



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Thursday, 24 October 1996

Legislative Assembly

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

PETITION - REGIONAL PARK SOUTH OF GUILDERTON, ESTABLISHMENT

DR GALLOP (Victoria Park - Leader of the Opposition) [10.02 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned respectfully request that the Government establish a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the mouth of the Moore River.

We request that the Government take urgent action to acquire this land before it is further rezoned or developed,

and your petitioners, as in duty bound, will ever pray.

The petition bears 39 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 180.]

Similar petitions were presented by Mrs Roberts (59 signatures), and Dr Edwards (26 signatures).

[See petitions Nos 181 and 183.]

PETITION - RESTRICTIVE COVENANTS, COOLBINIA AND MENORA

DR HAMES (Dianella) [10.04 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned, strongly support the continued operation of the restrictive covenants in Coolbinia and Menora which prevents unit development and protects the pleasant environment we currently enjoy. We call on the State Government to strongly support any measures to protect or enhance these covenants.

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

The petition bears 120 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 182.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE - REPORT

MR TRENORDEN (Avon) [10.05 am]: I present for tabling the Public Accounts and Expenditure Review Committee's report No 32 on the statement of understanding between the Auditor General and the Public Accounts and Expenditure Review Committee. I move -

That the report do lie upon the Table and be printed.

I thank the Leader of the House for giving me the time to present this report. Members will see from this morning's agenda that a number of committees are presenting reports. I appreciate that my fellow committee members will not be speaking on this document. That is out of deference to the House.

This is a very historic document. It gives me an immense amount of pleasure to present it. It is an agreement between the Auditor General and the public accounts committee. Although those two institutions will remain at arm's length, it recognises that the Auditor General is an officer of this Parliament. Of course, the Public Accounts and Expenditure Review Committee is a committee of this Parliament. I recognise Jack Gregor in the Speaker's Gallery. The activities of the 1980s, the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government emphasise the change in the Auditor General's role. The development performance audits have been fairly substantial in recent years. Auditors General throughout Australia have a more detailed and different scope to their activities. In the Eastern States there have been some very public clashes between Auditors

General and Governments. Currently there is a dispute in New South Wales and there was a very public dispute between the Premier of Victoria and the Auditor General of that State. The most widely reported dispute was the very public clash between the former Prime Minister, Paul Keating, and the former Auditor General, Mr Taylor. I make those points to emphasise that there is a growing tension because performance auditing gets very close to policy, and Ministers guard their policies very closely. However, the Auditor General has a responsibility to act on performance audits.

Mr Blaikie: The Parliament also has the right to know.

Mr TRENORDEN: The Parliament has the right to know, as the member for Vasse said. Therefore, the Auditor General and the public accounts committee have a very important common objective - the expenditure of public moneys.

The agreement is a signal for future public accounts committees to recognise the benefits of working closely with the Auditor General. It is also an important recognition of the independence of the Auditor General and the public accounts committee from the point of view of, first, the Executive and, second, each other. An important part of the document is the recognition by the public accounts committee of the independence of the Auditor General. The committee will table a report next week on minimum standards of the independence of the Auditor General. This agreement is about sharing of information and referral of matters of common interest.

The agreement contains a commitment by the public accounts committee to follow up the Auditor General's reports in its own way. The roles of the Auditor General and the public accounts committee are different. The agreement recognises that the Auditor General's reports are important for the public accounts committee in order to project the work of the Auditor General into the committee. This is a timely report. Due to the complexities of 1996 and the interaction of government, there is a current debate on the Commission on Government, the Auditor General's report on his independence, the public accounts committee's report on the independence of the Auditor General and a general debate on the issue, and also the recognition of the expectations of the Parliament and the public of both bodies.

I trust this House will welcome this historic document. The House should recognise the document. I also recognise the commitment of the members of the public accounts committee. The issue has obviously been well and truly debated in the public accounts committee and has come into this place on the sleeves of each member of the committee. I also recognise the efforts of the staff, Andrew Young and Amanda Millson, and Patricia Roach, who does much of the hard work of the committee.

Question put and passed.

[See paper No 653.]

MOTION - JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT

Report

MR JOHNSON (Whitford) [10.12 am]: I move -

That the report do lie upon the Table and be printed.

It is with great satisfaction that as chairman I present the eleventh report of the Joint Standing Committee on the Commission on Government. In moving this motion I will say a few words about the committee and commission and then give an overview of the committee's work, dealing with its response to the significant recommendations from each of the commission's reports.

The joint standing committee was established under the Commission on Government Act 1994. With five members from each House, the committee had access to considerable expertise and a significant breadth of perspective. Part of its role was "to examine . . . the reports of the Commission . . . and report at its earliest opportunity to both Houses of Parliament on any matter appearing in or arising out of any such report". The Commission on Government produced five reports and made 263 recommendations relating to the 24 specified matters it was required to examine under the Commission on Government Act. I would like to commend the commissioners and their staff for the excellent quality of the research into the specified matters, whose scope broadly covered parliamentary matters, electoral matters, statutory matters and public administration. They actively canvassed public opinion, sought expert advice and consulted widely on the broad range of issues that they dealt with. The result is a series of substantial documents which thoroughly examine the 24 specified matters and the often complex issues they raise. For this reason I am sure that their work will be used as reference material for years to come.

In due course I will deal with the commission's recommendations in detail; however, I indicate that the committee's overwhelming response to the commission's recommendations was very positive. Of the commission's 263 recommendations, the committee supported 190 outright, supported 31 in principle, amended only 11 and noted eight. The Government and Parliament had already taken action on some of the recommendations the committee noted. The committee did not support only nine of the 263 recommendations. Due to the complexity of some of the recommendations, 14 were split between categories.

In many instances the committee recognised the importance of the principles propounded by the commission but found that the commission may have lacked consideration for the practical aspects of implementing its recommendations. Indeed, the chairperson, Jack Gregor, said in his speech to the State Congress of the Australian Society of Certified Practising Accountants in April of this year, "We are free to make recommendations without having to keep one eye on eventual problems of implementation." The committee felt that it did not have this luxury and was keen to endorse those recommendations which may realistically be implemented in the near future. I might say that a good number of the recommendations fall into this category; indeed, the Government has taken the lead in implementing many of them already in spirit, if not in their entirety.

The task of examining the Commission on Government's recommendations was considerable. The committee rose to the challenge of examining issues crucial to the political framework of our society and its principal accountability mechanism.

Mr JOHNSON: I will address the recommendations in the same order that the commission and the committee dealt with them. In relation to the first report of the Commission on Government, the committee agreed with the repeal of existing statutory secrecy provisions and with having freedom of information as governing legislation for determining when information held by government should not be disclosed. The independence of the Auditor General was certainly supported in principle. The system of single member electoral districts should continue to be used for the election of members to the Legislative Assembly. The present metropolitan and non-metropolitan zones for the Legislative Assembly should be abolished. We agreed to retain the four year term as the maximum period between elections for the Legislative Assembly and to retain fixed terms for the members of the Legislative Council.

In relation to the first report, the committee did not agree with the Commission on Government on the increase in the number of members in the Legislative Assembly from 57 to 61. The committee felt that there was no public support for an increase in the number of members of either House. As to the recommendation that there be no fairness clause for election of members to the Legislative Assembly, the committee felt that the fairness clause redressed the imbalance between votes and seats and would enable a party holding more than 50 per cent of the votes to form a Government. The committee offered an alternative recommendation that a fairness clause be used as one of the factors for drawing the boundaries for election of members to the Legislative Assembly. In relation to the famous or infamous Robson rotation recommendation, the committee felt that the Robson rotation would significantly increase the number of informal votes, effectively disenfranchising them. Also it would negate the Commission on Government's recommendation 48 on how-to-vote cards.

In relation to the Commission on Government's second report, the committee agreed in principle with the recommendation for an anticorruption body but noted that the Government's Official Corruption Amendment Act 1996 gives the Anti-Corruption Commission extended powers and that it largely fulfils the role suggested by the Commission on Government. Also in relation to the Commission on Government's second report, the committee supported many of the Commission on Government's recommendations regarding whistleblowing in order to make it easier for people who wish to make public interest disclosures.

The committee also supported many of the recommendations relating to the management of public records by an independent archives authority. The committee agreed with the concept of a centralised committee office and adequate staffing provided to parliamentary committees. The committee was very enthusiastic and agreed wholeheartedly with the idea of a research service being provided to members and for all members, excluding Ministers, to have research staff. The committee supported many of the recommendations relating to parliamentary scrutiny and the review of the public sector. It noted that both Houses have undertaken significant reviews recently. Many of the Commission on Government's recommendations relating to political finance have been addressed by the Electoral Legislation Amendment Act 1996.

In relation to the Commission on Government's third report, the committee noted that one of the recommendations relating to the proposed Act was partially addressed in the Statutory Corporations (Liability of Directors) Act 1996. The committee supported the Commission on Government's call for a code of conduct for members of Parliament. It also supported the Commission on Government's call for a code of conduct for local government elected members. It supported the call for a restructure of parliamentary administration and, indeed, the call for the upgrading of Parliament House.

In relation to the Commission on Government's fourth report, the committee supported recommendations to regulate government media services. It supported many recommendations advocating an administrative review tribunal, giving people a system of appeal against decisions made by public servants and Ministers. The committee supported many of the recommendations regarding members' pecuniary and other interests. It noted that this call for a financial interest register has already been implemented and is current practice in both Houses. The committee supported recommendations demanding a similar duty to disclose financial interests by local government officials and public sector officials.

With respect to COG's fifth report, the committee agreed with COG's call for the enhancement of public scrutiny of the governmental system; reform to prevent corrupt, illegal and improper conduct; improvement of the effectiveness of Parliament; and reform of the parliamentary committee system. The committee acknowledged the merit of defining the roles of Governor, the Executive Council, the Premier, and Cabinet Ministers; all within the Constitution Act 1889. The committee supported COG's call for a people's convention to be established to review the constitutional laws of the State. The committee did not believe the degree of detail COG entered into regarding the people's convention was absolutely necessary. However, it endorsed the principle of the people having input into the process of drawing up such a document.

Members may gather that the committee was impressed by the recommendations of COG and feels proud that it has accorded its recommendations the full consideration they merit. I thank the commissioners for their hard work and cooperation. I imagine the commissioners are somewhat gratified that the Government has taken up in recent legislation the concepts of a number of their recommendations. The joint standing committee produced 10 other reports and, with the exception of four minority reports, its work reflected a consensus view which was attained by a process of informed debate.

As chairman of the committee I would like to extend thanks to my colleagues from both Houses of Parliament for their commitment to a thorough examination of COG's recommendations and for the successful completion of the joint standing committee's task. I also would like to acknowledge the excellent research and administrative support provided by the clerk to the committee, Doug Carpenter, and the committee's research officer, Jay Gargett. Their expertise and dedication was appreciated by the committee.

The joint standing committee completed its work in just over one year, having presented its first report on 19 October 1995. It is with great hope and pride that I present its eleventh and final report to the House.

DR GALLOP (Victoria Park - Leader of the Opposition) [10.23 am]: I would like to say a couple of things about the report which has been tabled. First, I note that on most of the recommendations which were presented to the committee by the Commission on Government there was unanimous support. Members who read the report will note that there are quite a few areas in which the minority - basically, that means the Labor Party members of the committee - disagreed with the majority. On most occasions, the minority was actually supporting COG and the coalition Government members on the committee were qualifying, to some extent, the recommendations of COG. Secondly, in some areas the committee had a very strong view that the principles which were outlined by COG were good, but it was felt that some of the detail could be amended in some way. The chief example of that is the recommendations relating to the committee systems of Parliament.

It is certainly the view of the Labor Party members on that committee that the distinction which is made by COG between a House of Government and a House of Review is very important. In a very sophisticated way, COG argued for a particular form of committee system which would reflect that distinction. It went into extraordinary detail on how that could work. It is the view of members on this side of the House that that is a perfectly proper procedure to adopt in analysing the functioning of the two Houses of Parliament. Given that a lot of work has been going on in this Chamber and the other Chamber on how we might put content to those principles, it was felt the committee should endorse the principle, although the precise detail might be a little different from what COG recommended. It is important to note that it refers only to the detail, not the principle.

Thirdly, I will point to what I believe is a failure by the Government in respect of accountability reform. I was a little disappointed that in tabling this report the chairman of the committee actually spoke about what the Government may or may not do. In tabling a report like this he is in a position to present the views of the parliamentary committee. What the Government may or may not do is the Government's business. The committee should be saying that it is its strong view that the Government should act on this matter.

One of the huge disappointments of Western Australian politics must be that this report is being tabled on 24 October 1996. Following the change of Government in 1993 there was a calculated delay in the process by which COG was set up. First there was debate in Parliament about the specific terms of reference under which COG would be set up. The delay meant that any change to the system of Government would be very difficult to achieve in this Government's term of office, for the simple reason that the work of the commission would take a certain amount of time and would

then have to be assessed by the joint standing committee. In effect, the Government achieved what it desired; that is, to put off the agenda of Western Australian politics significant reform for this term. It is disappointing. The challenge was laid down by the Royal Commission into Commercial Activities of Government and Other Matters and it was not taken up with the speed nor the enthusiasm with which it should have been by the Government. As a result, this report has been tabled today.

I indicate on behalf of the Opposition that it supports the vast majority of COG's recommendations and, should it win government at the next state election, they will be a priority for a Labor Government. There is no question that an opportunity is now available to restructure the system of government.

I turn now to the central themes COG has developed. The first theme is very interesting; that is, that the State's Constitution should be reformed. COG holds the view that the constitutional framework for the Government we have, sets the agenda for the way we think about and conduct politics. It is a view which has been questioned by academics in recent forums. It is certainly a view I hold and it is correct. We should not argue that the Constitution determines everything, but it is a key factor in influencing the way the political process is conducted. COG was correct to focus on the Constitution and to argue that we should start again with a framework by which we understand the political process. The Opposition supports COG's recommendations on that issue and its philosophy behind them.

When the centenary of responsible government was recognised in 1991 I put forward a proposition that the two Constitution Acts be consolidated. Members will be aware that a committee was set up. With the support of the late Andrew Mensaros, who was a strong supporter of that consolidation, his colleagues were convinced to participate in that process.

Mr Cowan: That is not quite right.

Dr GALLOP: He expressed strong support for it and I think the National Party did as well.

Mr Cowan: He expressed strong support for an examination of the Constitution, but at the end of the committee's investigation he agreed with the recommendation that it was impossible to consolidate it without changing the general intent of the Constitution.

Dr GALLOP: I was referring to his support for the process; in specific outcomes, he may have had a different view.

The second major issue the Commission on Government has taken up is electoral and parliamentary review. The commission's view on a House of Review is brilliantly outlined. We disagree with some of the details; however the commission has taken up the spirit of the Royal Commission into Commercial Activities of Government and Other Matters in a clear way and we totally endorse the Commission on Government in respect of that distinction.

The third issue the commission has taken up is to provide more openness in our political system. All the recommendations about the disclosure of political donations and expenditure, about information to this Parliament, about the way government is conducted, and how the public records should be kept, are issues we should embrace with enthusiasm.

In the fourth issue the Commission on Government has noted that the traditional political process in this Parliament is no longer seen as sufficient to protect our institutions, and it has recommended a range of new institutions, most notably in the area of corruption. This Parliament has already passed a Bill that to some extent takes us down the track of improving the way that we tackle corruption in this State. Certainly the general spirit that is outlined on that question in the reports of the Commission on Government has now been accepted by the Parliament.

On behalf of Opposition, I congratulate the Commission on Government for the work that it has done. Its reports are available to all of us as a benchmark in considering the way our political system operates. I re-emphasise the point that we cannot run away from the Constitution, or from the challenge that has been placed before us by the Commission on Government to ensure that the constitutional rules, the fundamental rules of our political system, should give a clear view of what we expect of those who participate in the political process, be they in the Legislature, the judiciary, or the Executive. It must be clearly stated how we understand the system to work. I congratulate the Commission on Government for having the foresight to see that as a key issue. It is an issue that I have been interested in over the years. I was enthused that the commission took it up as an issue and ran with it strongly in its final report. I endorse the work of the Commission on Government and indicate that should Labor be elected at the next election, its recommendations will be a high priority.

Question put and passed.

[See papers Nos 654A-C.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Reports

MR PENDAL (South Perth) [10.33 am]: I present the Standing Committee on Uniform Legislation and Intergovernmental Agreements reports No 14 on guardianship laws, and No 15 on the review of the National Environmental Protection Council (Western Australia) Bill. I move -

That the reports do lie upon the Table and be printed.

Because of the limitations on time I am taking the unusual step of tabling two quite separate reports for the edification of the House. The first report, No 14, is on the guardianship laws of Western Australia, in particular, a body of work on the Guardianship and Administration Act. Since the creation of this standing committee in 1993 the committee has spent considerable amounts of its time unearthing more and more instances wherein the States and the Territories of Australia can take the initiative in harmonising laws in ways that enhance rather than weaken the Australian federation. In many respects that adds an exciting new dimension to the evolution of federalism. It has often been a criticism of mine that the States have been content merely to bemoan the growth of central power in Australia, and often do little to enhance creatively their own roles. On the other side of the coin it has been all too easy for politicians and bureaucrats, particularly in the federal arena, to resort to uniform legislation, where a strong case has never been made out for uniformity.

The sixth report of this committee recommended that Western Australia enter into the mutual recognition scheme with the other States and the Commonwealth. On that occasion we argued that in some respects the concept of mutually recognising the differences in each other's laws was the antithesis of centralism and was thus a desirable objective within the federation. The fourteenth report that is now before the Parliament takes that one step further. It identifies and defines another category for the achievement of uniformity or harmony in law between jurisdictions in Australia. This report identifies a new model that we choose to call adoptive recognition. In doing that we have struck another blow for the federal system, and this is outlined in the chairman's foreword. We have taken the somewhat unusual step of recommending that one jurisdiction - in this case it is guardianship law - may choose to recognise the decision making process of another jurisdiction as meeting the requirements of its own legislation, regardless of whether that recognition is mutual. The advantages of that are argued within the body of the report.

The recommendations that the committee has suggested for the Guardianship and Administration Act provide for increased parliamentary disallowance of interstate arrangements. That will enhance the scrutiny role of the Parliament which, after all, is the primary reason for this committee's existence. Paragraph (5) of the summary states -

The Committee therefore recommends that section 44A -

That is, of the Guardianship and Administration Act -

- be amended to reflect adoptive recognition and to provide for parliamentary decision allowance of interstate arrangements for guardianship laws.

On the question of enduring powers of attorney a further recommendation states -

The Committee therefore recommends consideration at the Ministerial Council level be given to the adoption of uniform legislation under Structure 3 -

I interpolate to say that that was previously identified by this standing committee -

- which will not only remove that workload from the Board but should ensure that enduring powers of attorney do not fail for want of compliance with formalities. It should also simplify the recognition and acceptance of enduring powers of attorney if there is a model law.

In summary, this fourteenth report has opened up a new vista for members and Ministers to consider when the Parliament is asked to enter into an arrangement with other jurisdictions. As with mutual recognition, we are paving the way for the recognition of another jurisdiction's procedure and law without necessarily that jurisdiction conferring that same recognition on us.

I am greatly indebted, as is the committee, to Jeremy Curthoys of the independent Bar in Perth, who recommended the creation of this concept to the committee, and whose experience meant the delivery to Parliament of an excellent report. I am also grateful to the committee clerk, Keith Kendrick, who continues to serve the committee in a professional and highly enthusiastic manner.

I now touch on the fifteenth report of the committee relating to the review of the National Environmental Protection Council (Western Australia) Bill. I remind members that this Bill today stands eighteenth in the House's queue of business, and I do not know whether the Government intends to advance that Bill in the course of this session; in some respects, I hope it does not. I am sure the Bill will gain passage through the House, but some value will be gained in delaying that passage to enable members to examine the proposition contained in the fifteenth report. The report inquires into the content of the Bill and Western Australia's compliance with, and the nature of, intergovernmental agreements on the environment. I urge members of the House to take note of the report's content, particularly given Western Australia's somewhat agonised entry into this national scheme caused by the notion that the State was giving more than it was receiving.

The significant observation made in the report is that the intergovernmental agreement on the environment is not legally enforceable; that is, that Western Australia is not legally bound by the terms of the agreement. However, the committee makes the point that the intergovernmental agreement presupposes that all jurisdictions will embrace the spirit of the agreement. I am not sure what it means in legislative terms to enshrine in Western Australian law an agreement which is not enforceable - that seems to be an interesting concept. If I can think of a non-sexist way of referring to a gentlemen's agreement, I would use that expression to refer to the intergovernmental agreement.

Our report acknowledges that the regulation of the environment is inherently difficult. It is even more challenging when one deals with it within the framework of our federal system. The agreement anticipates the difficulty in achieving consensus decision making, and instead provides for the adoption of what are now called national environmental protection measures - NEPMs - by a two-thirds majority. The clear intent of the NEPMs will be binding on all parties, notwithstanding that they are part of an unenforceable agreement.

The report also concludes that the Western Australia Bill - here the report focuses on the substance as far as we are concerned - makes no provision for the automatic adoption of NEPMs in state law, as the responsibility for adopting the NEPMs is vested in the Minister and, therefore, the Executive. I dwell on that point for a moment. I hope the Government takes up the committee's recommendations for the Bill's amendment. It seems odd to me for the present Government to bemoan our loss of state sovereignty, as it often does, and then ignore the prospect of enhancing that sovereignty by seeking the aid and assistance of its own Parliament. That is the import of the recommendation. Therefore, we view with some considerable disquiet the fact that the adoption of those NEPMs is vested in not the Legislature, but the Minister for the Environment of Western Australia at his attendance of ministerial council meetings.

That leads us to the report dealing with clause 7 of the Bill, which appears to be quite brief and harmless; it reads -

It is the intention of the Parliament of this State that the State will, in compliance with its obligations under the Agreement, implement, by such laws and other arrangements as are necessary, each national environmental protection measure in respect of activities that are subject to State law (including activities of the State and its instrumentalities).

The committee suggests that this provision of the Bill should be amended to clearly indicate how the NEPMs will be incorporated into Western Australian law. In other words, it is one thing to say what we should do, but it is another to say how it should be done. We recommend that the Bill provide that all NEPMs adopted by the National Environmental Protection Council - the Ministers - be tabled before both Houses of this Parliament for 21 days, and that all of those measures, to be incorporated into state environmental protection policies as administered by the Western Australian Act, be subject to disallowance by either House of Parliament. That recommendation is the key to the whole report.

I give notice of my interest as a private member of this House to move those amendments at the appropriate time should the Government fail to acknowledge the committee's argument; I hope it will not.

In conclusion, the committee has, again on page 31 of its report, triggered the mechanism of Standing Order No 378(c), which requires the Minister in charge of a Bill to report to this House in respect of the recommendations of a committee report on that Bill. I suggest that the Minister take into account the very serious proposition I put earlier; that is, that it would enhance the position of the Minister and the State if the notion were accepted that NEPMs be incorporated into Western Australian law other than by simply ministerial compliance. That is, they should be incorporated, first, by being tabled and, secondly, by being subject to disallowance in this House.

I thank the other members of the committee. They have worked assiduously to produce quality reports. I also thank Dr Garry Meyers, associate professor of law, Mr Geoff Leane, lecturer in law, and Ms Sonia Potter, research associate, all of whom come from Murdoch University and whose advice was sought by the committee. I express my thanks again to the clerk of the committee, the ever enthusiastic Mr Keith Kendrick - more commonly known as a slave driver - and our legal research officer, Ms Melina Newnan. This may be the last occasion I have to wish

her well in her secondment to the Anti-Corruption Commission. It speaks volumes for any parliamentary committee when its staff are pilfered by the bureaucracy. We see that as a feather in our cap and a favourable reflection on the Parliament.

This is another important report from the committee. It is also another reason it is essential that this committee continue to exist in the new Parliament, no matter what its composition and who chairs it. We have developed a specialist area that has attracted acclamation from across Australia. I hope that not only will the committee continue to exist but that members of this House and, in particular, the Ministers involved, will take cognisance of the recommendations in both reports. I commend them to all members.

MR BLOFFWITCH (Geraldton) [10.55 am]: I support the fourteenth and fifteenth reports of the Uniform Legislation and Intergovernmental Agreements Committee. I am pleased to see this maturity developing in this Parliament and in the States in relation to a federal approach rather than an "all of them" or "all of us" approach. We have certainly come a long way with mutual recognition given that the State Government was adamant that we would not cede powers to the Commonwealth. Yet, when logical argument was presented and commonsense was able to prevail, that view was changed and we saw the advantages of perhaps not going down the uniform legislation road but doing exactly what we have done in the fourteenth report, where we accept that other States' standards, registrations and products are suitable in those States and therefore are acceptable throughout Australia. That is not a very brave assumption; the citizens of each State of Australia seem to survive under their respective laws. It is probably a very good lesson for us to look at uniformity and to acknowledge that in many cases we do not need to duplicate exactly what is acceptable in the other States.

Yesterday I flew to Sydney in the morning and flew back at night. That shows how mobile we are in this country. Borders are no longer as relevant as they were in earlier times. We must look more closely at the various things that affect the citizens of this State and the other States. I am pleased to see that we are adopting a positive approach to this issue. I am also very pleased to see that we have agreed that we will allow ourselves the opportunity to make a judgment. I believe there is some doubt about the situation in the Northern Territory because of the committee structure that exists in relation to the guardian. We may have a few reservations, although it seems to work quite well in the Northern Territory, as it does in the other States. I doubt that we will find too much wrong with it. Nevertheless, it gives us the opportunity to review what is happening, and that is welcome. More importantly, it gives us the opportunity for our power of attorney or public guardian to be recognised in other States and jurisdictions. I am sure everyone will welcome that. I urge the Government to take note of this report and to move with a little haste to process it.

I can remember on many occasions as a member of the Delegated Legislation Committee travelling to the Eastern States and being lobbied by representatives from the other States and federal bureaucrats saying that we need to get involved in the national environmental legislation. I came back to Western Australia and spoke to the then Minister for the Environment about the issue. His answer was that we were not happy with the structure - we seemed to be ceding everything and getting very little back. As was said to me two or three years ago, everything is negotiable and reviewable. It is also important to note that federal and state laws do not prohibit environmental actions; there are no decrees from the Environmental Protection Authority.

The national environmental protection measures are suggestions put forward by responsible people for the community and the Government to take note of and act upon. They are not thundering laws. In fairness, it would be an unworkable situation to have them as thundering laws. We would all like the air to be cleaner but, if one is the driver of an old banger, it is hard to be told that as from tomorrow it cannot be driven. There must be a commonsense and realistic approach to the things we do. The NEPMs will allow the opportunity to put forward the recommendations. As the member for South Perth said, it is the Government that will be judged by the community in relation to its effectiveness.

In looking at our environmental legislation, I am a little surprised that we in this State have not allowed for the introduction of these NEPMs. The explanation from the Department of Environmental Protection was that we would be looking at that later. That is a fairly major function of the EPA. If we are joining the national scene, it seems an excellent opportunity for us to embrace this process. That is one of the questions we will be able to ask.

I also would like to commend Dr Gary Meyers, associate professor of law, Mr Geoff Leane, lecturer in law, and Ms Sonia Potter, research associate, from Murdoch University for their excellent work. Not only was their work invaluable for the committee in going through the environment protection Bill, but also it is very handy for committees to use our universities and law faculties to assist us as legislators to try to get it right and do it properly. I believe in this case we have done that.

I also thank the person responsible for the guardianship laws, Mr Jeremy Curthoys of the independent Bar in Perth. His experience was certainly well noted. He was very much up to date with guardianship and trustee law and brought

us a lot more up to date and familiar with what is needed in this area. I have no hesitation in commending both of these reports to the House as very worthwhile reports.

Question put and passed.

[See papers Nos 655 and 656.]

STATEMENT - PREMIER

Anti-Corruption Commission

MR COURT (Nedlands - Premier) [11.03 am]: I have pleasure in advising the House that this morning the Governor, on the advice of Executive Council, appointed Mr Donald George Doig and Commodore David James Orr, Royal Australian Navy, retired, to serve as members of the Anti-Corruption Commission for terms of two years. Mr Doig and Commodore Orr have been appointed under section 5(2)(b) of the Official Corruption Commission Act, which requires two members of the commission to be persons who are not public officers otherwise than by reason of being appointed as members. As required by section 5(3) of the Act, the appointments have been made in accordance with the recommendations of a committee consisting of the Chief Justice, the Chief Judge of the District Court and the Solicitor General. The committee published in *The West Australian* on Saturday, 31 August 1996 a notice calling for expressions of interest in appointment to the office of member of the commission. The Chief Justice has advised that both Mr Doig and Commodore Orr lodged expressions of interest.

Mr Doig served as Under Secretary for Law, Crown Law Department, from 1983 until his retirement on 30 June 1993. He has served on a wide range of public bodies, including the Western Australian Constitutional Committee, which I established in 1993. He is also a life member of the Royal Association of Justices of Western Australia. He has also served as a justice of the peace, a deputy member of the Builders Registration Board, a panel member of the Building Disputes Committee, an independent reviewer of possible breaches of public sector human resource management standards, codes of ethics and codes of conduct, a Process Grievance Arbitrator appointed by the Commissioner of Police to determine grievances raised by police officers in respect of promotions within the Police Service, and Chairman of the Totalisator Agency Board Disputes Review Committee. Mr Doig has also had a number of special appointments under the Public Sector Management Act to conduct investigations, inquiries and special inquiries into allegations of breaches of discipline.

Commodore Orr was posted as Naval Officer Commanding Western Australia on 14 May 1982. He retired for the Emergency List on 5 July 1985. Commodore Orr joined the Royal Australian Navy in 1952. He was promoted to Commander in 1967, posted as Acting Captain in 1973, promoted to Captain in 1974 and to Commodore in May 1981. Postings have included Sea King Project Director, Director of Naval Officers' Postings, Commanding Officer HMAS *Stalwart*, Director of Naval Aviation Policy, and Director General of Naval Personal Services. After retirement from the Navy, Commodore Orr became General Manager of the Fremantle Sailing Club for the preparation of the America's Cup and for the cup period. He was appointed Executive Officer of the Official Corruption Commission, as it was then known, when the Act was first proclaimed on 11 August 1989, and he retired from this position on 28 June 1996.

The Governor has previously proclaimed the sections of the Official Corruption Commission Amendment Act 1996 that renamed the Act and the commission and reconstituted the committee for nominating commissioners so that the appointments to the commission can be made. Now that those appointments have been made, the Governor has this morning proclaimed the balance of the amendments to commence on Friday, 1 November 1996. This lead time will allow parliamentary counsel to arrange for a full reprint of the Act, including renumbering as required by section 27 of the amending Act.

From next Friday, this State will have the most powerful anticorruption fighter in its history. The commission will consist of its Chairman, Hon John Wickham, and the two new commissioners. I understand that the commission will appoint a person to the critical role of Director, Anti-Corruption Investigations as soon as possible.

The Anti-Corruption Commission will have a very important role to play in investigating corrupt and criminal conduct and serious improper conduct in the public sector. I am sure that members will join with me in wishing the new commission all the best in the performance of its important functions.

BILLS (3) - RETURNED

1. Competition Policy Reform (Western Australia) Bill.
2. Competition Policy Reform (Taxing) Bill.

3. Skeleton Weed and Resistant Grain Insects (Eradication Funds) Amendment Bill.

Bills returned from the Council without amendment.

CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Lewis (Minister for Planning), read a first time.

STANDING ORDERS SUSPENSION

MR KOBELKE (Nollamara) [11.08 am]: I move, without notice -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion calling on the Premier to explain why he has made untrue and misleading statements.

MR COWAN (Merredin - Deputy Premier) [11.09 am]: There has been some discussion between the Opposition and me about this matter, and, as members would undoubtedly expect, the Government will not allow claims of this nature to be made against the Premier, so we believe this matter should be debated. We have an understanding that the debate will last for approximately one hour, with half an hour being given to each side. I hope that by this time we have got the numbers in the House; I think we have.

Mr Blaikie interjected.

The ACTING SPEAKER (Mr Ainsworth) The member for Vasse has been in this place long enough to know that he cannot make those sorts of comments without at least being in his place.

Question put and passed with an absolute majority.

MOTION - MAYOR OF BAYSWATER, PREMIER'S COMMENTS

MR KOBELKE (Nollamara) [11.10 am]: I move -

That this House calls on the Premier to explain why he has made untrue and misleading statements in relation to the work being done by the Mayor of Bayswater and Labor candidate for Ballajura, Mr John D'Orazio, for his ratepayers and electors and that he apologise for misleading the House.

