



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE COUNCIL

Tuesday, 9 May 2000

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

NORTHAM HOSPITAL

Petition

Hon Ljiljanna Ravlich presented the following petition bearing the signatures of 238 persons -

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia in the Electorate of Avon:

- . do not have a medical practitioner in residence at Northam Hospital.
- . do not have a doctor available without prior appointment.
- . in emergencies, must wait for the medical practitioner on call to arrive at Northam Hospital.
- . are concerned that nursing staff have exclusive responsibility for deciding whether a case is 'an emergency', and as a consequence, whether treatment by a medical practitioner will be received.

Your petitioners, therefore respectfully request that the Legislative Council will:

- . acknowledge the need for a resident medical practitioner at Northam Hospital, and
- . support measures to enable a permanent position for a medical practitioner in the Division of Avon.

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

[See paper No 937.]

GOODS AND SERVICES TAX, ARTS COMMUNITY

Urgency Motion

THE PRESIDENT (Hon George Cash): I received the following letter this morning addressed to me -

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House at its rising adjourn until 24th December 2000 for the purpose of discussing -

the impact of the onset of the GST on artists and particularly on remote art centres in Western Australia and related taxation and other matters.

Yours sincerely

Hon Tom Stephens MLC
Leader of the Opposition in the Legislative Council

In accordance with the standing orders, at least four members are required to stand in their places to indicate their support of the motion.

[At least four members rose in their places.]

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.40 pm]: I move -

That the House at its rising adjourn until 24 December.

The date of 1 July looms as an important watershed for all Australians but it is particularly so for artists, for those who depend on the arts for their livelihood and for those Western Australians whose lives are daily enriched by the arts. Changes to the tax system for artists, coupled with the goods and services tax impact, are threatening to decimate arts activity across Australia. The Labor Opposition recognises that the current tax initiatives contain a double whammy for the arts community: An upper cut will come courtesy of the GST; a rabbit punch will come from the Ralph report. The federal New Business Tax System (Integrity Measures) Bill 2000 currently before the Australian Parliament provides a rabbit punch. It purports to be the implementation of some of the Ralph committee's recommendations for the taxation system but in part it has succeeded in isolating arts workers from the provisions of that legislation that would best be utilised to protect their interests. The Bill contains provisions for exemptions for primary producers and for extra income that they receive to be tax exempt when it falls within \$0 to \$40 000 and to be off-set against farm losses. In comparison, no similar concern has been shown for serious artists, who are in an almost identical position. I am talking not of hobby artists or hobby farmers, who are not covered by that legislation, but people on whom the taxation law will land heavily. Despite the submissions made to the Ralph committee, to Hon Peter Costello and to the federal Minister for the Arts, there appears to be no commensurate concern for the position of the arts community.

Hon Peter Foss: Are you talking about hobby artists?

Hon TOM STEPHENS: No, professional artists for whom art is their primary means of income. Come 1 July they face losing income averaging half their state and local grants because of the GST withholding tax; they face losing 45.8 per cent of their income if the Australian Taxation Office has not processed their Australian business number in time; and they face paying 10 per cent extra for their tools of trade without being able to claim any tax deduction.

The Federal Government has claimed that it has given to the Australian community a simpler and fairer taxation system. It might be simpler for the Federal Government and the Australian Taxation Office but not for the Australian taxpaying community. It is most complicated and unfair for those who earn their income from the arts. Community art centres, artists' cooperatives, amateur theatre companies and a host of arts groups must decide whether the artists they employ are hobbyists or business providers, and whether they must withhold 45.8 per cent of an art worker's income, with volunteers forced to become tax collectors.

Throughout the arts community submissions are being made to government at both state and national level, calling upon the Governments of the day to recognise the plight that the arts community is about to face as a result of the combined effect of these changes. It is incumbent upon a State Government that has been so vociferous in its support to act. In bringing forward the GST and at the same time those additional taxation measures, anti-arts measures are being implemented at a national level with the support of the State Government, which has not announced any efforts to try to protect the flourishing of the arts that was occurring prior to these initiatives.

Independent artists and performers in Western Australia face losing half their state and local council grants because of the GST. Local councils and the State Government are obligated to withhold 45.8 per cent of a grant to community groups, artists and performers if they cannot provide an ABN after 1 July. Local councils are being forced to act as tax collectors and send off half their grants to Canberra because of the GST. It is bureaucracy gone mad. The arts community has been flocking to seminars - at the Alexander Library, for instance, as recently as last week - to try to get briefings from the ATO on the impact of the GST.

In remote locations of the State, ATO representatives have turned up and simply compounded the problem, because for every question asked there either is no information available or, if there is, uncertainty about the information supplied; there is an increasing number of questions requiring answers and increasing uncertainty about the impact of the new system upon community arts centres, which are already struggling to support artists in this State. In my electorate they have done a commendable job in places like the Ngurtuwarta Centre in Fitzroy Crossing, the Warmun Arts Centre at Turkey Creek and the Wirrimanu community at Balgo. They are anxious to support the Aboriginal arts community in those locations to provide an income stream as well as the opportunity for creative artistic expression to the benefit of the individuals in those communities. Suddenly their lives are bedevilled by this new taxation system, which has yet to be adequately explained to the arts coordinators. It will leave those struggling arts organisations with minimal resources with which to do their job of promoting the flourishing of the arts and no support in the face of this new and onerous burden of the GST and the new taxation system.

Some art groups in my electorate sent off for ABN forms 12 weeks ago and still have not had an acknowledgment let alone an ABN number from the ATO. Art groups who understand this horrendous tax are being let down by its application. Come 1 July they will miss out on nearly half their grants if the Federal Government has not got its act together. As anyone who understands the arts knows, artists and performers are not well suited to be tax collectors, yet that is the position into which they are being forced by the application of the GST which is being supported by this Government, by the silence of the current Minister for the Arts and presumably with the collaborative support of the previous Minister for the Arts.

I presented a full submission to the Federal Treasurer in recent days detailing how the application of the new tax system will hit those Aboriginal artists hardest and how it could decimate the cooperative arts movement and the arts centres in that region. Many Aboriginal artists in remote communities are battling to get a post office address let alone obtain the ABN number that they are now required to have. Without the ABN number suppliers and cooperatives will be left having to withhold 45.8 per cent of the artist's sale. The onset of the GST will not only potentially send an arts centre broke but it will also quite easily force artists into a black market, when we were led to believe that the whole process was aimed at getting people away from that economy. Rather than lose half their sale price through the GST system, artists will fall prey to carpetbaggers offering cash and exploiting artists. That is a real sale on offer as a result of the initiatives taken by the Liberal Government federally with the support of colleagues opposite at a state level. Many Aboriginal artists in remote communities have their financial interests looked after by local arts cooperatives. Most of these are at breaking point already in their efforts to take on the role of full-time sellers of Aboriginal art as well as providing Aboriginal artists with a backup for their art supplies and the like. Many artists earn beneath the taxable threshold. When suddenly they have to try not only to obtain an Australian business number but also lodge quarterly business activity statements and deal with the Australian Taxation Office that is already giving conflicting advice, it is easy to see why they would give up their craft or go out into an alternative market situation.

It is said that people are being forced away from the use of the old record system with which many of us are familiar, which is simply putting one's records in a file and pulling them out in 12 months to do one's returns. For many of these people, that was bad enough. However, they are now faced with the prospect of continuous reporting. Members should picture these artists in my electorate, and if members are not concerned about their plight, they should picture the average artist in the art community in Western Australia. Those people are not known in their creative sensitivities to be preoccupied with bookkeeping and the like, yet effectively that is what is being done to them by the Government at a federal level to stifle and stymie their creative energies and force them into this system.

Several members interjected.

The PRESIDENT: Order! Will members cease interjecting. There are about 16 conversations going on at the moment.

Hon TOM STEPHENS: It is time for the Federal Government and its cohorts - its cheer squad at the state level - to start to provide some relief from this system that is now landing too onerously on sections of the community that can ill afford it by showing some leniency in the GST startup deadline. Those indigenous artists in remote communities need to be treated fairly and equally in the context of the places from which they come. The Taxation Office needs to send out people who can explain the information that is available and can simply and accurately clarify the realities with which these artists are faced and not compound the problems with which they are faced. I urge members opposite and the Australian Democrats, who participated in visiting upon Western Australia and the whole nation this accursed GST, to intercede to make sure that this new tax system that has been concocted, offers support for those centres and artists that are together now trying to recover from the blows that are heading in their direction. The Government has a duty to ensure that the art community - including those artists who are famous in this State in the Aboriginal art world but who do not necessarily have all the skills of English and knowledge of the taxation system that come with these new innovations, both with the GST and the additional reporting requirements that flow now from the new business taxing system integrity measures - well and truly understands these provisions. The Government must ensure that there is equality in their opportunity to understand that system and to comply with it. The Government must provide support so that they can avoid the pitfalls; it must ensure that their creative energies are not stymied and stifled. This State and this nation should not lose the creative energies that come with the enormous contributions they make as artists to the cultural and artistic life of the Australian community. Regrettably, the seminars that have been conducted in places like Fitzroy Crossing and the Alexander Library have compounded the problem, and added to the confusion. They have not thrown any real light or certitude in the direction of either these artists who so desperately need it or the support systems that come through those art centres and facilities.

HON PETER FOSS (East Metropolitan - Attorney General) [3.54 pm]: There are some interesting and important issues for Western Australian artists that I thought would be raised by the Leader of the Opposition. Unfortunately, he has not raised them. One of the things that always happens when there is change is that people fear the change. They want to know more about the detail. They want to understand the sorts of things that will happen. One of the worst things about change is the fear of the unknown. One of the things for which I congratulate the Ministry for Culture and the Arts is that it has been very good at explaining to people how the GST will affect artists. It has led the whole of Australia in this. The Western Australian Ministry for Culture and the Arts has been asked to assist Canberra and the Australia Council in explaining it. They have found a tremendous amount of misinformation among artists. They were rather curious to know from where this misinformation came. I have suddenly realised that one of the major perpetrators of this is the Leader of the Opposition. He stood up and said the very things that have created considerable difficulty in trying to explain to people that they will not happen to them. The Leader of the Opposition is the sort of person who, where there is a fire, instead of assisting and putting the fire out, gets in there - as Hon Max Evans has indicated - with a bellows and a can of petrol.

The first premise of the point the Leader of the Opposition made about the Australian Business Number is that artists will not be able to get ABNs.

Hon Kim Chance: Show us where he is wrong.

Hon PETER FOSS: I will do that. We are aware that someone has suggested that artists definitely will not be able to get ABNs.

Hon Kim Chance: I am not sure he said that.

Hon PETER FOSS: He did. If people have an ABN they do not deduct 48.5 per cent.

Hon Kim Chance: He did not say artists could not get an ABN.

Hon PETER FOSS: What is their problem then? If they have an ABN, they do not take 48.5 per cent off.

Hon Kim Chance: He did not say they could not get an ABN; he recognised, like many other small businesses, they would not.

Hon PETER FOSS: If the Leader of the Opposition thinks they can get ABNs, why is he going around spraying petrol all over the place? If they have an ABN, they will not have to take the 48.5 per cent off. A large amount of his speech was based on how they will lose 48.5 per cent. The only way they will do that is if they cannot get an ABN. There is no reason they cannot get an ABN. The ATO has made it clear that artists will be able to get ABNs. A rumour going around that is being fed by the Leader of the Opposition is that they will not get an ABN.

Hon Kim Chance: It is ingenuous to say that. How about telling the truth for a change.

Hon PETER FOSS: Hon Kim Chance should let me get on with my speech; he can make his speech afterwards.

The PRESIDENT: Order! All members will be given the opportunity to speak if there is time.

Hon PETER FOSS: The Leader of the Opposition also spoke about the Ralph report. By interjection I made sure he was not talking about hobby artists. The Ralph report refers specifically to artists who do not earn \$20 000 or do not make a profit in three out of every five years, and there is another category in which they spend a minimum of \$100 000. The Ralph report does not apply to artists who earn less than \$20 000, or who do not make a profit in three out of every five

years. They are important issues, because one of the representations made about the GST legislation as it passed through the Federal Parliament was that there should be similar exemptions to those for primary producers. For example, if people earn less than \$40 000 from a second income it does not apply. One of the reasons for doing all these things - a 48.5 per cent deduction if one does not have an ABN and for not allowing large deductions when art is only a sideline - is to stop abuse with deductions. We know that has been the situation with hobby farmers, which are a classic example of that abuse. Many farmers resent that because the advent of hobby farmers has had the effect of removing many privileges in tax that genuine farmers have enjoyed. Hobby artists have had a similar affect on artists. If artists earn \$20 000 or more in their art practice, they are not caught by the changes. The other point I make concerns the suggestion by the Leader of the Opposition about the effect of the GST on some Aboriginal communities. I remind the Leader of the Opposition about one of the communities to which he referred. He says it will be terrible for these communities to have to continually report. The reporting will be on what has been earned and what has been paid out every three months. I draw the Leader of the Opposition's attention to a community such as Balgo, which has a very good arts centre and is well administered. However, the Balgo community could have used a law that requires it to write down every three months what it earns and what it spends; had it done so it would not be in the terrible financial situation in which it is currently. It had not kept proper financial records and was fleeced of its money over the years as those records were not kept. One of the advantages to come from the goods and services tax is that people must keep proper financial records. One of the difficulties artists have had is that they have not kept proper financial records. Although many artists have much talent and a capacity to earn a deal of money, many of them do not keep basic records of what they spend and what they receive, which is all one has to do for the GST. The financial records required for the GST are simple. Keeping records is a fundamental thing that artists should do in any event. One of the good aspects of the GST is that it will compel people to keep proper financial records. Had those records been kept at Balgo - I am not talking about the artists but other industries generally - it would not be in the situation it found itself in. It had large amounts of assets and significant business interests, but it lost the whole lot because there was no capacity to examine what was happening there.

Hon Kim Chance: Are these centres not required to pay income tax or any other form of tax?

Hon PETER FOSS: They are if they are earning money.

Hon Kim Chance: Why will they keep records for the GST if they did not keep records for income tax? Would the same requirement not apply?

Hon PETER FOSS: They should be keeping records as they will be checked every three months. There will be an incentive to keep records as they can claim a deduction for GST paid. If they do not do that, they will not receive back the costs paid out on GST. The good thing about the GST is that there is a real incentive to keep proper financial records, and it is not burdensome.

Hon Ken Travers: In every other country with a GST, people have gone to the black market.

Hon PETER FOSS: In every other country people end up paying. One of the interesting aspects of the Leader of the Opposition's speech was that he seemed to be working on the basis that these people are not currently paying tax. If these people are paying tax, even if they pay out 48.5 per cent because they do not have an Australian business number, they will be able to receive credit for that. However, if they have an ABN, they will pay income tax but not at 48.5 per cent. The whole basis of the Leader of the Opposition's speech is that these people are somehow incapable of rendering their income tax returns and will therefore be incapable also of paying GST or receiving benefits under the GST.

Hon Kim Chance: No, it was you who said that they were not keeping records.

Hon PETER FOSS: I am not saying that at all.

Hon Kim Chance: You did.

The PRESIDENT: Order, members!

Hon PETER FOSS: I specifically accepted the artists' situation at Balgo. I said that that is properly administered and very well done. I said that there were other businesses with problems. I said that specifically as I wanted to make that point about Balgo. It is one place that is still being properly administered and is making some income. It lost all its other assets because those assets were not properly administered. All the other communities I mentioned were properly administered and will have no difficulty maintaining the necessary records for the GST. However, more importantly, if they are not maintaining those records, I fear another disaster may occur, such as happened with Balgo's other business interests. I am surprised that the Leader of the Opposition did not stand up in this place to complain about what happened at Balgo. Balgo is one example of a disgraceful way of keeping records which was allowed to occur.

As I mentioned earlier, the Ministry for Culture and the Arts has been good at explaining the GST and its impact. One of the good aspects about that is that it seems to work out well when people have it properly explained to them. The Australia Council now has access to special grants for explaining the GST in remote communities. I hoped the Leader of the Opposition would raise the point that there must be the same kind of approach with videos and other support for people in remote communities. Those grants have come from the Federal Government. The Labor Opposition has criticised the money spent by the Federal Government on explaining the GST. I heard a news report recently in which the Opposition said that the Federal Government was spending too much money explaining the GST. Now the Leader of the Opposition complains that not enough money is being spent. I can tell members that more money will be spent as grants are made by the Australia Council to the Ministry for Culture and the Arts to enable the same explanations to be given to remote

communities as has been given to communities in the metropolitan area. Provided the Leader of the Opposition does not run around with his bellows and petrol trying to inflame the situation and causing the concerns that people always fear with change, I believe it will be smooth and go well.

HON GREG SMITH (Mining and Pastoral) [4.05 pm]: As the Attorney General said, the Leader of the Opposition does not show as much concern about indigenous communities when money seems to disappear all over the place. A few weeks ago I raised what occurred at Roebuck Plains with the indigenous land council there. We have heard nothing from the Leader of the Opposition about Indigenous Land Corporation money being spent. Although billions of dollars are wasted and disappear to his friends in the Aboriginal industry, he is silent. We are now talking about the implementation of the GST and he is scaring all the people up in the Kimberley with assumptions and half truths about how it will occur and how it will affect them. There are about six weeks left before the GST comes in and I believe the Opposition will do everything it can to scare everybody to give them a fear of the unknown by saying that this and that will happen, and they will have to pay this and that. When 1 July arrives everybody will get up in the morning and it will be like 1 January 2000 when the year 2000 bug was about to destroy the world. We will find that the GST will be like the Y2K bug. There are scare campaigns with fear, rumours, half truths and accusations occurring about how the GST will affect people, what it will do to people and what will happen to prices. On 1 July everybody will get up in the morning, go to the shop and find that nothing has changed. There will be minor changes with some price increases and some price reductions.

If the best the Opposition can do is come into this place with a motion stating that the most urgent issue currently confronting the State is the impact of the GST on remote art centres, we must be doing a damn good job of running this State. Many remote artists of whom I am aware sell art on consignment. They will not have to administer the GST. When their paintings are sold they pay a commission and take the balance of the money owing to them. However, one thing that might occur with the GST and proper account keeping records of art sales - if the items are not being traded by a corporation or an incorporated body of an indigenous community - is that artists' sales will appear on their records as income to be balanced against other payments made to them, whether they be disability pensions, single parents pensions or other social security pensions. Currently if they sell their art and keep no records, we do not know whether they are receiving \$40 000 and pension payments in addition to that. That is one thing the GST will expose. Someone who is on welfare and who receives cash payments for a lawn mowing round will have to declare those cash payments by claiming input credits if he wants to receive a refund of his GST. The Opposition is silent on that. It should speak now if it believes there is something wrong with discovering people who are misusing our welfare system. If the Opposition believes we should allow people to abuse the welfare system, the Leader of the Opposition should by all means articulate it in his response by saying, for example, that he does not believe that Aboriginal people should pay GST at all.

