construction contracts that we came across what is a substantial impropriety in granting the contract to Evans and Peck in the first instance.

I will deal with two of the contracts which have been highly sensitive for the Government, because both of them involve people who have been generous contributors to the coffers of the Liberal Party - self-confessed donors who are now questioning whether they have been getting value for money in light of the way in which they have been treated by Main Roads. However, that might be because the bureaucrats have their own agendas.

We have a situation with the Loftus Street bridge. Members will recall the great controversy when this contract was not granted to the lowest tenderer, Highway Construction Pty Ltd, but was granted to Thiess Contractors Pty Ltd. It is important to remember that this contract was not a design and construct contract; it was a specified contract. The way the system works is that a bunch of companies are all pre-qualified to do jobs of a certain level of technical difficulty which require a certain level of financial input. Therefore, the companies are assessed both on their technical capacity and their financial resources, and they are pre-qualified. Only if a company is pre-qualified can it tender for the work, and the job is specified. Under those circumstances, it is almost always the lowest tenderer that gets the job. The various companies which are pre-qualified and which want to be involved in a job tender for the work. Then they get a letter from the Main Roads' tender assessment officer listing the companies in the order in which their tenders are ranked on a cost basis. As I said, under normal circumstances, when it is a specified contract, in 99.999 repeating per cent of cases, the company that was number one would get the contract.

Lo and behold, Highway Construction was absolutely stunned to find that it was not awarded the contract; it went to a company, Thiess Contractors, which was charging \$500 000 more to undertake this job. Highway Construction sought clarification of the reason for this, and in that process it found that the tender assessment process had originally been in the hands of this gentleman, Mr Karamfiles, who is a Main Roads employee, but at some point that job had been taken away from him and given to our good friends Evans and Peck, who know a lot about contractual propriety. Evans and Peck decided that notwithstanding this was a specified contract - that is, all the provisions were already determined; it was not a design contract - it would award it to Thiess because Thiess had come up with a totally different idea from everyone else. Everyone else was operating on the basis that this was a specified contract. However, Thiess came in with a totally new proposal and said that it would build that instead of building what Main Roads wanted.

Highway Construction was very angry about this and took the matter to the Government. It even engaged the services of the former Minister for Transport to assist in getting some sense out of this situation. However, neither the former minister nor the current minister, although they recognised it was very bad and wrong, was able to override the decision that had been made. It appears that the then Commissioner of Main Roads, Mr Drabble, remained strong on this matter. I cannot vouch for this, but the advice from within the industry is that there was a great deal of conflict between the Minister for Transport and the Commissioner of Main Roads, and it was not long after that that the Commissioner of Main Roads was the commissioner no more. However, notwithstanding that, the minister allowed this contract with Thiess to go ahead.

We decided that we would obtain some documents under FOI to try to ascertain why and when Evans and Peck was substituted as the tender assessment body. We have had a long dialogue with the department on this matter. I have written a number of letters to the FOI officer in which I tried to find out what happened. It is an absolute disgrace. I have been told by people within Main Roads that the basic attitude is that they will just keep fobbing me off, and eventually I will lose interest and go on to something else about which I can get up a story. They are pretty stupid if they think I will do that, because anyone who has looked at the way in which I have taken up issues would realise that I am not someone who takes them up and lets them drop, particularly if I can smell resistance from an agency or a Government to providing information.

MrThomas: Like a terrier.

Ms MacTIERNAN: Yes. Rather than reading my detailed correspondence with the Main Roads FOI officer covering many months, the upshot is that the department is telling me that there is absolutely no record, not even a file note, indicating that the department had decided it would give Evans and Peck this important job. I have a letter dated 16 August, which states -

Mr Karamfiles work commitments were assessed by his manager, the Project Director Associated Projects, who then made the decision to utilise Evans and Peck Management. The exact date of when Evans and Peck Management were verbally instructed to undertake the assessment is not known, however it was prior to the closing date of tenders.

There is no evidence that this transition was made prior to the close of tenders. However, there is evidence to suggest that it was otherwise; it was only after tenders had closed and the order of the various ranks of tender had been determined that Evans and Peck Management was brought in to change the goalposts. We pressed Main Roads time after time and said surely it must have a file note stating that Evans and Peck had been given this job. However, not only is there not even a file note, but also there is not even any recollection. We are not sure how Evans and Peck managed to be paid for this work, because Main Roads has no written record of Evans and Peck being given the job! We are told simply that we must accept that this instruction was given to Evans and Peck verbally and there is no written record of that decision. What possible confidence can construction firms have in the processes of Main Roads when the tender assessment is handed to a private company and Main Roads wants us to believe this has been done purely by way of a verbal instruction? I do not believe we have all the documents. I believe that at some point a note was written instructing Evans and Peck to do this job but that we were not given that note because it would prove clearly that the decision to engage Evans and Peck to assess the tenders was made after the close of tenders. It was not until after the close of tenders that the tenderers were made aware that the company with which they would need to deal was Evans and Peck. That is another illustration of the profound problems in Main Roads, which go to the highest levels of the administration of Main Roads and must be taken up.

The next matter that caused some controversy was the extension of Kwinana Freeway. Six companies submitted tenders for that work, and Evans and Peck was again involved in the assessment of those tenders. We know that, once again, the lowest tenderer did not get the job, and that my very good friend Len Buckeridge's company BGC (Australia) Pty Ltd and Barclay Mowlem Construction Ltd missed out on that contract. Again, by absolute coincidence, the company that was successful - again, not the lowest tenderer, but a company that had won a tender for the second time since Evans and Peck had been involved - was none other than Thiess Contractors Pty Ltd. Various theories have been advanced to explain why this happened. Some people have pointed to the very unhappy circumstances under which the Western Australian principal of Evans and Peck, Mr Buchan, departed from the management of Barclay Mowlem in 1995. I cannot comment about whether there is some animosity between Mr Buchan and Barclay Mowlem, but people are casting about trying to find an explanation for why this happened.

We know that so angry was Mr Buckeridge at this development that he stated to the Press that he agreed with me, for the first time in his life, and that the administration of the Main Roads tendering process was profoundly flawed. That was a big acknowledgment by Mr Buckeridge, and it indicated the level of his frustration and concern about this matter. Of course Mr Buckeridge, a powerful and influential person, was available to prevail upon the Government to have that award of tenders withdrawn, on the pretext - because no-one in the industry believes it has any legitimacy - that it was necessary to redesign the extension of the freeway to take into account the location of the proposed rail line, although that has been known for some time. The new tenders recently closed for the second time, at great cost to not only the contractors but also the State. Main Roads does not appear to be prepared to do anything about this matter, and while Mr Buckeridge was able to manage - and I have no problems with that in these circumstances - to get the contract for which he was tendering put out for tender again, many of the other people who are competing for this sort of work are not in that position. That is an analysis of the problem surrounding the Evans and Peck contract and the subsequent performance of Evans and Peck.

We need to assess carefully whether a job like tender assessment should be contracted out. A conflict of interest is developing, where one firm that is engaged to assess tenders seems to come out consistently in favour of a particular company, even though that company is not the lowest tenderer. It may be the case that Main Roads likes that company's style of work. However, it is having a major impact on the confidence of other construction companies in the openness and competitiveness of tendering within this State. This matter cannot be brushed aside by the Government, because many of its own supporters who operate these large construction companies are becoming increasingly hostile to this pattern that is developing in the letting of contracts. The problem is that the Government has not paid proper attention to the accountability mechanisms that need to be put in place for the contracting out of government services. It is risky to believe that tender assessment can be contracted out without any control or fetter on the company that has been given the job of assessing the tenders.

Another company that is equally as fascinating as Evans and Peck and that has done really well out of contracting out and out of what appears to be its close relationship with the Government and certain personalities within government agencies is Indec Consulting. We were tipped off about Indec Consulting some time ago by current and former employees of Main Roads, who were absolutely disgusted with what was taking place with this company and the preferred treatment that it was perceived to be receiving from the Commissioner of Main Roads, who at that stage was Mr Drabble. We started to ask questions, and we found out that since Mr Drabble had taken over as Commissioner of Main Roads, this company had received 10 contracts - I understand there are now more contracts - without those contracts going to tender. This company is again an engineer-management-consultant-technical adviser-type company. It is interesting to note that before Mr Drabble took over as Commissioner of Main Roads, this company had managed to attract only one contract from that department, a joint contract with Westrail. At the time, the commissioner for Westrail was Mr Drabble. Before he became Commissioner of Railways this company had not received any contracts from Westrail. Its fortunes seem to be parallel with those of Mr Drabble: When Mr Drabble was in Westrail, Indec Consulting was successful in getting contracts and when he moved to Main Roads, it got the first contract within three or four weeks of his taking office as Acting Commissioner of Main Roads. Within the space of a year, it managed to get 10 contracts, all of which were on a sole-supply basis. It is interesting to do an analysis of how this worked.

We had a very entertaining freedom of information process. For many months we have been trying to get these documents from the department. Last night, I gave notice of this motion and first thing this morning, at a quarter to nine, the long sought after documents arrived at our office by courier. We are pleased to get them, although I would have liked to get them a bit earlier. It has not stopped us doing a detailed analysis of these contracts. Everything we had expected to find about the Indec contracts has turned out to be right. The things we were being told by people within the department and the industry generally are completely borne out by an analysis of these documents. One allegation was that there was contract splitting; that is, the contracts were split into smaller parts to get around the State Supply Commission guidelines. We tested that and found it appeared to be true.

I will read out some details of these contracts. Contract 513 is for \$32 000. That turns out to be for only stage 1 of a project. In the freedom of information material, there is absolutely no memorandum that documents the approval given by Main Roads Western Australia to this company to undertake the contract - no justification, no approval process, just suddenly out of the blue, this company gets the contract without there being a basic memorandum explaining why it gets the contract. There was no tender.

The next one is contract 809 which it gets a few months later. The documents state that contract 809 is following on from the previous contract, 513. It recommends that the tender requirements should be waived because this contract at the second stage is for \$116 000, one that would require going to public tender.

Mr Omodei: Who is the principal of Indec?

Ms MacTIERNAN: There is a Mr Gotze. It is interesting the member should mention this. I will take up that point because I found it entertaining. For the first contract the company sent a whole lot of resumes of the people who are operating with it. I thought one of them was really interesting, the one for their operative by the name of Amanda Susan Muir. Her claim to fame is that she has been responsible for developing corporate fundraising within the Liberal Party of New South Wales and for writing all of the membership letters after the state election. She has worked for Baroness Thatcher. She returned to Australia and was employed by the Liberal Party of New South Wales during the 1994 election, ensuring all fundraising activities were carried out and developing corporate speech fundraising activities. Obviously she was still involved in that area until a couple of weeks ago, I presume, because she was also doing speech writing for Kathryn Greiner, also known as the wife of the former New South Wales Liberal Premier, Nick Greiner, and other Sydney Alliance candidates, and coordinating the distribution of all electoral material. No doubt they are all terribly relevant qualifications.

Mr Omodei: Was one of them George Bray?

Ms MacTIERNAN: There is a Mr Tilley and Mr Gotze. Would it make a difference if he were there? Does he have some special immunity that he does not have to tender for work? Another resume is for David Radcliffe. Susan has the most outstanding qualifications because she has worked with Baroness Thatcher and writes speeches for Kathryn Greiner.

Mr Barnett: That is a terrible thing to say.

Ms MacTIERNAN: The minister asked me about the qualifications.

Mr Barnett: I do not know her, but you are implying that because this person happened to work for a conservative Government and/or the Liberal Party that she is not a person of credibility. You do not know the person at all.

Ms MacTIERNAN: The Minister for Local Government asked me the names of the parties who were involved. I have given the names and I thought those qualifications were of particular interest to the members of the House. If those opposite are prepared to reimburse me for the cost of the photocopying - \$116 - I will let them look at the entire document.

Mr Omodei: We can ask you to table it.

Ms MacTIERNAN: The minister could do that, and I do not have any right to refuse. In any event, it was well worth the money to see how appalling those opposite are as economic managers.

Before we were sidetracked by Miss Muir's speech-writing capacity, I was explaining how these contracts worked. The first is worth only \$32 000. There is no memorandum whatsoever in these documents, so we do not know the basis on which it was given to this group on a sole source of supply basis, with no other tenderers. Then we go to the next contract for \$116 000. This is only the second contract that this company has done for Main Roads. The documents state that Indec has a detailed knowledge of MRD systems and procedures and it would be unrealistic to expect to find another consultant with the same knowledge and necessary expertise. This company is given the first little contract, and then the next one is piggybacked on it by saying that because this company has done the initial contract, it can then do the next one for \$116 000.

It does not stop there. We get to the third contract for stage 2B. The amount of this contract has gone up; the latest contract is for \$130 000. We find that, once again, the documents state that due to Indec's background knowledge, it would not be feasible to call tenders to complete stage 2B and also preparing tender documents would make it impossible to reach the tender date. The third contract for stage 2B is piggybacked on the other two. We started off with the initial contract for \$32 000, added another contract for \$116 000 and then another for \$130 000 - but that is not end of it. Then we find the fourth contract covering stage 3; the previous two covered stages 2A and 2B. At the fourth level the documents refer to the high - I stress the word "high" - level of background knowledge of Indec. The third contract referred only to background knowledge; the fourth contract refers to the high level of background knowledge by Indec and says that because of the time taken to prepare the tender documents, it would be impossible to meet the tenders. It did not meet the time lines in any event. Do members get the picture? We start with a \$32 000 contract that is given without going to tender, and piggyback three other contracts on the first one. At the end of the day just for that bunch of work, this company receives contracts worth about \$383 000 given without tender.

Mr Barnett: Member for Armadale, do you realise you have been speaking without the support of a single member of the Labor Party until just recently.

Ms Warnock: We are here.

Mr Barnett: You just walked in. I feel sorry for the member for Armadale.

Ms MacTIERNAN: Do not feel sorry for me, mate.

Mr Barnett: There was not a single member of the Labor Party here to support her, apart from the one on the phone.

Ms MacTIERNAN: They know that I can look after myself.

Ms Warnock: We certainly do.

Ms MacTIERNAN: Government members need a bloody whole front bench to provide them with any support.

Mr Barnett: I just wonder about the Australian Labor Party's conviction on this motion.

Ms MacTIERNAN: That is a pathetic little tactic of the minister, playing the man and not the ball. It will not work, mate. The paperwork is too clear: The Government has completely messed up in the administration of Main Roads. It has presided

over the destruction of a department that was once a proud operation and highly respected in the private sector. The Government's own supporters say that it has completely destroyed the efficacy and effectiveness of Main Roads.

Mr Barnett: You have got a bit more support now. You had none a minute ago.

Ms MacTIERNAN: The minister should not worry. He is the one who has the numbers problem, not me. He will not be Premier; Dougie is the boy.

