



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Thursday, 18 March 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 9.00 am, and read prayers.

SWAN RIVER, FORESHORE REDEVELOPMENT

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 15 persons -

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

We, the undersigned citizens call upon the State Government to reassess its priorities and redirect the \$80m it has committed to the redevelopment of the Swan River Foreshore to more worthwhile community infrastructure projects in the areas of health, education and public transport.

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

[See petition No 159.]

REVIEW OF THE WESTERN AUSTRALIAN WORKERS COMPENSATION SYSTEM

Statement by Minister for Labour Relations

MRS EDWARDES (Kingsley - Minister for Labour Relations) [9.04 am]: The coalition Government has been working for some time to put in place measures to reduce the spiralling costs of workers compensation in Western Australia. Last year I gave an undertaking to review the Western Australian workers compensation system. I now announce the membership and terms of reference of that review.

The review will be conducted by Mr Des Pearson in his capacity as chairman of the Premium Rates Committee. Mr Pearson will be assisted in finalising recommendations to the Government by a reference group comprising Mr Brendan McCarthy, director of operations at the Chamber of Commerce and Industry, and Mr Rob Guthrie, senior lecturer in industrial law at Curtin University of Technology. Following input from the respective stakeholder groups, the terms of reference for the review will be to assess the extent to which current arrangements reflect the historical balance between statutory entitlements and common law remedies for workplace injury and disease since 1982; to assess the impact of statutory and common law benefits on costs to business and the relativity of those costs to the State's wages and salaries Bill having regard to annual variations or trends; and to provide options to government to stabilise workers compensation costs and to make those costs comparable to those in other States in a manner that is equitable to both employers and workers. These options are to have regard to issues of balance between statutory and non-statutory benefits, services and outcomes.

Members will recall that late last year an important agreement was reached between employer and employee representatives on ways to reduce the crippling escalation of workers compensation premiums. This agreement was critical to slow the staggering rate of increase in premiums and to provide a practical means of assisting both employers and employees access fair and equitable workers compensation arrangements. The Legislative Council failed to support the package of amendments. As a consequence, there is almost certain to be a dramatic effect on viability of businesses in this State when recommended premium rates are announced later this month, and, when businesses come under pressure, jobs are at risk. It is unfortunate that the review be undertaken in this climate; however, it remains imperative that the workers compensation system is brought back into balance.

Although I am alarmed at the consequences of the action taken by the Opposition and minor parties when dealing with this issue last year, I remain optimistic that Mr Pearson, ably assisted by Mr McCarthy and Mr Guthrie, will pave the way for amendments which the Parliament can support. I expect the review to be completed by mid-1999 to enable amendments to be brought before the Parliament in the spring session.

GOLDEN PIPELINE GOLDFIELDS HERITAGE PROJECT

Statement by Minister for Heritage

MR KIERATH (Riverton - Minister for Heritage) [9.06 am]: I rise to make a brief ministerial statement on the golden pipeline goldfields heritage project. This project will commemorate one of the greatest engineering feats of our past.

The goldfields water supply scheme had, and still has, a tremendous impact upon the lives of Western Australians. The goldfield diggers knew of its importance during the mid-1890s when water was so scarce at the diggings they were being

charged between one and two shillings a gallon - that is around \$1 000 a kilolitre today. People who rely upon it today know its importance, and without it this State would not have been able to develop some of the nation's most productive grain-growing areas.

This 530 kilometre pipeline - C.Y. O'Connor's dream - was not only the saviour of the goldfields, but laid the foundation of today's prosperity enjoyed by all those people living between Mundaring and Kalgoorlie. One of the great aspects of this project is the way it will again bring so many different groups together in a common goal. Today, for instance, local authorities along the route will sign a memorandum of understanding committing their support to the project. It will ensure the restoration of the six existing pumping stations and the extraordinary Karalee rock catchment east of Southern Cross.

I am also pleased that this project has bipartisan support, with the involvement of the member for Eyre. I congratulate all those involved in this visionary project and urge all Western Australians to think about how they can contribute to the project's success.

JURIES AMENDMENT BILL

Receipt and First Reading

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

SOIL AND LAND CONSERVATION AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly to the Council's amendment.

WUNNGAGUTU PATROL, FUNDING

Grievance

MS ANWYL (Kalgoorlie) [9.11 am]: I have a grievance to the Minister for Police, who has kindly stepped in for the Minister for Aboriginal Affairs who is in my electorate today. That could be very timely because I would appreciate it if the Minister for Police would communicate with his colleague while he is in my electorate so that we can solve this problem.

Mr Prince: That is unlikely.

Ms ANWYL: I am sorry about that. This grievance is a plea for urgent funding for the Wunngagutu Patrol, which is an Aboriginal street patrol which was established in 1994 in Kalgoorlie-Boulder. The patrol won the Australian Violence Prevention Award in 1994. The object of the patrol is to reduce the Aboriginal arrest and detention rate and free up police to carry out more important duties than ferrying Aboriginal people and charging them with what are essentially substance-abuse offences.

The patrol has been extremely successful. However, its busiest time of the year is upon it, because the Kalgoorlie-Boulder community fair starts tomorrow. Traditionally, the area experiences an influx of people from remote communities. I have referred to the statistics, and on any given day during the fair, up to 125 people will be ferried by the patrol. The patrol is not operating effectively at the moment because it has not received a single dollar from the State Government this financial year. That is despite the fact that an acquittal of funds was forwarded last October for the previous financial year by the Eastern Goldfields Aboriginal Corporation Resource Agency, which is the funding body.

Mr Prince interjected.

Ms ANWYL: It was an acquittal from EGACRA to the Aboriginal Affairs Department.

I have taken an interest in the patrol since I was elected and I have spent an evening observing its activities. It fulfills an extremely important function. As well as reducing the number of Aboriginal contacts with police, it is very important in the provision of health services. Often the patrol will visit people living in the open during winter. I have witnessed the patrol's contact with extremely old Aboriginal people who are not well, and it has assisted them in seeking treatment.

I pay tribute to the chair of the committee, Jamie Murphy. Without Jamie's patience and dedication I doubt whether the patrol would be functioning now. Many people in the area, including the Police Service, are very concerned that the patrol is not operating effectively and would like to see an extension of its operations - it currently operates three or four nights a week. The Minister for Aboriginal Affairs has said that he wants to see sponsorship from the community, and that is occurring. Kalgoorlie Consolidated Gold Mines has donated land for a building and a building has been provided with assistance from the Aboriginal and Torres Strait Islander Commission. The city council also provides budgetary support. In fact, a recent \$1 000 grant from the city council has enabled the patrol to continue operating.

As I said, the patrol was established in 1994 with a grant of \$35 000. In 1995-96 it received \$50 000; in 1996-97 it received nothing; and on the last day of the 1997-98 financial year it received \$36 000. Since then it has not received a cent.

EGACRA acquitted the funds in October 1998, so there has been a delay of five months. The Aboriginal Affairs Department has a responsibility to support those patrols and to ensure that they are functional. The patrol in Kalgoorlie is not the only patrol that is struggling; I know from the member for Burrup that the Mingga patrol in Roebourne is also in trouble, as are many of the 15 other patrols in the State.

The previous Estimates Committee heard that \$500 000 would be allocated to the 15 existing patrols and that it was the department's intention to ensure that more patrols are up and running - Katanning was mentioned as an example. I have a press release from the minister stating that the funding would be decreased from the \$693 000 allocation the previous year. We need a commitment to those patrols from the Aboriginal Affairs Department. They require recurrent funding and ongoing support from the department. The department does not provide many services; it does not see that as its role. What is worse, it is trying to divest itself of the few projects that are running in communities. For the sake of freeing up scarce police resources to the optimum, it is most important that the patrols receive proper recurrent funding and support from the department.

The Police Service has been very instrumental in the Kalgoorlie-Boulder patrol operating effectively. A number of police officers are employed in the police Aboriginal liaison unit. The past coordinator of the patrol - when there was money to pay a salary - was the wife of the sergeant in charge of the Aboriginal unit. That was an extremely good arrangement but, of course, the funds are now not available to employ such a person. It is not good enough to expect volunteers to run the patrol because it has not worked that way. Attempts have been made to use community development employment program workers.

It is vital that we ensure that patrols function well to free up scarce police resources in regional centres so that police officers can get on with their job of policing and that we decrease the rate of imprisonment, detention and arrest of Aboriginal people. Given that the community fair starts tomorrow and that 125 people a day last year were picked up by the patrol, I urge the minister to take urgent steps to ensure that funding is available shortly.

MR PRINCE (Albany - Minister for Police) [9.18 am]: I thank the member for Kalgoorlie for her remarks. I make it very clear that I and the Government fully support the Aboriginal patrols. When I was first Minister for Aboriginal Affairs, some patrols existed, although not many. I joined the Broome patrol one evening to observe its work. I was particularly impressed with the reports from Derby.

Mr Marlborough: Were you on the patrol voluntarily?

Mr PRINCE: I was not going to make that remark in respect of the member for Kalgoorlie, because I am sure that she went voluntarily in the course of discharging her duties as a member of Parliament, as did I.

During the Boab Festival at Derby, police spent a week picking up people by the hundred. When the remote community members coming to the festival brought their wardens with them and they assisted the local police there was one arrest in a week. It was an incredible change. That is first-class self-policing and it convinced me that the program is a good thing. As a result, in the budgetary cycle I fought to get funding for the patrols.

I am told by the Aboriginal Affairs Department that the Kalgoorlie patrol was established in 1993, that it was provided with \$50 000 through the Eastern Goldfields Aboriginal Corporation Resource Agency on 29 April 1996, and that those funds were eventually acquitted on 1 December 1997. That is a long delay. The department provided \$36 000 to EGACRA for the patrol on 31 December 1997. The audit of the funds on 22 February 1999 indicated an unexpected expenditure of \$10 381 as at 30 June 1998 which leaves a shortfall. That information was provided by the Aboriginal Affairs Department yesterday. The AAD sought information on the expenditure of funds from the Eastern Goldfields Aboriginal Corporation Resource Agency which has not yet provided that information.

Ms Anwyl: I contacted the manager of AAD and it gave totally contrary advice.

Mr PRINCE: This is the information provided to me from the AAD. The member for Kalgoorlie gives a completely different story and I intend to get to the bottom of this because it is ridiculous to have such a difference. Obviously, the AAD will not release additional funds until further information is sought and there has been a proper acquittal. The member for Kalgoorlie tells me there has been a proper acquittal; I will ensure that the matter is investigated today.

I know the City of Kalgoorlie-Boulder - and congratulations to it - provided \$7 000 per annum, \$1 000 of which was forwarded in August 1998 and \$1 000 on 9 March 1999. The council will provide the remaining funds to help service the operation of the patrols, particularly in the three fringe-dweller camps. The patrol has a 15 seater bus, an eight seater bus and a donga that has tables, chairs, airconditioning, radio mast and so on. It has been operational up to six nights a week; the member for Kalgoorlie says three nights. It has been curtailed because most of the volunteer drivers and coordinators have lost interest and found other jobs. There seems to be a deal of dispute about whether Mr Murphy is an appropriate person to manage the patrol. The member for Kalgoorlie has given him a very good reference. The information that I have is that both non-government and government organisations are less than happy about the way in which he has been involved in the management of the patrol.

Ms Anwyl: That is the first I have heard of it.

Mr PRINCE: I suspect, as is often the case, there is a great deal of personality involved amongst Aboriginal people who are involved or on the fringe of this issue. The information I have is that it would be preferable for the reformed patrol not to have Mr Murphy involved in it. The member for Kalgoorlie has a different view. She may be able to assist in brokering a resolution to that issue; that may well be a useful thing for her to do.

Ms Anwyl: It is the first I have heard of it, minister.

Mr PRINCE: I realise that which is why I am telling that to the member for Kalgoorlie. Both the Goldfields Safer WA committee and the Bega Garbarringu Aboriginal Medical Service are very keen to see the patrol reactivated. It goes without saying that the police want it reactivated. The fact is that the patrols go around and pick up people whom the police otherwise would have to deal with. Picking up people who are intoxicated for their own protection should not be a function of the police. The patrols have worked superbly in doing this, speaking from both the police and health points of view. It is important for them to have the ability to pick up people, especially in Kalgoorlie. I remember the speech of the former member for Kalgoorlie in this place some years ago about the deaths of fringe dwellers in and around Kalgoorlie in winter. The patrol helps that not to happen by picking up people who are intoxicated, and would otherwise die of hypothermia, and taking them somewhere where they will be cared for overnight as their intoxication wears off.

Ms Anwyl: That is what we wanted.

Mr PRINCE: Yes. For both policing and good health reasons, the patrols are first class. I and the Government want to support them. There has been a problem with the acquittal of funding. I accept that the story the member for Kalgoorlie has given me is the total truth. I have been given a different set of facts by the Aboriginal Affairs Department. There must be a resolution of what is exactly the position because the money exists. It was budgeted for years ago, it has been a continuing item in the Aboriginal Affairs Department budget for the past several years and it is a matter of ensuring that the money is spent and acquitted in providing this patrol service. That is what the Government wishes to occur and what the taxpayers should have by way of a result.

The Aboriginal Affairs Department proposes to involve the Bega Garbarringu people in running the patrol; however, there is a problem between those people and the Eastern Goldfields Aboriginal Corporation Resource Agency as to who owns the buses, who owns the donga and all the rest of it. Bluntly, whoever is prepared to run the patrol should have the equipment, whether it is the Eastern Goldfields Aboriginal Corporation Resource Agency people or the medical service people. It should simply move from one to the other, if that is the appropriate thing to happen. If it costs more to run it than the grant that comes from the Aboriginal Affairs Department, I am sure that sponsorship will be found in the Kalgoorlie area and community; and full marks to the city council for finding a significant amount of money to date. That is what the Aboriginal Affairs Department said is the case currently. If I can contact the minister today, I will. However, I assure the member for Kalgoorlie of government support for the patrol.

TAYLOR, MR PHILLIP MICHAEL - FAMILY COURT ORDER

Grievance

MR BLOFFWITCH (Geraldton) [9.25 am]: My grievance is with the Minister for Family and Children's Services and it concerns a constituent of mine, Mr Phillip Michael Taylor. Mr Taylor is separated from his wife and has custody of his children. Two years ago his wife left Western Australia and moved to Grafton in New South Wales. In contact with her husband, she finally talked him into allowing the children to go to Grafton with her on holidays. The holidays finished, school started and the kids were not returned. Bearing in mind that Mr Taylor is on a social security pension and certainly not a wealthy man, he decided that at his own expense he would rally friends and get enough money to drive over to Grafton. Grafton is in the northern part of New South Wales. Therefore, it is a long way from Western Australia. He arrived there about three or four weeks ago with a Family Court order stating that the children were to be returned to him. He went to the local police station in Grafton and asked for assistance. He received absolutely no assistance whatsoever from the New South Wales Police Service which could not have cared less and was not in the least bit interested in his plight.

Mr Taylor then contacted the Australian Federal Police and did get some help from that service; however, they were unable to locate the family. He waited about a week in Grafton. As I said, he does not have much money and members can imagine the pressure on him in trying to find his kids. He then decided that he could not do anything else but turn around and drive back to Western Australia. He saw me and I spoke to our local federal police officer; he then spoke to the Sydney branch which then spoke to the Coffs Harbour branch and the children have now been located. It is marvellous, when there is a little bit of action, just how quickly these problems can be solved.

Mr Marlborough: Even from the member for Geraldton.

Mr BLOFFWITCH: Even from the member for Geraldton, who is very effective in these matters.

The problem is, having borrowed the money to go there, Mr Taylor is financially strapped and does not have the money to send for his kids. The police rang him and told him that the minute he informs the police that he can get over to Grafton to pick up the children, they will take the children into custody and hold them until he gets there. I understand in this case that if the Government said it would pay the air fare, it would have an absolute avalanche of people in similar circumstances.

Mr Marlborough: Give him a Ford car.

Mr BLOFFWITCH: I will probably end up supplying the petrol. I am asking the minister to consider what her department can do with the resources of Family and Children's Services, whether it be return bus fares or enough money for him to drive there - he will sleep in the car - to pick up the kids and drive back to Western Australia.

In his circumstances and the financial straits in which he finds himself, he does need support and help. It is no fault of his that he is in this situation. He obeyed the mother's wishes and sent the children there for holidays. He was then thwarted when he went to pick them up as they were deliberately withheld from him. One of the children, Nathan, is five or six years old and therefore has missed school for four or five weeks. The four year old child may be missing out on preschool. It is a serious issue and will probably worsen because it may be months before he can save enough money to go to Grafton. The court order dated 8 February under the Family Law Act 1975, which he received because of his wife Charlene's conduct, states that she is again prohibited from removing or taking possession of the children. He certainly needs help and I urge the minister to consider what she can do, even if it means giving him a voucher for a bus fare or talking to her counterpart in New South Wales to see whether anything can be done to get these children back to their father in Western Australia.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [9.30 am]: I thank the member for Geraldton for his grievance and for raising the matter today. I acknowledge the tremendous support he has given to this gentleman and his family in what are distressing circumstances. We all appreciate that this is another example of the very sad situations that arise when parents separate and their children are caught in the middle of the dispute. In particular, the distress is made even worse when the parents reside in different States and expensive transport arrangements must be made to enable the children to have contact with both of their parents. This constituent certainly has very distressing circumstances to deal with.

I am advised that the Family Court policy with regard to the enforcement of family law orders is that they are civil matters and the cost of any proceedings is borne by the litigants or, where applicable, by state agencies such as the Legal Aid Commission. I understand there have been some inquiries in that regard. It is not practicable for either the Family Court or each state welfare agency to meet the costs of the many cases that involve transport arrangements, often interstate, to enable contact or to enforce court orders. The member for Geraldton alluded in his speech to the fact that there would be a great number of applications for this type of funding. The Family Court has clearly defined it not to be its responsibility but the responsibility of the litigants. Family and Children's Services in Western Australia has been called upon a number of times to arrange temporary care for children who are the subject of Family Court orders, just as the member for Geraldton has indicated would be the case in New South Wales, until the parent from another State is able to make arrangements for the children. The parent is usually contacted by the Australian Federal Police, as was the case in this instance. Other departments and other States make those same arrangements but, like Family and Children's Services in Western Australia, they are not in a position to meet the travel costs of the parents and the children. In the case of this supporting father where the children have not been returned from an access visit in New South Wales, there is no assistance from the Family Court nor from Family and Children's Services. However, I have also made inquiries. I understand that one of the children is too young to travel unescorted. I have approached both of the major airlines in that regard. They have said that the child must to be at least five years of age. If a child is under five years of age, arrangements must be made for a fare-paying adult to travel with the child, so there are significant costs in this instance.

The father is subject to some distress. His family has had contact with my office. I share that distress that they feel. Arrangements must be made at their expense but Family and Children's Services could assist this gentleman with food and living costs once his children are in his care. If the cost of having the children returned to his care has left him in difficult circumstances, there are ways in which we can help. I would encourage him to contact the department's office in Geraldton and discuss what sort of financial assistance is available to him when he gets back. He could take that into consideration when planning for the costs he will incur in travelling to New South Wales. We have at least made some progress with the Federal Police having been able to locate the children. The department in New South Wales will support the children and the court order by providing for some interim care once the Federal Police take the children. With his knowing what is available through the department on his return, he may be able to plan his financial circumstances with that sort of comfort in mind.

Mr Wiese interjected.

Mrs PARKER: The Family Court does not take responsibility for the cost of that travel. There would be a significant bundle of applications not only to enforce court orders but also to enforce the contact provisions of those court orders if that were the case. It is a significant cost. The policy is that it is a civil matter and the cost is to be borne by the litigant.

I encourage the member for Geraldton to continue his support for this gentleman and his wider family. The gentleman

appears to have wider family support, which is wonderful. If the member could take back the encouragement I have given and advise the gentleman to contact the office in Geraldton to establish what sort of support is available to him on his return and to be encouraged that there are people around him supporting him, I hope that the gentleman can be reunited with his children and that his life can resume some sense of normal activity.

TAMBREY PRIMARY SCHOOL

Grievance

MR RIEBELING (Burrup) [9.36 am]: My grievance is to the Minister for Education. I thank him for getting back from his morning duties in time to take the grievance. It relates to the resources of Tambrey Primary School in my electorate. The minister knows that there are some significant problems for Tambrey Primary School, which he has been dealing with recently. In approximately September of last year, it was identified that there would be insufficient classrooms at Tambrey Primary School for all of the students to be properly housed in this teaching year. As a result, in September it was decided that the school required a transportable. Although transportables are not ideal for classrooms, in my area with ebbs and flows in student numbers, a transportable classroom is the cheapest option and is serviceable, at least for the needs of the immediate future. Transportables are well constructed these days. The problem was that the classroom did not arrive. The children in grade 7, which is a vital year in the education of children, were sitting in the library and art room instead of in their own classroom. That situation continued until week three of the school year when the transportable that was promised in September actually arrived. Some might think that that would have solved the problem. However, there was no furniture to go into the classroom until week seven.

Mr Barnett: Which school is it?

Mr RIEBELING: It is Tambrey Primary School. The furniture arrived on Tuesday or Wednesday of this week. My question is not how the Minister for Education will solve the problem but why the situation occurred when the clear needs were identified in September of last year.

The other problem for the Tambrey Primary School, and in which the minister has been involved, is the lack of a pull-in bay for children to be dropped off at the primary school each day. It must be remembered that these are primary school children and not high school children who have somewhat more sense.

Mr Nicholls: They are supposed to be more mature.

Mr RIEBELING: They are older and should know a few more road rules. The minister knows that there were some problems with the construction of Tambrey Primary School. The builder went broke a couple of times, so the State had to fork out a bit more money than was originally allocated. No drop-off facilities were built at the school because of that lack of money. On 16 March, to my amazement and disbelief, the member for Mitchell asked a dorothy dixer with regard to the Australind Senior High School.

This Government has different commitments for government electorates and non-government electorates, as evidenced when the member for Mitchell correctly raised problems at the Australind Senior High School. The response to that dorothy dixer was an announcement that \$335 000 had been allocated to fix the same problem being experienced at the Tambrey Primary School. The minister's response about the Tambrey Primary School problem is that the school will pay half of the costs, but the shire must pay the other half. I want to know why a different approach is taken to the senior high school in the Mitchell electorate-

Mr Barnett: For one it is a senior high school.

Mr RIEBELING: Okay. Perhaps the minister can explain to me in his response why there is a greater need for a drop-off centre at a senior high school than at a primary school in the Karratha area which deals with little kids on a very busy thoroughfare because it is on a road that connects -

Mr Barnett: It is the volume of traffic.

Mr Barron-Sullivan interjected.

Mr RIEBELING: Perhaps when the member for Mitchell is the minister he can answer the question. I would like to know how much the Government will commit to solving the problem at Tambrey. It was a government decision that produced the lack of facilities for parents to drop off their kids in that area. The shire's answer has been to build a parking area in the wrong spot, but it has put a pathway that leads to the school so parents can use that. The parents have rejected that as a solution because of the manner in which they drop off their kids. This is a dangerous situation that has continued for too long. The minister might say that the school was built in Labor's time - it was - and he inherited the problem. That does not diminish the responsibility of the Government to solve the problem quickly. The council is reluctant to spend money on things such as this; however, it tries to change the name of the Shire of Roebourne because it does not want to be associated with the name of Roebourne. It wants to change it to something else and it refuses to spend money on other services for that

end of town for some unknown reason. This is one area in which the parents of kids in the Tambrey area will not accept anything but the type of solution that has been put in place in the electorate of Mitchell.

MR BARNETT (Cottesloe - Minister for Education) [9.42 am]: The member for Burrup implied that a preference is involved in providing facilities at schools in electorates of government members rather than in those of opposition members. I do not accept that at all. I think I have been very even-handed, but I make the observation - perhaps it is a function of being in government or Opposition - that the reality is that members on this side of the House are far more active in raising issues with me about their schools than members on the other side of the House.

Mr Riebeling: The government ran a line that we could get anything because we were in opposition.

Mr BARNETT: I am simply making the point that when members raise issues with me about specific schools, I invariably go to those schools, and if they are valid issues, I do something about them.

Mr Riebeling: Come with me to Tambrey school.

Mr BARNETT: The next time that I am in Karratha, which will be soon, I will happily visit Tambrey. I am prepared to do that with any member of this House in any electorate. I do not take politics into schools; I stand to that. I went, for example, with the member for Bassendean to one of his schools and it was clear that things needed to be done and they are being done. I make that offer.

Mr Riebeling: I will take you up on that.

Ms Warnock: I will also take you up on that because I dealt with the department when I first came into Opposition and I was told there was a queue and we were at the bottom of it. Now I will deal directly with the minister.

Mr BARNETT: I am happy to visit schools. After I made a similar comment to the member for Rockingham I arranged visits to his schools and things are happening in Rockingham as a result of those visits. Priorities are in place and I do not turn them on their head, but I am happy to visit schools. I am often able to solve relatively small problems that have been ongoing.

I apologise for and regret the issue of the transportable classroom at Tambrey and the furniture not arriving. It is an enormous task at the beginning of the school year to get all schools equipped, up and going, and staffed. Clearly, this year, for a number of reasons, has been a difficult start to the school year, and certainly the most difficult since I have been a minister. There have been a series of issues; we had difficulties staffing schools in some of the country and more remote areas; difficulty with the payroll system - which is almost sorted out; and a few other problems. Nevertheless members should not underestimate the task of trying to place 17 500 teachers across 770 schools as the school year starts. It is not easy and has been made difficult this year because of a number of factors. One of the most significant has been the change from a three to a four-year degree; only half the number of graduates have been coming into the marketplace. We also have had extra demands of 80 teachers for the reduction in class-size policy, and also additional teachers for the first time for a universal kindergarten program. All those factors have come together and there is clearly a reluctance among teachers to go into some areas, such as the Pilbara; I would not imagine so much in areas such as Karratha, which is an attractive environment. Some of the inland schools have problems.

Although the member did not refer to this specifically, I indicate that as of now there are 24.5 vacancies within our schools; that is, 24.5 out of 17 500 teaching positions. Some of those vacancies are the result of teachers having been appointed to schools, having gone to the schools, and then for whatever reason having left. Seven and a half FTE positions have not been filled since the beginning of the year; one is in the mid west, four in the goldfields and three in the Pilbara district. The students are being looked after. I am happy to visit Tambrey when I am in the region.

The arrangement for parking facilities is a common problem for many schools. Generally it has been negotiated as a 50:50 deal between the State Government and the local government.

Mr Riebeling: Normally a parking area is built when a school is constructed. This school never had one. That is why it is the State Government's responsibility.

Mr BARNETT: I think there was an area of land over the road; I am aware of the site. For whatever reason - I do not know the full reason that did not happen; the member obviously does - there should be set-down areas and adequate parking. Sometimes the number of students in a school creates problems, sometimes changes in road patterns create problems, but to my knowledge a number of schools' issues have progressively been sorted out and I hope we can sort out Tambrey's problem. I urge the member, to the extent he can, to encourage the local government to play a role.

Mr Riebeling: I am doing that.

Mr BARNETT: I appreciate that; it is important. It is a fair deal in which funds come 50 per cent from the department and 50 per cent from local government.

Mr Riebeling: It is staggering that it has not taken it up. I am bewildered by its attitude. The dorothy dixer that you

answered on the sixteenth did not mention anything about the council contributing; it said only how much money you are putting up. That annoys me.