In his speech he appeared to imply that Aboriginal artists should be exempt from the GST. Most of the Aboriginal corporations have good administrators. Many of them deal with millions of dollars. They do not just write out cheques to Aboriginal communities. Professional people in most of these communities administer money; they submit applications for grants and community development employment programs.

A member interjected.

Hon GREG SMITH: Yes, the Balgo and Warmun communities recently went bankrupt. I know of businesses in Kununurra which were owed \$17 000 by the Warmun Community. The Leader of the Opposition did not come in here jumping up and down and saying, "What will happen to all the people with outstanding accounts from the Warmun Community. Who will pay all the bills for the businesspeople in Kununurra?" He showed no concern about that. The Leader of the Opposition cannot even put a figure on what the goods and services tax will cost indigenous artists, or the communities. If the Leader of the Opposition believes the tax will consume 48 per cent of their income, he should prove it rather than make allegations.

Hon Ken Travers: The Government does not know what the GST will cost government agencies.

Hon GREG SMITH: It has nothing to do with that. The motion talks about the effect of the GST on artists, particularly indigenous artists and remote art centres in Western Australia. The GST will force them to keep proper records. Communities like Balgo, Warmun and numerous others are having trouble accounting for money and are continually audited. The Indigenous Land Corporation is being audited. Having to keep records every three months will prevent this.

Hon Tom Stephens: The Indigenous Land Corporation is a federal agency. The Government is in control of auditing procedures. Therefore, do not point to me. The Warmun Community has not gone bankrupt and the member should not defame it. It is functioning and does not have any outstanding accounts. Hon Greg Smith has it wrong.

The PRESIDENT: Order! The Leader of the Opposition will get a right of reply if time permits.

Hon Tom Stephens: The member talks nonsense.

Hon GREG SMITH: I am looking forward to the Leader of the Opposition's response. I know people - I will not mention any names - who have large accounts outstanding.

Hon Tom Stephens: The Warmun community is not bankrupt, so do not say it is.

Hon GREG SMITH: I will check it out.

Hon Tom Stephens: Then you will come back and apologise.

Hon GREG SMITH: I will apologise if I am wrong. In six weeks, the Opposition will no longer be able to scare people because the GST will be a reality. The Opposition should cherish the next six weeks; spend it spreading half-truths and telling fibs about how it will affect people and what it will do. On 1 July, people will find that it was all untrue. They will wake up in the morning and go to the shops. They will receive their wages. The Leader of the Opposition is complaining that people in his electorate will get a tax cut. They will receive an extra \$50 a week in their hand.

Hon Derrick Tomlinson: Do you mean more take-home pay? Goodness gracious.

Hon GREG SMITH: Yes. We are giving people more money to spend. People might decide to buy some Aboriginal art if they have an extra \$50 a week. The Opposition assumes that we must pursue a socialist policy to support the arts. The reality is that people with a high disposable income spend money on art. It is self-defeating to promote the arts by keeping people poor. People with a high disposable income who are travelling through remote areas with surplus cash will spend money on Aboriginal art, on all art. Throughout history, it has been the upper class in all countries who have spent money on art, not the people in Aboriginal communities. Aboriginal people do not buy Aboriginal art, and neither do the people on welfare in Broome. The people with a high disposable income buy art, not the backpackers. The GST will give these people more money to spend, so it will benefit Aboriginal art. More people will have more disposable income to spend more money on things like art, entertainment and going to the theatre. The Leader of the Opposition says this is the most important issue in the State and one we must treat urgently. We must be doing a good job of running the State of Western Australia if this is the most important issue on the agenda.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.14 pm]: Mr President -

The PRESIDENT: Is the Leader of the House speaking on this motion?

Hon N.F. MOORE: Yes.

Hon Tom Stephens: The President is used to the Leader of the House cutting off debate.

Hon N.F. MOORE: The irony of that comment is that the Leader of the Opposition just tried to do the same thing.

Hon Tom Stephens: It is what he did last week.

The PRESIDENT: Order! This is a restricted time debate and I want as many people as possible to have an opportunity. I thought the Leader of the Opposition would reply; I did not see the Leader of the House standing.

Hon N.F. MOORE: I imagined, as I did last week, that more than one opposition member would speak on the urgency motion. During last week's urgency motion, one member from the Labor Party and one member from this side spoke. Nobody else from the Labor Party was prepared to support the motion. The mover then wound up the motion, and we all know what happened after that. I was a little tardy getting to my feet because I imagined other members of the Labor Party would support their leader on this motion. Perhaps they all agree with Hon Greg Smith. If the Opposition feels this is the most important issue facing Western Australia today, one can understand why the Leader of the Opposition is the only person speaking about it. It is ridiculous for urgency motions to be used to try to trick the House into having the motion fold so that the Opposition can pursue other matters. If the Leader of the Opposition wants to debate motion No 1 during the first hour on Tuesdays, all he has to do is not move an urgency motion. It is simple.

Hon Tom Stephens: Then the Leader of the House will rush in an urgency motion.

Hon N.F. MOORE: The Government does not rush in urgency motions for the sake of it. We move urgency motions when something urgent must be discussed. History shows that 97 per cent of urgency motions in the last seven years were moved by the opposition parties. The Government uses urgency motions for urgent matters. I am surprised that the Leader of the Opposition is the only person on that side of the House supporting an urgency motion on a matter which he feels is of the utmost importance to Western Australia. The wording of the motion is also interesting and shows why I am surprised by the Labor Party's approach. The motion refers to the "impact of the onset of the GST on artists and particularly on remote art centres in Western Australia and related taxation and other matters". I listened to the Leader of the Opposition's speech with some interest. He talked about the goods and services tax on artists and remote art centres in Western Australia, but I did not hear him talk about related taxation and other matters. I may be wrong, but I assumed "related taxation and other matters" was included in the motion to enable other members to talk about other sorts of things.

Hon N.D. Griffiths: You are talking about other things. We put it on for you.

Hon N.F. MOORE: Yes, I am quite in order; I am talking about other matters. This is one of the strange little plots created by the Leader of the Opposition to manipulate the processes of this House. At the Government's party meeting this afternoon I said that the Leader of the Opposition's urgency motion was about the goods and services tax on artists and remote art centres. I thought the Leader of the Opposition wanted to raise a particular issue. The Leader of the Opposition has an interest in remote parts of Western Australia and the arts. The fact that he does not know anything about them is irrelevant.

Hon Bob Thomas: How was London? Tell us about London.

The PRESIDENT: Order! If Hon Bob Thomas wants to speak, he can have the call next if time is available.

Hon N.F. MOORE: I am sure there will be an opportunity for the member.

I said to my party colleagues that other members of the Opposition want to talk about related taxation and other matters. This is a very broad motion; therefore, I said that we had better be prepared to respond to related taxation and other matters. I was again taken aback when nobody talked about related taxation and other matters.

Hon Tom Stephens: I did.

Hon N.F. MOORE: Did the Leader of the Opposition? I must have been sound asleep. Like everybody else opposite, I was enjoying a happy little snooze during the speech.

Hon Peter Foss: Most of the them were not in here.

Hon N.F. MOORE: That is true, but they were out on parliamentary business. When an urgency motion is moved, members of the Opposition usually come into the House and display their concern about the issue. Opposition members raise matters because of their urgency. Without going into the history of urgency motions, they used to involve matters which were urgent. If it is regarded as simply private members' business, as members call it, that is fine. As Hon Greg Smith said, if this is the most urgent issue facing Western Australians today, the Government is doing a good job.

The Labor Party at the state and federal levels decided to launch a campaign of fear and loathing within the community concerning the GST. Labor Party members are very good at spreading doom and gloom because that is all they know; that is, they are the most incredible whingers and knockers ever seen. I cannot remember the last time members of the Labor Party said anything positive about anything.

Hon N.D. Griffiths: You are not saying anything positive about us. You are the biggest whinger in the House.

Hon N.F. MOORE: I knock the Labor Party but I support the positive things this Government does.

Hon Greg Smith: They still do not like the Northbridge tunnel.

Hon N.F. MOORE: Indeed. I suspect members opposite use it frequently, but I am sure they still do not like it. One of these days they might even admit that their constituents like the tunnel as well. That is an "other matter", so I suppose it is in order, Mr President. This is the only time in my memory in which a Government has introduced a major tax reform following an election which was deliberately designed to ask the population whether they wanted that reform. We had a federal election on the very subject of the GST.

Hon N.D. Griffiths: The Liberal Party got 48 per cent of the two-party preferred vote.

Hon N.F. MOORE: As the member knows, the Liberal Party also received more seats in Federal Parliament than did any other party, including the Labor Party.

Hon N.D. Griffiths: True.

Hon N.F. MOORE: The Labor Party went into that election stating that this reform would be the end of the world as we knew it. It ran a fear and loathing campaign about what it claimed was wrong with the GST.

Hon Greg Smith: Will they remove it? No.

Hon N.F. MOORE: I will come to that point. The people of Australia made a decision to re-elect the Howard Government on the basis of the Prime Minister's commitment to bring in the GST and other related taxation changes.

Hon Tom Stephens: Don't forget what happened to your Canadian counterparts when they did that.

Hon N.F. MOORE: They did not go to the election on that reform.

Hon Tom Stephens: They went to the elections after they had made the change.

Hon N.F. MOORE: Right.

Hon Tom Stephens: And the electorate well and truly dealt with them.

Hon N.F. MOORE: A significant difference exists because the Howard Government went to the population and said, "This is what we want to do. Tell us whether you agree. If you do not agree, kick us out and put in office the Labor Party, the alternative policies of which are zero. If you want this system, vote for us." People did. More people voted for the Liberal Party than for the Labor Party in a referendum on the GST. The reform was accepted by the Australian people. It was not accepted by everybody obviously, as nothing ever is. The Government was returned and it brought in its policy on tax reform. All we have had from the Labor Party is constant negativity, this whingeing, whining and knocking attitude all the time about anything anybody does.

Hon Peter Foss: It was Paul Keating who suggested it in the first place.

Hon N.F. MOORE: Yes. The Labor Party has ignored that fact. It was called option (c) at the first Tax Summit, but the Labor Party was very quickly told by the unions that it was not to happen. One would think that the Labor Party, which is so adamantly opposed to, and critical of, the GST, would say, "If you elect us next time, we'll get rid of it." However, it says that it might wind it back. Labor Party Premiers and other Labor Party leaders around Australia went to Hobart and told the federal Leader of the Opposition, Mr Beazley, that they liked the idea of the States receiving the GST revenue! They thought that was pretty good indeed. For the first time in Australia's history we will have a growth tax for the States.

Premier Carr, and the fellows from Victoria and Queensland, said at this meeting of Labor Party leaders that they would like the GST revenue to go to the States. Mr Beazley said, "We will roll it back a bit."

Hon Kim Chance: I cannot believe this.

Hon N.F. MOORE: Just listen to me. He said, "We will roll it back. We do not know where, but we will ensure the States are not worse off." Tell us, Hon Kim Chance and other members of the Labor Party, where that money will come from? The Labor Party will take away from the GST but will ensure that the States receive the same dollars. The Opposition has not said anything about increasing taxes or the ongoing growth the States will receive. Opposition members are a mob of hypocrites on this issue: They say one thing publicly but they mean another.

HON RAY HALLIGAN (North Metropolitan) [4.26 pm]: It is interesting that this urgency motion refers only to discussing the impact of the goods and services tax. It contains no specifics. The Leader of the Opposition made very broad statements, with no support from his side of the House. The numbers show his support. Hon Kim Chance has had the opportunity to speak and has not spoken. If his silence indicates support, we will take that into consideration when debating other Bills. We will then know that when members opposite filibuster, they do not support the Bill.

Members have said that Paul Keating brought forward the idea of a GST, and now we hear that the Labor Party -

Hon Kim Chance: Paul Keating?

Hon RAY HALLIGAN: Good point. Paul who? The Labor Party has disowned him and his ideas! How does one disown someone? By giving that person life membership. The Labor Party is saying, "We love you Paul - just don't open your mouth!"

Several members interjected.

The PRESIDENT: Order! Hon Derrick Tomlinson and Hon Kim Chance will cease interjecting or go outside the Chamber if they want to talk to each other.

Hon RAY HALLIGAN: Hon Peter Foss raised a very good point when he spoke about artists and, in many instances, their lack of knowledge of small business and the operation of businesses. It was mentioned that the GST will cause them to put together books, accounts, plans and budgets so they will possibly know where they are going. A number of years ago, I was asked to join a committee operated by the technical and further education sector to develop a course for artists. We spoke to any number of artists and gallery owners, and those people said, "This is good. This is exactly what artists need. Far too many are losing money. Far too many of them - although good at their trade - have absolutely no idea how to market themselves or their product or how to make a livable income out of what they do." The course was developed over some three months, and was designed to teach people not only how to develop the initial skills, but also to put them into a form to enable them not to put out their hand for welfare. As Hon Greg Smith mentioned, any number of them had to supplement their income by asking the Commonwealth Government for funds. The artists were not happy doing that. They would be far happier, as some said to me, if they were able to run their own viable business and not have to rely on welfare. They are proud people who want the opportunity to move themselves and their families forward in a commercial manner.

Hon Bob Thomas: They sound like a proud people.

Hon RAY HALLIGAN: They are proud. I am not sure whether Hon Bob Thomas agrees with me.

Hon Kim Chance: Is this from the ministry for the truth?

Hon RAY HALLIGAN: That may be a little foreign to members opposite.

Hon Kim Chance: Not in the Orwellian sense.

The PRESIDENT: Order!

Hon RAY HALLIGAN: If the member is suggesting telling the truth, he is absolutely correct. As I say, these people were particularly proud of the fact that they were prepared to give of their time and effort to assist in the development of these self-employment courses that would equip them at some later stage to develop small businesses that would enable them to become taxpayers. That is what they were after. They wanted to be placed in a position where they could earn sufficient income to contribute to the coffers and to help those who are less fortunate than themselves and who cannot help themselves. They were fully aware that the only way they could do that was by generating sufficient income and placing themselves in a position where they would pay tax, and they were more than happy to do that.

Motion lapsed, pursuant to standing orders.

RAIL FREIGHT SYSTEM BILL 1999

Report

Report of Committee adopted.

PROSTITUTION BILL 1999

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 1, 2, 9, 12, 22, 26 and 29; had disagreed to amendments Nos 3, 4, 7, 8, 11, 15, 17 to 21, 24, 25 and 27; and had disagreed to and substituted new amendments for

amendments Nos 10, 13, 16 and 23, as set forth in the schedule annexed, and agreed to amendments Nos 5, 6, 14, 28 and 30 with further amendments as set forth in the schedule annexed, now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

The amendments made by the Council to which the Assembly had disagreed, substituted new amendments or made further amendments were as follows -

No 3

Clause 3, page 3, lines 11 to 15 - To delete the lines.

No 4

Clause 3, page 3, lines 16 to 19 - To delete the lines.

No 5

Clause 5, page 4, line 4 - To insert after the word "in" the following words -

“ or in the view of ”.

No 6

Clause 6, page 5, line 7 - To insert after the word "in" the following words -

“ or in the view of ”.

No 7

Clause 8, page 6, line 21 to page 7, line 8 - To delete the clause.

No 8

Clause 9, page 7, lines 9 to 21 - To delete the clause.

No 10

Clause 14, page 9, line 6 to page 10, line 6 - To delete the clause.

No 11

Clause 17, page 10, line 21 to page 11, line 7 - To delete the clause.

No 13

Clause 25, page 15, line 18 to page 17, line 8 - To delete the clause.

No 14

Clause 26, page 17, line 11 - To insert after the word "in" the following words -

“ or in the view of ”.

No 15

Clause 27, page 17, line 16 to page 18, line 9 - To delete the clause.

No 16

Clause 28, page 18, lines 10 to 23 - To delete the clause.

No 17

Clause 29, page 18, line 24 to page 19, line 14 - To delete the clause.

No 18

Clause 30, page 19, line 15 to page 20, line 27 - To delete the clause.

No 19

Clause 31, page 20, line 28 to page 22, line 5 - To delete the clause.

No 20

Clause 32, page 22, lines 6 to 23 - To delete the clause.

No 21

Clause 38, page 27, lines 6 to 10 - To delete the clause.

No 23

Clause 55, page 37, lines 5 to 24 - To delete the clause.

No 24

Clause 57, page 38, lines 4 to 8 - To delete the clause.

No 25

Clause 59, page 39, lines 12 to 14 - To delete the lines.

No 27

Clause 64, page 43, line 18 to page 44, line 4 - To delete the lines.

No 28

Clause 64, page 44, after line 4 - To insert the following new subclause -

- “
- (3) The regulations may exempt a place described in the regulations from being a place that is or is in the view of a public place for the purposes of this Act or for any particular purpose.
- ”.

No 30

Schedule 2, page 47, line 1 - In the table beginning on that line, in the items relating to sections 5 and 6 , to insert before the words “public place” in each item the following words -

- “ or in view of ”.

The substituted amendments and further amendments made by the Assembly were as follows -

Amendment No 5

Amendment agreed to with the following amendment -

By inserting after “view” -

- “ or within hearing ”.

Amendment No 6

Amendment agreed to with the following amendment -

By inserting after “view” -

- “ or within hearing ”.

Amendment No 10

Amendment disagreed to and the following amendmentS substituted -

- “ Clause 14, page 9, after line 11 - To insert -

- “
- Penalty: For an offence against subsection (1) or (2), imprisonment for 2 years.
- ”.

Clause 14, page 9, lines 12 to 17 - To delete the lines and insert instead -

- “
- (2) Where an individual is required under section 25 to answer a question or otherwise give information or produce anything neither -
- ”.

Clause 14, page 10, lines 1 to 6 - To delete the lines and insert instead -

- “
- (4) Nothing in this Act prevents -
- (a) an individual from refusing to answer a question or otherwise give information or produce a document or other thing because the answer or information might, or the document or thing contains information that might, incriminate the individual or render the individual liable to a penalty; or
- (b) a person refusing to answer a question or otherwise give information or

produce a document or other thing because the answer or information would relate to, or the document or thing contains information in respect of which the person claims legal professional privilege.

”
”.