Obviously, Mr Acting Speaker (Mr Baker) - who is hiding his face in shame, understandably - these are not the only contracts. That is probably the most gross form of contract splitting. However, some of the others are also very interesting. One of the contracts, for \$72 000, is very interesting because it appears that Indec Consulting arranged to meet various representatives of Main Roads who came up with a proposal to discuss a facilities management contract. They had a meeting, came up with a really good idea for managing traffic signals, did some background work on it and submitted the paper to Main Roads. Mr Drabble then wrote a note to one of his senior operatives. He said that he had asked Indec to proceed with the project, he would need to determine who would provide the interface and who would work with Indec, and asked to discuss it.

There is not even an attempt to justify why the contract should be given to this operator, nor an attempt to establish a pro-forma waiver. It was just a decision made by Mr Drabble when Indec Consulting came in and said that it wanted to do the job. It provided a background paper on the matter and Indec then proceeded with the contract. It appears, but it is difficult to establish because of the amount of blacking out in these contracts, that there are other contracts that have been piggybacked onto this contract in the same manner as the four contracts I spoke about previously. As members can see, a high degree of impropriety has occurred there. There is no evidence that the Government has done anything about it, nor is there any evidence that the people who have been responsible for presiding over this situation have been brought to book. Mr Drabble is no longer the Commissioner of Main Roads. He has been moved sideways into another responsible position in the Department of Transport on the same salary and conditions.

Mr Marlborough interjected.

Ms MacTIERNAN: He is looking after the member for Peel's railway line. It will be interesting to see whether certain companies follow also.

The Opposition wants these issues addressed and it wants to know what the Government will do about them. Certain elements of these issues have been raised previously in the Press, but we have not had the benefit of all the documentation until this morning when we were able to extract it from the department. We want a full account of the circumstances whereby Evans and Peck Management Pty Ltd were given this contract. We want to know how the Government could justify claiming that this company had a unique knowledge of Main Roads when there are many other companies that have knowledge and experience in dealing with Main Roads. We want to know how the Government can justify Evans and Peck having been given the job of tender assessment on highway constructions without there being any documentation, not even as much as a file note, to say that it had been given that work. We want to know the method by which Evans and Peck was paid for that work, given that there is no written record of it ever having been told to do that work. We also want to know what steps are being taken to review the whole process of contracting out tender assessments where these problems have emerged and where certain favoured companies seem to be awarded contracts that have been privately assessed. Finally, we want a full account of what has occurred with Indec Consulting. We want to know, in the light of what we have been able to demonstrate about contract splitting, why these contracts have been granted without any tender process whatsoever and without even going through the pro-forma moves of waiving the need for tender. We also want to know what the Government will do about replacing the personnel who have been responsible for these travesties. We believe there is no alternative other than to call for an independent inquiry into the administration of contracting in Main Roads.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.40 pm]: In her opening remarks the member for Armadale referred to the contract in relation to Evans and Peck, the \$500 000 and the special circumstances power to waive; however, she never really returned to those comments.

I have been given some extensive notes by the department. Contracts associated with the Graham Farmer Freeway were awarded to Evans and Peck Management - EPM - in March 1995 and September 1996. These contracts gave EPM a unique understanding of Main Roads' requirements in respect of high value and high risk infrastructure projects.

Ms MacTiernan: Can you explain that, given that we've shown that EPM has been in Western Australia for only two years and had only one engineer working for it -

Mr OMODEI: One engineer, one secretary and then the engineer left. Is the member for Armadale now saying that there is only one secretary left?

Ms MacTiernan: No.

Mr OMODEI: I will try to explain with the notes I have been given and then comment on some of the aspects mentioned by the member for Armadale relating to highway constructions and Indec Consulting.

On the basis of the understanding that these people had a unique understanding of Main Roads' requirements, and on their performance together with the ambitious construction timetable that had been set for major metropolitan projects under Transform WA, the former commissioner agreed to waive the calling of tenders of contract. Contract 360/98 appointed EPM for an initial period of 12 months in March 1998 on a sole supplier basis.

Ms MacTiernan: We just read that out. We want you to explain what was unique about their knowledge.

Mr OMODEI: I am just explaining it to the member for Armadale. In March 1999 the current acting commissioner approved an extension of these services for projects on which EPM had already been engaged on the recommendation of the tenders committee. In making the recommendation to the acting commissioner to approve an extension of contract 360/98, the tenders committee noted action was under way to competitively tender the provision of similar services for future projects. Contract 737/98 was subsequently awarded to EPM following receipt of competitive tenders and with the recommendation of the tenders committee.

Mr Watson, the engineer mentioned by the member for Armadale, gave notice of his intention to take voluntary redundancy effective from the close of business on Friday, 17 September 1999 by letter dated 14 July 1999. Mr Watson approached EPM in late June 1999 concerning employment. When he met with the acting commissioner to advise of his decision, Mr Watson gave an assurance that he would not become personally involved with or make any further recommendations concerning the appointment of EPM for the provision of new or extended consulting services.

In relation to industry and community confidence in the contracting strategy, speculation has been raised from time to time by the Opposition about the merits of contracting out, particularly the Government's road construction and maintenance program. Unfortunately, much of the Opposition's speculation and some media focus has been on information or misinformation by the Opposition.

I will take the opportunity to inform members of the true situation in regard to the restructuring of Main Roads WA and its business outlook. The industry participants and taxpayers can jointly be assured that the new arrangements and people, and the focus on process within Main Roads, will deliver the goods.

The Opposition has also tried to make a comparison between maintenance work performed by Main Roads' day labour and private contractors. The Opposition's presentation of figures has been nothing short of mischievous; for example, a comparison of the cost per lane kilometre of maintenance on Perth roads in 1993-94 with 1998-99 shows that the cost has risen from just over \$6 000 per lane kilometre to just under \$20 000. This increase is due to an increase in budget allocations for road maintenance.

The Government is deliberately spending more money on maintenance because more maintenance is necessary to keep our road asset functioning. This is because the economic and resources boom from the 1950s to the early 1970s saw the rapid development of Western Australia's road network, with many thousands of kilometres of road sealed in that time.

Since 1993-94, Main Roads has also taken over responsibility for many local roads previously maintained by councils, so the size of the state public road asset has grown even further. In 1995-96, a major reclassification of the road network resulted in Main Roads taking over responsibility for a further 1 468 km of local government roads throughout the State. This is an increase of more than 13 per cent, in addition to 114 bridges. Some of these roads have required increased maintenance to bring them up to standard and this, too, has added to both the unit cost and overall cost.

Ms MacTiernan: This is absolute nonsense.

Mr OMODEI: These are the notes given to me, and I am giving the member for Armadale the information.

Roads require replacement or major rehabilitation after 40 years. In simple terms, the older the road, the more work it needs and this is exacerbated by increased traffic and wear and tear over time. More than \$188m has been allocated to the task for 1999-2000. It is not about comparing works performed by day labour with that of the private sector. In the goldfields-Esperance region, for example, where all maintenance work was carried out by Main Roads crews, the cost per lane kilometre grew from \$1 600 to \$5 550 over the same period. Therefore, the Opposition should applaud this Government's attention to this essential and valuable asset instead of twisting small grabs of information and statistics.

A review of Main Roads' previous method of delivering projects found that it gave little opportunity for industry innovation. Savings to the Government and the taxpayers of Western Australia in the delivery of road construction and maintenance have been achieved under the Main Roads' contracting strategy. The new contract strategy developed by Main Roads will ensure value for money and the efficient delivery of the State's road program. This program has increased significantly under this Government; in fact, it is double what it was five years ago. This strategy will realise financial savings of between 15 per cent and 35 per cent - compared with the costs to do the work to the same standards using previous practices.

We are already reaping the benefits. The recently-awarded construction contract for the second Narrows Bridge came in at \$21m or 30 per cent below estimate due to the innovation of the successful bidder. Even new, small contracts of less than \$50 000 are delivering savings, some significantly below the pre-tender benchmark cost estimates.

The term network contract - south metropolitan - has commenced and is the first of eight 10-year maintenance agreements that will collectively maintain the whole of the State's highway and main roads system, and provide significant savings to the Western Australian public. CSR Emoleum's proposal for the south metropolitan network, valued at \$89.3m, provided the best value for money and offered savings of \$33m over the next 10 years when compared with the programmed budget.

From 1994-95, the imperative was to bring major projects on stream as closely as possible to each other to get the benefits of joining major road network linkages. The Government's goal has been to time the construction of network improvements as closely as possible in order to realise the full benefits.

Over the past six years these projects have included construction of the Graham Farmer Freeway, the Servetus Street upgrade, the Narrows Bridge duplication, the Lord Street level crossing upgrade and the extension of the Kwinana Freeway.

These are real benefits to the network as a whole when addressing key linkages such as creating the Graham Farmer Freeway and the Narrows Bridge and Kwinana Freeway projects.

Main Roads does not resile from its accountability to manage the highway-main roads network and will continue to develop and apply whatever management models and contracts that deliver best value and best manage the risks involved.

In relation to tender practices, the need to commit to the large-scale projects has seen Main Roads push the boundaries of due process for a brief period as far as tendering was concerned. That was acknowledged by the previous commissioner, Ross Drabble, in an edict to staff in October last year following an exhaustive examination of issues. The current Acting Commissioner of Main Roads, on his appointment in February 1999, acted decisively to ensure that tendering processes were further enhanced including compliance auditing and training and the establishment of a tenders committee with half its members being external and totally independent of Main Roads.

Main Roads awards approximately 1 000 contracts valued at \$350m per annum. It is a very busy organisation, and at the same time has completely reorganised itself to reflect all these new methods, contracts and arrangements. In February 1999, Main Roads established a tenders committee that meets weekly. The role of the committee is to review procurement actions to ensure that the procurement of goods, works and services is in accordance with Main Roads' procurement policy. Current membership of the committee consists of Main Roads' Executive Director Finance and Services, Mr Athol Jamieson; Acting Executive Director Planning and Practice, Mr Gary Norwell; the Chief Executive Officer of the State Supply Commission, Mr Charles Vinci; and Director Asset Management of Police Services, Mr Steve Jones. Also, to ensure that further problems do not continue, a senior supply officer reviews all contract payments exceeding \$10 000, and all contracts exceeding \$50 000 are endorsed by either the manager supply and transport or the executive director finance and services.

A primary objective of Main Roads' contracting strategy is to allocate risk to the party best placed to manage that risk. For larger projects, greater than \$20m, contracts, lump sum design and construct contracts, which transfer all the design to construction interface risk to the contractor, are used. The form of contract is a project deed, which includes Main Roads' performance based specifications and an agreed risk allocation, which is negotiated between parties prior to contract award. This is good risk management.

Main Roads has addressed and will continue to address risks ranging from the strategic end, such as determining to use regional term network contracts, the operational, such as the size and packaging of contracts and regional priorities, through to risks associated with the management of the procurement process itself. In some cases, formal risk management assessments are required and in others the risk is managed by adherence to due process. Even in this case where industry offers better value for money, exceptions to the policy of accepting the lowest conforming tender are always considered and in many cases accepted after detailed assessment. This, too, is good risk management.

Points of Order

Mr THOMAS: It appears that the minister is reading his speech, which is contrary to standing orders.

Mr OMODEI: As the member for Cockburn knows, I am the acting minister in this place and I have been provided with copious notes by the minister responsible and I am referring to those copious notes.

The ACTING SPEAKER (Mr Baker): There is no point of order. The minister is clearly referring to copious notes.

Mr KOBELKE: I accept your ruling that the minister has the right to quote from the document, and I ask that he table the document when he is finished reading it.

Mr OMODEI: I fully intend to do that.

Debate Resumed

Mr OMODEI: As we all know, with everything we do each day - whether commuting by car or public transport, cycling, taking our children to and from school safely, or selecting food from supermarket shelves - roads are a central component of our activities. This Government is responding to community and industry needs and expectations by providing a safer, more efficient integrated transport and road network. I table my notes.

[See paper No 142.]

Mr OMODEI: I understand that the member for Armadale has obtained freedom of information documents on highway construction issues that relate to Thiess Contractors Pty Ltd, and she has already asked questions about the Kwinana Freeway.

Ms MacTiernan: Has the minister seen those documents?

Mr OMODEI: The member intended to charge me for photocopies a minute ago.

Ms MacTiernan: Every single item has been blacked out.

Mr OMODEI: It is remarkable that the Labor Party supports its so-called enemies in highway constructions, including Mr Buckeridge. In relation to the location of the railway line I can assure members -

Several members interjected.

The ACTING SPEAKER (Mr Baker): Order members! I call the member for Armadale to order for the first time.

Mr OMODEI: The relocation of the railway line was an extra cost. The member knows the answers to those questions.

Her questions on notice have been answered or she has received the answers during debate. In relation to Indec Consulting, I think the member has put questions on notice about the 10 contracts being awarded without tenders being called. I will be interested to look at the structure of Indec to see who are its members. One might find that some of them have connections to the Labor Party. The member covered herself in her opening comments about the power to waive. Obviously that is what the commissioner has done with the contract with EPM. That is the situation as the Government sees it. Main Roads WA has provided me with information and copious notes and I think I am obliged to read them into *Hansard*.

MR COWAN (Merredin - Deputy Premier) [5.01 pm]: It is appropriate for me to make a number of comments on the claims made by the member for Armadale. The member needs to go back to some of her sources of information, particularly if they are people involved in the construction and contracting industry, and ask those people in the private sector how they use the tender system. Those people should be asked, when they find someone competent to perform a task on time, on budget and according to specifications, why they do not use the tender system as long as there has been a record of performance, as there has been in this case. In this case the company was awarded a contract through the normal tendering process and -

Ms MacTiernan: They were not. With the first contract there was not even a memo explaining why they were given the contract without it going to tender.

Mr COWAN: Let us take the fact that this company was given the contract. It then demonstrated its capability. Main Roads WA does not comprise one person; it has people who make recommendations. Clearly the recommendation was that the body chosen was competent to perform the task. I would have been interested to hear the member for Armadale take issue with or make a case about the performance of the contractor and that it had demonstrated a failure to perform the task. Not once did I hear a claim by the member that the contractor had not performed the task that was required under the terms of the contract or that it had not met the objectives of the contract according to price and terms.

Had the member for Armadale come into the Parliament and argued a case that Main Roads was spending too much money, she might have been able to substantiate that by at least demonstrating money had been wasted; however, that is not the case. Her only argument is that she can produce a document to show the capacity of Main Roads to waive tender requirements on the premise that it knows a company can perform the task that is likely to be asked of it or that it is contracted to do, and it should not necessarily do that.

Ms MacTiernan interjected.

Mr COWAN: I find that remarkable. Surely she could have at least built an argument by demonstrating that the contractor had not been able to perform the required tasks. Not once in her entire argument has she shown that the work required to be performed was indeed not performed. Why do we keep bringing this type of nonsensical material before the Western Australian Parliament? It is interesting that, notwithstanding all of the allegations made by the member for Armadale, at a later stage, through a competitive tendering process, EPM won the tender.

Ms MacTiernan: Why was it necessary to go to tender?