Mr BARNETT: I think Australind had an acute situation. The senior high school has large numbers of students and, from memory, has probably a dozen to 15 transportables. The school is under significant pressure and it has been the numbers of students which has exacerbated the problem. I will have another look at Tambrey on behalf of the member and I would be pleased to visit it with him when I am next in Karratha.

Mr Ripper: Can you give me those figures again?

Mr BARNETT: Yes. We did get down to about 15 teacher vacancies, and a reassessment was then done of staffing levels. Some schools are entitled to more, so that creates a vacancy; some lose staff and some staff arrive and then leave. As at 12 March, there were 24.5 FTE vacancies in country schools, and 7.5 vacancies have not been filled since the start of the year - one in the mid west, four in the goldfields and three in the Pilbara. However, that does not mean that students are not being taught. The full-time permanent positions have not been filled.

EMPLOYMENT AND TRAINING, MANDURAH

Grievance

MR NICHOLLS (Mandurah) [9.50 am]: I raise some issues in grieving to the Minister for Employment and Training. I focus this morning on the need for training in the Mandurah area. I do not see a magic solution to this problem. The Mandurah area has high levels of unemployment and for a number of years youth employment has been around 32 or 33 per cent. Also, approximately one-quarter of our population is under the age of 14 years. Although we have problems with unemployment in our community, the problems will be exacerbated in the future by the large numbers of young people passing through the education system. The real solution is to create jobs. In the short and medium term we need to provide training opportunities for the unemployed so that employment opportunities in the Peel region and the greater southern area can be accessed.

A job summit was recently held in Mandurah at which we discussed the need for a coordinated effort. A number of priorities were identified. I congratulate the Peel Development Commission for coordinating the summit. A continually highlighted area was the need to provide our local people with adequate skills to take up opportunities which arise.

I raise two specific issues with the minister. First, can the successful training program operated last year by the Peel Training and Employment Agency be continued? Although the agency runs other programs, this welder training program was funded by the metal pre-vocational program. In fact, 13 of the 16 students who completed the course are in employment. The success is identified in the outcomes. However, I raised with the minister the need for funding for that program. I inquired why that program was not successful in obtaining funds in the last round of funding contracts, and the explanation given to me was plausible; that is, a change in focus took place. Nevertheless, I reinforce the need to provide skills training, particularly to support successful programs which help people to locate jobs.

The second issue involves a local tradesman who wishes to take on his son as an apprentice under the Housing Industry Association scheme. I am aware that the minister is involved in an effort to restructure or further enhance that program under the building and construction industry training fund scheme. My concern is that the local tradesman is in a bind because if his son is not indentured by 29 March, he will not be able to access the TAFE component of the apprenticeship. Therefore, he will need to wait 12 months before he can start that element of his apprenticeship. The minister's office staff have been extremely cooperative, for which I thank the minister, in trying to establish meetings. A meeting has been arranged for next week. Unless we can provide an alternative, his son will be effectively prevented from accessing that important part of his apprenticeship until next year. That concerns me greatly.

The Peel TAFE campus, and some of the other initiatives introduced, have been extremely valuable to the local community. I do not diminish the role they have played in the community in providing people with not only skills, but also access to further opportunities. It is extremely important that the campus continues to expand, and that Murdoch University lives up to its previously made commitment to attach an annex to the Peel TAFE campus and further enhance access to opportunities for local people, particularly with the number of young people who will pass through our education system to ultimately seek employment.

In summary, my grievance draws to the attention of the minister and the House the need for training opportunities for people, particularly long-term unemployed people, and highlights the ongoing high levels of unemployment in the Mandurah area, particularly youth unemployment. I raise two specific cases: First, a successful program which produced outstanding results with participants last year. Second, the case of a local tradesman who seeks to give at least one young person, albeit his son, an important opportunity. These matters need to be addressed.

MR KIERATH (Riverton - Minister for Employment and Training) [9.57 am]: I thank the member for Mandurah for raising these issues. I have been concerned about unemployment, particularly youth unemployment, in the Peel region since

day one in this portfolio. I had a parliamentary intern under the internship program conduct research into vocational education and training in the Peel region. I will provide a copy to the member for Mandurah as it is an interesting report. The biggest employment sectors in the Peel area are wholesale-retail, which employs 19.9 per cent of the workforce; manufacturing, 16.3 per cent; and community services at 13.9 per cent. When combined, almost half of employment in the Peel region is within those sectors.

I will deal with the building and construction industry training fund before turning to specifics. First, I give a brief overview of the process of appointing a new BCITF board which is close to being finalised, although I had hoped it would be finalised by now. The former minister gave an undertaking in debate in this House that she would consult the parties before anyone was appointed to the board. I was not happy with the nominees to the board, and I have changed them. I must undertake consultation with various industry groups to honour the commitment given by the previous minister. I have agreed to continue all the existing training programs in operation. None has gone. The Stanton report states that some of the training programs are too costly with large overheads spent on administration, not training. I would be derelict in my duty to fund courses nominated by that report. I hope to table the report in the House next week to expose the situation.

Some new user-choice programs are in place. When they are applied and the new board and criteria for exemption come into being, organisations in the case the member raised will be able to pay the levy. The Housing Industry Association program can then seek an exemption. The person about whom the member is concerned can send his training money to the HIA program. In that way, the association can channel the training money into the programs which best suit its needs. All of this should be finished within the next three months.

Dealing specifically with this person, I wrote to him before Christmas last year outlining two opportunities. Unfortunately, he wants to restrict it to only one program. Currently, no new places are available in that program. However, the Plumbing and Painting Training Company operates a group training scheme which has vacancies at the moment. If this man's son wants an apprenticeship, he can have one tomorrow. There are vacancies in that scheme, which is in his region. However, it will not be the specific program he wants. Nevertheless, if he is genuine about the long-term training of his son, there are vacancies in that trade and he can start before 29 March. I provided him with that information last December. If he chooses not to access that, he cannot turn around and blame the Government or the scheme. It will be his decision to deprive his son of training because he wants to send him on one particular program. It is not for me to tell him what to do, but if I were that young boy's father, I would get my son into training, and maybe at the end of his first year I would make inquiries about the possibility of changing over to another training course. There is a mechanism for resolving his problem. His son will not dip out. However, I have some other obligations concerning training in general to make sure that the limited training funds that are available are spent training the greatest number of young people. We all have an obligation to do that.

Returning to the region and the metals training, in 1999 the profile on training for Peel is that there are some 366 000 student contact hours in metals. In Peel itself there are 15 978, 145 000 at Rockingham, 129 000 at Henderson, and 75 000 at Fremantle. That is in that general southern region. However, there are almost 16 000 student contact hours at Peel in the metals region. There are a total of almost 50 000 student contact hours through the industry specific program, which is the program through which that course was previously funded, which I will deal with in a moment. In the Peel region there are 190 000 student contact hours at TAFE colleges. The Government must fund the training through the industry specific program. The state training profile indicates gaps, and they are targeted. That money is not used for general training overall; it is used for gap areas that have been targeted in the state training profile.

Last year, metals were targeted as an area of need. However, this year, with the major reduction in the number of apprentices and trainees going through the skill centre at Henderson and the drop off in manufacturing for the resource industries up north, a number of existing apprentices and trainees have no useful work. When we have people in the training system who do not have work, it would be a waste of valuable training money to turn around and fund new positions. That would be irresponsible. A selection committee, which was independent of me, decided not to fund the welding courses in the Peel region for that specific program through that source of funding. The reason was that there are currently 3 364 student contact hours in the certificate of engineering production, and 12 614 student contact hours in the pre-vocational studies of metal and engineering, which we believe is sufficient.

I will provide some breakup of that 50 000 student contact hours. I think the person concerned said that there were only 30 000 student contact hours in the region. In fact, there are 49 796 student contact hours. The breakup is: In commercial cookery, 5 820 and 9 072; furniture design, 11 280 and 13 200; hospitality, kitchen operations, 2 004; retail operations, 2 784, 928 and 928; and new opportunities for women, 3 780. I said that one of the gaps identified was in the hospitality industry. Obviously, that group is being funded for three new courses. The gap has shifted from metals to retailing and hospitality, and funding has been provided accordingly.

I have covered the areas. An opportunity is available for the young person seeking training if he chooses another training provider. There is certainly enough training for the gap areas that have been targeted in the skills training program for the Peel region.

The SPEAKER: Grievances noted.

MARKETING OF MEAT AMENDMENT BILL 1999*Second Reading*

Resumed from 11 March.

MR GRILL (Eyre) [10.04 am]: Before dealing with the Bill itself, I say on behalf of the spokesman for agricultural and primary industry matters in the upper House, Hon Kim Chance, that the Opposition is somewhat disturbed that this legislation has come forward in such a rush. Although it is prepared to deal with it today, and deal with it expeditiously in the upper House, it would have liked more notice in order to deal at greater length with some of the matters encompassed within this legislation. The Bill was introduced into this House last Thursday, and we have an informal arrangement whereby legislation should lay on the Table for at least seven days before it is dealt with. Therefore, I suppose, in a sense, the Government has met that minimum objective. However, this is important legislation from a primary producer's point of view. It contains some complex matters. Although, generally speaking, the Opposition endeavours to work with the Government to expeditiously deal with legislation, on this occasion we have been caught short.

The Minister for Primary Industry is always generous in providing resources to brief the Opposition. I have no complaint on that ground. However, the Opposition believes that there should have been a greater opportunity to consider this legislation. As I said, it was brought into this House last Thursday. We had a party meeting on Tuesday. We had a rushed briefing from the minister's staff and other representatives of primary industry organisations on Monday. I came down from Kalgoorlie to attend that briefing. We do not quibble with the minister's generosity with respect to briefings, but it makes it a tight issue when we effectively have to deal with it within just a few days, with the weekend intervening.

As to this legislation, I understand some tight time lines are brought about by external factors. That being the case, the Opposition would like to have been informed about that at an earlier date so that it could have adequately responded, made the necessary inquiries and thereby have been better prepared. We are not as well prepared as we would like to be. Although the Government might think it has covered all the angles, some areas appear to be somewhat vague. The Opposition will move one amendment on some time lines which have been laid down in fairly definite terms under the legislation, because it feels that in the hurly burly of bringing forward this legislation perhaps there has been some misunderstanding between the WA Farmers Federation and the minister's office over some of the matters involved.

With that slight criticism, I indicate that the Opposition will not oppose this legislation; it will support it. It supports the general thrust of that which the Government is trying to do. It is a complex issue which has been around for a long time. The question of orderly marketing of lamb specifically has been around for some 23 years, and it has been the subject of considerable contention between growers and grower organisations throughout that period. It is interesting to note, however, that apart from one area of contention that I will mention later, it appears that the two major grower organisations - that is, the Pastoralists and Graziers Association and the WA Farmers Federation - are in agreement on the terms of this Bill.

The process that has culminated in this legislation today kicked off on 30 October last year when the Minister for Primary Industry issued a press release indicating that there would be a review of government policy in this arena and that a new framework would be set up for the marketing of lamb and other meats in Western Australia. The parent Act goes back to 1971, to a time when there was a severe depression in the sheep meat industry and when farmers were receiving very small amounts of money for lambs and other sheep from their paddocks. The then Tonkin Labor Government, through the then Minister for Agriculture, introduced legislation to set up compulsory acquisition of lambs in this State. That move was welcomed by the then Country Party, the current National Party, and although it did not pass through the Parliament unanimously, it received strong support from the rural sector. Quarterly marketing in those days - we are talking about 20 or 30 years ago - was much more in vogue. Today it is almost completely out of vogue and rational economics has taken over. The regulation and deregulation pendulum has been around for a long time and it will continue to swing backwards and forwards. I have no doubt that in time to come - it may be 10 or 20 years hence - it will swing back again. The proposals in this Bill can be embraced by this Parliament generally and by the great majority of growers, although some growers have doubts about some aspects of these matters.

Following the press release of the minister on 30 October last year, an advisory group was set up to inform the Government and the minister about policy in this area. It was chaired by Mark Bahen. I had the pleasure of meeting him on Monday when we were briefed; I do not think we had met before. I found him to be very personable but forceful in the views he was putting forward. He appears to be highly competent. That group has put forward recommendations which culminate in initially setting up a cooperative company to take over the single-desk arrangement that applied to lamb marketing in this State and other matters. It is interesting that the cooperative model is favoured by this group. I was under the impression that cooperatives were institutions that were somewhat out of favour in Western Australia and Australia generally. The old Wesfarmers organisation, our biggest Western Australian company, started off as a cooperative, and 20 or 30 years ago many other cooperatives were around. Few have survived and, although this will not be a cooperative in the sense of those of 20 or 30 years ago, it will be a company set up under the cooperative banner.

The Bill repeals the parent Act, the Marketing of Meat Act 1971. I asked members of the parliamentary staff to obtain a

copy of the second reading debate on this issue because I thought it might be worthwhile to look at some of the history of the matter. Lamentably, the staff cannot find that debate, and I understand that the inquiries of Agriculture Western Australia have not unearthed a copy of that debate so far. It is in *Hansard*, but cannot be found easily. I do not know whether the minister has a copy of it. It would have been nice -

Mr House: What date was it?

Mr GRILL: It appears that the legislation was introduced in 1971. The Parliament was prorogued and, with that, somehow the record of the second reading speech and the other debates that took place - the minister might remember it was highly contentious at that time - have not been physically lost, but lost in terms of the indexes of the Parliament. One staff member, who is present in the Chamber at the moment, spent some hours yesterday endeavouring to track it down, but without success. It is around, but it is hard to find.

Mr House: That happened when the Speaker of the Parliament died. I think the Tonkin Government had a majority of one. The driver of the legislation was Matt Stephens. I will check with him to see whether he has a copy of it.

Mr GRILL: That would be good, but it would be better to have that record before us today. Those who have a background in this area will understand why people like me want to see it. These questions of the acquisition powers and the single-desk arrangement have been highly contentious in primary industry circles in Western Australia for in excess of three decades. I thought we might briefly revisit that era, look at the second reading speech and some of the other speeches in that debate, but unfortunately it is too hard to find them at this stage.

Mr House: The Deputy Premier thinks he can remember the speech!

Mr GRILL: We might get him up in a second to recite it for us. I am sure if Dave Evans and Merv Toms - I am not sure whether he was the Speaker at the time - were here, they would be able to tell us all about it. Some colleagues of mine, especially the late Tom Evans, my partner in law, told me that during that period of the Tonkin Government, between 1971 and 1974, he aged about 20 years. That was true of a number of ministers in that Government. They were thrust into power, had a hostile upper House and had a finely divided lower House in which the Government survived on the vote of the Speaker. In the middle of all of this, the Speaker had health problems. It was a tumultuous era. I understand that 30-odd pieces of legislation that passed through the lower House were ultimately rejected in the upper House. Supply was denied constantly. In this modern day we might think we have a fairly tumultuous life. That period was more tumultuous and took a lot out of the ministers of the day. It is not surprising that that debate was lost. Hopefully one day we will be able to dredge up the record of it from the archives, but it would have been nice to touch on the history of this matter today.

We are repealing that legislation. This Bill will make provision for the creation of a cooperative corporate structure - that is, the Western Australia Meat Marketing Co-operative Ltd - to take its place. It will not take the place of the Western Australia Meat Marketing Corporation in every sense, but it will take over its assets, its goodwill, the local and overseas contracts and those sorts of things. The predecessor of the current Western Australia Meat Marketing Corporation was the Western Australia Lamb Marketing Board. Primarily, that board controlled the marketing of lamb in Western Australia from 1972 when the initial legislation went through. The Western Australia Meat Marketing Corporation and its predecessor, the Western Australian Lamb Marketing Board, were the only statutory marketing authorities involved in the meat industry in the whole of Australia. There will be contention and argument as to whether they did a good job, but most growers would say that they did a reasonably good job during their nearly 30 years in operation, although there always was the longstanding, chronic argument between the Pastoralists and Graziers Association of WA and the Western Australian Farmers Federation as to the need for the existence of such a body.

The compulsory acquisition or single-desk powers are contained in clause 9. When the legislation is passed, the single-desk powers will continue only until 31 December 1999. Opposition members are concerned about that matter. In fact, we reflect a concern that was expressed to us at the briefing on Monday by Mr Jamie Ferguson representing the Western Australian Farmers Federation. He believes there was to be flexibility in the discussions relating to the timing of the phasing out of the single-desk.

Mr House: He suggested the amendment to you, did he?

Mr GRILL: No, I am not saying that. Hon Kim Chance and I came to the conclusion that it might be judicious for the Government to accept an amendment which would give the Government more flexibility. In the presence of the minister's advisers, officers and people from the department, Mr Ferguson said he understood that there was to be greater flexibility. We will deal with that matter later, but I wanted to indicate that there was a clear and clearly expressed division of opinion on the timing of the phasing out of the single-desk powers at the briefing on Monday. It came as a surprise to us. We asked Mr Ferguson to check with his parent body whether his recollection of the situation was correct and whether he persevered with it. I have not spoken to him since. He undertook to get back to Hon Kim Chance. I believe he did so and confirmed there was an understanding which is not reflected in the legislation. Independently of that, given that there appeared to be a misunderstanding over the timing, after the meeting Hon Kim Chance and I came to the conclusion that perhaps we should

endeavour to give the Government more flexibility. The amendment that we will bring forward will not tie the minister's hands.

Mr House: There was no misunderstanding, but I will deal with the matter when you move the amendment in committee.

Mr GRILL: I will then express our concerns in slightly more detail, but I will move on. We can understand why the Government wants to move down that track. If we look at the financial situation of the Western Australian Meat Marketing Corporation the reason is readily apparent: In 1996-97 the corporation lost \$1.37m and in 1997-98 it lost \$2.49m. We asked the briefing group to what those losses were attributable and we were informed that they were primarily attributable to the costs of killing and that the contract that had been written with Chinese International Trust Investment Company in respect of killing at the Katanning and Linley Valley abattoirs was such that comparable killing costs in Western Australia were nearly double those in the eastern States; that is, killing costs for lamb, under the contract with Katanning and Linley Valley abattoirs, were in the vicinity of \$18 per head, and comparable costs in the eastern States were more in the nature of about \$9 per head on average. That represents a considerable margin. If the figures are true - we accept them as true; they were given to us in the briefing - something must be done about them. In that sense we can understand the Government's position.

CITIC, of course, is not an Australian company as such; it is a Chinese company that came into the arena just a few years ago. It took up large acquisitions in abattoirs across Australia, but it has not been successful. In fact, it has made considerable losses during the few years in which it has operated in Australia. We are told that cumulative losses are in the range of \$160m. Having had their fingers very badly burnt, the Chinese are in retreat and they wish to withdraw from such operations in Australia generally, but particularly in South Australia and Western Australia where the majority of those losses have been made. In fact, some of the urgency in relation to the legislation comes back to the fact that CITIC has a timetable for withdrawal from Western Australia; it wishes to stop operations here by 30 June this year.

As I have said, external factors have ensured that the Government has had to act expeditiously. Nonetheless we would have liked a little more time to consider the legislation and some of its contentious aspects. Under the proposal put forward by the interim board and by the Government, the WA Meat Marketing Corporation will become the WA Meat Marketing Cooperative and it will become a vertically integrated operation; that is, it will acquire, presumably from CITIC, its own killing capacity at Linley Valley and Katanning. Those arrangements have not yet been made. I presume that they must be made by 30 June. I presume also that the new body will not be the only bidder in the market for those assets, although that is one aspect of the matter that we would have liked to inquire into further. Nor has it been decided, I presume - the minister might like to correct me on the matter - what the price will be for the acquisition of those assets. There is the clearest assumption by Mr Mark Bahen and by his board that not only will the new Meat Marketing Cooperative acquire the assets of the WA Meat Marketing Corporation in toto but also that the Government will inject a sizeable sum of funding to acquire the new killing capacity. I asked Mr Bahen how that money might be injected. The question was put to him in the presence of the minister's staff and the Western Australian Farmers Federation representative. Mr Bahen clearly stated that he expected the money to be put forward in the form of equity.

Regarding loan moneys, I raised the possibility that the Government might prefer to put forward a guarantee or something of that nature. Mr Bahen said clearly that the money would be put forward by way of equity and that loan funds would not be appropriate in the circumstances; that it would leave the new corporation with overhanging debt from the commencement with which its financial structures and the financial structuring of its price would not be able to cope. Naturally enough, we asked Mr Bahen and the minister's advisers how much money would be needed to make the necessary acquisition and to meet the killing capacity objectives of the new cooperative.

As I said, no specific figure has been quoted in that respect. Mr Bahen mentioned some fairly hefty ball-park figures in the region of \$7m to \$10m. I expressed the view then that \$7m cannot be plucked out of thin air. If Mr Bahen and his colleagues on the board want to go down this track, they should do it on more than a wing and a prayer that the Government will come up with the money. There should be some guarantees that the Government will meet the demands that will be made on it for the acquisition of that kill capacity.

I can understand it if the Government does not want to make a big issue out of this matter. The negotiations that will need to take place for the acquisition of this killing capacity will be commercial and some strict time lines will need to be met. On the one hand the Chinese International Trust Investment Company has set a time line for 30 June this year, perhaps not for completion of negotiations, but certainly to move out of Western Australia. The Government in its legislation also set a strict time line for the single-desk operation to cease on 31 December this year. That is also a defined date.

We can understand that the Government may wish to downplay this issue. However, I want to make it clear that there is a clear expectation by Mark Bahen and his board that the Government will come to the party in that respect. I am sure that federal funds are available under the national competition policy guidelines to help with those costs. The Opposition wishes the Government every luck in accessing those funds. However, it cannot always be guaranteed that the Commonwealth will come to the party in this situation. We do not want to make a huge issue out of it. We do not necessarily want the minister to breach commercial confidentiality or in any way diminish the commercial negotiating ability of the new board. However,

we believe that in one form or another, the Government must ensure that this situation is fully covered and that people are not hung out to dry without sufficient funding to carry them through the clear objectives of the Bill and the new policy being adopted by the Government.

The other thing that is necessary is that the new cooperative will need adequate capitalisation. There is no point in setting up this new organisation if it is not adequately capitalised from the beginning. Without touching on the acquisition of the killing capacity, there must be a guarantee from the minister in this Parliament that this organisation will be adequately capitalised.

Mr House: I will answer in my reply.

Mr GRILL: One other area in which there is some vagueness is with respect to shareholding. Government policy, reflected in the legislation, is that the corporation's assets, debts and liabilities will be assessed by a competent auditor. The corporation will be assessed also and the net asset value of the WA Meat Marketing Corporation will be ascertained. The Government will sell the assets and receive shares which in due course will be gifted across to a trust. The beneficiaries of that trust will be the lamb producers of Western Australia. I presume that in due course shares will be allocated to those lamb producers. I do not think it has been decided how that allocation of shares will be made. It is not touched on in the legislation; nor is it made clear in the minister's second reading speech. As the minister well knows, this could be a highly contentious issue in time. If the minister can shed some light on it now and give some guidelines that can be taken into account at a later date, it will help everyone involved. There will be an argument about whether shares should be issued on the basis of retrospective patronage of the old Lamb Board and the WA Meat Marketing Corporation, future patronage or a mix of both. I am sure future patronage will play a major part. Will retrospective patronage be neglected altogether? If it were, there would be a considerable argument. Producers will argue that the assets being transferred are assets they built up over a period and they have an equity interest in them. It is a potentially contentious area. If the Government could indicate its general policy to people who must later decide these vexed issues, that might be worthwhile.

I also appreciate that the issue of shares may not take place immediately after the organisation is established. In fact, I suspect it is unlikely any issue will take place immediately, but will take place over a period. Nonetheless, the matter could be contentious. I believe that we as legislators have some responsibility to removing, right up front, as much of those elements of contention as possible.

Both Hon Kim Chance and I put to the briefing group on Monday the issue of future competition. Part of the policy objectives being put forward by the Government in relation to this Bill is that the market will be freed up and greater competition created, certainly after 31 December this year. That fits in with the current vogue of rational economic thinking. However, we need to look at from where that competition might come. If it were to come almost exclusively from the Fletcher Group, which now operates at Narrikup and has been the recipient of a substantial amount of taxpayers' funds, I think about \$8.7m -

Mr House: That figure is not correct. I do not know where you got that from. It did not get that much.

Mr GRILL: I do not want to back away from that figure, because although it did not come from my own research, it was passed on to me by Hon Kim Chance, who had done some research and came up with that figure of \$8.7m.

Mr House: Hon Kim Chance asked me a parliamentary question about that matter last year, and the answer gives the accurate figure. It is not \$8.7m but is closer to \$5m.

Mr GRILL: I do not know which figure to accept. I will not deny the figure that was put by my colleague, but also I will not call the minister a liar in this House, because I do not think he is.

Mr House: I hope not.

Mr GRILL: There appears to be some difference of opinion, and regardless of whether it is \$5m or \$8.7m, it is still a very large sum of money. We would be very concerned if the Fletcher Group gained control of one, or both, of those target abattoirs. Although it is healthy to have competition in the market, the Fletcher Group is not a home-grown, Western Australian company but comes from New South Wales.

Mr House: It is a lot closer to home than CITIC.

Mr GRILL: I do not know what point the minister is trying to make.

Mr House: You made the point that Fletcher is not home-grown. I am making the point that the other export abattoir in Western Australia is Chinese-owned.

Mr GRILL: I have already made that point, so there is no contention between us on that issue. Nonetheless, the Fletcher Group is not a home-grown company. I would not like to see a company that was from outside of this State and that had received taxpayers' funds, whether it be \$5m or \$8.7m, dominate the market. We want this new body that will be set up to be healthy at birth and to continue to remain healthy so that it will be a real competitor in the market. I made similar remarks

earlier about killing capacity. That is a continuing theme that the Australian Labor Party has adopted for a long time now. Even if the new body were able to acquire the Linley Valley and Katanning works, I am told they will require substantial upgrading, so the capitalised position of the new body will need to take that into account. I would like to hear some comment from the minister about that matter. I also asked the briefing group about the killing capacity of the new body; and so that there is no argument about this matter later, I will mention that I was told that it would require a killing capacity of between one million and 1.2 million lambs per annum. Western Australia plays an important role nationally and internationally in the export of lamb. We hope that role will continue and be enhanced, and that the new policy adopted by the Government in this legislation will allow that to take place. Western Australia currently exports about 10 per cent of the worldwide demand for lamb. That is a pretty high figure. The big players in the market are the New Zealanders. However, Western Australia plays the predominant role in Australia, and we hope that will continue in a way which enhances the wellbeing of producers and other people involved in the meat industry, not the least of whom are the people involved in the Meat Industry Employees Union. With those remarks, and having foreshadowed that one amendment, I indicate that the Opposition supports the legislation.

MR HOUSE (Stirling - Minister for Primary Industry) [10.46 am]: I thank the member for Eyre for his contribution and general support for the principles embodied in this legislation and take on board his comment that there is one area of potential disagreement that we will debate in the committee stage; and I hope to be able to convince the member for Eyre at that stage that the Government's approach to this matter is correct. I apologise to the member for Eyre if the time frame for this Bill caused him some inconvenience. I appreciate that in the time that I have been the Minister for Primary Industry and the member for Eyre has been the opposition spokesperson for Primary Industry in this House, we have had a very good working relationship, and I have tried to accommodate the member's needs. However, as he indicated, there are some time lines in this legislation, and I am concerned that if we do not get the legislation in place quickly, the opportunity to make the necessary purchases and establish the necessary cooperative may slip by, and that may be as quickly as in the next few days, as the member is aware, because there is an open market. Therefore, my responsibility is to try to get this legislation through the Parliament as quickly as possible.