Truthfulness is something about which the Premier has made great play, and I hope we will see it upheld in this House today. I am willing to give the Premier the benefit of the doubt and say that he has been ill-informed about things that were supposed to have happened at a public meeting on Monday, and on the basis of that misinformation he has made certain statements. By interjection, I tried to point out the Premier was wrong. I spoke to the member for Helena after question time on Tuesday. She was at the meeting. I pointed out the facts used by the Premier were wrong; however, the Premier has continued to build on that fabric of untruth. It is now appropriate that we have the opportunity to put the record straight and for the Premier to acknowledge that his facts were wrong and to apologise for that minor slip. If the Premier does not do that, the problem will become much more serious.

On the evening of last Monday, 21 October, a meeting was held at the Noranda Sport and Recreation Club, called by the Mirrabooka Action Group to discuss a range of issues relating to problems with the Atlas tip site in Mirrabooka. I do not propose to go into the details of the meeting, other than as they relate to the very misleading and inaccurate statements made by the Premier. The member for Helena was a speaker at that meeting. She spoke from the front of the hall. The Mayor of Bayswater, Mr John D'Orazio, was in the body of the hall and spoke on one occasion from the microphone that was located in the middle of the room. I was also in attendance for the duration of the meeting.

We must have responsible behaviour when it comes to managing the finances of this State. It is equally important that members of this place be responsible in speaking the truth. When the truth is pointed out to members, it is incumbent on them to correct the record; to make sure the facts are admitted, and not try to run the Goebbels line - making untrue statements often enough in the hope people will believe them. That is my fear, given that the Premier has continued to repeat statements that are not factual. The statements by the Premier are now being made by other government members. The issue that is crucial to the debate is this: Will we as members of Parliament take responsibility for speaking the truth? During question time on Tuesday the Premier said -

Last night the candidate gave a commitment that the Atlas tip would be closed and all industry would be removed from the site next year.

Through subsequent events that have unfolded, we know that statement refers to Mr John D'Orazio, the Labor candidate for Ballajura and the Mayor of the City of Bayswater. When I heard the Premier say that, I interjected.

Following question time I spoke to the member for Helena, who was at the meeting. I did not hear Mr D'Orazio make any such statement, and I was quite confident that at that public meeting Mr D'Orazio had not made a statement to that effect. I very quickly telephoned a number of people who I knew were at the meeting. I was very careful not to lead them when I asked them to recall what Mr D'Orazio said at the meeting. They said that he gave no such undertakings. He gave a number of undertakings which the Labor Party had decided upon. In brief, they included, first, to close the Atlas tip to putrescible waste from next year.

Mrs Parker: It will already happen.

Mr KOBELKE: The Government is saying that it will do the same thing. The Government has given commitments about the Atlas site, but it has not kept them. Time after time it has not kept the commitments that have been made. We will keep our commitment to close the Atlas site to putrescible waste.

The second commitment given was to close the site to the tipping of asbestos. That commitment has not been given by the Government, but hopefully it will be at some stage. We want it closed as an asbestos tipping site. The third undertaking Mr D'Orazio gave was to move to put in place a post-closure site management plan to turn it into a parks and recreation area. He indicated that would take some time, but the plan - not the closure - would be in place next year. There was no mention of paying the cost of resiting the current industrial use. I spoke to four people who were at the meeting, one of whom was taking notes. That person said that he did not hear the Mayor of Bayswater, the Labor candidate for Ballajura, make any such commitment, as the Premier indicated during question time on Tuesday.

The member for Helena repeated that statement in question time on Wednesday when she said -

At a public meeting on Monday evening the local Labor candidate made a commitment to relocate industry presently on the Atlas site.

The member for Helena knows no such commitment was given. Although there was a bit of noise, with people talking across each other, the meeting was quite orderly in most cases. What was said was audible. Mr D'Orazio's statements were clearly audible. There was no chance what he said could have been misheard.

Mr Court: Did he say he had been campaigning against the use of the site for those purposes?

Mr KOBELKE: Not on that evening. He said that he had been working with local residents for some years and public meetings had been held, at which people had sought to close the site for putrescible waste.

Mr Court: Isn't that the point we made?

Mr KOBELKE: We are talking about telling the truth, not about trying to slide out from under this responsibility.

Mr Court: He has approved of it all the time.

Mr KOBELKE: We want the Premier to admit that he simply made a factual error; that he was given incorrect information. In that way the matter will be over and done with; otherwise he will continue to compound the lie - and that will be his downfall. Let us try to be honest and factual.

The Mayor of Bayswater had very limited speaking opportunities. This is not about what he said at one time or another at the meeting. He spoke on one occasion, from the centre of the room, so it is very easy for people to remember what he said, or did not say; whereas, the member for Helena spoke on many occasions throughout the evening, and people may have had more difficulty being clear about what she said at one time or another. That is not the point at issue.

I have outlined the three commitments given by Mr D'Orazio, which the Labor Party stands behind. I could telephone another dozen people to find out their version of what happened at the meeting, which was held in my electorate. I knew many of the people who attended it. I am sure they will confirm that which the Premier has said as being an undertaking by the Mayor of Bayswater was not said by him - he did not say that. He has confirmed to me and to others that he did not make any such commitment. The information which has been passed on to the Premier has been a total misunderstanding.

I seek leave to table three statutory declarations.

[The papers were tabled for the information of members.]

Mr KOBELKE: I will read out, in part, their contents. The first is by Mr D'Orazio and states -

I, John Biase D'Orazio of 137 Leake Street, Bayswater do solemnly and sincerely declare that:

On the evening of Monday, 21st October 1996 I attended a meeting at the Noranda Sports and Recreation Club called by the Mirrabooka Action Group on matters relating to the Atlas site in Alexander Drive, Mirrabooka.

I had one opportunity to speak to the meeting from a microphone in the middle of the room. In speaking to the meeting I expressed my long standing opposition to the continuing use of the Atlas site for the disposal of putrescible waste because of its adverse impact on people living in Noranda.

I at no time gave any commitment to the effect that the Atlas tip would be closed and all industry removed from the site by next year.

I do not believe that anyone could honestly construe that anything which I said suggested such an undertaking.

The meeting was chaired by Mr Hugh Cahill. He has signed a statutory declaration to a similar effect, which, in part, states -

I entered into questioning Mr D'Orazio while he was at the microphone and I believe I have a clear understanding of what he said.

At no time did I hear Mr D'Orazio say that the Atlas tip would be closed and all industry removed from the site by next year. I do not believe that anything he said could be honestly construed as suggesting such an undertaking.

Similarly, Mr Tom Walker, who was present at the meeting, made a statutory declaration. I helped them -

Several members interjected.

The ACTING SPEAKER: Order!

Withdrawal of Remark

Mr RIPPER: The member for Dianella, by way of interjection, has alleged that the member for Nollamara and others sat down to write the statutory declarations. That allegation is unparliamentary.

Mr COWAN: I distinctly heard an interjection by the member for Fremantle: "You've been caught out lying." That is unparliamentary, and the member should withdraw.

Mr McGinty: It is true, and you know it! The member for Helena has been caught out telling grubby, dirty lies.

Dr HAMES: That is what I said.

Mr Graham: Is this a point of order?

Dr HAMES: I am speaking on the first point of order. I did say that it sounds as though they sat down together, because the concluding words in the statutory declarations are almost identical.

The ACTING SPEAKER (Mr Ainsworth): I will deal with the two matters. I am surprised that the Deputy Premier's hearing is that good, because most of us had difficulty hearing anything with such a babble of interjections. I take his word that he heard the remark, and I ask the Deputy Leader of the Opposition to withdraw the remark.

Mr McGINTY: I withdraw.

The ACTING SPEAKER: I am sure that I heard the member for Nollamara say that he gave some assistance in the matter. Therefore, I do not believe that the remark by the member for Dianella was unparliamentary. Perhaps the Member for Nollamara can clarify what he said - without interjections, which make it difficult to hear what he is saying. That will help the House.

Debate Resumed

Mr KOBELKE: Before the interjections began, I was indicating that I assisted these people with the statutory declarations because they had said they did not hear the comments which the Premier alleged Mr D'Orazio made.

Several members interjected.

The ACTING SPEAKER: Order!

Mr KOBELKE: They were willing to make statutory declarations. I take great offence at the remark by the member for Dianella that there was some collusion. They did not meet together. These people should be treated with respect. If this is the way the member treats people in his electorate, it is clear that the member for Balcatta will soon be the member for Yokine! The public will not accept members opposite dragging people down just because they think that by destroying those people they can change the truth. We are trying to establish the truth in a simple matter.

The Premier can acknowledge that he was misinformed, and the issue will die, or he can try to shoot the messengers - and tell people that what is true is not true - but members opposite will come tumbling down. The people who made the statutory declarations were among 200 people at the meeting. I can name about 50 people who were at the meeting. I am confident, with a normal memory, that at least half of the people at the meeting will have a clear recollection. We do not always remember what happens, but I know that Mayor D'Orazio spoke once, for a short time, and everyone was listening - because he was set up by the chairman, who asked, "What will Labor do that will be any better than the Liberals?" He was outlining what Labor would do and what he was committed to do. People were listening. My point is that it will not be difficult to go to that area in which people predominantly vote Liberal - people who are very angry about the Atlas site - and discover that, on this issue, those who normally line up for the Liberal Party will not do so because they are very angry about what is happening. They will tell the truth. We are all about getting to the truth. This is not some political tactic to hide the truth.

Premier, I have indicated that I have three statutory declarations, and I can provide the names of other people to whom I have spoken. I want to know what was the source for the Premier's statement that Mayor D'Orazio had given a commitment to close the site and shift those industrial uses next year?

Mr Court: I will speak when you have finished.

Mr KOBELKE: The Premier never does! Many times when debate comes down to the point of the issue, I have interjected and asked the Premier to indicate his source -

Mr Court: You have never been able to substantiate the facts and you never will.

Mr KOBELKE: Every time the Premier says that he will speak, he runs for cover and does not answer. Here is the Premier's chance: Who or what was the source for the statement the Premier made in this House on Tuesday relating to Mr D'Orazio?

Mr Court: I will answer.

Mr KOBELKE: Will the Premier tell me now?

Mr Court: No.

Mr KOBELKE: Has the Premier had a loss of memory?

Mr Cowan: No he has not!

Mr KOBELKE: Does he not know who told him? Has one of his lackeys put the statement in front of him, and he does not remember who?

Mr Cowan: He does not need to make your speech look good by interjecting.

Mr KOBELKE: Does the Premier not know who it was?

Mr Cowan: Of course he knows. He will make a speech in a moment.

Mr KOBELKE: Is this another example of the Premier's loss of memory?

Mr Cowan: Get on with your speech!

Mr KOBELKE: The Premier has attacked the Labor Party and the Mayor of Bayswater, but will not name his source. I have taken the trouble of getting three statutory declarations to present in this House, and I have spoken to other people who have confirmed the situation; yet the Premier will not indicate the source of the information behind his attack on Mr D'Orazio.

Several members interjected.

The ACTING SPEAKER: Order!

Mr KOBELKE: The Premier is quiet!

Mr Court: When you sit down, I will speak.

Mr KOBELKE: When the Premier does get up to speak, he is never willing to address the point of the issue. The crucial point is that the Premier said something that is untrue. If I am wrong, and there is no substance to this matter, why will the Premier not identify his source?

Mr Cowan interjected.

Mr KOBELKE: Why will the Premier not tell us? Why must the Deputy Premier come to his defence? Does he need the Deputy Premier to defend him? Why cannot the Premier, by way of interjection, give me one or two words to indicate who is his source and what attempts he made to validate the information?

Mr Court: Are you making a speech or are you conducting question time? I said that I will respond. Make your speech, and I will respond. That is the way the system works.

Mr KOBELKE: The Premier does not do that. This has happened several times. When the heat is on the Premier to tell the truth and substantiate what was said, his standard line is that he will leave it until he gets up to answer. However, when he gets up to answer, he fails to address the issue.

Mr Court: I do not think you have anything to say.

Mr KOBELKE: I am saying that the Premier made allegations which are untrue; that I went to the trouble of checking the situation with a number of people who attended the meeting. I have had those people take the unusual step of signing statutory declarations to say that the Premier's statement was untrue. Despite that, the Premier will not indicate his source.

I see he runs for cover, out of the Chamber! He should get out of the Chamber! The heat is on! He must be in training for the 100 metres! The Premier wants to escape as quickly as he can! He knows that if he moves from his seat he does not have to respond to my request for his interjection, so he has run for cover. He has moved from his seat so that, under the standing orders, he is protected from my request that he interject and provide a simple piece of information: Who provided the information to the Premier?

Perhaps the member for Helena might answer, or has she disappeared from her seat as well?

Mr Graham: She is getting briefed!

Mr Brown: She is getting briefed about what happened at the meeting.

Mr KOBELKE: Right! Perhaps she has left her seat in order to be told what to say! We have a problem here in trying to get the Government to speak the truth. The Government has a record of simply dropping a line which deceives people - either with total untruths, or with half-truths - and then members slip away when people try to ask them to be accountable for what they have said.

Did the member for Helena provide the information to the Premier about what happened on Monday night?

Several members interjected.

The ACTING SPEAKER: Order!

Mr Trenorden: Make a speech! Say something!

Mr KOBELKE: Because she was at the meeting, I am giving the member for Helena the opportunity to indicate whether she passed on the information to the Premier - information which I have shown is not true. The member for Helena seems to be somewhat embarrassed by the fact that she cannot answer a simple question on whether she was the conduit by which this misinformation reached the Premier.

Mr Blaikie: Do you have those papers?

Mr KOBELKE: They have been tabled.

Mr Shave: Did you type them out?

Mr KOBELKE: I did not personally, but I accept responsibility for helping to prepare them after what the people told me.

Mr Prince: Were they done in your office?

Mr KOBELKE: Not all of them were done in my office; two were.

The other point I make about the Premier's statement on Tuesday is the way in which he has misled people with another bit of information that is factually incorrect. In an answer that members all know alludes to Mr D'Orazio, the Premier states -

A number of promises have been made, particularly in recent weeks. One candidate is over the \$500m mark in the value of his promises - not bad going!

The Mayor of Bayswater has been pushing for improved public transport through Bayswater and surrounding areas. As someone who has considerable expertise in planning, he has sought to have the City of Bayswater through its town planning scheme make a recommendation to the Ministry for Planning that there should be a reservation for a railway through that area. The reservation for the railway that the mayor wants put in place is simply a planning matter. It may be built in 10, 20 or 50 years' time, but if the planning is not laid down now, it will be difficult, if not impossible, to do it in the future.

Mr Court: Do you accept that it is already there?

Mr KOBELKE: The Premier is concocting that that is a commitment to expenditure of \$500m. From where does the Premier get that idea? How does he build that into \$500m?

Mr Court: You can't say you're going to put a planning reservation there when it is already there. When you announce a railway, you actually have to build a railway, my friend.

Mr KOBELKE: It is not stated in the detail required that in the future the area will be available for a railway. The Mayor of Bayswater is suggesting a refinement of what is simply a transport corridor. He is making a positive contribution to planning in the area to ensure that a better public transport system is in place - something to which I know the Premier is opposed. The Premier has not done anything but downgrade public transport. The Mayor of Bayswater and Labor candidate for Ballajura is one of the Labor Party's members who is committed to improving public transport. He has sought to do that through the proper channels of the City of Bayswater and the Ministry for Planning. How does the Premier concoct out of that that the mayor is making a promise for \$500m?

Mr McGinty: He made it up and he is being dishonest. The Premier is not an honest person.

Mr KOBELKE: Today the Opposition is giving the Premier and members on his side an opportunity to show what respect they have for the truth in this matter. Are they willing to face the key issue of what undertaking was given or not given by Mayor D'Orazio on Monday night and to give some substance to what they are saying? They will not say even who was the conduit to the Premier for the false statement he made. I hope that when the Premier gets up, he will do what he said a moment ago and answer that question fully and properly. If he does not, he will be compounding one untruth on top of another. If the Premier does that, it will bring him undone. It is on the Premier: He should get up and see whether this time he can speak the truth.

MR COURT (Nedlands - Premier) [11.33 am]: What an absolute shambles! The Government agreed to opposition members bringing on a motion. They talk about deceiving people. I cannot believe they have brought on this motion: It is manna from heaven from the Government's point of view because it will reinforce exactly what has occurred. I will tell the member for Nollamara who my source of that information is. Just like the member, I know that many other people were also at that meeting and at the previous public meeting that was organised as part of the Premier's public forums at which this was the main issue discussed.

The member for Nollamara talks about deceiving people. I will get on to the detail about the Atlas tip because it would not be bad if we had a rational debate on the issue, instead of the nonsense the member has spread around. I do not know who is leading the Opposition.

Dr Gallop: I know who is leading the Opposition, my friend; it is I.

Mr COURT: The Opposition knows, but we do not.

Dr Gallop interjected.

The ACTING SPEAKER (Mr Ainsworth): Order! I have called order three times, which the Leader of the Opposition has ignored three times. I will not warn him again or I will have to take sterner action. I give him fair warning at this stage that I will not tolerate that continual interjection and members ignoring the call from the Chair.

Mr COURT: The Leader of the Opposition spent six months falsely accusing a private company of not having high cleaning standards, when it turned out that it had the highest accredited standards in the world.

Mr McGinty: Deal with the issue before the House.

Mr COURT: Members opposite do not want to talk about that issue.

Mr McGinty interjected.

Mr COURT: I suggest the Leader of the Opposition tell the Deputy Leader of the Opposition to back off a bit, because the deputy is giving the impression that he is calling the shots.

The Atlas tip issue is of concern to a number of people. Many years ago a site started to be used as a tip. A lot of sand was taken off the site. It was then used as landfill and some industrial development took place on the site. The former Government made a major planning mistake when it allowed housing to be developed right up to one side of that tip because it was obviously operating as both a tip and an industrial site; however, that development took place.

At a public meeting a couple of months ago it was made clear to me that a number of issues were involved in this matter. One was in relation to the putrescible waste; the second was in relation to asbestos being dumped on the site; and the third was about the ongoing use of the site for rubbish disposal with the new digester that was being constructed on the site. It was made clear that the government department responsible for this matter said that the putrescible waste must stop in, I think, April next year.

Mr Kobelke: I have correspondence from the Department of Environmental Protection that talks about the bad management of that site and that three other sites were closed down on 1 January this year because they did not comply with the requirements. According to the letter I have, that site does not comply with the requirements, yet it has been given special permission to continue operating as a non-complying site. Three others were closed down, but not the Atlas site. That is your Government's decision.

Mr COURT: The member for Nollamara has just made his case a lot worse.

Mr Kobelke: It is your Government.

Mr COURT: The Labor candidate said at the meeting that he had always opposed the use of this site for those purposes, yet he is Deputy Chairman of the Western Australian Planning Commission that last year validated the existing development, including the dumping of landfill refuse. That is the whole point the Government is making. The member for Nollamara has just reinforced my argument. He said there had been bad management of the site; it did not comply; and the company had been given special permission. The Opposition's candidate is the party involved. I may as well sit down: The member has made my argument for me.

When a public meeting is held just prior to an election, candidates tend to get a bit carried away. They know the people there want the site gone and do not want the waste there. Anyone can get up and make a hero of himself and say, "Next year it will all be gone; I've always campaigned against it."

Dr Gallop: He didn't say that.

Mr COURT: He did. He said that he had always been opposed to that site and the uses on that site.

Mr Kobelke: Not always, but sometimes.

Mr COURT: Come on! The Leader of the Opposition gets up and says that the member for Dianella accused him of being involved in drafting these statutory declarations -

Dr Gallop: He said collusion, Premier.

Mr COURT: - but the member already said that he had been involved in it and that it was done in his office.

Withdrawal of Remark

Dr GALLOP: I ask the member for Dianella to withdraw that comment.

The ACTING SPEAKER (Mr Ainsworth): Order! I did not hear the comment.

Dr Gallop: I did. He can tell you what he said.

Dr HAMES: The member accused me of saying it was collusion. I did not say it was collusion; I accused him of lying, and I withdraw.

Debate Resumed

Mr COURT: Someone cannot say at a public meeting that he has had longstanding opposition to something when he has been involved in granting approval for it. Nor can he say that something will be removed from a site and that no cost will be involved. The member himself said that considerable cost would be involved, but that it could be funded out of the metropolitan improvement fund or whatever. It does not matter where it comes from; it is still

taxpayers' money. The member said that we must get rid of the site next year, but that would cost money. All I asked yesterday was how much it would cost. Members opposite would not have a clue. They are running around the State saying they will do this and that and put in a railway.

Dr Gallop: How much will the federal Budget cuts cost? You cannot tell us that; yet you are in charge of the Treasury.

The ACTING SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COURT: Ever since we have been in office, each year we have had to find hundreds of millions of dollars out of the state Budget, not to buy anything, but to pay back losses. Do members opposite ask me where we get that money from? They do not even want to talk about it. When I tell members opposite that I have asked departments to save \$60m this year - we have done just that and brought in another balanced Budget - they do not understand that that is what management is all about.

Mr Kobelke: Before you finish huffing and puffing will you answer the questions you said you would answer?

Mr COURT: The member for Helena advised me of what took place at that meeting and members opposite have not disputed it. They cannot have it both ways. They cannot have longstanding opposition to something, but be involved in granting approvals for it to continue. That is exactly what happened with members opposite. The Labor Government Cabinet would not accept collective responsibility. Some of its members said later that although they were members of the Cabinet they did not support a decision. One cannot be the Deputy Chairman of the Western Australian Planning Commission and approve a matter, but when it suits him say that he did not support it. Members opposite have brought on a motion that has reinforced the mistake that Labor candidate made. He wanted to make a hero of himself, but he forgot to tell the meeting that he was involved in granting the approvals.

Mr McGinty: It was the member for Helena. You did not have the decency to say so even though you said -

The ACTING SPEAKER: The member for Fremantle will come to order.

Mr Court: I did; I said it was the member for Helena. Read *Hansard*.

MRS PARKER (Helena - Parliamentary Secretary) [11.43 am]: I confirm that I was the person who spoke to the Premier and a number of other people after that meeting on Monday night because of issues about it that concerned me. I gave the Premier the information. The member for Nollamara was at that very emotional meeting. He was at the back of the room, which was reportedly filled with 300 people. Complaints were made to my office about people who had conducted a doorknocking campaign distributing leaflets saying that if the householders did not attend that meeting, their children would die of asbestosis. A fear campaign was led by that action group.

I first received a phone call several months ago from residents in Ballajura about the impact of the Atlas tip site on the community. They specifically complained about the seagulls. I spoke to the site manager of the tip and subsequently made an inspection. I did not go out to the landfill. However, I visited where the digester is being built, walked through the administration buildings and discussed the issues on site. I explained that there was ill-feeling in the community towards the site and its operations and far better communications were needed between management and the community so that we could work through some of the issues.

That was my first contact. Following that and after the Premier's community forum in Dianella some months ago, the issue was raised again in an organised way. I do not have any problem with the group dealing with the matter in that way. They were lobbying because of their grave concerns. At the time an application was before the Western Australian Planning Commission to rezone the site from "parks and recreation" to "industrial", which the community opposed. It was a significant issue. After the Premier's forum - we were the last people to leave the hall that night - I told, I think, three members of the action group that I was prepared to continue working through the very complex issues relating to the site. I have followed up the issues and referred back to Atlas and spoken to the Department of Environmental Protection on a number of occasions. One night Hugh Cahill, the president of the action group, phoned me at home very apologetic for disturbing me. He explained that the odour at the site was putrid and that nobody in authority ever went to investigate it when it was at its worst. He asked whether I could investigate it at first hand. I was attending a P & C meeting at the South Ballajura Primary School that night and said that I would be happy to inspect the Atlas site afterwards.

I could check my diary to confirm the date, but Hugh Cahill would not have a problem with my referring to this. I met him on the verge of Australis Avenue and we drove in his four-wheel drive vehicle up the embankment alongside the site and had a look at it. Other events happened on that night that do not bear repeating here.

As a result of my communication with members of the group and people at the Premier's forum I continued to relay my concerns on behalf of the community to both the Minister for Planning, to take into account in his final consideration of the application to rezone the area to industrial, and to the DEP on its management of the site.

I reiterate that the tip is not in the electorate of Ballajura; it is in the electorate of Nollamara. I am happy to represent issues across the State. However, one of the most difficult issues with which I must deal is that under the former Government the buffer zone was rezoned to residential so that rather than people living near the Boyare Primary School some distance away from the tip, separated by a safe buffer zone, people now live right on the fence line. That is a dreadful legacy and must be dealt with.

Mr Blaikie interjected.

Mrs PARKER: I understand it involved the present member for Nollamara. We cannot change the past. I asked whether the asbestos issue could be dealt with in the operating conditions until 30 April, which is the closure date given to Atlas for that site. The landfilling of putrescible waste will cease on 30 April. That deadline has been given and strict rules and regulations are in place, including video surveillance. I have ensured the DEP is prepared to make those videos available to whoever wishes to view them. I negotiated with the DEP to allow residents to inspect the site. I also suggested to the DEP that a community working party should be established, made up of representatives from Atlas management, the DEP, the Government, the Opposition and community members who had raised their concerns with the DEP, to work through the issues. The working party will have its first meeting at the Atlas site on Monday at 4.30 pm, and the member for Nollamara and I have been invited to attend. That is the background of this matter.

However, when the action group first spoke to me after the forum it wanted three things: First, to stop all putrescible waste because of the smell. That has been dealt with and the DEP has made a ruling. Secondly, it wanted the rezoning application to be refused, and that has been achieved. Thirdly, it wanted the asbestos shifted to no closer than 500 metres from any residence. The group has now said it wants the asbestos off the site. By introducing a prohibitive pricing structure it has been possible to limit the amount of asbestos being dumped on that site, and I understand it is being dumped at the furthest possible point from existing homes. I am told it is approximately 500 metres from those homes, but I have not measured the distance. I have been working constantly and negotiating with the management of Atlas to deal with the issues and work through them.

However, the action group decided to run a public meeting on the issue to pass some resolutions. Hugh told me the main objective of the meeting was to decide whether to run a candidate in the Ballajura electorate at the next state election. Hugh has said both publicly and privately that I was the only member of Parliament who would be allowed to speak at the meeting because I was the only one who had ever tried to work through the issues to get some runs on the board.

Mr Kobelke: That is not true and he said so at the meeting.

Mrs PARKER: That is not true. He did not deny that at the meeting.

Several members interjected.

The ACTING SPEAKER: Order!

Mrs PARKER: The action group did a leaflet drop and doorknocked throughout Noranda and called a public meeting. I have great sympathy for the residents because health and land value issues are at stake. It is a very emotional matter. At the meeting Hugh and two representatives from the Asbestos Diseases Society spoke. One was Robert Vojakovic, with whom I had met the previous week, and the other was a doctor. I was then asked to speak, and I went through the issues fairly much as I have today. The floor was then open for questions. It was a heated meeting and in the end people did not want to listen to reason. They want activity on the site to be stopped. A number of people went to the microphone to speak, and the microphone was handed to another lady in the audience who had had a stroke. The Mayor of Bayswater, John D'Orazio, then spoke. First, he complained about my being on the stage, said I was a foreigner in the area and asked what I was doing there. I explained that I had been invited to attend and to be the guest speaker. The mayor spoke briefly and said he had opposed the activity on the site and that his objections were part of the reason the Bayswater City Council had decided to send its waste to Red Hill. He said he had had a problem with the activities on that site and Bayswater had made that decision as a matter of principle. He further said the whole situation was a mess and that it was about time to bite the bullet. It is important to remember that the closure date for the dumping of putrescible waste had already been dealt with.

Noel Davies from the DEP was present and he said the DEP could be asked to write to the Executive Director of Public Health seeking the withdrawal of asbestos as a commodity that could be deposited on that site. He indicated the DEP was considering making that application so that asbestos could not be deposited on that site after 30 April

1997. After the mayor said it was time to bite the bullet and deal with these issues, he referred to a state improvement fund - I understand he meant the metropolitan region improvement fund. He said the fund contained a significant amount of money held by the Western Australian Planning Commission for financing the redevelopment of sites, which could then be vested in councils.

The Mayor of Bayswater said there was plenty of money in this fund and it received more money each year, and the Government should make a commitment to spend the money to deal with this site. He said he had asked the Labor Party for a commitment that it would use these funds to deal with the problems on the site and prevent any further activity. He said the Labor Party had not replied in a formal sense. He further said he was new to politics and he was becoming used to how slow the system worked. He said he was committed to using these funds in the Western Australian Planning Commission to get the activity off the site. What activity was he talking about? The meeting had gone beyond dealing with putrescible waste. It was no longer an issue. At that stage the meeting was dealing with land values, the digester, tapping of the methane gas, the chimney stack and the flare. He said he had not received an answer from the hierarchy of the Labor Party, but that his commitment was to use state improvement funds to get the activity off the site. He was asked when, and he said he would do it next year.

Mr Kobelke: He was not talking about that point. That is where you are wrong. He was talking about doing something next year with the asbestos, the putrescible waste and -

Mrs PARKER: He did not name those issues. He talked about using the significant amounts in those funds.

Mr Kobelke: Any Government will do that. That is what the fund is for.

Mrs PARKER: No money is required to remove the putrescible waste from the site. The DEP has given a closure date for that activity on the site, and a letter can be sent to the Executive Director of Public Health asking for asbestos to be removed. No money is involved. I have checked with other people at the meeting to confirm that this is what the mayor was talking about. After I spoke to the member for Nollamara on Tuesday, I checked again. It seems to be a question of personal bias.

I have to close my comments because the Minister for Planning wants to speak. I received a call from a *Sunday Times* journalist yesterday. The resolution of the meeting on Monday night was that an action group candidate would run and would give preferences to the major party candidate who delivered the most for the site. Hugh Cahill told the *Sunday Times* on Wednesday that the action group would not give its preferences to me, but would give them to the Labor Party candidate. That was not the resolution of the meeting. Therefore, one must ask whether there is a little bias in this matter.

There are problems on this site. I am committed, and will continue to be committed, to working through them. However, we must be very careful that our statements are credible. The front page of the local newspaper this week carries a statement about some plans that Mayor D'Orazio announced two editions ago on ovals on old regional open space in Noranda. He said it was a joint project between the Shire of Swan and the City of Bayswater. The Shire of Swan said in a media statement last week that it knew nothing about the plans until they were mentioned in the newspaper.

MR RIPPER (Belmont) [12.03 pm]: When members of Parliament speak in this place, they often have to rely on information from other people. They have to be careful that they are not relying on information from unreliable informants. In the last two days, the Premier has relied on information from an unreliable informant in the member for Helena because she got it wrong and, because the Premier relied on her information, he has misled the House. The Premier told us yesterday that the commitment of John D'Orazio, the Labor candidate for Ballajura, was that the Atlas tip would be closed and all industry would be removed from the site next year. It is clear from the member for Helena's account that that is not the case and that which the Premier told the House is wrong.

The Premier is trying to beat up a campaign about the credibility of the commitment which the Labor Opposition will make in the lead-up to the next State election. He is trying to create an impression that we will go to the election with a mass of unfunded promises. Nothing could be further from the truth. We will not do that in the run-up to the election. We will present credible and fully funded and costed proposals to the community of Western Australia. In his attempt to dent our credibility, the Premier has put his credibility on the line, because he has taken unreliable information, blown it up, made out that the Labor Opposition has made a promise which it has not made, put a figure on it, and made an allegation that we are making unfunded, uncostered promises. His credibility is on the line because the Labor candidate for Ballajura did not make the promise that the Premier said he made. The Premier's whole campaign on our budget costings and commitments for the future falls in a heap because he cannot get it right. He has tried to damage our credibility; the end result has been that his credibility has been damaged.

What did John D'Orazio commit to at the meeting? He committed to closing the site to putrescible waste.

Mrs Parker: That has already been done.

Mr RIPPER: The member should not have any problems supporting it in that case. He also committed to closing the site to asbestos waste, and to preparing a plan for the eventual closure of the site.

Mrs Parker interjected.

Mr RIPPER: Nothing was said about closing it next year.

Mrs Parker interjected.

The ACTING SPEAKER (Mr Osborne): Order!

Mr RIPPER: There was nothing said about removing all industry next year. The member for Helena has got it wrong. She thought she saw a political advantage. However, she is a bit new and a bit green and she does not know how the game is played.

Mrs Parker interjected.

The ACTING SPEAKER: Order!

Mr RIPPER: She has not got it right and she has put the Premier into hot water. She has caused the Premier to mislead this House.

Mrs Parker interjected.

The ACTING SPEAKER: Order! The Opposition leader of House business is not taking the member's interjections. She made the interjection once and then continued to make it. I ask her to come to order.