Mr COWAN: If the member can keep her mouth shut for half a minute I will explain it. Her problem is that she does not like to give up the floor. She loves to hear the sound of her own voice.

It is most likely that the tender that was won by EPM was in an area associated with the work previously done, but there were not enough elements of difference to make it appropriate to call for tenders. The company won it and it justifies that the company had a degree of competence. We would at least have seen some evidence that the company was not competent to perform the task it was required to do. In every instance where taxpayers' funds are carefully and properly spent, there is not one shred of substantiation that the funds were misspent. All we get is a constant barrage of innuendo, none of which is substantiated.

Ms MacTiernan: It is all substantiated. Here are the documents. We have gone to a great deal of trouble substantiating the allegations.

Mr COWAN: None of the documents contains information revealing that the company was incompetent; quite the reverse, the company has been capable of performing the task required. There is no doubt that in the competitive process that we have -

Mr Kobelke: That you do not have.

Mr COWAN: There will always be occasions where the cost of tendering factored into a job will be high enough to warrant an organisation which has knowledge of pre-qualified bidders seeking to waive the rules. It has been done for years in the knowledge that the companies are able to perform the tasks asked of them. Knowing the way the member for Armadale works, she would, if she could find it, present all the evidence available to show that funds had been misspent with respect to this issue. However, no evidence is available because there is none. She was unable to demonstrate any misappropriation of funds, that the funds were unwisely spent or that the contractor has not performed the task according to the obligations under the terms of the contract. This motion should therefore be rejected.

MR KOBELKE (Nollamara) [5.10 pm]: We have just had a performance by Don Quixote tilting at windmills and being unwilling to face up to the motion. The motion called on the Court Government to give a full account of the circumstances in which Evans and Peck Management was awarded a contract worth approximately \$500 000. Both ministers have avoided the issue; they are not willing to give any explanation for this contract being awarded to Evans and Peck without it undergoing the tender process.

Mr Omodei: You weren't even in the House.

Mr KOBELKE: The minister representing the Minister for Transport gave an example of banana peel accounting. Without a benchmark for comparison, he said that one percentage was higher and one percentage was lower. The benchmark was a supposition that it might cost a certain amount, but the estimate came in below that. That is banana accounting. It is like saying my bald tyres have 20 per cent more stopping power than I would have if I slipped on a banana skin. It is absolute nonsense and makes no attempt to address the case ably made by the member for Armadale. She has the documents before her which she obtained under the Freedom of Information Act and which she presented, together with figures from annual reports, to indicate that in this case the Government did not follow the proper process for contracting out, and it is not doing that in many other cases.

The argument of the Deputy Premier is that we do not need competitive tendering or competitive forces; all we must worry about is performance. If a company can perform within the contract, even though it costs three times as much, good on it. If they are mates and they perform, it does not matter whether they receive three times as much for their work than is necessary; that is all right because we know they will perform. That was the argument of the Deputy Premier.

Mr Cowan: No, it wasn't.

Mr KOBELKE: The Deputy Premier simply tilts at windmills. He attacked the member for Armadale for not mentioning the need to perform. I heard her address that issue. She indicated in her comments that contractors had to have an established record in the area indicating that they can perform. That is a given. The next step in the process is to seek a company that will perform to the required standard at the lowest possible price. That is what competitive tendering is supposed to be about.

The Deputy Premier does not think that is important; he is not committed to applying competitive forces to get the best possible deal for government contracts. It is a strange world in which we live when that is the Government's defence for avoiding investigation into a case in which competitive tendering has clearly not occurred. On some rare occasions it is not possible to go to competitive tendering. If the work is specialised and only one company has the specific expertise, it is unrealistic to go to competitive tendering. Another example is when work is required urgently. Although three or four companies may have done similar work and have proven records, a waiver is sought, in which case it is not always possible to get the work for the best possible price. However, in the knowledge that the work will be to the required performance and having determined the price, it is acceptable to opt out of the competitive tendering process. No explanation has been given by either minister for the reason this contract was let without Main Roads going through the tendering process.

The budget this Government brought down earlier this year has the largest deficit in the State's history. According to authorities such as the Western Australian Chamber of Commerce and Industry and other right-wing think tanks, we have a budget deficit of \$640m, the biggest deficit carried by a State Government in living memory. Why are we in this situation when we have had record growth in our economy since 1993, which the Government crow's about loudly, and when the Government is imposing a much higher level of taxation?

The McCarrey report suggested that, as a result of all that money coming in and contracting out, supposedly according to the rules of competitive tendering, which we discovered today the Government does not now believe in, annual savings of \$300m to \$400m would be made. The Premier has said on many occasions that by selling off the State Government Insurance Office, BankWest and other assets, we would cut down our annual interest payments by \$300m a year. We are talking about hundreds of millions of dollars a year flowing into the coffers due to this being the highest taxing Government in the State's history; yet there is a deficit of \$640m in the budget and the community is receiving a lower level and poorer quality of service in our hospitals which the Government seems to want to blame on the Commonwealth. Undoubtedly there is an element of truth in that, but the Government wants to blame it all on the Commonwealth.

The people of Western Australia have woken up to this Government. They want to know where the money has gone. Due to increased taxation rates and a good economy, the Government has received record taxes over the past five or six years; yet as a result of its tendering policies, the State is in a worse position.

The issue the member for Armadale raised today is the underlying cause of this problem; that is, the Government does not believe in competitive tendering even though it refers to it time and again. The member for Armadale gave those examples and there are other examples of competitive tendering not being followed and of contracts being awarded on dubious grounds. That may not be the Government's fault. In a number of cases the bureaucrats have snowed the ministers. That occurred when we were in government, but with this Government the bureaucrats have made an art form of it. The "yes ministers" have taken this Government for a hell of a ride. Huge projects worth hundreds of millions of dollars have not been properly assessed or financially analysed.

Mr Omodei: Are any called "blue sky"?

Mr KOBELKE: The Northbridge tunnel is supposed to be a bypass.

Mr Omodei: It has been planned for 30 years.

Mr KOBELKE: It has not.

Mr Omodei: The model had been prepared when we came to government.

Mr KOBELKE: The minister said it was there when his Government took office. He is confirming that he has been snowed by the "Yes Minister" people saying, "You would like this tunnel, minister; you can put your name on it. It doesn't matter

if it costs \$500m and we don't need it. It is a great project." The minister confirmed exactly what I said. This Government has been caught up in the "Yes Minister" syndrome and become locked into many projects. The Evans and Peck contract is potentially one about which the Government knew nothing and it is trying to hide the fact that things are not being done in a way that serves the interests of this State. The Government wants to run for cover rather than try to address the issues and look after the public interest by ensuring we get the best value out of the taxpayer's dollar.

Mr Cowan: When did Stevenson retire as town planner?

Mr KOBELKE: I do not know.

Mr Cowan: You should find out.

Mr KOBELKE: How is that relevant to the debate? This is the tilt at windmills. We are suddenly talking about an eminent planner who is somehow supposed to shift the heat from the Deputy Premier whose contribution to the House today was to tell us that he does not believe in competitive tendering. The Deputy Premier's line is "As long as you can perform, we will pay you anything". However, the Deputy Premier overlooked one other criterion; it should be "As long you can perform and you are one of our mates, you can get the work." That is the issue. There is no need for competitive tendering. The Deputy Premier is trying to sideline the debate by talking about an eminent planner and wants to carry on his own debate at the back of the Chamber.

The member for Armadale has clearly established the increase in the unit cost of road maintenance from 1993-94 to 1997-98. There has been a huge increase when one considers the figures by region. For example, in the metropolitan region, the cost per kilometre lane in 1993-94 was \$6 131. That had risen to \$19 795 in 1997-98, a three-fold increase. The cost per kilometre lane in the south west was \$1 848 in 1993-94. It rose to \$7 461 in 1997-98. Members can go through the various regions and see what has happened to the cost of road maintenance through this Government's process of contracting out. That process has been an abysmal failure. Road maintenance has cost far more under this Government. The following is the statistical table outlining the increase in costs -

Increases in unit cost of road maintenance 1993-94 to 1997-98

Region	Cost per kilometre lane in 1993-94	Cost per kilometre lane in 1997-98
Metropolitan	\$6,131	\$19,795
South West	\$1,848	\$7,461
Goldfields-Esperance	\$1,594	\$5,554
Mid West	\$1,094	\$2,532
Wheatbelt South	\$2,543	\$4,250
Wheatbelt North	\$2,154	\$8,508

I will give one example which the member for Armadale has provided from an internal Main Roads Western Australia memo regarding the upgrade by the Bunbury office of Main Roads of the Clifton section of the Perth-Bunbury highway. This document admits that the ban on the construction crews undertaking the work for Main Roads was not due to the high standard or it being cheaper by the private sector. In a press release, the member for Armadale quotes the memo as stating -

"The decision has been made to force the change to 100 per cent outsourcing of (road) construction and maintenance works. The decision is not a reflection on the cost effectiveness and quality of the work that has been produced to date. In that regard you have all performed magnificently,"

That memo is dated 18 March. In that instance, Main Roads costed the construction of the Preston section of the Bunbury-Perth highway at \$168 000 a kilometre. The private contractor who built the Myalup section costed that work at \$272 000 a kilometre; that is, \$104 000 more per kilometre even though the Preston section required more extensive earthworks.

Example after example has been brought forward by the member for Armadale to show that we have a major problem with contracting out. That is not to say that there are not real benefits in contracting out; there should be, but the Deputy Premier said he does not really believe in competitive tendering. Contracting out serves other purposes for this Government. It does not serve the purpose of getting the lowest and most effective construction of particular projects. However, that is not something the Deputy Premier is concerned about at all. He is only interested in getting the construction performed and is quite willing to see much higher costs are paid for it.

I turn now to the matter raised by the member for Armadale, the contract to Evans and Peck Management. As the member pointed out, the only justification given for awarding this \$500 000 contract to Evans and Peck Management without going through a tendering process was that it had "unique knowledge of Main Roads requirements." I do not know whether the minister representing the Minister for Transport can elaborate on that. What was the nature of Evans and Peck's "unique knowledge of Mains Roads requirements"?

Mr Omodei: It obviously had knowledge built up in 1995 and 1996 which Transport considered was significant.

Mr KOBELKE: The minister is saying this company came into this State two years before this contract was awarded and therefore had new methods compared to the Perth firms which had been doing this for years!

Mr Omodei: Obviously it accumulated the experience that Transport considered was necessary and as your colleague, the member for Armadale, said there is the capacity to waive.

Mr KOBELKE: That is not the important thing. I accept it can be waived but when it is waived, the Government should be able to justify why in this particular instance there were good grounds for a waiver.

Mr Cowan interjected.

Mr KOBELKE: The Deputy Premier should stop tilting at windmills and pipe down. We know that the Deputy Premier is just trying to distract people and make a lot of noise. Unfortunately, the Deputy Premier making noise does not add to the quality of the debate. Members know what the Deputy Premier thinks about this. He thinks that competitive tendering is an absolute nonsense. We do not have to worry about competitive tendering. This Deputy Premier is only interested in performance. He has stated that on the record today and his intention now is to show he can perform at the noise level because he certainly is not providing much substance.

Several members interjected.

Mr KOBELKE: I was trying to get some information out of the minister representing the Minister for Transport because the only justification which has been given for allowing the waiver - and we accept that a waiver is possible, but it should be justified and this Government is not willing to do that - is that Evans and Peck Management -

Several members interjected.

The ACTING SPEAKER (Mrs Holmes): Order, members! I am happy to allow interjections to the speaker. However, I will not accept interjections across the floor and I would be grateful if we left the member to make his speech without interruptions.

Mr KOBELKE: The minister representing the Minister for Transport has not yet given any explanation of why the waiver was required. The only information we have received so far is that Evans and Peck Management had a unique knowledge of Main Roads requirements. I am asking the minister whether he can elaborate about what was unique about Evans and Peck's knowledge compared to that of the other companies which could have tendered.

Mr Omodei: I have already elaborated as far as I am going to elaborate.

Mr KOBELKE: The minister cannot.

Mr Omodei: I just did, twice.

Mr KOBELKE: No, the minister did not.

Mr Omodei: From what I can gather, the information and expertise that was gained in 1995 and 1996 satisfied Transport that the company was competent in its field.

Mr KOBELKE: Saying that the company is competent is totally different from saying it has a unique knowledge. "Unique" means it is the only one. That is what "unique" means.

Mr Omodei: Why don't you ask Transport what "unique" means?

Mr KOBELKE: The Minister for Local Government is the minister representing the Minister for Transport in this debate. If that is unique, in what way is Evans and Peck unique? It seems that the minister does not know.

Mr Omodei: Obviously it must be unique, otherwise it would not have got the job.

Mr KOBELKE: It must be unique then! The company might be unique in the sense that it is the only company which had an insider working for it. Is that why Evans and Peck was unique? Did it have someone in Main Roads who was doing its bidding? No other company had that so Evans and Peck Management was unique. That is what we mean by "unique". Evans and Peck Management was unique in that it had someone in Main Roads who for whatever reason, whether it was friendship, corruption or he simply liked the colour of the logo on the letterhead, gave it a contact and that made Evans and Peck unique. The minister is suggesting that to the House because he can give no other explanation. Evans and Peck Management is unique in that respect. That seems to be what it comes down to. The minister could not explain why Evans and Peck had unique experience to other people who were clearly qualified to do the work. The member for Armadale has already mentioned other companies which are well-established with longer-standing credentials in this State. That is not an issue. If a company comes in as a new chum and can prove itself, it should have a go but that is not what happened.

This company was declared a unique company and it did not have to compete with Western Australian companies or other Australian companies that could do that work. It was unique because it had an advantage in that it obviously had a contact and someone on the inside speaking on its behalf. If that is the way this Government works, it indicates that it is about looking after its mates and as long as they can perform reasonably well, they will get the deal. That is the notion put forward by the Deputy Premier. The Government's attitude is that it does not have to worry about competitive forces, it must simply give the contract to someone who can perform. All we have heard from government members is that the company is able to do the work and has unique knowledge. That is generally known in our society as corruption, and that is the reason for the Anti-Corruption Commission. If it is not corruption, and the waiver was based on some reason that can be substantiated,

Opposition members will accept that. However, the Government is not willing to address the issue and simply indicates that it does not support competitive tendering. This is the reason for the cost blow-outs in this State.

MS MacTIERNAN (Armadale) [5.31 pm]: We heard nothing but a typical Sir Humphrey response from the minister representing the Minister for Transport in this place. We expected that. Whenever issues concerning the Transport portfolio are addressed in this place, we never get a decent answer to those issues. The minister always has a pre-prepared document that he reads. When Opposition members ask how they can access the information they want, they are told by the minister in this place to ask the Department of Transport.