Amendment No 13

Amendment disagreed to and the following amendments substituted -

“

Clause 25, page 15, lines 20 and 21 - To delete the lines and insert instead -

“

function in respect of an offence under section 7 or any offence involving a child - ”.

Clause 25, page 16, line 5 - After “(1)” to insert -

“ to produce a document or other thing ”.

Clause 25, page 16, line 18 - After “(1)” to insert -

“ to give information or answer a question ”.

Amendment No 14

Amendment agreed to with the following amendment -

By inserting after “view” -

“ or within hearing ”.

Amendment No 16

Amendment disagreed to and the following amendment substituted -

“

Clause 28, page 18, after line 14 - To insert -

“

(2) Subsection (1) does not apply unless the police officer has reason to believe that an offence under section 7 or any offence involving a child has been, is being or may be committed.

”
”.

Amendment No 23

Amendment disagreed to and the following amendments substituted -

“

Clause 55, page 37, line 12 - Before “did” to insert -

“

(a) had been undergoing medical examinations in accordance with subsection (3); and

(b)

”.

Clause 55, page 37, line 23 - Before “did” to insert -

“

(a) had been undergoing medical examinations in accordance with subsection (3); and

(b)

”.

Clause 55, page 37, after line 24 - To insert -

“

(3) A person undergoes medical examinations in accordance with this subsection if the person has -

(a) regular blood tests, on at least a quarterly basis, for each sexually transmissible infection for which blood tests are appropriate; and

(b) regular swab tests, on at least a monthly basis, for the purpose of detecting the presence of any other sexually transmissible infection.

”
”.

Amendment No 28

Amendment agreed to with the following amendment -

By inserting after "view" -

" or within hearing ".

Amendment No 30

Amendment agreed to with the following amendment -

By inserting after "view" -

" or within hearing ".

Hon PETER FOSS: I should explain the Government's position on the amendments that have been made in this place and the other place. The Government is reluctant to do this, but it will agree, for the purpose of enabling the legislation to go through, to have the health provision clauses of the Bill removed.

Hon N.D. Griffiths: Although your proposed motion does not do that.

Hon PETER FOSS: That somewhat puzzles me, because I thought it did, but it does not appear to do that.

Hon N.D. Griffiths: It does in part but not in whole.

Hon PETER FOSS: Secondly, the Government will agree to a two-year review clause. That does not appear to be in the motion either. I have the form here, and I will sign it and pass it on later. The Government will agree to the deletion of clause 59(2). We suggest the following amendment to clause 57 -

To insert after "under" the words "sections 10 and 23(b) of".

The clause would then read -

In proceedings for an offence under sections 10 and 23(b) of this Act an averment by the prosecution . . .

That would confine clause 57 to offences under clauses 10 and 23(b). That would be the basis upon which it would progress. I had understood the document that I had received did that, but it does not appear to do that. I might need to give members a copy of the review clause, which will be a new clause 67.

The CHAIRMAN: I advise the Attorney General that if he were to move this review of the legislation in the form of the motion that has just been circulated, I would rule it out of order, because it is beyond the scope of the message.

Hon PETER FOSS: That will be difficult, because if we cannot do that, we will have a problem in getting this Bill through both Houses, because one of the things that is being requested by the Opposition is that at least some amendment of this nature be made. In fact, it is looking for something that is even more extreme than this.

The CHAIRMAN: The Attorney would be aware that he would need to follow the procedure of moving for the suspension of standing orders so as to allow -

Hon PETER FOSS: Perhaps when we get to that point, I will move that we go out of committee, and I will then move for the suspension of standing orders, if that is necessary; but perhaps we can talk about this amendment in a contingent way until we get there. I do not think there is any point in my moving it unless it will be accepted. If it will be accepted, there is no problem in coming out of Committee and moving the suspension of standing orders.

Hon Norm Kelly: It is pretty difficult to go through the message considering the motion which has been circulated.

Hon PETER FOSS: I now have the information I need in order to know which amendments we should and should not insist upon. Unfortunately, it is not what I have handed around to members.

Hon Norm Kelly: Perhaps you should adjourn the debate so we can sort this out.

Hon PETER FOSS: That might be useful. I do not think it will take very long. We know what we want to propose; it is just whether we have the document that allows it.

Progress reported and leave granted to sit again at a later stage of the sitting.

[Continued on p 6620.]

GOVERNMENT FINANCIAL RESPONSIBILITY BILL 1998

Second Reading

Resumed from 14 October 1998.

HON N.D. GRIFFITHS (East Metropolitan) [4.45 pm]: The Australian Labor Party supports this very curious Bill. Most economic commentators would say that the only word which has any real resonance in a Government Financial Responsibility Bill is the word "Bill". Government financial responsibility has not had a great record over time and that

is particularly pertinent noting the record of this Government. As a matter of history, it may be fair to say - this is not playing the role of party politics - that new Governments tend to be more financially responsible when they first come into office than they are towards the end of their term or terms. In most instances that seems to be the history of government in Western Australia and, briefly moving back to party politics, it is very much the recent history of Western Australia with respect to the record of the Court Government.

The second point I make about this Bill is that it has been hanging around for a long time. In fact, following the second reading speech by Hon Max Evans on 14 October 1998, Hon Bob Thomas, in accord with proper and usual practice, adjourned the debate. I anticipated that when this matter was debated, I would not have much to do with it other than to vote for whatever position the Opposition chose. In those long distant days, a departed colleague - departed from this Chamber, not in the earthly sense - Hon John Halden, had the conduct of this matter on behalf of the Opposition. It does not seem to be something on which the Government places a very high priority. That is fair enough when one considers the current practices and record of the Court-Cowan Government. It does not seem to have much regard for government financial responsibility. The bells are tolling for the Government now and they will continue to toll for it in the months ahead.

The Bill is said to be concerned with establishing a framework for government financial planning with a view to improving government financial outcomes. That is very worthwhile. It is also said to be a Bill to facilitate public scrutiny of government financial policy and performance. That is also very worthwhile. In looking at the content of the Bill and noting what it says about financial management principles, financial elements, the preparation of statements and reports and what is involved in financial planning and reporting and financial projections and results, it sounds worthwhile indeed. However, perhaps it is just a few words on a piece of paper; nothing in it creates rights or duties. It contains nothing which obliges anyone to do anything. It is a statement of intent; it is a statement from a Government that has finally realised it should do something to put its financial house in order, although I suggest it is a little too late for this Government. It is interesting that a matter which first came into the Parliament in April 1998 is being dealt with in the week that the Premier and Treasurer is due to present the budget for the financial year 2000-01. Of course, it is most interesting that this Bill, on which the Government seems to place such a high priority - the Government Financial Responsibility Bill -

Hon N.F. Moore: It is coincidental.

Hon N.D. GRIFFITHS: I am sure the Leader of the House is enjoying my positive comments because I am agreeing with the content of this Bill.

Hon N.F. Moore: It is positively coincidental.

Hon N.D. GRIFFITHS: It seems to me that quite often when matters are positive that tends to be by coincidence rather than by design. It is a matter of regret, in dealing with the principles and issues of government financial responsibility, that to date this Government has failed to provide for an operating surplus in the general government sector. It fails, and has failed, consistently to achieve that aim. It is a great pity that in recent times the Government has presided over a deteriorating cash bottom line with respect to the general government sector. If this Government had applied that which it preaches in this Bill, it should not have been in any difficulty at all. It is a Government which has been in receipt of significant revenues over its period of office, which have increased at a rate greater than the rate during most periods of Western Australia's history, for reasons not to do with its performance as a Government. For most of its period in office, it has been the beneficiary of significant increases in economic activity in this State. Notwithstanding the stream of revenues of which it has been the beneficiary, in recent times it has presided over a significantly deteriorating budget position. It is a matter of great regret that the brave words contained in the Government Financial Responsibility Bill have not been put into effect by the Government. That has been to the detriment of everyone in Western Australia, and it will be to the detriment of Western Australia in the future.

I finish on a positive note, in keeping with the positive comments I have made in this speech - as the Leader of the House has noted - by saying I am very pleased the Government has stirred a little and is trying to wake itself up so that at least it has some sense of accountability with respect to the electorate. For its part though, it is too little, too late.

HON HELEN HODGSON (North Metropolitan) [4.54 pm]: This Bill is called the Government Financial Responsibility Bill, but I have severe reservations about whether it will impose any greater responsibility on the Government than currently exists. Although I acknowledge that we need proper financial reporting mechanisms and that this is a step forward in some respects, the Bill as presented has some serious flaws. Some serious accountability issues have not been properly addressed by the Government in this Bill. Despite its title, no-one will be responsible in any way through the court system if the requirements of the Bill are not met, because it contains a clause which specifically states that the Bill is not enforceable in a court of law. I will deal with that in more detail at a later stage.

I agree that proper financial reporting is needed. It is of utmost importance that not only members in this House, but also people working in the government sector and the general public know where the money is going and what it is being used for. In this area the Government has been making significant changes over its latest term of office.

In a sense I must speak with two hats on. On the one hand, I am an accountant and I am qualified as a member of the Australian Society of Certified Practising Accountants. I know what the accounting standards are, generally speaking, although I would not necessarily pass an examination on them at the moment because I have not been working in that area for a while. In some cases the forms of accountability and financial accounting the Government imposes on the public sector may not necessarily be a good fit for making sure matters are open and transparent to the public. On issues of

accruals accounting, accruals budgeting and accruals appropriation, those who are accountants or who are experienced in business know how to read profit and loss accounts and balance sheets, and they understand the implications of accruals accounting. However, when that form of accounts is presented to the public, or those who want to trace a particular item in the accounts, often it makes it more difficult to determine what is going on. That criticism was apparent particularly in the 1998-99 budget, when this Bill was introduced, but less so in the 1999-2000 budget because Treasury took note of some of the criticisms levelled the year before.

I refer members to the fortieth report of the Public Accounts Committee in the other place, which was an interim report on the State Government's estimates information and process. I appreciate that some of these matters have been addressed in the presentation of future budgets, but I have just checked with the other place and I understand there has been no formal response to the tabled report. The first finding of the committee was -

In recent years the on-going changes and shortage of compatible comparative data have devalued the basic information available to Members for the Estimates process.

There is a general lack of understanding among Members of the Budget process and the requirements imposed upon reporting agencies.

The fourth finding was -

The overall level and quality of non-financial detail has diminished with the transition from program to output budget reporting.

There are also some criticisms of performance measures. Many of these issues are relevant to this Bill in the context that we are looking at a system of new reporting and new presentation of information, and the financial responsibility of the Government, but this Bill is about transparency and accountability. Some fundamental issues in the presentation of information would assist in making the Government's financial data much more transparent and accessible to not only people who understand the form of presentation, but also those who may need to access it only once in a while. Those users are most disadvantaged by the continually changing reports because they do not know where to start looking. Reports should not be written and information should not be presented in a format designed that only trained people can understand. At the government level in particular they should be designed in formats that are accessible to the untrained people, so they can find the information they need relatively easily. That enhances the whole issue of government accountability. The public must be reassured that Treasury and other government departments are monitoring their expenditure. As a result, departments need to ensure that targets and forecasts are regularly reviewed and updated. That is a step forward in the Bill before us today.

[Questions without notice taken.]

Hon HELEN HODGSON: Before question time I spoke about the need for the public to readily access government financial information. This Bill goes part way towards meeting that need in the way in which it sets up a system of reporting that means that people will be able to access information more than once a year. Currently, interim reports are tabled as well, but no obligation applies. The legislation will entrench that system of interim reporting.

I now look at how the legislation is intended to operate: To start with we have an umbrella, which is the financial management principles. I have no problem with financial management principles; every business must have such principles. However, the words in the legislation before us are very general. In fact, they are so general that I question whether they will have any real impact on the way in which the budget process is conducted here.

The first principle refers to funding for current services being provided by the "current generation". I have a serious problem with the use of the phrase "current generation". I really do not know what it is intended to mean. Does it mean generation in the context that social researchers tend to use; that is, every 15 or 16 years? Are we talking about that sort of generation? If so, it is well beyond the term of a Government in this State. Are we talking about a government term, in which case are we restricting ourselves to short-term inputs and outputs rather than looking at the big picture? The phrase is couched in such a motherhood way that, although no-one could disagree with its intent, I am not sure how much practical use it will be.

The next two principles refer to "reasonable degree of stability and predictability" and "managing financial risk prudently". All those words will be very difficult to argue against. We all know that we have such aims in responsible financial management. I am not sure that those principles take us anywhere in stating a principle and defining what we are trying to do. In that context, when I was working on this Bill, I dug up the report of the Federal Parliament. Report No 351 of the Joint Committee of Public Accounts is an advisory report on the Charter of Budget Honesty Bill 1996 and is very similar to the legislation that is before us today. Paragraph 2.6 includes a quote from Professor Marc Robinson. It states -

Professor Marc Robinson was more cautious . . .

No legislation can compel fiscal responsibility . . . The most positive view of the Bill is that it is merely the latest in a long series of incremental improvements in fiscal reporting requirements.

We all agree that the improvement process is going on, but I do not think it will compel anything. It will be a case of putting down something to which we all agree in principle, but then making sure that what we do will still improve accountability. Once we have this umbrella of financial management principles, a series of reports needs to be tabled regularly, including the financial strategy report, the financial projections, the midyear financial projections, the financial

results and a section dealing with pre-election commitments. It is interesting to look at the similarities and differences between those reports. Obviously, the strategy deals with the big picture. It comes down to looking at the financial numbers and putting projections on them. Again, I note that some issues were raised before the Senate committee about the accuracy of financial forecasting being only as effective as the integrity of Treasury economic and fiscal forecasts. We are still working within a framework which is very imprecise. Speaking as an accountant, we tend to work in history and on figures that are in the past and things which are measurable, whereas economists will project into the future and work on a framework based on the information that is available and on what they expect the changes to be. It is the only framework we can work within, but it makes it more difficult to be precise because if there is a change in the assumptions or the reality does not match the assumptions, all of the framework is incorrect and the figures have to be adjusted to meet the new framework. The accuracy of the planning and reporting will still be dependent on the accuracy of the projections made by Treasury.

A note in my papers about the financial projections statement indicates that accounting standard No 31 will be one of the basic methods used in the reporting. It is important that the appropriate accounting standards are fully complied with. I return to my earlier comments: Sometimes the accounting standards need further explanation when it will be useful to users who may not be experienced in reading and understanding formal financial documents. Apart from the financial projections, there are the formal projections, which are released with the appropriation, and the midyear financial projection statement, which is similar to a document that we already receive. It will give some measure of how we are performing in accordance with the original projections. The next step is the financial results. Once we have had our projections, we must be able to measure our results against the original projections. That will be necessary within three months after the end of the budget year. Again, that is excellent. It is a way of measuring what has been achieved against what is proposed. It is important to be able to undertake those sorts of measurements.

The final report is the pre-election financial projections statement. This starts to get into more political territory, because this will be the information that is available during an election campaign when voters are assessing the election promises that are put forward. A statement indicates that the pre-election financial projection statement is required within 14 days after the Legislative Assembly is dissolved or expires. There is an issue about the fact that the Legislative Assembly and the Legislative Council do not always have elections at the same time. Traditionally, we do because there are cost savings to the Government. I would hate to be the Government which had two separate elections within a short time frame. However, the constitutional reality is that we are not necessarily tied to Assembly election dates. It is important that we acknowledge that. The Government is formed in the Assembly and there are restrictions on the way in which the Council can deal with money Bills. However, that does not mean that, in a Council election, economic matters would not arise. Because of the potential for economic issues to arise, it is important that pre-election financial projection statements are tabled and made public in the early stages of an election, even if it involves only the Council. That is another serious flaw in the Bill in that it does not take notice of the constitutional reality of the way in which the two Houses face elections.

The last clause in the Bill is another very political and controversial one. Anyone who has perused the Supplementary Notice Paper will know that the majority of the proposed amendments relate to clause 16. Under clause 16, a party may seek a costing of a pre-election commitment. Again, this is mirrored on the federal legislation, and the Charter of Budget Honesty Bill has a similar clause in place. When I was researching this over 12 months ago, I accessed the October 1998 federal election documents. The pre-election economic and fiscal outlook is quite a substantial document. I also had access to the list of costings made by the ALP for costing the election commitments. That exceeds the volume of paper involved in the Government's pre-election economic and fiscal outlook. One of the problems experienced in the federal election was that parties which were complying with the legislation were asking for these costings but they were doing so extremely late. In fact, a number of the election costings requested by the Labor Party were unable to be provided in the time which was available before the election. That meant that the ALP was able to go to the election saying that it had sought costings on its promises; yet, it kept the time frame so short that anyone would know there was no reasonable prospect of those costings being made available and being used against it in a campaign. This is what I mean about the whole issue of pre-election costings coming into the realm of the political. There was also the question of whether the Treasurer should be responsible for the authorisation procedure for obtaining costings, because essentially he is a member of the Government, or whether it should be managed by one of the people within Treasury; for example, the Under Treasurer, who would then be acting purely - one hopes - in a non-political sense because he would be acting as the Under Treasurer. The dilemma is that an election is a political process, and should the costings be obtained through the Treasurer that then give the Treasurer the power to use the information, whereas the Under Treasurer does not have that power, but he is a bureaucrat and should not be involved in the political process. The handling of the whole pre-election costing commitment issue is a dilemma. That area needs to be worked through further and considered in the light of the experiences of the Federal Government in the last federal election and any future reports that might come out on that.

I have now found the clipping I was looking for. An article in *The West Australian* dated 2 October 1998, on the election eve, reads -

The Labor Party sought a last-minute evaluation yesterday of the cost of its election promises after coming under fire for failing to submit all of them for scrutiny.

That means that the costings can become part of the political process. I do not know whether that is a good thing. Yes, political parties should be accountable for what they promise and they should have access to information to make sure their promises are accurate. However, there are serious drawbacks if that process is politicised. Clause 16 is limited to parties that are represented in the Legislative Assembly and, once again, we come back to the question of where money decisions

are made. The reality is that it is conceivable that somebody sitting on the crossbench might come up with a policy that has economic implications. That leaves us exposed to being accused of economic unreality if we do not have access to the costings to which parties represented in the lower House have access. For all of those reasons there are serious problems with clause 16 of the Bill.

I will highlight specific clauses in the Bill; in particular I intend to address two clauses in the committee stage of the Bill and the Supplementary Notice Paper has amendments standing in my name on these two clauses. One is the matter I have already alluded to of whether this Bill should be enforceable in a court of law. It makes a nonsense of legislation if it is not enforceable. Why have it? We are setting up a policy document. Is the right place for a policy document to be enshrined in an Act of Parliament? If it is a policy document what weight does it have? As a policy document it is no more than a statement of what one should comply with and the matter of enforceability at law becomes very important.