Mr RIPPER: I have been advised that John D'Orazio went out of his way at that meeting to explain the delays that would be likely to occur in this process. He went out of his way to tell people that there were delays and that these things did not happen overnight. The member for Helena tried to make a political point; she got it wrong; she misled the Premier; and he misled the House. The Premier's campaign about our promises and costings has got off to a very shaky start. I ask the community to examine very carefully anything this Premier says about Labor's commitment and Labor's costings. This is the same Premier who cannot tell us right now what is happening to this year's Budget as a result of federal Budget cuts! He has had months and months to examine the impact of the federal cuts on the state Budget and he will not tell the House or the public what is happening to the Budget this year as a result of those cuts. He is trying to get Labor to present a four year financial plan in the first week of the election campaign - that is what he said he will do - but he cannot tell us what is happening to this year's Budget. He and the member for Helena have no credibility. I hope the Premier has learnt not to rely on the member for Helena in future.

MR LEWIS (Applecross - Minister for Planning) [12.07 pm]: This is a classic example of the Opposition bringing in a motion which has backfired. Members opposite have egg all over their faces. They are now scurrying around trying to find an out. The fact is that, if members opposite live in a political glasshouse, they should not throw stones. This may have happened because of the political inexperience of Mayor D'Orazio. Mayor D'Orazio was a good, longstanding member of the Western Australian Planning Commission; he served this State very well. However, he was party to those approvals. He cannot have it both ways. He cannot get up at a meeting and when it suits him for a political advantage tell people he would do something, when 12 months ago he was party to those approvals. It is gross hypocrisy. Unfortunately, Mayor D'Orazio got caught out. He may have forgotten that he was party to those approvals - not one approval, but at least five approvals since 1988.

Another thing about this matter that annoys me considerably is that this Government and the Western Australian Planning Commission moved two and a half years ago to identify, locate and reserve in the metropolitan region scheme a rapid transit corridor to service Morley, Noranda, Ellenbrook and the north eastern suburbs. I get rather annoyed when a former member of the commission, who was party to that, tries to give to the public the perception that he has a brilliant idea to put in place a railway to service those northern suburbs. Those decisions were made two years ago. This Parliament passed that amendment and those reservations are in the scheme.

I do not know whether the mayor was attempting the pea and thimble trick or trying to allude to the fact that he had this brilliant idea to put in place a railway in the north eastern suburbs. That is deception, and it should be exposed, if that is the case.

Mr Trenorden interjected.

Mr LEWIS: I have only a little time. In closing, I point out that the proposition to remove the reservation of parks and reserves on the Atlas site and zone it for industrial use was made in March of this year, if my memory serves me

right. Mayor D'Orazio was a member of the Western Australian Planning Commission and statutory procedures committee which made recommendations to me that the amendment should be advertised.

Mr Kobelke: Is he for or against the recommendation?

Mr LEWIS: He has been involved in so many approvals that he must go along with them or he should stand down. The member cannot have it both ways. That proposition went through the Western Australian Planning Commission and Mayor D'Orazio at the time was the deputy chairman. He cannot be moving to zone land industrial to satisfy the uses that exist on the site and in the next breath, when it is politically expedient, get up at a public meeting and say, "I have always been against it." One has to be truthful in what one is about. The mayor is a friend of mine and I like the chap, and he has done a good job. However, one cannot get up and say something, then next week, when it does not suit and to score a political point or gain an edge, try to have it the other way.

MRS ROBERTS (Glendalough) [12.12 pm]: The Government has come completely undone in its tactics on this issue. It has brought campaigning and parliamentary standards to an absolutely new low. It is a grubby tactic to besmirch the character of someone of integrity.

Several members interjected.

Mrs ROBERTS: It is interesting that the member for Warren should interject because it is exactly what he tried to do to me because I was Deputy Lord Mayor of the City of Perth. He tried to blame me for every poor decision made by the City of Perth during the time I was there.

Several members interjected.

Mrs ROBERTS: The public does not fall for this kind of grubby tactic. The Government and the member for Helena have plainly misrepresented what Mayor D'Orazio said at that meeting. Their argument has been completely demolished in this place by the member for Nollamara and, indeed, the member for Helena. We have seen the three statutory declarations. Further, the Premier talked about approvals for putrescible waste and the responsibility of Mayor D'Orazio there. The approvals for the putrescible waste to continue to be dumped were given by the Department of Environmental Protection and not the State Planning Commission. Perhaps the Premier would like to get his facts right.

Mr Court: You are wrong.

Mrs ROBERTS: As for the approval for the anaerobic digester, which is another matter, the Premier has run some line of collective responsibility, as if we were talking about a Cabinet or political party. The fact is that when Mayor D'Orazio was on the State Planning Commission and the anaerobic digester was approved, he opposed it.

Several members interjected.

Mrs ROBERTS: Members should listen very carefully. It is a bit rude to tell him to take responsibility for a decision which he strongly opposed.

Several members interjected.

Mrs ROBERTS: I know that is the case because I spoke to Mayor D'Orazio this morning. Again, it is another malicious piece of gossip that the Government is peddling. The Government has looked at the decision and said that he approved it. He has categorically told me that he opposed it. The Minister for Planning has tried to have us believe that the reservation for the rail corridor has been in place for two years. That is not the truth; the truth is that we are talking about a freeway. What is in place and has been in place for two years is a transport corridor.

Mr Lewis: It is a transit corridor.

Mrs ROBERTS: It is a very different thing. It does not mean that it has been approved for a railway. If members look at what Mayor D'Orazio said -

Several members interjected.

Mrs ROBERTS: Not just Mayor D'Orazio, but all of the City of Bayswater asked for this to be included in the metropolitan region scheme. It was not that it would be just a transport corridor, which does not satisfy the City of Bayswater. People want to see a rail reservation along that path. Again, in this area the Government has used another grubby tactic to try to suggest that Mayor D'Orazio is trying to put something in place which is already there. That is not the case.

The Government has again misrepresented the facts. On every score the Government is wrong. It is wrong about what was said at the meeting; wrong when it says that Mayor D'Orazio did not oppose the anaerobic digester; and

wrong when it says that in his role on the Planning Commission he approved of putrescible waste being dumped at the tip, because the Department of Environmental Protection approved that. The Government has plainly misrepresented everything that Mayor D'Orazio said in an attempt to besmirch his character for grubby little political reasons.

Several members interjected.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl
Mr M. Barnett
Mr Bridge
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Graham
Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Kobelke
Mr Leahy

Mr Marlborough
Mr McGinty
Mr Ripper
Mrs Roberts
Dr Watson
Ms Warnock (*Teller*)

Noes (25)

Mr Ainsworth
Mr Blaikie
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Dr Hames
Mr House
Mr Johnson

Mr Kierath
Mr Lewis
Mr McNee
Mr Nicholls
Mr Omodei
Mrs Parker
Mr Pental
Mr Prince

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

Pairs

Mr Brown
Mr Riebeling
Mr D.L. Smith
Mr Thomas

Mr Day
Mrs Edwardes
Mr C.J. Barnett
Dr Turnbull

Question thus negatived.

LOCAL GOVERNMENT AMENDMENT BILL (No 4)

Introduction and First Reading

Bill introduced, on motion by Mr Ripper, and read a first time.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Labour Relations) [12.22 pm]: I move -

That the Bill be now read a second time.

Members will appreciate that the legislative reforms to workers' compensation introduced by this Government in 1993 paved the way for a fairer and more cost efficient system. For example, since the introduction of those amendments there have been significant reductions in recommended premium rates, now totalling 25.5 per cent on average. This Bill will enhance the overall efficiency and effectiveness of workers' compensation in this State and honours my commitment to ongoing monitoring and refinement. The 1996 amendment Bill replaces and consolidates the major changes contained in the 1995 Bill which was introduced, but not debated, in the spring session of Parliament last year. This Bill contains minor adjustments and certain deletions to reflect developments in workers' compensation since the 1995 Bill was drafted.

All rehabilitation amendments have been removed because the Workers' Compensation and Rehabilitation Commission is currently undertaking a major review of vocational rehabilitation in Western Australia. The Government will consider legislative change to this area when the findings and recommendations of the review are known.

The Heads of Workers' Compensation Authorities' interim report was released in May 1996. As national consistency is particularly important in the coverage of workers who work in more than one State, it recommended that each State should adopt a common cross-border provision. This is currently being developed by the Standing Committee of Parliamentary Counsel. On the advice of Western Australia's parliamentary counsel, it was decided to delete the clauses contained in the 1995 Bill until the standing committee finalises standardised provisions to ensure that the objective of national consistency is met.

The 1995 Bill contained an amendment which provided a procedure for the enforcement of agreements entered into at conciliation conferences held as part of the dispute resolution process. Recent research indicated that almost all non-compliance with agreements appears to have been on the part of injured workers. Hence, a provision for enforcement of such agreements could operate to the detriment of workers; therefore, these clauses have been taken out of the Bill. The consolidated Bill streamlines and refines this State's workers' compensation scheme as follows -

- (1) It provides for automatic indexing of a number of key compensation entitlements.
- (2) It benefits workers by providing that costs cannot now be awarded against a worker by a compensation magistrate in cases where an appeal by the employer against a review officer's decision succeeds.
- (3) The legislation clarifies that the alternative threshold for entry to common law is based on the worker's future loss of earnings, which is consistent with the Government's original intent. This rectifies a problem arising from court interpretations that future pecuniary loss includes such items as health care costs which were never intended to form part of this calculation.
- (4) It clarifies the fundamental obligation on employers to hold a policy for workers' compensation insurance by targeting the areas of recovery of avoided premiums, inspectors' powers and fines and penalties.
- (5) The Government's undertaking to address the issue of working directors is met in this legislation. The same option is to be available to working directors as to family members. They will not be workers unless the choice is made specifically to include them under the policy of insurance.
- (6) It provides employers with the possibility of an extended period in which to appeal against the classification of industry or amount of premium assessed by their insurer. It also includes a representative of the Chamber of Minerals and Energy of Western Australia (Inc) on the premium rates committee.
- (7) It introduces specific claim forms for defendants of deceased workers and workers suffering noise induced hearing loss. It also enables dependants of deceased workers to directly access compensation awarded.
- (8) The Bill makes greater allowance for a worker's degree of fitness for work by making his or her capacity to work the major consideration if payments are reviewed, instead of emphasising recovery from a disability.
- (9) The Bill introduces miscellaneous and technical amendments which correct drafting irregularities and references to sections of the Act which have been renumbered or repealed.

In summary, the major stakeholders played a key role through the Workers' Compensation and Rehabilitation Commission in the development of the reforms contained in this Bill and I would like to acknowledge this input. In particular, the Bill will assist the workers of Western Australia through indexing of certain benefits and by removing the prospect of having costs awarded against them in the event of a successful appeal by the employer against a review officer's decision. Employers will be assisted by the clarification of the access gateway to common law and resolving the contentious issue of working directors. The Western Australian workers' compensation system was recently recognised by the Heads of Workers' Compensation Authorities as the leading system in Australia. The Government will continue the process of consultation to ensure that the Act, when amended, will continue to provide a responsive workers' compensation system which is best suited to the needs of the Western Australian community. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

WATER LEGISLATION AMENDMENT BILL

Second Reading

MR NICHOLLS (Mandurah - Minister for Water Resources) [12.28 pm]: I move -

That the Bill be now read a second time.

The Water Legislation Amendment Bill deals with two separate aspects of water supply management in Western Australia. Parts 2 to 4 seek to strengthen the provisions relating to water theft from public water supply system while part 5 clarifies the by-law making powers relating to water restrictions. Part 6 deals with the consequential changes needed to the Water Services Coordination Act 1995 as a result of the amendments contained in this Bill.

Water theft is a major problem for the Water Corporation and the annual cost of lost water sales is estimated at \$2m. A study undertaken in 1994 revealed that water theft from public supply systems occurs primarily in the metropolitan area and the irrigation districts of the mid west, and to a lesser extent in other parts of the State. The cost arising from these losses is absorbed in water charges and represents a direct burden on the rest of the community which legitimately consumes water from the Water Corporation's supply systems. Farmers who fraudulently use water also enjoy an unfair advantage over other farmers and distort the price of farm produce in this State.

Furthermore, a serious risk of contamination to water supplies arises from the use of unauthorised fittings and interference with the corporation's services. The management of scarce water resources in irrigation areas could be seriously jeopardised if this activity continues unchecked. The successful prosecution of offenders has been severely constrained in the past because of the limitations in existing legislation.

The act of interfering with Water Corporation services and fittings is an event which is rarely witnessed since the offender naturally seeks to avoid detection. In the absence of direct evidence a confession remains the only viable option for a successful prosecution. However, this is becoming increasingly difficult to obtain because the only basis on which to prosecute is circumstantial evidence and that has proved unsatisfactory as it is insufficient to obtain a conviction. Other Australian public utilities have resolved this problem by providing for prosecutions to proceed on the basis of prima facie evidence and without the need to obtain a confession.

Additionally, a deeming clause has been provided under which it is presumed, unless the contrary is proved, that any unlawful use or taking of water - or energy - was caused by the owner or occupier of the land. The Water Legislation Amendment Bill provides for such a deeming clause to be included in the appropriate state legislation to enable prosecutions to proceed on the basis of prima facie evidence. This will ensure that the Water Corporation is provided with effective means to deal with this problem. It is proposed to include the deeming clause in the following Acts: Metropolitan Water Supply, Sewerage, and Drainage Act, 1909; Country Areas Water Supply Act, 1947; and Rights in Water and Irrigation Act, 1914.

The Bill also revises the fines and prison sentences applicable to such offences and aligns them with levels in other States. Currently the maximum penalty in Western Australia is \$2 000, which compares with fines of up to \$20 000 in New South Wales. Higher penalties are also provided in cases where the offence is committed by a body corporate, in view of the potential for larger amounts of water to be used than in the case of an ordinary residential customer. The process for recovering costs incurred by the utility in connection with the loss of water and prosecuting offenders is also simplified in the Bill.

Part 5 of the Bill deals with water restrictions. At present the power to impose restrictions in the metropolitan area is contained in section 146(5) of the Metropolitan Water Supply, Sewerage, and Drainage Act, which provides for by-laws to protect, prevent and remedy the waste, misuse, undue consumption, fouling or contamination of water contained in or supplied from the waterworks or otherwise under the control of the authority. There is some doubt that this section of the Act provides the Minister with unambiguous authority to impose restrictions.

The position in the country is also unsatisfactory. Although the Country Areas Water Supply Act contains by-law making powers, it does not specifically include a provision relating to water restrictions. The proposed amendment to section 34 of the Water Agencies (Powers) Act 1984 will provide the Minister with the authority to make by-laws to prohibit, to impose restrictions on, or otherwise to regulate the use of water throughout the State or specified parts of the State. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

RESERVE (No 18039) BILL

Second Reading

Resumed from 26 September.

MRS ROBERTS (Glendalough) [12.35 pm]: The Opposition will support this Bill, which will effect certain changes to a reserve in the City of Subiaco. This is despite some serious concerns about the total consultation process in the Subiaco redevelopment. The Opposition will support the Bill because, as members in this Chamber will know, the Subiaco redevelopment was commenced by the Labor Government in its last term in office.

That was an excellent proposal to rejuvenate, in much the same way as the East Perth area has been rejuvenated, an area of land very close to the city which was underdeveloped, that had some industrial uses and the like and was out of character with the way that our city was developing. In much the same way that development has proceeded in the City of Perth, East Perth and other inner city suburbs, we have seen a lot of rejuvenation in those areas and a commensurate increase in land values in inner city areas such as Subiaco, Leederville and East Perth. We found between Subiaco and what is now the Town of Cambridge a substantial pocket of land which had potential to be considerably enhanced for the benefit of people in surrounding suburbs. This project should benefit all those people living within the City of Subiaco and the Town of Cambridge.

The Opposition has difficulty in the way that this Government has gone about things. I know from constituents in my electorate of Glendalough who reside within the Town of Cambridge that they are not happy with the way the redevelopment has been proceeding. The whole consultation process has been remiss. Within a day or two of the consultation period closing announcements were made and actions taken which took no cognisance of the representations that had been made through that consultation process. Politicians always know when the Government or a local government authority has done something wrong because they receive a number of individually written letters about an issue.

On this issue both the Leader of the Opposition and I have received numerous telephone calls and letters. I have had passed my way at least 20 individual letters, maybe more, and some other standard letters which have been signed off by various people. It seems that people are very unhappy with the way this has progressed. That is a great shame, because this should be a project about which people are very excited; it is about rejuvenation and improvements. Unfortunately, people living in both the City of Subiaco and the Town of Cambridge are fearful of this development.

Residents in the Town of Cambridge are fearful about the traffic impact on Harborne Street. Harborne Street has been under siege for a number of years now. A few years ago when I was a member of the City of Perth we made a decision to enhance the streetscape in Harborne Street and to reduce the speed of traffic by installing some traffic measurement devices. Median strips that were wide enough to plant trees on were put in place. There were some teething problems with that, and some problems still exist with a couple of residences because access to driveways and bus stops became difficult because of the narrowing of the road. Some of those problems were alleviated, and some I later took as a member of a group of petitioners to the City of Perth and asked for changes to be made. Some limited changes were made, but not all the changes. What looks like happening in Harborne Street is counter to what we were planning when I was a member of the City of Perth. Dramatically increased traffic volumes are now anticipated on Harborne Street as a result of the Subiaco redevelopment, about which local people are not happy.

I spoke in this Parliament on previous occasions about the Subiaco Redevelopment Authority containing no representative from the Town of Cambridge. It was felt that the land was just about entirely within the City of Subiaco, so Subiaco should be the only local government authority represented on that board. That decision was unfortunate. The impact of this redevelopment will be felt equally on the Town of Cambridge side and the City of Subiaco side of the development.

Mr Bloffwitch: They would have had an opportunity to make an input.

Mrs ROBERTS: The Town of Cambridge had an opportunity, but the decision was made within two days of the closure of the consultation. It is felt that that input was ignored, and I agree. The town was not permitted representation on the authority.

Mr Kierath interjected.

Mrs ROBERTS: If the Minister had been here, he would have followed the argument since the Chamber moved to this Bill.

The impact of what happens to this area of land will be equally felt by residents on both sides of the redevelopment and, unfortunately, the negative impacts will probably be felt more on the Cambridge side. It seems that some of the central parts of the redevelopment, which the Labor Party supported and initiated, have gone awry. The redevelopment has not taken the community with it. Widespread community opposition is expressed to many parts of the plan. I acknowledge that the bulk of the opposition is not about this A class reserve. However, concerns are held that some significant Moreton Bay fig trees on this reserve may be lost to the area. I have some sympathy for those concerns.

It is not our intention to jeopardise this project. We are not the elected Government, and it is unfortunate that the elected Government has caused some significant concerns. I have received many letters expressing concern from people from not only the Town of Cambridge side, but also the Subiaco side. An example of these concerns is the sinking of the railway station. Although on the face of it the sinking of the railway seems to be a good proposal - I would have loved to see the railway in Northbridge sunk rather than a car tunnel provided - local residents think

it is extremely costly, and that, with so many other draws on the public purse, the money spent on sinking the railway station could be better spent. Also, they believe that a lowered railway will invite violence and increase muggings, among many other significant problems.

I have been advised of resident concern about part of Market Square Park, a beautiful park paid for by residents, being used for six-storey apartments. I have not been able to check the detail of the Government's plans in that regard, but the residents believe that that will happen and I have no reason to doubt them. Many of the letters comment on the existing charm of Subiaco with its low level residential and commercial development. They want to see any development in the Subiaco redevelopment area in character with current Subiaco. They want to see Subiaco enhanced, not changed in extremes.

As we all know, throughout our electorates retailers and small businesses are doing things hard for a variety of reasons. The concern for many of the Subiaco retailers is that their businesses will be jeopardised further if they must compete with other businesses within that redevelopment area. Most people seem to support urban village-style accommodation, and agree that local shops are needed for the convenience of people living in such accommodation. However, they do not want to see an urban area competing with existing small businesses in Subiaco. Many people have written to me indicating that small business is the backbone of any country as it creates employment. When people are employed, fewer consequences arise of unemployed people having no role in society and being more inclined to vandalise, steal or mug people.

People have said that they feel that the Subiaco Redevelopment Authority has gone about this process in the wrong way: Instead of going to the expense of drawing up plans and then having discussions with council and residents, it should have consulted residents and the council before it started to draw up the plans. It is another case of the cart going before the horse. The residents are continually told that the City of Subiaco will listen to residents and other ratepayers, and that the Subiaco Redevelopment Authority will listen to concerns raised. The difficulty is that there seems to be little evidence of that happening.

Another concern is the zoning of three areas of what was Subiaco endowment land. I am told that land is to be zoned R100-potential, when Subiaco is generally zoned at R15 and R20. How can the Subiaco Redevelopment Authority justify this R100 zoning with its multi-storey potential? People see that as being in conflict with the general development of the Subiaco area. It is fair to say that residents in Subiaco, Wembley and surrounding areas do not want to see such intensive infill resulting in multi-storey developments.

The further concern is that with the sinking of the railway and the consequent removal of the Hay Street underpass, Subiaco will be subject to more industrial traffic from areas such as Osborne Park. All these letter writers say they are not averse to the concept of what is called "The Subiaco Centro", but they believe that some checks and balances should be put in place.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 7201.]

STATEMENT - MEMBER FOR PERTH

Eradication of Domestic Cat Population

MS WARNOCK (Perth) [12.50 pm]: I want to come to the defence of the urban cat population of Australia - domestic pets which are companion animals to old people and young families and which have their role and place just as other animals do. Like thousands and perhaps millions of dog and cat lovers in this country, I believe a well-cared for pet has an enormously important role in a human household. We do not, as some ignorant and intemperate politicians say, have to eradicate every domestic pet in Australia to preserve our wildlife. That is utter nonsense. We must find ways of controlling their numbers through compulsory sterilisation. We must also curb their wandering habits by keeping them in at night, quell their enthusiasm for hunting by feeding them well and put a bell around their neck.

The Cat Haven at Shenton Park works hard at controlling strays and it should be applauded for its work, care and compassion. We as legislators must take an equally sensible and compassionate line. Domestic pets have great value. Let us work at educating the human keepers of animals and abandon the nonsense of making animals our victims once again. Cats, like dogs, should be welcome guests in human households. They teach us kindness and they show our children how to look after other creatures. They relieve stress and they are the only companions of many old people. The responsibility is ours to keep animals from going feral.

STATEMENT - MEMBER FOR DIANELLA*Campaign Raffle*

DR HAMES (Dianella) [12.52 pm]: I wish to thank the member for Nollamara, but unfortunately he is not in the Chamber. He made a complaint about a raffle I ran. I owe him my thanks because his actions resulted in my making an extra \$3 000 for my campaign fund. That will pay for a pamphlet distribution to the whole of my new electorate.

Mr Catania interjected.

Dr HAMES: Yes, I have. We sent a letter offering a refund to everyone who made a contribution by purchasing a raffle ticket. I am pleased to inform the House that only about three or four people requested either all or a portion of their money back, and we kept about \$7 000 in ticket sales. We purchased a computer from the member for Whitford for \$2 500 as a prize and we will now be able to sell it. A ring was also donated as a prize. We have not sold that yet, but I have high hopes. Not only were we able to keep the \$7 000, but we kept the rest as well. The press release from the member for Belmont referred to grubby hands in the till and an illegal raffle. Of course, that was never true. I was given a legitimate permit and I was conducting the raffle perfectly legally. The office issuing the permit made a mistake and was required to withdraw it.

STATEMENT - MEMBER FOR BALCATT*Argyle Diamond Inquiry*

MR CATANIA (Balcatta) [12.54 pm]: I ask members to recall the Argyle Diamond inquiry. This morning I received some correspondence from the former Deputy Commissioner of Police, Mr Les Ayton, who wrote to the Minister for Police complaining that his letter of response to the investigation by the Federal Police was not tabled with the investigation report. All correspondence relating to those affected by the inquiry should have been tabled with that report. In the interests of natural justice, I seek leave to table the reply from Mr Ayton and correspondence relating to his thoughts on that report.

[The paper was tabled for the information of members.]

STATEMENT - MEMBER FOR AVON*Sandalwood House, York District Hospital*

MR TRENORDEN (Avon) [12.55 pm]: I shall use this occasion to put on record some of the history behind Sandalwood House at York District Hospital, which I opened last Saturday on behalf of the State Government and, of course, the Minister for Health. It is important to note how that institution came into being and the role that was played by Helen Morton, the regional director of the Avon health region, and by the Avon Community Development Foundation, in changing the Federal Government's policy on the role of nursing homes and hospitals throughout Australia. I acknowledge also the efforts of Hon Peter Foss when he was the Minister for Health, and Senator Richardson on the federal scene when he was the federal Minister for Health, because those two Ministers agreed that federal and state funds could, at long last, be used for such an institution.

York now has six nursing home beds which are set out beautifully in a new wing of the hospital, which will guarantee that hospital will continue to service the people of York for some time. Other communities like Bruce Rock are also lining up to get these nursing home beds. The efforts of the people of Avon, the Avon Community Development Foundation and Helen Morton should be recognised in the history of this event.

STATEMENT - MEMBER FOR GLENDALOUGH*Metropolitan Region Scheme No 978/33, Amendment*

MRS ROBERTS (Glendalough) [12.56 pm]: I wish to raise some concerns about the amendment to the metropolitan region scheme No 978/33, which relates to the Darling Range Regional Park. While I support the creation of that park and acknowledge that it was initiated by the former Labor Government, and it is great to see it come to fruition, some people have been absolutely steamrolled in this process. I wish to raise the concerns of some of the affected property owners who were represented at the State Planning Commission hearings; they are Mrs Patsy Molloy and Mrs Pam Monro. Their lot will be affected by this amendment. The timing of the public consultation could not have been worse for them because it occurred when they needed to prune their grapevines.

Mrs Molloy has told my office that seven of their 17 acres have been reserved for the Darling Range Regional Park. I believe there are valid arguments that the land that is proposed to be reserved is managed effectively by the local community and that such a reservation is not only unnecessary but unwise, and I ask the Minister for Planning to reconsider his decision with regard to their lot in Nolan Avenue, Upper Swan.

STATEMENT - MEMBER FOR JANDAKOT*Electorate Secretaries, Appreciation*

MR BOARD (Jandakot) [12.57 pm]: I take this opportunity to put on record my appreciation, and I am sure I can speak for all members, of the work done by our electorate secretaries. Their workload has expanded enormously over recent years, and a great demand is put on their time, skill and patience. Our electorate secretaries show a great deal of dedication in the time that they have to put in and the expanding workload they must handle. We demand that our electorate secretaries, of which each member has only one, be counsellors, research officers, computer operators, speech writers and advertising agents, to name just a few of their tasks.

My electorate secretary, Lesley Gillhausseyn, without any interruption to her timetable, arrives at work prior to eight o'clock every morning and does not leave until nearly six o'clock every evening. There is no lunch break, morning tea or afternoon tea. The only time she leaves that office is when she does the mail or some duty for me. While I am in the Parliament, my office receives 60 contacts a day by phone or mail, most of which she needs to deal with. I put on record my appreciation for not only the work that she does but also the work that all electorate secretaries do for members of Parliament.

Sitting suspended from 12.59 to 2.00 pm

VISITORS AND GUESTS - GERMAN DELEGATION

THE SPEAKER (Mr Clarko): In the Speaker's Gallery today is a parliamentary delegation from the German Bundestag. The leader is Ms Elke Ferner. I welcome her and all the other members of the delegation.

[Applause.]

[Questions without notice taken.]

MINIMUM CONDITIONS OF EMPLOYMENT AMENDMENT BILL*Second Reading*

MR KIERATH (Riverton - Minister for Labour Relations) [2.33 pm]: I move -

That the Bill be now read a second time.

The provisions of the Minimum Conditions of Employment Amendment Bill 1993 relate solely to the issue of the time employees spend on call. This amendment will clarify and confirm the position that under the Minimum Conditions of Employment Act the time a person spends on call in order to be available for an emergency is not, as has been claimed by some unions, time that has been worked for the purposes of an entitlement to a minimum rate of pay under the Minimum Conditions of Employment Act 1993. That has always been the position under the Act and was always intended to be. The notion that the minimum rate of pay would apply to the on call situation was considered and rejected by the Government when the Act was first being drafted in 1993. Furthermore, the Government has received advice from the Crown Solicitor's Office that the minimum hourly rate prescribed under the Act is not applicable for the time spent on call. This amendment was prompted by concerns that the hostels for aged and disabled persons would suffer severe financial consequences if they were forced to pay the minimum rate of pay for those employees who slept over at the hostels. Under the applicable awards, this time does not count as time worked but the employees receive an allowance for being available. A number of employers bound by the aged and disabled persons hostels award 1987 have been subject to claims by the Australian Liquor, Hospitality and Miscellaneous Workers Union that the rate of pay for the on call time should be the minimum rate of pay - currently \$7.92 an hour - provided for under the Minimum Conditions of Employment Act 1993. The union has now instituted proceedings in the Industrial Magistrates Court as a test case.

The provisions of this Bill amending section 3 of the Minimum Conditions of Employment Act will come into effect from 1 December 1993 - the original commencement date of the Minimum Conditions of Employment Act 1993. The retrospectivity of the provisions is essential for two reasons: It confirms the position of the Government that, from the outset, the provisions of the Act were not intended to provide for on call work, and it removes the potential threat to employers of a claim for back pay for the period from 1 December 1993 until the passing of this legislation.

The urgency with which the provisions of this Bill have been placed before Parliament has been necessitated by the prosecution action instituted by the union in the Industrial Magistrates Court. It would have been preferable for this matter to be resolved by negotiation. This would have avoided the parties being involved in expensive and unnecessary litigation in the courts. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

RESERVE (No 18039) BILL

Second Reading

Resumed from an earlier stage of the sitting.

MRS ROBERTS (Glendalough) [2.37 pm]: I am glad that I stayed in this Chamber despite the note that the Deputy Premier sent me in which he said that immediately after question time we would take Order of the Day No 4. I do not know whether he wanted me to leave the Chamber. I was about to conclude my remarks on the Bill.

Mr Cowan: If you do not have your notes, I am sure the House will agree to your seeking leave to continue your remarks at a later stage.

Mrs ROBERTS: That is neither necessary nor particularly convenient to me.

Mr Cowan: Then you are okay?

Mrs ROBERTS: Yes. I thank the Deputy Premier for his offer.

I have spoken at some length on this brief Bill. I will conclude by saying that we generally support the Subiaco redevelopment, which was initiated by Labor. Our difficulty is with the complete lack of consultation. We have had phoney consultation in which the coalition Government continues to engage. It seems there are mixed opinions about this Reserves Bill. Most people who have spoken to me do not believe that the park should make way for redevelopment or that the A class reserve should be changed. Despite our concerns, on balance we have determined not to oppose this Bill because we want to see the Subiaco redevelopment succeed. If the Government had a better commitment to seeing the area really succeed, it would heed those community concerns. I am confident that if it did so the outcome would be much better.

MR KOBELKE (Nollamara) [2.39 pm]: I indicate, as did the member for Glendalough, that the Opposition will not be opposing this legislation. However, we have some serious concerns about the procedures being used with respect to the development and how that is caught up with this special reserve Bill.

I need to place on record that the redevelopment of Subiaco was an initiative taken up by a Labor Government, and the Labor Party supported this Government's continuance of that development and supported the legislation to put in place the Subiaco Redevelopment Authority. Since then, it has been difficult to provide full support for what has occurred with the Subiaco Redevelopment Authority. For that reason, our support for this Reserves Bill cannot be fulsome.

The Opposition will accept this Bill as a necessary step, but the consultation process undertaken for some months has caused considerable disquiet among the people of the area. People in the area have protested that their views have not been listened to, and that the process has had major defects. We have even seen a stand-off between the City of Subiaco and the Subiaco Redevelopment Authority.

In light of that background, to which I will refer again later, I turn to the small Bill to change the purposes of the park immediately south of the railway line and west of Subiaco Oval. The park is currently an A class reserve, and the classification will be for the "use and requirements of the Subiaco Redevelopment Authority". To my knowledge, this is the first piece of land to bear that designation.

The Opposition accepts that definition on its face value even though no definition of that kind exists in any Statute. However, the classification opens up the question of what use will be made of this land. The second reading speech indicates that the reserve is required to provide sufficient area for the construction of a temporary railway track south of the existing alignment, which will be required for construction upon the sinking of the railway line through the Subiaco station area to Hay Street. The Minister also indicated that the area was required for stockpiling and storage of rail materials, sleepers, ballast and equipment associated with temporary track work.