About 12 or 18 months ago, the Chairman and the Managing Director of the Meat Marketing Corporation told me that they believed the corporation was in a very difficult situation, where it was projected to lose money, and subsequently did for two financial years in a row, and that unless it could make some fairly substantial changes, it would fold up. It was their view, and it is also my view and, I think, the Opposition's view, that there is a place for some form of cooperative marketing, and it is a matter of how to conduct that into the next century. The user groups had a fair bit of debate about that matter and came up with this package of legislation. This legislation is a bit of a compromise by the Government on some issues - for example, the injection of finance to give the new cooperative a kick start - and it is also a compromise by the grower organisations about some of the points. However, at the end of the day, all of the main players, including the vast majority of growers, made that compromise because they decided this was the best way forward. We were not prepared to contemplate the option to what we are proposing which is a crash landing on 1 July, because the indications are that it will be almost impossible to renew the contract kill that we have in place and that we must do something to ensure that we have an operation that can kill the lambs that will come on stream in this coming spring.

On 13 October last year, I made a ministerial statement to this House that outlined the principles under which we would draft legislation. I indicated in that statement that the proposed legislation had the broad support of the grower organisations and the farmers. What I outlined at that stage remains largely accurate today. The WA Farmers Federation indicated as recently as last week that it supported these changes. In fact, Kevin McMenemy, the President of the WA Farmers Federation, issued a press release after my comments to this House which clearly outlined the date of the end of acquisition, and supported the proposals put forward. Once again, it was a compromise. I know we will have a fuller debate on this matter because the Opposition has indicated that it will move an amendment in committee. That is why I asked whether it was the Labor Party's idea or theirs. The Opposition indicated that it was the Labor Party's idea, but I must say that while some members of the Farmers Federation may now be in step with that, they certainly were not until Monday. That is of considerable concern.

The member raised an issue about how the cooperative would proceed. The Government had a transition group in place to look at all the aspects of how a cooperative might be formed. It started from scratch and needed to consider many legal issues. It brought together people with legal expertise such as Mark Bahen, who also doubled as chairman of the current Meat Marketing Corporation, and others with some business skills. That transition group produced a comprehensive document which detailed what should be done in the formation of a cooperative, how it might operate, and some suggestions and recommendations. I accepted all those recommendations, and the first step was to appoint an interim board. That has now happened. Mark Bahen as chairman and Mr Philip Drage, a grower member, are members of the current board and will be members of the cooperative board. The Government also brought in other people with particular expertise. The interim board is chaired by David Smith, former chairman of Iama Ltd which was a privately-owned operation that became listed as a public company. Having had that experience, his skills and knowledge of how to move from a private operation to a grower-owned cooperative will be very useful. The board is working through those issues at the moment, and one is the issue raised by the member about shareholding.

The transition group strongly pointed out that there should be no political role in the cooperative shareholding, and that there should be a proper transfer to the grower-owned cooperative. I have a view - no doubt the Opposition also has a view - about how the shares in that cooperative should be allocated, but it is proper to leave that decision to the board. I assure members that it will not receive any direction on that allocation from me, as minister. The common thinking is for it to be done on the basis of past trading. It is suggested that shares be allocated on the basis of growers' trading in a set number of years.

That is linked to and leads me to my next point. The Government has agreed to transfer all the assets of the current corporation to the new cooperative. Those assets could vary from day to day because the inventory of stock, or the stock purchased going through the process may vary and so on. It will amount to a few million dollars. If that amount were allocated to individual growers, it would not provide a substantial amount for each person, so it was decided to spend it in total for the broader benefit of and use by the industry. It could be between \$4m and \$6m. It might be more or less but it is in that ball park. It includes assets such as the head office building in Wellington Street, the boning-out facility at Spearwood, stock in hand and so forth. Balanced against that, some employees have long service leave entitlements and so on. The Bill will provide for the assets to be transferred.

The member also raised an issue about the Government's contribution. He was right in saying that there are some commercially sensitive issues within that. In my view it is important that the new cooperative start with as much liquidity as possible. I have given the new board an assurance - Cabinet has discussed this matter - that the amount given by the Government will allow a reasonably good commercial start for this operation. If I plucked figures from the air, the commercial sensibilities would mean that the purchase of assets, the trading position of the current board and so on would be open for public debate. We must be sensitive in that area. Certainly, the interim board, which I briefed about this matter, is satisfied with my more detailed explanation and is satisfied that I would not have asked those people to start this process, and nor would I have given a public assurance to the growers that the proposition was bankable, if the Government intended to pull out of the deal some time in the future. I can give a more detailed explanation.

Mr Grill: I do not think that is necessary.

Mr HOUSE: That is the area in which it must be accepted that the decisions will be made closer to the time. The member raised the issue of upgrading all the facilities that may be purchased. The transition group looked at that in some detail and outlined what it believed was necessary to make the Katanning, Linley Valley, or either operation, into a better operating facility. It can be compared to the difference between a Holden and a Rolls Royce; it depends on where the line is drawn. For efficiency purposes, for example, if Katanning were purchased it would be preferable for the boning-out to be done at that site rather than at Spearwood. Approximately \$1m has been allocated for that sort of transition. That creates some sensitivities for some employees, so that must be worked through with those people. Some of these upgradings can be done over a period and some might need to be done immediately, and the incoming board will deal with that matter. It must be borne in mind that the two abattoirs are both American and European Union accredited - the highest available accreditation currently - and, on that basis, if they need to start on 1 July, they can. Some improvements can be made over a period if necessary.

I understand the interim board feels that a properly constructed cooperative should retain some of the money it receives - perhaps a number of cents for each kilo of lamb processed. That money should be put into a program to provide funds for continually upgrading the operation to ensure the assets and facilities are properly maintained and upgraded. The growers to whom I have spoken think that is satisfactory because they will own it and they want to make sure that the competition continues. It is important to them that facilities be maintained and upgraded when necessary.

It was not easy to reach this position, but the alternative is not palatable. If nothing were done, the industry would crash land on 1 July. Other people in the marketplace would pick up the lambs in the market, such as Fletchers and perhaps CITIC under Metro Meats if it felt it wanted to be in the market on a continuing basis. However, this is a wonderful opportunity to test the ability of a grower cooperative to operate. If it works, it can be a good model for other organisations to follow. People like the egg producers, the potato producers and others might look at this model. It is important that we give the cooperative every opportunity to be as strong as possible from the start. I assure the House that the Government will do that. Guaranteeing the cooperative goes into this in a good financial position will ensure it receives a good start in the market. If we were to be too miserable about that, the cooperative would be an underfunded business. It would then not be a bankable proposition, as underfunded businesses struggle. Growers are looking forward to this opportunity.

We have talked about lamb. One million lambs are exported in carcase form every year, about another million are exported live and a further million are consumed domestically. Therefore, we are talking about one-third of the total lamb market. However, the cooperative and the people the Government has appointed to the interim board do not want to be restricted only to killing lamb. It is commendable that they have a broader vision. It will provide an opportunity to inject competition into the market place. It will then boil down to the quality of the management and its ability to sell the product in the international market at a profitable price. This is a positive initiative from that viewpoint.

I have covered all the issues raised by the member for Eyre and I will enlarge upon them in committee when we deal with

the amendment the member wishes to move. I think I have answered all of the questions raised by the Opposition. I thank my colleagues and the Opposition for their broad support for this legislation.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman (Mrs Hodson-Thomas) in the Chair; Mr House (Minister for Primary Industry) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Section 32 replaced -

Mr GRILL: Clause 14 sets the date for the cessation of the single-desk operation. In the briefing arranged by the minister on Monday, a representative from the Farmers Federation indicated that his body believed there would be some flexibility in that date. That is, it believed that in the event of problems arising, the situation not being fully bedded down or the new cooperative board needing some more time, there would be some flexibility in the cut-off date for the operation of the single desk. The nominal date for that cessation is 31 December 1999. He did not make it any clearer than that; his concern was expressed in those fairly vague terms. It appeared during that briefing that there was a difference of opinion between that representative of the Western Australian Farmers Federation, the Minister for Primary Industry's staff and the representatives from Agriculture Western Australia. I asked that person to check with his body for its thoughts on the matter. He did not get back to me but to Hon Kim Chance, to whom he reaffirmed that it was the understanding of the Farmers Federation that there should be some flexibility about that date. I hope I am correctly informed about that. Based on the difference of opinion evident at that briefing, Hon Kim Chance and I concluded that it might help all parties concerned if the Opposition moved in this Chamber to give the Government some flexibility in the cut-off date. Clause 14 sets in stone the date at and by which the single-desk operation will cease; there is no flexibility. I move -

Page 15, line 13 - After "(b)" to delete the words "an earlier" and substitute "a".

Page 15, line 14 - After the word "*Gazette*" to insert the words "being a day that is not later than 31 December 2000".

I do not want to labour the point. These amendments retain the notional repeal date for the single-desk operation as 31 December 1999 but remove the words "an earlier" to include "at another date but not later than 31 December 2000". The amendments do not really cut across Government policy. They give the Government greater flexibility. In those circumstances the Opposition will not tie the Government's hands as the amendment will allow the Government to enforce the date of 31 December 1999. In the event that the Government did come to the conclusion that some matters would need to be attended to post that date and it may not be entirely appropriate to remove single-desk status as at 31 December, the amendment would allow the understanding of the WA Farmers Federation to be embraced in the legislation. That will give the Government as much flexibility as it had previously, and an even greater flexibility with the cutoff date. It is not a major amendment, and would allow for the aspirations of the Farmers Federation and the Government for greater flexibility.

Mr HOUSE: To indicate that I am not being intransigent, I will outline the reasons the Government will not accept this amendment. The development and policy of the legislation has been in the making for some time, and has involved all of the main players including the Farmers Federation. I first became aware that the Farmers Federation and the Opposition might take a different view from the Government on Monday afternoon following a briefing the member for Eyre had with the Farmers Federation. I expressed disquiet to my staff because all the evidence, both in writing and verbally, was that the Farmers Federation supported the position that had been thrashed out as a compromise. Everybody had to compromise - the Pastoralists and Graziers Association, the Government, the Farmers Federation and individual farmers. Compromises have been made in discussions about the contract kill. That culminated in my statement to the Parliament on 13 October. A ministerial statement outlined what the Government proposed to do. The meat section president of the Farmers Federation, Mr Norton, had been in that loop all the time. He was a member of the transition group and I appointed him to the interim board. At no time did he raise this issue with me. In fact, he indicated to me that the Farmers Federation supported what the Government was doing. Further to that, the general president of the Farmers Federation issued a press release supporting what the Government was doing, and in this week's *Farm Weekly* said that the federation's meat council and the Pastoralists and Graziers Association meat and livestock division agreed to the proposal.

I was more than a little surprised when I heard the federation had changed its position. On Tuesday night, I met with Mr Norton and Mr Ferguson, who is the general secretary of the Farmers Federation, to see why they had changed their view. We debated that matter. To be fair, their annual conference will be held next week and they have to front their members, as I will with members of the National Party. Many of their members are also members of the National Party. I have agreed to be the keynote speaker at the meat section conference, and I will explain the Government's position next week. It is one of those issues on which we have broad agreement but not everyone will agree. We discussed the matter on Tuesday night,

and after considering their position, I told Mr Ferguson that as they had taken a new position at the eleventh hour, I could not see any good reason to change my position. I will not say what he said in response to me, because that would not be fair to him. I did not reject the Farmers Federation out of hand; I gave the matter considerable thought.

We must be concerned about a number of issues and probably the most important of those is the Government's exposure to a privately-owned cooperative. The Government is prepared to cop that for a certain amount of time; however, we must draw a limit on how long we are able to be exposed to a privately owned trading and operating cooperative. That was one of the areas on which we reached a compromise during discussions about the Government supporting the new cooperative with some financial backing to get it off the ground.

The chairman of the current authority Mr Bahen, who has been a party to all of these discussions, believes it is commercially prudent to this course of action. Mr Bahen is a solicitor; he is well respected. He works with Clayton Utz, and has been involved in a number of agriculture-type cases. He has a rural background and understands the debates very well. He has been on the board since we changed the legislation in 1994, and was subsequently appointed chairman. Mark Bahen has considerable experience. His advice, which he gave to the member for Eyre, was that it was prudent to make this change no later than the end of December. He felt the exposure was sufficient and the ability of the cooperative to get up and running gave it a kick-start and was happy to operate in the marketplace from that date. All of those things combined indicates that we should proceed with the legislation and not accept the amendment. There has been general support for our position, and we should get on and get this legislation through the Parliament to allow the next decision to be made by the interim board.

Mr WIESE: I totally support the stance taken by the minister; however, bearing in mind there may be further discussions on this matter in another place, I will put my view on the date. It would be absurd to extend that date to 31 December 2000. If the worst case scenario occurred, we would retain acquisition through another spring flush of land acquisition. That would be a silly situation. If we were to extend the date to allow some sort of leeway, it would be to 30 June, which would close off any acquisitions at what is the end of the whole year's acquisition operation of a new organisation. If we took the acquisition power to 2000, we would allow another spring flush of acquisition, and land marketing in Western Australia without competition.

That is the key, especially in the export market, which would compound the problem. I would love to see acquisition done away with as quickly as possible so that in the coming spring flush we have the benefit of competition with those other abattoirs through the power of acquisition of the Meat Marketing Corporation which will be retained to 31 December this year under the new proposals. The sooner there is competition in the market and the sooner everybody knows there will be competition, the better.

Mr GRILL: I have listened to the arguments put forward by the minister and the member for Narrogin on our amendment. I will persevere with the amendment. We are not suggesting that the time lines should extend until the end of 2000. The proposed amendment has been very skilfully drafted. The minister submitted two or three arguments against it. He said emphatically that there should not be any misunderstanding between him and his staff and the Western Australian Farmers Federation in relation to the matter. I do not want to enter into that debate but clearly there is a misunderstanding, and that has now come to the fore. I know that the minister's staff, the AgWest staff and Mark Bahen were surprised when the WA Farmers Federation suggested that the date needed to be flexible. I am not questioning anyone's bona fides; we can put the question of bona fides to one side. The WA Farmers Federation wants flexibility in the date, while focusing on the target date of 31 December this year set by the Government, so that the lingering doubts among sections of their constituency can be mollified. That is not such a bad thing if it is helpful in passing the legislation.

The real argument submitted by the Government through the minister is that the Government does not want to be exposed for any longer than is critically necessary to the commercial operations of the new cooperative, and that is understandable. The minister expressed the argument well and it is readily understood. However, it is not a compelling argument because we are not tying the Government's hands. If the Government wants an earlier date than 31 December 1999, it can have that by gazetting it. The Government's hands are not tied; in fact, all we are doing by this amendment is giving the Government a bit more flexibility. We do not take any powers away from the Government; we enhance those powers. Any date within the parameters set by either the Government in its Bill or the Opposition in its amendment can be selected by the Government. There is no fetter or limitation on the date; the Government can do that when it wants to.

We think that to oil the wheels - to get better basic agreement, prevent disagreement and prevent the Bill being held up in the other place - it is worthwhile considering this amendment. We have been told that time is of the essence in relation to the Bill. We have been asked to deal with it expeditiously, and we are doing so. We may have grumbled a bit today about that but we are doing it. I think the last thing the minister would want is a delay, given the time lines that he has formally expressed in this place. We do not want to delay the Bill and we will not do so. However, there could be a delay if the amendment is rejected. A delay is not in anyone's interest. It is worthwhile bearing that in mind. I am not saying there will be a delay, but there could be a delay. It is better to be clear now. This amendment is skilfully worded and gives the Government greater powers than the Bill does.

Mr HOUSE: The crucial point here is what is in the best interests of the lamb producers in this State, not what is in my best interests, the best interests of the member for Eyre, or those of the Farmers Federation or the Pastoralists and Graziers Association. I am firmly of the view that the majority of lamb producers support this cooperative. I am also firmly of the view that the majority of lamb producers support competition in the business. If we take those two aspects, we must ask ourselves why we would want to extend the powers of acquisition if what I have said is correct, and I think it is. It is obvious to me from my movement around the countryside and attendance at meetings as a minister, just as the member for Eyre will know, that they are the facts. Producers want this cooperative because they think it will be good for them; however, they want competition in the marketplace and some of them want it sooner rather than later. The member said that we can just press the button. I debated this with a few people yesterday before I made the decision to oppose the amendment.

Mr Grill: Did they seem to be aware that we were going to move this amendment?

Mr HOUSE: There was debate about how long acquisition should last. The majority of representation to me indicates that it should conclude sooner rather than later. That is for the two reasons I have mentioned, they want the cooperative up and running and the competition in the marketplace. However, for the first time in a long time, because Fletcher International Export Pty Ltd (NSW) is in Western Australia, it is now possible to have competition in the marketplace; we have not had that. The member for Eyre might remember that when we debated the removal of domestic acquisition we agreed about a number of things. We agreed that we could not abolish acquisition for export because there was no competition in the marketplace. We would have handed the business to Metro Meats and that was not viable. However, now there is an alternative. There are also people such as Trefort at Narrogin whose business is very close to export standard and who have been working towards it over a period of years knowing that this Bill was foreshadowed. A great deal of representation has been made to me by people who want to enter the market; therefore, there is competition in the community.

I return to the question: What is in the best interests of lamb producers? About 28 years ago, in 1971, as the member for Eyre indicated when the Marketing of Meat Bill was passed, there were many reasons why we should have had acquisition. That was debated and agreed to not only by this Parliament but also the majority of lamb producers; the vote was around 2 200. I am certain that is different now for the reasons I have mentioned. I indicate to the member for Eyre that I would not want to say on any day, "We are going to change the rules." We have indicated clearly that 31 December will be the termination day for a number of reasons: It gives people like Trefort some certainty. If the proprietor of that company spends \$500 000 tomorrow - and it will cost him at least that to upgrade, maybe \$1m - he must have confidence that he can start killing lambs on 1 January. If we extend that time, when does he spend his money? He may come to me and say, "Can I spend my million? I have to borrow it from the bank. I do not know when you are going to end acquisition. I am going to spend \$1m and I cannot be in your game", which is not fair to him. It applies also to the Beaufort River Meats abattoir and a number of others that I could name.

The reason we suggest that it could occur on a date prior to 31 December is because the cooperative may say, "You don't have to worry, you can press the button now." Bearing in mind we are talking about a six month period, that is unlikely. However, the producers and processors want that flexibility. For the reasons I have outlined, we must give them some certainty. Even someone such as Fletcher says quite clearly, "Look, I can't start killing lambs tomorrow, it is a specialist business. It's different from mutton. The skins must be processed differently, they must be looked after differently and the carcass must be prepared differently because the European Union demands different standards. We must know so that we can start to prepare our workforce and prepare for this time." I honestly do not think that it is prudent to be playing with the date for all of those reasons.

Amendments put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Mr Graham	Mr Marlborough	Mr Thomas
Mr Carpenter	Mr Grill	Ms McHale	Ms Warnock
Dr Edwards	Mr Kobelke	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Ms MacTiernan	Mr Ripper	

Noes (28)

Mr Baker	Mr Court	Mr MacLean	Mr Prince
Mr Barnett	Mr Cowan	Mr Marshall	Mr Shave
Mr Barron-Sullivan	Mr Day	Mr Masters	Mr Tubby
Mr Bloffwitch	Mrs Edwardes	Mr McNee	Dr Turnbull
Mr Board	Mr House	Mr Nicholls	Mrs van de Klashorst
Mr Bradshaw	Mr Johnson	Mrs Parker	Mr Wiese
Dr Constable	Mr Kierath	Mr Pandal	Mr Osborne (<i>Teller</i>)

Pairs

Mr McGowan
Mr Brown
Mr McGinty
Mrs Roberts

Dr Hames
Mr Minson
Mr Sweetman
Mr Trenorden

Amendments thus negatived.

Clause put and passed.

Clauses 15 to 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr House (Minister for Primary Industry), and transmitted to the Council.

CHILD WELFARE AMENDMENT BILL

Committee

Resumed from 17 March. The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mrs Parker (Minister for Family and Children's Services) in charge of the Bill.

Clause 4: Part VIIIA inserted -

Progress was reported after Mr Nicholls had moved the following amendment -

Page 7, line 22 - To delete "excluding" and substitute "including".

Mr NICHOLLS: Yesterday we went through a substantial amount of debate on this clause. I do not wish to go over that again. However, I asked the minister a number of questions which I will quickly recap. They concerned the information provided to both the police and Family and Children's Services by reporting agencies under the protocols that have been established. As I understand the minister's response, these protocols require those agencies to report every allegation they receive, whether substantiated or not, to either Family and Children's Services or the Western Australia Police Service if they believe that a criminal offence has allegedly occurred.

I also understand from the minister's response that when information is provided to either Family and Children's Services or the Police Department, details of the child or children alleged to have been maltreated will be provided, as well as details of the alleged offender or offenders. After that, either Family and Children's Services or the Police Service will investigate and determine whether the allegations have been substantiated. If I misunderstood the minister's comments, I would like her to correct me, because if that is the case, I need to ask the minister whether the Police Department and Family and Children's Services will share information about the allegations they receive and the names of the alleged offenders. If they do not, it would seem that a person who has allegedly offended against a number of different children would still not be identified if agencies provide information to the police on one occasion and to Family and Children's Services on another.

The other issue of relevance concerns confidentiality and the potential for unconvicted people to be unfairly identified as maltreaters of children. Can the files of Family and Children's Services or the Police Service be subpoenaed in a court of law? My understanding is that they can be, which would mean that any unsubstantiated, vexatious or spurious allegation that was made would be recorded in the files of either Family and Children's Services or the Police Service, and they can be subpoenaed in a court of law and made public. On the other hand, we are dealing with a register, which is supposedly confidential and which will be protected against freedom of information requests, that hopefully will not be accessible through any court proceedings, whether it be a subpoena or any other form of request for information. Therefore, it would seem that that would be a much more confidential database than mere files held by the Police Service or Family and Children's Services.

The last point on this issue is that when we take a care and protection order to the Children's Court to remove a child because it is believed that a person or persons pose a risk to that child's safety, we do not get a conviction on the basis that that person's actions as a maltreater are substantiated; we get a decision from the Children's Court based on whether the child is at risk. Will the minister respond to those questions?

Mrs PARKER: We spent some time on this amendment yesterday. When the debate on private members' business was completed yesterday, the member for Mandurah indicated that he was happy to go to a vote on this issue. I have spent some

time with the member for Mandurah out of session and prior to this committee stage discussing this issue of alleged offenders being on the register. I do not want to go over that debate again. Clearly the member and the Government will not agree on this principle. However, perhaps I should have answered the member's questions by way of interjection. The member for Mandurah asked about information to the police and Family and Children's Services and he referred to some protocols. Information is referred to Family and Children's Services not by way of protocol but the reciprocal child protection services manual, and so it should be, because allegations should be investigated with the greatest professional integrity and determination because of the heinous -.

Mr Nicholls: Are all those allegations investigated?

Mrs PARKER: The allegations are referred to Family and Children's Services or to the police for appropriate action.

Mr Nicholls: That is every allegation that is received?

Mrs PARKER: The member for Mandurah is a former minister and he well knows that some allegations are vexatious, so there is a process within the department whereby allegations are assessed and prioritised for follow-up.

Mr Nicholls: I am aware of that. I am trying to clarify whether they are passed to Family and Children's Services or to the police.

Mrs PARKER: Yes, they are.

Mr Nicholls: The reporting agencies do not decide on screening and what allegations they will pass on.

Mrs PARKER: The reporting agencies do not have a statutory mandate to investigate. Two agencies in this State, the Police Service and Family and Children's Services, have a mandate to investigate, so it is most appropriate that allegations are passed on to those two agencies.

Mr Nicholls: Are those agencies' records accessible under freedom of information legislation and by court subpoena?

Mrs PARKER: A court can subpoena files. A person may make application under the Freedom of Information Act for personal information held in departmental files. Section 45 of the Freedom of Information Act allows a person to apply to an agency for amendment of personal information if the information is inaccurate, incomplete, out-of-date or misleading. That relates to the issues that were raised by the member for South Perth.

Mr CARPENTER: I want to recap briefly, Labor members' opposition to the amendment. It substantially changes the nature of the legislation. To do justice to the thrust of the legislation we would require separate legislation and full community debate about the nature of the proposed changes. As I said last night, the Opposition believes that there should be more focus on offenders rather than on those who are offended against. I would like to clarify a point in relation to the minister's objections to the holding of information on the register. If the register is totally secure, as the minister asserts, why is there a problem in keeping the information that the member for Mandurah wants on the register?

Mrs Parker: You are talking about allegations?

Mr CARPENTER: Yes. If the member for Mandurah wants allegations against people who are alleged to have been involved in child abuse to be recorded on the register where the maltreatment but not the allegation itself is substantiated -

Mr Nicholls: Where the allegation of maltreatment is substantiated.

Mr CARPENTER: I understand that, but we are talking about suspicions against a person in a case in which the maltreatment has been substantiated.

Mrs Parker: Are you inquiring about allegations regarding the offender or the allegation regarding the maltreatment of the child? I want to clarify your question so that we do not misunderstand.

Mr CARPENTER: My problem with the amendment is that people who are suspected of being responsible for substantiated maltreatment of children would appear on the register. I do not have a problem with the substantiation of the maltreatment - we have been through that and I have explained how that can happen without the allegation that a certain person is responsible for it being substantiated - but if the register is as secure as the minister believes it will be, what is the problem with what the member for Mandurah suggested?

Mrs Parker: With putting allegations of who is the offender on the register?

Mr CARPENTER: My problem is that this radically -

Mrs Parker: We have debated that matter for two days.

Mr CARPENTER: No, we have not.

Mr Osborne interjected.

Mr CARPENTER: No, we have not. The member for Bunbury should read the debates. Our problem is that it would substantially change the nature of the legislation, but if the minister is correct and the register is totally secure, it should not be a problem at all. What is the minister's objection? If, as she says, the register can never be accessed and information from it cannot be downloaded, what is the problem with what the member for Mandurah says? There can be a problem only if security of the information is not perfect.

Mrs PARKER: The member for Willagee asks why we should not have allegations of who is an offender recorded on the register. We debated that matter when we discussed the short title. We spent almost two hours discussing that issue. The member for South Perth made his position clear and I understood that it was the position of the member for Willagee as well. Issues relating to the presumption of innocence and natural justice were involved. That has been a significant part of the debate. The issue is not the security of the register but principles of natural justice. I will not go over that matter again; it is important to make progress.

Firstly, the register is designed primarily to respond to the needs of children who are receiving a service or services from a government agency because it has been established that they have been harmed. To put allegations does not help that purpose. Secondly, in one of the amendments on the Notice Paper, the member for Mandurah suggests that the manager must advise approved persons whether the name of the person alleged to be responsible for the alleged maltreatment is recorded in the register. It is not an issue of security being breached. The member for Mandurah wants such allegations to be passed on. It becomes a problem.

Mr Nicholls: That is not correct, but we will deal with the amendment later.

Mrs PARKER: For the purposes of investigation by Family and Children's Services and the Police Service - I understand that the member for Willagee understands this -

Mr Carpenter: Would you walk me through the last bit of what you said in relation to the provision of information to approved persons?