These ministers seem to have some fundamental problems understanding the basis of political accountability. The ministers are responsible for the agencies which they administer. In Parliament, the Opposition's means of finding out what is going on and getting explanations is to ask the responsible ministers questions, it is not to go to the departments. The ministers are responsible. There is obviously a complete failure on the part of the Government to understand that basic principle of ministerial and political accountability. It is unfortunate that the Deputy Premier has left the House, because I was astounded by his comments. He sought not just to deny that these things happened, which is the normal practice of the minister representing the Minister for Transport in this place, but also to defend the provision of contracts without tender. He sought to defend contract splitting on the basis that the Opposition had not demonstrated that these companies were incompetent. We certainly had not.

Mr Trenorden: You have not demonstrated that at all.

Ms MacTIERNAN: That was not the basis of the case. The fact that the member for Avon does not understand that is very worrying. Let us go back to the principle of contracting out. Main Roads used to provide these services competently, and there was never any suggestion of problems with the competence of Main Roads.

Mr Trenorden: Yes there was, plenty.

Ms MacTIERNAN: The justification for contracting out is fundamentally based on the notion of competitive tendering; that is, if there is competition the Government will get a better deal. The Labor Party does not necessarily agree with that argument, but it is the Government's argument. The Opposition has demonstrated that the Government has been contracting out without engaging in a competitive process, and the Opposition has been told that it does not matter. What is the whole underpinning of the Government's move to contract out, if it is not fundamentally based on the need for competitive tendering? Is it the Government's argument that any person who can do the job can get the job?

Mr Trenorden: Have you looked at the motion and listened to the debate in the last five minutes? They are miles apart. They have nothing to do with each other.

Ms MacTIERNAN: In what way?

Mr Trenorden: Look at your motion.

Ms MacTIERNAN: Will the member read the bits to which he is referring?

Mr Trenorden: I do not have it with me now, but I had it earlier. I have listened to your speech and you at least attempted to go through a procedure. The speech that followed yours was a waste of time. You tried to go through a procedure but you have not established anything at all.

Ms MacTIERNAN: The motion, in part, is that the House calls upon the Court Government to give a full account of the circumstances whereby Evans and Peck were awarded a contract worth around \$500 000 without tender. The Government has provided no explanation.

Mr Trenorden: You have explained why it has occurred.

Ms MacTIERNAN: No we have not.

Mr Trenorden: You have given a long and detailed explanation.

Ms MacTIERNAN: The member obviously misunderstood the argument. A one sentence explanation was given by the agency; that is, the company is unique. The Opposition asked what was unique about this company that justified its being given a \$500 000 contract which enabled it to assess other contracts and put it in a very powerful position in this State. The only answer from the minister representing the Minister for Transport was that if Opposition members wanted to know anything about the matter, they should ask the Department of Transport. The Opposition referred to the complete lack of documentation concerning the provision to that company of a contract to assess the tenders for highway construction, and it received no answer. The second part of the motion called upon the Government to address the various serious concerns of engineering and construction firms about the integrity of the Main Roads' tendering processes.

It may well be that some of the firms are competent - I do not know; however, that is not the basis of the Opposition's argument and it never has been. There are State Supply Commission guidelines and rules relating to tendering out, and those rules are an important part of the whole accountability mechanism in contracting out. The Opposition has demonstrated that these rules have been comprehensively flouted by Main Roads in the provision of significant contracts.

Mr Trenorden: That is your view, but you have not demonstrated it. You have just stated your view.

Ms MacTIERNAN: No. We have demonstrated that there has been contract splitting that has enabled a small contract to be given without a tender, to which has been added a far more lucrative contract. It is not about the competence or otherwise

of the company involved; it is about the propriety of giving it the contract, particularly under circumstances where we know perfectly well that a plethora of companies certainly appear to have far more experience, skill and personnel than the company that has been given the work. The issue is not that the company was not equipped to do the job, but whether it was given the job fairly. The Deputy Premier's only answer was that if it could do the job, so what?

Mr Cowan: That is not what I said, but you are entitled to draw that inference.

Ms MacTIERNAN: It is true that I am attempting to put logic into the Deputy Premier's statements. He said that I had not demonstrated that the company could not do the job. That is not the point; the point is that there was no fair and open process by which a whole raft of companies, which could also have done the job, had an opportunity to tender for that work. This company was given inside running, and contract after contract was piggybacked onto the initial contract. At the end of the day, this company was said to have such a high level of knowledge that no other company could possibly compete with it.

The Opposition has raised very serious concerns. We know changes have taken place in the administration of Main Roads but, notwithstanding that, people involved in these contracts are still with Main Roads. People intimately involved with these contracts are still holding senior positions in government, and it is important that we properly test the probity of their conduct. I find it absolutely appalling that there is not the slightest hint of embarrassment or shame from the Government about this appalling state of affairs. Obviously, the Opposition will not let it rest. I had hoped the Government would indicate that it would investigate these matters. However, it is not prepared to do so. These matters must then go to various other agencies such as the Commissioner for Public Sector Standards and the Auditor General. Neither of those bodies is set up to properly investigate these matters, and we will continue our push to have these matters dealt with by a proper, open inquiry.

Question put and a division taken with the following result -

Ayes (13)

Mr Brown
Mr Carpenter
Mr Graham
Mr Kobelke

Ms MacTiernan
Mr Marlborough
Mr McGinty

Mr McGowan
Ms McHale
Mr Riebeling

Mr Ripper
Mr Thomas
Mr Cunningham (*Teller*)

Noes (29)

Mr Baker
Mr Barnett
Mr Barron-Sullivan
Mr Bloffwitch
Mr Board
Mr Bradshaw
Dr Constable
Mr Court

Mr Cowan
Mr Day
Dr Hames
Mrs Hodson-Thomas
Mr House
Mr Johnson
Mr Kierath

Mr MacLean
Mr Masters
Mr McNee
Mr Minson
Mr Nicholls
Mr Pandal
Mr Prince

Mr Shave
Mr Sweetman
Mr Trenorden
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Osborne (*Teller*)

Pairs

Ms Warnock
Dr Gallop
Ms Anwyl
Mr Grill
Mrs Roberts
Dr Edwards

Mr Tubby
Mrs Parker
Mrs Edwards
Mr Marshall
Mr Omodei
Mr Ainsworth

Question thus negatived.

LEGISLATIVE ASSEMBLY, TELEVISION AND RADIO COVERAGE

Motion

MR RIPPER (Belmont - Deputy Leader of the Opposition) [5.44 pm]: I move -

That this House allow television and radio stations to use extracts from the video records of all future debates.

I will not speak at length on the question of televising Parliament. We have had several debates on this issue in recent years. However, I will remind members of some of the essential features of the current arrangements. On Tuesday, 19 March 1996, the Speaker advised members that the newly installed televising system was in place. He said -

At this stage only question time and special events, such as the Budget speech, will be televised.

He went on to advise the House of the guidelines that would apply to the televising. He quoted some of the rules, which stated -

1. Program material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for -

- (i) political party advertising or election campaigns;
 - (ii) satire, ridicule or denigration; or
 - (iii) commercial sponsorship or commercial advertising.
2. Reports of proceedings shall be such as to provide a balanced presentation of differing views.
 3. Remarks which are subsequently withdrawn may be rebroadcast only if the withdrawal is also rebroadcast.

I quoted from the Speaker's advice to the House for two reasons: First, it should be clear to members of the House that, at the time of the introduction of this system, the ability for television and radio stations to take excerpts from question time was seen as being the first stage only. It was always anticipated that after we had some experience of allowing television stations to have access to extracts from question time, we would then be prepared to allow broader access for the televising of other debates. Secondly, the Speaker's advice was to remind members that guidelines governing the televising of extracts from question time were already in place. It is my understanding that these guidelines would continue if we extended the access of television and radio stations to proceedings of Parliament other than question time or special occasions.

When this television system was installed, it cost about \$1m. About \$700 000 was spent on the television system and the remainder was spent on new lighting and audio systems. The new lighting and audio systems were required whether or not we had television, but it was particularly necessary given that we were thinking of installing a television system. In our argument we can use either a cost of \$700 000 or a cost of almost \$1m for the television system depending on whether we think the necessary lighting and audio improvements should be factored into the cost. Nevertheless, the point is clear that a significant amount of money was spent on the installation of this system. How often is it used? It is used essentially for about three hours of parliamentary proceedings a week: An hour and a half of question time in this place and an hour and a half of question time in the other place.

Mr Trenorden: You must accept that the audio system is used.

Mr RIPPER: The member for Avon is right; the audio system is used all the time. That has improved matters for us, but the television system covers only question time in the Legislative Council, question time in the Legislative Assembly and some special events approved by the Speaker. In essence, the system is available for only a tiny fraction of the time spent on parliamentary proceedings in a usual parliamentary week. We are wasting the taxpayers' investment in the television system in this House. If we really want a proper return on that investment, we should be prepared to allow television and radio stations to have access to extracts from all of our proceedings.

Mr House: How about we televise only your side of the Chamber? You are so keen on it.

Mr RIPPER: I would not mind if the Government were to announce publicly that it was not prepared to be televised but that it was prepared to have the Opposition televised. That would be to our advantage.

Mr Barnett: It would be a toss-up between you and the test pattern.

Mr RIPPER: I wanted to stop this in its tracks, so I referred to the previous debate on this issue. There were all sorts of smart alec comments from members on the other side. I will head them off on this occasion by saying that I do not intend to speak at length. We should take action about this issue, but it is not the most significant issue confronting the public of Western Australia.

I do not imagine that there will be wholesale television coverage of the proceedings of Parliament. I am a realist and I know the degree of public interest in parliamentary proceedings. There will be short grabs on television news programs and perhaps the odd longer extract on current affairs programs. However, by and large, there will not be extensive coverage of the proceedings. Even though that may be the case, there is still some value in allowing television stations to have the access I suggest.

We are currently witnessing the devaluation of Parliament as a forum for political debate. People now get their information about politics largely from the electronic media. Reham Australia Media Monitoring Services Pty Ltd released the results of a survey that questioned people about their sources of political information. I do not have the figures in front of me, but I recall that they indicated that roughly one-quarter of people get their information from radio, roughly one-quarter get their information from newspapers, and about half get their information from television. In other words, television is the most significant source of political information for more than half the members of the public.

Mr Trenorden: That is sad.

Mr RIPPER: Television creates its own forums. Because it does not have access to most parliamentary debates, television stations create another forum - the doorstep interview, the press conference and the press release. Those opportunities become more important than the parliamentary forum, and gradually debate in this place becomes less relevant. I do not like that.

Parliament is an important institution. We should be bolstering its standing and reinforcing the importance of political debate in Parliament. The way to do that in the television age is to allow television stations to take extracts from our debates and thus make a small contribution towards encouraging them to report the formal forum of Parliament rather than to create their own informal forums at the doors of Parliament, in car parks or when political leaders have finished giving interviews to radio stations.

Mr Prince: The way television operates, they would not use it. They would still want to have their own stand-ups. They use sensation-seeking short grabs. They will not get that in this place other than exceptional one-liners.

Mr RIPPER: The observation is correct, and I do not want to overplay my argument. We will not abolish the doorstep, but we add to the trend for Parliament to be devalued and for the electronic media to create alternative forums if we do not open up the proceedings to television.

Mr Prince: If we were to broadcast all the proceedings of this place on a special channel, no doubt some would watch, perhaps students of political science and some who are housebound. There would not be a large audience. The broadcast would not be picked up by the main free-to-air news media. They still want to run it their way.

Mr RIPPER: The minister is correct. It is commonly accepted that there will not be extensive coverage of these proceedings. Television stations will take only short grabs and a few longer grabs for current affairs programs. They will continue to use doorstops, press conferences and other informal forums. Nevertheless, if we allow access to all parliamentary proceedings, we will make some contribution towards restoring the relevance of the Parliament as a forum for political debate from the point of view of most members of the public, who get their information from the electronic media.

This matter should be of concern to all members of Parliament. There are many other participants in the political process seeking to exercise power. Many of those participants are appointed rather than elected. I refer to people in ministers' offices who act as advisers, senior public servants and people who head up lobby groups. All are rivals of members of Parliament in the political process. It would be concluded by many members that the power of these rivals in the political process has increased in recent years. Those of us who draw our power from being elected as members of Parliament should do our utmost to reinforce the legitimacy and relevance of this forum to the people who elect us. We go through the democratic process to reach our position; it is our job to respond to and judge public opinion; and constituents approach us about their problems. Those rivals seek to exercise political power without undertaking those activities that they might regard as the inconveniences of the electoral process.

If we want to preserve the relevance of the democratic process, the Parliament and the role of members of Parliament in the political system, we must ensure that what we do in Parliament is seen by members of the public as relevant. One way to do that is to give them more access to these proceedings. Very few people read *Hansard* and very few people attend in the public gallery. They get their political information from television, and it is to that medium that we should be making information about Parliament available. I took up this issue in 1997. On Wednesday, 7 May, after about 18 months of question time being available to television stations, I moved the following motion -

That this House request the Speaker to make arrangements for television stations to have access to television coverage of all House proceedings.

I thought I had support in principle from most members of the House for that motion.

Several members interjected.

The ACTING SPEAKER (Mrs Holmes): Order! If members wish to have a conversation they should keep their voices down or go outside. I am having difficulty hearing the speaker.

Mr RIPPER: In the end, the motion was amended by the Leader of the House by deleting all words after "request" and substituting the following -

the Presiding Officers to assess the existing arrangements for the television coverage of the Parliament and to make recommendations as to a wider access for television stations to parliamentary proceedings.

At that time, in the interests of a bipartisan position, the Opposition accepted that amendment. The motion as amended was then carried. Unfortunately, we have seen no action since that time. That motion requested the Presiding Officers to assess the existing arrangement and to make recommendations for wider access. As far as I can tell, the Presiding Officers have not conducted that assessment and have not made available to members of Parliament any recommendations on wider access to television stations for parliamentary proceedings. The progress that we expected to make as a result of bipartisan support of the amended motion has not occurred. This is the reason I have again brought a motion into the House today. This House should make a direct and clear statement of its opinion, so we can get some progress on this issue. We have asked the Presiding Officers to assess arrangements and to make recommendations. A year or more has gone by and they still have not carried out any action in response to that request.

Considerable support exists across the Parliament for the proposition which I have put forward. It is time that we made a clear decision and gave some guidance to the Presiding Officers about what we want, and it is time we got some action on this matter. I have support at the highest level. The Premier, when in opposition, was one of those members who campaigned for question time to be televised. The Leader of the House has made positive statements about televising Parliament during parliamentary debates. Professedly, there is support for this proposition; there is no action to implement it. At the present time the arrangements are a waste of the investment which we put into the televising system.

The present arrangements do not allow the Parliament to demonstrate its relevance to the people who elect it. Also, the present arrangements are potentially not balanced between Government and Opposition. What tends to happen is that the Speaker gives approval for important government speeches like the Budget Speech or the Governor's speech in opening Parliament to be televised. The same opportunity is not offered for important opposition speeches to be televised. The televising of question time is, in a sense, unbalanced because the Opposition can only be televised asking questions. Opposition members cannot be televised making a positive statement, whereas government members can be televised making positive statements.