If that were all there is to this matter, the Bill would have had the full support of the Opposition. However, one must look closer to see what is involved. We have a reserves Bill every year - although it appears that we will not have a reserves Bill 1996, apart from this specific one - which generally takes land which is reserved under a particular classification and changes that designation. It may put land into an A class reserve or a lower classification, or it might remove the classification altogether to allow commercial use.

My involvement with reserves Bills indicates that it is unusual to have the final use of the land left so wide open. This legislation means that the future of the land will be totally determined by the requirements of the Subiaco Redevelopment Authority. If the authority had its town planning scheme in place, we would know what the final use might be. We will be left with this vague designation for the use of this reserve because the Government does not know its future use.

Mr Lewis: It will be used for the railway.

Mr KOBELKE: Not all of the land, surely? The Minister for Lands did not say that in his second reading speech. I know that the Minister for Planning has a real interest in this matter as the Minister responsible for the Subiaco Redevelopment Authority and driving the whole project. However, the Minister for Lands in the second reading speech gave no indication of the long term use of the site. He has simply indicated that the land is required for purposes relating to the construction of the railway tunnel. I accept that. Maybe the Minister for Lands can draw it to my attention, but I cannot find mention in the second reading speech of the long term plan for this land. If one is taking an A class reserve and changing its status, one should know what will end up happening with the land.

I will not continue on that point. I am willing to accept that in some cases an A class reservation may be changed and that one may not be too clear about its future use. Nevertheless, one must go back to the process involved in determining that future use. If one had confidence that the project was of such significance and the way it would be developed was not currently adequately defined, I would have no problem with taking an A class reserve and putting it into a vague classification for future use.

This area has been developed as a park. I remember, not through my association with the area, but through attending the football, that the land prior to being a landscaped park was a general grassed area. It had the appearance of a disused playing field, and it was used as a car park for major football games. The City of Subiaco, I assume, as the local authority, spent a lot of money developing the land into a very nice park. That park will certainly be no more as a result of the change of reservation involved with this Bill. Again, I accept that the reclassification may be necessary to progress a major project like the development of Subiaco.

However, the difficulty is the range of problems which have occurred in putting the Subiaco redevelopment in place. This is a major project, and one that I did not expect to go smoothly; the Minister for Planning would have hoped that the development would have progressed more smoothly than it has. I understand that when the Minister moved the enabling legislation a couple of years ago, the projected cost -

Mr Lewis: I thought you said it was your initiative?

Mr KOBELKE: I refer to the Bill. I will say it again as the Minister seems to be hard of hearing when discussing an issue. This was an initiative of Labor, and I congratulated the Government on taking up the project.

Mr Lewis: It was not your initiative. You guys could not broker it. Subiaco City Council brought it to the Liberal Government, which brokered the development.

Mr KOBELKE: The Minister for Planning loves to rewrite history! To put the record straight, I will quickly go over the matter.

The Labor Government set out initially to do something about the Hay Street subway and its related problems. That proposal was in conjunction with selling off underutilised and surplus government land, a great deal of which was available. The original suggestion made by the Labor Government was totally unacceptable to many people in Subiaco, who clearly told the then Government their view. Helen Passmore, the then Mayor of Subiaco, proposed a major redevelopment including sinking the railway line.

Mr Lewis: It was her initiative!

Mr KOBELKE: I have said that in the Chamber before.

Mr Lewis: You said that it was a Labor initiative.

Mr KOBELKE: Nitpicking does not become the Minister. The Labor Government actually listened to the City of Subiaco and helped to progress a number of studies which laid the groundwork for the redevelopment of Subiaco. When the current Government came to power at the start of 1993, a clear set of blueprints was in place regarding what was possible in the area. The preceding Labor Government had a recorded commitment to take up the proposal as a major urban development along the lines of what happened in East Perth.

This Government copied the Labor legislation relating to the East Perth redevelopment and put it in place in Subiaco. I congratulate the Government for taking the proposal forward. I am happy to admit to the Minister that a Labor Government did not get the development off the ground, but the Minister seems to become anxious when we want to discuss this matter in a rational way.

Now, almost four years into this term of government, the Subiaco Redevelopment Authority is established but does not have a town planning scheme in place. That is a basic requirement of the Act and it relates directly to what we are dealing with in the Reserves Bill. We are changing the reservation on this land without a town planning scheme covering it. We have the old town plan of the City of Subiaco, but after nearly four years of this Government, the

new town planning scheme has not been established. That indicates the difficulty this Government has had in getting the project off the ground.

I have already indicated that any Government would have had difficulty with such a major project. These projects are not easy. We believe that the Government is still fully committed and we congratulate it on that. However, the particularly ham-fisted way in which the Minister has handled this issue has compounded the difficulties. We have this ludicrous situation of the Minister's threatening the City of Subiaco and saying that if it did not sign a certain deal he would take his bat and ball and go home; he would scrap the whole project. That has made it very difficult to undertake the proper consultation process.

Before the Minister interjected, I said that the original costing for the project was just over \$30m. I will stand corrected -

Mr Lewis: It was \$38m.

Mr KOBELKE: I understand that the current cost of the project is very close to \$100m. There has been a major blowout in the cost of the project.

Mr Lewis: There has not been a blowout. It has been extended.

Mr KOBELKE: How has it been extended?

Mr Lewis: We are now doing much more than was originally intended.

Mr KOBELKE: I am not aware of that. I would appreciate receiving the detail at some other time. I have seen no information about that in the publicly available documents.

A range of local interest groups is very concerned about major issues being proposed in the redevelopment. One of those issues relates specifically to this land. That is, in changing the reservation and leaving it open to a whole range of uses, the Morton Bay fig trees, which are very dominant in this area, will be removed.

Mr Lewis: Who said that?

Mr KOBELKE: I said that there is a fear that, because this is being changed, they could be removed. The current vesting is an A class reserve. It would be almost impossible to remove those trees while it is so classified. This Bill proposes to change it from an A class reserve to one which is covered by the new term "use and requirements of the Subiaco Redevelopment Authority". Therefore, it is quite possible that those trees will be removed because the Subiaco Redevelopment Authority has not put a town planning scheme in place and there is no indication of the proposed long-term use of this land. Many people would argue that that would be in contravention of section 21(5) of the Subiaco Redevelopment Act, which provides -

- (5) In performing its functions, the Authority is to have regard to, and is to seek to enhance and preserve, the colonial heritage and significance of the redevelopment area and its adjacent areas.

There is therefore an argument that those trees have colonial and heritage significance. They have been there longer than I can remember. Yet, their future is indirectly threatened by the changes we are making in this Bill.

The other matters to which I wish to allude very briefly and which impinge directly on what might be the future use of this land relate to both the planned road structure for the area and the amount of retail space that appears to have been proposed in the current town planning scheme.

The member for Glendalough has already alluded to the real concerns about traffic through the area, so I will not debate that issue any further. People who live there and who think that the heritage of the area must be respected feel that the influx of so much through traffic will have a major detrimental effect on the quality of life and amenity of the area. Obviously, this piece of land could be caught up in that structure, because the final plan is not available.

The second point relates to the amount of retail space. Rokeby Road and Hay Street have very successful strip shopping and the area has an attractive ambience of its own. It is important that those small businesses remain commercially viable. If a major retail centre were placed nearby, it would threaten the commercial viability of that strip shopping. The point I am making does not relate only to the viability of those small businesses - even though that is important - but also to the effect this move will have on the whole amenity and historical significance of the area.

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

Mr KOBELKE: If the plan proceeds with the large amount of additional retail space removed from Rokeby Road and Hay Street, we could see the nature of that area change. We cannot have a vibrant, interesting area to which

people want to come if half the shops have closed down. If the shops are not viable, the whole amenity of that area will suffer. The reserve we are dealing with is slightly removed from that area but clearly within sight of one of the markets and adjacent to the end of Rokeby Road. It may be that the final plan will propose some commercial use of the land that is clearly different from its current reservation. I am not suggesting that it will, but we have no clear indication of the intended use of this land once its interim purpose - which relates to the shift of the railway line and sinking of the railway through Subiaco - has been satisfied.

There is a real concern that the blowout in costs will have direct implications for the land referred to in this Bill. The Government is clearly very keen not to commit any more taxpayers' money than is absolutely necessary to this development. Having found its costings have tripled from the original -

Mr Lewis: I thought you said they were your costings. Didn't you say that you had worked it out? They were your costings. Don't you remember?

Mr KOBELKE: When my eight and nine year olds have their little spats they are not as childish as the Minister has been today. I find it unbelievable that the Minister cannot enter into a rational debate and listen to what I have to say, without trying to misrepresent and twist it to open up some silly little tit for tat. That is all he seems to be involved in, so I will ignore his interjections. I am normally willing to take his interjections, but earlier today he was not willing to take mine. I have tried to respond, but because the Minister is being so silly I will ignore him.

I was indicating that one must take note of the consequences for the whole development project when there is a tripling of the cost from \$30m to \$100m and when the Government is hoping that this project will not cost so much. How then do we make the equation balance? It seems that the Government is seeking to make it balance by introducing a greater density of housing and perhaps also by ensuring that that housing is more up market so it will sell at a higher price to cover its costs. Many residents are concerned that they will end up with concrete block after concrete block of apartments. That will not fit in with the surrounding area. I will go back on my word and give the Minister another chance.

Mr Lewis: You said the idea of the Government to get around the costs was to increase the value. In the next breath you are saying it will build concrete blocks.

Mr KOBELKE: That is how some people see them, but it does not mean their value is not good.

Mr Lewis: I cannot understand you.

Mr KOBELKE: If the concrete blocks were crass and awful, people would not get a good price for them. I accept that. Perhaps a better description would be apartment tower after apartment tower. Because of their proximity to the city, we could still end up with a density of population that would be willing to pay higher prices; however, such an increase in the density would bring with it problems with the roads and other matters that would affect the amenity of the area and, in turn, would cause many people to feel the quality of life in the area had been reduced. That is a very real concern for many people in Subiaco. Because of the breakdown in proper consultation, those fears - if they are totally unfounded - have not been allayed. People are still worried about this issue.

This area contains a beautiful little park and it would be of even more importance if we ended up with a much heavier residential density in the surrounding area. We do not know from the Bill or the second reading speech whether this land will remain a park. Perhaps in the future, part of it may be re-established as a park. We know a small section will become part of the railway reserve. Can the Minister inform me whether it will be on a temporary basis only?

Mr Kierath: They need to stockpile a whole range of stuff.

Mr KOBELKE: Is it for construction or the railway reserve?

Mr Kierath: I am not aware of that. I was given the reason that the reservation was needed for the construction of the railway.

Mr KOBELKE: I understand that. My point is whether part of the current reservation will become part of the railway reserve.

Mr Kierath interjected.

Mr KOBELKE: That clearly confirms what I said earlier. I accept there is a need for temporary usage. I have no trouble supporting that, but I have concerns about the long-term usage of this piece of land. I hope it will be returned to parkland, but I say that in the context of what will be the final plan. It may be that, in shifting things around and putting the park somewhere else, we will end up with a plan that in a total sense will be of a better quality. The difficulty we have is that there is no town planning scheme in place. I know court action is being taken; therefore, I will not enter into that debate, not because I am suggesting it will be sub judice, but because I have no expertise in

the area. If the actions against the redevelopment authority are upheld by the courts, it will prove this reserve Bill is not needed. This Bill is being put through now to enable this project to proceed without delay. If we had to wait until early in the new year, it could take up to six months before a reserves Bill could be put through the Parliament to enable the site to be used for the construction required to sink the railway. We do not want to hold up the project in any way.

Although we have grave reservations about what is happening, we will not oppose the Bill. We do not know what will happen with this piece of land afterwards. The Government has not been willing to say that. Although I realise it cannot do that, we still do not have the town planning scheme. If that cannot be enacted because of the proceedings currently before the courts, or a decision of the court, in another six to 12 months the provisions in this Bill will not be given effect. There is a chance that we are wasting our time here today. I hope we are not, because we do not want to delay the project. I have only passing knowledge and no involvement in some of these areas about which action is being taken through the courts seeking to stop some of the things currently taking place. If those actions are successful, the whole town planning scheme will be held up. In that case we could be looking at similar legislation in 12 months and, therefore, should not be using the time of the House today.

MR KIERATH (Riverton - Minister for Lands) [3.04 pm]: I thank the members for their comments and for airing their concerns. At times, I thought we were debating the Subiaco Redevelopment Authority Bill, or something similar.

Mr Kobelke: They are linked.

Mr KIERATH: Not really, because in this reserve Bill the Minister for Lands is acting as a transaction authority to transfer land. This is an example of where the Minister with the carriage of this matter should have been the Minister in charge of the Subiaco Redevelopment Authority. As the Minister for Lands, I am simply transacting that transfer so that work can commence on the railway. Many concerns were raised - I am not criticising them - that have no relevance to the transfer of the reserve, the subject of this Bill.

However, I can say this: The member made some comments about our wasting our time by considering this legislation now. If we do not do it now, there will be substantial delays to the project. The member is right; ordinarily I would have said to the Minister that this land could be included on the next reserve Bill that was brought before the House. However, if we wait that long, there will be huge delays. The alignment and procedures associated with the railway have been set for some time, and they should be able to proceed now. At the same time, I agree that things like the town planning scheme and other issues must be dealt with.

Mr Kobelke: The proper process is that the town planning should happen first.

Mr KIERATH: Ordinarily I might agree with the member, but in this case we know exactly where the railway is going. That has been decided and everything is ready to go. It will be one of the projects that will take the longest time to construct. Other things, such as football seasons, impact on the area. It is very important that this project go ahead now. This small reserve Bill will allow that to occur. I thank members for their comments.

Question put and passed.

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

CRIMINAL CODE AMENDMENT BILL (No 2)

Second Reading

Resumed from 23 October.

MR W. SMITH (Wanneroo) [3.08 pm]: In my comments yesterday I talked about the violence shown in the media, and also about what is happening in the amusement entertainment industry. In these amusement areas, our young people are confronted by machine after machine showing violence. We frequently blame our young people for the violent crime that exists; yet, I suggest the leaders in our society, who are presumed to be mature and adult, do not take sufficient steps to prevent these offences. We have the authority in our hands to do something positive about this. There seems to be no sense of urgency to eliminate this violent element within these amusement establishments. If we were to act in this area in the same way as we did with the introduction of uniform firearm laws, we could turn this behaviour around. We do not seem to have the same sense of urgency in this area, and that is a great pity. Our solution seems to be the incarceration of young people. Having served 16 years in the Police Force, I am one of the strongest supporters of incarceration of those who exhibit serious violent behaviour, including that involved in home invasion.

As adults and leaders in the community we must tackle juvenile crime and do something about it. I will focus on what I believe to be the most pressing law enforcement issue of the day; that is, the coming storm of violent youth crime. In recent years crime rates overall have modestly decreased. Nonetheless, this general decline does not include the unprecedented surge of youth violence that has only just begun gathering momentum.

Today's drop in crime is only the calm before the storm. No population poses a larger threat to public safety than young adult and juvenile criminals. Offenders under the age of 21 commit more violent crime than any other age group. The number of juveniles arrested for weapons offences alone has more than doubled in the past 10 years. Although youth crime generally involves juveniles committing acts against other juveniles, my research indicates that more and more juveniles are now committing more violent crimes against adults. It is important to keep in mind that this dramatic increase in youth crime over the past decade has occurred while the youth population has been declining.

I predict - I guess this is the bad news - that this nation will soon have more teenagers than in any previous decade. In this and throughout the next decade Australia will experience an echo-boom - by that, I mean a population surge comprising the children of today's ageing baby boomers. This is ominous news given that more violent crimes are committed by older juveniles. More of these youths than ever will come from single parent homes.

At the same time drug abuse among young people is taking a sharp turn for the worse. The use of drugs among juveniles was so low in 1992-93 that the police did not keep records. However, because of rising drug use among these people the police now keep drug records. In 1995-96 alone, far in excess of 2 000 juveniles were arrested - I am not talking about charges - for drug use alone. In light of these demographic facts we must brace ourselves for what I believe to be a coming generation of superpredators. I call them that because they use excessive violent crime on the law abiding, innocent citizens of this nation.

If national trends continue, as they have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The challenges faced by law enforcement agencies will be unparalleled as we enter the next century. It certainly will be much more of a challenge than when I was in the Police Force six or seven years ago. The Australian criminal justice system is unprepared to face tomorrow's wave of violent young offenders. I am particularly concerned about the revolving door justice system for juveniles. The system and its failure to hold criminals accountable continues to plague our community. Only by taking decisive action now can Australia prevent this wave of young people from committing an unprecedented number of violent crimes. The fundamental challenge facing juvenile justice is to address crime at the first sign of trouble. Children who are not yet teenagers but are troublemakers become violent, young offenders.

When families fail to instill virtue in children, people such as us, as members of the Government, must take appropriate action. We must send a message to those children and their parents, who should be accountable, that law breaking will not be tolerated and that children will be held accountable. We require a complete overhaul of the juvenile justice system. All juveniles who break the law must be subject to punishment. That is not presently the case. The juvenile justice system lacks credibility. As I said, nowhere does the revolving door spin faster than in the juvenile justice system. My research shows that only 10 per cent of juveniles committing offences involving degrees of violence receive any type of secure confinement. Many juveniles receive no punishment at all and nearly 40 per cent of violent juvenile offenders who come into contact with the justice system have their cases dismissed by the time they reach the courts to finally receive sentencing. An older teenager on a violent crime charge has often committed a considerable number of offences and been arrested during his very early teens.

It is no surprise that the study I undertook of incarcerated male juveniles indicated that 94 per cent of those who had been arrested were rearrested as adults. We have ourselves to blame because we do not treat juvenile offenders as we would treat members of our own families. If a child does something wrong, we administer some sort of punishment. That does not happen to juveniles in the justice system today.

Consensus on the treatment of young offenders - my ex-colleagues are in the front line in apprehending them - is clear. Today juveniles continue to be recycled through an anachronistic system established to handle youthful trouble makers, not the predators of today's generation. Little has changed in the way the system operates. Yet the problems it was designed to address have changed dramatically.

I believe we can tackle some of the problems in the community in a couple of ways: First, by strengthening our federal juvenile justice system. I appreciate that the vast majority of juvenile crime occurs within the State. As a result it falls primarily to States to enact the juvenile justice reforms that will offer the greatest hope for dealing with the violent juvenile crime wave of the future. Nevertheless, an effective federal justice system is a crucial step in the national juvenile justice reform movement. To support State juvenile justice reform methods and to be effective, the Federal Government must implement its own long overdue juvenile justice system.

Secondly, state juvenile justice must be reformed. As States seek to implement accountability-based reforms within their juvenile justice systems, as this Government has done well, it is essential that two principles guide these efforts: First, there must be a sanction for every crime. I support the notion that penalties should be imposed on the earliest offence so that juveniles are treated by the State in the same way that we treat our children. We would not ignore them if they were wrecking the house until they finally burned it down. We would deal with them immediately.

My experience has shown that too many minor crimes by young offenders, such as truancy and vandalism, are tolerated by many leaders in our community including law enforcers, who send the message that there is no sanction for illegal behaviour. Such wrongdoings left unaddressed may be a precursor to the more serious crimes of today, which brings me to the issue of home invasion. Although sanctions for less violent crimes vary and, in the majority of cases, do not involve incarceration - I do not believe incarceration solves all problems, particularly in earlier cases - these punishments must communicate the basic message that punishment will be imposed every time an offender is caught and convicted.

Punishment should range in severity, with more severe sanctions if offenders fail to complete their original sentence. Many of the initiatives that would serve these objectives already exist in various forms implemented by this Government. The previous Labor Government implemented some changes. This Government has grappled with many more of them. Punishment should include mandatory restitution, and involve physical labour to compensate victims including reparation to neighbourhoods and businesses devalued as a result of criminal activities. My research and studies have revealed that restitution reduces recidivism because the criminal becomes aware of the true consequences of his crime. By reaffirming the moral base of the law and emphasising that those who commit crimes will be held accountable to their victims because it is right to do so, restitution may increase commitment to moral behaviour. I certainly believe that.

Secondly, punishment should include the loss of freedom when appropriate. The conditions of such confinement should be designed to encourage the development of moral self-government. This would differ from the current array of rehabilitation and treatment programs, from which a juvenile's criminal sentence is selected. Character oriented confinement will encourage the development of moral habits through discipline and responsibility over time. In some ways this is happening today, but certainly it has not gone far enough. I suggest one controversial measure; that is, electronic monitoring technology which could be used to ensure that a juvenile offender followed a specific schedule of school attendance and home confinement. This sanction works well and best when parents demonstrate a willingness to assist the Government and support the goal of law enforcement. If we are to make parents accountable, we must look at something like this and expect it to happen.

Thirdly, it is critical to require the juvenile offender to face the victim. This happens in some cases. It has been very successful in New Zealand, and we should persevere with it in Western Australia. The neighbours of young law breakers should be given a voice in the administration of punishment, through neighbourhood accountability councils. They could teach young offenders that bad actions result in bad consequences. That has not happened with respect to their earlier unsavoury behaviour. The council would comprise citizens from neighbourhoods victimised by crime. Although the people might not be the actual victims, they would be members of the neighbourhoods in which crimes, such as home invasion, happened. They would work in partnership with the juvenile justice system and have the authority to prescribe a range of sanctions, including restitution and community service, instead of leaving it to a magistrate in the juvenile justice system. Although that magistrate might have some empathy, it would not be the same as that felt in the community.

This approach is particularly well suited for younger offenders who violate curfews and truancy laws and commit acts of vandalism. Both I and the member for Geraldton have suggested that curfews be introduced. By involving neighbours in determining punishments for juvenile offences, wrongdoers are more likely to be confronted with the direct consequences of their actions. That is very important. Moreover, the stigma of being sentenced by individuals from the offender's own neighbourhood may be an additional deterrent.

Court hearings for juveniles accused of felonies who have reached the age of 16 years should be open to the public. At that age they should be treated as adults. Finally, there should be no expungement or fresh start at the age of majority. The notion that a juvenile offender's previous punishment and criminal record should disappear when he reaches 18 years of age is inconsistent with complete commitment to accountability. There is no question that many delinquent acts should not be punished with secure confinement. The act is a rejection of the principle that young offenders must be held accountable for every act of wrongdoing. I do not believe every offence should be punished by incarceration.

Increased federal funding should be made available because this is a nationwide distress. The funds should be made available to the States to enable them to implement justice accountability based reforms, many of which are already being pursued. That includes intervention programs designed by the State and local government aimed at diverting

young people from a life of crime. I would also like another pool of funding to be available to enact the types of reforms I have covered today.

The choice is clear: The Government can continue to fund the status quo, tinkering at the margins - as each Government has done so far - or it can recognise 1996-97 as a critical time during which it must prepare for the coming storm of violent youth crime by helping to advance accountability based reforms. One has only to read the daily newspaper to find out what is happening to many individuals in the community. It does not happen only in the sensational incidents reported in the Press involving taxi drivers.

Most people, of whatever race, religion, socioeconomic status or demographic description, grow up in settings in which they are taught right from wrong. They are rewarded emotionally and spiritually, and perhaps materially, for deferring immediate gratification and respecting others. Most of us were blessed by being born to loving and responsible parents or guardians. Most of us were lucky enough to have other adults in our lives, such as teachers, coaches and clergy, who reinforced the moral lessons that we learnt at home: Do not be selfish, care about others, plan for the future and so on. However, some people grow up in moral poverty. Moral poverty means being without loving, capable and responsible adults who teach one right from wrong. Many young people today are in that situation. It is the poverty of being without parents and positive peer group leaders and authorities who teach people to feel joy when others do, to feel the pain of others, to feel happiness when one does the right thing, and remorse when one does the wrong thing. It is the poverty of growing up in the absence of people who teach morality by their own everyday example and who insist that one follows suit. I am referring to leaders in the community. There are not enough strong leaders in the community to stand up and ask for more urgent action in this area.

Extreme moral poverty is growing up surrounded by delinquent and criminal adults in abusive, violence-ridden, godless and jobless settings. Children of whatever race, creed or colour are most likely to become criminally depraved when they are morally depraved. That has been indicated in much of the research carried out. Most predatory street criminals - whether black or white, adult or juvenile, past or present - have grown up in abject moral poverty. The next class of juvenile offenders will be even worse, because in recent decades each generation of young offenders in this country has grown up in more extreme conditions of moral poverty than the one before it. The abject moral poverty that creates superpredators begins very early in life for those in whose homes unconditional love does not exist but where unmerciful abuse is common. Parents who abuse alcohol or drugs, or both, beat their sons and daughters. In some of the cases I have investigated personally, parents have whipped their children with belts, punched them with fists, and slapped and kicked them. Such abuse by a family or foster family member results in violent criminal behaviour by the juvenile. The moral poverty theory explains why, despite living in desperate economic poverty, the churchgoing, two-parent families very seldom experience anything remotely like the tragic levels of homicidal youth and gang violence that plague some of the inner city neighbourhoods today. Some young people today are committing homicide: In 1992-93 there were three incidents and in 1995-96 there were 10. That figure will increase in the near future.

Moral poverty begets juvenile superpredators whose behaviour is driven by two profound developmental defects. First, they are radically present oriented: Not only do they perceive no relationship between doing right or wrong, and being rewarded or punished for it later, but also they live entirely in and for the present moment. They quite literally have no concept of the future, and what their behaviour brings to law-abiding citizens in the community. Second, the superpredators are radically self-centred. They regret being caught. They know the system well and they know how to beat it. I have seen this happening and other witnesses in the front line have seen this happening. They prefer pleasure and freedom to incarceration. On the horizon nationally are thousands of severely morally impoverished juvenile superpredators. They fear neither the stigma of arrest nor the pain of imprisonment. A percentage of those thousands are in Western Australia. What is to be done? My best advice is for the public not to look for serious answers from the crowd in either this State or Canberra.

Politicians alone cannot handle the problem. My one big idea is borrowed from three well known child development experts - Moses, Jesus Christ and Mohammed. It is called religion. If we are to have any hope of stopping short of the prison gates a significant fraction of the superpredators, we had better say "Amen" very fast. Why is religion the answer? My research and that of others has shown there are two reasons: First, a growing body of scientific evidence from a variety of academic disciplines indicates that churches can help cure or curtail many severe socioeconomic ills. Church attendance is a better predictor of who will escape drugs, crime and poverty than any other single variable such as income or family structure. Churchgoing youth are more likely than otherwise comparable youth to behave in socially constructive ways. Likewise, a study by a panel of leading specialists just published by the journal *Criminology* concluded that, while much work remains to be done, there is substantial empirical evidence that religion serves as an insulator against crime and delinquency. We have long known that many of the most effective substance abuse prevention and treatment programs are either explicitly religious or quasi-religious in their orientation. That is shown by the studies which have been conducted.

The second reason for religion being the answer is offered time and again by the justice system, veterans, prisoners and others: There are examples of prisoners who have become born again Christians and never re-offended. No-one is a bigger fan of incarceration for violent offenders than I. However, some potential offenders are still in diapers and they can be saved if we take appropriate action in the same way as we have dealt with the firearms legislation. Our guiding principle should be to build more churches, not gaols, or we will reap the whirlwind of our own moral bankruptcy.

Every day newspaper articles and statistics show the revolving door of our juvenile justice system. That should convince anybody that not only do we have a real crisis on our hands, but also it will get worse and affect a greater percentage of innocent people sooner rather than later. Crime statistics indicate the level of violence in society. In 1992 there were 900 assaults; this year there were 1 500 aggravated and serious assaults and 169 sexual assaults. These statistics should convince anybody that not only do we have a real crisis on our hands, but also it will get worse and it will affect everybody sooner or later. People who think that the only solution is to incarcerate more, and younger and younger children under adult sentences, either cannot remember what it was like to be a child or lead very protected lives. Even normal, healthy teenagers are still learning about taking responsibility for and accepting the consequences of their actions.

Programs for crime prevention, after school activities, community involvement, mentoring, parenting and all out efforts to rehabilitate troubled kids is the only way to stop this horrendous trend. However, everybody must first acknowledge the magnitude of the problem and understand where our nation's youth are heading. Those who argue that most kids are good kids may be right. I certainly believe that. However, that is irrelevant, because we do not have some sense of urgency. Unless leaders in this House do something about it urgently, by 2010 the good kids will have to wear violence proof vests and be martial arts experts.

I have just introduced the Martial Arts Control Bill. An example of the problem is reported in *The West Australian* this year under the heading "Violence rife in schools: union". The article states -

Violence and the use of weapons have become major problems in WA schools . . .

There has been an increase in bullying violence. Other articles in *The West Australian* are headed "Talk to bullies: expert" and "Society 'mirrored' in the classroom". The article states there is a certain amount of violence in society and schools reflect the increase in violence.

MS WARNOCK (Perth) [3.33 pm]: I join with my colleagues in making some brief remarks about the Bill largely because it has been a matter of such strong concern among my constituents. I do not think that anybody who regularly doorknocks in his or her electorate could avoid the conclusion that home invasion and burglary are two issues of grave concern. If one compares them with murder and grave physical assault they might be regarded as minor crimes; nonetheless, in the view of the people whose homes are invaded and have suffered burglary more than once, it certainly is a matter of grave concern and a crime which they would very much like to see brought under control.

My constituents are very concerned about this, and in any street in which I called there was someone who had some comment to make about this matter. I will read parts of a letter which I received just last week from a constituent full of anger and despair about repeated burglaries. Like the member for Scarborough I too mourn the days of leaving open the back door for the grocery delivery or for friends to drop in, and a time when one did not have to lock one's car with an electronic lock. I do not think those days will ever return.

I fear that a growing city like ours, with the extra population we have nowadays, brings with it not only benefits but also grave disbenefits like an increase in crime. We are no longer a small town and we will never return to those ways that the member for Scarborough and I recall with some nostalgia. I am optimistic enough to say that we can change the culture, as it is called these days, of the community to the extent that entering other people's homes without invitation and with impunity, can come to be seen as unacceptable. It is a responsibility on all of us, particularly legislators, to ensure this message gets to the community, to our children, surely, and to young people everywhere, so that as people grow up and experience the sorts of difficulties that all of us do as adults, they will not come to believe that in order to solve those problems they merely need to enter somebody else's house, commit a crime, and use the proceeds of that crime.

One way to make this business of entering other people's homes uninvited unacceptable will be, as the Bill suggests, to increase penalties for burglary and home invasion. That is something about which both sides of this Parliament agree. Another important way to make this kind of activity unacceptable is to increase the certainty of detection. I believe that is one of the best ways to deter offenders. I use a simple example from my own life and no doubt from the lives of many others in this House. I do not drink to excess and drive at the same time because of the pretty big risk that I will be apprehended and given a random breath test at one of the booze buses. If I am silly enough to do

it, I genuinely believe that I will be apprehended. That is one of the strongest deterrents that I know to engaging in that absurd activity. Most burglars go on stealing with impunity because they do not fear detection. That is not the only reason, but it is one of the major ones. They are well aware, as is anybody else in the community who can read a newspaper or watch television, that the clean up rate for burglaries is shockingly low in Western Australia at about 10 or 12 per cent. That is discouraging to those of us who like to have a crime free community, and most encouraging to those people who believe that burglary is a life option for them. Like all of us they know that most burglaries will not even be investigated. That is disappointing and something we must change. More police on the beat is one way to do that. It is a theme that the Opposition has been sustaining in the past three and a half years.

All members will agree that we need a more visible police presence on the beat and in cars in our suburbs, and a special anti-theft squad of police. That is part of Labor policy and we believe it is absolutely vital if we are to reassure members of the community that they do not have to put up with the distressing fact of having their homes regularly broken into. It is something that we need. As other members who doorknock regularly will know, people's suburban houses are barricaded by security doors, high fences and large barking dogs. That is extremely common among people who live in the suburbs.

Looking at the statistics on burglary and home invasion, one can see why. These people are sensible for taking action to try to protect their homes from being entered by somebody who has a bad intent. One cannot blame people for taking that action. It is very sensible because anyone who has experienced burglary or home invasion knows it is a particularly distressing crime. The privacy of the home is absolutely basic to people's beliefs and it is painful to have that privacy violated, even if nothing of great value is taken. The mere fact that somebody felt free to enter one's home and to fossick around and take what they think is valuable - things one may prize even though they are not of any monetary value - is distressing and saddening to all people who have been through it. Even though some people have not had that experience, they generally know someone who has.

I said earlier I would allude to a letter which I received last week from one of my constituents. I will refer to it to make my point. These people have been burgled twice and are very angry and distressed about it. They say in their letter dated 14 October that a quantity of antique jewels, gold and clothes were stolen. Their letter reads -

We contacted the Police at 11:00 pm on 9th October. At 11:25 pm we contacted them again and were told "give us a chance". Two constables eventually arrived at 2:30 am. We have contacted a number of Police Officers since October 9th and are appalled that the general consensus of opinion is that we are to blame for having valuables in our house; we should expect to be burgled in this day and age; the Police are short staffed; there is little incentive to apprehend the burglars as the sentences are very lenient and the burglars are free and back on the streets within hours.