Mrs PARKER: I was referring to an amendment. Perhaps we will wait until we consider it. The member for Mandurah proposes that the manager must provide to approved persons information about allegations. I am sorry, but I cannot work out the member's question. We have been through it so many times that I do not want to take up the time of the Chamber on a matter that we have already debated. If the member has a question about the provision of information to approved persons, there is a clause in the Bill that deals with that matter. I cannot work out how the giving of information to approved persons fits into this amendment. I understand that the Opposition does not support the recording of the names of alleged offenders.

Mr Carpenter: That is correct.

Mrs PARKER: Good.

Mr CARPENTER: We are dealing with division 3 - reports and notifications - and the duty of approved persons to provide a report of maltreatment. The minister told this Chamber yesterday that no new information could be passed to an approved person. The minister said also that the approved person already knows the names of the alleged offenders. If that is the case, what is the problem with that which the member for Mandurah is suggesting in his amendment? The minister should make up her mind: Either new information can be passed to an approved person or it cannot be. The minister should tell us once and for all whether the approved person will be able to access new information.

Mrs PARKER: Perhaps I misunderstood the question with regard to new information. I made it clear in the second reading speech and in my media statement that no new information will be created for or placed on the register. However, the approved person is already aware of the name of the child who is alleged to have been abused, and that is the reason that the approved person records a substantiated allegation of abuse in the first place. We must remember that the purpose of the register is to improve service delivery across government agencies to children who have been abused; and clearly, in order to be effective, there must be a process to facilitate that coordination and impose that coordination onto the relevant departments. Proposed section 120F states that -

If an approved person in a reporting agency is satisfied, following an assessment or investigation carried out by that person or any other person, that a child has been maltreated or is at serious risk of maltreatment, the approved person shall make a report to the manager containing the following information -

- (a) the name, sex, date of birth and address of the child;
- (b) details of the maltreatment or risk of maltreatment . . .
- (c) details of counselling . . .
- (d) such other information as prescribed.

Proposed section 120J provides that if the manager is satisfied that it is in the best interests of the child to do so - and we must remember that the purpose of this Bill is to establish coordination across government agencies - he may permit any other approved person to have access to any other information in the register in respect of the particular child involved in the case, with whom that approved person is already dealing, and who that approved person already knows has been abused.

Mr Carpenter: That is the exact opposite of what you have just told the Chamber. It is the provision of new information.

Mrs PARKER: We had a debate yesterday about the provision of new information, and I explained that I believed irresponsible claims had been made in this debate and in the media.

Mr Carpenter: You said that the approved person cannot have access to new information. You then read out proposed section 120J, which states that the approved person can have access to new information. You do not understand the legislation, and you do not know what you are talking about unless you are reading from notes provided to you by your adviser.

Mrs PARKER: I have had some trouble in this debate because we are continually going back over ground. We have already had a discussion about the issue of new information; and if there has been some understanding, I am happy to clarify that matter. If we could get back to the amendment -

Mr Carpenter: The same principle is involved: Access to new information.

Mrs PARKER: The amendment moved by the member for Mandurah seeks to include the details that identify or are likely to identify an alleged offender. We have had this debate repeatedly. I understood that yesterday, when we were about to proceed to private member's business, the member for Mandurah was happy to put his amendment to the vote so that we could progress to other issues. We have had some discussion about the amendment.

Mr Nicholls: I just wanted answers to those questions.

Mrs PARKER: I trust that I have provided them.

Mr NICHOLLS: I concur with that. We have debated this matter at length, and the point has been made. I would like the minister to reflect on some of the answers to the questions and to think about the objection that she has raised to the sharing of information. Nonetheless, I accept that the minister will not support the amendment. I am disappointed that the Opposition will not support the amendment, although I understand its reasons. This amendment is the crux of what I believe should be a crucial function of the register, and I am disappointed that I will probably be a lone voice in supporting this amendment. However, I hope that in future, whether it be months or years, this legislation, if it is successful in going through the other place, will be revisited and the names of alleged offenders will be added to the register in a form that will allow for a holistic approach to identifying people who are alleged to be a risk to children within our community. I freely admit that natural justice is an important principle in our community, but having been in the unfortunate, or fortunate, position of being aware of the detail of a number of files with which the department deals, I believe that we must take that necessary step in order to protect children from harm. I therefore hope that in future we will reflect on this legislation and amend it accordingly.

Amendment put and negatived.

Mr CARPENTER: I refer members to proposed new section 120F(2), which refers to the making of a report. In the context of the debate about the necessity for the register to exist, is the minister aware of any officers in government agencies and departments who are not passing on information about allegations of abuse to Family and Children's Services? If not, why is this necessary? Is the minister saying that the Police Service is not notifying Family and Children's Services when it has concerns about the welfare of a child?

Mrs PARKER: It is important to clarify these issues. This is designed to cater for agencies that will not transfer information because they have no legislative protection should they do so. That refers in particular to the Disability Services Commission and the Police Service. We do not have many registrations of convicted offenders because the Police Service needs this legislative protection. The member might ask whether that means allegations are not being passed to Family and Children's Services. On one hand, we are talking about the transfer of established information onto the register and, on the other, we are talking about the transfer of information relating to allegations that must be investigated. They are covered by the reciprocal child protection procedures. The allegations can be transferred to Family and Children's Services or the Police Service because they have statutory responsibility for the investigation process.

Under the current procedures an agency would refer a case to Family and Children's Services, which it would investigate. If a criminal element appears to exist, it refers the case to the Police Service; otherwise it undertakes an investigation to substantiate the abuse for the purpose of the care and protection of the child or children. All allegations are passed to those two agencies under the reciprocal child protection procedures.

Until 1996, this process was not formalised. On becoming minister and on looking at our progress in child protection, I was

surprised to find that it was not until the late 1980s that the Police Service had protocols for reporting child abuse. It is similar to the situation with domestic violence. As a community we have taken a long time to come to grips with what are the worst of crimes because they often happen within families. Given that 10 years ago we had no protocols in the Police Service for the reporting of child abuse, we have made some progress. In 1996, we established formal procedures between the government agencies directly and indirectly responsible for child protection and care. We now have a process whereby those allegations must be reported, and the government agencies concerned are covered by that.

The Police Service does not currently have the legislative protection to transfer to the register the information it has about convictions and have it formalised in that process. The member for South Perth referred to the information on the register taking on an increased status. That is why the Government has had such a problem with the member for Mandurah's amendments about those allegations.

Mr Carpenter: This part of the legislation is important.

Mrs PARKER: That is one of the reasons we were not satisfied to leave the program as a pilot project, particularly given that it is such a contentious issue in the community that can cause concern. We are serious about the register fulfilling its mandate across all agencies. Given the member's involvement in disability services issues he knows how important it is to have all the agencies involved. We need this legislation to ensure that the pilot project can operate comprehensively. We will then have a mandate across all agencies.

Mr CARPENTER: I may have misunderstood, but the basic position that has emerged is that unless we make this legislative change, the Police Service will be unable to provide information about convicted child abusers and paedophiles that can be put on the register.

Mrs Parker: It is unable to transfer that information.

Mr CARPENTER: About people who are convicted?

Mrs Parker: Yes.

Mr CARPENTER: Apart from that, I have heard nothing in the minister's response that would provide Family and Children's Services with information or capacities that it does not already have.

The minister said that the departments, including the police, are required to pass information about the child onto Family and Children's Services under the reciprocal procedures. The problem with the legislative requirement is the information about people who are convicted of abuse. I return to the basic question of whether we need the register at all. Why do we need the register? The information is being given to Family and Children's Services. If we need the register only so information about people who are convicted of child abuse can be placed on it, let us have a register of child abusers. We discussed the development of that yesterday, but I still cannot understand why this register is necessary for the provision of services to children. Family and Children's Services is receiving the information. Is the minister telling us that the information is not being acted on or that government departments are not providing information which is important for service delivery to children and not for the recording of information about offenders?

Mrs PARKER: Members need to understand the difference between the function and operation of the register and the function of Family and Children's Services. As I have said many times, this legislation and the operation of the register will provide a mechanism for the establishment of an across-government agencies co-ordination system which does not exist at the moment.

Mr Carpenter: The register will do that, will it?

Mrs PARKER: Yes.

Mr Carpenter: How? The register is information on a computer; it cannot provide anything except raw data. A human being must do that. Are you saying that the manager of the register will provide that across-government coordination?

Mrs PARKER: I said "the function of the register".

Mr Carpenter: The function of the register is to contain information. That is the only function of a register, people operate the register.

Mrs PARKER: When I say "the function of the register" I am talking about what is provided for in this legislation. Clearly there is a manager and there are approved persons. Perhaps we will use the unfortunate case of Daniel Valerio.

Mr Carpenter: That is the only case you use. Are there any Western Australian cases you can point to?

Mrs PARKER: I certainly would not use a real name from the department's files. At present, there is no mechanism for coordination across government agencies when Family and Children's Services is operating with a child who has been brought to the department's attention through a district officer and case worker. That has been consistently identified in

literature on child protection as a weakness in welfare response across jurisdictions in Australia and internationally. We have moved into an understanding that the best response to a child is a multidisciplinary one. Once upon a time it might have been considered that only the child welfare agency had a mandate to provide support to a child but we have moved on from that. I have said before, although not in this debate, that everybody involved in the child protection field must have an attitude of continual improvement in the way we do things. The way we do things now is far better than it was 10 years ago. I am confident that is the case in Western Australia. A significant number of new initiatives have been put in place since I became minister. In 10 years we will be providing a better response in terms of protection and prevention than we are now. We have not arrived at a final solution to the way we do these things, but rather we are involved in a continual process. Before the register was established, there was no mechanism to embrace the principle of a multidisciplinary response.

Mr Carpenter: You do not need a register to do that.

Mrs PARKER: We need a mechanism and the operation and function of this register provides it. It is a mechanism to coordinate across government. A manager will be able to see a composite picture of the registrations made by the various government agencies which have been listed. I can quote an example from the 2 600 registrations on the register. As I recall, Princess Margaret Hospital for Children dealt with a child and made an assessment that the child had been abused. It referred the case to Family and Children's Services which followed it up. Family and Children's Services' investigation assessed that the child was not at risk per se. This is not a criticism of the professional involved; the information he had received led him to make an assessment that the child was not at risk. Therefore, Family and Children's Services did not make a registration of the child on the register. The result of the investigation was passed back to Princess Margaret Hospital for Children which was not happy with it. The hospital contacted the manager of the register to make a registration.

Mr Carpenter: I thought the maltreatment had to be sustained.

Mrs PARKER: We have not reached that part of the debate yet. The first thing the manager asked the hospital when it wanted to make this registration was whether it had complied with the child protection reciprocal procedures. Princess Margaret Hospital for Children was able to say that it had and the case had been investigated by Family and Children's Services which had not assessed the risk the hospital felt was present. Therefore, the hospital wanted to make a registration, and it did. When the registration arrived, the manager noted a variance in the level of risk in the assessment and told the approved person in Family and Children's Services about the disparity. The person contacted his counterpart at Princess Margaret Hospital for Children and in that communication was provided with information he had not received in his initial investigation. On receipt of that information through that co-ordination, Family and Children's Services revisited the assessment, upgraded the assessed level of risk to the child to match the Princess Margaret Hospital for Children's assessment and established a more appropriate level of protection for that child. Until now, a case worker has examined a case as thoroughly as the protocols require but the system is not foolproof. There has been no way to know where there might be extra information. The register showed the discrepancy. Without the register a further investigation might have taken place and a case worker may have again assessed the risk at the previous level. That did not happen in this case and a care and protection order was taken out over the child.

In the past, there was no formal mechanism to ensure that coordination occurred. That was largely due to the fairly single-disciplinary response. We now believe a multidisciplinary response is appropriate. Other jurisdictions may look at other mechanisms, but in Western Australia the Government has made a commitment that, through this register, it will improve coordination across government agencies and will not rely on one agency knowing everything about a child and providing all the supports that child may need. Other agencies also have a responsibility to provide supports.

Mr CARPENTER: I do not understand how the creation of this register in itself actually facilitates what the minister has been talking about. The information should have been going to Family and Children's Services and to the appropriate officer with the case.

Mrs Parker: It did not.

Mr CARPENTER: All the other information was going in. This could be done without the necessity of a register that will not make it at all foolproof. The minister said that in the initial circumstances the allegation was not deemed to be substantiated. If that occurs, a report will not be put up, no matter who conducts the investigation.

Mrs PARKER: This gets right to the heart of the difficulty that the professionals in this area work with. They are not working with an exact science.

Mr Carpenter interjected.

Mrs PARKER: I appreciate the member's assent to that. Anyone who has been a minister or who has worked in this sector will appreciate that they are not working with an exact science; there is no formula that an engineer or mathematician might use to put together that information and come out with a foolproof assessment.

Mr Carpenter: Thank you for supporting me in that.

Mrs PARKER: That is right. It gets back to what the member was saying: It should have happened. Yes, it should have. The person should have had all the information and been able to know everything, but because people are working with damaged lives, with cases where people do not give consistent information, with people want to hide information, with mothers who will sometimes protect a partner by not providing information so that an independent assessment about the risk of the child -

Mr Carpenter: You will not change human nature.

Mrs PARKER: Indeed, but with the register we might be able to move one step further towards making sure that children do not fall through the gaps. That is a fundamental commitment of this legislation. We must have a better way of ensuring that children do not fall through the gaps, because, as I say, we are not dealing with an exact science.

Mr CARPENTER: I thank the minister for that. That is as much as I want to have clarified on that paragraph. It leads in an almost seamlessly transitional way to an area that we have already gone past because we were proceeding with amendments but on which I would like to focus; that is, the role of the manager, which is referred to under clause 120B. I am not moving amendments but merely wish to clarify some parts of the clause. As we allowed those amendments to go through, we ended up, perhaps unintentionally, focusing on the role of the manager of this information. The minister talked about the necessity of having an overall coordinating capacity and so on. I agree that is required. The minister is ascribing to the register as its functions the functions of the manager and the two other people who work directly to the manager, which is that overseeing role and the capacity to pull together pieces of information from various departments and tie those in with bits of relevant information that have come from other departments. Another function that the manager will be involved in is, in a sense, overseeing the work of Family and Children's Services itself. This brings us to a dilemma in the role of the manager. I have already said that for some reasons I felt sorry for the person who would be the manager of this register because I believed the nature of concerns about the way in which the register might be used would inevitably lead to pressure on the manager. I stand by that, but I want to look at the position of manager and from where the manager is drawn. This concerns part of the problem that the manager will face. Clause 120B (1) reads -

The Minister shall, in writing, designate an officer of the Department as the manager of the register.

As that has not been amended, I take it that the department means Family and Children's Services. It is regrettable that the manager should come from Family and Children's Services. I am casting no aspersions on the current manager by any means but let us talk about hypothetical situations and how events may develop in the future. The minister will be aware that one of the concerns of some people who are dealt with by Family and Children's Services is a lack of confidence in some of the people who operate in Family and Children's Services. As a perception problem, it would be far more preferable if it were possible for the minister, through this legislation, to designate a person to be the manager who is not from the department; in fact, it might be wise on all accounts. There is more than one aspect to this argument. One is reassuring people who have concerns about the staff in Family and Children's Services. There is also the overseeing role which, as the minister has just outlined, the manager will inevitably fulfil. It will be difficult if the manager identifies problems in the way in which Family and Children's Services might be dealing with a particular case. It will be more difficult for a person who is in the department, drawn from the department and answerable to the minister for that department, to have an independent view of what might need to change in the way in which Family and Children's Services is operating. Plenty of historical precedent shows that people in government departments are very reluctant to take on their own departments and in some cases to take on their own minister, if it is necessary, about the way things are being operated in the department and to suggest remedies or ways in which faults can be rectified. The Labor Party believes the manager of a register of this nature should not be answerable to the minister.

Mrs Parker: I am interested in the member for Willagee's comments.

Mr CARPENTER: The Wood Royal Commission into the New South Wales Police Service recommended a commissioner for children. Despite the fact that the only one operating in Australia is in Queensland and is currently undergoing some difficulties, those difficulties are not associated with the arguments that we have here. Given the function that the minister has outlined for the manager, which is this overseeing capacity, it would be much more preferable if, first, the manager were not drawn from the department and, second, the manager did not operate in the department under the responsibility of the minister who oversees that department. The manager needs to be able to identify problems and be courageous enough on occasions to say something is being done wrongly. I cannot see very much evidence of that in the way government departments operate, if question time is any guide. The minister says that members can ask questions and hold departments responsible through the Parliament. I do not see that; in fact, I do not think many people see it. We often see ministers bunkering down and protecting the department and people in the department protecting the ministers. It is a fact; it is human nature and the way that government operates, which is perhaps unfortunate. If we are to have a register of this nature, and there are all sorts of problems with that, the overseeing capacity should be with a person who is independent of the department, and in fact independent of all departments, with the same sorts of powers as an ombudsman. The person should sit above all departments and not be answerable to any of the ministers of the departments. That person should not have to worry about the internal dynamics of any department. They should also report directly to the Parliament and in a sense be

the point of contact for members of the public who are most concerned about the way in which some things operate. The minister mentioned that she had had only three complaints about the operation of the register. Why would people complain?

Mrs Parker: Those are by people who have received a notification.

Mr CARPENTER: Yes, it is a small number. I said that in my office the day before yesterday I had four complaints in a day.

Mrs Parker: Were they people who had received a notification?

Mr CARPENTER: I do not know.

Mrs Parker: It is important to work that out.

Mr CARPENTER: I understand that. All through government departments and offices unless people are actively encouraged to complain through a hotline or something like that, they do not complain. They will complain to other people - to the media, members of the Opposition or backbenchers. The manager of this very sensitive register to whom people want to complain will probably end up being directed. A conflict of interest arises immediately. If we are to have this type of register, that extra step should be taken and an office for children should be established. It does not have to be a mammoth department such as a Police Department or an Anti-Corruption Commission, but a small department with a person who is independent of all government departments which are in the business of delivering services to children. Only then can that overseeing role, which the minister has prescribed for the manager, be adequately fulfilled. I understand that people can put up various arguments about that; the financial argument, and the Government losing control of its function, and so on. It is the sort of thing one can propose in opposition but never want to do in government - that is another argument. We are dealing with a very sensitive development in the law. It is not sufficient to allow the manager with these powers, capacities and the access to this information to be drawn from the department which is so fundamentally responsible for delivering services to the children and looking after their welfare.

Mrs PARKER: I thank the member for Willagee for those comments. I accept that the Opposition and the Government have a philosophical difference in this view about a children's commission, etc. The more I see in my responsibilities, the more I am committed to engaging parents in the lives of their children. Unless parents are included in the answers to the range of problems that we face in our community - whether it is crimes or drugs - and are given the responsibilities and the authority from birth through to older age, we will see an escalation of our problems. For that reason, we do not support in principle the idea of an office for children which can grow up to be something that advocates for the rights of the child and lock-out parents.

I will address some of the issues raised because they are important points to make. Firstly, the manager has an extremely responsible position. I will certainly handle the appointment of that person; I consider it to be a very critical appointment. The person will be subject to the highest security screening available and would also require a good reference from peers about his or her character etc. The person has a very significant role. Secondly - I do not want to dwell on the New South Wales experience - there is no foolproof way we can appoint somebody, no matter what structure is in place. The only way one can deal with it is that there must be the opportunity for scrutiny of the operation of the person who is the manager.

I have spoken to the member for Mandurah who has proposed an amendment regarding the annual reporting by the manager. Although I am happy to receive it, the Government will amend it and I have an agreement with the member for Mandurah on how that will be done. I am happy to write this good amendment by the member for Mandurah into this legislation of a responsibility for annual reporting by the manager to the minister to increase the level of scrutiny over his or her operation of the register. If the operation and the function of the manager in his or her professional duties are not acceptable, I can withdraw that appointment. If it is an independent person, we must wait until public pressure is exerted for the resignation of the appointed person, which is what is happening in Queensland.

Thirdly, it is appropriate that the manager be someone in Family and Children's Services as the agency that has a statutory responsibility for child protection and care in this State. That is appropriate. I know that the member and I disagree on that. However, I am happy to increase the accountability by accepting the amendment by the member for Mandurah. The manager will be under scrutiny with that annual reporting. We must agree to disagree philosophically on the issue of the office of children.

It is important that people can make complaints. The member for Willagee said that no-one would complain; few complaints have been received in the process. It is very important that a complaints process be in place, particularly when an issue as contentious as the custody of children and the way assessments are made are being dealt with. The department's consumer advocate is available to those who are aggrieved in their dealings with the department. I am very committed to establishing that advocate. Last year approximately 380 complaints were made to the consumer advocate out of 30 000 client contacts in a year. Some of those complaints were minor and others were extremely serious. I am very committed as minister to ensuring that a complaints mechanism is established in the department. The fact that the office of the member for Willagee received four complaints this week indicates that a democratic process is in place whereby people can complain to their

members of Parliament. I had a grievance today from the member for Geraldton who had a constituent with a concern that he felt should have been addressed. That issue was established, discussed and debated in this Parliament today. As well as ensuring that the manager is accountable to me as minister - I regard that appointment as an extremely serious and responsible position - the reporting mechanism that I will accept on amendment from the member for Mandurah will also increase the level of scrutiny. I am committed to the complaints mechanism that is in the department. It is accessed and that person does advocate on behalf of aggrieved clients.

Progress reported and leave granted to sit again.

MIDLAND WORKSHOPS, OPEN DAY

Statement by Member for Midland

MRS ROBERTS (Midland) [12.51 pm]: I publicise and draw attention to an open day which will be held at the Midland railway workshops next Sunday, 21 March, commencing at 10.00 am. As members may be aware, the Australian Society for the Study of Labour History, Perth Branch, is organising this open day. In the flier it has sent to most members of Parliament and as many former workers and other people associated with the workshops as possible, it states -

On 4 March 1994 Westrail's Midland Workshops were closed by the State Government. For ninety years the Workshops had served as one of the State's major industrial establishments. In that time they played an important role in the industrial development of the State and in the lives of thousands of West Australians employed there. Their significant manufacturing capacity also enabled them to make a valuable contribution to Australia's war effort during World War II. For many years the Workshops exerted a significant influence in the trade unions and other sections of the labour movement.

In view of the Workshops' historical importance to Western Australia, our Society decided that a record of the labour movement's activity there, down through the years, should be compiled. A committee was set up by the Society in June 1998 for this purpose.

The project aims to develop a collection of oral histories, photographs and other memorabilia, newspaper cuttings, pamphlets, Westrail and Union records. All material collected is to be lodged in the Battye Library.

Next Sunday, from 10.00 am onwards, there will be an official launch. There will also be a display of memorabilia, photographs and other material, which the public is invited to attend and view.

REID HIGHWAY EXTENSION

Statement by Member for Carine

MRS HODSON-THOMAS (Carine) [12.52 pm]: I commend the Minister for Transport on his recent announcement to accelerate the construction of the long-awaited extension to Reid Highway through my electorate. For those who are not familiar with my electorate, the extension will be constructed at the junction of the Mitchell Freeway through to Marmion Avenue.

Although some concern has been expressed about the extension, it is clear from the recent doorknocking I undertook to hear the views of the local residents that there is overwhelming support for accelerating the construction of the road. There is no doubt that the construction will relieve the burgeoning traffic congestion that currently exists and which has been detrimental to the local community. It is imperative that there be certainty for local residents to access schools, the technical and further education college, shopping centres and bus services. The programming of the road extension next year provides that certainty. As well as the extension, the widening of the Mitchell Freeway between Karrinyup Road and Hepburn Avenue, which will commence this year, will be a precursor in reducing the levels of traffic congestion.

On behalf of my community, I commend the minister for his foresight, and the Mayor of Stirling, Councillor Tony Vallelonga, and his councillors, as well as the City of Stirling, for their assistance and support in expediting the construction.

MURDER INQUIRY, CUT BACK

Statement by Member for Perth

MS WARNOCK (Perth) [12.53 pm]: I was very disturbed to read in *The West Australian* this morning that a murder hunt for the killer of a missing prostitute who used to work in Northbridge had been cut back and was expected to be virtually wound down. It is disturbing because it means the killer of the missing prostitute is still at large, as are the killer or killers of the young women who disappeared in Claremont. It means that several grieving families will receive no immediate satisfaction. It is also worrying because it suggests that our Police Force is greatly under-resourced. It is clearly under pressure from the sheer number of inquiries into serious crimes, such as murder, which it is investigating at the moment.

I admit that inner city Perth is well policed, thanks to the efforts of those involved in Citysafe and others. Nonetheless, when

we hear that the sexual assault squad and the Asian squad have been discontinued in their present forms, and that this major murder inquiry is now being cut back, there is cause for concern. People in the inner and near city areas, who have been disturbed for some time about the issue of street prostitution and concerned about the safety of prostitutes and the undesirable characters who are drawn to them - the kerb crawlers - will not be pleased to know that police resources are so stretched that they have to give up this search. It does not inspire confidence. The Government must properly resource our Police Force, and it must do that now.

RANFORD PRIMARY SCHOOL, ACCESS

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.55 pm]: A difficult situation recently arose in the seat of Southern River regarding safe access being provided to the students of the new Ranford Primary School. Before the school opened its doors in February this year, access was being arranged to the school via slip-roads off Nicholson Road into Tobomorey Pass and Govan Road. The provision of these slip-roads involved the City of Canning, the developers of the Ranford estate and Western Power. However, before the slip-road could be built at Govan Road, Western Power had to remove several power poles and reinstate the service underground to allow the City of Canning to proceed with the required slip-road.

Due to an oversight, the developer of this estate did not inform Western Power that the work was required urgently to enable the students to gain safe access to the primary school. This caused Western Power to put the job down as minor works. However, thanks to the intervention of the Minister for Education, following my request, the situation has been rectified. Western Power is due to complete its work this week. I have now asked the City of Canning to ensure that its slip-road is completed as soon as possible.

Thankfully, following this action, the situation which was caused by an unfortunate, unintended lack of communication will be resolved in the very near future to the satisfaction of all concerned, and the students and parents living on the eastern side of Nicholson Road will have safe access to the new primary school via Tobomorey Pass.

POLICE RESOURCES, WILLAGEE

Statement by Member for Willagee

MR CARPENTER (Willagee) [12.56 pm]: I also address the issue of police resources in my electorate, particularly this week in the suburb of Willagee. A case was brought to the attention of my office a day or two ago. A young married man arrived at his house in Willagee to interrupt three intruders who were trashing the house and stealing his personal goods. They had already bagged up quite a collection of goods and had the video recorder with them. Upon being disturbed, they fled outside and up the road. This was at about 11 o'clock in the morning.

This man called the police at Palmyra. After one hour the police had not arrived. By this stage his wife had returned home. She again called the police, who told her that their resources were very stretched and that they had only one squad car on that shift. Half an hour later the police called to assure her that they were on their way but they could not get there immediately. The woman then called the Premier's office to complain about what had happened; she then rang my office. She rang Palmyra police, and they told her again that they were grossly under-resourced, with only one car on that shift. The first call went out at 11.40 am, and the police finally arrived just after 2.00 pm, two and a half hours later. The problem is a lack of police resources. I have spoken about this matter in this House on numerous occasions. My area is under-resourced and the situation must change.