Mr Barnett: When are you going to make a positive statement?

Mr RIPPER: I am making a positive statement now: Parliament should be televised. That is a matter of some concern to members on this side of the House. However, it is not a major issue from our point of view, or the driving force behind our moving the motion. The driving force behind the motion is that we always anticipated that we would move on from the televising of question time when close to \$1m was spent on creating the opportunity for television to access extracts from our proceedings. It is the right thing to do from the point of view of bolstering Parliament as an institution. The Houses have previously requested the Presiding Officers to make recommendations on this matter. The Presiding Officers have not made those recommendations. It is time for a clear statement of the pre-existing support across the Parliament for television and radio to have access to all of our proceedings if they choose to broadcast extracts of those proceedings.

MR BARNETT (Cottesloe - Leader of the House) [6.03 pm]: I do not think many members, if any, would have an in-principle objection to the televising of proceedings of this House. I will make a few practical comments. This is a small Parliament in numbers. We have 57 members compared with the House of Representatives which has 148 members. Members only go into that Chamber when they are interested or participating in a particular debate. With that many members there will always be a respectable number on either side. The reality in this House, with only 57 members, is that we often have few members in the Chamber. Without being overly pointed about the matter, an hour or so ago when the lead speaker for the Opposition in private members' business was speaking, the only other Labor Party member in the Chamber was the Whip, who was on the telephone. Visually that does not give a good impression of the Opposition. There might also be times at which the Government would be embarrassed. We often have to call members into the Chamber to maintain a quorum. We must be careful about conveying a wrong, and what the public would see as an inappropriate, image of the Parliament.

Mr Ripper: Guidelines are in place which require the camera to stay on the speaker delivering the speech. There are occasionally wide shots. However, if the guidelines are applied, I do not think we would see the result that you feel will come about.

Mr BARNETT: Perhaps. I can see no difficulty in including matters of public interest and certain periods of business in the course of the Parliament. However, if videorecording is to take place, in a Parliament this size members should be aware when that is happening. There may be some system which can indicate to members that television footage which will be made generally available is now being shot. I only say that because of the concerns that exist, and in large part it is a function of the size of this Chamber.

There is probably a degree of public interest in question time. If that were televised on a channel on cable television a group of people in the community would probably tune in and listen to question time.

Mr McGowan: Husbands and wives of members!

Mr BARNETT: We all have people in our constituencies who are intensely interested in politics and watch those events, but that is a small number of people. With due respect to members, I do not believe that many debates in this House reach enormous heights, although one function of television could be to bring a greater concentration of the argument and a better debate. I wonder what the television ratings for the Address-in-Reply would be. It would not be particularly good. It would be a toss up between the Address-in-Reply and the test pattern.

Mr Pandal: The American Congress is televised and those speeches are beamed into the States concerned. It has a high interest level.

Mr BARNETT: The argument has been put that television coverage will ensure that members put greater effort into their speeches. My major concern is the size of this Chamber. If we had a larger Parliament we would be better served by televising. I do not have an objection in principle, but there are potential downsides to that occurring. I would prefer to see various times specified and perhaps move relatively gradually to that. We could all imagine situations that, quite inadvertently, could be of great embarrassment to members or to this Parliament. The member for Belmont mentioned that cameras will pan onto the person who has the call and is making a speech. However, if it is to be televised, to have any appeal to viewers, the camera will need to pan around the Chamber. It will need to focus on what the Clerks and the Presiding Officers are doing. It should show the workings and activity in the Chamber rather than simply a head and shoulders shot of someone making, presumably, an incredibly informative, eloquent speech. We must be conscious of that. If we do it, it must be attractive. From my point of view, as Leader of the House I would be delighted if it meant that all of the members were in this Chamber all of the time participating in debates. If it had that desired effect it would be good. Neither the Government nor I has an in-principle objection to this. I suggest that we proceed with caution. I propose to move an amendment to the motion.

Mr Carpenter: That is what you did last time.

Mr BARNETT: I take the point.

Amendment to Motion

Mr BARNETT: I move -

That all words after "House" be deleted and the following words substituted -

requests the Procedure and Privileges Committee to present to the Legislative Assembly a report on access by television and radio stations to video and audio coverage of proceedings of the Legislative Assembly and necessary guidelines for such access.

Mr Ripper: Send it back again to the committee I am on.

Mr BARNETT: I can see that it may sound a bit bureaucratic. The member has raised the issue again. Last time we agreed in principle but there has been no progression in the television coverage of this House. Let us ask the Procedure and Privileges Committee to look at whether it should be a total extension to cover all proceedings, matters of public importance, certain hours of business or whatever it might be. Let it review issues about single shots or panning around the Chamber. It would not be a particularly demanding task as the issues have already been discussed and reported on at some length. Let the committee report back and the House consider its findings. As long as television coverage were put in place properly, I imagine that members on both sides of the House would support an extended coverage. As to whether they would support a total coverage, we would have to wait to see the views of the people on that committee.

MR TRENORDEN (Avon) [6.11 pm]: I served on the procedures select committee and not on the standing committee. The member for Belmont is quite passionate about the issue. He is right that the majority of people have a view about it. He knows my attitude because I have told him many times. I do not have a difficulty with expanding television coverage, but one must ask oneself to what extent. There are some very interesting circumstances around the world. In Victoria in the Province of British Columbia, as the member for Belmont would know, *Hansard* is immediate. Within a quarter of an hour it is in the public domain. That is an excellent idea. The process is that five minutes from the recording of *Hansard* a correction is made and it is immediately on the public record. That is commendable.

Mr Ripper: If it goes onto the Internet, it would be excellent.

Mr TRENORDEN: That is what happens. In North America many different provincial Parliaments and local governments are online. In some cases members are speaking in a Chamber on television and on line and so are getting immediate feedback from their constituencies about how they are voting. Email is used.

Mr Baker interjected.

Mr TRENORDEN: That is the point I am getting to. Is that what we are trying to achieve? There is a substantial difference in the argument. The United States has a population of 230 million people, Canada has 34 million people and Western Australia has fewer than two million people. The coverage in Olympia in Washington State is also immediate but they use advertising to pay for it.

Mr Ripper: Television came to Perth 40 years ago, and we still do not have television access to all parliamentary proceedings. Perhaps it will be another 40 years before we get the instantaneous access to the web that you are talking about.

Mr TRENORDEN: The member's motion seeks to make coverage available. I do not think too many people would argue against that happening. The question is to what extent. One must ask some questions about television presentation. I remember something like 10 years ago I watched the ABC in Queensland present on the news a debate between Joe Bjelke-Petersen and Ian Sinclair at a National Party conference. It was presented on television one night and had great national coverage. However, there were two debates on two different days and they did not occur as the ABC presented them.

Mr McGowan: Whose side are you on?

Mr TRENORDEN: I have already told the member. If he had been awake he would know.

Because Western Australia has a population of two million people and a small number of television stations and because we are not talking about going onto the Net or having an immediate *Hansard*, although the member for Belmont's proposal has merit, to what level does he want the coverage? In the short term I see the use of televising increasing. I have no objection to that, but one must ask how it will be used. I do not agree with the member for Belmont that on all occasions it will improve the standing of this House. Television is about making an impact in a very short period; it is not about the distribution of information over time.

I support the member for Belmont's argument that we should be promoting more coverage. We should look at the availability of *Hansard* being close to immediate. In the Public Accounts and Expenditure Review Committee members were talking about the process of committees. In a short period the evidence given to committees will be available almost instantaneously. I am not opposed to that point of view although there are some working difficulties with it. However, we must look at the audience, how the information will be transmitted to the audience and how the process will work. Although we make some strange decisions in this place, we do not usually make ad hoc decisions. I do not think the member wants an ad hoc decision, so I do not want to be unkind to the member for Belmont.

Mr Carpenter: Yes you do.

Mr TRENORDEN: No I do not, because I have listened to his debate in the committee process. We need to move television coverage forward but we need to move it forward in a way which will be useful to the public and of some value to us.

I have been asked on several occasions by people in other Parliaments who do not have television coverage what difference it makes to the Parliament. I can remember some of the debate before the cameras came into this place. The fact is it has made little difference. If one asks oneself what difference television coverage in the past three or four years has made, the answer is -

Mr Prince: The state of dress has improved.

Mr TRENORDEN: It has made a little difference. Some of the negative predictions that were made at the time have not occurred.

Mr Prince: No.

Mr TRENORDEN: I accept the argument of the member for Belmont that some of the negative predictions in my or somebody else's speech may not occur but the process needs to be planned. I do not think the member for Belmont is saying that there should be total coverage, because there is not the need for it.

Mr Ripper: I envisage that the guidelines which apply to question time extracts would apply to all proceedings.

Mr TRENORDEN: I do not think the member and I are very far apart in our points of view. If the member were a little succinct in his argument, he would agree that we do not necessarily want totally available coverage because who will pick it up? It is not as if Western Australia is big enough to have a free-to-air television station that carries the coverage and that somehow it would be paid for or that we might have some process on the Internet, but we would have to ascertain how that might be paid for.

Mr Prince: Advertisements.

Mr TRENORDEN: As I have said, the State of Washington pays for coverage by sponsorship and advertisements. I am not too sure that we want to be associated with that sort of activity, but other Parliaments do it. I want to support the argument of the member for Belmont. I remember from his succinct arguments in the committee that he always indicated there should be points where we look at the measures and so on. I am merely putting those arguments back to him. I support him, but let us look at some of the measures. Let us think not in terms of not supplying information, but as to how it can be useful for the public and us.

MR PENDAL (South Perth) [6.20 pm]: The motion was worth supporting in its original form but the reality is that the motion with the Government's amendment will be the outcome. We are bothering about an irrelevance. When the Leader of the House or the member for Avon speak on these matters, I mostly agree with them. However, it is pointless, and not our role, to concern ourselves with what will be done with film and audio footage by the media once it leaves here. That is irrelevant. When a reporter from the print media leaves the Press Gallery, no control is applied - neither should there be - over what is written or the way in which it is written, save that it be a fair and accurate representation of what took place in Parliament.

Many years ago when I left the media and became a member of Parliament, I was preparing a speech for a Commonwealth Parliamentary Association conference about the role of the media in a Westminster-style Parliament. I remember seeking the views of the then editor of *The West Australian*, Dan O'Sullivan, on the structure, or the legislation, which was needed to protect the rights of the media to cover Parliament. I had in mind that he might say something like "We need a media Bill of rights", or some other lofty vision. He did not do that. He surprised me by saying - and I took his advice - that all we need is to ensure that journalists always have an unfettered right to view and report on the proceedings of Parliament. That did not seem to be all that lofty or interesting. Over the years, that simple request that we guarantee the right of entry into the press gallery for journalists, and that they be able to report as they see fit, was the type of guarantee that he, as editor-in-chief, wanted to see written into our standing orders.

Second, it is illogical and totally inconsistent for us to bother about what radio or television stations, or electronic media generally, might do if we were to grant full-time access to our proceedings. Why is it illogical and inconsistent? Since 1890, or for 109 years, and in this House since 1904, or for 95 years, the print media has had the right to enter those doors and occupy the press gallery exclusively allotted to it to report the speeches and proceedings of Parliament. Why is it that 100 years after recognising that right for the print media that we want to become fussy about what the electronic media may do? It is beyond my imagination.

The Deputy Leader of the Opposition, in his opening remarks, used some words from an earlier motion, which I had not been aware we had passed. The motion stated that if we were to put question time to air, it had to be done without satire -

Mr Ripper: These were the guideline advised to the House by the Speaker.

Mr PENDAL: I am aware of that, but the member was reporting the guidelines. I had forgotten that the House had said that. It is inappropriate to say that a free Press should be allowed access to Parliament, but only if it reports stodgily and without a smirk on reporters' faces. The strength of this system is that people in the press gallery can do to this Parliament what media people in Russia, for example, still cannot do.

Mr Ripper: You have made a tactical error. I quoted those guidelines to allay the fears of people who may be nervous about broadcast.

Mr PENDAL: We should be robust enough to put that all to one side and say that the one requirement always must be that a report out of Parliament is fair and accurate. One could go on for an eternity discussing whether the report of a speech was a fair and an accurate portrayal. If a report took the mickey out of the member concerned, he or she would be inclined to say it was not a fair portrayal. However, if the report made the member look good, the member would say, "By Jingo, that journalist has a good brain." It is subjective. It is a pity that the House does not go straight to the heart of the matter and give the electronic media the right we gave the print media 109 years ago.

I will be delicate here: The Leader of the House said that size does matter. I cannot work out what the size of the House has to do with this question. Australia has no large parliamentary chambers by world standards. Our biggest chamber of 140 members is the lower House in the Commonwealth Parliament, which is still not very big on the world scene. It does not matter whether one is talking about a deliberative body of six people. The ACT has a Parliament of about 25 people, as has the Northern Territory.

Electronic media broadcast might be advantageous to the parliamentary system as it would start to put some members under pressure. The Minister for Police said by way of interjection - I believe it to be the case - that probably dress standards have improved marginally since the televising of question time. I was one of the few members who had the opportunity to hear what took place in here at question time last Thursday, which was broadcast live by the ABC. I had occasion to attend a function in South Perth at 2.30 pm and was able to tune into ABC radio to hear the rest of question time after being here for its commencement. I said to the ABC people that it sounded very good, and there is no reason why that should not have been the case. I do not like the implication that somehow speeches or questions in this place might not be up to scratch, or somehow the intellectual content might not be present. That is not for us to judge. Electors who elect members to this place may want not a great orator or a great intellect, but someone who stands in this place to represent the outer or inner seats of this place.

Mr Trenorden: North Toodyay, for example.

Mr PENDAL: Indeed. They basically want to hear their representatives make a reasonably good fist of something on their behalf.

That is a low expectation. I happen to think that wider access to all of the debates would be a good thing. If my memory serves me correctly, during the abortion debate of last year, the Speaker of the House made a ruling that the second reading speeches of the members would be available to television. Why was that? It was because people sensed that something very important was going to occur in the Chamber. The Speaker's ruling was agreed to and all of the second reading debates were made available to the electronic media. I did not hear anyone in the community criticise the content of the speeches. They may have commented on them because they agreed or disagreed with them, but I did not hear from anyone that they lacked substance or were below par. As the Deputy Leader of the Opposition said, I think it is time for us to get with this issue. We have had television in this State for 40 years. Radio 6WF began operating as one of the early radio stations 75 years ago. We are not being asked to do something radical. It would add to the sum total of public debate in Western Australia were we to go straight to the heart of the matter as embodied by the motion of the Deputy Leader of the Opposition. If this motion were sent to the Procedure and Privileges Committee, it might be a good idea to put a time limit on it and ask for a report within a fortnight.

Several members interjected.