Another alarming aspect of the Police Department's attitude, is that when asked what action is being taken regarding burglaries and house-breaking, we were told of violent burglaries, paedophiles and murders and the problem of house-breaking is shrugged off as a mere trifle.

My constituents gave me further detail on what they did after the burglary on 9 October. Members should be aware that this is their second burglary. They wrote in their letter about one which occurred in December last year. Their letter continues -

The next day, 10th October, we took a list and description of the stolen articles to our local Police Station. This was the practice and requirements in December last year. They were very surprised, did not have the I.D. paperwork of a year ago and did not know what to do with the list. The day after being told by the Police that they were hampered by lack of staff in apprehending burglars a large number of Police were outside our house, apprehending motorists for traffic offences. There has been one road death, a cyclist, in the last five years, so it would be stretching the imagination to classify this area as an accident "black spot".

Obviously these people were distressed that burglary appears to be given very low priority by the police. The police were frank enough to say that they did not have enough staff to investigate burglaries. They asked my constituents to give them a break and told them not to expect them to turn up quickly because they had more important things to do. No doubt the antique jewels, gold and clothing which were stolen were precious possessions of my constituents, otherwise they would not have written this letter to me.

My constituents had some unflattering comments to make about an insurance company which, for the sake of legal reaction, I will not mention. The letter reads -

Our insurance company . . . does not furnish money to replace stolen jewellery, but issues a letter of authority to be redeemed at a limited number of jewellers. The jeweller retains the letter of authority, which contains your name, address, telephone number and details of jewellery purchased.

That fact disturbs them and they have asked me to pass on my remarks to the Minister concerned. I have already written to the Minister and enclosed a copy of this letter. The letter also states -

We elect our Parliamentary Representatives to govern on our behalf. We believe one of our basic rights is that we be protected. We expect our Parliamentary Representatives to employ and administer a Police Force that will do this. We believe that the peace-keeping, protection and criminal apprehension facets of the Police Department's responsibilities are biased in favour of the easier, revenue raising aspect of traffic control.

They make further remarks about the insurance companies.

Mr Graham: I agree with them.

Mr Prince: They are unflattering.

Ms WARNOCK: They are extremely unflattering to this particular insurance company. I will take up this matter with the insurance company rather than raise it in this place. My constituents have asked me to raise this matter in this forum and I am happy to do that. I have taken the opportunity in the debate on the Criminal Code Amendment Bill (No 2), which refers to home invasion and burglaries, to make these points very strongly.

Many other issues are discussed with backbench members of this Parliament as they go about their duties in their electorates. One of the things people speak about most passionately is that they do not like having their space violated by uninvited intruders and they ask this House to take firm action. I am pleased, on their behalf, to speak on this issue and make the point that the Opposition supports the Bill because it is important that members take these actions on behalf of their constituents.

MR GRAHAM (Pilbara) [3.46 pm]: This Parliament should have serious and sensible debate on volatile issues. Law and order is a volatile issue which gets to the very nub of society and what life is about. It brings out the best and the worst in politicians. In my time in this Parliament I have watched operators like Hon George Cash, who was famous in the lead-up to elections and by-elections for holding community meetings to beat up the law and order issue as an election issue. That is the worst side of a political debate on law and order issues. What happens when most things get beaten up and politicised with no rational or serious debate is that for the ensuing years the currency of the law and order debate is significantly devalued.

I thought when this House debated the firearms legislation that it behaved in a mature way. The Minister for Police handled the Bill very well and he listened to the arguments put forward on the amendments which were moved. He accepted some and rejected others. When he accepted them he did so in a way which left members in no doubt as to why he accepted them. This same thing applied when he rejected them. The House conducted itself quite maturely on a national issue. I suspect from the speeches I have heard on this Bill that the other House is heading in the same direction.

It was interesting to hear the Leader of the House carrying on in question time yesterday about the passage of the firearms legislation through this House. He said words to the effect that the Opposition had given an undertaking to the Government and had made public commitments about the early passage of that legislation. He said the Opposition had not lived up to its commitments. He said that the firearms legislation was meant to go through the House last week and fourteen and a half hours were spent on debating it. He said that as though it were a criminal offence. I am sad he is not here. I will have to send him a copy of the speech; he likes receiving speeches from me.

Mr Prince: He should be here at four o'clock.

Mr GRAHAM: I will give him a copy and he can read it. The attitude that he took at question time yesterday about the Opposition's role in the firearms debate was significantly different from the attitude that he took at 10.26 pm last Thursday, when we had sat late and had shortened our dinner suspension, as we should do with a legitimate piece of legislation, when he said -

I thank members for dealing with the firearms legislation. I realise it involved an extra night's sitting, but I am sure everyone agrees it is an important piece of legislation. I move -

That the House do now adjourn.

The DEPUTY SPEAKER: Order! We are debating the second reading of the Criminal Code Amendment Bill (No 2), and while the Chair can show a bit of latitude to allow people to warm up to the subject, this Bill has nothing to do with the firearms legislation and the actions of the Leader of the House in times past. I bring that to the member's attention and invite him to continue his speech on the Bill before us.

Mr GRAHAM: I am happy to do that, Mr Deputy Speaker. The point that I wanted to make was that the duplicity and mendacity of the Leader of the House yesterday does not reflect the events that occurred, and when that sort of political behaviour gets into the debate, it causes the debate to go significantly off the rails.

This legislation deals effectively with the penalties that apply to the offences of break and enter and burglary. I have tried to find out in Port Hedland the number of break and enters in the past 18 months-two years. I am interested in that for a number of reasons. The first reason is that some figures show that robberies in Western Australia have increased by 120 per cent since 1992, serious assaults have increased by 70 per cent or 80 per cent, and offences against the person have increased by over 50 per cent. They are the figures statewide. However, the anecdotal evidence is somewhat different. The number of complaints made to my office in the past six to eight months has trebled since the previous period.

Port Hedland's history is that it had a major law and order problem in 1989. That was dealt with by people in the town. I was involved; the local magistrate, Wayne Tarr, was involved; and the police at all levels were actively involved. A number of preventive programs were closed down because they did not work, and others were started up that worked very effectively. Street patrols were put in place. Preventive measures were put in place aimed at juveniles. Some people on the shire council played a major role in pulling together all the streams that are involved in dealing with law and order problems, particularly break-ins. I think we were called the car theft capital of Australia at one stage, and we had a level of break and enters that was around the highest of any town in Australia, and all the things that go with that. We had nasty groups of vigilantes meeting at night and saying they would patrol the streets. We had all the nasty things that go with law and order campaigns.

I say with great sadness that in both the federal and state elections of 1989/1990, the chief agitators for yet beating up the law and order issue were the Liberal Party candidates, they subsequently contributed nothing. They remained in the region, but they lost the elections and they then lost interest in law and order issues. However, we managed to turn around the situation, and Port Hedland went from having one of the highest levels of break and enters to having one of the lowest, and juvenile crime was pretty well under control in Port Hedland.

That situation changed significantly with the change of government. I will not go off and belt the Government, but it has had a different attitude to the situation. Some of the things that it has done were good and worked, and some of the things that it has done clearly did not work. In some of the things that it has done, it has tried to reinvent the wheel. The net effect now is that the number of break and enters in Port Hedland has increased significantly. I would like to be able to say that the number of break and enters in Port Hedland has reduced from this to that over a given period, but those statistics are no longer available to me as the local member through the police station, as they were traditionally. They are, however, available through some research office in Perth, if I go through the Minister of Police. It is completely unacceptable that no citizen of Port Hedland can go to the police station in Hedland to find out how many break and enters there have been in a given period. Every citizen and the local authority has a right to know. People are not interested in beating up the issue, but many people who are sitting on committees and trying to deal sensibly with law and order do not have access to those figures.

Is the problem getting better or is the problem getting worse? The anecdotal view from my office is that it is getting worse. If it were getting better, I would be happy to say so, but I always know when things are getting worse in Port Hedland because, sooner or later, they end up in my office, and the number of complaints that my office has received has trebled over the past six to eight months. I will read to the House, to reinforce the view that I am putting, parts of letters that I have received. One letter is from a gentleman in Parker Street, South Hedland, and states -

May I bring to your attention, my concern for the safety of my property and my own wellbeing.

I live in Parker St. South Hedland, and have recently been subject to many incidents of public dis-order.

Despite having a fairly secure property, I am pretty apprehensive about break-ins, as this seems to be a very regular activity in South Hedland.

He then outlines the sorts of events that happen around his place and makes some recommendations that he thinks would solve the problem, one of which is to introduce a curfew for kids under the age of 18. I do not agree with that, but it has been put to me.

Another letter is from a fabrication company in Port Hedland and states -

Please accept this letter as an expression of concern regarding the crime rate and the rental hike in South and Port Hedland.

I will not deal with the rental hike in this debate because you will not let me, Mr Deputy Speaker, and I have done that in other places. The letter continues -

As an employer of eighteen people, I was shocked to find that five of my employees have had their homes broken into or trashed.

I find it hard to believe that out of one workforce over 25% of the employees have had to go through the trauma of having their privacy violated.

In one of those instances a break-in occurred whilst one of my employees was working night shift. His wife and two month old son arrived home in the early evening to find their home ransacked.

A second instance involved a break-in where personal belongings were stolen and then the house was trashed. This was the second intrusion to this family within four weeks.

The three other employees had their personal belongings stolen and damage to their property.

I cannot understand how a situation such as this has been allowed to continue without any drastic action taking place.

In addition to those letters - they are not the only ones - I have been approached by the Port Hedland Chamber of Commerce, which has expressed concern about the high level of break and enters, including one in a liquor outlet. The staff were there serving in the front of the liquor store and in broad daylight people felt the need to break in at the back of the shop and were actively helping themselves to goods when the owner came in the back driveway and was confronted by three or four people taking his property. They did the obvious thing when he caught them and he avoided trouble.

What all that evidence shows is that the policy of deterrents - that is, having heavy penalties - has not worked. Deterrents become real when there is a major chance of people being caught and having the full deterrent applied to them. To catch people in this game of breaking and entering and stealing, the police must be involved. I have not been critical of the police in Port Hedland over all the years I have been there - and I am still not critical of them. Some of the things the new police commander is doing there show great promise. Some of them I have heard before, and I wish him luck with those.

As with many things in Port Hedland, the town is growing. People from the town council said to me the other day when I was there with the Governor that the town's population in the past six months had grown by 5 000 people. I have no way of substantiating that. However, if that is the case, that is already a 40 per cent increase in the Town of Port Hedland. To catch offenders, police are needed. We can all say that we need more police, and the Government can promise more police. However, it is not only a matter of providing police officers to catch people breaking and entering: The policies that are pursued by the Government prevent police officers being put in place. I will point out a couple of them.

The Minister for Housing publicly launched into me when I made some press statements about the changes he proposed to the Government Employees Housing Authority. The cost to the Police Force in Port Hedland of the changes he introduced to GEHA is the same as having three police. There is no increase in the budget of the Police Force, but the financial drain on its resources is the same as three extra officers. One does not have to be too smart to work out that we will not get those extra police. That amount is just to pay the book value increases in rents. However, extra police are required. The compounding effect of the market rents that are charged on the departments by GEHA are such that, as the Opposition predicted at the time, the cost of providing officers in country towns is significantly increased; yet there is no budgetary compensation for it. Where will the police come from to find the offenders in a growing town? Even if the level of crime and criminal activities were the same as it had been previously, the growth in the town and the increase in criminal activity demands that there be more police officers. However, they cannot be provided because budgetary restrictions exist.

I am not laying the blame for this next problem at the door of the Government. Hon Joe Berinson had a similar problem to this when he was Attorney General. An old decrepit courthouse in Hedland is long overdue for replacing, and there is an argument about whether that replacement should be in Port Hedland or South Hedland. The major police lock-up is in South Hedland. The police tell me about the logistics of transferring prisoners between South Hedland and Port Hedland for hearings, with all the appropriate rules and regulations that exist; that is, minors should not be included in the wagon with seniors, and males and females should be separated. If the courthouse were in South Hedland, that would be as good as getting five extra police in the town because of the effect it would have on their rosters and the availability of officers. Two simple decisions of government are costing the equivalent of eight extra police officers in Port Hedland. The policing problem and the ability to apply a deterrent to people breaking and entering is significantly diminished because the coppers are not on the streets.

Two other aspects of the break and enters are of particular concern to me. The first is that the Pilbara is a region where people work shiftwork. It is the nature of the industries there and it is the nature of their occupations that they

are required to work shiftwork. People who drive locomotives and road trains, for example, are required to be away from home for extensive periods. Unless they have the certainty and security that they can safely leave their partners and children in their houses of a day and a night, they do not perform - and neither they should. They should be worried about their families and their families' safety.

That is not a matter that can be raised with the employers. People cannot say that they do not want to work a night shift because their next door neighbour's house was burgled, or that they do not want to go on afternoon shift because a group of young fellows is in town and they are worried about the safety of their teenage kids. An employer would not accept that as a reasonable argument. Therefore, the authorities - there is a variety of them - have an obligation to ensure that those people can live their lives securely in their community.

The second aspect, which does not get as much publicity as it should, is the disturbing trend of people who break and enter to trash the premises - I hate using the word "trash" but it is the only one that is appropriate.

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

Mr GRAHAM: I suspect that the increasing trend of trashing people's houses has something to do with the police forensic branch now having the ability to get more evidence, such as hair and fingerprints. Therefore, to protect themselves, people who break and enter may trash the house. People may lose \$2 000 worth of television and video recorder, but have all their lifelong possessions trashed. I have great difficulty with that. There is a certain meanness about it. One can understand - although one might not agree - someone who is starving stealing goods to sell to get a feed. However, there is something inherently unhealthy about people who steal things simply for profit and then destroy the personal belongings of people once they have stolen their major property. This legislation does not address that, and I suggest that it should.

The law and order matters are incredibly complex. Having vented my spleen on a number of organisations, not the least of which being the Liberal Party, I will finish on this note, because I think it is a good one. I quote from a report on a summit on alcohol abuse. It contains a wonderful quote that should be applied to most law and order debates. The foreword states -

For every complex issue there is always a simple solution proposed which is invariably wrong.

I suspect that in much of the rhetoric on law and order matters, that is the case.

MR KOBELKE (Nollamara) [4.10 pm]: I support this amending Bill. Home invasion is a very important issue which is affecting far too many people. This Bill is an attempt to provide some means of reducing the problem. To that extent, I support it. However, considering the provisions in this Bill in the context of the policies of the Government in attempting to tackle lawlessness, my clear perception is that this is another example of adhocery: The Government thinks it must respond. It asks itself what it can respond with; how can it make it look as though it is doing something about the crime rate in our community. The proposals contained in this legislation have some merit, but this is a one-off attempt rather than a concerted effort to deal with a complex issue with a range of strategies. This is just one small thing; it will not fix the problem. I hope, however, that it will be of some assistance.

My view - and we will see in a short time whether it is a minority or majority view in the community - is that the Court Government lacks the ability and commitment to properly tackle such a serious and complex problem as law and order in this State. What are State Governments supposed to do? What do people expect from a State Government, whatever its political persuasion? The key areas of service delivery are hospitals, schools, public transport and law and order. They are the issues on which the community expects the State Government to deliver. What has the Government offered? During this debate I cannot enter certain areas, but our hospitals are under pressure. As an example, patients in Albany are being sent home in the middle of the night because beds cannot be found. The Government has not delivered on hospitals. We have witnessed a reduction of standards in schools in a range of areas. The Government cannot even keep our schools clean, so how could it do anything about improving the quality of education?

Mr Prince: Do you intend to talk about the Bill?

Mr KOBELKE: Yes. The Government's polling has indicated a reduction in community expectations in the public transport arena. Law and order is the most important issue. The Government has been an abject failure in this area. The Government came to office with a clear statement that it would tackle law and order; it would stop the revolving door syndrome and cut the crime rate.

I turned to the Western Australia Police Service statistics and consulted the raw data. I realise the figures are not adjusted to take into account population change, and so on. However, I point to the number of reported offences. I will start with figures applicable at 30 June 1992 and move to 30 June 1996. I do not have half-yearly figures.

Obviously, the figures will be a little unjust because the Government did not come to power until February. Perhaps the percentage could be reduced a bit, but if the trend is maintained the figures would have continued to increase since 30 June 1996. In some areas of the reports there has been a minimal increase. We could discuss the relevance of whether that is because people are not reporting crimes, and other issues which go with the statistics. I turn to some of the key areas and relate what happened during that time. This Bill deals with robbery; from 30 June 1992 to 30 June 1996 -

Mr Prince: That is not right. Robbery is stealing with violence. This Bill relates to breaking and entering.

Mr KOBELKE: I thank the Minister. I am alluding to both armed and unarmed robbery. I refer to robbery, which is not covered by this Bill: Between 30 June 1992 and 30 June 1996, the number of reported offences increased by 120 per cent. That is more than double. The number of reported serious assaults during the same period increased by 80 per cent. The total offences against people increased by 52 per cent; and, damage to property, which could be covered partly by this Bill, increased by 47 per cent. That is a 50 per cent increase in four years.

When considering these fundamental statistics as a measure of crime in society, one must conclude that the Court Government has failed. It has not been successful with the strategies it has attempted to put in place to reduce or contain the crime rate. In some instances, the rate has spiralled. That could be due to many changing factors. Any Government must contend with a shift in rate, because of community pressures or different events, such as crime rising in one area and subsiding in another. Robbery, serious assault, total offences against people, and damage to property are important areas in which we thought at least the Government would hold the line and not allow increases of that proportion.

I have further evidence to support my claim that this Bill is mere adhocery, rather than part of an integrated program. This Bill was introduced in the Legislative Council on 22 September - that is, in the second half of the Government's four-year term in office. According to comments by the members for Scarborough and Helena, they drove the issue in the party room. They said that they and the backbenchers, who were feeling the pressure in their electorate offices - as we all are - pushed the Government to bring this matter forward. That is further confirmation of my argument that this legislation is a knee-jerk reaction to the problem, not part of an integrated approach to solve the law and order problem in this State. We need much more than just this Bill toughening up penalties in one area. The Government will not be able to put forward a concerted, integrated program until it learns to be honest with people and with the facts. We had that debate earlier today, and it applies also to law and order.

The Government has sought to hide the statistics, as the member for Pilbara indicated; it will not let the people know the extent of the problem, try to get people on side, or develop community policing and use that as one arm of its approach to fighting crime. We do not have any simple solutions. We must have a total approach, not just toughen up a law now and then when the political heat is felt. Honesty with statistics and reporting the degree and complexity of the issues was alluded to very indirectly in the second reading speech which states -

Police statistics and surveys on crime victimisation show that home burglary is all too common.

That is true, but I suspect it grossly understates the degree of the problem. It is far more than "all too common"; it is a major problem causing huge concern in the community. I was talking to an ALP candidate recently who had been doorknocking. He met a couple who wanted to go for a holiday to the British Isles. They were so fearful of people breaking in and doing damage to their home they had decided to go on holiday separately. They could not leave in confidence together, and go overseas, because they were in dread of their home being burgled, or worse. Unfortunately, that reflects a situation we are experiencing more frequently in the community: People do not feel that the Government is attacking the law and order problem seriously.

If that were the case, it is very easy to get into a vicious cycle in which people will not support each other or the police, and, in turn, the police will not have the reports or sufficient time to clean up a lot of those offences. I saw somewhere sometime ago that the clean-up rate was 14 per cent. However, I am not sure whether that was for house breaks or a series of offences. The last report indicated that one of these types of offences, related very much to break-ins, had an extremely low clean-up rate.

Mr Prince: It was your deputy leader who said in this debate that of 100 000 break-ins and enters reported in one year, 60 000 were reported to the police and 12 per cent were solved. Break-ins and enters are occurring to homes and any other building at the moment because there is no distinction between a domicile and any other place.

Mr KOBELKE: I accept we are using those figures across a category different from that which is contained here. We are dealing with home invasion which is only one aspect of burglary. However, the figures are indicative of the problem we have in this area. If the clean-up rate is 10 to 20 per cent, people will have no confidence that the police can do anything in this area of crime. That is not making a statement about the police and their efforts. They have such a range of reports of crime, they must prioritise them. Very often a house break will not be top priority. They

can only deal with reports as they prioritise them. However, that means that people do not report urgently and accurately to the police and it becomes again that vicious cycle that I referred to earlier. The police do not get full information as quickly as they should. Therefore their effectiveness is reduced, the community loses more confidence in the police because they do not get there as quickly as people hope, they do not get a clean-up rate of any significance, and it goes on.

When I was first elected in 1989, many reports of crime were made to me as they are today. Something that I found very disheartening and worrying was that, when I asked people whether they had reported the crime to the police, they would often say they had not because they did not want to get involved. They did not want any trouble or any comeback that might flow from their making a report to the police and then having to give a statement or be a witness. It was either too inconvenient or too threatening.

During the early 1990s, the Labor Government initiated a very effective community policing program. While it is only anecdotal, I noticed in my area a very big turn around in crime figures. I do not think that was all due to the Labor Government, although it was an important part of the program. However, there was a huge media campaign that made people aware they had to work with the police and that they should not allow crime to take place in their streets and do nothing about it. So through those and other things, I witnessed a big turn around. People reported to the police, made statements and went to court. They supported each other in supporting the police.

From the feedback I get in my electorate office now, I am concerned that we have returned to the attitude that existed prior to 1989. More and more people are saying that they will not give statements and they do not want to be witnesses in court because it is too inconvenient and it might come back on them. While these cases are few and far between, I am finding more now than previously.

Mr Johnson: There cannot be many.

Mr KOBELKE: I receive a report of a break-in about once a week. There are many more than that, but those are the people who come to my office. I had morning tea in Balga last week and the issue discussed was general lawlessness - things like damage to property, graffiti, that sort of thing. It was certainly on people's minds.

Mr Johnson: But the majority of people who do not report the break-ins to police are those where there is very little damage or little stolen and they take the view that it is not worth the aggravation to go through the insurance company for a small amount. I have found that anybody who witnesses a crime takes strong action and goes to the police and acts as a witness. I think your description would probably cover a small number of people.

Mr KOBELKE: I accept the member's interjection that we are only talking about a small number. However, if that becomes pervasive in the community, it undermines the effectiveness of the Police Force. I am not suggesting that people will not report a break and enter, because often they will. People tell me that, while walking down a street, they saw someone who looked a bit suspicious. When I ask them whether they went to the police, they say no, because the police cannot do anything; it is useless. I am not suggesting that if that person had made that report, it would lead to an immediate arrest for that one offence. However, a 10 per cent reduction in reporting information must reduce the effectiveness of the Police Force because that person may have been involved in several offences. The witness may have been able to give the police a description of the size of the person or the colour of his or her hair. That may bring the jigsaw together.

Mr Johnson: I used that same scenario in my speech last August, I think it was. So I do not disagree with what you are saying.

Mr KOBELKE: Any attempt to make inroads into our crime problem has to be integrated and it is not only a matter of increasing penalties. Tougher penalties are needed. The Labor Party has carefully gone through the Criminal Code and other laws to find areas in which it believes tougher penalties will be effective. We did that some months ago. We published our views in policy documents for people to discuss, to make suggestions and to understand exactly where the Labor Party is going. We will take criticism that we are not being tough enough in some areas and criticism that we are being too tough in other areas. However, we have put it on the agenda. We have thought it through carefully and we have a total package. We believe that way we will have some effect on the law and order problem. Of themselves, tougher penalties will not deter people. They will hopefully lock away some people who should be locked away for longer. However, they will be of minimal effect as a deterrent if we do not have a good clean-up rate. If people who commit these offences believe they have a minimal chance of being caught, the size of the penalty is irrelevant; they will continue to offend. We must have a much higher clean-up rate. I will not enter into that debate because it is outside the Bill. Additional police are part of that. The perception of more police has a deterrent effect.

Some years ago the Nollamara Police Station was behind in its paperwork. There were many warrants and things to be delivered. Head office complained that, because the police were so busy with general duties, they were not

doing the paperwork that required them to visit people. Someone higher up told them they could have two cars and so many officers for a week. They were told to get the officers and the cars on the road and deliver all the warrants and papers. In that week the level of general crime and break-ins and enters fell to an all-time low. The extra presence of two police cars doing the rounds coincided - I believe caused - exactly with a sharp drop in reported offences in the area.

Mr Prince: Would it have had something to do with school holidays or school terms.

Mr KOBELKE: I believe it was the cause but other factors might have been the reason.

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

Mr KOBELKE: The importance of ensuring that the community is onside cannot be underestimated. It will not solve crime in itself, but more and more police without the support of the community will also not be effective. We must put together the whole complex strategy, of which we hope this Bill could form a part. The member for Pilbara pointed out the difficulty he had in obtaining crime statistics for the area. The federal Minister for schools recently said that schools must be accountable and that we must evaluate all the students in schools so that people can compare. We can argue that another day, but a much more pressing case is to see that prompt and full statistics are available on police reports. If we are to assess whether the Police Force is being effective and the whole range of strategies put forward by the Government are effective, we must be able to obtain fairly quickly the rate of reports of crime in various categories for specific areas. If this Government were in any way accountable, it would not have stopped the flow of data to the local community.

Mr Wiese: If your Government had put in a police computer system, we could do it.

Mr KOBELKE: The Minister may huff and puff, but when we were in government, local community groups and the local Neighbourhood Watch could obtain the statistics without any difficulty. Access has been closed; the shop has been shut. This Government allows only crime figures that have been suitably massaged to go out so that it can play down the size of the problem.

Mr Wiese: That is total, absolute nonsense. You have been talking poppycock for the last three minutes.

Mr KOBELKE: Let me give an example. I rang the police to ask for figures on various crime reports. I was told they had a section. I went to the section and asked for the figures. I was asked who I was. I said, "I am John Kobelke, the member for Nollamara." I was told I had to go to the Minister's office. I went to the Minister's office and two months after I asked for figures I received the standard figures which I already had, not the figures for which I asked. The Minister cannot tell me that he is making figures available. The whole process put in place under the Minister is to stop people knowing.

Mr Wiese: Let me assure you there has been no slowing down of information from my office.

Mr KOBELKE: In order to make the figures more available, I gathered them together, had them checked and put them into a graph. I seek permission to have that graph incorporated into *Hansard*.

[The material in appendix A was incorporated by leave of the House.]

[See page 7227.]

Mr KOBELKE: We must ensure that the community is involved in working with the police. The ready and appropriate provision of statistics to the local community is an important part of that. The community will then feel involved and, we hope, report promptly back to the police so that we may have a higher clean up rate. The penalties may then have greater effect. However, penalties without the fear of being apprehended and convicted will be meaningless. That is one example - and I could give many more - of the need for an integrated approach to tackling crime and not adopting a knee jerk approach once in a while when the community puts pressure on the Government because of the unacceptable level of crime.

DR TURNBULL (Collie) [4.36 pm]: I support the Bill. It is called in colloquial terms the home invasion Bill. I am supporting it for those issues dealing with home invasion. We have heard throughout the debate that it is most important that people be safe in their homes. People place enormous store on the ownership and security of their homes. It is important that we recognise that by increasing the penalties for home invasion. It is also important to emphasise to all people in the community that if they enter somebody else's home they do so at risk. The risk is that the person who owns the home will be able to apply force to them. Members might think that it is not very safe or wise to allow people to apply force to anyone who invades their home, but I believe it is a good move. The reason is that among the people who are invading other people's homes are opportunistic robbers. Their attitude is that if they are in a house nothing worse will happen to them than the householder coming across them, and in such

situations their principal aim is to escape in the hope that the police most likely will not pick them up, and they will get away with it. If the people entering people's homes are aware that something more severe might happen to them, they will be a little less likely to do so. I know that because I am aware of the attitude of young people in the socioeconomic groups involved with drugs and seeking opportunities to break and enter. They have the attitude that if they break into somebody's house, it will not matter very much because nothing much will happen to them.

This Bill is very important in that it introduces to our society the principle that it is not acceptable to invade other people's houses and that the owner of the house could perhaps severely hurt someone who causes damage in his or her home. The Bill also changes the definition of a home so that it is no longer just a brick and tile building; a home is any home, whether it be a mobile home, a flat, unit or house. I thank the House for allowing me to express my support for the Bill.

Debate adjourned to a later stage of the sitting, on motion by Mr C.J. Barnett (Leader of the House).

[Continued on page 7221.]

IRON ORE (YANDICOOGINA) AGREEMENT BILL

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [4.40 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 16 October 1996 between the State and Hamersley Iron-Yandi Pty Ltd, which is a subsidiary of Hamersley Holdings Ltd. Hamersley Iron Pty Ltd, which operates several iron ore mining projects in the Pilbara, is joined in the agreement as the guarantor of the performance of Hamersley Iron-Yandi Pty Ltd. The Iron Ore (Yandicoogina) Agreement has been negotiated to facilitate the development of a new iron ore project in the central Hamersley Range area, near the BHP Marillana Creek project, by Hamersley Iron-Yandi Pty Ltd, hereunder referred to as "the company".

Hamersley Iron's Yandi project will be a significant project for the State. It will have a capital cost of over \$400m, a construction work force of over 400, and an operational work force of between 100 and 140 persons. Annual export earnings of around \$300m are likely at a 15 million tonne per annum production rate.

The State will benefit directly from the project through payroll tax and royalties, with revenue from the latter likely to be in the order of \$15m per year at a 15 million tonne per annum production level. There will also be significant indirect benefits through the additional employment the project will bring, and flow-on effects to a diverse range of support industries, both during the construction and operational phases of the project. Subject to RTZ-CRA Board approval, construction of the project is likely to proceed in the second half of 1997 and production to commence during 1999.

The agreement provides, subject to the approval of detailed development proposals, for the initial production of up to 15 million tonnes per annum of iron ore, with the expected increases to 30m tonnes per annum subject to market demand. Initially, the mine work force will be accommodated in facilities to be established near the mining lease. The agreement, however, includes a framework for managing future changes to the project that will assist orderly development of the central Hamersley Range area, particularly in regard to the ultimate establishment of a new open town to serve the needs of several iron ore mining projects in that region. These requirements are contained in clause 8 of schedule 1 of the Bill.

The provisions of clause 8 require the company and the State to cooperate and consult with each other on state policies, planning and development objectives, the company's commercial requirements and any other relevant issues. If the company wishes to expand its operations beyond the 15 million tonnes per annum and 150 persons limits, it must first obtain the Minister's approval to submit proposals. The Minister's approval can be denied or given conditionally, including conditions to vary or add to the agreement. These requirements are set out in clause 10 of schedule 1 of the Bill. These provisions provide the State and the company with the opportunity to address such issues as work force accommodation as the project grows and other developments occur in the region.

To encourage the further processing of iron ore, clause 23 of the agreement contains provisions that require the company to produce three million tonnes per annum of metallised agglomerates. Metallised agglomerates means any metallurgical process utilising heat to reduce iron ore to a minimum of 85 per cent total iron. The definition is sufficiently broad to include direct reduced iron, iron carbide, or hi-smelt products. Proposals for a two million tonnes per annum metallised agglomerates plant are required to be submitted by 10 years from first production of iron ore or 150 million tonnes of iron ore production from the mining lease, whichever occurs first.

The plant is to be in production within three years of the submission of these proposals and is to be expanded to three million tonnes per annum within a further five years after that. Clause 23 is worded so that any of Hamersley's iron ore resources can be used to meet this obligation, rather than only iron ore from the agreement mine. Clause 23 also allows the company to substitute an alternative project of equal economic value to the two million tonne per annum plant in lieu of the plant for production of metallised agglomerates.

If the company wishes to expand its operations beyond 30 million tonnes per annum, it must first have proposals approved for the production of metallised agglomerates or for an alternative project. If proposals have not been approved, the company must obtain my approval under clause 10 of the agreement to go beyond this mine limit, which I am able to withhold. This would have the effect of restricting the production of iron ore while processing obligations remain outstanding.

If the company demonstrates to the Minister's satisfaction that construction of a plant to produce metallised agglomerates is not economically viable, the requirement to submit proposals will be postponed for a period of three years. Further three-year deferrals may also be granted if the company satisfies me at the appropriate times that there are reasonable grounds for deferral. In the event that the company fails to demonstrate to the Minister's satisfaction that there are reasonable grounds for deferral, the company must submit proposals or have the matter decided by a tribunal that I will appoint at the request of the company.

The company may, at any time before proposals for the production of metallised agglomerates are submitted, seek approval for an alternative investment. If an alternative investment is accepted and implemented, the further processing obligations are discharged.