PRE-NUPTIAL AGREEMENTS, LEGISLATION

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.58 pm]: The Federal Attorney General is proposing to amend the Family Law Act 1975 to give legally binding status to pre-nuptial agreements involving a future or post-marital division of matrimonial property. At present, such agreements are not legally binding on the parties involved, and merely act as evidentiary records of the parties' financial circumstances as at the date of the agreement.

The common law on this issue says that such contracts are contrary to public policy and are void. The historical reasoning for this rule is that such agreements weaken the resolve of the parties to maintain with loyalty and fidelity the obligations of the marital tie and are opposed to elementary considerations of morality. However, in response, I question the morality and fairness of many decisions of the Family Court of Australia concerning matrimonial property settlements, particularly in marriages where there are no children.

I generally support the broad thrust of the proposed amendments, because they will, firstly, give more certainty in the way that marital assets are divided in the event of an irreconcilable, irretrievable breakdown of a marriage; secondly, substantially reduce the workload and backlog in the Family Court and delays in contested matters reaching a hearing; and, thirdly, substantially reduce legal fees.

If such agreements are signed freely and voluntarily, the parties to the same receive independent legal and financial advice before they execute such agreements, and the welfare of any child of the marriage is protected, they should have the legal status and recognition of legal contracts.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

PRISONS AMENDMENT BILL

Second Reading

Resumed from 17 March.

MR MARLBOROUGH (Peel) [2.49 pm]: I seek some guidance. Will the minister be available?

Mr Barnett: The minister will be here shortly but I will tentatively listen to your speech on his behalf.

Mr MARLBOROUGH: Fine. That has given me enlightenment to carry on. I was looking for inspiration!

Mr Barnett: We expect to be disappointed.

Mr MARLBOROUGH: Prior to the conclusion of the debate yesterday, I was indicating that the Government cannot point to any real, demonstrated benefits of privatising the prison system. I was suggesting that the Government had already discovered that through its own mistakes, particularly in the health field as demonstrated by the fact that having privatised Joondalup and the new hospitals in Mandurah and Bunbury, the Government has decided against the privatisation of a new hospital in Armadale. It is fairly obvious that the Government decided against that privatisation because the so-called advantages to the community normally derived from a hospital-health process are not there because if they were, I suggest the Government would have continued the process of privatisation.

When we look around Australia - the minister agrees that like processes should be compared with like processes - we begin to see mounting evidence of the difficulties involved in the privatisation of the prison system. A report was recently released in Queensland on behalf of the Queensland Government into the privatisation of prison systems in that State. Queensland has probably gone down the path of privatisation more than any other State. The report makes a number of points about privatisation which this Government should look at. The concerns go right to the heart of what the Opposition sees as problems. How does one measure the process and what does one need in place to measure the process? The Queensland report pointed out four key problems. The report referred to the activities of one of the private companies, the Corrections Corporation of Australia, and said that there was non-implementation of Queensland Correction Services' policies and procedures by that company. The Government could not look at the procedures to gather information about accountability. To put that into plain English, the report said there was no evidence of the implementation of Queensland Correction Services' policies and procedures in the prisons run by Corrections Corporation of Australia in Queensland.

Mrs van de Klashorst: When was that?

Mr MARLBOROUGH: This was last year. It is a recent report. There was no evidence of implementation of government policies. The report asked how one could gather information about the accountability of processes without evidence of the implementation of Government policies if a company is not even willing to meet the standards demanded by the Queensland Correction Services. The report stated that there was inadequate and, in fact, no access for research purposes. Any information the authors had was put together in such a disjointed fashion that one could not gather any appropriate information from the source to put in place a proper measure and confidently reassure the people of Queensland that the private prison system they were funding through their taxes was being run properly. The report made the point that there was absolutely no obligation on behalf of Corrections Corporation of Australia in running three prisons in Queensland to encourage community input. There was no system in place to encourage community input into the running of these prisons. I do not have the details of the things which could be missing at my fingertips, but under the present government processes, the Western Australian system provides an ability for the community to be involved at all sorts of levels. We have everything from the Deaths in Custody Watch to organisations which look after prisoners' rights and church organisations in my community which visit prisoners and are involved in programs for prisoners leaving the prison system and returning to the community. The Queensland report said there was no obligation to encourage community input in these private prisons. These key points are all measures by which we should be able to demonstrate that a private system is working better, yet when we look around Australia for evidence of that, it is not there.

The fourth key point of the report was that the commercial interests of the Corrections Corporation of Australia led to secrecy, restricting the flow of information about operational and contractual obligations. Throw out the rule book, tear it up and throw it in the bin. A private company is running the prison system in Queensland and last year a report to the Queensland Government about how the system was operating said that having set this process up, there is a company which does not appear to implement government policy. It has been running prisons in Queensland for two or three years but there

is no evidence of it implementing government policy. There is no access for research purposes so it is not possible to measure performance if one wanted to. There is no obligation for community input and, most importantly, commercial interests lead to secrecy, restricting the flow of information about operational and contractual obligations.

The minister said yesterday that he agrees we need to measure like with like. It is difficult to measure the government system against the private system but when we start to look at like with like across Australia, we find that there are major gaps in this Government's credibility when it says it believes there can be such improvements under the private sector, that there will be significant benefits to the community, that it is in the community's best interests for the private sector to be involved and that the private sector will provide the real test of how the state system is working. I understand that the Corrections Corporation of Australia is one of the parties interested in running prisons in Western Australia and if the standards and measures which have been applied in Queensland are the same as those which will be applied here, there will be no ability to measure the private prison system against the state system. What we will have if and when this process goes ahead is quite predictable. Ministers will stand up year after year and simply pay lip service to an ideology. I put on the record my prediction that, when this private process is in place and this Parliament decides to conduct its own inquiry into the private prison system in Western Australia compared with the government system, it will find that the same problems will exist in Western Australia as exist now in other States of Australia and in America because the Government has a different responsibility when it is running a prison. It does not have a responsibility to make a profit from prisons. Prisons are a cost and that does not need to be a government consideration, although efficiencies do. It is not an obligation of government to make a profit out of prisons, but it is an obligation of government to gain efficiencies. The minister said yesterday in an answer to one of my colleagues that he agreed that is what happened in the state government prison system; improved efficiencies had occurred each year, and standards had been met and bettered, even though those standards are being achieved in a prison system that is in complete disarray because of the massive overcrowding problem. Prison officers are being asked to carry out duties above and beyond the call of duty and the prison systems are in a close-down mode. The situation that is presently occurring in Casuarina Prison would be of concern to many people. A father of a prisoner rang me two weeks ago to say that his son, who is 22 years, had been in solitary confinement for more than 30 days as a result of the problems that occurred at Christmas. He could not talk to his son and there was no ability to be able to communicate with him. He had been let out of his cell for one hour a day.

Mrs van de Klashorst interjected.

Mr MARLBOROUGH: It is not a matter of building a new prison. If bricks started to be laid today, the problem at Casuarina would not be overcome for two and a half to three years; that is the time it takes to build a new prison. The present problem is caused by overcrowding and the present policies on manning levels and staffing levels in the present prison system. The idea of any form of rehabilitation in our prison system today is a joke. How can the Government talk about rehabilitating prisoners when up to 800 prisoners are held in a prison that was designed for 365 prisoners? Consideration is presently being given at Casuarina to closing down the workshops and putting beds in the place of the metal trades workshop.

Mrs van de Klashorst interjected.

Mr MARLBOROUGH: I am not arguing about whether we need a prison. I am saying that if the construction of a prison started today, it would not be ready for two years. This is not about building a prison.

Mrs van de Klashorst: Of course it is.

Mr MARLBOROUGH: No, it is not. This is about privatising the present system and building a prison with taxpayers' money and then handing it over to the private sector to make a profit out of it. Is the member saying it will not make a profit out of it?

Mrs van de Klashorst: It is about building the new prison to relieve those problems.

Mr MARLBOROUGH: Who will manage it?

Mrs van de Klashorst: I do not know yet.

Mr MARLBOROUGH: Will it be managed by the Government or by the private sector?

Mrs van de Klashorst interjected.

Mr MARLBOROUGH: The member can play words with me if she likes, but she should at least be honest with herself. The Government has announced that it wants to build a prison that will be run by a private company.

Mrs van de Klashorst: We must get this Bill through first.

Mr MARLBOROUGH: That is correct. The present system is in disarray not because of the lack of ability of the professionals who run it, but because of the absolute inactivity of this Government when it looks at the present prison system. It has not happened overnight. The overcrowding in Casuarina Prison and Bandyup Women's Prison is not something that

has happened in 1999; this has been occurring during the term of this Government. This Government has introduced laws that are putting more people in prison. More people are in prison today than ever before. Western Australia holds the unenviable record of being the State that imprisons more people per head of population than any other State in Australia. Some people may be very proud of that record; I am not. I am a great believer that certain people must be in prison, but I assure members that no sensible person would agree that there are people in the prison system who should not be in there.

One of the first things that this Government should be doing is looking at the present problem. It is on the present problem that I want to raise this point: The minister indicated two days ago that he had no evidence before him that people were now being reclassified as minimum prisoners so that they could relieve the burden on the present maximum and minimum prison system; in other words, the Casuarinas, the Canning Vales and the Riverbanks. Mr Speaker, I can assure you that is exactly what is happening. Let me cite this example: If a person is a sex offender in the present Western Australian prison system, he is not eligible for any consideration of early release unless he agrees, as a sex offender, to go onto the sex offenders' program while he is in the prison system. If he does not agree to go onto that program, he is seen as somebody who is in denial: He is denying that he committed the offence and therefore no privileges are given. A denying sex offender cannot be considered for early release and cannot be considered for minimum security. The minister is in the process of looking at sex offenders in this State, categorising them as minimum security prisoners and moving them out of the maximum security prisons to prisons such as Karnet Prison Farm. I am dealing with such a prisoner at the moment. I spoke to the governor of the appropriate prison on Friday of last week. Those people have been considered because of overcrowding. Whoever is advising the minister and his department is doing so incorrectly. That is what is happening today. I do not raise it on the basis that I am opposed to that happening. In the case I am presently involved with, which involves a family in my area, I believe that this person should be given that consideration. I do not think that person is a threat to anybody - I will not go into the reasons. However, I am amazed that the minister has not been given information from his department that I, in opposition, was able to ascertain by simply ringing the person in charge of that prison and telling him that I had a family inquiry. I asked whether the matter was being considered and was told over the telephone that it was. I was also told that a decision would be made in two weeks and that the prisoner, if reclassified, would be moved out of that prison system because of the overcrowding.

The book *Private Prisons and Public Accountability* was written by Professor Richard Harding 12 months ago. He is a professor of law and a director of the crime research centre at the University of Western Australia. In reference to where we should be at in the private system he said -

A model of public accountability must satisfactorily cover the ten key tenets identified and discussed. These are:

- (i) The distinction between the allocation and the administration of punishment must be strictly maintained, with the private sector's role being confined to its administration.
- (ii) Penal policy must not be driven by those who stand to make a profit out of it.
- (iii) The activities of the private sector and their relations with government must be open and publicly accessible.
- (iv) What is expected of the private sector must be clearly specified.

The Queensland system shows it was not. The next tenet is -

- (v) A dual system must not be allowed to evolve in which there is a run-down and demoralized public sector and a vibrant private sector.
- (vi) Independent research and evaluation, with untrammelled publication rights, must be built into private sector arrangements.
- (vii) Custodial regimes, programmes and personnel must be culturally appropriate.
- (viii) There must be control over the probity of private contractors.
- (ix) There must be financial accountability.
- (x) The state must in the last resort be able to reclaim private prisons.

That is the least that the Government should be considering when it contemplates this move to privatisation. It is extremely serious. Books are now being published, not about the private prison system in America, but about private prisons in Australia, how they are being run and how accountable they need to be to the public and this Parliament. If properly serviced, the present government-run model is the appropriate model for the community and, as occurred with the Armadale-Kelmscott hospital, the Government should set aside any attempt to privatise the prison system.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [3.00 pm]: In about 300 BC the great philosopher Plato commented on the corrections system. He argued that people who committed evil against others did so as a result of

ignorance and that punishment should consist of instruction and correction of those offenders who were capable of being reformed. He had a great deal of foresight in that he rejected the notions of retribution or vengeance. At the time when he made these comments, the Greeks treated their prisoners extremely violently. Focusing on both retribution and vengeance, they would stone offenders to death, throw them from a cliff, bind them to a stake so they suffered a slow death, and subject them to public abuse while being crucified.

Mr Board: Sometimes all four.

Mrs van de KLASHORST: Sometimes all four, yes. They also recognised patrimonial punishment, which was the confiscation of property, fines, the destruction of offenders' houses and so on as part of the retribution. As if that was not bad enough, they also had a third string to their bow, and that was moral punishment. This included the public exposition of offenders, the infliction of posthumous punishments on people whom they knew had offended, and the publicly imposed status of shamefulness and public denunciation.

In 399 BC, the great scholar Socrates was sent to court, and 500 jurors found him guilty of profanity, or impiety, as it was called in those days. He was sent to prison, and in those days the prison system was such that he was more or less told to take poison to commit suicide. The Athenians used that as a way of getting rid of some of their prisoners. Prisons at that time were scenes of execution and places of chaining, with the torture of slaves and citizens.

In the Middle Kingdom period in Egypt in around 2050 BC, the Pharaohs acknowledged the sacred duty to preserve public order. They preferred public beatings and lengthy prison terms. I do not know if members are aware of Joseph, the Egyptian royal official - the Joseph with the coat of many colours - who was in charge of the grain. He was imprisoned for 12 years.

Mr Marlborough interjected.

Mrs van de KLASHORST: I am not sure. In 746 BC, the Assyrian empire also imprisoned smugglers, thieves, deserters from the royal service, tax evaders and foreign captives. They had forced labour: The prisoners were required to go into the granaries to grind the flour. That was their idea of forced labour. In 539 BC, the Persians, the Hebrews and the Jews all used imprisonment as punishment. The first recorded crime in Jewish history of which we are aware was when Adam and Eve committed a crime against God in the Garden of Eden.

There have been recriminations and reprisals over the aeons. The book of Deuteronomy referred to an eye for an eye, tooth for a tooth, hand for a hand, foot for a foot. The people believed that if a person committed a crime, he would suffer retribution. They had some bizarre ways of punishing prisoners in those days. I was quite shocked to read that prisoners' mouths would be forced open and molten lead would be poured down their throats. That was one way of punishing prisoners. They also decapitated, beat and mutilated them.

Fortunately, over the years we have moved on and we are not as blood-thirsty today, thank goodness. In the western world we have left behind all of those types of torture of our prisoners; we have left behind the inquisitions of the Spanish, the verbeterhuis of the Dutch and the galley sentences of the Renaissance era. However, over these aeons we have retained the prisons institution. In the year approaching the twenty-first century, we still lock away offenders who society feels deserve to be locked away. Perhaps one day this too will change.

There has been an evolution of punishment since Plato's time; changes have occurred. Plato instituted a number of changes; he was ahead of his time. The Quakers in America and other groups continued the process of change. There have been huge penal changes over the centuries. In Western Australia our prisons have always been run by the Government. Today in this State we face a major change in the way our prisons are run and organised. We must move forward, following the precedent that has been set over the aeons. This Prisons Amendment Bill brings a new direction for Western Australia and its justice system. Our own Richard Harding, whom the previous member quoted, in his book *Private Prisons and Public Accountability* states that worldwide there has been an exponential increase in the number of private prisons in westernised countries. He states that the United States increased its private prisons from 72 to 92 between 1993 and 1995. I do not have the figures since 1995, but there has been a further increase. On page 4, in the last paragraph, he states that the probability must be that private prisons in the United States are here to stay for the foreseeable future, and that privatisation is now a proven option.

Australia was the second westernised country to build a private prison. Corrections Corporation of Australia built the medium-security Boorallon Correction Centre in Queensland in 1990. Since then, more private prisons have been built in the eastern States of Australia. Corrections Corporation of Australia is the preferred tenderer for the proposed Wooroloo Prison South. It operates 65 prisons around the world. That is equal to the number of prisons in Australia.

The Labor Party is far behind in its thinking on world trends in prison reform. By opposing this Bill, it shows its ignorance and lack of proper research. I wonder how many members opposite have visited private prisons as part of their research on this Bill. I went to England last year and visited Blakenhurst private prison, which is near Birmingham. What I saw impressed me. After listening to the Opposition, one would expect to go into that prison and find run-down dilapidated buildings, poor staff conditions, everybody walking around in ragged clothes, and generally a prison being run to create a

profit rather than for the benefit of prisoners. However, what I saw was completely the opposite. The prison building was first class; it was bright and airy. There was ease of movement, yet the building was secure. What impressed me was the way the staff and prisoners interacted.

Mr Minson: Do you know why that is?

Mrs van de KLASHORST: Why?

Mr Minson: It is because it has to meet performance indicators. If it does not perform, it does not get its contract renewed.

Mrs van de KLASHORST: That is exactly right.

Mr Minson: This nonsense here will go on forever until we do something about it.

Mrs van de KLASHORST: When I came away from that prison, I said to people that one thing that impressed me was that prisoners were addressed by their first names, in a normal manner, just as I would speak to you, Mr Deputy Speaker, in the corridors of this place. The attitude was very respectful; the wardens were addressed as Mr, Miss or Mrs.

To digress for a moment, one of my hobbyhorses is the relationship between young people and the Police Force in Western Australia. The confrontationalist approach that sometimes occurs would not exist if people reverted to using good manners.

The prisoners I saw and spoke to were training in various skills. The training sections in Blakenhurst were equipped with modern, up-to-date equipment. I do not know who is to blame but I know that some of the equipment in some of our Western Australian prisons should be upgraded. These prisoners were making computer parts and furniture and learning skills that they could use in the community when they left the prison system. The dining rooms were as good as those I have seen at any boarding school in Western Australia. They were clean, airy and functional. What most impressed me were the kitchens, which were beautifully equipped with modern, high-tech equipment. The prisoners could learn hospitality skills such as general kitchen work, cooking and waiting.

The hospital area was modern and the church would equal any church I have been in within our prison system. I was also impressed by a special area away from the other sections of the prison to house aged people. Let us face it: Like us, the prison population in the world is ageing. There was also an area for the disabled and a special area set aside for prisoners who could not mix with other prisoners. Their learning and training was kept separate. I saw the whole prison because I was there for almost a day. I was impressed with everything I saw. There was no lack of facilities; quite the opposite. It seemed to be well organised and showed no lack of resources. The staff-prisoner relationships impressed me most.

The Bill has more or less been precipitated by the proposed Wooroloo Prison South. As most members will know, this prison is in Wooroloo on the edge of Swan Hills, so of course I am very involved. Contrary to the comments by the member for Peel, the Government has established a community reference group to examine community feeling about the prison. It comprises me as chairman, Ministry of Justice personnel, community members, the Wooroloo prison warden and Shire of Mundaring councillors. It first met in November last year and has met many times since then. At several public meetings we have sought community feeling about the prison; for example, its effect on the environment - environmental groups have contacted us - sewage, waste disposal and lighting. The water to be used by the prison will be extracted from the Kalgoorlie pipeline because it is the nearest source of water. The reference group has also addressed traffic problems on the Great Eastern Highway and the siting of the prison. The initial location suggested by the Ministry of Justice has been scrapped and the prison will be situated where it will have less impact on the environment.

Under the topic of community safety, a list of names has been sent to the Attorney General and Cabinet for consideration of rehabilitation programs for prisoners, transport and much more. We have been quite busy. This considerable input by the community reference group to the Ministry of Justice occurred prior to the tender documents being circulated. As a result, the tenderers were asked to address the concerns of the community.

In contrast to the comments by the member for Peel that there was no community consultation or input into a private prison, exactly the opposite has occurred. There has been major input. We have been sending out letters to every member of the Wooroloo area and adjacent areas to keep them up to date with events. I am pleased that those concerns have been included in the tender document. I spent a morning at the Ministry of Justice the other day examining the tender documents to which every member of this House and the other place had access. I am pleased that the preferred tenderers met and took into consideration the community's needs and concerns.

Through the Ministry of Justice, Corrections Corporation of Australia has submitted its plans to the Mundaring Shire Council planning committee. I was there one night last week and saw the plans. The shire supports the building. It will be a major project in our area.

I have spoken to CCA and Transfield Pty Ltd and asked them if they will include local tradespeople in not only the construction but also the running of the prison, to which they agreed. This is an area in which the people of Swan Hills will benefit substantially. I arranged a public meeting and it was attended by hundreds of people. The old Wooroloo hall was

so packed it was difficult to get in. At my suggestion we listed all the jobs that would be involved in building the prison and developed a register of business interests. The Ministry of Justice said that this has not been done before in Western Australia. However, it is possible in this instance because it is a private prison. I think almost 140 businesses have registered an interest in being involved in the construction or the running of the prison. That means local people will be given employment. The economic benefit to the hills of this prison will be immense. Jobs, investment and local business opportunities will abound for everybody. It will be one of the biggest ever investments in the hills area.

After it won the preferred tender, Corrections Corporation indicated to me that it would pursue and develop a community relationship because it behoves it to be a major part of the community. With its partner, Transfield, it will try to employ as many local people as possible. It suits them to do that rather than have employees travelling long distances. As part of their contract they will help upgrade the fire brigade, and build a medical centre there. In other words, they will become part of the hills community. They plan to use local industries and local trades people as much as possible. Local suppliers will be used in preference to other suppliers. As a private company they can do that. It is much more difficult for the Government because it must go out to tender.

I have done quite a bit of investigation into CCA's policy on prisoner rehabilitation, about which the community was also concerned. In its tender document it proposed a comprehensive framework based on prisoner individual assessment and response to identified needs. Prisoners will be able to be involved in many and varied reintegration programs designed to address offending behaviour with the aim of returning them to the community. A holistic approach involving wellbeing, fitness and health of prisoners has been included as part of the tender document. CCA's management ethos is for individual development aimed at releasing prisoners into the community with relevant skills.

I fully support this Bill. By passing it we will move into the twenty-first century. When I began speaking, I referred to aeons of change. We are moving into the twenty-first century by creating a mixed prison system in Western Australia. We cannot stand still; we must move forward and this is a major step forward. The building of this prison will provide substantial benefits to the Swan Hills' community. This Bill will ensure a high level of accountability and transparency in the tendering process.

The documents have been made available to all members of Parliament and the Attorney General has said that once the whole matter is settled, he will table the documents in Parliament. Some people have said that private prisons do not work. However, this private prison will provide graded accommodation as an incentive. I spoke to the tenderers about this. The prisoners will start in one area where they will be assessed, then move to an area where they have more freedom and before release they will be accommodated in an area of self-help. They will buy their own groceries at the beginning of the week and be taught to manage them for the week. Normal life skills will be taught in the prison.

There will be ideas-driven staff. It will be a combination. I was told in Blakenhurst that staff will be involved in the prison management and it will not be a top-down situation. There will be advanced prisoner management technology. Smart cards will be used for security purposes. Each prisoner will be given a card similar to a credit card. At the beginning of the day the prisoners will be given their tasks for the day and their smart cards will be programmed to reflect that. Once prisoners have the ability to think for themselves, guards will not need to accompany them throughout the prison. If they do not turn up where they should be, an alarm will be sounded and if they try to go to areas where they should not be, an alarm will be sounded. These are modern techniques for prison management.

There will be maximum amenities and privileges. I have seen the plans and the mock-up model. I have read the tender document. There are good ideas about educating the prisoners in schools and an industrial area.

One of the great things is that there will be special sections for Aboriginal prisoners and accommodation will be built that is culturally appropriate for Aborigines. That is marvellous. There will be a special care section for disabled and aged prisoners, and accommodation-linked recreational facilities. Prisoners will be taught self-management of their finances. Structured work opportunities will be provided, partnerships with outside business, to which I have referred earlier, education and vocational training programs, special strategies for Aboriginal prisoners and shared values to achieve as much as possible a "normalised" community within the prison. Staff selection and training will have an interpersonal skills base and there will be many additional training and skills opportunities. That has taken place in other private prisons throughout Australia and England. I have not checked the American scene in that area.

I urge all members to support this Bill. I indicate to members opposite that a new idea is always hard to understand at first, but in other westernised countries private prisons are now the norm. I do not know why Western Australia is making such a fuss about the first one in this State.

Ms Anwyl: They are not working in the eastern States of Australia.

Mrs van de KLASHORST: They are working. Western Australia must keep abreast of and up to date with modern trends. Private prisons fall into the category of modern ideas and trends. It has been proven that they work and are an alternative to government-run prisons in other States. I recommend that every member who is concerned about this proposal read

Richard Harding's book, because it is very interesting and he is from Western Australia. He states in the summary at page 165 that: This book has attempted to appraise how private prisons have so far worked in practice and how their performance could be enhanced. The evidence is clear that private prisons could act as a catalyst for improvement across the whole prison system, but only if effectively regulated and properly accountable.

This Bill is about providing accountability and proper regulation. I commend the Bill to the House - let us move into the twenty-first century in prison management.

MS WARNOCK (Perth) [3.25 pm]: The member's reflections on prisons in ancient times should be enough to stop anybody in their tracks before they talk about the good old days. I found the member's reflections most interesting. I can only say that I am glad I am living in the twentieth century, as I am sure most other members are.

Mr Minson interjected.

Ms WARNOCK: The member for Greenough obviously missed most of those interesting reflections.

Mr Minson: No, I did not.

Ms WARNOCK: The member heard those reflections about the good old days and the hanging, drawing and quartering, and throwing people over a cliff. Is the member in favour of it? It would not surprise me if the member were in favour of that.

Mr Minson: Your lot was in favour of it.

Ms WARNOCK: I do not think the Labor Party was ever in favour of throwing people over cliffs, as they did in ancient times, or of hanging, drawing and quartering, or pouring molten lead down people's throats. Perhaps I lost track of our recent history! I do not think so.

Mr Prince: When did that last happen?

Ms WARNOCK: At least a couple of centuries ago.

Mr Prince: I think the fifteenth century.

Ms WARNOCK: Let us forget about the good old days! I oppose the Bill, as do my colleagues, but I will briefly reflect on matters related to Bandyup Women's Prison because it concerns me in my shadow portfolio.

Mrs van de Klashorst: Perhaps we should privatise that.

Ms WARNOCK: It should certainly be improved. Last year a number of people, representing various women's groups and prisoners' rights groups, approached me with concerns about the overcrowding at Bandyup Women's Prison, which is located near Midland. They were also concerned about the suggestion that a new women's prison could be established at Pyrton, the state facility which recently has been used for severely handicapped people. This facility, which the Government favours as a minimum security prison for women, is in a pleasant area in Eden Hill, and local people have made it very clear that they do not want Pyrton to be used as a prison. Aboriginal people have their concerns about the proposal and have protested strenuously, saying that it is a registered Aboriginal spiritual site.

The Government seems determined to go ahead, although I am interested in the reply from the Minister for Planning to a question asked by the member for Bassendean today. The Minister said he had the report on his desk, but when asked whether the proposal would go ahead and when, he would not answer the questions. The Western Australian Planning Commission presented its report to the minister some time ago, but he has not released it. My views are not likely to be taken into account by the Government, but I wonder why it has not thought of establishing a new prison near Bandyup. That has been a prison site since 1971; people are accustomed to that facility; and I believe land is available in the area - although I have not been there in the last couple of years. The need for a new minimum security prison for women cannot be disputed because it is notorious that currently hardened criminals are accommodated side by side with people imprisoned for minor offences. Also, the prison is horribly overcrowded. Despite the fact that some minimum security prisoners were moved to Nyandi in relatively recent times, there are still between 140 and 146 prisoners at Bandyup which was built to accommodate about half that number. It is not good enough and obviously something needs to be done about the situation quickly. As my colleague the member for Peel pointed out, it takes time to build a prison and I guess we are talking about making alterations to an existing facility.