Mr PENDAL: There is no reason why they could not have done it by 7.00 pm today - they have talked about it long enough. We were able to suspend the standing orders the other day for the introduction of the trial standing orders on a temporary basis. That was pretty radical to set aside 110 years of practice and procedure. It is not radical to go straight to the motion moved by the member for Belmont. I support the amended motion with the request that the chairman of the committee make every effort to report back within a fortnight.

MR CARPENTER (Willagee) [6.33 pm]: I support the original motion, not the amendment. I have not heard a decent argument about why the original motion should not be supported. We have had all the arguments before. People are re-running positions that they disagreed with in previous debates. Any member of the public can walk into the Parliament provided they behave themselves. They can sit in the gallery and observe the proceedings. Any member of the media can sit in the media gallery and take notes of proceedings, word for word. We are dealing with a cringe towards new technology and its impact, which we as members of Parliament still have not come to terms with. There is nothing to fear in making proceedings of Parliament available for television. The situation will not be as the member for Avon seemed to indicate; that the proceedings would be beamed into the ether for public viewing on a special channel. All this seeks to do is to make the proceedings available to members of the electronic media, the television reporters and stations currently operating as they are, to use for news and other reports. It does not seek to establish a special television statement dedicated to parliamentary footage. The question of ratings does not arise. There will not be a parliamentary station or program. If there were it would be for the television stations to decide. They would probably choose not to do that. Members of the public have a right to access all the tools to enable them to follow the proceedings of Parliament and the performance of their parliamentary members. Television has been available in some capacity in the world since 1920. Television has been available as a cultural tool in Western Australia since 1959. Electors have the right to know whether a member is unable to give a speech or unable to answer a question or comes into the Chamber in a tired and emotional state. There would be occasions where televised proceedings would be embarrassing to a member. If members knew that they could be televised every moment they are in the Chamber, it would be less likely that viewers would see embarrassing behaviour and performances. Recently, in the upper House of the New South Wales Parliament, the presiding officer was deemed to behave inappropriately and embarrassingly. He was in a tired and emotional state and was having trouble with his diction. The vision of that occasion was used by television stations nationally and resulted in the member standing down from his position. Sad as it may be, so be it. His constituents have a right to know and see how that member behaves. It is not an argument to suggest that the televising of proceedings may be embarrassing to members. Technology has moved fast and far in the past few decades. All public institutions are trying to keep up. Parliaments around the world are keeping up with it at different speeds. It is inevitable that one day all of the proceedings of this Parliament and every other Parliament in every democracy in the world will be available for television coverage. It is just a matter of when it occurs. It may as well happen now. Instead of deferring it as the member for Cottesloe has suggested by moving that the issue be sent to a committee, we may as well accept it as there is nothing to fear. We will be part of a new era.

Mr Barnett: I think we should do it on the recommendation of the procedures committee. We should give the committee the opportunity to look at it and bring a recommendation back and unless there is something untoward, the Government will support that.

Mr CARPENTER: In theory I do not disagree with it.

Mr Barnett: I am not talking about a delaying tactic.

Mr CARPENTER: It is not as though this has just sprung out of the ground and we are dealing with new concepts that must be sent to a committee of this Parliament to investigate and report on. We have been through that process. As I recall, two years ago this House gave the go ahead to the substance of this motion. I think the Presiding Officers were instructed to find ways in which that could happen. The whole Parliament in essence has done what the minister suggested; that is, allowed the proceedings to be televised.

There is no reason that should not happen. I do not know the relative powers of the Presiding Officers, but if they are the stumbling block in this instance perhaps they should be instructed not to be a stumbling block because the body of the Parliament has made its position clear.

As is often the case, the member for South Perth has addressed many of the issues and I agree with all his points. The size of the Parliament is not relevant. It could be argued that the smaller the Parliament the more important it is that its proceedings be made available in that way. There is less capacity for members of the public to come into smaller Parliaments and there is less inclination for news media to cover every word of what is said in them than there is in larger Parliaments.

The National Party is concerned because its four backbenchers are inclined to sleep in the Chamber, often all at the same time, but that problem will not arise.

Dr Turnbull: We have a very long way to travel; far further than you.

Mr Barnett: Only at harvest time!

Mr Wiese: It is the quality of the contribution.

Mr CARPENTER: The member makes a significant contribution of quality, if not one of quantity.

Dr Turnbull: Thank you.

Mr CARPENTER: I was referring to the member for Wagin; he is a very impressive member of Parliament. The member for Collie may have something to fear. I imagine that the constituents of the member for Wagin would benefit from, and appreciate, this initiative very much. Those people probably rarely, if ever, come to Parliament with any regularity or in any number. They have a very good member of Parliament whose wonderful contributions - the diamonds and pearls he speaks - to this Parliament probably largely go unappreciated by his constituents.

The member for Collie might have some difficulty with the televising, but who knows. I am simply trying to point out that the hypothetical situation of members being embarrassed by being caught on camera asleep is not likely to occur because the general guiding principle is that the cameras will remain locked on the person making the speech. Dextrous as they are, I doubt that any of the National Party members could make a speech while they were asleep! I do not think they have too much to worry about. We can deal with that point easily.

The overriding principle that should be appreciated is that members of the public have always had - it has always been acknowledged by Parliaments - the right to know what are the proceedings of the Parliament. The media is the conduit between the public and their representatives in the Parliament. Over the years the media has evolved from print, to radio, to television. They should all be utilised to provide to the citizens of the State, verbally, orally or in writing, the information to which they are entitled; that is, how their members of Parliament, singularly as representatives or as a body, behave and perform in the State Parliament. I therefore support the original motion and hope that this amendment does not cause any delay.

MR BAKER (Joondalup) [6.45 pm]: I support the gist of the substantive motion, as I am sure does everyone else. The real issue is: What guidelines should be put in place to ensure that what is intended eventuates? A similar motion passed in this House on 7 May 1997, also moved by the member for Belmont, foreshadowed that the obligation to determine what should be the guidelines would be delegated to another person. That motion read -

That this House request the Speaker to make arrangements for television stations to have access to television coverage of all House proceedings.

The wording of that motion indicates that there should be some other procedural step or the issue should be referred to someone else to determine the guidelines. In effect, all the amendment moved by the Leader of the House proposes is that the matter be referred to the Procedure and Privileges Committee to determine the requisite guidelines and present a report.

As has been indicated, nothing much has changed since the motion was moved by the member for Belmont in May 1998. This issue should be referred to a committee.

Mr McGowan: You are a committee man; you want Government by committee.

Mr BAKER: Standing Order No 282 makes it clear that the Procedure and Privileges Committee has jurisdiction in a matter of this kind. It is empowered to report from time to time in relation to the procedures of the Assembly after conducting an examination. I do not see what is the big deal. We all agree to the gist of the substantive motion. There is a need for an assessment by a skilled committee to determine the guidelines. The member for Belmont acknowledged that in 1997 when he moved a motion on this issue. It is high time we allowed full media access to everything that occurs in this place.

I was interested in the consequences of ABC Radio's coverage of the proceedings in this House last week. The scene was very tame. Question time was very subdued, members were well behaved and very few interjections were made.

Mr McGowan: How many "dorothies" did you get?

Mr BAKER: I did not ask any "dorothies" on that day.

Mr Ripper: That was part of the Government's plan.

Mr BAKER: We gave priority to country members. As the member for Willagee said, it was a good opportunity for them to ask questions to which they seemed to receive satisfactory replies. It helped their constituencies realise that every member of Parliament is working hard for them.

I support the gist of the motion, but we should send it to a committee which will be required to report. It should be able to report back within 14 days.

Dr Turnbull interjected.

Mr BAKER: As the Speaker is away it could be 21 days or four weeks. We could move to insert further words to include a time limitation but that would be a bit brave. It is implicit that the committee report as soon as reasonably practicable following the return of the Speaker.

MR MASTERS (Vasse) [6.48 pm]: I support the motion. I have some sympathy with the motion moved by the member for Belmont. As the member for South Perth mentioned, a principle is involved here, namely that in a democratic society members of the broader community should have reasonable access to the proceedings of Parliament so they know exactly what is being said there.

I refer to a brief speech I made, I think, three or four weeks ago on the topic of media responsibility in a democratic society.

Mr Carpenter: This is your chance to retract.

Mr MASTERS: The member for Willagee interjected a number of times then.

Mr Carpenter: That is because it was nonsense!

Mr MASTERS: I deliberately chose to ignore him, as I am ignoring him now. However, I must say that when the member for Willagee was the interviewer on *The 7.30 Report*, I defended him because I believed he was doing a fair and reasonable job on that television program. He was tough and uncompromising, and he asked questions that made a number of people squirm, and I am happy to say that in my view, he did not display bias. On a number of occasions, I have had to defend that point of view to Liberal-minded people. I have also heard it said that the member for Willagee may have had a lobotomy after coming into this place, but we will wait to see whether that proves to be true.

The principle of allowing the television media to have access to footage of our speaking in this Parliament is desirable. I am a bit disappointed that this matter will be referred to a committee, but I look forward to that committee providing support to what we say is a double-edged sword. On the cost side, the negative side, there is no doubt that it will show on occasions that we are human beings, with all the failings that characterise the species of which we are all members. However, I hope that the guidelines that will come from the Procedure and Privileges Committee will be along the lines that no footage can be taken of members snoring, sleeping or picking their noses; or, as happened only a few minutes ago, of two members on my left sharing what must have been an incredibly funny joke, which I am sorry I missed. The point is that obviously those sorts of incidents can be taken out of context and be used to deride what we do in this House.

On the positive side of what the motion aims to achieve, probably the principal reason that politicians have such low standing in our community is that the community at large is ignorant of what we say and do in this place. That ignorance allows all the negatives that are put forward by not just the media but also many other sections of the community to overwhelm the feelings and thoughts that people have about our profession. I hope that by allowing the television stations to have access to the considered, more rational and, hopefully, more mature statements that we make when we are speaking on topics, our standing in the community will be lifted.

As I have said, the greatest danger to this process is that the media will abuse this privilege. I emphasise the word "privilege", and refer to the notes on page 16 of the trial standing orders which state with regard to the Press -

The House may consider inaccurate press reports to be a contempt . . .

The House may declare the publisher of a newspaper to be guilty of contempt . . .

The Press Gallery pass is a privilege which may be withdrawn by the Speaker . . .

We need to emphasise the seriousness and the privilege that are associated with what we are proposing, and it is important that the media does not believe falsely that access to television coverage is a right. It is a privilege.

Mr Carpenter: It should be a right.

Mr MASTERS: It is a privilege, not a right. The right is to be able to report what we say. It is a privilege for the television, radio or print media to be able to report what we say in exactly the way we say it. We all know that television operates on the basis of a 10-second grab. I doubt that many of us can say anything worthwhile in 10 seconds and get our message across.

I also believe that, because question time is so adversarial and has so much interjection and noise, it is impossible on many occasions to hear what people are saying, the coverage of question time on television detracts from the standing of politicians and government in general in the community. The ability for television stations to have access to virtually continual coverage of what we say and do in this place can only have a positive effect by allowing the media to understand what is done in this place, and, more importantly, what is said in this place, and in three or four weeks I look forward to getting positive recommendations from the Procedure and Privileges Committee.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [6.55 pm]: I apologise to my colleagues on the Procedure and Privileges Committee, because each occasion on which I have pressed the Government for action on a particular issue has resulted in the Government's moving a motion of referral to that committee, thereby giving that committee on which we sit more work. That happened when I pressed the Government on implementing the Commission on Government recommendations, and it has now happened again when I have pressed the Government on allowing the televising of all proceedings of the Parliament. When we allowed the television stations access to question time, we all thought it would be a first stage. When I raised this issue in May 1997, it was referred to the Presiding Officers with the suggestion that they make recommendations on wider access. Nothing happened with regard to that. I have now raised the issue again, and again the Government wants to refer it to a committee. Members in the debate have referred often to the need for guidelines to prevent abuses and so on. We already have those guidelines. No-one is complaining about the way in which television and radio stations are treating their access to question time. I am arguing for an extension of what happens with question time, with which we are all comfortable, to all the other proceedings of the Parliament. I believe we can proceed straight to that decision. However, I know the Government will succeed with its amendment. We will vote against the amendment, because we want to make the point that we should move straight to the televising of all parliamentary proceedings, but if the Government's amendment is successful, I will work diligently on the Procedure and Privileges Committee to report back as soon as possible.

Mr Barnett: I am saying that the changes that have taken place in this House have essentially been on the recommendation of that committee, and while that committee does support television coverage, it is appropriate, now that you have raised the issue again, and that is fine, that the committee look at it quickly and make a recommendation to this House. I believe this House should act on the recommendation of the committee it established to look at these sorts of issues about the conduct and performance of the House. That is the only point I make.

Mr RIPPER: We have at least agreed that the committee should report to the House quickly, and perhaps we will agree when the report comes back. In the meantime, we believe the referral is unnecessary, and we will vote accordingly. However, the Government will win, and we will then support the amended motion.

Amendment put and a division taken with the following result -

Ayes (27)

Mr Baker	Mr Day	Mr MacLean	Mr Shave
Mr Barnett	Dr Hames	Mr Masters	Mr Trenorden
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Bloffwitch	Mrs Holmes	Mr Minson	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mr Nicholls	Mr Wiese
Dr Constable	Mr Johnson	Mr Pental	Mr Osborne (<i>Teller</i>)
Mr Court	Mr Kierath	Mr Prince	

Noes (14)

Mr Brown	Mr Kobelke	Mr McGowan	Mr Ripper
Mr Carpenter	Ms MacTiernan	Ms McHale	Mr Thomas
Dr Edwards	Mr Marlborough	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Mr Graham	Mr McGinty		

Pairs

Mr Tubby	Ms Warnock
Mrs Parker	Dr Gallop
Mrs Edwardes	Mrs Roberts
Mr Marshall	Ms Anwyl
Mr Omodei	Mr Grill

Amendment thus passed.

Motion, as amended, put and passed.

House adjourned at 7.02 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

TOURISM, CULTURAL TOURISM INITIATIVES IN REGIONAL AREAS

283. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

- (1) Since 1 January 1997 what has the Government done to develop cultural tourism initiatives in regional areas?
- (2) How much was allocated to each initiative?
- (3) What new initiatives does the Government intend to take in the 1999-2000 financial year?

Mr BRADSHAW replied:

- (1) The Ministry for Culture & the Arts in liaison with the Western Australian Tourism Commission has been working to assist the development of cultural tourism products in regional areas:

A series of expeditions of the Kimberley coastal region have been developed by the Western Australian Museum in conjunction with a local regional tourism operator and product providers in the region. These are currently being marketed nationally and internationally as package tours for eco, nature based and special interest tourists.

A partnership has also been formed between Karri Valley Resort, the Western Australian Museum and the Department of Conservation and Land Management to offer tours of the *Birds of the South West Forests* and of *Endangered Species*. These are being marketed by Karri Valley Resort and the Western Australian Museum.