Other important features of the agreement include -

Provision for the grant of a mining lease following approval of proposals within the area coloured red on opinion plan A, which is attached to the executed agreement, and a copy of which I shall table for the information of the House.

The initial term of the mining lease will be 21 years, with the company having the right to two successive renewals of 21 years. Provisions relating to the grant of the mining lease are contained in clause 11 of the agreement.

Rental payable on the mining lease is to be that prescribed under the Mining Act, including the additional rental of 25¢ per tonne that becomes payable on all ore transported from the mining lease 15 years after the first ore is transported from the lease.

Royalty payable by the company under the provision of clause 12 will be: First, on lump ore at the rate of 7.5 per cent of the free on board value; second, on fine ore at the rate of 5.625 per cent of the f.o.b. value; third, on beneficiated ore, at the rate of 5 per cent of the f.o.b. value; and fourth, on any other ore, at the rate of 7.5 per cent of the f.o.b. value. These rates are currently applicable under the Mining Act

An important aspect of clause 12 is that after 14 years, the royalty payable becomes that prescribed from time to time under the Mining Act. The fixed royalty rate for the first 14 years will provide the company with the certainty of operating under a predictable fiscal regime for a reasonable period.

To encourage the company to undertake secondary processing of iron ore, the company will receive royalty reductions of 0.5 per cent for iron ore processed into pellets, 1 per cent for iron ore processed into metallised agglomerates and 2 per cent for iron ore processed into steel. The company is obliged to maximise local industry participation in the project in accordance with the State's local content policy that was released earlier this year. The project is expected to have a high level of local content, as was the case with Hamersley's last mine development at Marandoo, which achieved over 80 per cent Western Australian content.

An 87 kilometre long railway will be constructed to serve the project, as set out in clause 20 of the agreement. The railway will run westward from the mine and cross the Great Northern Highway to link up with the existing Marandoo-Dampier railway. The railway will be constructed within the blue corridor on plan A that I will table.

I have outlined the significant features of the agreement contained in schedule 1 of the Bill before the House. Generally, the remaining provisions are similar to those of other state agreements and they do not require any additional comment.

Some members of the House are no doubt aware that Western Australia is now the world's largest exporter of iron ore, and has been so for the last two years. With additional production from Hamersley's Yandi project, and from other new mines coming on-stream over the next several years, the Government expects Western Australia to continue to maintain this pre-eminent position in the world's iron ore industry well into the twenty-first century.

Hamersley Iron is, of course, one of the world's major iron ore exporters in its own right. It exported 55 million tonnes in 1995 and produced its one billionth tonne earlier this year. When we consider that its planned production rate at the start of the Hamersley project in 1966 was only five million tonnes per annum, and that 30 years later it is producing at over 10 times this rate, we can see that it has come a long way in a relatively short time.

Hamersley Iron, along with the State's other major iron ore producers, has also played an important role in turning the Pilbara into a booming region with new towns, roads, railways and ports. It has also made a significant contribution to Western Australia's economy through royalty payments and flow-on effects to a diverse range of support industries. Hamersley Iron celebrated its thirtieth anniversary last Friday, and I take this opportunity to congratulate it on the great success it has had in that time. I wish it similar success in the next 30 years.

At the time of the birth of the Pilbara iron ore industry in the mid-1960s, the State saw the opportunity for iron ore mining to lead to iron and steel making, and for this to become the cornerstone for our future industrial growth. This vision was reflected in the iron ore agreements which the State negotiated with the mining companies at the time, almost all of which contained obligations for further processing.

The present Government also shares this vision of iron and steel making in Western Australia and has worked hard to develop the correct business environment in which it can happen. For example, we have deregulated the energy industry, resulting in significantly lower gas and energy costs, we continue to provide support for an expanding service sector and we are now developing heavy industry estates where low cost industrial land will be available to developers. As a result of this hard work, we will soon see the vision of iron ore processing becoming a reality. A new phase of the iron ore industry is about to begin with hot bricketted iron to be produced at Port Hedland before the end of next year. Members will also be aware of a number of other iron and steel projects under serious consideration in this State. I am optimistic that at least one of these, and possibly more, will move to a construction stage during the next year.

CRA, Hamersley's parent company, is also playing its part in the further processing of the State's iron ore, with an investment of over \$200m in its hismelt research and development facility at Kwinana. This iron ore direct smelting facility is Australia's largest research and development project and is at the forefront of a new generation of iron making. CRA is very optimistic that a commercial scale plant will be developed in the next few years.

The iron ore industry is now entering a new phase of secondary processing. The Government believes processing obligations in iron ore agreements provide an important impetus for the iron ore producers to continue down this path.

The Iron Ore (Yandicoogina) Agreement, with its obligation for a metallised agglomerate plant, clearly reflects the Government's intention to continue to focus on this new phase of development. I commend the Bill to the House.

[See paper No 658.]

Debate adjourned, on motion by Ms Warnock.

MOTION - TIME MANAGEMENT SESSIONAL ORDER (GUILLOTINE)

MR C.J. BARNETT (Cottesloe - Leader of the House) [4.53 pm]: I move -

That the Electricity Amendment Bill be no longer subject to an allocation of time.

This does not reflect a sudden change of heart. In the debate on the Electricity Amendment Bill, the Government accepted an amendment moved by the member for Cockburn. It has been discovered that, while the amendment is accepted, its location is not consistent with the rest of the legislation. It is necessary to make a minor technical change and move the amendment within the Bill. I understand that the member for Cockburn would like to comment on that, so we will defer the debate.

With the agreement of the opposition leader of House business, there is an implicit understanding that we will now resume debate on the Criminal Code Amendment Bill. If members agree, following that we will conclude all stages of the debate on the Appropriation (Consolidated Fund) Bill (No. 3) on the understanding there will be a generalised debate on Appropriation (Consolidated Fund) Bill (No. 4) commencing next week. Of course, that will mean we will not need to sit tonight.

MR RIPPER (Belmont) [4.55 pm]: The week may have begun in an atmosphere of aggravation, but I am happy to confirm that the information given to the House by the Leader of the House is absolutely correct. We are delighted that we will be departing at 6.00 pm.

Question put and passed.

CRIMINAL CODE AMENDMENT BILL (No 2)*Second Reading*

Resumed from an earlier stage of the sitting.

MR C.J. BARNETT (Cottesloe - Leader of the House) [4.56 pm]: I am concerned about this Bill, but I will keep my comments to that.

MR PRINCE (Albany - Minister for Health) [4.57 pm]: I thank the many members from both sides of the House, including both Independents, who have contributed to this debate.

In what little time remains, I would like to respond to some of the matters that have been raised. I preface what I say by observing that many of the speeches have included numerous anecdotal remarks about experiences of constituents and, indeed, in some instances, personal experiences to do with being on the receiving end of crime.

The member for Balcatta, who was the lead speaker for the Opposition, spent a considerable time saying not a lot, other than that Western Australia had the highest rate of burglary in Australia and a lack of police resources, and did not address the Bill.

The Deputy Leader of the Opposition quoted some statistics relating to the incidence of breaking and entering in 1995 - 100 000 incidents with 60 000 having been reported to the police and 12 per cent solved. I would like to bring to the attention of the House the Australian Bureau of Statistics October 1995 publication *Crime and Safety Western Australia*, which states -

Of the 636 400 households in WA 100 900 households (15.8%) experienced at least one household crime during the 12 months to October 1995, compared with the 15.6% victimisation rate recorded for the 12 months to October 1991.

That is an increase of 0.2 per cent of 1 per cent over four years. The survey further states -

The victimisation rate for household crime was higher in Perth (17.5%) than for the balance of WA (11.0%).

The victimisation rate for household crime varies according to household type. 'One parent' households and 'Other' households had the highest victimisation rate (25.5% and 19.5% respectively). 'Couple only' households experienced the lowest victimisation rate (11.3%).

A total of 86 600 households experienced an occurrence of break and enter or attempted break and enter. The overall victimisation rate for these types of crime was 13.6% in 1995 and 14.2% in 1991.

These are Australian Bureau of Statistics survey figures presented towards the end of last year.

The member for Nollamara said that the Government tries to hide statistics. The explanatory notes to this document state -

This publication contains results from a Crime and Safety survey which was conducted throughout WA in October 1995 as a supplement to the ABS Monthly Population Survey (MPS). The survey was conducted at the request of the Ministry of Justice and the Office of Attorney General.

There was not and has never been any attempt to hide statistics. Indeed, the Government has been asking the ABS to do a survey in the area.

The remarks made by the member for Helena were supportive and largely apocryphal in the sense of talking about personal experiences or experiences of constituents.

The member for Floreat actually spoke on the Bill. She raised some interesting points on a number of matters, and I will endeavour to answer them. First, she queried the apparent delay in the proclamation and bringing into operation of the Sentencing Bill. That Bill cannot be viewed on its own: It is one part of a package of legislation consisting of a number of pieces of legislation, all of which have been part and parcel of a law and order package which has been put before Parliament and which is intended to become law as a whole. The Sentencing Bill was assented to on 16 January this year. However, critical to its enactment was the passage of the Criminal Code Amendment Bill 1995. That Bill was introduced in this House by the member for Kingsley, the then Attorney General, in November 1995, reintroduced in the Legislative Council by the current Attorney General, Hon Peter Foss, at the beginning of 1996 and did not pass through that House to get to this House until very recently, when it was passed by this House and proclaimed. It will come into operation on 4 November.

The delay has been entirely as a result of the Opposition's obstruction for reasons of its own. That has delayed the proclaiming and bringing into effect of the Sentencing Bill, the Sentencing Administration Bill and the Sentencing

(Consequential Provisions) Bill, all of which, together with the Criminal Code Amendment Bill, are required to come into effect together. Therefore, the delay has been no fault of the Government. The Government has been wanting to get these measures into law for a considerable period. The 4 November commencement date has been chosen because that is the start of the next criminal sessions. It is the appropriate time for the law to come into effect so that it does not interfere with a current trial.

A number of speakers referred to constraints on judicial discretion. I make the obvious point: Judicial discretion has never been absolute; it has always come and gone in a sense. There have always been times, particularly in the common law from which our law is descended, when judges have had very little or a fair amount of discretion. In more recent times - by that I mean contemporary times; this century - judges have had far wider discretion than has been the case in previous years. The question of discretion is a matter for Parliament, as the member for South Perth remarked upon. He asked who ultimately has the authority, and the answer is Parliament. We make the law and the courts are subjected to Parliament with regard to the law and the way in which it is to be exercised and, to a certain extent, the way in which it must be interpreted. Although judicial discretion is extremely important, the origin of the effectiveness of any law comes back to its acceptability by the people.

The people put us here. They are demanding there be some form of minimum mandatory penalty in the case of housebreaking. The public is calling for some form of penalty by imprisonment when people have committed a number of those offences; hence, this Bill puts forward the proposition that after three such offences, not committed at the same time but sequentially and after conviction on each case, irrespective of whatever may have been the prior dispositions, people will go to gaol for at least 12 months. The Parliament is responding to the wishes of the public and putting that into law. If that is a constraint upon the judicial system and the judges, so be it.

This Bill is retrospective in the sense that the prior record of any offender is a determining factor for whether that person goes to gaol for a subsequent offence. That has always been the case in relation to any offence where judges have had a discretion. Where we are to enact in this legislation a mandatory imprisonment sentence for a third offence, it will take away a discretion, and it will happen only when the person has two prior offences. That person could have had them at any time in the past, not within a period of months but maybe years.

Dr Constable: That is what I said. What if it had occurred two decades ago?

Mr PRINCE: It could easily have been two decades ago, but I suggest that is unlikely. Most criminal offending tends to occur in juvenile years and in young adulthood. Not many people persist in criminal activity in their middle years. Perhaps it has something to do with middle age spread, I am not quite sure; however, that is the experience. The vast majority of people in prisons are young males or young females, as opposed to middle age or elderly people, particularly in crimes of violence, damage to property and housebreaking, home invasion being one aspect of that.

It is quite possible that a person could end up in gaol for a mandatory minimum period of 12 months as a result of two prior offences of housebreaking 20 years ago. I simply make the obvious observation that they did not have to commit the third offence. It is only when people commit a third offence that this legislation is likely to put them inside. In that sense, it should be a significant deterrent to them.

Dr Constable interjected.

Mr PRINCE: Yes. I will come to the question of the member's amendment on review in a moment.

The question of review of remission and parole was also raised, I think by the member for Floreat. On 5 October the Attorney General announced there would be a review of remission and parole. The public submission period closes on 1 November, so I urge the member for Floreat to put in her submission. The report is to be delivered to the Attorney General by 20 December and the review process is being chaired by Chief Judge Kevin Hammond of the District Court. In passing, I just say that I doubt any better person could have been appointed.

With regard to the likely increase in the adult prison muster or the number of juveniles in custody, estimates have been made for that incorporating growth - if there is growth in society, it follows that there will be growth in crime - and the anticipated growth as a result of new government initiatives. It has implications for the capital and recurrent budget of the ministry. The costings that have been estimated are included in the ministry's 1997-98 budget submission which is currently before the Treasury.

The Ministry of Justice has recently awarded a tender to examine the projected bed requirements of the prison system. Members may have heard in the past two days the Minister assisting the Minister for Justice, the member for Greenough, talking about the construction of a new prison, including how many beds and where. Those matters are being evaluated at present. The evaluation of how many more people might end up incarcerated as a result of this change in law is, to some extent, bound up in that tendered out consultancy for advice on the best means of achieving the necessary bed numbers. The matter is being planned at the moment.

The member for Northern Rivers gave support to the proposition against mandatory penalties. He made some novel comments about some form of accountability of judges that he perceives does not arise at present. In defending the judiciary, I simply observe in passing that overwhelmingly they come from people who have been practitioners in law for many years; 20-plus seems to be the mandatory minimum amount of time that must be served before people can be considered for judicial appointment, and it is often longer for the more superior courts. These people have had a lot to do with many people in society, both those who are prosecuting and defended. These people in the judiciary are responsive to the way in which the public feels about any issue. Sentences have got longer and harsher in recent times as a result of community concern.

In my experience, when sentencing people, judges frequently say that the community will not tolerate this sort of behaviour and a condign penalty is called for, that forms of imprisonment must be imposed for offences when that might have not been the case five or 10 years ago, simply because that is the way in which society views some offences. That is a proper exercise of judicial discretion, one which I support. Unfortunately, it seems that good and proper exercise of judicial sentencing powers are rarely reported in the popular Press. Only cases of some sensational value, either because the sentence is extremely long or because there was no sentence at all, ever see any form of publicity. That presents a very biased view of what goes on in the courts day by day.

The member for South Perth raised the question of confusion between judges and Parliament, and I think I have answered that matter. I take issue with him over his rhetorical question of who is to blame. It is part and parcel of the problem in the debate we are having on law and order that everybody looks for someone else to blame when - I repeat the remarks of the Deputy Premier made in an interjection in the early part of this debate - it requires a tripartite approach of community, police and courts, of which the community is, in many respects, the most important. It cannot be passed off by one group to another.

The member for Morley made a number of fairly provocative comments, very few of which were about the Bill. He spoke about the revolving door and the changes to the Bail Act. I will correct him. The changes to the Bail Act, particularly in dealing with juveniles who come before the Children's Court, were never intended to prevent recidivism as such, and to wipe it out. It did say that juveniles could no longer go into the Children's Court and be released immediately on their own recognisance and walk straight out of the court. They could be released only when a recognisance was signed with someone to go surety for them or in some other way with security being given before they were released. The only other way in which recidivism can be dealt with completely is to abolish the concept of bail. The way in which the member for Morley presented his argument was misleading.

The member for Wanneroo put forward a novel proposition that there should be federal juvenile justice laws, and I have no doubt we will look at that at some stage. Some members asked whether this is all we can do to address the causes of crime. Clearly it is not. I remind members that the Ministry of Justice allocates funding of about \$1.5m for juvenile street level crime prevention programs. Family and Children's Services is involved in many programs that have, in part, the intention to reduce juvenile crime, particularly the family group conferencing program.

There is a good deal of interagency cooperation particularly surrounding truancy, which is obviously chaired by the Education Department. In many areas Aboriginal street patrols are in operation. Again I congratulate the Aboriginal community for this initiative and for taking responsibility for miscreants with whom Aboriginal groups feel they should deal themselves. I reiterate that the Government has seen fit to fund those street patrols for the first time, which is an excellent initiative. The Best Start initiative is a joint project involving a number of different departments and provides a great many opportunities which are in part diversionary. At the time it was launched the State Crime Prevention Strategy was received with a great deal of applause by academics from the University of Western Australia who deal in the area of crime prevention, the Community Policing Council and others.

Mr Brown: A bit late.

Mr PRINCE: For the member for Morley to say that it is a bit late is being slightly mean spirited; it is a positive strategy. A significant number of other proposals have been either implemented or are planned. I think the Deputy Leader of the Opposition asked whether aggravated sexual assault and burglary would be a charge of burglary with rape as the aggravating part of the exercise. That is not the case and never has been. If there is an aggravated sexual charge as a result of a home invasion the aggravated sexual assault would be the main charge. The home invasion by way of burglary would be another charge. In other words there would be a multiple charge on an indictment.

Mr McGinty: It is an additional set of circumstances.

Mr PRINCE: Yes. A crime as serious as aggravated sexual assault - what we used to call rape - would be the No 1 count on the indictment and the house breaking would be No 2 with the circumstances of aggravation being that a crime was committed within the house at the same time. It is not a matter of two counts rolled into one. They will always be separate charges.

Mr McGinty: I thought I heard you say a few minutes ago that the Labor Party held up the Criminal Code Amendment Bill. On examination of its progress through the Parliament there is no evidence to support that view. Why did you say we held it up? Its timing through the Council and the Assembly was expeditious.

Mr PRINCE: My understanding is that it was reintroduced into the Council earlier this year. It did not arrive here until very recently. I am trying to get to the Committee stage before half past five.

Mr McGinty interjected.

Mr PRINCE: I thank members for their contribution.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Johnson) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 401 repealed and a section substituted -

Mr PRINCE: I move -

Page 6, after line 16 - To insert the following subclause -

(5) A court shall not suspend a term of imprisonment imposed under subsection (4).

Amendment put and passed.

Clause, as amended, put and passed.

New clause 6 -

Dr CONSTABLE: I move -

Page 6, after line 21- To insert after clause 5 the following new clause to stand as clause 6 -

Review

6. (1) The Minister administering this Act is to carry out a review of the operation and effectiveness of section 401 of the Code as soon as practicable after the expiration of 4 years from its commencement.

(2) The Minister is to prepare a report based on the review made under subsection (1) and cause the report to be laid before each House of Parliament within 5 years after the commencement of section 401 of the Code.

As I indicated during the second reading debate I fully support proposed section 401. However, in supporting it, we must evaluate and review the change. I approve of the change for harsher sentences. It is important to deter those who may wish to invade people's homes in criminal activity. It was said on numerous occasions during the second reading debate that it is extremely important that this legislation reflect the concerns in the community. Unless we review and evaluate changes such as this we will not know whether they are working. My amendment is simply to ensure that we know we are on the right track once this amendment to the Criminal Code has had an opportunity of working through the justice system. It is important that we collect sufficient and appropriate data over the first four years; that is a fair enough period in which to assess the change.

I hope the Minister will agree to this amendment. It will highlight increases in costs and indicate whether we are on the right track with the legislation. If we are not on the right track we will have to come back in four or five years to change it. If we are on the right track, we will know that the changes we made in 1996 were the right ones.

Mr PRINCE: The original amendment put forward by the member for Floreat would have been overly prescriptive in that which should be taken into account in determining how to review. I am obliged to the member for agreeing not to proceed with that amendment. A minor problem was perceived with respect to the wording of proposed clause 6(1) and (2) that could cause a complete evaluation and review of the Criminal Code. Bearing in mind the last time that was attempted by His Honour Mr Justice Murray - and it took him three years - it would have been an

extraordinary exercise. I appreciate what the member was trying to do; that is, provide for an evaluation of the effectiveness of new section 401 in dealing with incidents of home burglary and invasion. I am happy to support this amendment.

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Order of the day read for the resumption of debate from 29 August.

Statement by Acting Speaker

The ACTING SPEAKER (Mr Johnson): I refer to the scope of debate on the various appropriation Bills. Members know that they must keep to the subject matter of any Bill when debating it, and Standing Order No 133 states the general proposition that "No member shall digress from the subject matter of any question under discussion". An exception is allowed by the proviso to that standing order which states that -

... on the motion for the second reading of an Appropriation, Loan or Supply Bill, for expenditure for the ordinary annual services of the Government, matters relating to public affairs may be debated.

This standing order has not been reconsidered since the budget cycle for the State was brought forward. To understand the present position it is necessary briefly to consider the background to the present budget arrangements.

In the past there were two main budget Bills, namely, the Appropriation (Consolidated Revenue Fund) Bill and the Appropriation (Capital Works and General Loan Fund) Bill, dealing with recurrent and capital works expenditure respectively. As a direct result of the presentation of the Budget prior to 30 June, those two Bills have been replaced by four Bills. Appropriation Bills Nos 1 and 2 for recurrent and capital expenditure respectively, are the main Bills which are presented in May. Appropriation Bills Nos 3 and 4 authorise expenditure made from the Treasurer's Advance in the previous financial year.

The appropriations for Treasurer's Advance expenditure in the past had been incorporated in the main budget Bills; however, because it is necessary to wait until the end of the financial year to determine how much has been expended from the Treasurer's Advance, Bills Nos 3 and 4 are not presented to the House until August. The further legislative effect brought about by the change in budget timing is that a Supply Bill is no longer needed, provided appropriation Bills Nos 1 and 2 are passed prior to the conclusion of the financial year. Thus, in the current calendar year there are four appropriation Bills but no Supply Bill, whereas the system to which Standing Order No 133 refers involved two appropriation Bills and a Supply Bill. The previous practice in the House was that a general debate took place on the recurrent expenditure Bill and the Supply Bill and, although debate on the capital works Bill was technically wide ranging, debate was usually, but not universally, restricted to capital works matters.

About a year ago, the Chair advised the House that under a strict interpretation of the proviso to Standing Order No 133, a general debate could be allowed on all four appropriation Bills, including the two Bills related to capital expenditure. A difficulty arises in the words "for the ordinary annual services of the Government" which appear not only in Standing Order No 133, but also in section 46(2) of the Constitution Acts Amendment Act. Any restriction from the Chair on debate on the capital works Bills might open them to suggestions from the Legislative Council that they are Bills which the Council can amend - a prospect which this House is likely to find unacceptable. Unless members restrict themselves voluntarily to discussing only capital works on Bills Nos 2 and 4, the House faces the potential of running four general debates concurrently, whereas under the system to which Standing Order No 133 refers, there were two main general debates at different times of the year, with occasional general debate on the capital works Bill.

The result of all these considerations is that the Chair will not intervene to restrict debate on either appropriation Bill No 3 or appropriation Bill No 4, but members are encouraged to direct their remarks in debate on Bill No 4 to capital works. I will refer the matter to the Standing Orders Committee for consideration.

Second Reading Resumed

Question put and passed.

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

APPROPRIATION (CONSOLIDATED FUND) BILL (No 4)

Second Reading

Resumed from 29 August.

MR C.J. BARNETT (Cottesloe - Leader of the House) [5.29 pm]: This is the fourth of the appropriation Bills. I thank the Opposition for its cooperation. The third appropriation Bill has been passed by this House and can now be forwarded to the upper House for consideration. This Bill will be debated during the following weeks in this House, and it will allow all members to make speeches. The Acting Speaker has just indicated that although there is a fair amount of freedom within a budget debate, this is technically a capital works Bill and members must be conscious of that as they progress through the debate.

Mr McGinty: Valedictories will be tolerated?

Mr C.J. BARNETT: As the Deputy Leader of the Opposition points out, a number of members on both sides of the House may choose to take this opportunity to make a valedictory speech, and I am sure that will be tolerated in the normal course of events.

I am patiently watching the clock tick round until we reach 5.30 pm. I am sure members would be interested to hear the speech that I presented in Collie today.

Dr Turnbull: I would.

Mr C.J. BARNETT: I thank the member for Collie. The Griffin Coal Mining Co Pty Ltd opened its Ewington coalmine which was not as large as many of the development projects around the State at about \$40m. The member for Collie is enthusiastic, because the Ewington mine has a reserve of 300 million tonnes of coal.

[Leave granted to continue remarks.]

The ACTING SPEAKER (Mr Johnson): The time has arrived for completion of all remaining stages of the Criminal Code Amendment Bill (No 2) and under the sessional order every question necessary to complete the business must be put without further debate or amendment.

Debate thus adjourned.

CRIMINAL CODE AMENDMENT BILL (No 2)

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time and returned to the Council with amendments.

ADJOURNMENT OF THE HOUSE - ORDINARY

MR C.J. BARNETT (Cottesloe - Leader of the House) [5.31 pm]: I thank members for their assistance over the past hour. It is not necessary for the House to sit this evening. I move -

That the house do now adjourn.

House adjourned at 5.32 pm

APPENDIX A

QUESTIONS ON NOTICE

ROADS - REID HIGHWAY, MIRRABOOKA AVENUE-WANNEROO ROAD, CONTRACT No 118/92

1693. Mr KOBELKE to the Minister representing the Minister for Transport:

- (1) Who was awarded the contract for the construction of Reid Highway from Mirrabooka Avenue to Wanneroo Road, contract No 118/92?
- (2) What was the date on which the contract was awarded?
- (3) What was the tender price by this successful contractor?
- (4) What was the total value of the contract finally agreed to and if there were variations from the tender price, what were the amounts and the reasons for these variations?
- (5) What was the total cost of completing the construction of Reid Highway from Mirrabooka Avenue to Wanneroo Road?
- (6) What additional costs or variations were involved in reaching the final cost of construction?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Highway Construction Pty Ltd.
- (2) 17 March 1993.
- (3) \$9 577 012.
- (4)-(6) \$14 883 589.21. This figure is derived as follows -

	\$
(a) Original contract sum	9 577 012.49
(b) Approved variation orders 1-75	4 497 638.07
(c) Dayworks 1-39	1 117 389.62
(d) Rise and fall	113 049.03
(e) Less dayworks provisional sum	421 500.00
Total	14 883 589.21

The amounts for approved variations and dayworks relate primarily to costs resulting from additional works to connect the original contract works into Wanneroo Road.

Item (b) consisted of -

	\$
Extensions of time relating to service authority work	439 000
Earthworks topsoiling and removal of unsuitable material	1 300 000
Safety and protection of works	315 000
Bridgeworks	256 000
Works associated with connection to Wanneroo Road	2 180 000

Item (c) consisted of -

	\$
Clearing	582 000
Earthworks	266 000
Safety and protection of works	269 000

- (5) Cost of construction by the contractor was \$14 883 589.21.

STATE DEBT - REDUCTION; BANKWEST SALE; ASSETS SALES

1723. Mr BROWN to the Premier:

- (1) Did the Premier issue a media release on 2 July 1996 in which he referred to state debt being reduced from \$8.4b in 1993 to \$7.6b in July 1996?
- (2) Was the \$900m raised from the sale of BankWest used to reduce state debt?
- (3) Was the \$200m received from the Commonwealth Government on income tax compensation due to the sale of BankWest used to retire debt?

- (4) Apart from BankWest, what other state assets have been sold since the Government was elected to office?
- (5) What return has the Government received from each sale?

Mr COURT replied:

- (1) Yes, but the net debt figure of \$7.6b quoted by the member was, in fact, \$6.7b - see copy of media release as follows -

There has been a further reduction in Western Australia's net debt flowing from the sale of BankWest.

The State Government has completed negotiations with the Commonwealth Government on the income tax compensation payable to WA due to the sale.

Premier Richard Court said the agreement reached resulted in a compensation payment of \$200 million which was used to retire a total of \$203.9 million in net debt.

"Net debt now stands at \$6.7 billion - compared with \$8.4 billion when the Coalition was elected to office in 1993", Mr Court said.

"In real per capita terms, the State's net debt has been reduced from \$4,538 at June 30, 1995 for each Western Australian to \$3,844 at the same time this year.

"This represents a debt reduction of \$694 for every Western Australian over the past 12 months."

Mr Court said the BankWest sale had been a win/win situation for WA.

"Not only have we been able to retire a significant amount of State debt, but we have a strong, locally-based financial institution in which thousands of Western Australians have a direct stake in the form of shares," he said.

- (2)-(3) Yes.
- (4)-(5) There are many examples in agencies such as the Department of Conservation and Land Management, and the Government Property Office, where asset rationalisation has led to debt reduction. This information is not centrally maintained and, because of the considerable research required to extract the information, I am not prepared to divert resources to undertake the work.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS; CADETSHIPS

1875. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

- (1) How many -
 - (a) apprenticeships;
 - (b) traineeships;
 - (c) cadetships,

were made available to young people -

 - (i) under the age of 25 years,
 - (ii) between 21 and 25 years,

during the 1995-96 financial year, by each department and agency under the Premier's control?
- (2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Premier's control in the 1995-96 financial year?
- (3) How many young people described in (2) were -
 - (a) under 21 years of age;
 - (b) between 21 and 25 years of age.

Mr COURT replied:

The member is referred to his previous question 323 which addressed this matter for the whole of the public sector. The information requested by the member is not readily available from one source and in some cases it is not available at all. The information provided in response to question 323 was gleaned from -

- (i) The Minimum Obligatory Information Database - Public Sector Management Office.

- (ii) The Apprenticeship Unit - WA Department of Training.
- (iii) The Employment Access Unit, Workforce Management Branch - Public Sector Management Office.

DOMESTIC VIOLENCE PREVENTION UNIT - REGIONAL PLANS DEVELOPMENT PROPOSALS

1930. Dr WATSON to the Minister for Women's Interests:

- (1) How many proposals for the development of regional domestic violence plans have been received by the Domestic Violence Prevention Unit?
- (2) How many proposals for the four regional coordinated pilot programs have been received by the Domestic Violence Prevention Unit?
- (3) Which domestic violence action groups did not participate and for what reasons?
- (4) When will the State Government provide money to police regions to prevent and deal with domestic violence?

Mrs EDWARDES replied:

- (1) 12.
- (2) 11.
- (3) Of the 16 regions across the State, proposals were not received from four regions. These were Albany, Joondalup, central metropolitan, north east suburbs. Feedback suggests the reasons were as follows -
 - (i) Albany Domestic Violence Action Group had developed a proposal which was ultimately not sent because of concern about the capacity of the group to act as an employer.
 - (ii) Joondalup did not convene a meeting to discuss the call of proposals.
 - (iii) Central metropolitan considered time frames unrealistic and their time better spent developing the plan without funded assistance.
 - (iv) North east suburbs preferred to undertake the writing of the plan without the assistance of service provider.

Subsequently three out of four of those groups have indicated that they wish that their region be reconsidered for the funding.

- (4) \$395 000 has been allocated to the development of regional domestic violence action plans. In addition, Family and Children's Services will provide \$250 000 in funds for victim support in Albany, Armadale, Joondalup and the Pilbara. Further funds totalling \$250 000 will be allocated for specific Aboriginal programs in this financial year. This funding is in addition to the estimated \$40m per year spent from all sources across government in the areas related to domestic violence.

CONTRACTS - GOVERNMENT DEPARTMENTS

1958. Mr BROWN to the Minister representing the Minister for Transport:

- (1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?
- (2) What is the name of each contractor?
- (3) What is the nature of the work provided by each contractor?
- (4) What is the contract price paid to each contractor?
- (5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff in order to extract the information and present

it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1990. Mr BROWN to the Minister representing the Minister for Transport:

- (1) How many employees are employed in each agency and department under the Minister's control?
- (2) How many of these employees are employed under the terms of a workplace agreement?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

For the information of the member set out below is a table based on full time equivalents staffing level information collected by PSMD and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 1996	(2) Estimated total number of staff covered by WPAs
Albany Port Authority	26	
Bunbury Port Authority	46	
Coastal Shipping Commission	9	
Dampier Port Authority	11	5
Eastern Goldfields Transport Board	18	
Esperance Port Authority	32	
Fremantle Port Authority	200	8
Geraldton Port Authority	48	
Main Roads Western Australia	1 641	350
MetroBus	1 573	11
Port Hedland Port Authority	19	12
Transport, Department of	854	
Westrail	2 358	17
Total	6 835	403

Note: The number of staff on workplace agreements are estimated 'headcount' figures as reported to DOPLAR.