Improving the accommodation in prisons is not a popular subject and the Government will be aware of that. When the overcrowding at Bandyup became an issue, I followed the comment in the newspapers and listened to people on talkback radio programs on this subject. They said that the Government should not worry about these people, they did not deserve any sympathy, they deserved to be punished, and people should be more concerned about the victims of crime. That is a common view about prisoners, and I do not oppose people being sent to prison. As other members have said, it is a form of punishment that has existed for a long time. Depriving people of their liberty seems to be one of the things society is

likely to be stuck with for a long time as punishment for the miscreants in our community. As I said, prison reform is not a popular subject. It is always difficult to find the funds to achieve it because other issues are deemed to be more important.

Mr Board: It is as much about protecting the rest of the community as it is about punishment.

Ms WARNOCK: I agree. We deprive people of their liberty for several reasons, and that is one. That is why we must always be alarmed about prison escapes, or whatever term our colleague in another place used.

Mr Prince: It was "walkouts", and only in relation to minimum security.

Ms WARNOCK: I thank the minister for reminding me; I have such a terrible memory.

Mr Prince: I endeavour to help.

Ms WARNOCK: I thank the minister. While that generally held view about prisons and what people should be doing in them is understandable, in a civilised community we have an obligation to provide a certain standard of conditions for prisoners. Many prisoners at Bandyup are fine defaulters, not hardened criminals, and the overcrowding there must be addressed. We must also make an effort to provide useful things for prisoners to do while they are incarcerated; otherwise, as people frequently point out, prisons become universities for crime.

Mr Prince: Please define "hardened criminal". You mentioned fine defaulters. My experience is that many hardened criminals are also fined for less serious offences and do not pay. Many fine defaulters, but not all, are recidivist criminals.

Ms WARNOCK: Not all of them. When I rang someone to discuss the subject today, I was told about several people who, for example, simply are unable to pay traffic fines. If the minister or I were ordered to pay \$100 for a speeding fine, we would be extremely annoyed but we would pay.

Mr Prince: I have not for a long time.

Ms WARNOCK: The minister has a chauffeur; perhaps he pays the fines. For someone on an income like ours, it is an annoyance but not a grave problem. A single mother with two children who is fined \$100 might not be able to find that amount.

Mr Prince: I accept the proposition that a person who is fined should not go to jail simply because of an inability to pay the fine. However, it does not follow that all people who are not paying fines are not recidivist criminals.

Ms WARNOCK: I am not suggesting that for one moment. I am simply saying that some people are in that position. It is especially unfair that those people - who like ourselves would normally pay the fines - have ended up in difficult circumstances and might have had their lives ruined.

At the end of last year I attended a meeting on the subject which was sponsored by the Women's Electoral Lobby and which was addressed by a very well-spoken ex-prisoner. She said that people learn crime in prison. She was a fine defaulter and had not been to prison previously. She said that no-one, let alone those who wanted to improve their circumstances, had enough to do. She pointed out also that the overcrowding and general conditions were appalling. People were locked in for 12.5 hours and after a riot they were locked in very overcrowded cells for 23 hours. Our offices here at Parliament House are not large, but the mind boggles when one considers four people sleeping in a room of similar size with a lavatory in the corner. That woman was convicted for driving without a licence and, because she was not able to pay the fine, she was imprisoned.

A letter which was written at about the same time as that meeting was held pointed out that Bandyup is holding more and more women with psychiatric problems and/or intellectual disabilities. It has been suggested to me that it is happening because of the reduction in the number of people being cared for in institutions. I have spoken of this previously, given my particular concern about mental health. I have supported the notion that people should not be in institutions. However, because we are reducing the numbers, out in the community are some people who cannot look after themselves and who do not have access to appropriate care. As a result they end up committing some minor offence and are sent to places such as Bandyup. That is particularly bad.

Mr Minson: All of which has nothing to do with private prisons.

Ms WARNOCK: I said that I would speak about Bandyup because of my portfolio responsibilities. One does not often get the chance to speak about prisons in this place, so I decided to seize the moment to do so. I believe my colleagues will well and truly canvass the question that we are debating. I believe my colleague the member for Burrup did that and the member for Kalgoorlie intends to do that, and I am sure we will also have a dissertation from the member for Nollamara.

Today I rang some of the people who expressed their concerns about these matters to me last year. It was confirmed that Bandyup is still overcrowded, notwithstanding the opening of Nyandi to cater for about 20 minimum security women prisoners. Rumours are circulating about the possible reopening of Longmore - that rather grim young offenders' facility - and people are still making suggestions about Noalimba and other such facilities.

What is the Government's intention? I want answers because of my concerns about women's interests. The overcrowding is continuing, and it is not good for the staff or the prisoners. It also has the potential to upset the community if a riot or disturbance occurs. Notwithstanding what members opposite have said, overcrowding is one reason that riots and disturbances occur in prisons.

MR MINSON (Greenough) [3.39 pm]: I take part in this debate because, as most members realise, for a time I was the minister assisting the Minister for Justice. I am not and never have been philosophically opposed to the concept of private prisons, but some checks and balances must be in place. In fact, I would even go so far as to say that, had I been the minister with full responsibility for the administration and provision of prison services, this prison would already be operating. I will enlarge on why in a short time.

I, like most other members in this Chamber, have sometimes received very impassioned letters and have had visits and phone calls from people who tell me that it is dreadful that the Government could contemplate setting up a prison system so that someone makes a living out of it. That strikes me as strange because if someone enters the prison service and is paid a fee for doing so it is axiomatic that he or she is making a living out of keeping people in custody. It makes no difference whether one is working for a private corporation or a Government.

I have the same argument thrown at me in the disability services arena. People almost choke with rage and indignation that I could contemplate allowing the private sector to provide accommodation services, for example, to people with disabilities. However, everywhere I went in the government sector I saw buildings that this Government inherited that were not up to scratch, and I tried to sort out some of them. I also saw programs which existed in name only. Of course, we know there are well-known, very large private sector operators in the disability services arena. In a way, they take on almost a bureaucratic mode of operation. I am not saying these are bureaucratic morasses, but organisations such as Activ Foundation, Catholic Care, the David Brand Centre and so on come to mind.

The private sector has already been operating in these areas for a long time, and yet I was assailed by people who were very indignant that I, as the Minister for Disability Services, could contemplate inviting the private sector to submit a plan for the provision of a service, whether it be for accommodation or support. I could not see the practical or philosophical reasons that one could not ask the private sector to do that. I can understand that keeping a person in custody is very different from providing disability services but there are some similarities. We need to acknowledge that we are dealing in both cases with groups of people who often do not have much of a choice. People in custody are where they are because society, through its courts, has said that they will be detained for a certain number of years or months. Similarly, we have people who do not have much choice because of their physical or mental conditions. Those people go into private or public institutions and they must take what is served up to them.

I submit to this House that it is not beyond the wit of man and public administration to come up with a scheme with performance indicators, with a board of visitors and with the Government putting in place the public control to look after the interests of these people and to deliver a service that is innovative, cost-effective and effective. I cannot see for the life of me why we sit here and pretend that it is beyond the wit of the human mind to come up with a scheme that would work. Of course, there are many situations and examples throughout history, and I have no doubt current examples around the world, where private prisons have not worked. Without being too bright, one could probably give a list of reasons that they have not worked. However, for every name on that list of private prisons that have not worked, I could give members the name of a government prison in the western world and in our own system that has not worked too well. On paper our prisons are terrific. As minister, I used to get a great big list of programs that were supposed to be operating in our prisons. I would sign it off with a flourish and think that it was wonderful that we had all those programs. However, most of them never operated. We have some of the best-equipped prison workshops that I have ever seen around the world, and I have seen a few prisons around the world. If members go to Casuarina and Canning Vale Prisons, they will see that Canning Vale was set up as an industrial prison. They will see terrific facilities, but they are secondary to locking up people. Those prisons do not really train people at all.

We have this nonsense, whether this or the other side of politics is in power, where we cannot have a proper industrial prison operating. I will expand on that. When our side of politics traditionally has been in power - I am not saying this Government - and it tries to crank up something in the area of industrial prisons, it gets the business sector saying that it cannot do it because it is using slave labour in the prisons. When the other side traditionally is in power - and I am not poking fun at it - it has the unions saying that it is dreadful and that the Government cannot do it because it will be taking union members' jobs. In the world in which we operate in the 1990s and as we head into 2000, the barriers are dropping everywhere. The fact is there are a lot of things that people are not able to do in Western Australia and Australia but they can be done in a prison situation. I do not refer to slave labour. Prisoners could still be paid, although they would not be paid the average basic wage, and they could be provided with training at the same time. With a bit of innovation, de novo industries which no-one has yet thought of, industries which people have not bothered to set up, or import replacement industries, could be carried out in our prisons. I am flummoxed as to why it is beyond our wit to get such a system operating; in fact, it is an indictment of successive Governments that we have not managed to do so.

I have been to prisons where attempts have been made to establish proper industrial, school and technical training. Some of our prisons do not do a bad job with good cooperation from TAFE in some of their programs. Prisoners can do some units of a course while they are in prison. They do not have to spend their entire time in Canning Vale Prison in order to come out with a mechanics certificate or a computer certificate from the Canning Vale branch of TAFE, but they receive that accreditation from TAFE, and with a bit of massaging those people are able to move into the private sector, pick up their training and eventually, we hope, graduate with a diploma, degree or whatever. Part of that training will have been done in prison, but that does not show on their curriculum vitae. It simply says that it was awarded by TAFE. So it is not all bad.

However, there is a better way. I congratulate the Government for taking this step, albeit a bit late because it should have been done some years ago, of trying to put in place a prison that will be innovative and that must meet performance indicators. At the end of the contract time the prison operator will not have its contract renewed if it does not meet the performance indicators. The problem with our public system - stupid thing that it is - is that we have performance indicators, but what happens if people do not meet them? Nothing happens. Someone gets hauled in and is asked to write a reason that the performance indicators were not met. Six months later one receives a couple of tomes through the mail giving the reasons that the prison did not meet the performance indicators. A year later the prison still will not have met its performance indicators, and there is no proper penalty. At least with a private sector prison there can be performance indicators and if they are not met, in three, four or five years when those contractors line up to renew their contracts, they need not bother because they have not met the performance indicators.

When I was minister I had people nearly in tears in my office, telling me how people would be half-starved, locked up for 24 hours a day and all that sort of nonsense, to save money. Is it beyond the wit of this place to put in train a board of visitors that could visit a prison at absolute zero notice? The board could arrive at the front of a prison in a cab and say, "Here we are. Here are our credentials. We are coming in now." Is it beyond the wit of this place to put in place a public controller who could do the same thing? He would not give the prison operators 24 hours warning but would simply arrive. He would have the key to the prison. He would walk through the prison and tick off a list of what the prisoners were doing. He could haul some of them aside and question them. It cannot be beyond the ability of a Government to do that. I am sick and tired of people telling me that it cannot be done because it damn well can be done. It is done in other parts of the world where sometimes it has failed, but one can always come up with a list of reasons that it has failed, and it does not take very long. There are enough examples around the world where one could say that, because of this reason, that reason or the other reason it failed, but the Government will put in place these checks and balances to make sure that it succeeds.

I now turn to what is a bit of a hobbyhorse of mine. I believe that 60 or 70 per cent of all prisoners should not be in prison. I will not spend any length of time on this aspect, but I refer members to some books if they wish to expand their knowledge on the matter. One book by a Catholic priest, whose name I cannot recall, is titled *Restorative Justice*; and another titled *What Works* is by an English author. I am sure that if members make inquiries through the Ministry of Justice, they will find the authors. I remember the work of Chuck Colson who wrote numerous books about his experience in prisons in the United States.

Mr Prince: Was he a prisoner or a prison administrator?

Mr MINSON: He was a prisoner. Chuck Colson, for the edification of members, was the senior adviser to President Nixon who took the rap for Watergate. Some say that Nixon, rather than Colson, should have gone to prison. One of those involved died a couple of months ago.

Mr Prince: It was Ehrlichman.

Mr MINSON: While Colson was in prison, it occurred to him that it was a nonsense to have so many white collar prisoners cluttering up the jails at \$70 000 a year for each prisoner. He pointed out a number of alternatives. When he was released from prison, he started a worldwide movement called Prison Fellowship, which is unashamedly Christian. Even if one is not inclined to the Christian faith, many truths can be found in his writing which apply when the Christian aspect is stripped. I recommend that members read the books written by Colson and refer to the WA chapter of the Prison Fellowship.

I will now take the opportunity to get in a commercial! The annual Governor's Prayer Breakfast will be held towards the end of October. I had word last week that Ronald Nikkel will be the speaker. He is the world President and Chief Executive Officer of Prison Fellowship. He succeeded Colson when he retired last year. I expect a rush of members for this breakfast when I send out the preliminary notices! For twenty bucks, it will be worth attending for a good breakfast at the Burswood Hotel and to hear someone speak with authority about prisons and why they do not work.

We follow a traditional system in the western world and have a dreadful failure rate. Even in our best prisons, the recidivism rate is 60 or 70 per cent. Is that right, minister?

Mr Prince: It is about 60 per cent.

Mr MINSON: The 60 per cent of prisoners who re-offend are put back into prison. Another 60 per cent of those released offend again. So it goes on. Between 3 and 4 per cent of hard core prisoners return to prison nine or 10 times, and, frankly,

the key should be thrown away - nothing can be done for them. However, I refer members to the book *What Works* which argues that virtually no-one is beyond redemption.

I support this Bill and the Government's intentions. I know that philosophically this measure strikes at the heart of something fairly tender to those on the opposition benches. However, I ask members to ask themselves the question: Does the current system work? I can tell members that it does not, and will not, work until we do something dramatic. I do not wish to cast aspersions on prison officers or prison management, but something inherent in the great morass of the WA prison system means it will never work. These approaches have never worked anywhere in the world, and they will not work here. Performance indicators are needed which can really be enforced.

I have visited New Zealand and seen some of the innovative cognitive development programs in operation. Recognition is given in some prisons to the fact that attention deficit disorder can lead to a significant number of young men with very good minds being sent to prison because of a lack of treatment. It is unfortunate. I will not be sidetracked by ADD; however, it is unfortunate that ADD is always hooked up with drug treatment. My son is now virtually over his ADD. For a period he used Ritalin, but the non-medication strategies we employed transformed that kid. With a little commonsense and application of the knowledge acquired around the world, we can do a great deal for people with ADD. Perhaps cognitive development programs, which operate in New Zealand and deal specifically with ADD patients, can be put in place in our prisons.

I refer members to a New Zealand system which, incidentally, was not operating in a private prison. This was an innovative approach in a public system. They were achieving some good early results operating on a Canadian model, the name of which I cannot remember - the minister may know. It is more progressive than any system operating elsewhere in the world. It was applied in a unit prison not far from Auckland. The unit prison model should be considered here. Instead of having several hundred prisoners running around one compound, this model has a secure and safe outer perimeter fence with internal fencing around six secure compounds, each housing 20 or 30 prisoners. Each unit has its own grounds, gardens and what not. One need not lock prisoners down under this model, as it is not possible for 20 people to riot. Buildings are constructed from fibro rather than reinforced concrete. Each prisoner has a key to his room, which restores dignity. It works well and it is a better and cheaper way to build and operate a prison. It is an interesting model. Every month, the results of certain performance indicators from each of the six units in the prison are placed on the board. The people who worked in each unit knew whether they were behind other units. The check and balance was that people would make fun of a unit if the officers could not increase its ranking for a few months in a row.

I would like us as a society to make a real effort to do something innovative in the way of alternatives to prison. What we do now does not work - it is stupid! To lock people in prison for white collar crimes is, in the main, a nonsense. Better, more effective and certainly more cost-effective ways are available to exert the punishment required. Punishment and retribution are fairly mean and lowly ideals to opt for when dealing with people who offend against society's laws. We need to look at restoration, restitution, rehabilitation and other such approaches. I know we do that to an extent. It upsets me a little, and does our society no good, to hear people railing in terms of retribution and punishment - they do not mouth the alternative words. If people turn to the American models of zero tolerance and three strikes and offenders are in, and they do so without compassion and commonsense in attempting to reform those offenders, our plight in five or 10 years will be far worse than that we face today.

Just wait and see if America reaps a whirlwind for what it is trying to do now. I finish by saying that I support this model. It is up to the minister and the Government to deliver those checks and balances, to put in place the programs of reform, training and rehabilitation within those prisons, as well as performance indicators and real penalties for those prisons which do not reach those performance indicators. I commend the Bill to the House and ask all members, regardless of their philosophical point of view, to step to one side and ask themselves the question: Is it only a Government that can own and operate these prisons and is it beyond the wit of members of this House to put in place a system which works and involves the private sector? I suggest it is not beyond our wit and I sincerely hope it is not.

MR KOBELKE (Nollamara) [4.01 pm]: I begin by responding to the question asked by the member for Greenough: It is impossible for this Government to put in place such a system of privatised jails. I will provide some reasons for that later in my contribution. Prisons are a part of our society. They are an aspect with which most people have no contact and which are hidden from view. They are a side of life from which people hope to remain totally divorced. However, there is a role for prisons. Unfortunately, there will always be a role for prisons in the governance and good order of our society so people can be safe in their homes and on our streets. In our system of justice there are three broad reasons for imprisonment. The first is that the justice system itself must have certain consequences for people who transgress. That does not always have to mean jail and the member for Greenough was correct in saying that far too many people end up in jail. Clearly, for some people it is necessary to have a means of incarceration at the end of a process of justice. Hopefully those consequences also lead to the possibility of rehabilitation. I do not include rehabilitation in my three key areas because we have never really been serious about rehabilitation. It is an important issue but it is not one of the three key reasons for maintaining a system of prisons. The second key reason is the need to provide protection for the wider community. Unfortunately, there are members of our society who cannot be left at large because they pose a real threat to the rights and person of members of

the general community. The third reason is that there is a place for punishment or retribution. For many people that is overplayed, but it is necessary and jails certainly provide that place.

I believe there is a real problem in principle with privatised jails. In some respects prisons are about punishment and it is not right for people to be making profits out of punishing others. That is not a model a civilised society should pursue. As the last speaker said, perhaps one should put those matters aside and look to the efficient functioning of our prison system and if that stacks up as a real win, perhaps one's principled position can be laid aside to some extent. In looking to some of the arguments, I find that matters of practicality and implementation do not in any way convince me to move away from my principled position.

Our prisons need to be improved because they do not perform the role we would like them to. The member for Greenough made similar remarks. He said it was the prison system throughout the whole western world; he did not want to target the Western Australian prison system. However, I suggest we have major problems with the prison system here in Western Australia. Without trying to compare our system with other jurisdictions, I believe the Court Government has totally mismanaged the prison system in this State. We have seen so much infighting among senior administrative officers, back stabbing and people being moved in and out of positions that we know there has not been, from the minister down, the leadership required to ensure improvements to our prison system and that the system operates in the most efficient and productive way. The number of escapes or walkouts is also an indictment of the mismanagement of our prison system. Even the fact that the minister must try to justify the use of the term "walkouts" indicates how ludicrous the management of our prison system has been. Changing the term to try to downgrade or lessen the seriousness of this Government's failure to keep people in incarceration shows how totally mismanaged our prison system has been. There is ample evidence to show that this Government has failed to manage our prison system. The member for Greenough would not agree with me but I think he was suggesting that prisons in a wider sense have failed in many ways. I agree with that and go further to say that under the Court Government our prison system has gone backwards at high speed.

What is motivating the Government into making these changes? It may be that the Government has recognised that it has failed to manage our prison system and that it is incapable of reforming or improving it and thinks it will simply handball the whole issue to a private operator. That way it can distance itself from the blame of having a prison system which is not working. That is a known political tool. If a Government is failing totally, it tries to change the administrative structure to move by at least one step the line of blame or responsibility which must come to the Government. It may be that a key motivation in the Government's wish to privatise is that it wishes to remove some of the blame for its total failure in this area. It may be that the move to a private prison is simply ideological, that this Government believes everything should be managed and run according to market forces and competition. That is something which I do not accept. I accept the importance of the marketplace. For government to operate totally irrespective of market forces and without taking account of their consequences would be a huge mistake. Market forces are important but one should not make them the guiding principle in a range of areas such as how to achieve the best management of the prison system. Clearly this Government has taken the view that market forces should be guiding principles in a range of areas. It is a position we can argue about politically but it is true to say, if a little pointed, that it benefits the Liberal Party for government operations to be privatised. The prisons and other large organisations which are privatised tend to be run by large private companies and those companies are direct political donors to the Liberal Party. I am not saying that any specific company which was given the management of a prison would make any political donations.

Mr Prince: I can make exactly the comment about the Australian Labor Party and the union movement.

Mr KOBELKE: I accept that and the minister is correct.

Mr Prince: You are defending your revenue stream from the Prison Officers Union to the Australian Labor Party.

Mr KOBELKE: I accept that from the minister. I am saying that clearly there is a political advantage in the Government having a privatised prison system because increasing the number of companies which are making money out of the Government increases the pool of companies which will contribute to the Liberal Party. I say that without casting any aspersions on any particular company. It is simply a fact of life. There is a political advantage the same as there is a political advantage to the Labor Party in having a strong union system with high membership. Many of those unions are likely to make a contribution to the Labor Party. Many unions do not, just as many companies do not contribute to the Liberal Party. Clearly, there is a political advantage in the potential for fundraising by contracting out to private companies the running of prisons which have clearly and totally been the preserve of government in this State.

The second part is this Government's belief that the use of rational economics will achieve a better system. It does not matter whether it is transport, hospitals or prisons, if this market-driven rational economic approach is used, the whole system will work better. No objective evidence establishes that. I will refer to a speech I have given at least once about the huge failures of the private sector in this country - the Bonds and the Skases. I could go on and on. Plenty of evidence is available to illustrate that the private sector has major failures, in the same way as major failures have occurred in the public sector. There is no evidence to suggest that a better system will be achieved because it is privatised.

I return to the need to improve our prison system. The reform of prisons has a very long history, with some successes and many failures. I would welcome any effort by this Government to put forward a well thought out and integrated policy for prison reform. Privatisation is not that. The Government has not espoused any clearly-stated policies of prison reform. I agree with the member for Greenough when he says we need reform and improvement, but I do not think the Government has even half-attempted to suggest that this privatisation is really about improving our prison system. The Government has not set up a parliamentary committee to look into this matter. It has not even put forward a white paper on the nature of the prison reform, which might then lead to using privatisation as a mechanism to achieve that. The Government has made no credible suggestion that it is about reforming our prison system to make it more efficient and to achieve the better outcome of a lower rate of recidivism. If we consider the track record of this Government in other areas of privatisation, we must have grave doubts about its abilities to manage privatisation effectively.

The public transport system has become a shambles as a result of this Government's privatisation. The Government cannot produce figures for any cost savings. The clear impression is that it has cost more to privatise our public transport system. It is now a poorer service and this Government has achieved that through privatisation of that area. If we consider the selling off of the Government's light vehicle fleet, we again see disaster after disaster. This sale was valued at \$200m to \$300m, yet in my view that has been a total disaster. The Auditor General's report indicated a saving in one small area but was not able to quantify any savings across this system at all. In all these areas, as I have already mentioned, large companies that have a vested interest in maintaining a conservative Government are making big profits. A Government that wanted to produce efficiencies and better government would be likely to change the contractual arrangements to the disadvantage of those companies, so those companies would be likely in many cases to be major political donors to the Liberal Party. This Government has totally failed over the past six years to produce benefits for the people of Western Australia through its much-heralded privatisation programs.

The minister began his second reading speech with the following comments -

When we send offenders to prison, we do more than protect the community from them through incapacitation. We also create an opportunity to address the causes of illegal behaviour and to reduce the likelihood of reoffending after release. The better the use we make of this opportunity to break the cycle of crime, the greater will be the extent to which our prisons repay the community for its investment in them.

Mr Speaker, those are high-sounding principles that we would all agree with, but it is doublespeak. This Government has no commitment to those high-sounding terms at all. I will go through them quickly: It is about protecting the community through incapacitation. We know this Government simply lets them walk out the door. It has an appalling record in detaining these people in the prisons that they are sent to. So much for that indication of what the Government is trying to do. It goes on to talk about the opportunity to break the cycle of crime. This Government could not even put in place sex offender programs that it promised time after time to change the behaviour of sex offenders before they were released into the community. This Government has failed dismally in a range of areas where it has sought to do something about the rehabilitation of offenders. Yet suddenly, these high-sounding phrases are supposed to mean something; they mean nothing to this Government. It is highly unlikely that any move to privatisation would see such matters addressed effectively. They will be in the contracts, in the media blurbs, and in all of the statements that are made by the responsible people, but given this Government's track record, one can be absolutely assured it will not be able to perform on them. The minister went on to say -

The Government is not ideologically tied to the concept of private prison services.

What we are talking about now was announced 12 months ago. Professor Richard Harding wrote in a book about the privatisation of this prison 12 months ago. The Government was talking about it then, yet in the second reading speech, the minister claims the Government is not ideologically committed to a private prison service. Perhaps that is playing with words and suggesting we will have only a certain percentage privatised and therefore the whole system will not be, but that is not spelt out. Taking it on face value, it suggests that privatisation is still to be decided, but clearly that is the intention of the Government based on what the speakers have said and the content of the Bill. I refer to Professor Harding, to whom the minister also referred in the second reading speech. Having read some of Professor Harding's work - the book I have just alluded to and also the Australian Institute of Criminology Trends and Issues paper which he authored - I came to the very clear view that Professor Harding is sympathetic to what can be gained through the privatisation of prisons. He is an academic of some standing and he can argue his case; however, I would argue a contrary case. I will refer to the summary from Professor Harding in the issue of the *Australian Institute of Criminology Private Prisons in Australia: The Second Phase* dated April 1998. It states -

Prison privatisation is the most significant development in penal policy in the second half of the 20th century. It is undeniable that, if it is not properly regulated and made rigorously accountable, privatisation could have regressive effects - an observation which is historically validated also in relation to the public sector prison system and contemporaneously illustrated by the loose accountability structures and the naive belief in market-force discipline found, say, in relation to such privatised monopolistic enterprises as Yorkshire Water (1995) or Mercury (Auckland) Power (1998).

Professor Harding is saying - I will paraphrase - that if one gets it all right, then clearly one can achieve some advantages, but there are clear examples in which this "clinging to market forces is somehow a God that will make things right" will lead one into an abyss. Given the mess that we have ended up with in a whole range of areas that have been privatised by this Government, who would have any confidence that it will get this area right?

I will comment on one or two aspects of the idea that somehow market forces will produce a better system. The competition element is simply a misnomer. Will prisoners be given the right to choose their jails? I think not. It is simply not workable for the best jails to be determined based on the prisoners choosing where they want to be and, as a result, withdrawing government funds from the less popular prisons. That is neither acceptable nor workable in the prison system. We do not have a competitive marketplace in this area. We must use a whole range of administrative contrivances to ensure there is competition between the private providers of prisons. A whole range of services can be offered. We have already privatised the transport to and from prisons. Perhaps laundry and ancillary services to prisons can be privatised, or the whole running of a prison with the Government owning the building, or perhaps we can go for a proposal, which the Government seems to be looking at, of having a private provider fund, construct and run a prison. One could open up similar problems with other models if a private provider invests in the construction of a jail and takes over the management. In passing, I note that has some benefits because the organisation that is to run the prison must plan and build it to optimise the efficiencies of running it later. If those matters are divorced, we can end up with other difficulties.