I have heard all the arguments on why it should not be enforceable. The prime argument is that the Federal Government's legislation is not enforceable. That is not the fault of the Australian Democrats. In the Federal Parliament the Democrats tried to make the Charter of Budget Honesty Bill enforceable at law. This Bill was based on New Zealand legislation. The New Zealand equivalent legislation does not have this blanket exclusion from being able to enforce the legislation in a court of law. For those reasons I believe that subclause needs to be deleted as it will make a nonsense of the legislation that we are debating today.

The second clause I have addressed by way of amendments on the Supplementary Notice Paper is the issue of commercial in confidence. Many members will have heard Hon Norm Kelly and I speak about this issue in the past and the question of at what point information should be kept confidential and at what point it should be made public.

Hon J.A. Scott interjected.

Hon HELEN HODGSON: Of course, but I do not think anybody has paid a lot of attention to comments made by the Commission on Government on this issue, because it does not seem to have changed government practice in this place. The issue of commercial in confidence came up in the federal legislation and it was a matter that my colleagues in the Senate addressed at that time. Once again I refer to "Report 351" of the Federal Parliament's Joint Committee of Public Accounts. It is clear that committee did not believe that a blanket suppression was appropriate. It reads -

- 2.42 Although the Committee recognises the need to suppress information of a confidential commercial or national security nature, it believes that a *statement*, providing a general description of the information being suppressed and its aggregate amount should be included in the reports.
- 2.43 This statement would preserve the openness being advocated since it would show that the Government was not hiding matters which it would be "in the public interest" to disclose. Again there was public and private sector support for such a statement.

The whole issue of commercial in confidence is that the Government does not want tendering-type processes compromised by information being made available. There are occasions when information is sensitive because it will compromise the way in which government works with private enterprise. However, it is not appropriate to hide everything behind that particular flag. For that reason I intend to move in the committee stage of this Bill that we limit commercial-in-confidence clauses, so that there will still be a description, as advocated in the senate report, of the nature of what is going on. That at least flags the issue to people. While that does not provide full transparency, at least it indicates that a matter has not been fully disclosed because of the commercial-in-confidence issue. That is a step forward on accountability, although it is by no means as far as we would like to pursue the matter.

The Australian Democrats will support the Bill, because we think it will do no harm. It is a step forward with the reports which will be required and which are currently being provided by Treasury and the Government as part of their information services. It will lay down some motherhood principles, which I do not think any of us would ever argue are not appropriate, but probably do not tell us anything we do not already know. People need to understand that we are putting down a financial policy statement in a form of legislation; yet it is not really in the form of legislation, because it is not enforceable in any way. It is difficult to argue that this legislation should not be passed. It has some good features. It enshrines some of the current practices so that future Governments will know that this is the way that Parliament has asked that it be done. However, we all need to recognise that in the presence of a clause which says that the Bill is not enforceable in a court of law it is no more than a statement of intent, a statement of what we expect the Government to do and what we hope the Government will comply with. The Democrats will support this Bill, and we hope that some of the amendments we have placed on the Supplementary Notice Paper for discussion in the committee stage will be passed so we can make the legislation into what it is meant to be; that is, legislation to govern the way in which financial matters are handled in this State.

Sitting suspended from 6.00 to 7.30 pm

HON J.A. SCOTT (South Metropolitan) [7.30 pm]: The Greens (WA) will support this Bill. We share some of the concerns put forward by Hon Helen Hodgson regarding, in particular, the difficulty for lay people to get a true picture of what accrual accounting means in a lot of areas and the fact that one cannot get a good understanding of the benefits of that because it is generally relayed by way of motherhood statements. We are very pleased with the principles outlined in the Bill and support them, particularly the first principle - the reliance on the current generation for funding current services. Members may be aware of the Greens' economic position on that, but we would like it to be taken further than the

Government envisages in that we are providing a debt for future generations in many areas which is not accounted for in the current system. This principle will allow us to do that. The sorts of things I am talking about include the use of resources by this generation from which the Government benefits, and the resources are being diminished; for instance, very large areas of forest are being used and are not accounted for in our system. Suddenly, they have disappeared and have been replaced with tiny seedlings which have nowhere near the same value as that of the existing forest. We would take that principle a lot further than it is expected to be taken by the Government. I may be wrong; perhaps the Government is looking to the day when it can account for the loss of environmental assets, such as forests or good quality air, which impinges on our budget at the end of the year in terms of health and so on.

Hon Greg Smith interjected.

Hon J.A. SCOTT: That is quite right; it is a very valuable resource and needs to be valued. Other countries are going so far as to put environmental accounting into their budgets and are working out that, even though they may be fiscally better off, their environmental assets will be greatly diminished. We like that first principle and believe it can be expanded. One day when a green Government is in office, it will expand those principles.

Hon Greg Smith: You are the ultimate optimist!

Hon J.A. SCOTT: Our numbers are multiplying by 300 per cent at each election. We are not doing too badly. These things will happen in time. It is a serious matter that we are eroding our asset base in the sense that we are quickly using up all of our major mineral resources, for which the State receives a royalty quotient or a resource tax. If this generation uses up these resources, they will not be there for the next generation. They should be accounted for.

Hon Greg Smith: We should grow trees and cut them down again.

Hon J.A. SCOTT: The problem is that we are cutting them down and not accounting for the fact that we are losing very large trees which are worth a great deal of money, even just as timber. Also, many other lesser trees underneath are worth quite a lot of money, except that some of those values have not been realised in a whole lot of ways.

Hon Derrick Tomlinson: What financial value does a tree in the forest have?

Hon J.A. SCOTT: I am saying that there are ways of counting that. People are doing those calculations in other countries and working out the asset value. In Victoria, a calculation was done on the value of an area of forest which was to be logged. I think it was Mt Ash. It was discovered that its value in terms of the preservation of water supplies in that area was far greater than the value which would be achieved from chopping it down. There are real values and some can be worked out. It is true that not all values can be worked out exactly, but a ballpark figure can be worked out by people who want to do that accounting. The Greens are very pleased with that principle.

The second principle is stability and predictability in relation to spending and taxing policies. When I looked at one of the major projects invested in by this State recently - that is, the Jervoise Bay proposal - I found that highly inaccurate projections on the returns to government were put forward. They were all based on the best-case scenarios, one of which was very unlikely to happen. It is important that the Government look carefully at those issues for those types of projects. A weakness in putting forward just those three principles is that allied to that second principle should be a principle which considers alternative uses of a resource such as a coast. For instance, I recall seeing some data that showed that the returns from recreation and tourism in the Jervoise Bay area would be far greater than the returns from the facility that is proposed to be built there. Predictability in relation to spending and taxing policies should include, particularly when it comes to spending policies, accounting for the losses. That is not part of this Bill, but I guess we cannot have everything in one Bill.

The final principle proposed by the Government is prudent management of financial risks. That is also a very good principle. However, the problem is that government departments are not interrelated strongly enough and all the different agencies are compartmentalised, so there is no true accounting in terms of the whole of government and we do not examine whether a benefit to one department may be a cost to another department and may, therefore, be of less benefit than may appear from looking at it just from the point of view of a single department. We need to think about the whole of government when we are formulating these principles, and that is a weakness that should be looked at.

One example can be found in the health area. The Health Department of Western Australia seems to be very reluctant to deal with preventive health systems in this State. It does not do any epidemiological studies. I recall asking it recently about what studies it had done to look at the effect of vehicle emissions on asthma levels in Western Australia, and it said it had not done any studies and that was not its role; it was the role of the Department of Environmental Protection. That is really silly. It is an interdepartmental issue, and both departments need to work together to come up with the answers. If those sorts of studies were done properly, we could greatly reduce the incidence of asthma, particularly among children. I remember that when I was a whippersnapper, one in 10 children suffered from childhood asthma, but the number is now four in 10.

Hon Ray Halligan: It is not just vehicle emissions that cause asthma.

Hon J.A. SCOTT: About 10 000 new inorganic chemicals are released into our environment every year, and many of those are having an impact on the incidence of asthma. If epidemiological studies were done, many of those things could be picked up. If the Health Department were serious about looking at its costs, it would be looking at preventive health issues rather than just hoping its budget will be increased to enable it to deal with sick people all the time. I would rather that people did not get sick in the first place, and I am sure Hon Ray Halligan would agree. Too little money is being spent in

that way. That is clearly a financial risk which is not being dealt with by the Health Department. It is just washing its hands of that issue. It just does not want to do it. It should be forced by government into being accountable for the expenditure of its funds by ensuring that it also undertakes preventive health work. The Health Department is not even doing studies to find out what is causing the increase in the incidence of asthma among children in this State, yet that disease must be costing it a fortune.

In addition to prudent management of financial risks, the Government needs to understand that a whole-of-government approach will reduce overall costs and that the sector should not be split into separate agencies that are run on a corporate model and are not concerned about the costs that they are pushing off to other departments. It is a shame that our budgetary processes do not take that matter into account.

The second reading speech states also -

The Treasurer is required under the Bill to publish, as part of the papers supporting the Budget, a "government financial projections statement" containing "whole of government" forward estimates for the budget year and three out years. The timing for the release of this statement is to be linked to the introduction of the annual appropriation Bills in the Legislative Assembly.

That is a very good measure, and I support it. I also agree with the statement that -

In the interests of openness and transparency, upon the calling of an election the Under Treasurer is to publish updated financial forward estimates which take account of all government decisions up to the time of the dissolution of the Legislative Assembly.

That is a fair measure, and it will prevent the talk about black holes and all the fantastic statements that are made at budget time, when people get rather more elaborate in their language and seem to find worse and worse things to say about each other in terms of their management. This measure will lead to a degree of sensibility, and I applaud its inclusion.

The second reading speech states also -

The Bill requires the Government to table in Parliament and publicly release a "government mid-year financial projections statement" to be released no later than 15 February. This statement will provide an update of the forward estimates provided in the budget, taking into account actual performance.

Those projections should include the environmental damage and losses that have been sustained through the use of resources from which the State benefits, because until these matters are recognised as being economic losses as well as ecological losses, I do not believe Governments will take them seriously, and we will not get a true accounting. They are real losses, and they will have an effect outside this generation, and that is against the principles that are outlined in this Bill.

Hon Ray Halligan: I do not think you will find that in the accounting standards, unfortunately.

Hon J.A. SCOTT: That is what I am saying, but that principle is now laid down, and we can move towards it. It is true that those sorts of accounting measures are in their infancy in this State, but people in other parts of the world are certainly using them, as I have stated, and we should start to incorporate them into our budgets. After all, massive losses are occurring in Western Australia today because of environmental degradation. The salinity problem is costing this State \$100m a year. We need to account for these losses in some way. We should look at the state-of-the-environment reports that are done every three or four years and at the actual financial losses that those reports indicate are incurred by the State, and incorporate them into the budget, because they are very real.

Hon Ray Halligan: There are some difficulties. The accounting standards have evolved over considerable time. Even though there was a reasonably firm starting point, there have been minor changes over the years so it is acceptable to the greater majority of practitioners. What the member is suggesting may take some time before we get a consensus agreement.

Hon J.A. SCOTT: I agree with that, although there are some fairly straightforward areas. For instance, if we chop down a whole lot of large jarrah trees and they are worth a lot of money on the commercial market, they are an asset. Once they are cut down and replaced by seedlings they are not as valuable any more.

Hon Ray Halligan: The tree that has been chopped down is.

Hon J.A. SCOTT: The Government received a royalty for it, and it is gone.

Hon Ray Halligan: You are changing an asset. You say you can value only the tree, but now you have cash at bank. They are two different assets.

Hon J.A. SCOTT: Yes. However, it is only shown on the plus side of our accounting system. That is because we give no value to our environmental assets. We are not better off when we sell an asset. We may have money, but we do not have the asset.

Hon Ray Halligan: They are both assets.

Hon J.A. SCOTT: The Government must look at both sides of the ledger, and it does not do that with our environmental assets. Those environmental assets should be reflected in the budgetary position. I understand that Western Australia does not have a sophisticated accounting system to do that yet. However, I am pleased that the first principle says that reliance

on the current generation for funding current services will allow us to move in that direction. I support that principle, and will support the Bill.

Debate adjourned, on motion by Hon Ray Halligan.

PARLIAMENTARY SUPERANNUATION LEGISLATION AMENDMENT BILL 1999

As to First Reading

THE PRESIDENT (Hon George Cash): Message No 65 reads -

Mr President, the Legislative Assembly having this day passed the Parliamentary Superannuation Legislation Amendment Bill 1999 now presents the same to the Legislative Council for its concurrence.

Before the first reading is put to the House I indicate that it is my view that this Bill may breach Standing Orders 222 and 226. Standing Order 222 reads -

Such matters as have no proper relation to each other shall not be included in one and the same Bill.

Standing Order 226 reads -

Every Bill not prepared pursuant to the order of leave or according to the standing orders of the Council shall be withdrawn, and, when withdrawn, a new Bill may forthwith be presented in lieu thereof under the same order of leave.

I do not intend to put the question for the first reading of the Bill until I have had an opportunity to further consider the content of that Bill.

DAIRY INDUSTRY AND HERD IMPROVEMENT LEGISLATION REPEAL BILL 2000

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon M.J. Criddle (Minister for Transport), read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [7.53 pm]: I move -

That the Bill be now read a second time.

The Bill now before the House will introduce legislation to deregulate two major components of the dairy industry in Western Australia by repealing two existing statutes - the Dairy Industry Act 1973 and the Herd Improvement Service Act 1984. Simultaneously, the Bill also introduces transitional provisions to ensure that relevant functions of existing statutory bodies are transferred to new organisations, which will be owned and managed by the dairy industry itself.

I turn firstly to matters associated with the Dairy Industry Act 1973. This statute vests all milk, on production, in the Dairy Industry Authority, established and itself regulated by the Act. The DIA has responsibility for the regulation of the production of milk at dairies; the acceptance of, payment for, and sale of milk by the authority; the regulation of the production of milk so as to ensure, so far as is practicable, the continuous availability of milk; and for the purposes of ensuring the wholesomeness and purity of milk and the control of the quality, production and treatment of milk at dairies.

The DIA has a number of supporting functions that permit it to give effect to its primary role. The State Government's position has consistently been that no change will be made to the Dairy Industry Act 1973 unless it is requested to do so by industry. In this regard, in February 1999 the recommendations of the national competition policy legislative review of the Western Australian Dairy Industry Act 1973 were accepted. The review demonstrated that a net public benefit currently arose from the regulated farm-gate price for milk and the vesting of milk, in so far as it provides funds to the Dairy Industry Authority to provide services to the industry and to license processors and dairy farmers with respect to food safety standards.

The national industry has had a view that increasing commercial pressures in an increasingly flexible marketplace would undermine any regulatory regime. It was well known that Victorian milk processors and the United Dairy Farmers of Victoria had been pressing for deregulation in Victoria. Due to the size of the production and processing sectors in that State, a decision by Victoria to deregulate would be likely to place considerable pressure on markets in other States. In addition, the national competition policy review of dairy legislation in Victoria found there was a negative public benefit from retaining dairy legislation. Consequently, the former Premier of Victoria announced last year that the dairy industry in that State would be deregulated from 1 July 2000. This was later supported by a plebiscite of Victorian producers. Of the 84 per cent who voted, 89 per cent wished to pursue deregulation and access to a national support package if one was made available.

Another factor was the approaching end of the national domestic market support scheme on 30 June 2000. This outdated scheme provides a price equalisation process for domestic and export dairy produce, not relevant under foreseen industry requirements. The finalisation of the Federal Government's domestic market support scheme put the national dairy industry in a position of requesting a structural adjustment package from the Federal Government to assist a transition to a deregulated market.

Strong representation of Western Australia's interests towards the Federal Government's structural adjustment package was made by the Western Australian Farmers Federation dairy section president in his role as WA's representative on the Australian Dairy Industry Council. Representation was made to the Federal Government some time ago by Australian dairy industry leaders for a package of assistance to help the national dairy industry adjust, with least possible disruption, to what was in the industry's view the inevitable deregulation of existing domestic market milk arrangements in Australia.

On 28 September 1999, the Federal Minister for Agriculture, Fisheries and Forestry indicated his support for a \$1.8b structural adjustment package for the dairy industry. This package will be funded by a levy of 11¢ a litre on the sale of drinking milk for eight years. It would be available only if all States and Territories repealed legislation providing for the management of supply of milk. The main feature of the federal package is that farmers will be paid a total of 46.23¢ a litre for drinking milk and 8.96¢ a litre for manufacturing milk produced in 1998-99. Western Australian dairy farmers will receive approximately \$109m from that package. If the national dairy industry restructure package is unsuccessful, it is likely that the national dairy industry will deregulate in any event and Western Australian dairy farmers will miss out on the opportunity to receive the financial restructure assistance money. Recognising the various arguments, the Western Australian dairy industry conducted a plebiscite of Western Australian producers. Of the 92 per cent who voted, 58 per cent voted to proceed with deregulation of the dairy industry in this State. The Western Australian dairy industry has now formally approached the State Government requesting removal of legislation relevant to the regulation of the industry so as to access the federal package.

In a letter dated 29 March 2000, the president of the WA Farmers Federation dairy section wrote to the minister requesting him to progress the removal of legislation which is relevant to the regulation of the industry, namely the Dairy Industry Act 1973, and stating that due to the need to finalise access requirements to the federal adjustment package, repealing legislation should be progressed at the minister's earliest convenience. In association with a push to have milk supply management repealed, dairy farmers in this State have also requested the repeal of the Herd Improvement Service Act 1984. This Act established a corporate body, the Herd Improvement Service of Western Australia, charged with responsibility for assisting with the artificial breeding of stock of a range of types, recording the production of stock, and involvement in activities that promote the improvement of such stock, all on a fee-for-service basis.

The Bill proposes that relevant functions, responsibilities, assets and liabilities of HISWA and the DIA must be simultaneously transferred to two industry-owned and controlled organisations. These are to be unlisted public companies. The net asset value at 30 June 2000 of the existing organisations, including buildings and laboratory equipment, will be in the order of \$10.6m for the DIA and \$1.6m for HISWA.