BUS SERVICES - OPERATORS, WHO ARE REDEPLOYEES, TO TAKE CREDIT DAYS FOR GOVERNMENT INTERVIEWS

2074. Dr WATSON to the Minister representing the Minister for Transport:

Why do bus operators, who are redeployees, have to take credit days - use their own time - when asked to interviews in other government agencies?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

Operators will be given a reasonable amount of paid leave to attend interviews required to assist in their redeployment.

QUESTION ON NOTICE - 1604; TRAFFIC COUNT, FLOREAT AREA

2088. Dr CONSTABLE to the Minister representing the Minister for Transport:

Further to question on notice 1604 of 1996 -

- (a) when was each study conducted;
- (b) what were the terms of reference and subject area of each study;
- (c) who or what organisation conducted each study and what are their relevant qualifications and areas of expertise;
- (d) what was the cost of each study;
- (e) what was the most recent traffic count, for each of the following traffic areas -
 - (i) Grantham Street;
 - (ii) Cambridge Street;
 - (iii) Pearson Street;
 - (iv) Selby Street;
 - (v) The Boulevard;
 - (vi) Harborne Street;
 - (vii) Powis Street;
 - (viii) Hale Road;
 - (ix) Empire Avenue;
 - (x) Weaponess Road;
- (f) when was the most recent traffic count recorded for each of the following areas -
 - (i) Grantham Street;
 - (ii) Cambridge Street;
 - (iii) Pearson Street;
 - (iv) Selby Street;
 - (v) The Boulevard;
 - (vi) Harborne Street;
 - (vii) Powis Street;
 - (viii) Hale Road;
 - (ix) Empire Avenue;
 - (x) Weaponess Road;
- (g) what is the projected traffic count for the next -
 - (i) two;
 - (ii) five;
 - (iii) ten;
 - (iv) fifteen;
 - (v) twenty;
 years for the following traffic areas -
 - (a) Grantham Street;
 - (b) Cambridge Street;
 - (c) Pearson Street;
 - (d) Selby Street;
 - (e) The Boulevard;
 - (f) Harborne Street;
 - (g) Powis Street;
 - (h) Hale Road;
 - (i) Empire Avenue;
 - (j) Weaponess Road;

Mr LEWIS replied:

The Minister for Transport has provided the following response:

- (a)-(d) I am told by Main Roads that the studies referred to in question on notice 1604 were examinations of the road network undertaken by Main Roads over a period of time as part of its normal operations. These studies have allowed for the City Northern Bypass (Northbridge Tunnel) and the redevelopment proposals in Subiaco (Subicentro) in their predictions of future traffic volumes.

The prediction of future traffic volumes for the Perth Metropolitan Region is a complex task requiring an extensive range of assumptions concerning future land use as well as the future use of public and private transport. For this reason, the three Government agencies of Planning, Transport and Main Roads combine their expertise to provide these forecasts.

The Ministry for Planning produces predictions of future land use throughout the region. The Department of Transport provides predictions on the use of public transport. Main Roads takes these predictions and includes them in a comprehensive transport computer model that includes any possible changes to the road network for the periods being forecast. Because of the model complexity, predictions have been made only for the year 2001. Therefore, it is not possible to provide forecasts for the specific periods requested. Main Roads do have preliminary data for 2021 but the information is still being analysed. It should also be recognised that the model is designed to provide regional traffic forecasts and care has to be taken when interpreting the forecasts for individual roads.

- (e)-(g) The latest traffic counts and the predictions for 2001 for the roads requested are included in the table below. As soon as the predictions for 2021 are available I will provide the information to the member in writing.

Road Name	Road Section	Existing Traffic Volume AAWT* (1993/94)	Estimated Future Traffic Volume (VPD)+ 2001
Cambridge Street	West of Loftus Street	12 650	15 000
Cambridge Street	East of Harborne Street	14 990	16 000
Cambridge Street	West of Selby Street	10 530	11 000
Empire Avenue	North of The Boulevard	14 200	15 000
Empire Avenue	East of Weaponess Road	9 200	10 000
Grantham Street	West of Harborne Street	16 100	15 000
Grantham Street	West of Selby Street	9 980	13 000
Hale Road	West of Pearson Street	14 100	16 000
Hale Road	East of West Coast Highway	6 220	6 000
Harborne Street	North of Cambridge Street	14 760	16 000
Harborne Street	South of Powis Street	14 930	19 000
Pearson Street	North of Hale Road	23 390	26 000
Powis Street	West of Freeway off ramp	30 070	28 000
Powis Street	East of Freeway ramp	25 630	24 000
Selby Street	South of Cambridge Street	21 980	19 000
Selby Street	North of Grantham Street	21 550	19 000
The Boulevard	North of Cambridge Street	9 120	10 000
Weaponess Road	North of Empire Avenue	8 330	12 000

* Average Annual Weekly Traffic
+ Vehicles Per Day

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE;
RECRUITMENTS

2127. Mr BROWN to the Minister representing the Minister for Transport:

- (1) In each department and agency under the Minister's control, how many employees -
- (a) under 21 years of age;
 - (b) between 21 and 25 years of age,
- were recruited in the 1995-96 financial year?
- (2) How many employees between these ages were recruited in the -
- (a) 1993-94 financial year;
 - (b) 1994-95 financial year,
- by each department and agency under the Minister for Transport's control?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

Department of Transport:

- (1) (a) 11.
(b) 14.
- (2) (a) Under 21 years of age 7.
Between 21 - 25 years of age 4.
- (b) Under 21 years of age 7.
Between 21 - 25 years of age 7.

Main Roads Western Australia:

- (1) (a) 46.
(b) 43.
- (2) (a) Under 21 years of age 20.
Between 21 - 25 years of age + 25 30.
- (b) Under 21 years of age 35.
Between 21 - 25 years of age and 25 50.

MetroBus:

- (1) (a) Nil.
(b) Three.
- (2) (a) Four.
(b) Nil.

Eastern Goldfields Transport Board:

- (1)-(2) (a)-(b) Nil.

Westrail:

- (1) (a) 24.
(b) 78.
- (2) (a) Under 21 years of age 61.
Between 21 and 25 years of age 72.
- (b) Under 21 years of age 35.
Between 21 and 25 years of age 60.

Fremantle Port Authority:

- (1)-(2) (a)-(b) Nil.

Albany Port Authority:

- (1) (a) Two.
(b) Nil.
- (2) (a)-(b) Nil.

Bunbury Port Authority:

- (1) (a) Two.
(b) Nil.
- (2) (a) Two.
(b) Three.

Dampier Port Authority:

- (1) (a) Nil.
(b) One.
- (2) (a)-(b) Nil.

Esperance Port Authority:

- (1) (a) Three.
(b) One.
- (2) (a)-(b) Nil.

Geraldton Port Authority:

- (1) (a) Nil.
(b) One.
- (2) (a) One.
(b) Four.

Port Hedland Port Authority:

- (1) (a) Nil.
(b) One.
- (2) (a) One.
(b) Nil.

NORTHERN CITY BYPASS - INDEPENDENT AUDIT TEAM, APPOINTMENT

2137. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) Has the Government appointed an independent audit team to audit the progress of the Northern City Bypass for environmental effects, time, quality of work and other social impacts?
- (2) If not, why not?
- (3) If yes, who has been appointed?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1),(3) Yes. The Government has established a project team which is responsible for the day-to-day management of the City Northern Bypass. The team comprises a small core group of Main Roads employees and is supported by specialist consultants from each of the appropriate disciplines, including environmental, contract management and community relations. The consultants are independent of the contractor's organisations. The project team has received third party quality management system certification in compliance with AS/NZS ISO 9001. The project team reports to a steering committee, which includes representatives of the City of Perth and relevant government authorities and is chaired by the Commissioner of Main Roads. The steering committee in turn reports to a ministerial council comprising the Minister for Planning and Minister for Transport.
- (2) Not applicable.

ROADS - RANFORD ROAD, WIDENING

2157. Dr WATSON to the Minister representing the Minister for Transport:

- (1) Is Ranford Road to be widened at the section where it crosses the railway reserve?
- (2) If so, what funding has been allocated?
- (3) When will building commence and how long will it take?
- (4) If it is not to be widened, why not?
- (5) How many accidents have been recorded there in the past three years?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Yes. A duplicate bridge and road are to be constructed.
- (2) \$1.2m.
- (3) The work is expected to commence in February 1997 and be completed in May 1997.
- (4) Not applicable.
- (5) Thirteen.

AIRCRAFT - JANDAKOT, CIRCUIT TRAINING

2161. Dr WATSON to the Minister representing the Minister for Transport:

- (1) What is the height approved for aircraft doing circuit training out of Jandakot and flying over -
 - (a) built up areas;
 - (b) rural areas?
- (2) What body monitors and enforces those standards?
- (3) Have residents been asked to take video film of aircraft to be submitted to the Department of Transport for assessment?
- (4) If so, what is the department's role in monitoring and enforcement?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

I would advise the member that the questions she has asked relate to matters that come within the jurisdiction of the Commonwealth Government and I have therefore sought advice from the Federal Airports Corporation at Jandakot and from the Civil Aviation Safety Authority.

- (1) (a) The accepted standard for circuit training, worldwide, is 1 000 feet and this standard applies to Jandakot. Low level circuit training can be carried out at 600 feet for instrument approaches and for poor weather training. Obviously, however, aircraft must pass through different levels in ascending to, or descending from, their cruising or circuit level.
 - (b) 500 feet above ground level.
- (2) The Civil Aviation Safety Authority.
- (3) No.
- (4) The State Department of Transport has no jurisdiction in monitoring or enforcing aspects relating to the operations of aircraft.

AIRCRAFT - TWIN ENGINE, JANDAKOT

2162. Dr WATSON to the Minister representing the Minister for Transport:

- (1) How many twin engine aircraft movements have been recorded at Jandakot in -

- (a) 1994;
- (b) 1995;
- (c) 1996?

(2) What technical adjustments can be made to them to reduce noise pollution?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

I would advise the member that the two questions she has asked relate to matters that come within the jurisdiction of the Commonwealth Government and I have therefore sought advice from the Federal Airports Corporation at Jandakot.

- (1) Although records are kept of the total aircraft movements at Jandakot, these records do not show which movements are by twin or single engine aircraft. In the 1995 Australian Noise Exposure Index, due to be released in mid-October, it has been estimated that 11 per cent of all cross-country flights and 1 per cent of all circuit training flights from Jandakot are undertaken by twin engine aircraft. In 1994 there were a total of 351 360 aircraft movements at Jandakot and in 1995 there were a total of 393 714 movements. Total movements for the year 1996 are not yet available.
- (2) Contrary to popular belief most aircraft noise from piston engined aircraft is generated by the speed of the propeller tips rather than from engine exhaust. One means of reducing this noise is to reduce the RPM of the engine and this is encouraged at Jandakot. Another means of reducing noise that appears to have some success is in fitting Q tip propellers (a small lip on the end of each propeller blade) but this is expensive and is prone to damage when operating from gravel strips in rural areas.

I would point out to the member that, while the State has no direct role in the operation of Jandakot Airport, it is undertaking studies to determine if a number of regional airports are suitable for aviation training purposes. If some of these airports can be utilised for training it will assist in relieving some of the pressure on Jandakot.

I would advise that with state assistance, Western Australian China Southern Flying College has relocated part of its flying training operations from Jandakot to Merredin and this has had the effect of reducing aircraft movements at Jandakot.

ROADS - ORRONG, RIVERVALE, REDEVELOPMENT, ABOVE STRATA PROPERTY 285 GREAT EASTERN HIGHWAY

2179. Mr PENDAL to the Minister representing the Minister for Transport:

- (1) I refer to the redevelopment of Orrong Road in Rivervale whose elevation will place the road above 285 Great Eastern Highway, a strata property containing five commercial units and ask, will the Minister confirm that this was no part of the original plan?
- (2) What consultation, if any, took place with the owners?
- (3) What compensation do they receive for their properties being adversely affected in this way?
- (4) Will the Minister intervene to get justice for these owners?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Raising the level of Great Eastern Highway in front of 285 Great Eastern Highway, Rivervale by approximately 0.5 metre was included in the original master plan for the Great Eastern Highway-Orrong Road intersection and widening road works. The plan was developed with public consultation in 1993 and 1994.

In light of property and business owners' concerns, the design of Great Eastern Highway is being reviewed to lower the level of the new road in this locality and limit the increase in elevation in front of 285 Great Eastern Highway to the lowest level possible. In addition, when these roadworks are completed the whole area will be enhanced with brick paving and other streetscaping, which will greatly improve the outlook for these businesses.

- (2) A public information day was held in Rivervale on 7 April 1993. This was advertised in the *Southern Gazette* on 30 March and 6 April. Brochures were delivered to occupiers and owners of all properties in the vicinity of the project. It is estimated that 400 to 500 people attended the public information day.

Another public information brochure outlining the essential elements of the project was distributed to property occupiers and owners in August 1995. Comments were invited and contact details for further information provided. A further two public information brochures have been distributed this year informing the public on construction works and timetable and advising the timing of temporary closures of local streets. Contact details for further information were included.

- (3)-(4) Main Roads considers that these changes will overcome the owners' concerns.

TRAVEL - PREMIER

Esperance Trip

2180. Ms ANWYL to the Premier:

I refer to the Premier's recent trip to Esperance where he attended a Liberal Party pre-selection branch meeting and ask -

- (a) did the Premier fly down on a chartered or a commercial flight;
- (b) who accompanied the Premier on the trip;
- (c) was it paid for by taxpayers or the Liberal Party?

Mr COURT replied:

- (a) I flew down to Esperance on Monday, 9 September 1996 on the government contracted aircraft charter to discuss various issues with the Esperance community members. These issues included discussions regarding the proposed firearms legislation and drought relief measures for affected farmers on the south coast. I did not attend a "pre-selection branch meeting" but I did meet with members of the Liberal Party.
- (b) I was accompanied by Hon Murray Nixon of the Legislative Council and Jeremy Buxton, a staff member of Hon Norman Moore's office.
- (c) The aircraft charter was organised through the normal contracting arrangements by the Office of State Administration, Ministry of the Premier and Cabinet.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2181. Mr BROWN to the Premier:

- (1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr COURT replied:

- (1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 657.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2182. Mr BROWN to the Minister for Public Sector Management; Youth; Federal Affairs:

- (1) In the departments and agencies under the Premier's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr COURT replied:

- (1)-(10)
Refer to parliamentary question 2181.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2183. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) In the departments and agencies under the Premier's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?
- (2) What was the nature of each contract?
- (3) What was the contract price of each contract?
- (4) Who was allocated the contract?
- (5) How did the department or agency select the company/person to carry out the contract?
- (6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?
- (7) If not, why not?
- (8) Does each department/agency have a list of companies or individuals that may be used for particular work?
- (9) How do the companies or individuals get on the 'list' if the work is not advertised from time to time?
- (10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr COWAN replied:

Department of Commerce and Trade

- (1) The Department of Commerce and Trade has let three contracts.

(2)-(4)

- | | Nature of Contract | Price | Contractor |
|-----|--|----------|---------------------------------|
| (a) | To undertake review of Wine Industry Taxation arrangements | \$10 000 | Dr John Gladstones |
| (b) | Hire of function room & catering for WA Industry and Export Awards | \$30 799 | Burswood Resort & Casino |
| (c) | Contracts to prepare Master Countertrade Agreements | \$14 209 | Skea, Nelson & Hager Solicitors |
- (5) (a) Recommendation of the Wine Industry Association of Western Australia due to specialist wine industry expertise.
- (b) Burswood is the only function centre able to accommodate the number of guests likely to attend the event in any dining room format.
- (c) Mr Skea has a "sole supplier status" for the preparation of Master Countertrade Agreements.
- (6) No.
- (7) The Department of Commerce and Trade tenders for specific requirements.
- (8) No.
- (9) Not applicable.
- (10) None - at all times State Supply Commission policies and procedures are followed.

Small Business Development Corporation

- (1) Small Business Development Corporation - the contracts let were under the \$50 000 threshold required for contracts to be let by tender.

(2)-(4)

- | | Nature of Contract | Price | Contractor |
|--|--|-----------------------------|--|
| | Maintain SBDC Computer Network | \$12 440 | Fujitech |
| | Client/Customer Survey - evaluation of SBDC activities | \$ 7 550 | The Bosche Group |
| | | \$ 2 110 | Reark Research |
| | | \$ 2 995 | Patterson Market Research |
| | Internal Audit Function | \$ 6 200 | Deloitte, Touche Tomatsu |
| | Retail Trading Hours Survey | \$ 5 343 | Patterson Market Research |
| | Development of World Wide Web Site | \$ 1 930 | Pretzel Logic |
| | Provision of Small Business Advisory Service | \$25 per hour plus expenses | Eaglewood Holdings
G Pyett
A Craig
H Bengner
B Hams
J Sargeant
C Tick
T Donnachie |
| | Software Development & Support | \$15 514 | OZPRO Systems |
| | Local Govt Licensing Data Pilot Program | \$10 000 | Stenning & Associates |
- (5) Written quotations invited and assessed in terms of best value for money. Expressions of interest were invited for provision of small business advisory services.
- (6) Yes.
- (7) Not applicable.
- (8) No - other than State Supply Commission period contract information.
- 9) Not applicable.
- (10) None.

Perth International Centre for Application of Solar Energy

- (1) Quotes for small contracts are normally obtained. Larger contracts are put out to tender.
- (2)-(5) Not applicable.

- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) CASE periodically advertises for interested parties to be registered with them.
- (10) None.

Gascoyne Development Commission

- (1) No contracts have been let outside State Supply Commission policy guidelines or the provisions of the Public Sector Management Act, except for some minor printing works have been undertaken, utilising the Department of Commerce and Trade panel contract.
- (2)-(5) Not applicable.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) No formal recruitment process between advertising periods.
- (10) None.

Goldfields Esperance Development Commission

- (1) Goldfields Esperance Development Commission has let one contract.
- (2) Negotiation of workplace agreement.
- (3) \$4 159.70
- (4) Flynn Family Trust
- (5) Basis of previous HR services provided to agency.
- (6) No.
- (7) Frequency and value of work does not justify.
- (8)-(10) Not applicable.

Great Southern Development Commission

- (1) Great Southern Development Commission has let one contract.
- (2) The contract related to complex negotiations involving Chinese wool industry interests. The GSDC received special approval from the State Supply Commission to engage Skillecorn and Associates Consulting P/L who had been working closely with the GSDC on this project for many years and who possessed unique knowledge of the project.
- (3) \$25 000.
- (4) Skillecorn and Associates Consulting P/L.
- (5) Skillecorn and Associates were involved with this project over many years and had established initial negotiations with Chinese wool interests, which GSDC was keen to follow up.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) Not applicable.
- (10) None.

Kimberley Development Commission

- (1) No contracts have been let outside of State Supply Commission policy guidelines or the provisions of the Public Sector Management Act.
- (2)-(5) Not applicable.
- (6) No.
- (7) Because of small purchasing base of the Commission.
- (8) No.
- (9) Not applicable.
- (10) None.

Mid West Development Commission

- (1) No contracts have been let outside of State Supply Commission policy guidelines or the provisions of the Public Sector Management Act.
- (2)-(5) Not applicable.
- (6) Yes.
- (7) Not applicable.
- (8) No, however, the Commission maintains a business capabilities database which lists a number of contractors who are available to provide services to private and public enterprises.
- (9) Contractors can complete a registration form and be included on the database. This database is then updated and made available to a number of government agencies.
- (10) None.

Peel Development Commission

- (1) No contracts have been let outside of State Supply Commission policy guidelines or the provisions of the Public Sector Management Act.
- (2)-(5) Not applicable.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) Direct contact with the Commission.
- (10) None.

Pilbara Development Commission

- (1) No contracts have been let outside of State Supply Commission policy guidelines or the provisions of the Public Sector Management Act.
- (2)-(5) Not applicable.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) Not applicable.
- (10) None.

South West Development Commission

- (1) The South West Development Commission has let two contracts.

(2)-(4)

- | | | Nature of Contract | Price | Contractor |
|-----|--|--|-------------|---------------------|
| (a) | | Ongoing maintenance of Commission's library | \$2 140 | Mrs M Robertson |
| (b) | | Undertake specified regional economic development tasks, including the establishment of modules of the South West Regional Ecomuseum | \$16 243.50 | Bizoltancy Services |
- (5) (a) Mrs M Robertson was selected as she is a qualified librarian and the Commission had previously been unable to obtain professional support for its library.
- (b) Bizoltancy Services was selected to undertake specific regional economic development tasks when the Commission was short staffed while its CEO was being recruited. A principal of the firm had considerable knowledge of the Commission's operations, having worked in the Commission as an undergraduate gaining unpaid work experience.
- (6) No.
- (7) The amount of small contract work undertaken has not warranted advertising for expressions of interest from contractors and individuals.
- (8) No.
- (9) Not applicable.
- (10) None.

Wheatbelt Development Commission

- (1) No contracts have been let outside of State Supply Commission policy guidelines or the provisions of the Public Sector Management Act.
- (2)-(5) Not applicable.
- (6) No.
- (7) The amount of small contract work undertaken has not warranted advertising for expressions of interest from contractors and individuals.
- (8) Yes.
- (9) Not applicable.
- (10) None.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2205. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) Does each department and agency under the Deputy Premier's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?
- (2) Are the tender documents made available in a timely manner?
- (3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr COWAN replied:

Department of Commerce and Trade:

- (1)-(2) Yes.
- (3) No.

Small Business Development Corporation:

- (1)-(2) Yes.

(3) No.

Perth International Centre for Application of Solar Energy:

(1)-(2) Yes.

(3) No.

Gascoyne Development Commission:

(1)-(2) Yes.

(3) No.

Goldfields-Esperance Development Commission:

(1)-(2) Yes.

(3) No.

Great Southern Development Commission:

(1)-(2) Yes.

(3) No.

Kimberley Development Commission:

(1)-(2) Yes.

(3) No.

Mid West Development Commission:

(1)-(2) Yes.

(3) No.

Peel Development Commission:

(1)-(2) Yes.

(3) No.

Pilbara Development Commission:

(1)-(2) Yes.

(3) No.

South West Development Commission:

(1)-(2) Yes.

(3) No.

Wheatbelt Development Commission:

(1)-(2) Yes.

(3) No.

RAILWAYS - JANDAKOT TO KENWICK RAIL LINK, CONSTRUCTION

2265. Dr WATSON to the Minister representing the Minister for Transport:

(1) When is the construction of the rail link from Jandakot to Kenwick to be -

- (a) started;
- (b) completed?

(2) When will engineering work for the tunnel at Kenwick be -

- (a) started;
- (b) completed?

- (3) What benefit will the link have for people in -
 - (a) Jandakot;
 - (b) general?
- (4) How long, after this initial link is planned, is it proposed to build a railway line beyond Jandakot?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)
 - (a) Construction of the essential tunnel works at Kenwick will commence in the latter part of 1997.
 - (b) The Government has committed to have the rail link to Jandakot by 2005.
- (2)
 - (a) In the latter part of 1997.
 - (b) The essential part of the tunnel infrastructure for those portions under the proposed Albany and Roe Highways will be completed in 1999. The remainder of the tunnel beyond the roadworks will be built as part of the main railway construction program.
- (3)
 - (a) By 2006, between 2 500 and 3 000 people will board the train daily at Jandakot.
 - (b) By 2006 around 9 500 people will board trains daily between Kenwick and Jandakot - including Jandakot.
- (4) Progressively after the Jandakot link is completed.

ROADS - ROE HIGHWAY, SOUTH STREET EXTENSION, CHANGES

2266. Dr WATSON to the Minister representing the Minister for Transport:

- (1) Does the Minister acknowledge that the original plans to extend the Roe Highway to South Street have been substantially changed?
- (2) What were these original 1991 plans, in terms of -
 - (a) staging,
 - (b) time schedules for each stage;
 - (c) costs for each stage?
- (3) What are the current plans for -
 - (a) staging,
 - (b) time schedules for each stage;
 - (c) costs for each stage?
- (4) Is the Roe Highway now to finish at Nicholson Road and not South Street, before the linkup with Kwinana Freeway?
- (5) What consultations have been done in terms of these changes?

Mr LEWIS replied:

- (1) The plan to extend Roe Highway to South Street has not changed but the proposed staging of implementation has.
- (2) In 1991 the stages were -

Stage 1 - Tonkin Highway to Welshpool Road. Construction 1992-93. \$21.1m.

Stage 2 - Wimbledon/Rupert Link. Construction 1994-95. \$22.5m.

Stage 3 - Welshpool Road to Wimbledon/Rupert Link. Construction 1995-96. \$23.1m.

Stage 4 - Wimbledon/Rupert Link to Nicholson Road. Construction 1996-97 (February). \$19.85m.

Stage 5 - Nicholson Road to South Street. Construction 1996-97 (June). \$16.7m.
- (3) As the Member is aware, planning for this project and others in Western Australia was undertaken on the basis of funding being provided by the previous Federal Government under the national arterial road program. This program ended in 1993 and projects such as Roe Highway had to be re-scheduled. Because of the introduction of the \$1b additional road program by our Government, it has been possible to make

adjustments so that this project could continue and the sections from Welshpool Road to the Kwinana Freeway will be fully funded by the State. The current stages and schedules are -

Stage 1 - Tonkin Highway to Welshpool Road. Construction complete. \$22.2m with landscaping works still in progress.

Stage 2 - Wimbledon/Rupert Link construction to commence January 1997 (project cost \$25m).

Because of the complexity of the works in the original stage 3, brought about in part by the need to now plan and construct the rail tunnel, this work has been separated into two new stages 3 and 4 as indicated below, with subsequent stages being renumbered.

Stage 3 - Albany Highway crossing (Kenwick Joint Project) construction to commence 1997-98 (Main Roads' component of project cost \$17m).

Stage 4 - Welshpool Road to the Wimbledon/Rupert Link construction to commence during 1998-99 (project cost \$29m). (Formerly part of stage 3).

Stage 5 - Wimbledon/Rupert Link to Nicholson Road construction to commence during 2001-02 (project cost \$23m). (Formerly stage 4).

Stage 6 - Nicholson Road to South Street construction to commence during 2002-03 (project cost \$20m). (Formerly stage 5).

A further stage, to be funded from the additional road funding program, has been added as follows -

Stage 7 - South Street to the Kwinana Freeway construction to commence during 2003-04 (project cost \$18m).

- (4) The various newsletters and advertisements placed by Main Roads Western Australia to keep the community informed on this project have always shown that Roe Highway was to be built in sequential stages - finishing at Nicholson Road, then South Street and now, the Kwinana Freeway.
- (5) Consultation was carried via public displays and letter drops in 1992 where comment on the planning of Roe Highway to South Street was invited. Displays were held at the Beckenham Community Centre, Riverton Forum, Southlands Burrendah Boulevard and Metro Maddington. The displays were advertised in newspapers and letters were sent to local parliamentarians for the area. In 1992-93, consultation also occurred in the area around stages 2 and 3 with local government, community groups, and members of Parliament on the construction of the Wimbledon Rupert Link and the proposed rail tunnel. Since the distribution of the latest newsletter, further consultation has commenced with council and local members of Parliament on the design and construction details for stages 2, 3 and 4. Community liaison groups will be formed for each stage and similar consultation will be provided as construction nears.

ROADS - ROE HIGHWAY PROJECT NEWSLETTER

2267. Dr WATSON to the Minister representing the Minister for Transport:

- (1) Which agency was responsible for publishing the *Roe Highway Project Newsletter*?
- (2) When was it printed and at what cost?
- (3) How has it been circulated and to whom?
- (4) Why is there no mention of the proposed Westrail tunnel in the newsletter?
- (5) Is the Minister aware that much of the information in the newsletter is badly out of date?
- (6) What consultations, if any, have been entered into with Gosnells City Council regarding landscaping proposals?
- (7) How does the Minister explain the disparities on traffic volumes in William Street between the newsletter prediction and 1992 existing and forecast data?
- (8) Will the residential area of Albany Highway, Beckenham, be cul-de-saced?
- (9) Why is Wimbledon Street to be only two lanes wide when four were committed and four are needed to deal with anticipated traffic?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Main Roads Western Australia.
- (2) The newsletter was printed in August at a cost of \$3 131 which represents a cost of 20¢ per newsletter.
- (3) Newsletters were distributed by Australia Post to libraries and residents within approximately two kilometres of the project location in the Beckenham, Kenwick, Langford, Thornlie and Maddington areas, including local members of Parliament for the area.
- (4) The tunnel is mentioned in the newsletter under stage 3 as "a tunnel to connect the Perth - Armadale rail link to the Forrestfield-Kwinana rail link". It is also shown on the Welshpool Road to Nicholson Road concept plan in the newsletter as "proposed railway tunnel".
- (5) The information in the newsletter is correct.
- (6) The City of Gosnells has been kept informed of the developments in this project both formally and by contact at officer level. The landscape plans were referred to officers of the city and were accepted.
- (7) There is not disparity. In 1992, traffic on William Street was 20 235 vehicles per day and in 1996 this has risen to 22 556 vehicles per day, close to the increase of 10 per cent predicted in 1991 when the previous Minister for Transport, Pam Beggs, agreed to the connection being made. When Roe Highway is extended to Albany Highway, this volume is expected to drop to around 17 000 vehicles per day.
- (8) Yes.
- (9) There was no commitment to build Wimbledon Street to four lanes. The member is well aware that after extensive community consultation and compromise by all parties involved, the Government of the day agreed to initially build two lanes on Wimbledon Street between William Street and Ladywell Street.

NORTHBRIDGE TUNNEL - DEWATERING ZONE

2269. Ms WARNOCK to the Minister representing the Minister for Transport:

How far does the dewatering zone extend from the Northbridge tunnel in relation to Boulderstone Clough's contractual obligation to protect vegetation and buildings?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

Boulderstone Clough's contractual obligation to protect vegetation and buildings deemed to be impacted by the construction of the underground section during the dewatering process is without boundaries. Scientific data demonstrates that the impact of dewatering will be generally within 100 metres of the structure walls. This is the area within which Boulderstone Clough is concentrating its preconstruction building condition surveys. However, the company is arranging building condition surveys as requested by residents outside the 100 metre zone.

ROADS - WILUNA SHIRE, BUDGET ALLOCATION; EXPENDITURE

2319. Mr GRAHAM to the Minister representing the Minister for Transport:

- (1) What was the total budget allocation from the State for roads in the Shire of Wiluna for the years ending 30 June -
 - (a) 1989
 - (b) 1990
 - (c) 1991
 - (d) 1992
 - (e) 1993
 - (f) 1994
 - (g) 1995
 - (h) 1996?
- (2) Was the allocation totally expended for each year?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) The budget figures requested by the member are not readily available and it would take a considerable time and resources to manually extract figures from a number of sources. I am not prepared to commit resources to this work. However, Main Roads has advised that there would have been only minimal departure from budgeted figures.
- (2) State funds expended by Main Roads in respect of roads in the Shire of Wiluna are as follows -

Financial year	State funds \$000
1988-89	438
1989-90	462
1990-91	262
1991-92	516
1992-93	515
1993-94	761
1994-95	1 639
1995-96	1 704
1996-97	1 113 (Budget)

The member will note and I hope recognise the considerable increase in expenditure since 1993-94.

BUS SERVICES - FARES

2340. Dr WATSON to the Minister representing the Minister for Transport:

- (1) How will the current zoning/fare system accommodate passengers who wish to cross zones between privately and publicly operated bus routes?
- (2) Will a passenger be able to buy one ticket?
- (3) Will discounts still apply for journeys taken within a specified time or within specified hours?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) From the passengers' perspective there will be no change whatsoever. Crossing zones between privately and publicly operated bus routes presents no difficulty at all.
- (2) Yes, absolutely.
- (3) Yes.

GOVERNMENT DEPARTMENTS - SAVINGS MEASURES

2345. Mr BROWN to the Premier:

- (1) Further to question 1740 of 1996, will the Premier disclose the \$40m of savings measures that have been identified by Ministers?
- (2) If not, why not?
- (3) Have any of the savings measures identified by Ministers been implemented?
- (4) What savings measures have been implemented?
- (5) What departments and agencies have implemented savings measures?
- (6) What is the precise nature of the savings measures introduced by each department and agency?
- (7) How much will each measure in each department and agency save?

Mr COURT replied:

- (1)-(2) In many cases, Ministers have offered up reductions on the basis that general productivity and efficiency savings would be achieved during the financial year. In these cases, and although specific savings measures were not identified, the reductions were accepted on the basis that there would be no reductions in service delivery. It is therefore not possible to disclose the \$40m of savings measures as in many cases the savings measures will be developed by agencies on a month by month basis with the objective of meeting their target reductions by year end, without affecting service delivery.

(3)-(5),(7)

All Ministers have factored their agreed reduction into their budget monitoring systems and are, in fact, operating against lower aggregate budgets. I do not propose to monitor precisely what each Minister does to achieve the agreed reduction because I have each Minister's assurance that the reductions will be achieved without reduction to service delivery.