Putting that aside, if a private provider runs and owns the jail and does not perform, what can we do about it? Clearly the Government is indicating that that provider can be fined. That may have some impact on trying to improve the level of service. At the end of the day, we still have the big stick of transferring the contract to another operator. In theory, that is a means of trying to improve performance. In practical terms, it means nothing. We could not find another place for between 300 and 600 prisoners overnight or even after one year if a prison operator was found to be totally unsuccessful. It is simply not practical to close down a prison and transfer the prisoners to another jail when an unsatisfactory prison operator owns the building and has proprietary rights to it, which no Government would want to take away. It is totally impossible. We are locked into dealing with the provider of a private prison. No matter what mechanisms are put in place, it becomes a complex arrangement to work through to get a satisfactory end product.

If the Government changes its policy in respect of prisons, it must not just implement it within its bureaucracy with the necessary administrative arrangements being put in place, but it must also jump the major hurdle of working through a contractual arrangement with a private provider. It is a minefield of complexities, which will benefit lawyers. Huge amounts of money will be paid to lawyers acting for both sides to decide how those contractual arrangements will work and how they may be varied.

A Government trying to reform an existing private prison system is faced with huge additional obstacles when implementing a program. I am not saying that in the best of all possible worlds we may not be able to put something together that will work; however, it is very difficult. Given the abysmal track record of this Government on privatisation, one can have no confidence that the various procedures and contrivances will produce the outcome being sought.

Additionally, if we start to privatise a large section of the prison system, we end up with a very strong lobby group for vested interests. At the moment in Western Australia the incarceration rate is in excess of 150 per 100 000 people. That is very high compared with the figures for other States in Australia and for Europe. This figure is somewhat below that for the United States, which is over four times that rate. In the United States the prison population has nearly doubled in the past 10 years, and the provision of prisons and the justice system is a major growth industry and a major part of the US economy. As we know, all businesses seek to perpetuate themselves, to advance their market share and to increase profits. With private prisons, we would have a very powerful and well-financed lobby group that has a vested interest in more people being incarcerated, in the same way as the tobacco industry wants to maintain its market share.

The Government may wish to include policies, as the member for Greenough quite rightly suggested - I agree with him - to reduce the rate of imprisonment and its cost on society; however, with privatisation of prisons there is a vested commercial interest in increasing the rate of imprisonment and the resources of government that go to the maintenance of prisons. The figures I have suggest that Australia spends over \$500m annually on its prison system, and across Australia we have about an 80 per cent recidivism rate. That being the case, prisons are already a major industry and we have a big problem with recidivism which we have been unable to tackle successfully. I do not believe privatised prisons in this country are likely to show any improvement in that rate.

Mr Prince: You would say that the other States of Australia which have had private prisons for some time, and also many of the States in the United States and Canada, and the United Kingdom and elsewhere, have got it all wrong.

Mr KOBELKE: No. From what I have read, there is no clear evidence that we will get a better system. I accept the figures from Professor Harding which show cost savings in certain sectors, but not across the whole system. A few studies show that private prisons have improved the recidivism rate, but no objective data shows that the many private prisons that have been operating for many years result in a better system. We leave ourselves open to major failures if we do not do it right, and I have no confidence that the Government can do that.

Mr Prince: We have had major failures in publicly-owned and run prisons; for example, the prison in Fremantle and others in the eastern States, and Strangeways Prison in the United Kingdom. It has happened in many comparable places over the years.

Mr KOBELKE: When things go wrong in a public prison in this State, the Government is accountable. If the Government sets about rectifying the problem, it has a direct responsibility to improve the situation. The difficulty with a privatised prison is that Governments can try to shift the blame - they may not succeed - when things go wrong and not accept the responsibility for a total disaster in a privatised prison. More importantly, fixing the problem becomes much more difficult because we have to work through the contractual arrangements with the private prison providers. For reasons of their own, those providers may not wish to conform or cooperate, or may be able to claim from the Government a much larger amount of money to make the improvements. I do not think the Government has made half a case for moving to establish a privatised prison in this State. I said at the outset that philosophically I have difficulty with this proposal, and I am not willing to reconsider that position for a moment when this Government cannot even make a practical argument that stands up about why we should be changing to a privatised prison system.

MS ANWYL (Kalgoorlie) [4.29 pm]: As has been stated by many of my colleagues, the Opposition is opposed to this legislation. Specifically it is opposed to the obsession by the Court Government with privatising services that should be part of government. It is the function of government to ensure that they run smoothly. The minister quite rightly pointed out that there are many problems within our public prison system. I do not think adequate provisions are in the legislation to ensure we have any greater degree of accountability from private prisons than we already have in the public prisons in this State.

We do not have to go far to hear from people who either have been imprisoned, who work within the justice system or have relatives in prison, to discover there is a real concern about lack of accountability now. People feel that they are forgotten about once they enter our prisons. I have some grave concerns to which I will return, particularly relating to the concept of the minimum standards enshrined in this legislation, quality and accountability.

From the limited research I have had time to do, privatisation of prisons is a fairly recent phenomenon in the western world.

Mr Prince: It has been around for 10 or 15 years.

Ms ANWYL: In Australia it is very recent.

Mr Prince: It has been here for 10 years.

Ms ANWYL: Interestingly, one thing the academics do appear to agree on - I am referring to Professor Harding and Paul Moyle - is that it is difficult to gather adequate research and evaluations of events in private prisons. They also appear to agree that it is too early to say exactly what can be the benefits, although Professor Harding, in his book *Private Prisons and Public Accountability*, to which other members have referred, expresses some cautious support principally because he relies on the theory that cross-fertilisation will result in improved current practices as a result of the effect of some of the private management. We have Professor Harding with his guarded support; we also have some criticism of his view of life.

Mr Prince: That is accepted; it is a healthy debate. I do not think the member for Greenough -

Ms ANWYL: I had a discussion with him outside.

Mr Prince: He gave some brief examples of the situation in New Zealand and I think in Canada and a couple of other places which approach prison systems in a different way. They seem to be getting better results - perhaps they are; perhaps they are not. Many western technological democracies are wrestling with the question of how we can do this best.

Ms ANWYL: Absolutely.

Mr Prince: Surely one way would be to have similar systems providing the same result in different ways, both accountable, that are able to benchmark and compete with each other for how they do it.

Ms ANWYL: I have a problem when we start using people in our society as social guinea pigs. We do that with young people.

Mr Prince: You are in the wrong party then; you have been doing it for 25 years.

Ms ANWYL: The conservative Governments are doing it at present. The Howard Government with the youth allowance and work-for-the-dole scheme is testing schemes on young people. The predominant age group in the prison population is young people. We know that socioeconomically, educationally -

Mr Johnson: Have you spoken to young people? Many I have spoken to are unemployed and would love to have a job and would be more than happy to take less money.

Ms ANWYL: I have not even mentioned the topic of demolishing youth wages. I am talking about work for the dole which means not having a job. It does not even include much training.

Mr Prince: If that was experimented, it was experimented with average people.

Ms ANWYL: I acknowledge that. It is certainly not part of the Prime Minister's rhetoric on the subject.

Mr Prince: That was a Labor Party Federal Government exercise.

Ms ANWYL: I know that CDP has been around for a long time. We could digress for quite some time so I will return to my subject matter. I have a problem when the minister refers to benchmarking between private and public institutions. Within that we lose sight of the fact that the people who are the subject of this benchmarking to a great degree are one of the most problematic groups of people in society. I do not think anyone in here would argue that our ultimate aim is rehabilitation. The law states that. We should all ensure that when people are released from prison they do not return because we do not want them to reoffend in the community.

Mr Prince: I am sure everyone will agree that there are a small number of people in jail, such as the Birnies, who should never see the outside of it. However, the vast majority should come out, hopefully, not to go back in.

Ms ANWYL: We all agree about that. The question is, how do we achieve that? My concern is that we obviously -

Mr Cowan: When you get the answer, let me know.

Ms ANWYL: When I have been around as long as the Deputy Premier I may be able to let him know.

Mr Prince: You will be a damn sight better looking.

Ms ANWYL: Perhaps I am a bit more optimistic than he is. To return to the subject matter, even in his book, which we should remember was published in 1997 and is therefore beginning to be out of date, Professor Harding refers to the real challenges in running a private prison. He referred to issues such as drug use in prisons - we know we have not been able to deal with that in public prisons - riot control, suicide prevention and other issues. Most members will have received a recent Australian Institute of Criminology paper which sets out that in Australia between 1980 and 1998 people in prison were seven times more likely to be a victim of homicide.

To keep it in perspective, we are talking about 56 homicides in that time. We must remind ourselves what a harsh environment a prison is.

Mr Prince: It is not to be compared with the outside world.

Ms ANWYL: We cannot compare it unless we have spent time in prison. Although I have not been a sentenced prisoner, as a solicitor and when I studied criminology at university for several years, I spent quite a bit of time in prisons talking to prisoners. I am proud to say that one of the groups of people who approach my electorate office are former prisoners. I am happy to be of assistance to them if I can. There is no real exit-housing in Kalgoorlie and little in the way of organised work schemes for those ex-prisoners. We must be careful to ensure that as legislators we will advance the concepts of rehabilitation and preventing recidivism.

One of my concerns with accountability is that the monitoring process with public prisons is imperfect and will become more so with private prisons. Professor Harding says in his book -

There are significant cultural and political reasons which lead one to think that expansion of private prisons into new markets will be slow and fragmented. In existing markets, whilst there are some natural barriers beyond which privatization is unlikely to proceed, a steady growth can be anticipated. However, gross failures or system-wide malfeasance could force governments to reopen the whole question of the legitimacy and propriety of privatizing prisons.

That is occurring in some other States in Australia because private prisons are in place in Queensland, South Australia, New South Wales and Victoria. I do not know whether there are any others.

Mr Prince: I do not think there are any in Tasmania

Ms ANWYL: Nor in the Northern Territory. Almost 12 per cent of the prison population in Australia is in private prisons. From time to time I have read - certainly in *The Age* - stories of what is happening in Port Phillip prison in Victoria. There have been many concerns about that prison. Of course, the problems that occur in publicly-owned prisons are not unique; they occur in both private prisons and publicly-owned prisons.

Paul Moyle, a consultant and senior lecturer at the Law School of the University of Western Australia, wrote about the issue of accountability in a "Report on discussion questions formulated by the Queensland Corrective Services Review Unit". Queensland has a history of private prisons. Paul Moyle talks about the best models in that situation. He stated with reference to Professor Harding's research -

Harding conceptualises improvements as a transfer of innovations from the private to the public sector through

either osmosis or the threat of competition. The catalyst for the improvement of the public sector is the private sector's superior performance.

Certainly, we hear that from the Court Government day in and day out. It continues -

This approach has one important assumption in that it reviews reform as occurring in a unidirectional way flowing from the private to the public sector. Evidence from Queensland does not support this model.

The member for Swan Hills earlier spoke about research, but research into the Queensland system indicates disagreement about whether the cross-fertilisation approach adopted by Professor Harding has existed in Queensland or will ever exist in WA.

Mrs van de Klashorst: It works well in America and England, and I cannot see why, with application and willingness, it cannot work here because we are no different from those places.

Ms ANWYL: I suggest that Western Australia is vastly different from the United Kingdom and the United States, but I do not have the time to enter into that debate now. I will give one example of how this country is different - Australia has a much lower rate of imprisonment than the United States.

Mrs van de Klashorst: We also have a much lower population.

Ms ANWYL: I am not talking about the mean number of people in prison; I am talking about proportionate figures.

Mr Johnson: What is the difference between the prison populations?

Ms ANWYL: I am not a specialist on the subject of United Kingdom prisons. Unlike the member for Swan Hills, I did not have the opportunity to visit United Kingdom prisons in the summer holidays.

Mr Johnson: You said we are vastly different.

Ms ANWYL: I made the statement because different things are happening in Western Australia. One significant difference is that there are no people of Aboriginal descent in the United Kingdom, and the bulk of the prison population in Western Australia is Aboriginal. That is one very clear difference between the United Kingdom and Western Australia.

Mr Johnson: The majority of prisoners in the United Kingdom prisons are coloured people of African and West Indian descent.

Ms ANWYL: They are not indigenous to the United Kingdom. In any case, I will move on. As to the issue of the privatisation of prisons, interesting events have unfolded in Kalgoorlie-Boulder recently. I know that you, Mr Acting Speaker (Mr Baker), are familiar with many regional prisons in the State, particularly in the north west, as a result of your practice as a lawyer. Regional prisons have problems of their own. They have a high percentage of indigenous prisoners and among the States and Territories, Western Australia has the second highest mean level of imprisonment and number of indigenous people imprisoned. The Northern Territory probably also has a large number.

In 1995 the Eastern Goldfields Regional Prison was in such bad shape that the then Minister for Justice made a promise that \$14.6m would be allocated for improvements to be made to that prison. At that stage I was working in the legal profession and had occasion to visit the prison. It has no heating or cooling. I was involved in a wilful murder trial, and I had to visit my client many times in that prison. She eventually gave me some gloves to wear because when I visited her in the middle of winter I had difficulty writing notes as my hands were so cold. Women on remand are in that section for a long time. Also there is a great deal of overcrowding in the maximum security area, which is another remand area. The muster has been close to double what it should be. That section of the prison has 11 cells, only two of which have power points. These men are locked in their cells almost 24 hours a day, although there is a small enclosed exercise area. All the prisoners want to go to the cells that have power points because they can then watch television or listen to the radio. The situation in that prison is fairly archaic.

Mrs van de Klashorst: We should change it, and the idea is to go into the twenty-first century and do something about it.

Ms ANWYL: The money would still need to be spent by the Government in order to build the prisons. In 1995 it promised \$14.6m to upgrade the prison, but in 1997 that amount was withdrawn with absolutely no explanation from the Court Government. Minimal work has been done putting intercoms into each of the cells. Other than that, not much has happened.

Recently eight prisoners escaped from the maximum security area of the Eastern Goldfields Regional Prison. Although, fortunately, they are all back in prison - some were captured and some gave themselves up - this week real concerns were raised by members of the prisoners' families because those men are now in Casuarina Prison.

Mr Prince: They should not have escaped.

Ms ANWYL: I have no sympathy for prisoners who escape, because the end result is obvious. We know from the newspapers that most of them end up back in custody.

Mr Prince: Not only do they wind up back in custody, but also they go into maximum security and so they should.

Ms ANWYL: Also their sentences are increased. Who could argue with that? The situations I have described at the Eastern Goldfields Regional Prison are not the best.

Mr Prince: What do you want?

Ms ANWYL: The funding was withdrawn, the eight prisoners escaped, and now the Minister for Justice, in his wisdom, has said there will be an urgent upgrade of razor wire around the maximum security area. The important point is that the \$14.6m was allocated to improve conditions at the prison. It must be remembered that people work in that prison who have committed no crime, and they are most affected, in occupational safety and health terms, by the conditions in the prison. An amount of \$100 000 has now been allocated, but 52 extra beds were to have been made available and that would have included a facility for prisoners classified as medium security risk. That is an important consideration because it would have enabled more goldfields prisoners to return to Kalgoorlie-Boulder. It is obviously in the best interests of rehabilitating prisoners for them to be close to their families.

Mr Prince: I thought the Eastern Goldfields Regional Prison was medium security.

Ms ANWYL: No, with the exception of the small remand and maximum security areas, and some women on remand in a separate maximum security area, it is a low security prison. Prisoners walk out of Kalgoorlie all the time. It is minimum security. In fact, people even break into the prison. In the past 12 months we have had examples of women breaking into the prison to visit partners.

An allocation of \$14.6m was to be made, but the money was withdrawn without explanation. That was followed by an allocation of \$100 000. However, to top it off, the Minister for Justice has announced that the conditions at the Eastern Goldfields Regional Prison are so bad that the Government intends to build a new prison. That prison will be built some time in the next five years. What are the chances of it being a private prison? Given the Government's obsession with privatisation, it is very likely that that will be discussed. That in itself creates many problems.

It is very important to look at some clauses in the legislation. I have no doubt that there will be much discussion in committee. I would like the minister to address the concept of minimum standards in his response. Proposed new section 15D provides for minimum standards and that the chief executive officer must establish those standards. I note that they will then be laid before the Parliament within 10 sittings days and so on. I am very concerned that we will have private prisons in this State and that we as legislators will not know what the minimum standards will be.

One of the principal issues running through research about private prisons is whether there is adequate accountability. Paul Moyle has done extensive research into the Queensland scenario. He has suggested that a particular model be embraced to provide accountability and ensure public confidence in what is occurring in private prisons.

Mr Prince: If I am able to supply you with some indication of what the minimum standards of service delivery will be, I will do so.

Ms ANWYL: I appreciate that.

One of the important issues also discussed in Moyle's research is that staffing levels have not been as good as they might be. He refers to a personal injury case - *Jarvis v Australasian Correctional Management Pty Ltd*. I have a lengthy precis of the case which illustrates that, if we are not careful to set the minimum standards very clearly, there will be a tendency for staffing conditions not to be as good as we would expect. We hear from the Prison Officers Union that staffing levels at the Eastern Goldfields Regional Prison are not what they should be. I am concerned that with this move into a private system we will have even less opportunity to gather information about staffing levels. I know that some of the criticisms of the Victorian private prison relate specifically to that issue. I have some documentation that the member for Swan Hills might wish to read about what has happened in one of the early private prisons in Britain. The concept of staffing is featured. Recently we discussed training of staff in the context of the Court Security and Custodial Services (Consequential Provisions) Bill. I know the minister has spent four hours in committee on that Bill since I spoke to him previously.

Mr Prince: We are up to clause 17.

Ms ANWYL: The minister is doing better than I expected.

Training problems, which are very important, are exacerbated in remote areas. If it is the Government's intention to extend privatisation beyond the metropolitan area -

Mr Prince: That is unlikely, because 85 per cent of the prison population comes from the metropolitan area. Consequently most are incarcerated there. That is the location of most of the sizeable operations, the major work force and so on. It is unlikely to extend to regional centres.

Ms ANWYL: I am pleased to hear that.

Mr Prince: That is my view.

Ms ANWYL: I do not want to see a private prison in Boulder; nor do most of my constituents. I would feel more comfortable if I were to hear that from the Minister for Justice, who has announced out of the blue that there will be a new prison.

The Minister for Justice has now said that conditions are so bad at the Eastern Goldfields Regional Prison that there is no point in upgrading it and that the Government intends to build a new prison in about five years. What will happen to the present prisoners and staff in the prison in the meantime? In addition, given the recent escape, there is obviously huge potential for maximum-security classification prisoners to escape. I understand the Tactical Response Group was involved in the apprehension of the last of the eight to be captured. At least one of the escapees posed a great threat to the community. The issue of what is to happen with the prison should be addressed constructively, not simply by making a promise in 1999 that something will be done by 2004. In 1995, we were promised that something would be done in a couple of years, but that promise evaporated into thin air.

Of course, many prisoners cannot vote. I understand the Federal Government is trying to pass legislation to make it even more difficult for prisoners to vote, but I do not know the detail of the cutoff. We should bear in mind that some of those in prison are there for very minor offences. Many of those in the Eastern Goldfields Regional Prison are there because they have a problem with petrol sniffing or alcohol and other drug abuse. We do not have clear evidence of there being comprehensive and proactive drug programs in our prisons. I heard extensive evidence in this regard as a member of the Select Committee into the Misuse of Drugs. I am also concerned that the effective abolition of the Alcohol and Drug Authority has not improved matters but has made it worse for those in prison.

If the Government intends to continue with this obsession about privatisation, it is most important that minimum conditions, accountability procedures and so on relating to basic standards for prisons are spelt out in the public arena. We have already heard from prisoners, in the context of the current overcrowding, the Christmas riot and so on, about the effectiveness of the current administrative investigation system conducted through the Ombudsman's office. We must be very sure that we have adequate accountability measures. We cannot say that it will be as good as what we have now. Prison management needs clearer accountability procedures.

MR PRINCE (Albany - Minister for Police) [4.59 pm]: There has been a wide-ranging debate on this Bill about prisons, their effectiveness, whether we should have them and in their current form - in the sense of locking people away from society - which has had little to do with the clauses of the Bill. The Bill does not presage or in any way change the concept of incarceration of people who offended in such a serious manner as to require imprisonment. We have had in our criminal law, probably for the best part of 25 years, the proposition that imprisonment is the sentence of last resort. It is used only when nothing else is appropriate or when all other measures have failed. We should never forget that we are talking about people who go to jail because there is no other option for the protection of society. Of course, that applies to a certain number of prisoners who, hopefully, will never be released. It also applies to people who have offended in such a serious way against our community, or so continually and so on that there is no option other than to put them behind walls and deprive them of their liberty for life. That is fundamentally what prisons deal with from the point of view of the "clientele" - I dislike the word.

I agree entirely with the remarks made by a number of members that several people in jail, such as fine defaulters, should not be there. I will amplify those remarks at a later time. I seek leave to continue my remarks.

[Leave granted for speech to be continued.]

Debate thus adjourned.

House adjourned at 5.00 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

WORKPLACE AGREEMENTS

1959. Mr BROWN to the Minister for Labour Relations:

- (1) How many workplace agreements have been registered since 1 December 1993?
- (2) How many workplace agreements have expired?
- (3) How many registered workplace agreements have no effect because the employment contract between the employer and employee parties to the agreement has come to an end?

Mrs EDWARDES replied:

- (1) For the period 1 December 1993 - 31 January 1999 161 601 agreements under the Workplace Agreements Act have been registered (figures for February 1999 are not yet available).
- (2) As this information is not required to be recorded by the Commissioner of Workplace Agreements no complete record is available. Estimates of the Terms of Agreements up to August 1995 were published in the Commissioner of Workplace Agreements "Summary Statistics and Other Information - Vol 1 - Dec 95" publication. Sample information containing similar estimates will be published by the end of the current financial year.
- (3) This information is not available as there is no requirement for parties to notify the Commissioner of Workplace Agreements when an employment contract ceases. (See previous answer to Parliamentary Question 605 (Q5) - April 1997)

TOURISM, SCHOOL OF EXCELLENCE

1967. Mr BROWN to the Minister for Employment and Training:

- (1) Has the Government examined the concept of establishing a School of Excellence in Tourism?
- (2) Who has been involved in the examination?
- (3) What are the results of the examination?
- (4) Does the Government intend to establish such a school?

Mr KIERATH replied:

- (1) The Department of Training has been working with a wide range of industry representatives to identify strategies to lift the profile of training in tourism and hospitality industries. Establishing a "School of Excellence" is one strategy that has been considered.
- (2) A research study funded by the Department of Training was conducted in 1997. The results of the study were considered in 1997-98 by an industry reference group which comprised members of the following organisations:
 Best Western Hospitality
 Tourism Council of Australia
 Hospitality and Tourism ITC
 Rendezvous Observation City Hotel
 Restaurant and Caterers Association
 and 2 officers of the Department of Training
- (3) The industry reference group identified a number of strategies that could be pursued including:
 establishing a Centre of Excellence
 developing a partnership between public and private training providers, higher education institutions and industry bodies
 providing greater opportunities for work-based training
- (4) The Department of Training is still considering this matter. No decision has been made at this stage.

TRADE PRACTICES LEGISLATION

1980. Mr BROWN to the Minister for Fair Trading:

- (1) Does the Government plan to introduce in 1999 a Bill which complements the Federal Trade Practices legislation?
- (2) If so, when?
- (3) If not, why not?

Mr SHAVE replied:

- (1) No.
- (2) The Ministry of Fair Trading has established the Small Business Safeguards Reference Group to evaluate this proposal in light of recent amendments to the *Trade Practices Act 1974* which provide protection to small business. The reference group will report to me with its recommendations by December 1999.
- (3) The proposal has not yet been evaluated nor has consultation taken place.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2041. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

- (a) 1997-98 financial year; and
- (b) 1998-99 financial year (to date)?

Mr SHAVE replied:

MINISTRY OF FAIR TRADING

- (a) 10
- (b) 4

DEPARTMENT OF LAND ADMINISTRATION

- (a) 7
- (b) 1

LANDCORP

- (a)-(b) None.

WESTERN AUSTRALIAN ELECTORAL COMMISSION

- (a) None.
- (b) 2

GOVERNMENT CONTRACTS

2063. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
 - (a) November 1998; and
 - (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr SHAVE replied:

MINISTRY OF FAIR TRADING

- (1) (a) None.
(b) Two.
- (2)-(3) (i) The Tenant's Advice Service was awarded a grant for \$101,000 which is managed through a contract.
(ii) The Centre for International Economics was awarded a national contract for \$193,600 of which Western Australia's share is \$18,700.
- (4) (i) The Tenant's Advice Service will be providing education and advice services to tenants.
(ii) The Centre for International Economics will be reviewing the National Co-operative Scheme for the Regulation of Travel Agents (which incorporates a competition policy review of the respective Travel Agents legislation in each state and territory).
- (5) (i) The Tenant's Advice Service has been provided funding to the 30/6/99.
(ii) The Centre for International Economics review is to be completed by December 1999.
- (6) (i) Not applicable - Tenant's Advice Service was awarded a grant.
(ii) No - Centre for International Economics was not the lowest tender.
- (7) (i) Funds were provided to the Tenant's Advice Service by way of a grant under the Residential Tenancies Act.
(ii) The Centre for International Economics was selected over the lowest tenderer who were not considered suitable because they did not meet the essential criteria required to complete the project.

LANDCORP

Excluding contracts for the sale or lease of property.

- (1) (a) One contract in the month of November 1998.
(b) Three contracts in the month of December 1998.

(2)-(6)

	(2)	(3)	(4)	(5)	(6)
November 1998	\$928,000	CSR Contracting Pty Ltd	Mandurah Ocean Marina Sea Wall upgrade	30.6.99	Yes
December 1998	\$667,402	Giacci Bros Pty Ltd	Bunbury Marlston Hill Subdivision civil works	31.1.99	Yes
December 1998	\$1,577,790	Georgiou Corporation	Churchlands Tuscany Way civil works	30.7.99	Yes
December 1998	\$1,608,006	RJ Vincent and Co	Atwell Beeliar Parklands civil works	31.3.99	Yes

DEPARTMENT OF LAND ADMINISTRATION

- (1) (a)-(b) Nil.
- (2)-(7) Not applicable.

WESTERN AUSTRALIAN ELECTORAL COMMISSION

- (1) Nil.
- (2)-(7) Not applicable.

GOVERNMENT CONTRACTS

2065. Mr BROWN to the Minister for Local Government; Disability Services:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -

- (a) November 1998; and
- (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr OMODEI replied:

Metropolitan Cemeteries Board:

- (1) (a) One.
- (b) Nil.
- (2) \$146,400.
- (3) Nigel Gibson, Building Contractor.
- (4) Building Alterations to Crematorium.
- (5) January 1999.
- (6) Yes.
- (7) Not applicable.

Disability Services Commission

- (1) None.
- (2)-(7) Not applicable.

Department of Local Government:

- (1) None.
- (2)-(7) Not applicable.

Fremantle Cemetery Board:

- (1) None.
- (2)-(7) Not applicable.