As a means to assist the dairy industry adjust to the proposed new structure, a transition advisory group for the DIA and a steering committee for HISWA have been appointed under ministerial authority to plan and guide the transformation to a new entity. The transition advisory group and the steering committee are to finalise the details of privatisation measures; to advise on the role of the company in each case; to issue a prospectus, if required; and to operate the respective company until the board of each is elected at its first annual general meeting. The transition advisory group charged with assisting the transfer of the business of the DIA to a new company has assessed a range of opportunities including industry research and development; education and training; market development, efficiency and promotion; financial management and investment attraction; and delivery of information. Existing herd improvement service activities will transfer to a new company under the control of those dairy and beef producers who have purchased the services and products of HISWA in the past three years. With respect to HISWA, the steering committee is required to advise on opportunities for establishing stock testing and improvement services, semen selection and sales, information services, laboratory services and any other commercial activities that relate to the shareholder base.

The Bill is presented in five parts. The first part deals with preliminary matters; two separate parts deal specifically with Dairy Industry Authority matters and Herd Improvement Service matters; a fourth part carries transitional provisions relevant to both the DIA and HISWA; and a fifth part handles the repeal of the Act emanating from this Bill to remove it from the statute book on the completion of all actions associated with the repeal of the two principal Acts.

I turn now to the essential philosophies contained in the Bill. It will dissolve the Dairy Industry Authority and vest its assets and liabilities in Dairy Western Australia Limited, a public company formed for the purpose of providing overarching support for the dairy industry in Western Australia. The Bill will also dissolve HISWA and vest its assets and liabilities in Farmwest Services Limited, a public company formed for the purpose of managing and enhancing the existing HISWA business; and implement a new framework for the State's dairy industry without the need for further government intervention.

In summary, the steps that will be taken to give effect to the proposed new framework in relation to the DIA include the formation of a body incorporated under the Corporations Law by the name of Dairy Western Australia Limited; the completion of a number of preliminary matters to the satisfaction of the minister; the transfer of the assets and liabilities of the DIA to Dairy Western Australia Limited by way of sale and without the need for any conveyance or assignment; the determination by the minister, after consultation with the company, of the net value of the business of the DIA at the time of transfer of that business to the new company; consideration for the transfer of the net assets of the DIA; the allotment and issue to the minister on behalf of the State of fully paid shares in the company - likely to have a nominal value of \$1 - that have a total value equal to the market value of the net assets; and the allotment and issue of these shares to dairy farmers in a manner determined by the minister as soon as practicable after the determination of net asset value and after consultation with the company in conjunction with the industry.

With respect to continued support for issues of public health, suitable arrangements have been made with the Health Department of Western Australia to carry out the duties and functions of the DIA in order to meet the Government's obligation to ensure dairy foods are safe. It is proposed to transfer sufficient Dairy Industry Authority funds to the control of the Health Department of Western Australia to administer the system for one year. After 1 July 2001, the dairy supply chain will pay for the cost of inspection in a similar way to which it is currently operating via the Dairy Industry Act 1973. The cost recovery from 1 July 2001 will be under the proposed model food Bill which will enable provision of revenue from registration, licensing and auditing.

A range of safeguards has been built into the proposed legislation. These include requirements that before the transfers and allotments can occur, the minister must be satisfied that there is in existence a body incorporated under Corporations Law by the name Dairy Western Australia Limited; the provisions of the constitution of the company are appropriate to achieve the transfer of the DIA's business to the new company; the new company has notified the minister in writing that it agrees to the transitional and final outcomes required by the legislation so far as they affect the company; and the employment of each person appointed under sections 17, 19 or 85 of the Dairy Industry Act 1973 has been arranged with the company or the person is covered by provisions applicable under part 6 of the Public Sector Management Act 1994.

All other necessary arrangements have been made for the commencement of the transition process. In addition, the Dairy Industry Authority will be required to issue and publish a statement in the *Government Gazette* for public information which will describe and value the assets and liabilities transferred to the company on the transfer of the business of the DIA under the Act. Matters associated with the transfer of the business of HISWA to the new company will be handled in an almost identical manner to that proposed for the DIA. However, the name of the new company will be Farmwest Services Limited, and HISWA customers who have purchased services or products during the past three years must be the beneficiaries of the transfer and the employment of each person appointed under section 12(1) of the Herd Improvement Service Act 1984 has been arranged with the company or the person is covered by provisions applicable under part 6 of the Public Sector Management Act 1994.

The Bill contains a provision to prevent the purchase of HISWA services and products by persons having the sole purpose of attracting an issue of shares in Farmwest Services after the transition mechanisms become public knowledge. The period of three years within which this may legitimately occur will terminate on the day that is set in accordance with clause 6. The Bill prescribes a number of essential housekeeping functions in part 4. It provides for the continuation of HISWA and the DIA, in so far as they are required to perform necessary transitional functions and to report on their activities for that part of the financial year from the preceding 1 July to their wind-up. It also requires full transfer of the business records of both DIA and HISWA to the new respective companies, and it allows the minister to authorise further transitional provisions, if necessary, by order published in the *Government Gazette*.

Finally, the Bill deletes reference to the Dairy Industry Authority and to the Herd Improvement Service in three other pieces of legislation - the Financial Administration and Audit Act 1985, the Government Employees Superannuation Act 1987 and the Public Sector Management Act 1994. In addition, the Bill deletes references to the Dairy Industry Authority in the Constitution Acts Amendment Act 1899 and in the Stock (Identification and Movement) Act 1970.

The Bill before the House is the culmination of an extensive process of consultation, examination, review and assessment of the new dairy industry framework now proposed. Of critical importance is the agreement which has been reached with the Western Australian Farmers Federation, the industry's peak body; the Dairy Industry Authority; and the Herd Improvement Service of Western Australia for the creation of two industry-owned and operated organisations. I commend the Bill to the House and table the explanatory memorandum.

[See paper No 939.]

Debate adjourned, on motion by Hon Bob Thomas.

COURTS LEGISLATION AMENDMENT BILL 1999

Assembly's Message

Message from the Assembly acquainting the Council that the Bill had been ruled out of order as its introduction in the Council was contrary to section 46 of the Constitution Acts Amendment Act 1899 now considered.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Hon PETER FOSS: There have been a number of these cases showing a distinct difference between the interpretation of section 46 of this Chamber and of the other place. It is important to note that the interpretation of this Chamber is consistent with the views that have been expressed in similar Parliaments around the world, whereas the view expressed by the other place is unique to itself and of reasonably recent introduction - 12 years ago or thereabouts. It will be necessary for this Chamber and the other place to arrive at a reliable basis for determining when the section applies. Obviously, if we get advice from parliamentary counsel, the Solicitor General and the Clerk of this Chamber that it is appropriate to bring a Bill into this Chamber, it would be helpful to know with some confidence that we have the authority to do so without a sudden and surprise ruling given by the Speaker which puzzles everybody who tries to work out precisely how it was arrived at.

Despite knowing the practice that has developed in the other place, I am puzzled by the ruling in this case. I cannot see any

form of appropriation or charge upon the people at all. When I learnt of the ruling I sought advice from other people as to the way they believed it might have been arrived at. We can only guess why the other place takes the view that this is a Bill which should have been introduced in the other place. Therefore, at some stage both Chambers must sit down and come to an agreement on this matter. Outside this place I learnt that the Speaker is of the view that he is now bound by the practice of that place even if it is not considered to be the law or right.

Hon Kim Chance: So do we on our ruling.

Hon PETER FOSS: Yes. The appropriate way in which to deal with it is to arrive at a form of words which could be adopted by that place in future as its practice and the Speaker would be prepared to follow it. The Speaker is correct in that he follows the practice of the other place, but he would be prepared to change that practice if this Chamber were to indicate that he should change the practice. That is different from disagreeing with a rule; it is stating the future practice of the Chamber. We are not in a position to do that at this stage. I ask that this message be made an order of the day so that it can be used as a vehicle for a further message, to be returned to the other place if we can reach agreement on that further message. We are unable currently to do that, therefore I will not proceed with the matter and ask the Chamber merely to note the message.

Members will notice a contingent motion on the Notice Paper to repeal all the votes that we have taken on the Courts Legislation Amendment Bill as legislation has already been introduced in the other place with exactly the same name but with the subscript 2000. That Bill will proceed through the other place and arrive in this place in due course. When it arrives, I will move that this Chamber repeal the votes and proceedings in this Chamber of the 1999 Bill in order to deal with the 2000 Bill. That will get around our difficulty with that legislation. However, that is not a permanent and lasting solution to the problem, which is what we must get if this Chamber is to function as I believe it should under the Constitution. I move -

That the message be noted.

Question put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

Hon N.F. MOORE: Mr President, we are awaiting some drafting in respect of Order of the Day No 6. As that may take another minute or two, it would be appropriate if you were to leave the Chair until the ringing of the bells.

The PRESIDENT: To facilitate the business of the House, I will leave the Chair until the ringing of the bells.

Sitting suspended from 8.18 to 9.06 pm

PROSTITUTION BILL 1999

Standing Orders Suspension

On motion by Hon Peter Foss (Attorney General), resolved with an absolute majority -

That so much of standing orders be suspended as will permit the Committee of the Whole to consider and, if desired, adopt a sunset clause.

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 1, 2, 9, 12, 22, 26 and 29; had disagreed to amendments Nos 3, 4, 7, 8, 11, 15, 17 to 21, 24, 25 and 27; and had disagreed to and substituted new amendments for amendments Nos 10, 13, 16 and 23, as set forth in the schedule annexed, and agreed to amendments Nos 5, 6, 14, 28 and 30 with further amendments as set forth in the schedule annexed, now further considered.

Committee

Resumed from an earlier stage. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Hon PETER FOSS: I have distributed in the Chamber a series of motions relating to the response to the Assembly's Message No 49. I propose that we take the message in the order set out in the proposed response. I move -

That in reply to Legislative Assembly Message 49 on the Prostitution Bill 1999, the Legislative Council acquaints the Legislative Assembly that it -

(a) in accordance with its rules, has inserted a new clause as follows -

Page 44 - To insert after line 13 a new clause 66 -

66. Expiry of Act

This Act expires on the second anniversary of the day on which it comes into operation.

in which amendment the Legislative Council requests the concurrence of the Legislative Assembly;

Although I am moving this amendment, I do so without any support for it other than the fact that it is a condition of the Opposition's support for the other amendment agreeing with the general nature of the message to be sent to the Legislative Assembly. It is a condition to that and therefore I move the amendment so that the condition can be met.

Hon NORM KELLY: It appears that the ALP intends to stay mute on this issue, which is probably typical of the way the ALP has handled the entire debate on this Bill. I have received correspondence from the Minister for Police about what the Government had proposed to do about a review of the Act. It appears a review will no longer be forthcoming. It is interesting that in previous Bills concerning police powers, when I have proposed that there be a review, a sunset clause or the like, I have been told vehemently by the Government that a two-year period is too short to adequately assess the workings of the powers that are contained in those Bills. It seems strange that the Government is now wishing to have a sunset clause which will take effect two years after the day on which the Act comes into operation.

Hon Peter Foss: We do not want it.

Hon NORM KELLY: The Attorney moved it. I would like to hear why the Government is proposing that two years will be an adequate time to review the use of those powers. I refer members to an article in *The West Australian* on 16 December last year, which states - remembering that a sunset clause is the Democrats' idea -

Hon N.D. Griffiths: You are to blame!

Hon NORM KELLY: It was proposed in response to the ALP's blanket approval of the quite broad-ranging police powers that were contained in the original Bill. I was very concerned about that blanket approval for those police powers, and I thought that as a way of tempering those powers it would be in the best interests of this State to have a proper review of them and to repeal them at a later date, unless the Parliament chose otherwise. That article states that I believed those powers should be reviewed within three years and automatically lapse within four years, which would force the Government to re-enact them. I believed that would be a good time frame for the review to take place and for a report of that review to be tabled in Parliament; and Parliament would then be in a good position to determine whether those police powers should be continued. That would have been a sensible way of carrying out such a review and repeal mechanism. Given that what the Attorney is now proposing is contrary to what the Police minister has stated, I would like to hear from the Attorney what is planned with regard to a review of these powers.

Hon PETER FOSS: I agree entirely with every remark made by Hon Norm Kelly, but we are very concerned about the people of North Perth, who want the police to have the power to stop kerb crawling. We are also very concerned about sex slavery and child prostitution. The member is not prepared to support those powers that are necessary to enable the police to deal with those matters. On the other hand, the Labor Opposition is prepared to support those powers, provided there is a two-year sunset clause. I do not agree with a two-year sunset clause, but that is the only way that we will be able to look after the people who we believe need to be looked after.

Hon Norm Kelly: The people of North Perth. You are trying to win one seat.

Hon PETER FOSS: It has nothing to do with that at all. Kerb crawling is a significant problem, and we believe it should be dealt with. We also believe that child prostitution to any degree is a significant problem. It does not matter how many children are involved; if even one child is involved, the police should have the appropriate powers to deal with it. Sex slavery should also be dealt with. The only way that we can get the powers that we believe are necessary to make this legislation work is if we agree to a sunset clause. I would have preferred to have a two-year review clause and a four-year sunset clause, but the member is not prepared to support that. He wants to gut the Bill and have it end in four years, after a two-year review. At least with the arrangement that has been made with the Labor Opposition, the Bill will not be gutted, and I am sure that in two years, after we have had the opportunity to see how it works, a Bill will come before this Chamber to extend this Bill, and the member will be able to have his say then. The fact that we are doing this because we have to do this does not mean that we have changed our position. We believe that if we are to do anything at all, we should have a two-year review clause and a four-year sunset clause. I entirely support that provision. However, unfortunately the cost of that is to remove, unacceptably, important parts of the package, and we are not prepared to take out the guts of the package in order to get a longer period of time before this Bill will expire. That is the reality of the matter. I am quite confident that in two years, when people have seen this Bill in operation and a Bill comes before this Chamber to extend it for another two years or indefinitely, that Bill will be passed by this Chamber.

Hon N.D. Griffiths: You may not be here.

Hon PETER FOSS: I think I will be here, but irrespective of whether I am here or not, this Chamber will need to face the reality of the situation that exists, and members will need to make up their minds then. Of course, this position is inconsistent with what we said before. It is entirely inconsistent with what we want. Unfortunately we do not have any option. We do not believe that to have no legislation is an alternative.

Hon MARK NEVILL: In agreeing to the expiry of this Bill, the Government is capitulating from the position that it took about two hours ago on the amendment that was before us at that time. The whole idea of the expiry of this Bill is to engineer the withdrawal or defeat of this Bill. The Government and the Labor Party are in a rather awkward position, and we are ending up with appalling law that will result in streetwalkers being jailed for two years for a simple offence. Imprisonment should not be involved in this Bill. Most of these streetwalkers have a chronic drug abuse problem, and to put them into Bandyup Women's Prison, which has twice the population for which it was built and which is awash with drugs, will contribute nothing towards reducing that drug problem. The minister suggests that there is no other alternative.

I have suggested some alternatives, and they have been sent to the police for their opinion. It galls me that this whole debate is being driven by what the police want. We are proposing to give the police powers in this Bill that they do not have to deal with people like Alan Bond, and with the bikies who allegedly raped that woman at Quindalup. We are happy to give the police powers to deal with streetwalkers when they do not have powers to deal with much more serious crimes. There is no need for any imprisonment penalties in this Bill, and it just demonstrates how bankrupt the major parties are in their whole approach to crime in this State. I cannot believe that the Labor Party has got itself into such a position that it is now forced to support this Bill, because I suppose the Government has, to a degree, called its bluff on the expiry clause. It certainly leaves me with absolutely no doubt that I made the right decision when I decided to leave the Labor Party. The Labor Party should be supporting at least some of the more civil libertarian views of our society. I do not believe we should be attacking this problem with 20-year jail penalties. People with HIV can have safe sex.

Hon Peter Foss: That is not referred to in the Bill.

Hon MARK NEVILL: Have the health provisions been taken out of the Bill?

Hon Peter Foss: Yes, and some of the other provisions you are talking about have gone too.

Hon MARK NEVILL: It is difficult to know what is in, what is out and what has been amended with these messages from the Assembly. It is not a convenient way to deal with legislation for someone like me who has probably more legislation with which to deal than I can handle.

Hon Peter Foss: I agree with that, but some of the statements you are making are incorrect.

Hon MARK NEVILL: I have a fairly good picture of what is left in the Bill. It is mainly the police powers that are inappropriate. No Labor Party in the past 100 years would have agreed to these police powers. These powers are here because someone agreed to support this Bill.

Hon Peter Foss: Come on! The Australian Labor Party brought in some very strong police powers when it was in government.

Hon MARK NEVILL: Yes, mandatory sentencing and matters like that.

Hon Peter Foss: Police powers too.

Hon MARK NEVILL: I opposed all of those powers in Caucus.

Hon Peter Foss: The fact is that your Government did.

Hon MARK NEVILL: All that bad legislation was brought in as a quick, knee-jerk reaction to public pressure. We have seen John Hyde, the Labor candidate for Perth, around Parliament House frequently recently setting up barricades and with police announcing 270 arrests. They could not get those arrests in the past week as they did not have the power to do anything; this week they can. Now, after a week of barricades, 300 charges have been laid. What has changed between last week and this week?

Hon N.D. Griffiths: They found the will to do the job at last.

Hon MARK NEVILL: Yes, and we will give them a sledgehammer, a machete and a Kalashnikov rifle to finish off the problem. I do not want to enter into a sexist debate about male and female prostitutes. However, this Bill does nothing to address the chronic drug problems of these young women - and it might be the Attorney General's daughter or mine.

Hon Peter Foss: Yes, but we have other legislation that deals with chronic drug problems, which are not related only to prostitution. The issue is far wider than prostitution.

Hon MARK NEVILL: One need look only at the composition of inmates in Bandyup Women's Prison to realise how wrong is our whole justice system.

Hon Peter Foss: You made some broad statements about that with which I do not agree. You constantly say they have committed crimes for which they should not be jailed. The facts do not support that.

Hon MARK NEVILL: I have said there are approximately 3 000 people in prison in this State.

Hon Peter Foss: Not all in Bandyup.

Hon MARK NEVILL: That is a truism. Unless they have all had gender reassignments in the past week, I presume they are not all in Bandyup.

Hon Peter Foss: With the new Act it is always possible.

Hon MARK NEVILL: There are 3 000 people in prison in this State. If we had a similar imprisonment rate to those in Victoria, the Netherlands, Germany and Great Britain, there would be only 1 300 to 1 400 in prison, leaving about 1 600 spare beds.

Hon Peter Foss: If we had the same Aboriginal numbers as Victoria has, we might well have a similar imprisonment rate.

Hon MARK NEVILL: The Aboriginal population does increase the imprisonment rate, but there are better ways of dealing with that problem. However, we would have another 1 600 beds in the current system and the Attorney General is providing another 750. Is he sure he has it right?

Hon Peter Foss: Have I got what right?

Hon MARK NEVILL: The justice system in this State.