- (6) As already indicated, it is not practical or possible to identify and monitor the precise nature of the savings measures introduced by each agency. The agreed reductions to budgets will be achieved in various ways and none of the reductions will adversely affect service delivery. The reduction measures identified by Ministers vary from agency to agency. They mainly include general efficiency and productivity savings, fortuitous savings resulting from unavoidable delays in activities, savings against travel and corporate service budgets, savings in capital works, and asset sales.

ROAD FUNDING - "FIX AUSTRALIA - FIX THE ROADS" CAMPAIGN; COMMONWEALTH ALLOCATIONS

2354. Mr BROWN to the Minister representing the Minister for Transport:

- (1) Does the State Government intend to relaunch the Fix the Roads campaign?
- (2) If not, why not?
- (3) What amount was allocated by the Federal Government for road works in Western Australia in the financial years -
 - (a) 1994-95
 - (b) 1995-96?
- (4) What amount has the Federal Government allocated to road funds in Western Australia for the 1996-97 financial year?
- (5) Is it true the State Government will not reinvigorate the Fix the Roads campaign because it was a political campaign targeted at the federal Labor Government with nothing to do with road funds?
- (6) If not, how does the Minister explain the State Government's inaction over the recent federal Budget?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) The Fix Australia, Fix the Roads campaign is ongoing and, in fact, is gathering strength. The Minister for Transport recently had a successful meeting in Queensland on this issue with 150 representatives of government, industry and community bodies. It is likely that Queensland will introduce a similar campaign.
- (2) Not applicable.

(3)-(4)

	National Highway	Untied funds to Main Roads	Local roads+
	\$m	\$m	\$m
1994-95	55.463	43.400	51.954
1995-96	73.740	43.000	54.745
1996-97	48.040*	41.000	57.164

*Around \$70m remains to be allocated for the national highway. Western Australia's share of this is yet to be decided by the Federal Government but the Minister expects to receive a reasonable share.

+These funds are the roads component of the financial assistance grants to local government. Although completely untied, this component is distributed to individual local governments on the basis of relative road needs.

- (5) The Opposition has been using this line to avoid its responsibilities to Western Australians in obtaining a fair funding deal from the Commonwealth for roads. The Opposition has previously backed its colleagues in Canberra in that they supported their poor performance in respect of road funding, but the member and his Labor colleagues are again invited to get behind our Government on this important matter.
- (6) There has been no lack of action on Western Australia's part. The Premier and the Minister for Transport have personally been involved in direct discussions and correspondence with the Prime Minister and the federal Transport Minister. Also, the Commissioner of Main Roads and his senior staff have visited Canberra on several occasions to represent a case to the Department of Transport and Regional

Development and to the federal Minister's staff. Main Roads has set up a special task force to address the House of Representatives Standing Committee on Transport and Microeconomic Reform Review of Federal Road Funding. The chairman of that inquiry is the member for Lyne in New South Wales, Mr Mark Vaile, and the deputy chair is a former federal Minister for Transport, Hon Peter Morris.

HEIRISSON ISLAND - OWNERSHIP AND MANAGEMENT RESPONSIBILITY

2358. Dr GALLOP to the Premier:

Who has responsibility for the ownership and management of Heirisson Island?

Mr COURT replied:

Heirisson Island is set aside as class A reserve No 23063 for the purpose of public park vested in the City of Perth.

NORTHBRIDGE TUNNEL - DEWATERING ZONE

2360. Ms WARNOCK to the Minister representing the Minister for Transport:

- (1) With reference to Boulderstone Clough's contractual obligation to protect vegetation and buildings in the dewatering zone for the Northbridge tunnel, is the dewatering zone defined as the area affected by dewatering?
- (2) If not, why not?
- (3) How far from the tunnel wall has Main Roads acknowledged that dewatering will have an effect on the water table?
- (4) How far does the dewatering zone extend from the tunnel wall in relation to Boulderstone Clough's contractual obligation to protect vegetation and buildings?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Not applicable.
- (3) The distance from the structure wall at which the water table is affected by the dewatering process depends on the time of year. The effect of dewatering beyond 100 metres from the structure walls is not expected to impact buildings and vegetation because the draw down falls within the normal seasonal fluctuations of the water table. Within 100 metres of the structure wall, the dewatering will temporarily lower the water table to a level below the normal summertime level. However, the contractor will monitor the impact of that effect on buildings and vegetation and take protective action. The contract with Boulderstone Clough joint venture includes an obligation to protect all properties and vegetation at risk from dewatering. As a priority, the contractor is conducting independent property surveys within the 100 metre perimeter of the structure walls. The contractor is also registering requests for surveys by residents outside this area for later assessment on a case by case basis.
- (4) There is no distance limitation.

WESTRAIL - PROSPECTOR SERVICE, IMPROVEMENTS

2362. Ms ANWYL to the Minister representing the Minister for Transport:

- (1) With reference to the moneys pledged to the improvement of the *Prospector* rail service -
 - (a) what amount of money will be spent;
 - (b) what will be the precise application of such moneys;
 - (c) what amount will be spent on railcars and track maintenance;
 - (d) what is the precise nature and terms of reference of the further report on the *Prospector* rail service;
 - (e) what will be the cost of the report;
 - (f) who will prepare the report?

- (2) Is the \$2m set aside, in the 1996-97 budget, for the renovation and rehabilitation of the *Prospector* railcars additional to, or inclusive of, the amount referred to in (1) above?
- (3) Have passenger surveys been carried out in the wake of cancelled express services as promised by the Minister for Transport?
- (4) If yes to (3) above -
 - (a) what is the nature of the research/survey;
 - (b) will the Minister make it available; and if not, why not?
- (5) If the research/survey has not been carried out, why not, and when will it be done?
- (6) What is the cost of the research/report announced by the Minister for Transport at the same time as the \$3m boost to the *Prospector*, and other country train services?
- (7) What is the nature of that research and when will it be complete?
- (8) Will the report be made public?
- (9) What is the current level of staffing at the Westrail freight depot at West Kalgoorlie?
- (10) What was the staff level at the said depot at -
 - (a) 30 June 1993;
 - (c) 30 June 1995;
 - (d) 30 June 1996?
- (11) Does the Minister for Transport continue to promote a system of voluntary redundancies upon request for Westrail workers?
- (12) If so, what is the criteria in operation?
- (13) How many goldfields employees have taken those redundancies since your Government was elected?
- (14) Are passenger cars on the *Prospector* rail service available for group bookings of more than 30 people?
- (15) When were group bookings of more than 30 suspended and why?
- (16) How many rail services between Perth and Kalgoorlie have been cancelled since 24 March 1996, and what was the purpose for each such cancellation?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1)
 - (a) \$5.2m.
 - (b) Mechanical overhaul and interior renovation of the railcars, and rehabilitation of the track to remove the current speed restrictions.
 - (c) Railcars - \$2.4m.
Track Maintenance - \$2.8m.
 - (d) The study will examine all aspects pertaining to the acquisition of new rollingstock for the *Prospector* and AvonLink train services. The terms of reference are not yet finalised.
 - (e)-(f) Tenders will be called for consultants to undertake the study. The cost will not be known until all tenders have been received and evaluated.
- (2) \$2.4m has been set aside and is included in the total amount of \$5.2m.
- (3) Yes.
- (4)
 - (a) Passengers were surveyed by questionnaire to gauge their travel requirements.
 - (b) Yes.
- (5) Not applicable.

- (6)-(7) I presume the member is referring to a report undertaken by Railtec International which provided advice on the mechanical condition of the *Prospector* and *Australind* railcars. That report was completed in June 1996 at a cost of \$30 500.
- (8) No. It is an internal report which was never intended to be a public document.
- (9) 37.
- (10) (a) This information is not available.
 (b) 45.
 (c) 41.
 (d) 41.
- (11)-(12) Westrail's selective voluntary severance scheme is available to its employees in accordance with the Public Sector Management Act.
- (13) Since 15 March 1993, 50 employees from Kalgoorlie/West Kalgoorlie have exited Westrail under the selective voluntary severance scheme.
- (14) No. The maximum number of people accepted for a group booking is 20.
- (15) Group bookings have been limited to 20 people since June 1996. The *Prospector* was introduced 25 years ago to provide scheduled services between Perth and Kalgoorlie. Over the years, it had been possible for Westrail to accommodate large groups by providing additional railcars on the train. However, in recent years there has been a steady increase in the number of passengers using the *Prospector* services resulting in a greater demand being placed on the available rollingstock. With that demand, there are now no available surplus railcars.
- (16) 29 train services were cancelled and road coach services were operated in lieu of the cancelled train services. Reasons for cancellations were as follows -

Industrial action	6 services
Culvert renewal	7 services
Mechanical problems with railcars	14 services
MRWA road works	2 services

TASK FORCE ON SOCIAL PROBLEMS - KALGOORLIE-BOULDER

2377. Ms ANWYL to the Minister for Regional Development:

- (1) I refer to the government task force on social problems in Kalgoorlie and Boulder and ask -
- (a) does the Goldfields and Esperance Development Commission have a role to play in resolving social problems in Kalgoorlie and Boulder; and
- (b) if so, what is its function in that regard?
- (2) Of the 37 projects currently undertaken by GEDC, which projects relate to social problems and social development?
- (3) What role did the Minister play in the selection of the chairwomen of the task force?
- (4) Are task forces to be developed in other regional centres and, if so, when?
- (5) What is the precise amount of funding increase sought by GEDC for the next financial year?

Mr COWAN replied:

- (1) (a) The board of the commission has consistently perceived the role of the commission to be that of facilitating the social development of the region in making the region a more attractive place in which to live and work. It does not consider it appropriate for GEDC to adopt close involvement in resolving social problems as Kalgoorlie and Boulder is well serviced with both government and non-government welfare organisations specifically chartered with this responsibility.
- (b) The task force on community service issues for Kalgoorlie and Boulder is an initiative of the Ministry of the Premier and Cabinet. Apart from the task force being co-chaired by GEDC chairperson Kath Finlayson, the commission's role is confined to providing limited administrative support and services to the task force.

(2) Social development projects -

Communication audit: Identifying measures to address the isolation of people in remote areas exacerbated by inadequate access to communication services.

Task force on Aboriginal employment in the mining industry: Working with industry and local Aboriginal people to improve employment prospects for Aboriginal people.

Esperance Community College: Developing and progressing the community college model for the Esperance campus of Kalgoorlie College.

Ravensthorpe community housing project: Assisting local community to procure housing.

Task force on community issues for Kalgoorlie and Boulder: Provision of administrative support and services to the task force.

(3) None.

(4) No.

(5) The 1997-98 budget is still to be determined.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS, MEN APPOINTMENTS

2389. Dr WATSON to the Premier:

(1) How many women are on boards and committees in the Premier's administration?

(2) How many men are on boards and committees in the Premier's administration?

(3) How many women have been appointed since October 1995?

(4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr COURT replied:

(1) 11.

(2) 57.

(3) Five.

(4) This information sought by the member is not readily available and would require a search of individual departmental files. I am not prepared to allocate resources for that purpose.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2391. Dr WATSON to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) How many women are on boards and committees in the Deputy Premier's administration?

(2) How many men are on boards and committees in the Deputy Premier's administration?

(3) How many women have been appointed since October 1995?

(4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr COWAN replied

Department of Commerce and Trade

(1) 21.

(2) 111.

(3) 11.

(4) One.

Small Business Development Corporation

(1) One.

- (2) Five, including one ex officio.
- (3) One.
- (4) Nil.

Perth International Centre for Application of Solar Energy

- (1) Two.
- (2) Six.
- (3) Nil.
- (4) One woman board member has recently resigned and a replacement has not yet been decided.

Gascoyne Development Commission

- (1) One.
- (2) Six.
- (3) One.
- (4) Nil.

Goldfields Esperance Development Commission

- (1) Two.
- (2) Eight
- (3) One.
- (4) One.

Great Southern Development Commission

- (1) Two.
- (2) Five.
- (3) One.
- (4) Nil.

Kimberley Development Commission

- (1) One.
- (2) Nine.
- (3) One.
- (4) Nil.

Mid West Development Commission

- (1) Two.
- (2) Eight.
- (3) One.
- (4) Nil.

Peel Development Commission

- (1) Two.
- (2) Eight.
- (3) Two.
- (4) Nil.

Pilbara Development Commission

- (1) One.
- (2) Nine.
- (3) One.
- (4) Nil.

South West Development Commission

- (1) Two.
- (2) Five.
- (3) Nil.
- (4) One.

Wheatbelt Development Commission

- (1) Three.
- (2) Seven.
- (3) Two.
- (4) Nil.

COMPUTERS - USED BY GOVERNMENT AFFECTED BY YEAR 2000 ASSESSMENT

2435. Mr BLAIKIE to the Premier:

- (1) As the State moves towards year 2000, has any assessment been made of computers used by government agencies to see whether any will be affected by the millennium.?
- (2) If yes to (1), what action is being taken, and will the Government provide the House with a statement at the earliest opportunity?

Mr COURT replied:

- (1) We are aware of the potential problems for government computing systems arising from the year 2000 date change. In fact, the issue has already been faced in Western Australia; for example, with drivers' licences and Seniors' Cards, both of which have expiry dates beyond the year 2000. The Information Policy Council, with assistance from the Public Sector Management Office, has alerted all government agencies with a survey to assist in assessing the scope of any problems. This survey is in progress and the results are not yet available.
- (2) The Information Policy Council has briefed the Public Sector Management Committee and has sponsored a special CEO-SES briefing by the Gartner Group. Further initiatives are being developed, including the creation of a multi-agency task force and the allocation of a dedicated resource to manage the issue and ensure that the Government is well placed to face the millennium.

MAIN ROADS WESTERN AUSTRALIA - SMALL, MR AND MRS, AT PINE FOR OUTDOOR LIVING,
CANNINGTON, BUSINESS DIFFICULTIES

2455. Dr WATSON to the Minister representing the Minister for Transport:

- (1) How was it decided that Main Roads Western Australia was not negligent in relation to the business difficulties of Mr and Mrs Small at Pine for Outdoor Living, Cannington?
- (2) What accountability procedures are required of contractors, such as Highway Constructions, when approved by Main Roads?
- (3) Why did it take until 25 September 1996 to claim that Main Roads was not negligent when the matter had been raised over several months with the Minister, the department and in the Parliament?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

- (1) I am advised that no information has been presented which indicates Main Roads was negligent.
- (2) Contractors are accountable to Main Roads under the terms of their contract. They can be liable to third parties for damage or injury they cause.
- (3) The matter was being investigated.

QUESTIONS WITHOUT NOTICE

EDUCATION SYSTEM - CHANGES

618. Dr GALLOP to the Premier:

Is the Premier concealing from the people of Western Australia planned massive changes to our education system, including the amalgamation of high schools, school closures and the withdrawal of courses from some schools?

Mr COURT replied:

No. I presume the Leader of the Opposition just heard an announcement of what is happening in Victoria and thought he might tailor it into a question to be asked in here. The answer is no.

EDUCATION SYSTEM - SECONDARY SCHOOLS

619. Dr GALLOP to the Premier:

I refer the Premier to an article in "Comment: A Forum for Secondary Principals", which reports that principals were told of three models for rearranging secondary education in Western Australia, and states -

With the announcement that Education Minister Colin Barnett will not rely on community agreement to close schools, we can expect some swift action after the state election. Director Neil Jarvis told principals at the workshop that the age when local high schools provided a comprehensive education for all students within walking distance of the school, was over. He had a formula which could be applied to schools which would indicate whether a school could provide viable options. He did not indicate when it would be applied.

Given that the Minister for Education has decided parents will no longer be able to veto school closures, why should parents not believe our secondary school principals are right?

Mr COURT replied:

I am sure there are a thousand different opinions about whether our education system should be changed. The Leader of the Opposition has asked me a question, and I have said no. He then asked me a supplementary question, in which he read out a statement made by someone about what might happen in this system. Education was one of the most neglected areas in the 10 years of the Labor Government. When a Government resorts to using borrowed money to maintain schools, it has stooped as low as it can. The coalition Government will turn high schools into state of the art facilities, taking education into the next century.

CO-OPERATIVE BULK HANDLING LTD - MONOPOLY

620. Mr AINSWORTH to the Minister for Primary Industry:

Does Co-operative Bulk Handling Ltd still have a statutory monopoly on the handling of grains in Western Australia?

Mr HOUSE replied:

Because of the national competition policy arrangements and the broad agreement among States and industry about that matter, I commissioned a report by Parker and Parker to look into that issue and how it affected agriculture in Western Australia. I tabled a copy of that report in the Parliament some months ago. However, it is important to clarify the position of Co-operative Bulk Handling.

Since 1989 when the Act was amended, Co-operative Bulk Handling has not had the sole rights to handle grain in Western Australia. Other companies have had the ability to handle grain also. I am sure all members will be aware

that Co-operative Bulk Handling is an independent cooperative company. It comes under the auspices of legislation of this Parliament and its jurisdiction stops in Western Australia.

FEDERAL BUDGET CUTS - IMPACT ON STATE BUDGET

621. Dr GALLOP to the Premier:

Since June, when John Howard directly chopped more than \$90m from Western Australia's Budget, the Premier seems to have suffered a terrible case of amnesia.

- (1) Did he forget his promise last week to outline those important community programs to be cut by the \$30m reduction in specific purpose grants?
- (2) Did he forget to respond to my deputy's letter that was sent to him last Wednesday asking for those details?
- (3) Is he still unable to remember where he will find \$60m, because of cuts in general purpose grants?

Mr COURT replied:

(1)-(3) I went to a Premiers' Conference at which this State, along with the other States -

Dr Gallop: Caved in.

Mr COURT: No, we did not cave in; we agreed to assist the Federal Government with its budget difficulties. Western Australia's part in that proposal was a \$60m commitment from state funding.

Mr McGinty: Plus \$30m in surplus payments.

Mr COURT: I will get to that in a minute. The Opposition cannot comprehend, and does not seem to understand, the budget process. The State Government must find more than \$60m when it has turnarounds in certain areas of revenue. We do not have any option but to make changes to bring about improvements so that within our budget discipline we can still have a balanced Budget.

Mr Ripper: Have you got turnarounds in revenue as well?

Mr COURT: The member would be surprised to know that they go up and down.

Mr Ripper: For instance?

Mr COURT: For the last 18 months the housing market has been flat and as a result revenue from stamp duty and the like has not been good.

Mr Catania: You're making that up with increased land taxes.

Mr COURT: I said that the Budget had ups and downs. The Government's job is to ensure that it manages the finances properly.

Mr McGinty: What about getting on with it?

Mr COURT: If the Leader of the Opposition had not waffled on for an hour last night and had sat down, Ministers would have got up and given him the information he wanted. I think five Ministers were waiting to provide some information.

Several members interjected.

The SPEAKER: Order!

Mr COURT: I note that the number of opposition members in the Chamber has dropped to 14!

The detail of the specific purpose payments will be provided when that information is available. I said last week that not all the information from the Federal Government was available.

Dr Gallop: What does that tell us about the Federal Government?

Mr COURT: I will tell the Leader of the Opposition what will happen: Our commitment is that in the first week of the campaign, Treasury will detail the current financial position. It will not be what we say it is, but what it actually is. It will detail whether expenditure or revenue has gone up or down; that information will be accurate, and we will continue for another four years. Unlike the Opposition, we do not hide anything. We will go into this election with the discipline that all our election promises will be funded.

WORKSAFE - WORKPLACE SAFETY

622. Dr HAMES to the Minister for Labour Relations:

The Opposition has been attacking WorkSafe WA and its chief executive officer, Neil Bartholomaeus, ostensibly over workplace safety, particularly on building sites. Can the Minister inform the House as to the accuracy of the criticism?

Mr KIERATH replied:

There are two aspects to the issue, the first of which relates to workplace safety. In 1993 our goal was to reduce lost time injuries by 10 per cent over four years. We achieved a 7.5 per cent reduction in the first year. We also set a target to cut workplace fatalities by 50 per cent in four years. We introduced OHS Week and the "Think Safe Sam" advertising campaign. People are talking and thinking about safety. As well, we have quadrupled the penalties against employers in serious situations. We can be very proud of the Government's safety record, because it has done far more than the Australian Labor Party did when in government.

Why are people attacking the chief executive officer? The amusing aspect is that it is done everywhere except in this place. It has nothing to do with workplace safety. It is all about political vilification, and a vendetta against the person concerned. We are aware that he was a former ALP candidate. He is an outstanding public servant who is doing the job he is paid to do; that is, to look after the workplace safety of the men and women in this State.

Our safety campaigns have been very successful, but a group in the Labor Party is trying to maintain its rage. Those people are trying to draw attention to a person who was ostensibly one of their own. They are very upset because instead of working for them and betraying the people of this State, this public servant has taken his oath of office responsibly. He has put service to the Government and the people of this State ahead of party political considerations. That must be commended.

Our safety record in government is far better than anything members opposite did during their 10 years in government. Instead of attacking Neil Bartholomaeus they should be congratulating him.

I note how silent are members opposite. They are not saying anything now, because they know they are betraying the working men and women of this State. Their conduct is disgraceful. I call on the Leader of the Opposition to show some leadership and pull some of his hacks into line for their public comments.

WORKSAFE COMMISSIONER

623. Mr BROWN to the Premier:

- (1) Is the Premier aware that his own public sector guidelines prohibit public servants from "publicly criticising any political party, its actions or its policies"?
- (1) Will he reprimand his Minister for Labour Relations for not only ignoring these guidelines but also encouraging his WorkSafe Commissioner by saying that he is entitled to criticise opposition members and that he would be disappointed - we all know what that means when it is the Minister for Labour Relations - if he did not?

Mr COURT replied:

- (1)-(2) I have asked for advice from the Public Sector Management office on that matter. When I receive it I will provide it to the member for Morley, as I have provided information in the past.

HOMESWEST - CONTRACTING OUT

624. Mr OSBORNE to the Minister for Housing:

Will the Minister inform the House of the benefits to taxpayers of contracting out Homeswest's maintenance activities?

Mr KIERATH replied:

Contracting out of maintenance on Homeswest properties has been going on since the 1950s even during the Labor Party's term of office. At the end of 1992 a review found that public sector maintenance was not as productive as private sector maintenance; in fact, it cost Homeswest 24 per cent more. Its maintenance work has since been contracted out. A number of Homeswest employees established their own business. Three people established a plumbing and drainage business. Others won gas fitting contracts with Homeswest. I am pleased to say that for the

following 12 months \$2.2m in savings were made. That money can be used for putting people into housing rather than for propping up union mates.

People employed to undertake estate maintenance were offered redundancies. Seven ex-employees won 10 contracts. That amounted to \$1.7m ongoing savings, with no reduction in service. That shows that through cooperation with all parties, Government can achieve better service without forcibly putting people out of work. It was done on a voluntary basis. This way we are not only saving money but also getting a better service.

MINISTRY OF JUSTICE - PRISON SITES

625. Mrs HENDERSON to the Minister assisting the Minister for Justice:

- (1) Which locations are being examined as possible future prison sites?
- (2) What is the current status of selecting the next site for the new prison?
- (3) Have any sites been ruled out as unsuitable? If so, where are they?

Mr MINSON replied:

- (1)-(3) No locations have been considered seriously. A group of consultants has been appointed by the Ministry of Justice to advise when a new prison should be established and what should be the number of beds, etcetera. The consultants may make a recommendation about the location. I cannot recall whether that requirement is in the consultants' terms of reference.

When a decision has been made about a new prison and what size it should be, extensive public consultation will take place. I understand that the siting of a prison, no matter what the location, is a delicate issue.

Dr Gallop: What are the terms of reference for the consultative group?

Mr MINSON: They were in the paper about six or eight weeks ago, but I do not remember them. I will provide them.

Mr McGinty: At this stage nothing has been ruled in or out?

Mr MINSON: That is right. The only site that has been ruled out is the old Sunset Hospital in Nedlands.

JOONDALUP HEALTH CAMPUS - PROGRESS

626. Mr JOHNSON to the Minister for Health:

The construction activity at the Joondalup health campus appears to be progressing quickly. Is the program on schedule and, if so, when will some of the services come into operation?

Mr PRINCE replied:

I thank the member for some notice of this question. I am pleased to say that the construction activity is on program at the moment and I compliment the City of Wanneroo and the Health Department because they have fast tracked parts of this development in order that they may be brought on stream a little earlier than would otherwise have been the case. For example, the accident and emergency department of the new hospital has been fast tracked. It is now being constructed and it should be completed and opened in April 1997, which is eight months ahead of the original program. Commissioning of the completed hospital is due in March 1998.

The diagnostic services have been expanded. In pathology, drug screening and blood banking is now undertaken on site. In radiology, a new ultrasound service commenced in August, and a new mammography screening unit will commence on site in November in about two and a half weeks' time. In April/May 1997, in line with the program, the west wing will be ready, incorporating 70 beds, a day surgery unit, eight delivery suites, an occupational therapy unit, an oncology unit, a renal dialysis unit, and public and private entrances. The whole development is not only on track, but some parts will be ready earlier than anticipated.

COTTESLOE TOWN COUNCIL - PARKING FEES

627. Mr GRAHAM to the Minister for Local Government:

Yesterday the Minister told this House that he had confronted the deputy mayor and chief executive of the Cottesloe Town Council and laid down the law about parking fees on beachfronts as follows -

This morning I told the council that should it make such a decision that local law would not be allowed by the Parliament.

A report in today's newspaper of an interview with the chief executive Jan Grimoldby states -

Ms Grimoldby said she had met Mr Omodei who assured her he would not reject paid parking out of hand.

Who is telling the truth, given the fact that in just 24 hours the Minister went from a position of supporting the council to one of opposing the imposition of any parking fees on beachfronts?

Mr OMODEI replied:

The member is correct. I had a very productive meeting with the Town of Cottesloe, and the discussion revolved around the parking fee issue and whether the Government would agree to such a proposition. I made it very clear to the council that the new Local Government Act contained provisions for any local law made in that area to be disallowed. I said quite clearly that it was unlikely that either the Parliament or I, as Minister for Local Government, would agree to such a proposition.

HARVEY AGRICULTURAL SENIOR HIGH SCHOOL - ASBESTOS

628. Mr KOBELKE to the Minister for Works:

I draw the Minister's attention to the totally unacceptable situation at Harvey Agricultural Senior High School last week, when contractors ripped out, chiselled and broke asbestos louvres while students and staff were at school - exposing them to potentially hazardous asbestos fibres. This was noted in the letter the principal sent to parents.

- (1) Has the Government's wholesale privatisation reduced supervision of such contracts, with greater potential for contractors to ignore health and safety requirements?
- (2) What action has the Minister taken to bring the contractors to book and to ensure that incidents such as this are not repeated?

Mr MINSON replied:

- (1)-(2) I have only scant knowledge of this matter and if the member wishes to have full details, I will certainly obtain them.

Mr Kobelke: You think it is not serious?

Mr MINSON: I did not say it was not serious. I do not have much knowledge of that event and, rather than stand up and invent an answer - as the member for Nollamara would be wont to do - I would prefer to give a considered answer.

Mr Kobelke: I thought if it was brought to your attention, you would take some interest.

Mr MINSON: The member's ability to exaggerate is well known in this place, but I am not prepared to make up an answer. If the member wants the facts, I will volunteer to obtain them for him or he can put the question on notice.

Performance agreements and monitoring of performance agreements is the way in which contractors and subcontractors are kept up to the mark with regard to quality. If the contractor has not been performing to the appropriate standard and is found wanting, he will not be given any further work. Disciplinary action will be taken in one form or another; that is, payment will be withheld, he will be given no further work, or something similar. If the supervision is found wanting, I need to attend to that and I assure the House I will.

VOLUNTEER FIRE BRIGADES - FUNDING

629. Mrs van de KLASHORST to the Minister for Emergency Services:

Early this week I addressed a meeting of the Hills Volunteer Bushfire Brigade. While praising the Minister and the Government for positive funding initiatives, this group of dedicated people wished me to assure them that funding will continue, at least at the same level as they have seen over the past three and a half years since we have been in government. Will the Minister confirm the Government's funding commitments to the volunteer fire fighter brigades?

Mr WIESE replied:

I appreciate the questions that I get from the member for Swan Hills. She has been a strong supporter of our volunteers, both in the Fire and Rescue Service of WA and the bushfires organisations in the hills area. Most members are aware of the very substantial commitment this Government has made to providing assistance to the volunteer bushfire personnel in the difficult job that they do.

Mr Catania interjected.

Mr WIESE: We have put \$4.5m into the bushfires organisation over the past three years.

Mr Catania interjected.

The SPEAKER: Order! I formally call to order for the first time the member for Balcatta.

Mr WIESE: This Government has also put \$4.3m into upgrading the communications systems for the use of the volunteers and the command system that is used by the employees of the Bush Fires Board to monitor fires.

Mr Catania interjected.

The SPEAKER: Order!

Mr WIESE: The member is a little sensitive. He does not like to hear good news about any area, whether it be the police, the Fire and Rescue Service or the Bush Fires Board. For the past three and a half years the member has continually knocked all the positive things that this Government has done. I assure the member and the House that this Government is strongly committed to continuing the support to volunteer bushfire brigade officers. I also assure the House that the scheme will continue along the same lines as it has in the past, in that every dollar put in by the Government is matched by a dollar from local government. That \$4.5m put in over the past three years represents a \$9m extra funding commitment to the bushfire volunteers. Under the previous Government they had nothing.

MINISTRY OF JUSTICE - PUBLIC SECTOR APPOINTMENTS

630. Mr BROWN to the Minister assisting the Minister for Justice:

In the past few days, the Minister has blatantly refused to answer three questions on notice about senior appointments in the Ministry of Justice claiming that, "Given the prohibition contained in section 105(1)(a) of the Public Sector Management Act, it is neither necessary nor proper for me to provide any further information in response to this question." Why has he blatantly refused to provide details about these appointments when the appointments have been made already?

Mr MINSON replied:

I understand the question is self-explanatory. It refers to that section of the Act.

MINISTRY OF JUSTICE - PUBLIC SECTOR APPOINTMENTS

631. Mr BROWN to the Minister assisting the Minister for Justice:

Is the Minister aware that the Commissioner for Public Sector Standards confirmed in April 1996 that the Public Sector Management Act does not prevent Ministers from revealing details of public sector appointments to this Parliament? Will he provide the answers to my questions by the close of Parliament today in conformity with the opinions expressed by the Commissioner for Public Sector Standards?

Mr MINSON replied:

I was not aware of the fact that the Public Service Commissioner had said that. I do not guarantee that I will have the information by close of day. I will examine the matter and, if I think it appropriate, I will provide the information.

EMPLOYEES CONFINEMENT LIABILITY BILL - WORKPLACE ACCIDENTS

632. Mr BOARD to the Minister for Labour Relations:

The Opposition has introduced the Employees Confinement Liability Bill. What is the current position of employees in this State regarding liability for workplace accidents?

Mr KIERATH replied:

This is another one of those tactics which is nothing more than an empty Labor Party stunt. If an accident occurs, the only time that an employer is responsible is if negligence can be proved. In the Robe case an employee tried to lift a compressor which was greater than 4 tonnes with a 1-tonne sling. Anybody who has any understanding would know that that simply would not be safe. It was not a mistake, as the Opposition dishonestly claims. It was proved in court that it was negligence, and that is the way the court saw it. The Opposition claimed that it was an error of judgment and that equates to negligence. That demonstrates a gross misunderstanding of common law and how it operates. Everyone else seems to understand negligence except the relevant spokesman for the Australian Labor Party in the other House. Employees are paid for their skills -

Mr Brown interjected.

The SPEAKER: Order!

Mr KIERATH: It is no different from a car driver. If he drives when drunk, there is no payout. Why should a company pay a high excess if an employee is negligent? Employers have been able to take this action for years. It has not been widespread. This is the only incident that we can find over the past 50-odd years. It is not widespread and certainly at this stage does not need the legislation before the House. We see the Opposition knee-jerking and overreacting to try to create fear. There is no cause for this so-called policy initiative.

Mr Brown interjected.

The SPEAKER: Order! The member for Morley.

Mr KIERATH: It is disappointing that the Opposition has stooped to these levels to try to score cheap political points. I wonder what its attitude would have been had that compressor dropped and killed somebody. What would its reaction have been then? Would it have condemned that action? Of course it would. We all know that if that action had resulted in the death or serious injury of another person, it would have been a disgraceful situation that no-one could tolerate. We have tried to apply the safety rules evenly to employers and employees. There are no favourites, like the Labor Party showed when it was in office. The safety laws are being applied evenhandedly. They are there for everybody's benefit.