Keep Australia Beautiful Council:

- (1) None.
- (2)-(7) Not applicable.

CHILDREN IN PAID EMPLOYMENT

2163. Mr KOBELKE to the Minister for Labour Relations:

- (1) Will the Minister provide an estimate of the number of children engaged in paid employment?
- (2) How many cases of exploitation of children in Western Australia have been reported to the Office of Employee Ombudsman?
- (3) Are working children protected by the Occupational Safety and Health Act 1984?
- (4) What is the source of the data?
- (5) Will the Minister provide numbers by age and industry sector?

Mrs EDWARDES replied:

- (1) Information is not available on the number of children engaged in paid employment.
- (2) I am not aware of any cases of exploitation of children in Western Australia reported to the South Australian Office of Employee Ombudsman.
- (3) Yes, providing they meet the definition of employee under the Occupational Safety and Health Act:
 - (a) a person by whom work is done under a contract of employment; or
 - (b) an apprentice or industrial trainee.

(4)-(5) Not applicable.

GRANT THORNTON, CONTRACTS

2221. Ms MacTIERNAN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) How many contracts have been awarded to Grant Thornton since 1 January 1997?
- (2) For each contract, will the Minister state -
 - (a) the project the contract was awarded for;
 - (b) the original contract cost;
 - (c) the actual final cost of the contract;
 - (d) the date the contract was awarded and the date it was completed; and
 - (e) whether the contract went out to tender, and if not, why not?

Mr SHAVE replied:

WAEC, MFT, DOLA and LANDCORP

- (1) None.
- (2) (a)-(e) Not applicable.

FREMANTLE CEMETERY BOARD

2356. Mr CARPENTER to the Minister for Local Government:

- (1) Is the Fremantle Cemetery Board administrated by the Metropolitan Cemeteries Board?
- (2) In not, why not?
- (3) Who are the members of the Fremantle Cemetery Board?
- (4) When does their term conclude?
- (5) Is the Board subject to the Public Sector Management Act 1994?
- (6) If not, why not?
- (7) What was the cost of the new crematorium complex?
- (8) Was it built on time and on budget?
- (9) If not, why not?
- (10) Was there an ongoing dispute with the building contractor and has it been resolved?
- (11) Did the board also become involved in litigation on other buildings such as shelters?
- (12) Has crematorium equipment recently been renewed or upgraded?
- (13) If yes, what was the cost of the renewal or upgrade?
- (14) Were tenders called for in accordance with Government policy?
- (15) Did the Fremantle Cemetery Board build a kiosk and what did it cost?
- (16) When was the kiosk building completed?
- (17) Has it commenced operating as a kiosk?
- (18) If yes, when it did this occur?
- (19) Does the Fremantle Cemetery have by-laws , if yes, on what date did they appear in the Government Gazette?

Mr OMODEI replied:

- (1) No.

- (2) The Fremantle Cemetery Board is constituted under the Cemeteries Act 1986 as is the Metropolitan Cemeteries Board. Separate Boards were created by the ALP Government of the day.
- (3) Chairman: R Fardon; Board Members: K Chipper, L Lovell, J Papaphotis, R McKeig, Reverend M Wilson and E Brice.
- (4) 30 June 2001.
- (5) Yes.
- (6) Not applicable.
- (7) \$6,898,504.
- (8) (a) No
(b) Yes.
- (9) The building contractor did not complete the work on time.
- (10) Yes.
- (11) No, Builder appointed liquidator August 1992.
- (12) It has been upgraded by original suppliers.
- (13) The cost of the upgrade was \$591,230.
- (14) Yes.
- (15) Yes, \$355,418.
- (16) 14 July 1997.
- (17) No, however lease has been arranged.
- (18) Not applicable.
- (19) Yes, Wednesday 22 January 1969.

QUESTIONS WITHOUT NOTICE

GOLD ROYALTY

628. Dr GALLOP to the Premier:

I refer to comments by Mr Robert de Crespigny of Normandy Mining that the gold royalty is a tax and an imprudent one that for most companies -

... is going to be the amount that comes off exploration.

Those comments have been supported by Mr Campbell Anderson of North Ltd and Joe Gutnick of Great Central.

Mr Court: When were they made?

Dr GALLOP: They were made in October 1998. In view of those statements by leading figures in the mining industry and the Premier's alleged concerns about the future of exploration, will he now suspend the gold royalty?

Mr COURT replied:

Would the Leader of the Opposition abolish the gold royalty?

Dr Gallop: I am asking whether you will suspend it. We would suspend it. If we were sitting where you are now, we would suspend it to get a bit of investment and exploration in the industry.

Mr COURT: The Leader of the Opposition has raised an absolute furphy. He might have quoted something that was said in October 1998, but last week at the gold conference I spent two hours with Mr Robert de Crespigny and other leaders of the gold industry. They raised all their concerns and not once did they mention the gold royalty.

Mr Kierath: What about native title?

Mr COURT: Native title was the main topic of discussion for two hours. I said yesterday that we have deliberately phased in the gold royalty.

Dr Gallop: Straight off exploration budgets, Premier.

Mr COURT: No, the Leader of the Opposition is wrong. This year about \$28m will be raised across the gold industry through the gold royalty, but taking into account, firstly, that the industry will use the royalty as an expense to cut its federal tax and, secondly, the cost structure, a relatively small amount of money will come out of the gold industry this year.

It is interesting that we have made it clear to the industry that if temporary relief is required from the royalty to help it through a problem, it can apply to the Government and such applications will be properly considered. In our six years in government we have had applications from companies in the mineral sands industry, for example, and we have provided them with relief so that they could trade through their difficulties. The Leader of the Opposition's point is absolute nonsense.

Dr Gallop: No it is not. It is about creating investment and jobs tomorrow.

Mr COURT: If everyone in the industry wants relief, they can have it.

On exploration, we saw in the newspaper a photograph of a Perth geologist who now does painting because he could not get geological work. A vice-president of the Association of Mining and Exploration and a director of two small exploration companies, Mr Harley said that the lack of investor confidence in exploration aggravated in Australia by the amount of land locked up under native title negotiations means that capital is now finding its way offshore.

Mr Ripper: Did he say in Australia or Western Australia?

Mr COURT: In Australia, but virtually all of Amax's activities are in Western Australia. I have said before that in February this year 84 - that is, about one-third - of all listed resource companies had a market capitalisation of less than \$3m and a share price of less than 5¢ a share. Small resource companies simply cannot afford to go through the battles that are required for them to get access to land that they need. The Leader of the Opposition, in trying to divert -

Dr Gallop: Your obsessions will be your downfall. You are not concerned with reality, you are concerned with your own prejudices.

Mr COURT: I will tell the Leader of the Opposition what reality is. The Australian Labor Party has a new vision. It can have all the visions in the world, but in government we are doing things. Everything that we do is designed to create more jobs. In relation to the mining industry, the Leader of the Opposition has opposed at every turn practical attempts to make native title legislation work. He has made knocking an art form. He has knocked out proposals to establish a convention and exhibition centre which it is estimated will employ 600 people, 40 per cent of whom will be under 25 years of age. He has knocked out plans for the construction of a railway line from Perth to Mandurah which will not burden the public with debt. On all those measures all that he can do is be negative. Yesterday he showed his true colours. He has turned the Labor Party into a city-based party with no hope of winning the necessary country seats to win government. He has sold out timber workers to get easy city votes. Workers do not trust him at all and he does not have the capacity to understand them. That is not me talking -

Dr Gallop: You are quoting former Labor ministers. You can't rely on your own intellect because you ain't got one.

The SPEAKER: Order! I have been more than patient with the level of interjections. We are still on the first question because the Premier has been side-tracked all over the place. We would like short, sharp questions and short, sharp answers.

Mr COURT: I will give a short, sharp response for the remainder of the answer and that is that a senior Labor person is making those comments.

Dr Gallop: A senior Labor person - who does he work for?

Mr COURT: What has come out of all that is that the Leader of the Opposition has taken a position based not on environmental and conservation issues but on -

Dr Gallop: Yes, we have, my friend.

Mr COURT: No.

Mr Ripper: Have a look at your backbenchers and see whether they support you. See what sort of enthusiasm there is for that argument.

Mr COURT: The Leader of the Opposition's position is based purely on popular politics. He is not worried about the environment and conservation issues. He just wants an easy way to pick up a few votes. We will work through the issue and we will get a balance. Coming back to the gold question -

Dr Gallop: You are like a shag on a rock in the middle of the Indian Ocean with nowhere to go.

Mr COURT: I would feel safer than the Leader of the Opposition -

The SPEAKER: Order! The Deputy Leader of the Opposition is getting into it, too. I thought I had made myself reasonably clear. We are still on the first question, and I will start calling members formally to order if they keep interjecting.

Mr COURT: In summary, I have had extensive talks with the gold industry in the past week. It has raised not the gold royalty but unworkable native title legislation as the biggest issue facing exploration.

Dr Gallop interjected.

The SPEAKER: Order! I formally call the Leader of the Opposition to order for the first time.

COMMERCIAL TELEVISION INDUSTRY, CODE OF PRACTICE

629. Dr TURNBULL to the Minister for the Environment:

Last Sunday an advertisement appeared in the newspaper seeking public comment on the proposed code of practice for the commercial television industry.

- (1) Will the minister please tell the House the details of the process of review of the code of practice for the commercial television industry?
- (2) Is the minister concerned that there are only two weeks for the general public to comment on the proposal?

Mrs EDWARDES replied:

- (1)-(2) Western Australia has long had a concern about the level of violence on television, and particularly in cartoons. We all know that cartoons cover a wide range of ages and that cartoons which are suitable for 12 year olds may not be suitable for eight year olds. Therefore, all Censorship ministers around Australia have issued a consumer advisory notice that will enable parents who can take the responsibility to know the content of all television cartoon programs. That advisory notice may take the form of the advisory notice for computer games; namely, that a certain cartoon show is not suitable for children under the age of eight years. The advertisement that was placed in last Saturday's *The West Australian* will give people an opportunity to have a say about this review of the television industry code of practice. The reason that I bring that matter to members' attention is that people within their constituencies may have an interest in this matter, and I encourage them to take the opportunity to have a say before 29 March and to let people know that Western Australia is concerned and serious about the level of violence on television, particularly in cartoons.

REGIONAL FOREST AGREEMENT, JOB LOSSES

630. Dr GALLOP to the Minister for the Environment:

I refer to the minister's reported comment in the Liberal Party room yesterday that up to 620 jobs would be lost in south west timber towns if the Government were to meet the Regional Forest Agreement guidelines, and ask-

- (1) Why did the minister not show some integrity and tell the workers about these job losses when she spoke to them yesterday?
- (2) Has the front page of *The West Australian* today exposed the minister's duplicity in this matter?

Mrs EDWARDES replied:

- (1)-(2) Not at all. What was contained within the updated briefing that I gave yesterday was that the public consultation paper that was published -

Dr Gallop: What about what you said in the Liberal Party room yesterday about job losses?

Mrs EDWARDES: The proposals that were referred to in the Liberal Party room yesterday and that were the subject of a front page article in this morning's newspaper were published in March of last year in the public consultation paper.

Dr Gallop: Why did you not tell the people out there that 620 jobs would go? Why did the Minister for Local Government not tell them that?

Mrs EDWARDES: Because at every step of the way, I have been explicit about the fact that the RFA will deliver a balance between conservation outcomes and the protection of jobs and the towns in which those people live. If we go back to what the Leader of the Opposition said - I will give some facts - if all old-growth logging were to stop immediately, the karri sawlog yield would be down by 69 per cent; the jarrah sawlog yield would be down by 25 per cent; there would be a loss of \$90m per annum in the value of wood products at the mill gate; there would be a reduction in direct and indirect employment of 2 888; and 7 220 people in the region would be impacted upon.

REGIONAL FOREST AGREEMENT, JOB LOSSES

631. Dr GALLOP to the Minister for the Environment:

I ask a supplementary question. Will the minister tell us where the 620 jobs will be lost?

Mrs EDWARDES replied:

I will personally deliver to the Leader of the Opposition this afternoon a copy of the document that was released in March of last year.

NALTREXONE

632. Mr BAKER to the Minister for Health:

I refer to the recent licensing of the heroin treatment drug naltrexone under the commonwealth Therapeutic Goods Act. Given that naltrexone can be made available only under prescription, what steps will be taken by the Western Australian Health Department to educate medical practitioners about the prescription of naltrexone?

Mr DAY replied:

I thank the member for some notice of this question. It is certainly correct that naltrexone is now recognised as playing an important role in the treatment of heroin addiction, but it is equally important to realise that it is not a panacea for the treatment of heroin addiction, and that any patients who are being treated with the use of the drug must be carefully monitored by their medical practitioners, because there is a concern that if those patients were to resume the use of heroin after a period on naltrexone, their bodies would have lower tolerance to heroin and they might put themselves at severe risk.

The Alcohol and Drug Authority, which is now known as "Next Step - Specialist Drug and Alcohol Services", has put in place a number of initiatives to assist general practitioners to provide naltrexone treatment. For example, the first activity of the new service, which was conducted recently, was to host a series of community and general practice lectures on naltrexone management. Secondly, Next Step has ensured in advance of the release of naltrexone that all of its medical officers have received training in naltrexone treatment and client management, to the extent that Next Step is legally able to provide naltrexone as a treatment option for patients who use heroin. Thirdly, the general practice education program will continue to extend this training to community GPs over the coming months. Fourthly, Next Step medical officers are available to provide advice to general practitioners, on an immediate, 24-hour consultancy basis, on the use of naltrexone.

STATE FORESTS, LOGGING

633. Dr EDWARDS to the Minister for the Environment:

I refer to the minister's claim in answers to parliamentary questions, in press releases and in full-page advertisements, that more than one million hectares of the State's forests has been protected from logging and ask: Is it not true that 34 per cent of this so-called more than one million hectares is not forest but is wetlands, heath lands, sand dunes and lakes?

Mrs EDWARDES replied:

I again refer the member to the public consultation paper that was released in March of last year, in particular the table on page 76, which outlines the biodiversity values and reservation analysis. That table identifies, forest ecosystem by forest ecosystem, the areas which are reserved. Yes, some of these areas do cover other than forest species, yet they are so important that they are part of the RFA process, because we are endeavouring to ensure that there will be at least 15 per cent biodiversity in some areas, 60 per cent biodiversity in other areas, and 100 per cent biodiversity for rare and endangered areas in each of these forest ecosystems.

LOGGING, MORATORIUM

634. Dr EDWARDS to the Minister for the Environment:

I ask a supplementary question. How many additional hectares of forest has the Government protected from logging since 1993?

Mrs EDWARDES replied:

As I indicated in the Parliament last week, a moratorium on logging has been placed upon about 90 000 hectares of forest until such time as the RFA is completed; and that is being done, and that is appropriate, after all the scientific assessments that have been carried out.

DRUG TREATMENT SERVICES, NON-GOVERNMENT

635. Mr BLOFFWITCH to the Minister for Family and Children's Services:

Can the Minister for Family and Children's Services, who is also in charge of the drug abuse strategy, tell the House about the funding that will be provided for non-government drug treatment services through the national illicit drug strategy, as announced today?

Mrs PARKER replied:

The Prime Minister today announced an increase in funding across Australia for non-government drug treatment services as part of the federal national illicit drug strategy. Western Australia will receive an increase of some \$2.15m over three years for non-government drug treatment services. The member for Geraldton will benefit in his electorate. I will outline the 10 treatment programs that will benefit from this increased funding, because that will be of specific interest to those members whose electorates will benefit directly, but also there will be a broader benefit from the response to the problem of drug abuse in our State, which I assume will be of interest to every member of this place. I have been appreciative of the Federal Government's cooperation and communication with Western Australia. The State Government made sure that any new funds made available did not duplicate what was already in place, but complemented existing services. We have identified the pressure points on existing services and a need for new services that offer a better way to get people into treatment. The Perth City Mission and Holyoake will receive increased funding for their prisons to parole program. Serenity Lodge will receive \$217 000 to establish a day treatment program in Rockingham. The WA Substance Users Association will receive funding for a full time treatment officer.

This is an important development to encourage WASUA's clients to seek treatment. The increase in funding of \$240 000 to Drug Arm will be of interest to the member for Armadale and others in the south metropolitan area. That will enable clients to dry out and to continue treatment with both Drug Arm and other local agencies. Cyrenian House will build on its services for women and children, as increased funding will enable it to extend its services to particularly Aboriginal women and women leaving Bandyup Women's Prison. The member for Bunbury will be interested to hear that Agencies for South West Accommodation will receive an extra \$200 000 that will enable it to expand its services for young people in Bunbury and also in Margaret River, Busselton and Harvey. The Salvation Army bridge program has also received funding. Holyoake will develop an early intervention service for women with young children. Of specific interest to the member for Geraldton is an increase in funding of \$223 000 to the Mid West Alcohol Rehabilitation Service in Geraldton, which will be able to increase the capacity of its residential facility and provide five extra beds.

Several members interjected.

The SPEAKER: Order! Members are getting restless. I remind ministers of the general rule that after three to four minutes I often request them to wind up their answer, so we can get on with the next question. Every now and again an answer goes on for about seven or eight minutes. Perhaps the minister could start to wind up her answer.

Mrs PARKER: The additional funding will complement the services that have been funded by the State Government.

PRISONS, PYRTON SITE

636. Mr BROWN to the Minister for Planning:

I refer to the report by the Planning Commission into the Ministry of Justice plan to establish a women's prison on the Pyrtton site in Eden Hill.

- (1) Has the minister received the report of the Planning Commission?
- (2) Is it true that the commission has rejected the Ministry of Justice proposal to establish a women's prison on the site?
- (3) If so, why has the Government failed to release the report?
- (4) If not, is it the Government's intention to introduce a major amendment to allow the Parliament to decide whether the proposal should go ahead? Notice was given of this question at 10.00 am this morning.

Mr KIERATH replied:

- (1) The resolution of the Planning Commission on land use options for the Pyrtton site, which includes the Ministry of Justice proposal, has been forwarded to me as Minister for Planning for consideration.
- (2)-(4) A number of issues relating to the possible future use for the land remain unresolved and the matter will be considered by Cabinet before any public announcement on the future use of the site is made.

MINISTRY OF JUSTICE, SERVICES TO PUBLIC

637. Mr OSBORNE to the Minister for Fair Trading:

There has been discussion recently about the adequacy of services the Ministry of Fair Trading provides to the public. What is the general level of service provided by the ministry and public satisfaction of the services it provides?

Mr SHAVE replied:

I commented last week on the fine job done by the Ministry of Fair Trading and the fact that it has my full support. I am pleased to acquaint the Parliament with a few details relating to the Ministry of Fair Trading. In the first and second quarters of 1998-1999 calls to the telephone advice line totalled 66 000. Other telephone advice, including calls to the register of encumbered vehicles, business names and the ministry's regional offices totalled 107 000 calls. Counter advice was provided by the business names branch, regional offices and the head office on a total of 38 000 times. Conciliation of consumer complaints totalled 2 800; new occupational licences issued, 1 200; occupational licences renewed, 700; encumbrances registered with the register of encumbered vehicles, 96 000; new business names registered, 14 000; business names renewed, 16 000; tenancy bonds lodged, 2 000 and tenancy bonds disbursed, 10 000.

For the information of the member for Armadale, who has raised some concerns, a recent survey was conducted and market research commissioned to find out more about telephone customers and what they think of the ministry. Over 300 users of the telephone advice line were surveyed by Ernst and Young and the results are being used to plan telephone advice line improvements. The data confirmed that the ministry's telephone advice was generally of high quality and well received by customers. The general level of satisfaction with the ministry's advice line was extremely high at 93.3 per cent. Ninety per cent thought our telephone system was better or equal to other systems, and only five per cent thought it was worse. This must be embarrassing for the member for Armadale. A high 96 per cent was likely to recommend our services to others. This endorsement was common across all groups, areas, ages and genders.

JERVOISE BAY, PROPOSED NORTHERN HARBOUR DEVELOPMENT

638. Mr THOMAS to the Minister for Planning:

- (1) How much of Cockburn Sound will be filled in by LandCorp's proposed northern harbour development at Jervoise Bay?
- (2) Why is this project receiving the lowest level of environmental assessment, given that it is located near polluted ground water plumes that caused the worst algal blooms in the State's history in the summer before last?

Mr SHAVE replied:

I thank the member for some notice of this question. It would probably have been more appropriate for a part of that question to be directed to the Deputy Premier and the Minister for Environment. I would not want the member for Armadale to think I was ducking the question, so I will endeavour to answer it to the best of my ability. Does the member for Armadale not want to make an interjection? I said "to the best of my ability".

Ms MacTiernan: It is self-evident. I made my point long ago. I do not need to continue.

Mr SHAVE:

- (1) Approximately 2.9 hectares will be filled. Most of this area has been eroded since the 1930s, as evidenced by aerial photography.
- (2) LandCorp was advised that this was the appropriate level of assessment. If the member requires further information, the question would be more appropriately directed to the Minister for the Environment.

APRENTICESHIPS, COLLIE AREA

639. Dr TURNBULL to the Minister for Employment and Training:

There has been a decrease in the number of apprenticeships being offered in the Collie area. The minister visited Collie late last year and heard at first-hand the concerns of industry trainers, unionists and community members on this issue. What actions are being taken to encourage an increase in the number of electrical fitting apprenticeships and apprenticeships within coal mining companies?

Mr KIERATH replied:

I thank the member for Collie for some notice of this question. I have to say at the outset that I want to congratulate her on her work on behalf of her constituents to ensure the best future for the people of Collie.

Last December, at the invitation of the member, I visited Collie. The first meeting was with the Collie branch of the

Australian Manufacturing Workers Union. The union expressed concern at the loss of skills, especially because their members are getting older and because of the lack of young people entering the industry and receiving training. The second meeting involved representatives from various local industries and the high school principal. An officer from the Department of Training indicated he would go to Collie and follow up the issues. I believe that meeting is to take place in early April. This will be in conjunction with other visits to south west towns to review the training needs of those industries.

The industry representatives themselves expressed concern about off the job training, particularly the off the job training component in instrument and electrical fitting apprenticeships. The WADOT officer has followed this up and we are hopeful that the training packages that will be implemented will address this issue. This has been communicated to the industry representatives who have expressed satisfaction with that outcome. The Government is committed to ensuring that Western Australian trades people receive the best possible training and we will try to cooperate with both industry and the Department of Training.

If we could have as good representations on behalf of constituents from some other members of the House as does the member for Collie, we would achieve that outcome.

HILL, MR MICHAEL

640. Mr KOBELKE to the Minister for Labour Relations:

I refer to the tragic death a year ago tomorrow of 20 year old Michael Hill in a workplace accident at Cullen Wines and ask -

- (1) Does the minister support the decision of WorkSafe WA not to proceed with charges against Cullen Wines?
- (2) Will the minister explain to the House why WorkSafe has failed to charge Cullen Wines when a report by the WorkSafe inspector claimed there was no reason in the public interest for a prosecution not commencing?

Mrs EDWARDES replied:

This is an operational matter and I would not normally be aware of it as an individual issue.

Dr Gallop: What do you mean? You have a responsibility to answer questions in this Parliament.

Mrs EDWARDES: The Leader of the Opposition may like to wait.

- (1)-(2) I can advise that WorkSafe is not pursuing a prosecution in this instance because on the available evidence it was considered unlikely that Mrs Cullen could be successfully prosecuted under the Occupational Safety and Health Act or the regulations relating to the circumstances surrounding Mr Hill's death. Professional advice to this effect was obtained from the Crown Solicitor's Office. In conducting the investigation, WorkSafe WA examined aspects associated with the system of work, supervision and training. It was only when the Crown Solicitor's Office examined the brief that it was established that a prosecution would be difficult, bearing in mind the need for proof beyond reasonable doubt. WorkSafe then endeavoured to obtain further material to support the prosecution. In reviewing the additional material, the Crown Solicitor's Office still held the firm view that the evidence available would be unlikely to sustain a charge under section 19 of the Act and although a prima facie case might be established under the regulations, this was problematic in the sense that there is a difficulty with the definition of "confined space". The definition in the regulations is inconsistent with the definition in the Australian Standards referred to in the regulations. Secondly, there is some doubt, given the accepted system of work in place, whether the vat is a confined space. This is a matter which is presently with the commission for advice. I also remind members that it is a matter that is still before the coroner.

PEEL REGIONAL SCHEME

641. Mr MARSHALL to the Minister for Planning:

The Peel regional scheme has been acknowledged for its visionary planning of the region for the next 30 years. What was the format for developing this scheme and what are the advantages gained by Peel in producing such a plan?

Mr KIERATH replied:

I thank the member for Dawesville for some notice of this question. The Peel region scheme, which will be released for a three-month public comment period on 23 March, will become the statutory blueprint for land use planning in the region for the next 30 years or more. The scheme will cover the City of Mandurah and the shires of Murray and Waroona.

The scheme has been prepared by the Western Australian Planning Commission under the guidance of the Peel Region Planning Committee. The scheme is based on the final inner Peel region structure plan which was released by the WAPC in December 1997. During the past year, extensive, detailed investigations have been undertaken which have resulted in some of the structure planning proposal being further refined for inclusion in the scheme.

The scheme will offer many benefits in the effective implementation of strategic planning proposals and the coordination and efficient provision of regional infrastructure in a rapidly developing region such as Peel.

The principal advantage of the scheme is that it will enable the implementation of non-statutory plans, such as the inner Peel regional structure plan, by zoning sufficient urban and industrial land for the medium to long term, as well as identifying land required for regional purposes, such as regional parks, railways and regional roads. Landowners whose properties are affected by regional reservations under the scheme will have the opportunity to seek compensation.

The scheme, being a statutory plan and subject to a formal environmental review, will also provide increased certainty for medium to long-term strategic planning proposals. This will be beneficial to not only existing landowners but also prospective purchasers of land in the region.

Finally, the planning legislation outlines specific public consultation requirements for the preparation of the scheme. That formal public consultation process will allow the opportunity for people who have made a submission on the scheme to present the basis of their submission to a hearings committee prior to the scheme being implemented and a report on those submissions being submitted to Parliament for the approval of both Houses of Parliament.

GLOBAL DANCE FOUNDATION AND ELLE RACING INQUIRY

642. Mr BROWN to the Minister for Works; Services:

I refer to the State Supply Commission's inquiry into the Government's contract with the Global Dance Foundation and Elle Racing which commenced in January 1997, and ask -

- (1) Is it not the case that a draft report was produced as early as May 1997?
- (2) Why, more than two years after the inquiry commenced, has the minister not tabled a final report?
- (3) Will the minister give the House an assurance that he is not covering up the inquiry's findings?
- (4) When will the final report be completed and will it be tabled?

Mr BOARD replied:

- (1)-(4) It is true that the State Supply Commission did inquire into contracts that were being let by the Western Australian Tourism Commission. The commission has a role to play in monitoring contracting compliance with state policy and those two particular contracts were reviewed as a course of the commission's action. As a result of litigation, which is currently under way as a result of difficulties between the State and proponents involved in one contract, that inquiry has not been completed. On Crown Solicitor's advice it will not be completed until that litigation is completed. That is in the community's interest and in the State's interest. When the litigation is completed, I will then complete the inquiry.

Several members interjected.

The SPEAKER: Order members! I am going to conclude question time and I commend the member for Armadale for her restraint today. I remind her that the Minister for Fair Trading does not have to cause her to interject.