Hon Peter Foss: No, I do not believe we have. However, it is not as bad as you make it out to be. You make broad statements about the rates of imprisonment which do not have a basis in fact.

Hon MARK NEVILL: Even if we allow for a high Aboriginal imprisonment rate in this State, it changes the equation only marginally.

Hon Peter Foss: Do you know the main reason for Aboriginals going to jail?

Hon MARK NEVILL: I would say magistrates.

Hon Peter Foss: Breach of conditions. They consistently breach their parole, probation and work development orders. One of the difficulties we have when we use the alternative sentencing method for Aboriginal people, which magistrates try to do, Aboriginal people have a very low success rate of completing them. What should we do then?

Hon MARK NEVILL: There are other ways of dealing with Aboriginal people. Currently, if an Aboriginal's car breaks down between Laverton and Warburton and it is left there with its plates on, that person receives a letter saying that the plates have not been returned. Three or four years down the track that person will have accumulated many fines and letters which he or she does nothing about. Often the administrator of the community throws them in the bin and that person never sees them. However, that person will end up in jail three or four years later for something which is probably minor.

Hon Peter Foss: That is incorrect. We have changed that system to a system of WDOs and we have reduced the time for them.

Hon MARK NEVILL: That has only just been implemented in the past few days.

Hon Peter Foss: Of course it has.

The CHAIRMAN: Order, members! I trust members are addressing the question at hand.

Hon Peter Foss: No, we are not.

Hon MARK NEVILL: If the Attorney General wants to dispute the Chairman's ruling, he can do that. The fact is that punishment occurs about four years after the offence and the majority of Aboriginal people would not even remember the offence.

Hon Peter Foss: You passed a Bill to allow the Government to bring up those matters quickly.

Hon MARK NEVILL: I supported that because I said the punishment should follow quickly after the offence so that some relationship can be made between the two. It is a good system, but it will be only as good as it is enforced in the community, if it has integrity and if the public has confidence in it. It is not an easy problem and the Government has my full support to deal with it.

Hon NORM KELLY: It is not surprising that the Australian Labor Party remains dumbstruck on this amendment because this is dumb legislation to which it is agreeing. We must consider the police powers that would apply to this sunset clause. A reading of the Bill will indicate how far-reaching these powers can be. Why is this form of regulation of prostitution a police-type Bill at all. The Government has failed to tackle proper regulation of the sex industry in this State and the ALP is supporting the way it is going about it.

Point of Order

Hon PETER FOSS: This has been a wide-ranging debate. However, we are not dealing with clause 1 of the Bill; we are dealing with a message which deals with particular amendments, and this amendment relates to a sunset clause. Everybody has had a first shot at it and we should now deal with the clause.

The CHAIRMAN: The member did start off relating his comments to the sunset clause, and will need to continue doing so.

Hon NORM KELLY: My understanding is that, as this sunset clause applies to the entire Bill, it would be fair to make some reference to certain aspects of the Bill because we are looking at this being a two-year Bill.

The CHAIRMAN: The member should also realise that when we get to the subsequent clauses he can specifically debate the adoption of any clauses he objects to, so this is not the only means by which to deal with the other clauses which he considers objectionable. The member should specifically address the sunset clause.

Committee Resumed

Hon NORM KELLY: As members realise, we were given this piece of paper only 30 seconds before the start of the debate. I have not had the chance to go through in detail what changes have been made as part of the Government and ALP deal during the suspension. I wish to make some short reference to the general tenor of the police powers to which this sunset clause would apply. The reason I mention this is that, in considering a position on the sunset clause, we must consider whether the powers this sunset clause applies to should be allowed for even a day, let alone two years. Those powers relate

to such matters as detention, and search and seizure without warrant, so it gives a quite wide-ranging power to police to stop and detain people and vehicles without a warrant. It gives police the power to enter and make seizures in places without a warrant and the entries can be at any time and at any place at which prostitution may be suspected of being carried out. These are amazingly broad powers, and as Hon Nick Griffiths said in the previous debate, they are quite bizarre powers. Yet we get the impression that he has now been struck dumb in silence now that the ALP wants to support wholeheartedly these police-state powers. Why do the police need to have the power to conduct full cavity body searches? This is an amazingly bizarre state of affairs in which anybody can be picked up off the streets.

Point of Order

Hon PETER FOSS: We are dealing with whether this Bill should be brought to an end in two years or not. Even though the member occasionally refers to the sunset clause, he must speak about the sunset clause. We are getting very broad statements about the Bill as a whole rather than about the message. We are dealing with a particular message, not the Bill.

The CHAIRMAN: Hon Norm Kelly has an opportunity with respect to parts (b), (c) and (d) of the motion to refer to any particularly objectionable clauses that he thinks ought not to apply even for a period of two years. That will be the opportunity to refer to those clauses, and the expedient will be available then to the member to propose that the Council insist on its previous resolutions, rather than when debating this clause in regard to the application of the Act for a two-year period.

Committee Resumed

Hon GIZ WATSON: I wish to make a few comments about this proposed new clause. I can only agree with the previous two speakers in that the Greens (WA) are having major problems with this as a remedy for what is bad legislation. We share the criticism that neither major party has had the political will or the guts to deal with this issue in a holistic way. What we are dealing with tonight in a very haphazard way, as has been the pattern with this attempt to legislate on this issue, is legislation on the run; it is ill-conceived. Parliament either accepts that these police powers are acceptable or it does not. How can we possibly say that they will be okay for two years and then we will think about it? That is a totally unprincipled position. At least the Government is saying that it thinks the police powers are acceptable and it is proposing that they be introduced. The ALP is saying that it does not really agree with these police powers, because it only wants them for a couple of years and then they will be thrown out. That is a nonsense. It is an incredibly unprincipled position to take. The Greens think that these powers are unwarranted and we do not think they will solve the problems with street workers in Perth. The only thing that will fix that is comprehensive legislation. I also argue that the police currently have sufficient powers to deal with most of the problems that are manifesting on our streets. Having attended the public meeting on the problem and heard first-hand accounts of drug dealing and people the residents could identify and numberplate details that they could give, I argue that the police have plenty of powers to exercise to address the excesses of public behaviour that people in those areas are objecting to. This is a gambit to bring in unacceptable levels of police powers and we oppose it. This proposed insertion of a review is merely an attempt by the ALP to save face on this issue and I condemn both the major parties for failing to address this issue comprehensively. We will not support the proposed new clause.

Hon N.D. GRIFFITHS: It is appropriate that I put the Australian Labor Party's position on the record with respect to this proposed new clause. Labor is of the view that there should be a sunset clause. Our treatment of that part of the message which relates to, in substance, police powers will turn on whether this new clause is passed. If it is not passed, we will act in a manner different from that which I think we will be acting. We will support the Government with respect to this proposed new clause.

Hon MARK NEVILL: The fact that the Australian Labor Party supports this sunset clause means that the ALP does not really wholeheartedly support the police powers in this Bill. If it did we would not have the necessity for the sunset clause. That situation has arisen because of the ridiculous situation the ALP has got itself in and its inability to extract itself from the situation with a bit of forthrightness and honesty for the public. I do not know what goes on behind the closed doors of Caucus these days but I cannot believe that the Labor Party does not have the backbone to face this issue and not hide behind a sunset clause, but just vote these particular provisions down.

I ask the Attorney General a question: If there is a criminal charge against someone for using the services of a child prostitute and the Bill expires in two years and the charges have not been dealt with, how will that be dealt with? We are so concerned about sex slaves and child prostitutes, are we just going to let that lapse and the offender walk free? Is the power to enter premises without a warrant on the basis that a child prostitute may be in there not open to abuse by police? I still have questions on notice that have not been answered since 1994. Those questions relate to police who were in cahoots with officers from Fisheries WA. That was when Les Ayton ran internal affairs. The police used to wander around with Fisheries officers so that they could enter premises without warrants. If members look at the questions I have asked over the years, to which I have never received answers, they will see that police and Fisheries officers entered properties without warrants. If they were caught, the situation was that Fisheries officers had the power to enter the premises without a warrant but the police officers did not. We have got rid of those powers for Fisheries officers and the capacity of the police to abuse them.

Hon Peter Foss: That has nothing to do with the sunset clause.

Hon Tom Stephens: When were the powers taken away from the Fisheries officers?

Hon MARK NEVILL: Under the Fish Resources Management Act -

The CHAIRMAN: Order! We are getting away from the sunset clause. The debate is on the sunset clause.

Hon MARK NEVILL: I am getting back to that, Mr Chairman, albeit slowly. My line of thought has been destroyed by that rude interjection.

The CHAIRMAN: No, I was helping to bring back Hon Mark Nevill's line of thought to the question at hand.

Hon MARK NEVILL: I am sorry, I was referring to the interjection of the Leader of the Opposition, who obviously did not read the fish resources management legislation when it went through the House.

It is appalling that we should put on the statute book in this State a power to allow police to enter premises under the ruse that they believe or have a suspicion that an offence has been committed under this legislation. It is too open to abuse.

Hon N.D. Griffiths: They can do it now. Read section 564 of the Criminal Code.

Hon MARK NEVILL: I have not read section 564 of the Criminal Code, but I imagine the powers to enter without a warrant would be circumscribed a lot more than they are in this open-ended piece of junk legislation. When Bills like this go through Parliament, it is a sure sign of a weak Government and a weak Opposition.

Hon PETER FOSS: I hope that we can now start to deal with this message. We have had a fairly lengthy debate, we have been through all of these issues and we seem to be going through them again. Mr Chairman, I ask that in this case you confine people to the debate on the sunset clause, and I will answer the questions that relate to it. My first response is that I believe within two years there will be a Bill before this Chamber to extend the legislation.

Hon Mark Nevill: Extend what legislation?

Hon PETER FOSS: This legislation. There will be legislation in this Chamber to extend the two-year period. I am convinced that will happen.

Hon Mark Nevill: Why have a sunset clause?

Hon PETER FOSS: If the member was prepared to support the legislation without a sunset clause, we would not be talking about it, but he is not.

Hon Mark Nevill: I object to the police powers.

Hon PETER FOSS: There we are. Now the member knows why there is a sunset clause. We have had sunset clauses before, and we have often extended them. That is the usual thing. In two years, one of two things will happen: Either the legislation will have proved itself, in which case legislation will be passed to extend it, or it will have proved itself not to be effective, in which case nobody will want to extend it.

Hon Norm Kelly: How can you do that in two years? You are going directly against your own reasoning.

Hon PETER FOSS: Come on! Members will be able to see within two years whether the concerns that have been expressed by them eventuate. Whether they can carry out a total review of its effectiveness is another matter. However, I will bet that in two years, or less, legislation will be before this Chamber to extend this Bill.

Hon Mark Nevill: In what way?

Hon PETER FOSS: I am just making a prediction.

Hon Mark Nevill: You have all the powers in the world that you want now.

Hon PETER FOSS: I am predicting that within two years there will be legislation to extend it. I am just telling members. I will not answer questions on it. I am predicting that in two years there will be legislation to extend it. Members can have their say then about whether they think it should or should not be extended. That is what I think will happen. However, I will deal with the situation if that does not happen. If people commit an offence, they commit an offence. The law may change after that, but that does not affect the fact that people have committed an offence and they should be prosecuted for it.

Hon Mark Nevill: I hope your car gets stopped and you get searched without a warrant.

Hon PETER FOSS: That deals with the next point. That has nothing to do with the sunset clause. The other points raised by the member are substantive matters relating to the rest of -

Hon Mark Nevill: It has a lot to do with the Bill.

Hon PETER FOSS: Yes, I know. We have been through every clause of this Bill, and we have debated everything the member said before. We heard what he had to say loud and clear. We do not need to hear it again. Under the processes of this place, we are dealing with a message, so let us deal with it. At this stage, the message is that we insert a clause to bring the legislation to an end in two years. That is what we are talking about. If the member wants it to be a longer period than two years, he can vote against it. If he thinks it should not go for even two years, I thought he would vote in favour of it, because at least it will come to an end earlier than if the clause is not included. Instead of having a general talkfest about what members do and do not like about the Bill, how about getting on with consideration of the proposed clause? Is there to be a sunset clause? I believe that we should now get on with debating the message that has come from the

Assembly and our response to it, and we should not repeat the second reading or the entire committee stage. What we are dealing with is broader than clause 1, with which we dealt during the committee stage. The message deals with whether we will have a sunset clause. That is what we are dealing with at the moment. The fact is that members want to talk about something else. However, the rules of this Chamber state that we should talk about this piece of business.

Hon MARK NEVILL: I talked about the sunset clause, and I asked the minister what will happen in two years.

Hon Peter Foss: I told you.

Hon MARK NEVILL: No, the Attorney General did not. Like the artful dodger, he said that there will be new legislation and it will change before two years. He did not answer the question.

Hon Peter Foss: I gave you two answers.

Hon MARK NEVILL: The Attorney General criticises us -

The CHAIRMAN: Order! Hon Mark Nevill has the call, unless the Attorney is raising a point of order.

Hon Peter Foss: He has misrepresented me again.

Hon MARK NEVILL: No. I asked the Attorney a question. I said in two years, if someone has a charge against him for child slavery or child prostitution, what happens to that charge -

Hon Peter Foss: You prosecute them.

Hon MARK NEVILL: - at the end of the two years? Does that charge then lapse?

Hon Peter Foss: No. Why should it?

Hon MARK NEVILL: Why not?

Hon Peter Foss: If, for instance, we abolished having murder as a crime, and a person had committed a murder before we abolished it, why should that person get off? That person committed an offence at the time the law was in existence. If a person committed a murder the day after it lapsed -

Hon MARK NEVILL: Does the Attorney think that a judge would take into account the change in the law?

Hon Peter Foss: No.

Hon MARK NEVILL: I think he would.

Hon Peter Foss: Good! You can think whatever you like.

The CHAIRMAN: Order! Hon Mark Nevill might wish to address the Chair.

Hon MARK NEVILL: I have got under the skin of the artful dodger. He did not answer the question. He accused us of not talking about the sunset clause. I asked him a direct question on it.

Hon Peter Foss: I answered it.

Hon MARK NEVILL: He did then but he did not answer it before.

Hon Peter Foss: No, I answered it. Go back and read *Hansard*.

Hon MARK NEVILL: No, the Attorney did not. He can read *Hansard*.

Hon NORM KELLY: The Attorney General is a blatant hypocrite in the comments he makes, because all he -

Hon Peter Foss: You are filibustering.

The CHAIRMAN: Order!

Hon NORM KELLY: I will explain why I made that comment.

The CHAIRMAN: No. The standing of the Attorney General is not the question before the Chair, and if Hon Norm Kelly addresses that, he will be told to sit down.

Hon NORM KELLY: Thank you, Mr Chairman. I want to address whether the Government is supportive of a two-year expiry period for this legislation.

Hon Peter Foss: I have said that. How many times do I have to say it?

Hon NORM KELLY: In the information I have been given by the Government, it has been made perfectly clear that two years is too short a period to allow laws to be in effect and to then expire.

Hon Peter Foss: The member should look at my previous speech. Just read *Hansard* - okay? I will not engage in tedious repetition.

Hon NORM KELLY: In the Weapons Bill and the graffiti implements Bill, one gets a clear indication of what the

Government thinks about having a two-year expiry date for these types of laws. One of the arguments against these laws expiring after two years is that there is no proper mechanism to determine their effectiveness.

Point of Order

Hon PETER FOSS: We are now hearing tedious repetition. The member raised the question of whether the legislation is effective and I gave the Government's answer. The member is saying it again; this is tedious repetition.

The CHAIRMAN: I will listen carefully to the member's comments; I am not willing at this stage to rule that it is tedious repetition.

Committee Resumed

Hon NORM KELLY: This goes to the heart of the proposed amendment. If we are to pass this proposed clause, we must decide whether there is an effective mechanism to evaluate the use of those laws during that two year period so that the Parliament can decide whether to extend those powers. It has been said before by the Attorney General, the Minister for Police and others that, as a general policy, two years is insufficient time in which to effectively review such laws. I am told that a longer period is required to determine whether those laws are effective through the court system. Bearing in mind that current laws on prostitution have been rendered impotent because of a court ruling, sufficient time will be needed in which to determine whether the new police powers will also be rendered impotent because of a court ruling.

We also need to know whether those powers will be abused by the police. Hon Mark Nevill referred earlier to possible abuse and corruption by police. As this State is still operating under a containment policy, providing these additional powers, even though they will expire after two years, will give the police far greater opportunity for corrupt activity in relation to the containment policy. I do not agree that these broad ranging powers are good laws but, if they are to expire after two years, it is fair and fitting to provide for a review of those laws and a report to the Parliament. I seek the Chairman's direction on how to move an amendment to this proposed new clause to allow a review of the laws and a report to the Parliament prior to the expiry of the Act, as proposed by the Attorney General.

I have been told by people within the Police Service who deal with prostitution that a temporary approval of these police powers could mean that the police will behave like goody-two-shoes to make sure they do not abuse the powers during that two year period. They know that if they keep their noses clean during that time, there is a good chance that Parliament will give them those powers for an indefinite period and after that a can of worms will be opened up. We might even look at the other reasons for the legislation expiring after two years. As we are approaching an election phase, it would be convenient for a Government of either persuasion - realistically we have only two alternatives at the moment and their attitude with regard to these laws and powers is identical - to quietly pass through this Parliament a minor amendment Bill to repeal section 66 of the Prostitution Act.

Hon N.D. Griffiths: You could not possibly do it.

Hon NORM KELLY: Certainly not if the Australian Democrats are still around.

Hon Derrick Tomlinson: Whether or not you are here, you have been here long enough to understand the adversarial political process of this House. To say that the legislation would be slipped quietly through demonstrates a lack of understanding of what you must have learnt in two and a half years in this House.

Hon NORM KELLY: Part of what I have learnt in almost three years in this place is that a Bill can go through the Assembly in a matter of a couple of hours.

The CHAIRMAN: For the advice of the member, obviously the standing orders were suspended for one purpose and one purpose only; that is, for consideration of a sunset clause. Therefore, it will not be in order to move an amendment for a review clause.

Progress reported and leave granted to sit again, pursuant to standing orders.