The Ministry for Culture & the Arts has developed a Cultural Tourism Marketing Strategy to market cultural tourism products from a range of cultural organisations. These include the Western Australian Museum, the Art Gallery of Western Australia, Black Swan Theatre Company, Craftwest, His Majesty's Theatre Foundation, the Fremantle Arts Centre, the Maritime Museum, the WA Ballet, the WA Opera and *ABORIGINAL western australia*. Other generic opportunities include training and development; attendance at major trade shows such as the Australian Tourism Exchange and memberships of peak tourism network bodies. Key markets for arts and cultural organisations include special interest, eco and nature based and cultural tourists. These are both national and international. The local intrastate tourist market also offers opportunities.

ABORIGINAL western australia, (which presents and sells Aboriginal products from all regions in Western Australia,) is one of the cultural agencies currently part of this generic marketing initiative.

The Ministry for Culture & the Arts through ArtsWA and the Western Australian Museum have assisted the development of *Bugarrigara Nyurdany* a Broome Regional Aboriginal Cultural Centre (About the Concept of the Dreaming) in its development and in training support.

The Western Australian Museum has helped *Bugarrigara Nyurdany* mount an exhibition of photographs for display in Broome, as a first example of the museum's long term loan arrangements with *Bugarrigara Nyurdany*. An out-reach officer of the Kimberley, employed with ATSIC funds has been based and supported in the Western Australian Museum to catalogue Kimberley cultural materials. This process also requires liaison with Elders of the Broome/Kimberley region on which items are suitable for public or restricted-audience display.

ArtsWA has provided support to a range of festivals across regional Western Australia and has devolved further funding of these type of initiatives through Country Arts WA, which assists in cultural development in country locations around the state. This regional support includes the Kimberley, the Pilbara, the South West, Goldfields/Esperance, the Wheat belt, the Great Southern, the Mid West and Peel regions. Similarly, Community Arts Network, provides further financial support and runs a Cultural Planning Program in which it encourages community cultural plans with cultural tourism dimensions. [See paper No 141.]

The Ministry for Culture & the Arts also conducts a cultural planning program in partnership with local government. One of the components of the program is the identification of development opportunities of regional, economic and tourism potential. [See paper No 141.]

- (2) Allocated to each initiative was:

Kimberley Coastal Expeditions- Western Australian Museum \$720

Other costs to be met through expenditure of the In Bound Tourism Operator and through generic marketing strategy. See below.

Karri Valley Resort/Western Australian Museum-Birds of the South West and Endangered Species of the South West. Costs of Western Australian Museum specialists in product development time. Karri Valley Resort has provided marketing materials. Additional expenditure through the Cultural Tourism Marketing Strategy. See below

Cultural Tourism Marketing Strategy. \$49,979
(A significant proportion has been used in the development and marketing of products which will take place in the regions.)

Memberships of peak bodies for expanded cultural tourism networks As above

Bugarrigara Nyurdany Aboriginal Cultural Centre \$100,000
(1996/97)

Long term loans, cataloguing and Kimberley liaison and \$350
Training-ArtsWA, and WA Museum Assistance Program.

ArtsWA support for cultural components in regional festivals \$206,506
[See paper No 141.]

Devolved funds to Country Arts WA for regional cultural initiatives with tourism potential. \$30,380
[See paper No 141.]

Devolved funds to Community Arts Network for community cultural components \$45,135
in regional festivals with tourism dimensions.

Devolved funds for cultural planning inclusive of tourism \$50,000
issues
(75% were for regional development)

Ministry for Culture & the Arts Cultural Planning program in partnership with local government. \$132,705
[See paper No 141.]

(3) In the following year of 1999-2000 the Government will:

Will initiate a Meetings, Incentives, Conventions & Events Strategy to help arts organisations capitalise on this specialist tourism market.

Support the Western Australian Museum to develop further cultural and eco tourism initiatives in the Kimberley, the South West and other regions.

Continue the Cultural Tourism Marketing Strategy to assist major cultural institutions and arts agencies to market their products co-operatively.

Continue memberships with peak bodies so that benefits and networks flow to the arts and cultural sector.

Maintain the relationship between the *Bugarrigara Nyurdany* Centre, ArtsWA and the Western Australia Museum.

Maintain support through ArtsWA for cultural components in regional festivals, cultural planning programs and new initiatives as they arise. ArtsWA will support multi year funding for the *Stompen Ground Festival*.

GOVERNMENT CONTRACTS, PUBLIC RELATIONS, MARKETING AND MARKETING COMMUNICATIONS SERVICES

570. Mr RIEBELING to the Minister for Works:

With regards to Contract and Management Services contract No 110697 for the Provision of Public Relations, Marketing and Marketing Communications Services, what was the value of this contract for the 1998-99 financial year to the following companies -

- (a) 303 Advertising Pty Ltd;
- (b) Marketforce Advertising;
- (c) Marketforce Productions;
- (d) The Brand Agency;
- (e) The Shorter Group;
- (f) Vinten Browning;
- (g) Kapow! Advertising;
- (h) Adlink Advertising;
- (i) Bowtell Clarke & Yole;
- (j) John Davis Advertising Pty Ltd;
- (k) Stratagem Advertising;
- (l) Workhouse Advertising; and
- (m) Benchmark Advertising?

Mr BOARD replied:

I am advised that:

Information on the value of Contract No 110697 for the 1998/99 financial year, based on returns provided by the contractor, is as follows:

- (a) \$78,934
- (b) \$66,119
- (c) \$25,772
- (d) Nil.
- (e) \$82,354
- (f) \$1,040,881
- (g) \$66,000
- (h) Nil.
- (i) \$538,677
- (j) \$1,247,958
- (k) \$50,958
- (l) Nil.
- (m) \$32,200

QUESTIONS WITHOUT NOTICE

CONTAMINATED SITES LEGISLATION

178. Dr GALLOP to the Premier:

I refer to the Premier's claims to reporters yesterday that the Government was considering contaminated sites legislation in the wake of the CSBP arsenic scandal.

- (1) Why did the Premier not tell the media yesterday that the legislation he referred to was first promised by his Government in August 1995, more than four years ago?
- (2) Why did he not confess to the media yesterday that yet another important piece of promised legislation had been stalled due to the incompetence of this Government?
- (3) Why has it taken a major accident like the leaking of arsenic into Cockburn Sound to put this legislation back on the agenda?

Mr COURT replied:

- (1)-(3) There is no legislation following the CSBP issue. Legislation is being drafted which forms a significant part of major amendments to the Environmental Protection Act. We do not mind standing on our record on the question of contaminated sites because we have been prepared to address the problems of some of the long-standing contaminated sites.

Dr Gallop: It was a matter of urgency four years ago, yet we still do not have the legislation.

Mr COURT: We have done better than that; we are fixing the contaminated sites. The Leader of the Opposition has a number of members on his side of the House who are very pleased about what we are doing. There is the issue of enforcing the law that the owner of a contaminated site must clean it up when it has been polluted. One of the problems, and the most vexed question we have had to address, is where a previous owner has polluted a site and the purchaser of the site does not necessarily know about the previous pollution. In some cases the cause of the pollutants has been previous Governments. That is where we have run into difficulties. As a Government, we have allocated millions of dollars and started the clean up of those sites.

HEALTH SERVICES, RURAL AREAS

179. Mr SWEETMAN to the Minister for Health:

Will the minister outline to the House what initiatives the Government is taking to improve medical services for patients in rural areas and to address accommodation issues for regional health workers?

Mr DAY replied:

I thank the member for some notice of this question. As members on this side of the House would be aware, the Government is continually taking action to improve health facilities throughout all of Western Australia so that Western Australians, no matter where they live, can have access to the best possible health and medical services. As part of the \$75m capital works program in our Health budget, this year more than \$11m will be directed to a range of rural health services to assist in upgrading medical equipment, carrying out essential maintenance on health service facilities and also building new accommodation facilities for health workers in rural parts of the State. I am pleased to say that some of the major projects involved in that \$11m program include more than \$1.2m being directed towards building a new emergency department at Wagin District Hospital, a nursing post at Wickpin and upgrading monitoring and diagnostic equipment in the Geraldton Health Service. Also \$624 000 will be allocated to improving patient and staff comfort at the Nickol Bay Hospital in Karratha, in particular for installing a new air conditioning system. In the towns of Exmouth and Onslow, following the devastation caused by cyclone Vance, \$600 000 will be provided towards new accommodation facilities for staff.

Also, \$500 000 has been allocated to the upgrade of staff accommodation at Port Hedland and Katanning, and two new ambulances will be supplied for the Halls Creek and Fitzroy Health Services. The Beverley District Hospital and the Warren-Blackwood Health Service have been allocated \$407 000 to improve facilities. These allocations are further examples of the efforts of this Government to improve health facilities around the State for the people of Western Australia.

METROPOLITAN HEALTH SERVICE, FUNDING

180. Ms McHALE to the Minister for Health:

I refer to the restructuring of metropolitan hospitals announced yesterday by the Metropolitan Health Service Board.

- (1) Is the predicted \$30m boost in funding to the privatised Joondalup, Peel and Bunbury hospitals expected to come from funding cuts to other hospitals, including the regional hospitals?
- (2) Is the savings target of \$18m the final amount, or will it be closer to \$30m?
- (3) Are redundancies at our hospitals more likely to be in excess of 500 positions?
- (4) Are any of the services currently provided by staff earmarked for redundancies likely to be contracted out; if so, which services?

Mr DAY replied:

- (1)-(4) That was a very lengthy question, which was at times difficult to hear. Its general thrust was whether funds are to be re-allocated from the Metropolitan Health Service to provide additional services in places like the Joondalup and Peel Health Campuses. It is not the case that a direct transfer of funding has occurred from the Metropolitan Health Service at all. The Labor Party needs to understand that this Government has put a lot of effort and resources into ensuring it expands the range and quantity of health services provided, particularly in outer areas of the metropolitan area and in regional and rural Western Australia. We make no apology for that whatsoever. When we came to government, we inherited a system which was not properly coordinated and was very much focused on the centre of the metropolitan area. We continue to provide a very high level of funding to hospitals in the central part of the metropolitan area. In addition, a substantial increase has occurred in allocations to places like the Joondalup, Peel and South West Health Campuses and the Geraldton Regional Hospital. More services are to be provided closer to where people live. For example, renal dialysis is now available in Geraldton and Bunbury, and will be available early next year in places like Broome and Port Hedland and soon in Albany, Midland and Fremantle.

Mr Court: And in Armadale.

Mr DAY: Indeed, renal dialysis has been provided in Armadale for at least a year.

Ms McHale: Why not answer the question?

Mr DAY: I advised the total expected allocation for the Metropolitan Health Service for this financial year in Parliament last week; that figure is approximately \$1 040m, which represents a substantial increase over the past two years. It is important to consider the base allocations to the Metropolitan Health Service; in other words, the amount provided for the ongoing services provided in the metropolitan area. Those figures indicate a substantial increase totalling 6.3 per cent over at past two years. In all our time in government our record in funding health services is very proud, as demonstrated by the figures now available.

METROPOLITAN HEALTH SERVICE, CLINICAL SERVICES CUT

181. Ms McHale to the Minister for Health:

Is Andrew Weeks correct when he states that a cut in clinical services will not be ruled out?

Mr DAY replied:

I have made it very clear to the Metropolitan Health Service that no action should be taken which will have a negative impact on the provision of clinical services.

SOCCER AND RUGBY STADIUM

182. Mr BAKER to the Parliamentary Secretary to the Minister for Sport and Recreation:

Can the parliamentary secretary please provide a brief progress report to the House concerning the construction of a dedicated soccer and rugby stadium in Perth?

Mr MARSHALL replied:

I thank the rugby-orientated member for Joondalup for the question! The feasibility study for the multipurpose stadium concluded that the best location for a stadium is in close proximity to the central business district. Consequently, tenderers for the Perth convention and exhibition centre were asked to consider the inclusion of a multipurpose stadium within their submissions.

The State Government has now selected three applicants to prepare detailed proposals to build the Perth convention and exhibition centre. They will also be asked to include a stand-alone theatre and a central city soccer-rugby stadium as part

of that proposal. The short-listed applicants are: Leighton Contractors Pty Ltd; Multiplex Consortium, comprising Multiplex Constructions Pty Ltd and Accor Asia Pacific Pty Ltd; and Nexus Consortium, comprising Lend Lease Corporation Ltd, John Holland Group Pty Ltd, the Seven Network and Compass/Eurest Australian/Convex WA. Each applicant has indicated that the Perth convention and exhibition centre will be operable in the first half of 2002.

The short list has been endorsed by state Cabinet following a detailed selection process of submissions made by the seven applicants who responded to the Government's invitation for expressions of interest. Cabinet has decided to incorporate a 19 000 seat stadium in that project. This is regarded as the first stage with provision to expand to a capacity of 30 000 seats. Detailed proposals must be submitted to the Government by November this year. Once these have been assessed, negotiations will start with two of the applicants, and the third applicant will become a reserve. The Government expects to appoint a third provider in the first quarter of 2000. That is very good news for sport in Western Australia.

METROPOLITAN HEALTH SERVICES, REDUNDANCIES

183. Ms McHALE to the Minister for Health:

I refer again to the restructuring of the hospitals announced yesterday and ask -

- (1) Will the Metropolitan Health Services Board meet the cost of any expected redundancies out of its own budget?
- (2) If not, where will the funding come from and how much is it expected to cost?
- (3) Where will the amalgamated corporate services be located?
- (4) What was the expenditure for the Metropolitan Health Services Board for the month of August?

Mr DAY replied:

I thank the member for some notice of this question.

- (1)-(4) The Metropolitan Health Service will not be meeting the cost of the voluntary redundancies from its budget this year. The amount of \$20m will be provided by way of advance from Treasury which will be funded as a loan, repayable over five years.

Dr Gallop: Isn't that called borrowing for recurrent services?

Mr DAY: It is called responsible financial management. I well understand that is not something about which the Labor Party knows a great deal. When the Labor Party was in government it exploded our state debt to about \$11b and blew \$1.5b on its WA Inc deals with its mates. Now it is applying those policies to its party and has brought it to the brink of bankruptcy. Members opposite are in no position to lecture the Government about responsible financial management.

The location of the amalgamated corporate services has not been determined yet, but it will most likely be within the hospitals. Expenditure by the MHS for the month of August has not been determined. I expect it will be available next week.

JUSTICES OF THE PEACE, APPOINTMENT

184. Mr BARRON-SULLIVAN to the minister representing the Attorney General:

I refer to the decision by the Attorney General to review the appointment of Justices of the Peace. Will the minister provide an update of the review? In view of the fact that a number of people who are keen to become JPs cannot obtain appointments due to an oversupply in some areas, is there now cause for optimism that new opportunities might be available in some regions in the not too distant future?