House adjourned at 9.55 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1077. Hon LJILJANNA RAVLICH to the Minister for Mines:

With respect to the Minister for Mines' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

- (1) Perth Office

(a)	(b)	(c)
Roy Laming	A/Level 7	Permanent Public Servant
Bob Stevens	A/Level 7	Permanent Public Servant
Hallam Pereira	A/Level 7	Permanent Public Servant
Trevor Whittington	Level 7	Term of Government
Stephanie Jaensch	A/Level 6	Permanent Public Servant
Hartley Joynt	Level 6	Term of Government
Emma Stevens	Level 5	Term of Government
Trina Claxton	Level 3	Term of Government
Dolly McGrath	A/Level 3	Permanent Public Servant
Leigh Radis	A/Level 3	Permanent Public Servant
Julie Holmes	A/Level 3	Permanent Public Servant
Natalie Huggins	A/Level 2	Permanent Public Servant

 Kalgoorlie Office

(a)	(b)	(c)
Scott Montgomery	A/Level 5	Permanent Public Servant
Tammy Atkins	Level 3	Term of Government
- (2) Vehicles

Roy Laming	Government Vehicle Scheme
Hallam Pereira	Government Vehicle Scheme
Bob Stevens	Home garaging not for private use
Trevor Whittington	Government Vehicle Scheme
Stephanie Jaensch	Government Vehicle Scheme
Hartley Joynt	Government Vehicle Scheme
- (3) Mobile Phones

Arthur Marshall MLA	
John Bradshaw MLA	
Roy Laming	
Hallam Pereira	
Bob Stevens	
Trevor Whittington	
Stephanie Jaensch	
Hartley Joynt	
Emma Stevens	
- (4) Pagers

Hallam Pereira	
Trevor Whittington	
Hartley Joynt	
- (5) Government Credit Cards

Arthur Marshall MLA	1
John Bradshaw MLA	2
Roy Laming	2
Hallam Pereira	2

Bob Stevens	2
Stephanie Jaensch	2
Hartley Joynt	2
Emma Stevens	1
Trina Claxton	1
Dolly McGrath	1
Leigh Radis	1
Julie Holmes	1
Natalie Huggins	1
Tammy Atkins	1

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1078. Hon LJILJANNA RAVLICH to the Minister for Tourism:

With respect to the Minister for Tourism's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

(1)-(5) See answer to Question on Notice No. 1077.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1079. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

With respect to the Minister for Sport and Recreation's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

(1)-(5) See answer to Question on Notice 1077.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1096. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

With respect to the Minister for Resources Development's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?

- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

- | (1) | Name | Level | Type of Employment |
|-----|------------------|-------|--------------------------|
| | John Hammond | L9 | Permanent Public Servant |
| | Richard Ellis | L8 | Term of Government |
| | Narelle Cant | L8 | Term of Government |
| | Ann Paterson | A/L6 | Permanent Public Servant |
| | Justine Whittome | L6 | Term of Government |
| | Cheryl Dove | L5 | Permanent Public Servant |
| | Rod Torrens | L5 | Permanent Public Servant |
| | Blair Campbell | L4 | Term of Government |
| | Debbie Summers | L3 | Permanent Public Servant |
| | Gordana Stolp | A/L3 | Permanent Public Servant |
| | Iris Barnes | A/L2 | Permanent Public Servant |
| | Karen King | A/L2 | Permanent Public Servant |
| | Lyndie Kalbus | L2 | Permanent Public Servant |
| | Carmel White | L1 | Term of Government |
| | Kristi Clarke | A/L2 | Permanent Public Servant |
| | Donna Bawden | L2 | Permanent Public Servant |
- (2) Four (4) office vehicles. The vehicles are allocated to John Hammond, Richard Ellis, Narelle Cant and Justine Whittome who each participate in the Government Vehicle Scheme.
 - (3) Five (5). John Hammond, Richard Ellis, Narelle Cant, Justine Whittome and Ann Paterson.
 - (4) Two (2). John Hammond & Justine Whittome.
 - (5) Twelve (12). John Hammond (2); Richard Ellis (2); Narelle Cant (2); Justine Whittome (2); Cheryl Dove (2); Ann Paterson (1); Debbie Summers (1).

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1097. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

With respect to the Minister for Energy's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

- (1)-(5) Please refer to answer to Question No. 1096.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1098. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

With respect to the Minister for Education's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?

- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon N.F. MOORE replied:

Please refer to answer to PQ 1096.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1108. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Women's Interests:

With respect to the Minister for Women's Interests' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1118.

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1118. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

With respect to the Minister for Family and Children's Services' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

Officer	Level	Employment Contract	Vehicle	Mobile	Pager	Credit Cards
Chief of Staff	8	Term of Govt	GVS	Yes	Yes	2
Senior Adviser	8	Secondment*	GVS	Yes	Yes	2
Senior Advisor	7	Secondment*	Pool	Yes	Yes	1
Media Secretary	6	Term of Govt	GVS	Yes	Yes	2
Executive Officer	5	Term of Govt	No	Yes	No	2
Appointment Secretary	3	Public Servant	No	Yes	No	1
Executive Assistant	3	Term of Govt	No	No	No	No
Liaison Officer	3	Public Servant	No	No	No	No
Correspondence Officer	2	Secondment*	No	No	No	No

*Public Servant

MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1119. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Seniors:

With respect to the Minister for Seniors' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
 - (a) name;
 - (b) level; and
 - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1118.

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1140. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Resources Development:

For each of the officers working in the Minister for Resources Development offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon N.F. MOORE replied:

(a)-(c) Officer	Type of Vehicle	Private Plates	Vehicle Payment
John Hammond	Holden Commodore	Yes	Contributes to the Government Vehicle Scheme
Richard Ellis	Ford Falcon	Yes	Contributes to the Government Vehicle Scheme
Narelle Cant	Toyota Camry	Yes	Contributes to the Government Vehicle Scheme
Justine Whittome	Holden Vectra	Yes	Contributes to the Government Vehicle Scheme

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1141. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

For each of the officers working in the Minister for Energy offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon N.F. MOORE replied:

- (a)-(c) Please refer to answer to Question No. 1140.

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1142. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

For each of the officers working in the Minister for Education offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon N.F. MOORE replied:

- (a)-(c) Please refer to answer to PQ No. 1140.

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1152. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Women's Interests:

For each of the officers working in the Minister for Women's Interests offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1162.

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1159. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

For each of the officers working in the Minister for Primary Industry offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

In relation to the Primary Industry portfolio:

Officer	Vehicle type	Plate type	Agreement
Aileen Murrell	Toyota Camry	Private	Nil/ Not for private use
Sarah Clancy	Toyota Camry	Private	Nil/ Not for private use
Other Ministry Staff			
Andy Munro	Ford Falcon	Private	GVS rate
Julie Cole	Ford Falcon	Private	GVS rate
John Dedman	Toyota Corolla	Private	Nil/ Not for private use
Jeanette Trent	Ford Falcon	Private	Nil/ Not for private use
David Beurle	Holden Commodore	Private	Nil/ Not for private use

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1160. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Fisheries:

For each of the officers working in the Minister for Fisheries offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

In relation to the Fisheries Portfolio:

Responsible Officer	Type of vehicle	Plate Type	Payment made
Shane O'Donoghue	Holden Commodore	Private	Nil/ Not for private use
Cathy Campbell	Toyota Camry	Private	Nil/ Not for private use

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1162. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

For each of the officers working in the Minister for Family and Children's Services offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

As at 1 December 1999:

Officer	VehicleType	Private Plates	GVS payment
Chief of Staff	Commodore Sdn	1WA	\$80 per f/n
Senior Adviser	Camry Sdn	1WA	\$70 per f/n
Senior Adviser	Camry Sdn	1WA (not for private use)	Pool vehicle
Media Secretary	Camry S/Wgn	Yes	\$70 per f/n

MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1163. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Seniors:

For each of the officers working in the Minister for Seniors offices who have been allocated a vehicle -

- (a) what is the type of vehicle;

- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

Please refer to question on notice 1162.

BUNBURY BACK BEACH PROJECT

1509. Hon BOB THOMAS to the Leader of the House representing the Minister for Regional Development:

In relation to the Bunbury Back Beach Project -

- (1) What modelling was carried out on the effect of groyne construction on the beachfront?
- (2) Who carried out the modelling?
- (3) When was the modelling carried out?
- (4) Are the results of the modelling available to the public and if so, can a copy be tabled?
- (5) If not, why not?

Hon N.F. MOORE replied:

- (1) Longshore sediment transport and wave climate modelling was carried out.
- (2) Dr Robert Kay, Department of Transport and John Schepis, David Todd, Jesz Fleming, Des Lord and Dr Bill Andrew, Port and Harbour Consultants.
- (3) 1990, 1998 and 1999.
- (4) Yes, the results of the modelling are available to the public. A copy of the report will be tabled. [See paper No 938.]
- (5) Not applicable.

LOCAL GOVERNMENT, IMPACT OF PLANTATION INDUSTRY ON RURAL COMMUNITIES

1678. Hon BOB THOMAS to the Minister for Transport representing the Minister for Local Government:

With regard to the depopulating effect of the plantation industry on rural communities -

- (1) What plans does the Government have to address this problem?
- (2) What policies does the Government have to encourage decentralisation to areas such as the Plantagenet Shire?
- (3) What proportion of the Plantagenet Shire is currently planted in blue gum plantations and what will the proportion be at the end of 2000?
- (4) What policies does the Government have to ensure that the impact of changed land uses are considered before local authorities are able to give planning permission for the new use?

Hon M.J. CRIDDLE replied:

- (1)-(2) The changing demographic profiles of rural communities in Western Australia cannot be attributed to any one particular factor. It is not accepted that plantation industry is the sole (or any contributing) factor to all such population declines.
- (3) This question should be directed to the Shire of Plantagenet.
- (4) This question should be directed to the Minister representing the Minister for Planning.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1719. Hon E.R.J. DERMER to the Minister for Tourism:

For each of the Government agencies for which the Minister has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?

- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
 (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon N.F. MOORE replied:

Western Australian Tourism Commission

- (1) \$631,450
 (2) \$23,672
 (3) \$578,347
 (4) \$13,765
 (5) \$648,535
 (6) \$272,144
 (7) \$575,911
 (8) \$243,000

Rottneest Island Authority

- (1) \$118,000.
 (2) \$22,000.
 (3) \$135,000.
 (4) Nil.
 (5) \$192,000.
 (6) \$58,000.
 (7) \$180,000.
 (8) \$250,000.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1738. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Disability Services:

For each of the Government agencies for which the Minister for Disability Services has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
 (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
 (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
 (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
 (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
 (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
 (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
 (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon M.J. CRIDDLE replied:

- (1) \$954,000
 (2) \$19,000
 (3) \$812,000
 (4) \$4,000
 (5) \$288,000
 (6) \$68,000
 (7) \$258,000
 (8) \$0

MINING, LETTERS FROM MR JOHN BAKER TO DEPARTMENT OF MINERALS AND ENERGY

1757. Hon TOM HELM to the Minister for Mines:

I refer to question on notice number 978 of November 25 1999 and the Minister for Mines' answers provided -

Can the Minister check his answer provided for part (1) and advise whether he still stands by the answer provided?

Hon N.F. MOORE replied:

I have made further inquiries at the Department of Minerals and Energy and there is no need to change my answer to Question No. 978 of 25 November 1999.

QUESTIONS WITHOUT NOTICE

MULTI-RIDER TICKETS

1063. Hon TOM STEPHENS to the Minister for Transport:

I note that following receipt of notice today of the question on public transport fare increases, the Government has finally

released the new fare schedule. Can the minister now guarantee that multi-rider tickets purchased before the latest price hike due on 1 July 2000 can be used after that date at no additional cost?

Hon M.J. CRIDDLE replied:

As the member has said, the fares are available for all to see. People can get all the information they require from the data supplied.

ANTI-CORRUPTION COMMISSION, RESPONSES FROM OFFICE OF DIRECTOR OF PUBLIC PROSECUTIONS

1064. Hon TOM STEPHENS to the Attorney General:

Considering the submission from the Anti-Corruption Commission to the Joint Standing Committee on the Anti-Corruption Commission that the ACC has experienced and continues to experience lengthy delays in receiving responses from the Office of the Director of Public Prosecutions and that some DPP officers seem reluctant to believe that police officers, whom they have been lauding for years as being honest, reliable and ethical witnesses, might have engaged in criminal conduct, has the Attorney General, as the first law officer of the State, yet had discussions with the DPP about these issues? If not, why not?

Hon PETER FOSS replied:

I have had discussions on a couple of occasions. I understand from discussions I have had previously with the Chairman of the Anti-Corruption Commission and only yesterday by telephone that that is a historical statement; it is not currently the case. He is satisfied with the service he is receiving from the DPP, and I understand that he has also given that assurance to the DPP. When the matter was first raised with me by the previous DPP, I arranged a meeting with the Chairman of the ACC to reassure him that if there were ever any concern in this regard I would arrange for Crown Law to take over the relevant matters. I understand that all those matters have been resolved between the chairman -

Hon N.D. Griffiths: When did you have that conversation?

Hon PETER FOSS: The latest conversation was yesterday. The first conversation was a considerable time ago. After the new DPP was appointed, I arranged a meeting to ensure there were no outstanding matters. Had there been, I would have arranged for them to be dealt with by Crown Law. There has been no such request.

Hon Tom Stephens: Did you speak to him from London?

Hon PETER FOSS: No, I spoke to him after I returned from London.

Hon N.D. Griffiths: So, Mr O'Connor got it wrong.

Hon PETER FOSS: No, I understand that he believed that to be the case in the past. There were delays, but that is no longer the case. As far as he is concerned, and as the DPP also confirmed, no problem currently exists.

Hon N.D. Griffiths: You should read what he said.

Hon PETER FOSS: When the issue was first raised with me, I raised it with the DPP. I also told the Chairman of the ACC that if he had any concerns I would arrange for Crown Law to carry out the prosecutions. I got them together and, as far as I am concerned, the matter was resolved. I spoke to the chairman yesterday and, as far as I understand, the matter is now resolved. There was a historical concern, but that is no longer the case. If he still has that concern, despite what I understand to be the case, I have put in place an arrangement that can be used at any time. He can simply say that he is not happy with a result and I will arrange for Crown Law to take over. The remedy is there. I stand ready to provide the legal assistance if he requires it. He knows what needs to be done. I understand that it was a historical concern but that it is no longer a concern.

WESTERN POWER, ALINTAGAS, WATER CORPORATION AND WESTRAIL, FLOW OF FUNDS

1065. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

Excluding borrowings and loan repayments, but not community service obligations, will the leader table what has been the net flow of funds from Western Power, AlintaGas, the Water Corporation and Westrail to the State Government for each financial year since 30 June 1993?

Hon N.F. MOORE replied:

I thank the member for some notice of this question and ask that it be placed on notice.

SERPENTINE RIVER AND PEEL-HARVEY CATCHMENT, NUTRIENT LEVELS

1066. Hon CHRISTINE SHARP to the minister representing the Minister for Water Resources:

- (1) Is the minister aware that the nutrient levels in the Serpentine River and part of the Peel-Harvey catchment are increasing?
- (2) Given that the present controls to prevent nutrient increase are not working, does the minister intend to change the present management practices to reduce these levels so that there is not a repeat of the large-scale outbreak of nodularia as there was prior to the construction of the Dawesville Channel?

(3) If so, how does the minister intend to proceed?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes, the minister is aware that the nutrient levels in some areas of the Serpentine River and part of the Peel-Harvey catchment are increasing. Nutrient levels are also declining in some areas.
- (2) Yes.
- (3) Several months ago the minister requested the Water and Rivers Commission to develop a state algal management strategy to identify algal bloom hot spots requiring attention. Preliminary work on developing the strategy has identified the Serpentine and Murray Rivers as priority areas and a specific action plan to deal with that area is being developed. A substantial component will involve working with landholders to change management practices to reduce nutrient levels and to minimise future nodularia outbreaks.

RAILWAY EXTENSION TO CLARKSON

1067. Hon HELEN HODGSON to the Minister for Transport:

- (1) When will the northern railway extension to Clarkson begin construction?
- (2) What is the planned completion date for the construction?
- (3) What is the estimated cost of the construction of the extension to Clarkson?
- (4) As the extension was promised by the Government three and a half years ago during the election campaign in 1996, why has construction not already commenced?

Hon M.J. CRIDDLE replied:

- (1)-(4) Acting on a recommendation from the Department of Transport, the Government agreed that as a priority and before any construction was initiated, the master plan for the south west metropolitan railway should be prepared first and then the master plan to extend the railway to Clarkson. Preparation of the SWMR master plan commenced in late 1997 and was completed early in 1999. The master plan for the Clarkson extension then commenced and has been completed. I am currently looking at funding issues which will determine construction timing. The breadth of planning covered in preparing the two master plans showed the wisdom of addressing all the issues in an integrated manner prior to any construction.

DEPARTMENT OF LAND ADMINISTRATION, ALBANY WIND FARM

1068. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Lands:

Can the minister confirm that the Department of Land Administration is working with the Albany City Council to bring three separate coastal reserves under one vesting for the proposed wind farm?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Yes, DOLA has been liaising with the Albany City Council on this matter. It is proposed to bring the three separate coastal reserves under Management (Vesting) Orders to the City of Albany and change the purpose of the reserves 2903 "Quarantine Station for Stock", 4732 "Parklands and Recreation", and 13773 "Pine Plantation" to include "Wind Power Generation". However, the management orders to be issued will restrict power to only those areas required for the proposed wind generation power plants.

WESTERN POWER, JOINT VENTURES

1069. Hon J.A. COWDELL to the Leader of the House representing the Minister for Energy:

- (1) Can the Minister advise the number of joint ventures entered into by Western Power since 1996?
- (2) Can the Minister advise the names of the companies with which Western Power has entered into joint ventures and the nature of the work carried out?
- (3) How much money has Western Power put into each of the joint ventures to date?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Two - Mid-West Energy joint venture and South West Co-Generation Joint Venture.
- (2) (a) Mid-west joint venture project has three components: A gas joint venture, a pipeline ownership joint venture and a power station ownership joint venture. Western Power entered into these joint ventures with various subsidiaries of the Australian Gas Light Company.
- (b) South West Co-Generation Joint Venture - a co-generation project. Western Power entered into a joint venture with Fletcher Challenge Energy.

- (3) This information is commercially confidential.

ATTORNEY GENERAL, TRIP TO THE UNITED STATES

1070. Hon KEN TRAVERS to the Attorney General:

I refer to the Attorney General's nine-day overseas trip to the United States, which included leading a Western Australian business delegation to an oil and gas expo in Houston.

- (1) Did the Attorney's officers or any other government officers have any discussions with the American Chamber of Commerce about the invitation prior to its being issued?
- (2) Why did the Government send the Attorney General, given that he does not hold an economic portfolio?
- (3) Why did the trip include a stop over in London?

Hon PETER FOSS replied:

- (1)-(3) I am very pleased to have this opportunity to speak about my leading this delegation to Houston, which was an extremely successful delegation from the point of view of the participants who went, because almost immediately after they arrived there, they were able to do considerable business. As members probably know, the Offshore Technology Conference is a major offshore technology conference, and one of the important things for any delegation as far as the American Chamber of Commerce is concerned is to make sure it has a minister of standing who can lead it to give it the weight that is necessary for it to be taken seriously. I did not have any discussions with the American Chamber of Commerce prior to my receiving the invitation. I did have a conversation with the Department of Commerce and Trade, which said it wanted to invite me to lead that delegation and would I be receptive if such an invitation were made, and I said I would be, because oil and gas has always been an area of some interest to me. The reason I went is that I was asked, and the reason I was asked is that they obviously thought I would be a very suitable person to go, and I will explain why. One of the important things whenever a minister goes to these things is whether the minister can handle the brief. One of the useful things about being a lawyer is that it is quite easy to handle briefs, because one spends one's whole life being briefed on some matter and delivering the message, and in the course of that, one needs to learn quite a lot about it. One of the reasons that I know something about oil and gas is that the legal firm I came from practised in a major way in the oil and gas industry.

Hon Ken Travers: Did you?

Hon PETER FOSS: Yes, and one of the fascinating things that came up was that we went to a reception held by the American Chamber of Commerce, and the person who introduced me said that he was quite gratified by the broad range of knowledge of the oil and gas industry that I had and that he had never come across a minister with such a broad range of oil and gas knowledge; and of course I had to explain to him that it came out of litigation, which he found not quite so interesting, because people do not particularly like the fact that lawyers learn so much through litigation, but that is the way I learnt about it.

The most important thing as far as the American Chamber of Commerce is concerned is that it wanted to be able to assure the delegates that a minister would be there, because if they do not have a minister, it reduces very much the importance of the delegation. It was very rewarding for the members of the delegation. They all expressed their gratitude to the American Chamber of Commerce for having arranged the conference in the first instance and for having arranged to have a minister there who has a knowledge of the industry and who is probably more understandable to the American people, because the Attorney General is a well-known person in the United States. They do not understand ministers because they do not have ministers in the United States, but they do know what an Attorney General is.

Hon Ken Travers: We do not understand ministers either!

The PRESIDENT: Order, minister! The House is obviously interested in the reply, but I have a number of other questions.

Hon PETER FOSS: I am trying to get to my last points. I went to London on the way back because originally I was sent a quote for a trip to Houston and back, and that seemed to me to be rather expensive. I do know that it is cheaper to go around the world. I have found that one can make a substantial saving on the air fare by going around the world. The main reason I did that was to save taxpayers' money. More importantly, having decided to do that, I did call on a jail in London while I was there -

Hon Tom Stephens: Does that mean that if you keep going around and around the world you will keep saving the taxpayers more money?

Hon PETER FOSS: There we have the full financial knowledge of the Labor Party coming to bear! That is how it ran WA Inc! It thought that if it refinanced things often enough and paid somebody \$50m for doing it, it would save money. No, Mr Leader of the Opposition, it does not, but if the Leader of the Opposition were ever in government again and had to go somewhere, he would find it a lot cheaper to go around the world as opposed to going to one place and coming back the same way.

I will now tell members why I went to London. I would like to answer the question, Mr President, having been asked it.

I saw what was regarded as the model prison in the United Kingdom. What was fascinating about it was that that model prison was not up to the standard of any of the prisons in Western Australia.

Hon Bob Thomas: Which prison was it?

Hon PETER FOSS: The one at Milton Keynes. The fascinating thing about that prison was that the prisoners were outside in the sun for one hour a day, and when I inquired about why they had only one hour a day in the sun, I was told that is all they have ever had. This man had been in the prison service in the United Kingdom for 25 years, and he said all they have ever had is one hour outside. During the supposed lock-down that we had in Western Australia, the Western Australian Prison Service was criticised time and time again about the fact that our prisoners were getting only one hour a day in the sun. That is the standard regime in the United Kingdom and always has been. The fact is that what we were criticised for doing for security reasons at Casuarina after the riot is the standard way in which prisoners are treated in the United Kingdom. There are a number of other things I could tell members about that visit, but I thought I should share that point, because I find it rather interesting in view of the criticism that has been made of our Prison Service when that happens to be the standard in the United Kingdom.

I would like to acquaint the House with the fact that it was a very successful delegation by Western Australian industry. I congratulate all the delegates on the work they put into it. They did a remarkable job and have shown that Western Australian technology, innovation and ideas can hold their own anywhere in the world. I was fascinated by the way in which people came to the Western Australian display and the interest that they showed in the very innovative technology that Western Australians have. I congratulate all the delegates on the wonderful job they did over there.

OMEX REMEDIATION SITE, TOXIC CHEMICAL EXPOSURE

1071. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

This question is not about a trip.

- (1) Is the minister aware that people near the Omex remediation site are reporting symptoms consistent with toxic chemical exposure, such as nosebleeds, skin irritation, a burning sensation in the throat and dizziness?
- (2) Why was a relocation program for residents not in the management plan?
- (3) Is the air monitoring program and testing in accordance with Australian standards?
- (4) Are allowable air quality levels at the Omex remediation site based on -
 - (a) occupational health and safety standards in order to protect the workers; or
 - (b) public health standards to protect the community?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The minister is aware that symptoms have been reported directly to the site manager, the Department of Environmental Protection and the Health Department of Western Australia by residents and, in some cases, their general practitioners. There are many possible causes for these symptoms. However, results of air monitoring at the site and at Bellevue Primary School do not support a causal relationship between these symptoms and the emission levels associated with remediation work at the site.
- (2) The State has clear guidelines about the relocation of any residents, and this was not an issue that was required to be addressed in the management plans for the remediation activity.
- (3) The air monitoring is being undertaken in accordance with the requirements of the environmental management plan as approved by the Environmental Protection Authority, with due consideration being given to all relevant standards.
- (4) The alert and action levels for air emissions established for the site remediation are protective of public health.

TRAVELSMART PROGRAM, FUNDING

1072. Hon NORM KELLY to the Minister for Transport:

- (1) Will the minister confirm that TravelSmart's dialogue marketing that was piloted in the South Perth area was a success?
- (2) Was this pilot the basis for implementing stage 1 of the program now being conducted in the City of South Perth area?
- (3) Will the minister confirm that sufficient funds will be allocated in the budget to allow for the planned stages 2 to 6 of the program to proceed?
- (4) If this funding is no longer available, what alternative steps will the Government be taking to reduce car use?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The pilot project was a success achieving a sustained 14 to 17 per cent reduction in car use - that is, vehicle kilometres travelled - through the participants' choosing to walk, cycle and use public transport.
- (2) Yes.
- (3) Stage 1 will be concluded in 2000-01 and, following a comprehensive evaluation, stages 2 to 6 are planned to proceed in future years.
- (4) The Government is considering lodging a funding submission with the Commonwealth Government to implement TravelSmart dialogue marketing stages 2 to 6 as part of the national greenhouse gas abatement program. The TravelSmart to school program for 20 schools and the placement of TravelSmart officers in a number of local government authorities in the Perth metropolitan region are planned for implementation in 2000-01. Both these programs have the objective of reducing car use. The ongoing provision and marketing of public transport services and cycling facilities are also designed to reduce car use.

HOMELESS CHILDREN, BED AVAILABILITY

1073. Hon CHERYL DAVENPORT to the minister representing the Minister for Family and Children's Services:

Given the commitment by the Minister for Family and Children's Services that "all homeless children will be offered a bed", can the minister indicate -

- (a) how many beds have been ordered since that announcement;
- (b) in what accommodation the beds will be placed; and
- (c) what will be the total cost of this project?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Last week the Minister for Family and Children's Services actually said that "any child in crisis who needed accommodation will receive it". The minister also said, "Young people under 18 who are homeless or in crisis must contact Family and Children's Services during the day or Crisis Care after hours and steps will be taken to reunite the young person with his or her family" -

Several members interjected.

The PRESIDENT: Order! If members want to hear the answer, they must let the minister continue.

Hon M.J. CRIDDLE: If I am allowed to continue, they might get another point of view. She said, "... alternatively, accommodation will be found for those people who do approach Crisis Care or Family and Children's Services." The minister is advised that Family and Children's Services will assess the needs of any child referred to it who requires accommodation. There needs to be a willingness on the part of that child to be involved in the assessment process so that a resolution to the particular crisis can be found. Accommodation will be provided if during the assessment process there is no other appropriate or possible alternative.

NEW DIRECTIONS IN ROAD SAFETY IN WESTERN AUSTRALIA 2000-05, REPORT TABLING

1074. Hon TOM STEPHENS to the Minister for Transport:

- (1) Will the minister table the full report "New Directions in Road Safety in Western Australia 2000-05" commissioned by the Office of Road Safety and undertaken by the Monash University accident research centre?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) It is still under government consideration.

COUNTRY SPORT ENRICHMENT SCHEME, BROOME CRICKET MATCHES

1075. Hon GREG SMITH to the Leader of the House representing the Minister for Sport and Recreation:

Is it correct that the Western Australian Cricket Association will be funded through the country sport enrichment scheme to hold first-class cricket matches in Broome later this year; and, if so, can the minister provide details?

Hon N.F. MOORE replied:

Members who are keen on cricket and sport generally will be interested to know that the country sport enrichment scheme, which is a program in which government provides support to sporting associations to enable top-class sportsmen and women to go to country communities, is being used by the Western Australian Cricket Association to hold two first-class matches in Broome in September. The first match will be the Western Warriors playing Victoria and the second will be the Western Warriors playing Natal. However, there is an unusual aspect to this arrangement; that is, the WACA is

preparing a transportable wicket, which is being prepared in Perth using couch that was grown on the original Western Australian Cricket Association wicket. It was growing in somebody's backyard and has now been transplanted onto a transportable wicket. The wicket will be carted in two pieces by truck to Broome in July and given a couple of months to be prepared by the curator of the WACA ground. Then the first-class games will be held in September. The beauty of this is that the first-class players will be performing in Broome for the enjoyment of Broome spectators and will be playing on a wicket which is similar to a WACA wicket. That is very important from the point of view of the quality of the game and perhaps the safety of the players, when one thinks about some of the country wickets. It gives particularly young people in rural Western Australia the chance to see top-class sportsmen and women in action. The WACA is to be congratulated on its decisions over the past couple of years to take advantage of the country sport enrichment scheme and play matches in Kalgoorlie and now in Broome. I am sure that the people of Broome will thoroughly enjoy the match.

POLICE CORRUPTION, OPERATION TARTAN REPORT

1076. Hon GIZ WATSON to the Attorney General representing the Minister for Police:

In 1995-97 Operation Tartan, a joint federal and state police investigation into allegations by former Detective Sergeant Frank Scott, investigated more than 70 allegations of police corruption. However, the minister has refused past requests to table the Operation Tartan report on the basis that it has the potential to adversely affect the reputations of persons named in it, essentially because there was no forum in which those accused could defend themselves. In respect of recent calls by police for a royal commission to allow any allegations of police corruption to be tested in the appropriate forum, and claims by the head of the Anti-Corruption Commission that there is significant corruption among criminal investigation branch officers of the Western Australia Police Service, will the minister now table the report so that these allegations add weight to the ACC's claims of police corruption and demonstrate further the extent of police corruption and the need for an appropriate forum of a royal commission to test the claims?

Hon PETER FOSS replied:

I thank the member for some notice of this question. It should be noted by the member that the Police Service has not called for a royal commission. In fact, the Commissioner of Police and the WA Police Union have said that a royal commission is not required. On 22 September 1999 in the other place the Minister for Police said that he would not table the report following advice received from the Solicitor General. This position has not changed.

DOCTORS, MERREDIN

1077. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Is the minister aware of deep concern in the eastern wheatbelt community that doctors have proved difficult to retain in Merredin in recent years?
- (2) What advice has the minister received as to the probable cause of this difficulty?
- (3) Has the local community indicated that the management style of the Merredin Health Service is a contributing factor to the high turnover of doctors in the area?
- (4) What options are available to the Merredin community to address management issues at the hospital?
- (5) Will the minister intervene in order to alleviate the unstable and unsatisfactory situation in Merredin?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes; however, Merredin residents have had access to high quality medical coverage over the preceding years and the town has generally had two full-time doctors and one part-time doctor available. Only for very short periods has there been only one doctor.
- (2) Generally attracting and retaining doctors to rural Western Australia has proved difficult over the past few years, and the factors which influence this affect Merredin and a number of other rural towns. At this stage we are aware that it is perceived by some people in the community that there are other factors influencing the retention of doctors.
- (3) A section of the community has indicated by way of public statements that they believe the management style of the Merredin Health Service has not assisted in the retention of doctors.
- (4) The Minister for Health has requested that the Health Department investigate the matters raised publicly by some members of the Merredin community and provide advice on the options available to address any issues which are substantiated.
- (5) In Merredin the Australian Medical Association owns and operates the medical practice on a private basis and it is expected that it will continue to take responsibility for the attraction and retention of suitably qualified doctors. It is essential that private general practitioners in the town have an effective relationship with the hospital to ensure that patients of the hospital have access to medical treatment. It is an expectation that the Merredin Health Service Board and the medical practice will establish a proper business relationship so that patients of the hospital can be provided with appropriate medical treatment.

MINISTERIAL OFFICES, GOVERNMENT CREDIT CARDS

1078. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Has the Ministry of the Premier and Cabinet contacted any minister's office seeking an explanation of the use of government credit cards by staff in that office since March 1999?
- (2) Which ministerial offices have been contacted?
- (3) What was the outcome of those contacts?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The Ministry of the Premier and Cabinet has no record of writing to any ministerial office since March 1999 seeking an explanation of the use of government credit cards by staff in a ministerial office. Verbal contact may have been made from time to time seeking clarification of details associated with credit card transactions.

GRAHAM FARMER FREEWAY, TOWING CONTRACT

1079. Hon TOM STEPHENS to the Minister for Transport:

- (1) What are the terms under which Main Roads WA awarded a contract to Midcity Towing Service for provision of towing services to remove disabled or abandoned vehicles from the Graham Farmer Freeway road tunnel and its approaches?
- (2) Is it true that no towing company was able to meet the specified requirements of the original contract tender?
- (3) Is the current contract to Midcity Towing an interim contract?
- (4) If yes, were other towing service operators invited to tender for the interim contract?
- (5) If not, why not?
- (6) What is the duration of the current contract?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(5) Main Roads WA called tenders for the provision of the service to remove disabled or abandoned vehicles in the Northbridge tunnel in March 2000. Although four tender documents were collected, no tender submissions were received by the date of closing on 5 April 2000. Only two of the companies which collected documents were considered as having the capacity to undertake the work, and both were invited to quote on a modified document. Midcity Towing presented the lowest quote. It is Main Roads' intention to publicly tender this service within three months. Therefore, the price at which Midcity Towing is providing this service is considered commercially sensitive at this time. The price will be available on request following the awarding of the new publicly tendered contract.
- (6) It is 13 weeks.

NATIONAL CRIME AND SAFETY SURVEY

1080. Hon RAY HALLIGAN to the Attorney General representing the Minister for Police:

Can the minister confirm that the findings of the Australian Bureau of Statistics' national crime and safety survey shows that most people fear crimes such as dangerous driving, vandalism and graffiti far more than the more violent crimes, such as sexual assault and murder?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The most recent Australian Bureau of Statistics national crime and safety survey was conducted in April 1998. The survey was principally conducted to obtain information on the level of victimisation in the community for selected offences. However, it includes the following question: What are the problems from crime or people creating a public nuisance in your neighbourhood? In Western Australia, 22.6 per cent of persons aged 15 years and over did not perceive that there were problems with any crime or public nuisance issues in their neighbourhood. Of those persons who perceived that there were problems, the most commonly perceived issue was the category of "housebreakings-burglaries-theft from homes". Crimes against the person, such as sexual and other assault, are perceived to be a problem by a much smaller proportion of persons. This may be a reflection of the relatively low incidence and awareness of these crimes in their neighbourhood compared with burglaries, vandalism and public nuisance problems.

The proportion of per cent of persons who perceived particular problems in their neighbourhood are as follows: Housebreakings-burglaries-theft from homes, 53.8 per cent; dangerous-noisy driving, 34.1 per cent; vandalism-graffiti-damage to property, 31.9 per cent; car theft, 25.2 per cent; louts-youth gangs, 15.1 per cent; drunkenness, 10.9 per cent;

illegal drugs, 10.3 per cent; other theft, 10.2 per cent; prowlers-loiterers, 8.6 per cent; problems with neighbours-domestic problems, 6.9 per cent; other assaults, 3.6 per cent; sexual assaults, 2.6 per cent; and other, 2.2 per cent. Members should note that respondents could indicate more than one problem.

FLINDERS PARK PRIMARY SCHOOL, PSYCHOLOGIST

1081. Hon BOB THOMAS to the Parliamentary Secretary to the Minister for Education:

Further to parts 1(A)(c) and 1(A)(d) of my question without notice 1037 of 3 May 2000, in each of those years how much extra school psychologist full time equivalent was negotiated by the school?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question. For question 1(A)(c), an additional three hours was negotiated. For question 1(A)(d), nil was negotiated.

ALBANY HIGHWAY, BEDFORDALE HILL

1082. Hon TOM STEPHENS to the Minister for Transport:

- (1) Have any further works been undertaken on Albany Highway, Bedfordale Hill, since 29 February 2000?
- (2) If so, what is the nature of the works and what expenditure has been involved?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) It was landscaping, drainage, driveways, pavement remedial works and traffic management. The expenditure incurred on these works from 1 March 2000 to 30 April 2000 is \$178 326.

TAFE LECTURERS, ENTERPRISE AGREEMENTS

1083. Hon G.T. GIFFARD to the Leader of the House representing the Minister for Employment and Training:

In view of the thousands of public servants who have been denied pay rises because of the length of time taken by the Government to negotiate enterprise agreements, can the minister advise the following -

- (1) When will the TAFE lecturers' certified agreement that expired in August 1998 be replaced?
- (2) Why has it taken so long for the new agreement to be concluded?
- (3) Are TAFE colleges still offering workplace agreements to lecturers even though they are unable to be registered by the Commissioner for Workplace Agreements?

Hon N.F. MOORE replied:

I will not comment on the preamble, which I do not believe is correct.

- (1) The agreement will be replaced when current negotiations are concluded. In recognition of the duration of the process, on 1 January 2000, TAFE lecturers received a 3 per cent administrative payment to be absorbed into any future agreement as a show of good faith.
 - (2) It is because the negotiations continue over some key issues.
 - (3) No.
-