Mr PRINCE replied:

In response to the question asked by the member for Mitchell, I have been advised by the Attorney General that a survey is currently under way which is intended to determine availability and willingness of justices of the peace who currently hold commissions to undertake duties. Obviously, the primary reason for the appointment of justices of the peace is on the basis of need in a particular area, and if it is established, following the survey, that more justices of the peace are required - in other words, if some justices of the peace are not performing because of age or whatever the case may be - new appointments will be made. I hope that survey will be completed in the near future.

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN, CLOSURE

185. Ms McHALE to the Minister for Health:

- (1) Will the Minister for Health confirm that there is no truth in the proposition that the Government is intending to close King Edward Memorial Hospital for Women at Bagot Road?
- (2) Will the minister guarantee to the women of Western Australia that that hospital will not close?

Mr DAY replied:

- (1)-(2) The Government has absolutely no plans whatsoever to close King Edward Memorial Hospital.

YOUTH CENTRE, LYNWOOD

186. Mrs HOLMES to the Minister for Youth:

After the Cabinet meeting in Gosnells last Monday, the minister presented a cheque to the Canning City Council for \$30 000 towards its youth centre. This is a valuable contribution to youth services and recreation for youth in my electorate. Have young people played a role in the design, and what types of services will be provided at the youth centre?

Mr BOARD replied:

I thank the member for the question. Yes, I was pleased to present the City of Canning with a cheque for \$30 000. On the record, I congratulate the City of Canning for the prominent way in which it is developing youth services in its area. It conducted a number of youth forums in which young people from the area played a major role in the design of the youth centre to go into the Lynwood area and also the recreational services that will be provided through the youth service.

While I was there, I had the opportunity to congratulate the council on the establishment of its Youth Advisory Council. That is the seventy-fifth Youth Advisory Council in Western Australia, which is a large expansion in the availability and prominence of young people having a direct input in advising and directing Government on what should be happening in their areas, as well as policy development. Nearly 1 300 young people are playing roles in that regard. In the next six weeks or so we will have a statewide conference for Youth Advisory Councils. Councils from all over the State will come together in Perth, and those young people will play a role in developing youth policy into the new millennium. I congratulate the City of Canning on its youth centre and the fact that we have now reached our seventy-fifth Youth Advisory Council in Western Australia.

PATIENT ASSISTED TRAVEL SCHEME, ALLOWANCE FOR TRAVEL BY CAR

187. Mr GRAHAM to the Minister for Health:

I refer to the minister's announcement in this place last week that the Government had increased the allowance for travel by car under the patient assisted travel scheme from 10¢ to 13¢ per kilometre, and I ask -

- (1) Is not the new rate still 2¢ per kilometre less than it was when the coalition came into Government?
- (2) Does this not prove once again that the Government simply does not understand or care about the way PATS impacts on people in the bush?

Mr DAY replied:

- (1)-(2) As I am sure members would understand, an increase from 10¢ to 13¢ per kilometre is a 30 per cent increase over and above what has been paid during the last three years or so. That is a substantial increase and it will be very much welcomed by everybody in rural Western Australia. It involves a \$730 000 increase approximately in the allocation to the patient assisted travel scheme. As a result of this increase, approximately \$9.1m will now be expended on assisting people to travel from remote and rural locations in Western Australia to receive specialist medical treatment. Unlike the Opposition, people in rural Western Australia will very much welcome that.

SPEECH THERAPY, NORTHERN SUBURBS

188. Mr MacLEAN to the Minister for Health:

As the population of the northern suburbs continues to expand, there is a growing unmet need for speech therapy, yet patients face lengthy waiting lists. When an appointment becomes available, patients are forced to travel long distances to access services.

- (1) What services are currently available and what plans are in place for expansion into the newer areas of the northern suburbs?
- (2) What effect is the ever-increasing demand on the public health system having on important services like speech therapy and similar programs?
- (3) What will be the likely impact on the public health system of private health insurance being fully tax deductible, and free public health care being made available only to people receiving social security benefits or pensions?

Mr DAY replied:

- (1)-(3) I know the member for Wanneroo has shown a significant interest in this area.

Several members interjected.

The DEPUTY SPEAKER: Order! Could we let the minister answer the question.

Mr DAY: Unlike the Opposition, the member for Wanneroo has a serious interest in this issue. I am pleased to advise that community speech therapy services are currently available from the Osborne Park Hospital, the Koondoola Child Development Centre and the Joondalup Child Development Centre. The latter centre was established in July 1996 to provide services to the newer northern suburbs. The shires and city councils liaise closely in planning for future community developments and that will be maintained. School-age children can be referred to and attend speech therapy services at those Health Department funded centres. In addition, there is the North West Metropolitan District Language Development Centre which is based at Balcatta and provides services to eligible children on a satellite basis at Ridgewell Primary School. The

language development centre is a joint venture between the Education Department and the Disability Services Commission, and children from all the eligible schools can attend the centre.

Demand for speech therapy and similar programs in the northern suburbs has remained relatively constant over the past two years, with approximately 450 to 495 cases a year. The locations of greatest demand are Koondoola and Joondalup.

DEPUTY COMMISSIONER BRUCE BRENNAN

189. Mrs ROBERTS to the Minister for Police:

Given the minister's naming of the Deputy Commissioner Bruce Brennan and his seemingly unconvincing excuse for doing so, can the minister confirm that Bruce Brennan was not the senior police officer who was counselled by Commissioner Falconer? If not, why not?

Mr PRINCE replied:

On a Thursday a couple of weeks ago, I conducted a press conference with Deputy Commissioner Bruce Brennan to alert people to the fact that the Government had proclaimed the Weapons Act and the regulations. We had a significant number of controlled and prohibited weapons on display; that was the object of the exercise as non-firearm weapons are an important issue in the public field. The press conference was attended by many members of the media. In the course of the conference, questions were levelled at the deputy commissioner about whether he was the person. He said he would not comment. I am not in a position to name who was counselled. I will not do so; I cannot.

DEPUTY COMMISSIONER BRUCE BRENNAN

190. Mrs ROBERTS to the Minister for Police:

Can you confirm that it was not Deputy Commissioner Bruce Brennan?

Mr PRINCE replied:

I just said I will neither confirm nor deny anything.

GOVERNMENT ASSISTANCE TO DISADVANTAGED UNEMPLOYED PEOPLE

191. Mr BAKER to the Minister for Employment and Training:

Can the minister please advise what steps the State Government is taking to assist disadvantaged unemployed people in the Joondalup region?

Mr KIERATH replied:

I thank the member for the question. I am pleased to inform the House that the Western Australian Department of Training and Employment has recently funded two projects through the state employment assistance strategy; that is, Job Link in Joondalup and Job Link in Joondalup-Whitfords, which have received \$131 325 to assist local people who are seeking jobs to find either employment or training. Those Job Links were contracted to provide assistance to some 450 job seekers through the state employment assistance strategy. Most of the clients are aged between 15 and 25, and the other large group is people of mature age. It will include employment guidance, job matching, job search, information on traineeships and apprenticeships, canvassing for vacancies, and work experience. Job Link Joondalup won the tender from the Department of Training and Employment to work with the City of Joondalup to establish an employment strategy, particularly with regard to the performing arts complex which is planned for construction in Joondalup. The north metropolitan region employment development officer is working with both Job Link offices to implement a mature age employment program in the region, which is designed to assist and advise some 715 people in the 45-plus age group in the north metropolitan region. The officer is currently establishing an employment association to maximise the resources for job seekers. The member for Joondalup will realise that some positive initiatives are being taken in his region, and I am pleased to inform the House about these excellent initiatives and to remind members that this Government is committed to assisting the wide variety of job seekers, and that when the other side was in government, some of those people and programs were placed in the too hard basket.

NATTRASS, DR PETER, INVESTIGATION BY WESTERN AUSTRALIA POLICE SERVICE

192. Mrs ROBERTS to the Minister for Police:

Given the minister's unwillingness to confirm or deny anything, I remind the minister that he did confirm that it was Dr Natrass who sought information on Terry Maller's criminal record from the senior officer and ask: What actions, if any, has the Western Australia Police Service taken to investigate further Dr Natrass' role in this affair?

Mr PRINCE replied:

Because the matter related to a senior officer, it was referred to the Anti-Corruption Commission, and it has carried out the inquiries. I do not know, nor have I any means of finding out precisely, the total nature of those inquiries, to whom it spoke, or anything of that nature; and whether that involved an investigation of Dr Natrass, I do not know directly.

Mrs Roberts: Is it not the case that as late as this week, officers from the Western Australia Police Service were still investigating elements of this matter?

Mr PRINCE: Not to my knowledge. I have not yet had the opportunity of discussing the matter with Commissioner Matthews, who is, as the member knows, on tour in the north of the State.

Mrs Roberts: I understand that Detective Saleeba and another police officer from WAPOL visited Mr Maller again earlier this week.

Mr PRINCE: If that is so, that is so. I do not know that to be the case. I intend, as I said, to discuss the matter with Commissioner Matthews. He is presently in the Pilbara and Kimberley. My suggestion when he first came on board was that he should see the remote parts of the State to get some notion of the size of it and also to visit people.

Mrs Roberts: Are you saying it is inappropriate for the person heading up the Police Service -

Mr PRINCE: The member should let me finish. He will be back on 17 September, which is the end of this week. In his absence, the acting commissioner is Deputy Commissioner Brennan. I will be talking about this to the Commissioner of Police, Mr Matthews, who is a new appointee and has no history of this matter. I am unable to talk to Mr Matthews about this matter at any length until he returns from the north, and when he does, presumably next week, I will discuss it with him.

GLOBAL OLIVINE

193. Mr MASTERS to the Minister for the Energy:

I refer to a proposal by a company known as Global Olivine which wishes to build and operate a \$500m plant to treat all of Perth's domestic refuse, whereby the plant would eliminate the need for landfill disposal of this refuse and some noxious industrial waste, with outputs to include 120 megawatts of electricity and 110 000 tonnes of distilled water per day. Can the minister advise whether Western Power has had discussions with Global Olivine; and, if so, whether there is any potential for Western Power to purchase the 120 megawatts of electricity?

Mr BARNETT replied:

Yes, Global Olivine has had some preliminary discussions with Western Power, and I thank the member for the question. Its proposal is a waste to energy project. Western Power receives a number of similar proposals in any given year and many have been received in recent times. There are a number of proposals for renewable energy - we talked yesterday about tidal power - including solar and wind projects, and landfill gas proposals are made on a regular basis.

Another group of projects often have substantial environmental and social benefits, in addition to producing electricity. This is one such project which takes industrial and household waste and converts it to energy, using the heat to produce water and the like. Another project, about which the Minister for Primary Industry is very enthusiastic, is a proposal to use chicken litter, which can not only produce electricity but also get rid of a waste disposal issue for the industry. Another similar project is the use of mallee trees. That would provide land care benefits, and the mallee could be harvested and used to produce electricity.

There is a mixture of projects; some produce pure green energy and others produce substantial benefits in addition to energy. To try to accommodate those, the Government is in the process of developing a green power policy. I had hoped to have the policy in place by the middle of this year, but it is taking longer than I anticipated because I was not happy with the original policy.

Dr Gallop: What was wrong with it?

Mr BARNETT: Traditional green power policies are fairly weak. They provide premiums in the price of energy. In my view the key is to give green power, or these types of projects, improved access to the grid system to improve the economics of the proposals. I hope to be in a position to progress that policy. It has not yet been to Cabinet, but we are close to formulating a policy that will allow projects such as this to be presented and to have a commercial opportunity.

HOSPITALS, FUNDING BOOST

194. Ms McHALE to the Minister for Health:

I refer to the observations in *The West Australian* this morning on a \$30m boost in funding to the Joondalup, Peel and collocated Bunbury hospitals, and ask -

- (1) Will this \$30m come from funding cuts to other hospitals, including regional hospitals, or will it come from the Metropolitan Health Service budget?
- (2) How many hospital redundancies are proposed to be paid from the \$20m allocated for this purpose?
- (3) Is it not the case that the number of redundancies from the hospitals is likely to be in excess of 500?

Mr DAY replied:

- (1)-(3) The total number of people who are interested in taking voluntary redundancy and being part of the scheme, has not been determined. Obviously, the people to whom the scheme will apply will need to consider their position, and the management of the Metropolitan Health Service must decide which are the appropriate staff to include in the scheme. Therefore, it is impossible to be definite about the number of people who will be the subject of that scheme, but it will be in the order of several hundred.

The provision of services in Joondalup, Peel, Bunbury, Geraldton and other centres is funded from the very substantial increases in the Health budget, in not only this financial year but every year this Government has been in office. This Government allocates approximately \$600m every year to the Health budget, which is more than the Labor Party did when it was in government. The allocation has increased by 48 per cent, which translates to

an increase over every year of this Government's term of approximately 6.9 per cent on average. That is almost double the increases that applied in the last three years of the Labor Government. This Government is putting its money where its mouth is. It is not engaging in scaremongering or rhetoric, as is the Opposition. This additional funding is being reflected in the substantial expansion in health services in Western Australia.

HOSPITALS, FUNDING BOOST

195. Ms McHALE to the Minister for Health:

Where is the \$30m coming from to go into the privatised hospitals? Will it come from the Metropolitan Health Service budget?

Mr DAY replied:

As the member for Bunbury has just said by way of interjection, the Bunbury Regional Hospital is not privatised; it is owned and operated by the public sector and by the Government of Western Australia. The increase in funding, which is flowing to Bunbury, Peel, Joondalup, Geraldton and many other health services, is - I repeat, in case the member did not hear my last answer - coming from the substantially increased overall Health budget.

LOGUEBROOK DAM, IRRIGATION CAPACITY

196. Mr BRADSHAW to the Minister for Water Resources:

It is interesting to read in the newspapers how full the dams are in the south west. It has been announced in the *South Western Times* that the opening of the irrigation season will be on 15 September 1999. I ask -

- (1) How full is Loguebrook Dam?
- (2) Will it have the capacity to fulfil the needs of farmers relying on irrigation for feed for the whole of the 1999-2000 summer season?

Dr HAMES replied:

- (1)-(2) I advise, for the benefit of those members who do not know, that Loguebrook Dam is in the Murray-Wellington electorate near Harvey and it is used for irrigation. It currently holds 11 533 megalitres, and I confirm that it has sufficient water for all the irrigation requirements from that dam.

COALITION AGREEMENT

197. Mr RIPPER to the Premier:

I refer to the Liberal Party's coalition agreement with the National Party, and ask -

- (1) Was the prospect of ending the coalition with the National Party discussed at meetings of Liberal members of Parliament on the opening day of Parliament last month?
- (2) Was a decision made to stick with the Nationals because the Government needs their votes in the Legislative Council?

The DEPUTY SPEAKER: Order! That question is out of order because it has nothing to do with the Premier's ministerial duties. Members should be asking questions on those matters. It is up to the Premier whether he wishes to answer the question.

Mr COURT replied:

- (1)-(2) The answer is no, so it does not matter whether the question is accepted. If the Deputy Leader of the Opposition wants to ask questions about the internal operations of the Liberal Party, that is fine, and we will ask questions about the internal operations of the Labor Party.
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